Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Policies to Promote Rural Radio Service	)	MM Docket No. 09-52
And to Streamline Allotment and Assignment	)	RM-11528
Procedures	)	

To: The Commission

COMMENTS
OF
POSITIVE ALTERNATIVE RADIO, INC.

POSITIVE ALTERNATIVE RADIO, INC. ("PAR"),/[1] by Counsel, pursuant to *Notice of Proposed Rule Making ("NPRM") FCC 09-30 (released April 20, 2009),* hereby submits these Comments in the above-captioned rule making proceeding regarding the Commission's proposal to prohibit FM Translator "Band Hopping" applications. For the reasons set forth below, PAR believes that a more practical approach should be taken than that which is proposed in the NPRM. In support hereof, PAR submits the following:

1. In paragraphs 36, 37 and 38 of the NPRM, the Commission explains that "a number" of successful applicants in the Auction No. 83 FM translator filing window from March 2003 subsequently filed modification applications seeking to move their channel of operation from the commercial band to the reserved band. Such modifications, as the Commission points out, permit the use of alternative methods of signal delivery, such as satellite and terrestrial microwave facilities. The NPRM goes on to explain the Commission's concern that these applicants filed band-

[1] PAR is the licensee of 23 NCE-FM broadcast stations and 47 FM translator stations.

hopping modification applications prior to the construction of their facilities, and that perhaps a two-year on-air holding period should be implemented before any band-hopping application can be entertained.

2. While PAR recognizes the fact that several Auction No. 83 applicants were speculators that had no genuine intent to construct and operate the facilities they had applied for, the public interest is not served by punishing the entire FM translator community for the actions of the disingenuous few. As the Commission's records should reflect, PAR operates one of the largest FM translator networks in the Mid-Atlantic, and its religious and spiritual programming provides day-to-day inspiration to thousands of people. Due to the secondary status nature of an FM translator license, there have been numerous times when PAR had to apply for a frequency change to resolve an interference issue with a full power FM station, or apply for a displacement channel once a new full power FM station commenced operations on the same channel as a PAR translator station in the same service area. The fact that PAR was permitted to avail itself of these creative application procedures has allowed it to provide continuous broadcast service in areas that might otherwise would have lost its service.

3. PAR submits that the Commission's concerns about the prior abuse of its application procedures can be cured in a number of simple steps:

(a) Place a special operating condition on all future new-station FM translator construction permits that would prohibit band-hopping modification applications unless granted a special waiver.

(b) Band-hopping modification applications that are approved as a result of a waiver contain a special operating condition that require the Primary

Station to feed the translator station solely by over-the-air signal, thereby negating the concern over application gamesmanship that might be intended to use alternative methods of signal delivery.[2]

(c) Place strict limits on the number of translator applications that may be filed by one party in any future FM translator filing windows; and,

(d) Place a specific time holding period on the assignment or transfer of any construction permit or license acquired as a result of a future FM translator filing window.

PAR submits that adoption of the foregoing four suggestions will continue to respect the policy considerations set forth in the NPRM without arbitrarily penalizing those FM translator licensees and permittees that have a long, established track record of serving the public interest. PAR's suggestions will not only allow the Commission to maintain a fair and equitable FM translator licensing process but also will permit the business of FM translator broadcasting to move forward with a reasonable level of respect and appreciation. PAR's suggestions, if adopted, will provide reasonable and accountable flexibility to the Commission's licensing process without jeopardizing the policy considerations set forth in the NPRM. PAR believes that its suggestions provide a "win, win" scenario for all the parties involved here.

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[2] Any such Special Operating Condition should also be listed in that station's

WHEREFORE, the foregoing premises considered, PAR urges the Commission to adopt its suggestions regarding "Band Hopping" FM translator applications..

Respectfully submitted,

Positive Alternative Radio, Inc.

By: _____
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subsequent FCC License Authorization.