Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	
And Their Impact on the Terrestrial	)	MB Docket No. 99-325
Radio Broadcast Service	)	
	)	

REPLY COMMENTS OF PROMETHEUS RADIO PROJECT

Media Access Project submits these reply comments on behalf of Prometheus Radio Project ("Prometheus") in response to the initial comments filed pursuant to the Commission's Public Notice seeking further comment on the Joint Parties' request for power increase. *See* Comment Sought on Specific Issues Regarding Joint Parties' Request for FM Digital Power Increase and Associated Technical Studies (May 22, 2009).

Based on the initial comments filed, the Commission should reject any blanket increase of the digital operating power using the in-band, on channel system ("IBOC"). The Commission must ensure that analog signals are protected, especially since a power increase will threaten the public interest due to interference to full-power analog channels and existing low power FM ("LPFM") stations. Thus, the Commission should defer any increase in power until, at a minimum, the National Public Radio ("NPR") study has been presented.

I. ANALOG RADIO CONTINUES TO BE A VITAL RESOURCE TO THE PUBLIC.

As other commenters have noted, the Commission's priority should be to protect the analog signal at this time. *See, e.g.* Comments of Charles Keiler (Director of Engineering, Reach Communications, Inc.) ("Keiler Comments"); Comments of Leroy C. Granlund (50 years of experience in the design, construction, operation, and maintenance of radio and broadcast facilities); Comments of American Public Media Group ("Comments of APMG"); Comments of

WUKY Public Radio. These commenters, including Prometheus, have addressed the importance of protecting the analog signals from interference because the majority of Americans still rely on analog radio.

It is unlikely that digital radio will strongly penetrate the American market in the near future. Awareness of digital radio has dropped in the past few years and fewer broadcast stations are converting to digital. *See* Pew Project for Excellence in Journalism, *The State of the News Media – An Annual Report on American Journalism* at http://www.stateofthemedia.org/2009/-index.htm. In addition, there are approximately "less than four digital radios to every twenty-five thousand analog radios." Comments of Educational Information Corporation ("Comments of EIC"). Also, the cost of converting to digital radio deters consumers from adopting the new technology, which limits the public's desire to purchase digital receivers. Because of costs and a lack of awareness, more listeners rely on analog radio over digital radio. Thus, the Commission must ensure analog signals – including those of LPFM stations – do not suffer from interference from digital signals.

The protection of analog radio is also important to ensure the public interest is protected. As the Commission has recognized, among other factors, the public interest is guided by localism and diversity. *See* Further Notice of Proposed Rulemaking, *2006 Quadrennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, et al*, 21 FCCRcd 8834, 8837 (2006). Low power stations, which were created to "serve very localized communities or underrepresented groups within communities, Report and Order, *Creation of Low Power Radio Service*, 15 FCCRcd 2205, 2208 (2000), will be negatively affected by the digital power increase. It is generally understood in the industry that the IBOC system interferes

with LPFM stations. *See* Keiler Comments; Comments of V-Soft Communications, LLC ("V-Soft Comments"). As a result of the interference, the listening audience will likely switch stations. Consequently, the decrease in listeners will deter underwriters and sponsors from supporting LPFM stations.[1] *See* APMG Comments at 4. This would be detrimental to the financial situation of low power stations, which serves the local community, and would hinder the Commission's duty to provide a diversity of voices on the public airwaves.

II. THE COMMISSION SHOULD SEEK ALTERNATIVES TO IMPROVING THE DIGITAL SIGNAL.

Instead of approving a digital power increase, the Commission should first consider alternatives to improving digital reception that will not interfere with the analog signal. iBiquity Digital Corporation's ("iBiquity") predecessor, USA Digital Radio, Inc. ("USADR"), initially asserted that the introduction of the IBOC system would protect existing analog broadcasting. *See* Comments of USA Digital Radio, Inc (Dec. 21, 1999). USADR agreed, with many commenters, that "any DAB system must minimize interference to reception of the host and adjacent-channel analog signals." *Id.* at 10. However, even under the current system, harmful interference has occurred to analog stations. *See* Comments of Entravision Holdings, LLC ("Many FM stations, including Entravision stations, already receive interference from DAB stations"). Thus, the Commission must tread carefully before allowing for any increase. Instead, the Commission should find alternatives to increasing digital reception.

Several commenters in this proceeding have provided alternative solutions. Mullaney Engineering Inc. ("Mullaney") supports an "on/off" test that allows the IBOC system to be turned on or off depending on whether interference exists. *See* Comments of Mullaney

[1] It should be noted that public radio stations and small broadcasters also will lose revenue because foundations and businesses are less likely to support a station with a weak signal. *See* APMG Comments.

Engineering Inc at 4. Mullaney also advocates the use of TV channels 5-6 for digital FM service. *See id.*; *see also* Keiler Comments at 13; Comments of Educational Information Corporation at 22. Additionally, the Association of Public Radio Engineers has suggested that increasing the power of only one side band may be sufficient to penetrate buildings. *See* Comments of Public Radio Engineers at 5. Another alternative is to improve receivers and antenna performance. *See* Comments of WUKY Public Radio. The Commission should consider these proposals before issuing any amount of power increase.

III. THE RECORD DOES NOT ESTABLISH THAT AN ACROSS THE BOARD DIGITAL INCREASE OF ANY AMOUNT IS JUSTIFIED AT THIS TIME.

Many commenters request that the Commission defer any amount of power increase until completion of and comment on further NPR studies. *See, e.g.* Comments of Cavell, Mertz & Associates; Comments of Mullaney Engineering, Inc.; Comments of Educational Information Corporation; Comments of National Public Radio. The record is incomplete to support a ten percent power increase at this time. In the interim, iBiquity has requested that the Commission grant an increase of six percent while the current proceeding is underway. *See* Comments of iBiquity Digital Corporation. While six percent is less than ten percent, there has been no demonstration that a six percent increase would not harm LPFM stations and other analog signals.

iBiquity has requested an immediate six percent increase without providing any studies to support that a six percent increase would not cause digital interference to low power stations. The concerns that apply to the six percent power increase are the same that apply to the ten percent power increase. *See* Comments of Prometheus Radio (July 6, 2009); Reply Comments of Prometheus Radio (Jan. 12, 2009); Comments of Prometheus Radio (Dec. 5, 2008). Thus, the marked absence of data to show the digital interference to low power FM stations undermines

the Commission's and the public's ability to effectively determine the true level of impact that even a six percent power increase will cause. Therefore, the Commission should not grant any power increase until NPR's most recent studies are presented, and only then if the studies demonstrate that the analog signal will not be affected.

As an alternative, the Commission could consider granting case-by-case gradual power increases based on specific contour showings that there is no interference to the main analog signal or to LPFM stations. Several digital radio broadcasters support an "as needed" power increase. *See, e.g.*, Comments of WUKY Public Radio; Comments of Seton Hall University – WSOU. An across the board power increase is unnecessary, particularly because not all stations will need a ten percent increase to achieve better digital reception, specifically because relationships between stations are not all the same. *See* V-Soft Comments; Comments of Seton Hall University – WSOU. Additionally, the intent of the current NPR studies, that will be presented in September of 2009, are to provide individualized approaches to power increases that will not interfere with analog stations. *See* Comments of National Public Radio. These studies may assist the Commission in adopting an "as-needed" basis to increasing digital power. Thus, the Commission should not grant a power increase until the NPR studies are available.

IV. CONCLUSION

The Commission must ensure that a digital power increase of any kind will not compromise analog FM radio and or harm the public interest. The Commission, should not grant any blanket power increase, but instead, should encourage further testing to find an alternative to improving digital reception or provide increases on a case-by-case basis.

Respectfully submitted,

/s/

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July 17, 2009