

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: The Commission

REPLY COMMENTS

The signatories hereto (“*Joint Commenters*”), by their attorneys, submit these Reply Comments in the above-captioned proceeding regarding the proposal to increase FM digital power levels, which was originally filed with the Commission in June 2008.¹ Joint Commenters consist of a diverse group of large and small broadcasters that operate commercial and noncommercial FM radio stations throughout the country, the Broadcaster Traffic Consortium,² and the four largest broadcast equipment manufacturers.

I. Introduction.

Joint Commenters reiterate their request that the Commission increase the digital power levels at which FM HD Radio may operate, up to a maximum of 10 percent of a station’s authorized analog power (-10 dBc). This proposal has been met with some opposition, primarily from NPR and others who are either NPR affiliates or whose opposition is based principally on

¹ *Letter to Ms. Marlene Dortch from Joint Parties*, June 10, 2008 (MM Docket No. 99-32).

² The Broadcaster Traffic Consortium (“*BTC*”) is an industry-wide association formed to explore ways to use HD Radio technology to broadcast real-time traffic and other location-based information to portable navigation devices and automobile in dash systems.

the predictions of interference from in-lab studies generated by NPR Labs.³ However, even NPR has endorsed an interim increase in FM HD Radio power levels (the “*NPR Proposal*”) that treats the reserved and non-reserved FM bands differently.⁴ Thus, if the Commission is unwilling to grant the requested full 10 dB FM digital power increase, the question becomes by what method will the Commission allow an interim power increase – indeed, this is one of four issues focused on by the Public Notice which generated this round of comments.⁵

Although perhaps intellectually appealing at first observation, application of NPR’s proposal to specific stations in actual markets immediately makes clear that it constrains many FM stations to minimal, if any, digital power increases and otherwise creates uneven, inequitable results within markets. Thus, NPR’s interim proposal would do little to facilitate the ability of FM stations to provide digital service that is comparable in terms of geographic coverage and building penetration to FM analog.

Joint Commenters continue to advocate, as an interim measure leading to a full 10 dB increase, that FM stations be allowed to increase HD Radio power by up to 6 dB (to -14 dBc), the minimum level determined to effectuate a meaningful improvement in HD Radio performance.⁶ Based on the results of Joint Commenters’ extensive field tests, operation at -14 dBc will have minimal, if any, impact on first adjacent analog operations.

³ See e.g., *Comments of Entravision Holdings, LLC*, MM Docket 99-325, filed July 2, 2009.

⁴ *Comments of National Public Radio*, MM Docket 99-32,4 filed July 6, 2009, at 12 (“*NPR Comments*”).

⁵ *Comment Sought on Specific Issues Regarding Joint Parties’ Request for FM Digital Power Increase and Associated Technical Studies*, MM Docket No 99-325, at 2 (May 22, 2009).

⁶ *Comments of Joint Commenters*, MM Docket 99-325, filed July 6, 2009, at 13.

II. Waiting for NPR to Complete A Second Round of Testing Will Impose Harmful Delay.

NPR asserts that “simply waiting an additional two months for the resolution of its current testing” will impose no adverse effects on the radio industry.⁷ Joint Commenters respectfully submit that NPR’s position is overly optimistic and fails to take into account procedural realities, even assuming its second round of testing produces viable, credible results. In fact, even if NPR meets its ambitious objective of completing testing and submitting its test results by September, the additional actions that would need to occur – including soliciting public comment and permitting adequate time for the FCC to review the public input – will mean that any FM HD Radio power increase would likely be delayed well into 2010. Given the current stage of consumer development of HD Radio receivers, including the first portable HD Radio receivers,⁸ and consumers’ expectations of HD Radio reception comparable to existing analog service, a delay in any meaningful digital power increase until 2010 could significantly impede a digital transition and the development of the many services that digital radio can provide. Indeed, *any* delay in a digital power increase could also have significant consequences for the design and deployment of innovative auxiliary HD Radio applications providing up-to-the-minute, location-based information including severe weather alerts, real-time traffic reports, and Amber Alerts to portable devices and in-dash automobile systems.

In this regard, despite NPR’s various assurances that its study is proceeding “for an on-time completion in early September,”⁹ or that it will “develop a consensus regulatory proposal ...

⁷ NPR Comments, at 17.

⁸ First Portable HD Radio Receiver Hits Stores, *Radio Ink*, July 13, 2009, available at: http://www.radioink.com/Article.asp?id=1407929&spid=24698#Scene_1.

⁹ NPR Comments, at 7.

by September,”¹⁰ Joint Commenters question whether NPR’s testing will take only two months to complete. For example, NPR has conceded that its pilot study was not completed in early July.¹¹ Rather, the pilot test was still ongoing, in part because some of the initial readings were invalid and had to be retaken when it was discovered that the analog station’s audio levels were incorrectly adjusted.

In addition, Joint Commenters understand that, as of the filing of these Joint Reply Comments, the formal test plan for NPR’s study had not been distributed to all peer reviewers. Thus, unless NPR does not intend to circulate its test plan for review and comment prior to initiating the project, a September deadline appears to be unlikely.

Lastly, NPR has stated its intent to develop a “consensus regulatory proposal” to present to the Commission “by September.”¹² However, to Joint Commenters’ knowledge, NPR’s outreach beyond public broadcasters has been limited. For example, at both the January 2009 and April 2009 meetings of the National Radio Systems Committee’s Digital Radio Broadcasting (“DRB”) Subcommittee, NPR committed to contacting the DRB Subcommittee members with information on an “introductory webinar” about the NPR test program, but has not yet done so. Thus, the development of such an “industry consensus” will take more time and outreach.

III. The Validity of NPR’s Further Testing Should Be Scrutinized Given the Questionable Assumptions and Hypotheses Underpinning NPR’s Initial Tests.

NPR states that its “testing methodologies and results ... have yet to be challenged on technical grounds,”¹³ but this ignores the fact that numerous parties, including Joint Commenters, have expressed concern with the structure of NPR’s initial test plan, including

¹⁰ *Id.* at 6.

¹¹ *Id.* at 7.

¹² *Id.* at 6.

¹³ *Id.* at 3.

NPR's reliance on an unrealistic, "worst-case" scenario pursuant to which *all* FM stations would increase digital power a *full* 10 dB, *immediately*.¹⁴ NPR itself has noted that there were several "important caveats" to its initial report,¹⁵ including the fact that "should the industry make a complete conversion to HD Radio ... the adverse analog impact from elevated IBOC levels *could* approach the worst case impact we have calculated, but would likely be affecting a steadily declining number of remaining analog receivers."¹⁶ In other words, the substantial analog interference levels predicted by NPR's lab tests *might* occur when the industry makes a "complete conversion" to digital radio, but NPR readily concedes that only 14% of all radio stations currently broadcast a digital signal.¹⁷

In addition, engineers from several of the Joint Commenters have had discussions with NPR's engineers to express concerns with respect to the technical methodologies and assumptions that have produced NPR's conclusions, as well as how NPR's predictions of interference have not materialized in the numerous field trials that have been conducted.

Lastly, to validate the fact that NPR's lab studies over-predict analog interference, engineers from Joint Commenters have asked NPR to produce audio recordings using its predictive model but based on the operating parameters that existed when Joint Commenters made actual audio recordings of victim analog stations during -10 dBc digital power testing.

¹⁴ *Comments of Joint Parties*, MM Docket 99-325, filed December 5, 2008, at 12. *See also Comments of The National Association of Broadcasters*, MM Docket 99-325, filed December 5, 2008, at 8.

¹⁵ *Digital Radio Coverage & Interference Analysis Research Project*, NPR Labs, MM Docket 99-325, filed July 9, 2008, at 41.

¹⁶ *Id.* (emphasis added).

¹⁷ *Id.* Another example of an inappropriate assumption is illustrated by the use of "stereo" reception mode in testing desired analog to first adjacent hybrid (D/U) ratios as that is not the basis for the minimum D/U ratios underlying the Commission's allocation scheme. NPR Comments, at fn. 23. Such a methodology over-predicts analog interference.

This approach would show whether NPR’s predictive methodology would match the results of the real-world digital power tests, which Joint Commenters believe would not be the case.

IV. NPR’s Interim Power Increase Proposal Is Illusory.

Although perhaps superficially appealing, a real world analysis of the application of the NPR Proposal shows that it is illusory. Under the NPR Proposal, many FM stations would not be permitted *any* digital power increase at all, while others would be permitted only a nominal increase that would provide no material improvement to HD Radio coverage. For example, in New York City, *none* of the eighteen FM stations in the non-reserved band would be able to increase their digital power.¹⁸

Stations in other markets would be relegated to a similar fate under the NPR proposal. The Joint Commenters applied the NPR Proposal to the nonreserved band FM stations in several other markets. The results clearly demonstrate that only a handful of those stations would be permitted any digital power increase.¹⁹ Thus, millions of listeners in those markets alone will enjoy little if any improvement in HD Radio service.

<u>Market</u>	<u>Number of FM Nonreserved Band Stations</u>	<u>Number of FM Stations Allowed a Power Increase By NPR</u>	<u>Remarks / Possible Increase</u>
Baltimore	11	1	By 1 dB.
Los Angeles	26	4	Ranging from 1 dB to 9 dB.
Minneapolis	11	2	Both by 2 dB.
San Francisco	18	1	By 2 dB.
Washington, DC	17	1	By 4 dB.

Real world test data also shine a light on the inadequacy of the NPR Proposal. It is well known that Joint Commenters conducted elevated HD Radio power tests at a number of stations,

¹⁸ See Exhibit A.

¹⁹ See Exhibit B.

all located in challenging topography and short-spaced scenarios. Each of those test stations operated with digital power up to and including -10 dBc, many for considerable periods of time. With the exception of *one* circumstance raised by NPR in its Comments (which is addressed in Section VI below), the test stations received *no* complaints, from listeners or from other stations, that increased digital power operation resulted in *any* increased interference to first adjacent analog operations. However, *none* of the test stations could operate above the current -20 dBc digital power limit under the NPR Proposal, despite these stations having actually operated at considerably higher levels for extended periods of time with no cognizable interference.²⁰ When there is a discrepancy between real-world experience and laboratory assumptions, real-world experience must be given more credence.

To illustrate the conservative approach represented by the NPR Proposal, had it been adopted as the initial digital power level, many stations would now be constrained to operate at even lower levels. For example, WCBS-FM transmits from the Empire State Building with 6.7 KW ERP analog and 67 watts ERP of digital power. That station is short spaced to WKCI-FM, Hamden, CT by 53.1 KM. The NPR Proposal defines distance separations for non-reserved band stations, but when distances are converted to signal levels, the NPR Proposal specifies a minimal 6 dB D/U at a station's protected contour. At WKCI-FM's FCC 50-50, 54 dB μ protected contour, the FCC 50-10 interfering signal level from WCBS-FM is 63 dB μ , 15 dB higher than allowed by the NPR Proposal. Thus, if the NPR Proposal had been used to set initial digital power levels, WCBS-FM would have to operate at a digital power level 15 dB less than currently allowed, *at 2 watts*, not 67 watts.

²⁰ See Exhibit C.

V. The Commission Should Permit FM Stations in the Non-reserved Band to Increase Digital Power By 6 dB; Stations in the Reserved Band Should be Governed by NPR's Reserved Band Formula.

Joint Commenters propose that the Commission should either adopt an across the board, 10 dB power increase proposal, or permit a 6 dB increase as an interim step to a -10 dBc HD Radio power level.²¹ A 6 dB interim level, while not permitting FM stations to fully replicate analog coverage, would provide a meaningful benefit to digital FM service in some circumstances, and would help to validate Joint Commenters initial test results.

However, another approach which would address NPR's concerns would be to permit FM stations in the non-reserved band – which consists primarily of commercial broadcasters predominately supportive of the proposed power increase – to operate at digital levels of up to -14 dBc, while permitting stations in the reserved band to increase digital power in accordance with the more restrictive formula advanced by NPR. Such a bifurcated approach makes eminent sense and is consistent with NPR's interim proposal since NPR advocates different approaches for the reserved and non-reserved bands.

Differing approaches to the non-reserved and reserved bands would allow commercial stations to increase their digital power and improve their HD Radio service to levels reasonably comparable to (although still falling short of) existing analog service. Stations availing themselves of the interim power increase would provide additional data for use in this proceeding, in terms of analog replication, building penetration, and first adjacent analog interference (or, more likely, lack thereof). And the disparate treatment of the bands would address the issue expressed by NPR and others of preventing interference to locations outside of

²¹ The Joint Commenter's proposal has been criticized for permitting all FM stations to increase their power levels by the same amount. Such criticism ignores the obvious fact that the initial HD Radio power level was set at the same uniform -20 dBc level for all stations.

a reserved band noncommercial station's protected contour in which noncommercial stations have a unique interest due to fundraising concerns.²²

VI. NPR's Description of the WKLB/WRNI Situation Is Inaccurate.

In its Comments, NPR asserts that there have been instances of first adjacent analog interference by HD Radio stations operating at elevated power levels.²³ However, the *only* specific example recounted by NPR was supposed interference to WRNI-FM's analog signal from WKLB-FM's digital signal, while that station operated at elevated digital levels during HD Radio testing. That NPR can cite to only one alleged instance of interference is telling in and of itself, and the facts of the WKLB/WRNI scenario actually support Joint Commenter's position.

In late January 2009 – only a few days after Joint Commenters proposed a bifurcated digital power increase approach – WRNI-FM, a noncommercial station in the non-reserved band licensed to Rhode Island Public Radio, notified WKLB-FM that it had received several complaints of interference to its analog signal as a result of WKLB-FM's elevated digital operation. Initially, WRNI-FM reported two complaints. Notably, these complaints were at locations not only well outside WRNI-FM's protected contour, but within WKLB-FM's protected contour. Subsequently, WRNI-FM reported three additional complaints, only one of which was located within WRNI-FM's protected contour.²⁴

WKLB-FM's engineering staff visited each of the five locations where WRNI-FM had reported interference. Observations were made using both a table top and automobile HD Radio

²² However, NPR recognizes that the Commission's rules do not provide protection outside of a station's protected contour. *Comments of National Public Radio, Inc.*, MM Docket 99-325, filed December 5, 2008, at 11.

²³ NPR Comments, at 9.

²⁴ WKLB-FM's response to WRNI-FM, including maps indicating the locations at which interference was alleged, and at which WKLB-FM engineers made measurements, is attached as Exhibit D.

receiver, with WKLB-FM operating at both -20 dBc and -10 dBc. To make the testing even more comprehensive, WKLB-FM's engineers made similar recordings at four additional locations along WRNI-FM's 60 dBu contour in the area closest to WKLB-FM's transmitter. The findings were unequivocal – WKLB-FM's engineers found no evidence whatsoever that the station's elevated digital operations contributed any interference to WRNI-FM's analog service at any location within WRNI's protected contour.

WKLB-FM submitted its engineering findings to WRNI-FM in February 2009, and invited further discussion. Since that time, WRNI-FM has not responded to WKLB-FM in any manner about the test results. Thus, it is apparent that aside from the WKLB/WRNI scenario being only an isolated allegation that hardly reflects an interference pandemic, the facts reflect that WRNI-FM experienced no interference within its protected contour from WKLB-FM's elevated digital operation.

VII. Conclusion.

It is well recognized that existing HD Radio power limits preclude stations from providing digital service that is comparable to analog service contours, in terms of both geographic coverage and building penetration. As additional HD Radio receivers are introduced into the market, including portable receivers that have their own unique reception challenges, it is vital that FM stations be allowed to increase their digital power levels to provide HD Radio service that meets consumer expectations. Indeed, “spotty” digital coverage is often mentioned as an issue in HD Radio receiver reviews, serving as a disincentive to consumer adoption of this technology. The digital power increase is needed to remedy an unnecessarily conservative

regulatory restriction that deters adoption of HD Radio and will result in consumer dissatisfaction.²⁵

For all of these reasons, Joint Commenters respectfully request that the Commission bifurcate the FM HD Radio power increase and permit FM stations in the non-reserved FM band to increase their digital power levels by 6 dB up to -14 dBc on an interim basis. In order to accommodate the concerns expressed by NPR and other noncommercial broadcasters, in the reserved band digital power increases should be governed by the interim proposal postulated by NPR.

²⁵ See e.g., Boston Acoustics HD Radio Has Sweet Sound, *PC World*, Mar. 28, 2006, available at: http://www.pcworld.com/article/124909/boston_acoustics_hd_radio_has_sweet_sound.html and Sirius XM Premium, Portable Insignia HD Radio Hit Flat Notes, *USA Today*, July 15, 2009, available at: http://www.usatoday.com/tech/columnist/edwardbaig/2009-07-15-hd-radio-review-sirius-insignia-baig_N.htm.

Respectfully submitted,

**Backyard Broadcasting, LLC
Beasley Broadcast Group, Inc.
Black Crow Media Group, L.L.C.
Bonneville International Corp.
Broadcast Electronics, Inc.
Broadcaster Traffic Consortium LLC
CBS Radio Inc.
Clear Channel Communications, Inc.
Commonwealth Broadcasting
Corporation
Continental Electronics Corp.
Cox Radio, Inc.**

**Emmis Communications Corporation
Entercom Communications Corp.
Greater Media, Inc.
Harris Corporation
Journal Broadcast Corporation
Lincoln Financial Media Company
Nassau Broadcasting Partners, L.P.
Nautel Maine Inc.
NRG Media, LLC
Sacred Heart University, Inc.**

By: 
Steven A. Lerman
John W. Bagwell

Lerman Senter PLLC
Suite 600
2000 K Street, NW
Washington, DC 20006-1809
(202) 429-8970

Their Attorneys

July 17, 2009

Exhibit A

A Tabulation of the Non Reserved Band Stations
 In the New York Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Remarks/Possible Increase</u>
WBLS	New York	No	existing 1 st adjacent short spacing
WLTW	New York	No	existing 1 st adjacent short spacing
WCAA	New York	No	existing 1 st adjacent short spacing
WWPR-FM	New York	No	existing 1 st adjacent short spacing
WAXQ	New York	No	existing 1 st adjacent short spacing
WKTU	New York	No	existing 1 st adjacent close spacing
WWFS	New York	No	existing 1 st adjacent short spacing
WRXP	New York	No	existing 1 st adjacent short spacing
WCBS-FM	New York	No	existing 1 st adjacent short spacing
WHTZ	New York	No	existing 1 st adjacent short spacing
WBAI	New York	No	existing 1 st adjacent short spacing
WRKS	New York	No	existing 1 st adjacent short spacing
WXRK	New York	No	existing 1 st adjacent short spacing
WPAT-FM	New York	No	existing 1 st adjacent short spacing
WPLJ	New York	No	existing 1 st adjacent short spacing
WQXR-FM	New York	No	existing 1 st adjacent short spacing
WQHT	New York	No	existing 1 st adjacent sort spacing
WSKQ-FM	New York	No	existing 1 st adjacent short spacing

Exhibit B

A Tabulation of the Non Reserved Band Stations
 In the Baltimore, MD Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Remarks/Possible Increase</u>
WERQ-FM	Baltimore, MD	No	existing 1 st adjacent short spacing (3)
WPOC	Baltimore, MD	No	existing 1 st adjacent short spacings (3)
WRBS-FM	Baltimore, MD	No	existing 1 st adjacent short spacing (2)
WWIN-FM	Baltimore, MD	No	existing 1 st adjacent short spacing (1)
WIYY	Baltimore, MD	No	existing 1 st adjacent short spacings (2)
WZBA	Westminster, MD	Yes	1 dB increase possible
WLIF	Baltimore, MD	No	existing 1 st adjacent short spacings (2)
WQSR	Baltimore, MD	No	existing 1 st adjacent short spacings (3)
WCHH	Baltimore, MD	No	existing 1 st adjacent short spacings (3)
WJZ-FM	Catonsville, MD	No	existing 1 st adjacent short spacing (1)
WWMX	Baltimore, MD	No	existing 1 st adjacent short spacings (3)

-Of the 11 stations, 10 would not be eligible for any digital power increase; one could increase by 1 dB

A Tabulation of the Non Reserved Band Stations
 In the Los Angeles, CA Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Remarks/Possible Increase</u>
KAMP	Los Angeles	No	existing 1 st adjacent short spacing
KBIG	Los Angeles	No*	grandfathered, super power
KCBS-FM	Los Angeles	No	existing 1 st adjacent short spacing
KDLD	Santa Monica	Yes	-18 dBc possible
KDLE	Newport Beach	No	existing 1 st adjacent short spacing
KHHT	Los Angeles	No*	grandfathered, super power
KIIS-FM	Los Angeles	No	existing 1 st adjacent close spacing
KKGO	Los Angeles	No*	grandfathered, super power
KLOS	Los Angeles	No*	grandfathered, super power
KLVE	Los Angeles	No*	grandfathered, super power
KLYY	Riverside	No	existing 1 st adjacent short spacing
KOST	Los Angeles	No	existing 1 st adjacent short spacing
KPWR	Los Angeles	No	existing 1 st adjacent short spacing
KRCD	Inglewood	Yes	-15 dBc possible
KRCV	West Covina	No	existing 1 st adjacent short spacing
KROQ	Pasadena	No	existing 1 st adjacent short spacing
KRTH	Los Angeles	No	existing 1 st adjacent short spacing
KSCA	Glendale	No*	grandfathered, super power
KSSE	Arcadia	Yes	-11 dBc possible

A Tabulation of the Non Reserved Band Stations
 In the Los Angeles, CA Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal
 Page 2

KSWD	Los Angeles	No*	grandfathered, super power
KTWV	Los Angeles	No	existing 1 st adjacent short spacing
KWIZ	Santa Ana	Yes	-19 dBc possible
KWVE	San Clemente	No	existing 1 st adjacent short spacing
KXOL	Los Angeles	No	existing 1 st adjacent short spacing
KXOS	Los Angeles	No	existing 1 st adjacent short spacing
KYSR	Los Angeles	No	existing 1 st adjacent short spacing

-Four stations are eligible for digital power increases, ranging from 1 dB to 9 dB. All such stations are class A, suburban facilities. No full market stations are eligible.

*Station precluded from IBOC power greater than -20dBc due to grandfathered/super power status, as per the joint parties proposal

A Tabulation of the Non Reserved Band Stations
 In the Minneapolis, MN Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Remarks/Possible Increase</u>
WLTE	Minneapolis, MN	No	existing 1 st adjacent short spacing
WGVZ	Eden Prairie, MN	No	existing 1 st adjacent short spacing
KZJK	St. Louis Park, MN	No	existing 1 st adjacent short spacing
KXXR	Minneapolis, MN	No	existing 1 st adjacent close spacing
KTLK-FM	Minneapolis, MN	No	existing 1 st adjacent close spacing
KTIS-FM	Minneapolis, MN	Yes	2 dB increase possible
KTCZ-FM	Minneapolis, MN	Yes	2 dB increase possible
KSJN	Minneapolis, MN	No	existing 1 st adjacent short spacing
KQRS-FM	Minneapolis, MN	No	existing 1 st adjacent short spacing
KQQL	Anoka, MN	No	existing 1 st adjacent close spacing
KLCI	Elk River, MN	No	existing 1 st adjacent close spacing

-Of the 11 stations, only two would be eligible for a 2dB digital power increase.

A Tabulation of the Non Reserved Band Stations
 In the San Francisco, CA Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Remarks/Possible Increase</u>
KBRG	San Francisco	No	existing 1 st adjacent short spacing
KBWF	San Francisco	No	existing 1 st adjacent close spacing
KDFC-FM	San Francisco	No*	grandfathered, superpower
KFOG	San Francisco	No*	grandfathered, superpower
KFRC	San Francisco	No*	grandfathered, superpower
KIOI	San Francisco	No*	grandfathered, superpower
KISQ	San Francisco	No*	grandfathered, superpower
KITS	San Francisco	No	existing 1 st adjacent short spacing
KKSF	San Francisco	No*	grandfathered, superpower
KLLC	San Francisco	No*	grandfathered, superpower
KMEL	San Francisco	No	existing 1 st adjacent short spacing
KMVQ-FM	San Francisco	No*	grandfathered, superpower
KOIT-FM	San Francisco	No*	grandfathered, superpower
KSAN	San Mateo	No	existing 1 st adjacent short spacing
KSJO	San Jose	No	existing 1 st adjacent short spacing
KSOL	San Francisco	No	existing 1 st adjacent short spacing
KVVZ	San Rafael	Yes	2 db increase possible
KYLD	San Francisco	No*	grandfathered, superpower

-Of the 18 stations, only one would be eligible for any digital power increase (2 dB)

*Station precluded from IBOC power greater than -20dBc due to grandfathered/super power status, as per the joint parties proposal

A Tabulation of the Non Reserved Band Stations
 In the Washington, DC Market
 And
 The Potential for Elevated Digital Power Operation
 Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Remarks/Possible Increase</u>
WKYS	Washington, DC	No	existing 1 st adjacent short spacing (1)
WTGB	Bethesda, MD	No	existing 1 st adjacent short spacings (3)
WPGC	Morningside, MD	No	existing 1 st adjacent short spacing (2)
WHUR	Washington, DC	No	existing 1 st adjacent short spacing (1)
WASH	Washington, DC	No	existing 1 st adjacent short spacings (3)
WMZQ	Washington, DC	No	existing 1 st adjacent short spacing (2)
WIHT	Washington, DC	No	existing 1 st adjacent short spacings (2)
WLZL	Annapolis, MD	No	existing 1 st adjacent close spacing (1)
WBIG	Washington, DC	Yes	4 dB, close spaced 1 st adjacent
WWDC	Washington, DC	No	existing 1 st adjacent short spacings (2)
WMMJ	Bethesda, MD	No	existing 1 st adjacent short spacing (1)
WTOP	Washington, DC	No	existing 1 st adjacent short spacing (3)
WPRS	Waldorf, MD	No	existing 1 st adjacent short spacings (3)
WAVA	Arlington, VA	No	existing very close spaced 1 st adjacent
WJZW	Woodbridge, VA	No	existing 1 st adjacent short spacings (3)
WJFK	Manassas, VA	No	existing 1 st adjacent short spacings (3)
WRQX	Washington, DC	No	existing 1 st adjacent close spacing (2)

-Of the 17 stations, 16 would not be eligible for any digital power increase. One would be eligible for a 4 dB increase.

Exhibit C

A Tabulation of the Various Non Reserved Band Stations
Which Have Previously Conducted Digital Transmissions
At Elevated Power Levels
And
The Potential for Elevated Digital Power Operation
Assuming Adoption of the NPR Proposal

<u>Station</u>	<u>City of License</u>	<u>Add'l. Power (Y/N)</u>	<u>Reason</u>
WJRZ	Manahawkin, NJ	No	existing 1 st adjacent short spacings
WRAT	Point Pleasant, NJ	No	existing 1 st adjacent short spacings
WDHA	Dover, NJ	No	existing 1 st adjacent short spacing
WKLB-FM	Waltham, MA	No	existing 1 st adjacent short spacings
WMGK	Philadelphia	No	existing 1 st adjacent short spacing
WBEN-FM	Philadelphia	No	existing 1 st adjacent short spacing
WKCI	New Haven, CT	No	existing 1 st adjacent short spacing
WCSX	Birmingham, MI	No	existing 1 st adjacent short spacings
KOST*	Los Angeles	No	existing 1 st adjacent short spacing
KROQ*	Pasadena, CA	No	existing 1 st adjacent short spacing

*grandfathered, super power allocations, subject to proposed joint parties limitation of digital power

Exhibit D



WASHINGTON, DC

STEVEN A. LERMAN
202-429-8970
slerman@lermansenter.com

February 27, 2009

Via U.S. & Electronic Mail

John Wells King, Esq.
Garvey Schubert Barer
1000 Potomac Street, NW
5th Floor, Flour Mill Building
Washington, DC 20007

Re: WKLB/WRNI Matter

Dear John:

On behalf of our client Charles River Broadcasting Company ("Charles River"), licensee of Station WKLB-FM, Waltham, Massachusetts, we are responding to the informal complaint of interference you verbally communicated to us on behalf of your client Rhode Island Public Radio ("RIPR"), licensee of Station WRNI-FM, Narragansett Pier, Rhode Island. Specifically, on January 28, 2009, you advised us that WRNI-FM was allegedly subject to interference from WKLB-FM's FCC-authorized experimental operations at elevated IBOC power levels. Charles River promptly conducted a thorough investigation of RIPR's expressed concerns, the results of which are set forth in the attached Engineering Report.

WRNI-FM's Chief Engineer and General Manager identified five locations where interference to WRNI-FM was alleged to have occurred. As noted in the attached Engineering Report, four of those locations are outside of WRNI-FM's protected 60 dBu contour. Although the Federal Communications Commission does not consider cognizable interference that may result from experimental (or any other) IBOC operations outside of a station's protected contour, in an effort to be as comprehensive as possible, Charles River conducted thorough listening tests at each of those locations to ascertain whether any interference to WRNI-FM could be detected from WKLB-FM operating at either -10 dBc or -20 dBc IBOC power levels. Although interference was detected at two of those locations, such interference was to be expected because both locations are well outside of WRNI-FM's protected 60 dBu contour and well within WKLB-FM's protected 54 dBu contour. Charles River detected no interference whatsoever at the remaining two locations, even though outside of the WRNI-FM protected contour.



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Similarly, Charles River detected no interference to WRNI-FM at the fifth identified location, which was within WRNI-FM's protected 60 dBu contour. As an extra step in the evaluation process, Charles River conducted listening test at four additional locations along the WRNI-FM 60 dBu contour along an arc toward WKLB-FM's transmitter site. No interference was detected at any of these locations.

On the basis of these observations, Charles River believes in good faith that WKLB-FM's experimental operations at elevated IBOC power levels are not causing any cognizable interference to WRNI-FM. We believe that the results of this study should resolve your client's concerns.

We would be happy to meet with you at your convenience to discuss these findings if you feel that such discussions would be helpful.

Should you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Steve', with a large, stylized flourish underneath.

Steven A. Lerman
John D. Poutasse

Enclosure

Engineering Report

Investigation of Reports of Alleged Interference to WRNI-FM, Narragansett Pier, Rhode Island
From
WKLB-FM, Waltham, Massachusetts While Operating at Elevated HD Power Levels

February 27, 2009

On December 4, 2008, Charles River Broadcasting Company ("Charles River"), a subsidiary of Greater Media, Inc., was granted experimental authority to operate Station WKLB-FM (102.5 MHz), Waltham, Massachusetts (Facility ID No. 10542), at elevated IBOC digital power levels as high as 10 dB above the currently permitted -20 dB relative to analog power. See FCC File No. -20081031ACO. Testing of the elevated power levels commenced shortly thereafter using the dual feed antenna system installed at the station's licensed auxiliary transmitter site at the WBZ-TV tower in Needham, Massachusetts.

On January 28, 2009, Charles River's communications counsel, Lerman Senter PLLC, received a verbal complaint from communications counsel representing Rhode Island Public Radio, the licensee of Station WRNI-FM, Narragansett Pier, Rhode Island (Facility ID No. 22874), alleging interference to WRNI-FM as a result of the operation of WKLB-FM at elevated HD power levels. WRNI-FM is an omnidirectional Class A FM facility operating on 102.7 MHz, the first upper adjacent channel to WKLB-FM. WRNI-FM operates with less than full Class A facilities to provide contour protection to WKLB-FM pursuant to Section 73.215 (47 C.F.R. § 73.215).

In response to the verbal complaint, Charles River's technical representatives promptly contacted WRNI-FM's Chief Engineer, Mr. Steve Callahan, to obtain the specific locations where interference was allegedly experienced. Mr. Callahan initially identified two locations where he allegedly had personally noted interference. Upon investigation, WKLB-FM's Chief Engineer, Mr. Paul Shulins, determined that the two locations identified by Mr. Callahan are located well outside of WRNI-FM's protected 60 dBu contour. These two locations are plotted on Map 1 attached hereto. The first location, identified as Pt. No. 1, is located within WKLB-FM's protected 54 dBu contour near Attleboro, Massachusetts, approximately 58.3 km from the WRNI-FM transmitter site. The second location, identified as Pt. No. 2, is near Pawtucket, Rhode Island, approximately 50.3 km from the WRNI-FM transmitter site and also well within the WKLB-FM protected 54 dBu contour. Observations were conducted at these locations using both an automobile radio and a table radio with WKLB-FM operating at both -20 dBc and -10dBc HD power levels. As would be expected, the reception of WRNI-FM with WKLB-FM operating with a HD power level of -20 dBc was already quite noisy at these locations. Even with no HD transmissions by WKLB-FM, the WRNI reception was likewise relatively noisy. As WKLB-FM's HD power level was increased approaching -10 dBc, reception of WRNI-FM became progressively noisier as would be expected.

Charles River subsequently made further inquiries of WRNI-FM's Chief Engineer and General Manager as to any additional locations where WRNI-FM had received reports of alleged interference. They identified three additional locations where they indicated that either station personnel or station listeners (the source of the complaints was not clearly identified) had noted alleged interference. These locations are plotted on Map 2 attached hereto. Two of those locations (identified at Pt. No. 3 and Pt. No. 5) are located outside of WRNI-FM's protected 60 dBu contour, approximately 32.9 km and 17.7 km, respectively, from the WRNI-FM transmitter site. The third location, identified as Pt. No. 4, is located

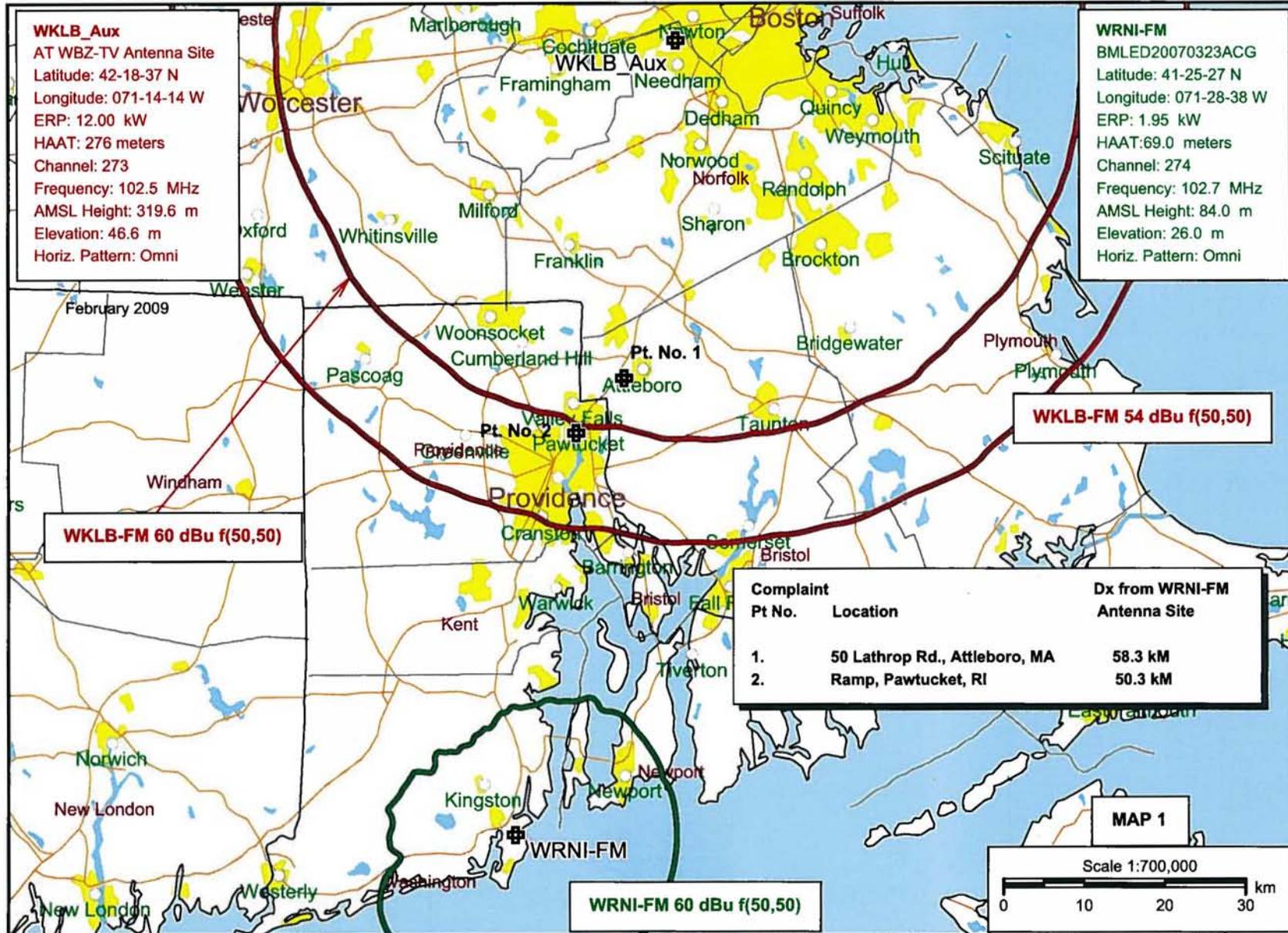
within WRNI-FM's protected 60 dBu contour. WKLB-FM technical personnel visited each of these locations and conducted listening observations and audio recordings identical to those previously discussed. No interference whatsoever was noted at these locations while WKLB-FM was operating at either the -10 dBc or -20 dBc levels. Charles River notes that Pt. No. 4, the one location of alleged interference that is within WRNI-FM's protected 60 dBu contour, is located only 10.4 km from the WRNI-FM transmitter site. Given the very high level of the WRNI-FM signal in that vicinity, it is highly unlikely that any interference from WKLB-FM would occur at that location. This outcome was confirmed by Charles River's observations.

In order to confirm its observations, Charles River identified four additional locations approximately coincident to WRNI-FM's protected 60 dBu contour along an arc towards the WKLB-FM transmitter site to the northeast of WRNI-FM. These locations are plotted on Map 3 attached hereto. Similar observations to those noted above were made at each of these four locations. No interference whatsoever was detected to the WRNI-FM signal at any of these locations regardless of whether WKLB-FM was transmitting analog only, -20dBc HD or -10 dBc HD emissions. Audio recordings from each of the four locations will be provided upon request.

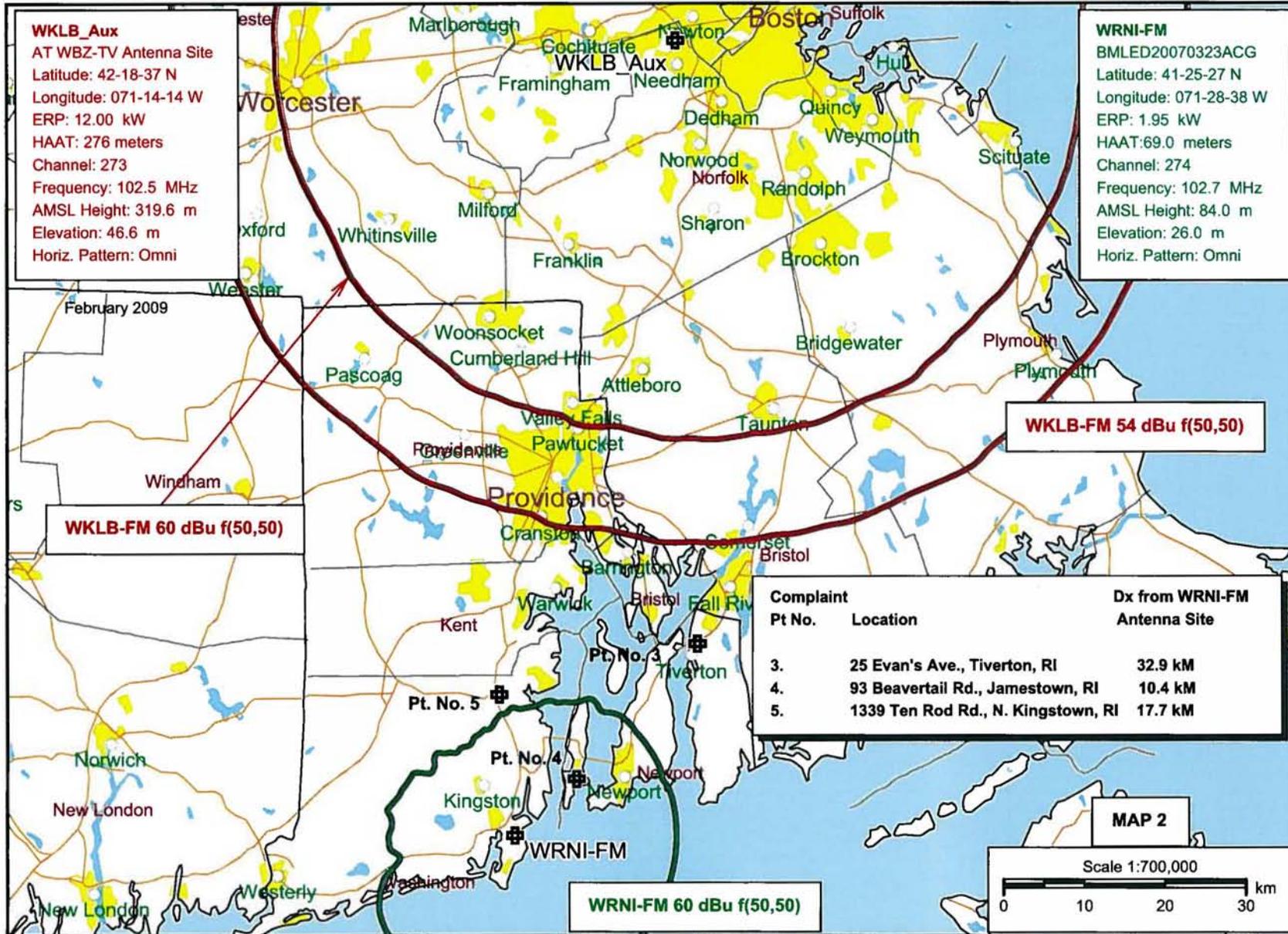
Based on the observation made by WKLB-FM's technical personnel, under the supervision of WKLB-FM's highly experienced chief engineer, Mr. Paul Shulins, Charles River does not believe that any detectable interference is being caused by WKLB-FM's experimental operation at elevated HD power levels to WRNI-FM within the station's protected 60 dBu contour.

Milford K. Smith
Vice President/Radio Engineering
Greater Media, Inc.

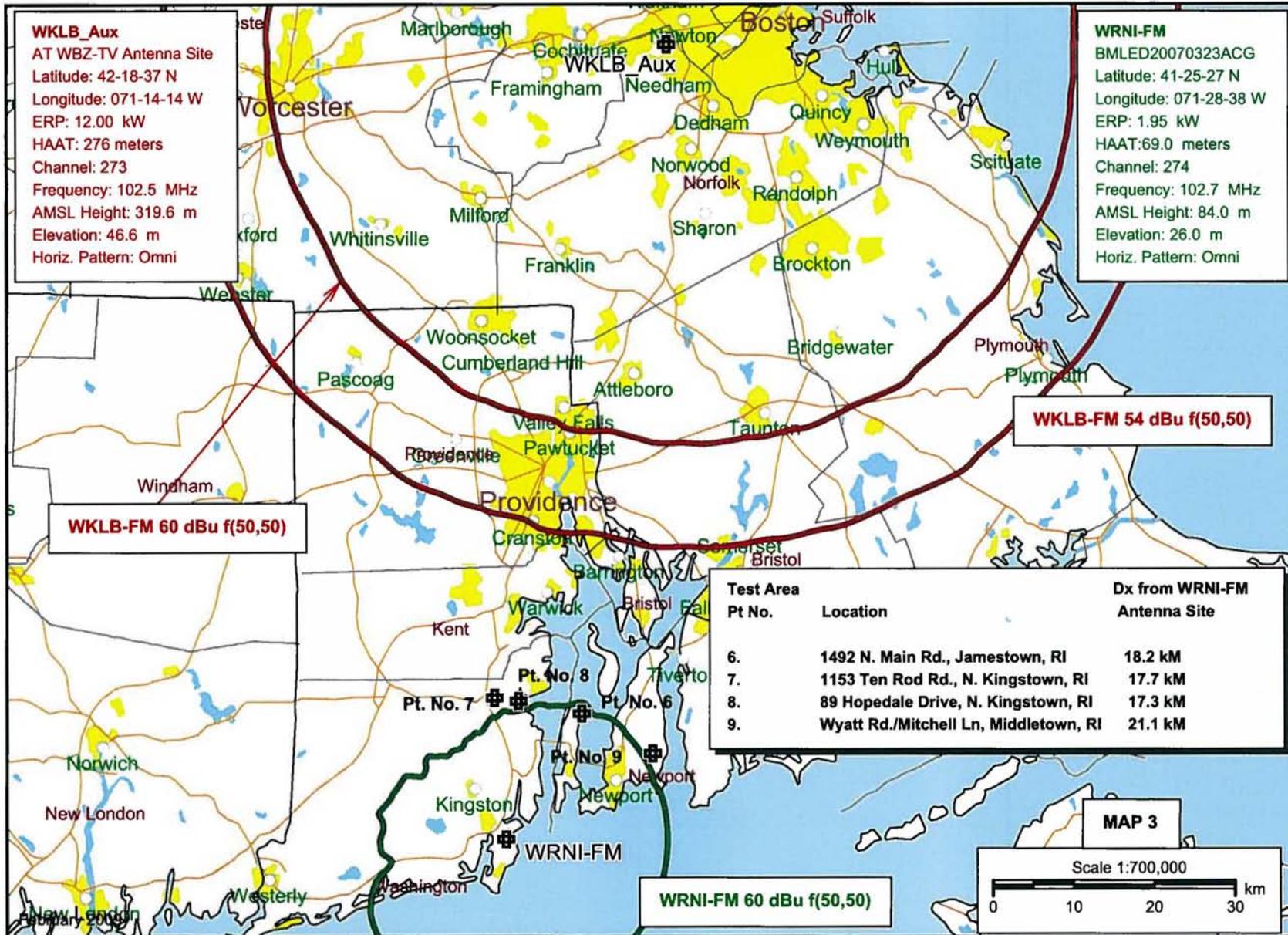
February 27, 2009



Computed Contours For WKLB-FM's Licensed Auxiliary Operation and WRNI-FM's Present Licensed Operation In Relation To "Complaint" Areas



Computed Contours For WKLB-FM's Licensed Auxiliary Operation and WRNI-FM's Present Licensed Operation In Relation To "Complaint" Areas



Computed Contours For WKLB-FM's Licensed Auxiliary Operation and WRNI-FM's Present Licensed Operation In Relation To "Test" Areas