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July 17, 2009

Submitted via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Digital Audio Broadcasting Systems And Their Impact
On The Terrestrial Radio Broadcast Service
MM Docket 99-325

Subject: **Reply Comments of Rhode Island Public Radio**

Dear Ms. Dortch:

On behalf of Rhode Island Public Radio (“RIPR”), licensee of Noncommercial Station WRNI-FM, 102.7 MHz, Narragansett Pier, Rhode Island, I transmit herewith for association in the referenced docket its reply comments in response to the Commission’s Public Notice dated May 22, 2009, “Comment Sought On Specific Issues Regarding Joint Parties’ Request For Digital FM Power Increase And Associated Technical Studies,” DA 09-1127.¹

RIPR supports the position taken by National Public Radio in its comments filed July 6, 2009, that a decision on a digital power increase should be deferred pending the completion, submission and analysis of additional studies. WRNI-FM’s analog service already has suffered interference from the experimental increase in digital power undertaken by first adjacent WKLB-FM, 102.5 MHz, Waltham,

¹ Comment and reply comment deadlines were established by publication of the Public Notice in the Federal Register, 74 Fed. Reg. 27985 (June 12, 2009).

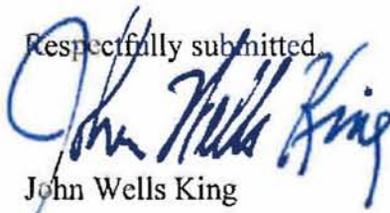


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Marlene H. Dortch
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July 17, 2009
Page 2

Massachusetts. The case has been of inestimable value to NPR, and the ensuing report will provide significant input to the Commission's consideration of the issues in this proceeding. The authorization of a higher digital power level has the very real potential adversely to affect the established habits of substantial listening populations, by alienating listeners at a time when the radio broadcasting industry is facing severe economic challenges.

Kindly communicate any questions directly to this office.

Respectfully submitted,

John Wells King

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 OF RHODE ISLAND PUBLIC RADIO, INC.

INTRODUCTION

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, Rhode Island Public Radio, Inc. ("RIPR") hereby submits its Reply Comments in response to the Commission's Public Notice regarding a joint request for an FM digital power increase.¹

RIPR is the licensee of Noncommercial Station WRNI-FM, Narragansett Pier, Rhode Island, operating in the non-reserved band on 102.7 MHz. As the only member of National Public Radio ("NPR") in the State of Rhode Island, RIPR is a unique and trusted source of local and national news programming for its listening public.

WRNI-FM's listeners have already been negatively affected by increased IBOC power levels.

¹ Public Notice, "FM Digital Power Increase and Associated Technical Studies (MM Docket No. 99-315)," DA 09-1127 (May 22, 2009), 74 Fed. Reg. 27985 (June 12, 2009).

1. THE COMMISSION SHOULD DEFER CONSIDERATION OF THE JOINT PARTIES' REQUESTED POWER INCREASE UNTIL COMPLETION OF THE FURTHER NPR STUDIES

RIPR strongly urges the FCC to defer any decision on any blanket, across-the-board ten-fold IBOC power increase until the completion of the NPR study which is presently in process. NPR estimates that the study, which is being supervised by a wide variety of industry professionals, will be completed very shortly, by September 2009. The vast majority of radio listeners are still analog listeners and such a blanket increase in IBOC power would be severely detrimental to those first adjacent stations providing local news and emergency information. RIPR sees no practical urgency which would condone such a widespread negative impact upon many years of ardent and devoted FM listenership, particularly at a time when radio broadcasting is facing severe economic challenges. In just a few short months, the NPR tests will provide factual, concrete, technical and scientific information upon which to make decisions to best improve IBOC coverage while still protecting the existing analog FM service.

2. THE TESTING TO DATE HAS ESTABLISHED THAT THE PROPOSED POWER INCREASE WOULD CAUSE SUBSTANTIAL INTERFERENCE TO ADJACENT ANALOG SERVICE WITHIN STATIONS' PROTECTED SERVICE AREAS.

An across-the-board power increase is flawed because it benefits the few stations presently operating with IBOC at the cost of many first adjacent analog stations. RIPR is in a unique position to know this firsthand as it operates Class A WRNI-FM 102.7, which is grandfathered, short-spaced, to first adjacent Class B Station WKLB-FM, Waltham, Massachusetts.

WKLB-FM, which is owned by Greater Media, Inc., a staunch supporter of IBOC technology, sought and received an experimental authorization to test increased IBOC power

levels on WKLB-FM in December 2008. During various times in January 2009, employees and listeners to WRNI-FM in Rhode Island noticed greatly reduced coverage with what appeared to be white noise obliterating the WRNI-FM signal in areas of previously acceptable reception. Some of those complaints came from within the WRNI-FM 60 dBu protected contour. See the attached Declaration of Steven J. Callahan, CBRE-AMD, Director of Engineering for Rhode Island Public Radio.

Determining that the interference condition was caused by WKLB-FM's increased IBOC power, on January 12, 2009, RIPR filed comments in this proceeding strongly opposing the proposal to increase digital power at this time, and vigorously supporting the NPR proposal to engage in further study and research in order to gauge the impact of such an increase.

RIPR then complained to Greater Media, which initiated its own unilateral investigation into reception conditions at the locations RIPR specified.² RIPR was not permitted to be present for Greater Media's investigation. Not surprisingly, Greater Media concluded that the complaints were either unworthy or non-existent. Some complaints, it was observed, came from beyond WRNI-FM's 60 dBu contour, and were thus unworthy. At other locations, Greater Media could not duplicate the interference condition, and were thus non-existent – implicitly accusing RIPR of prevarication. Presumably Greater Media believed it had effectively neutralized this dissent from the move for higher IBOC power.³

² When Mr. Callahan contacted Greater Media's Paul Shullin, the latter confirmed that WKLB-FM had been testing with increased IBOC power. Mr. Callahan states that Mr. Shullin also agreed that WKLB-FM would not operate with higher IBOC levels continuously, but only during times of specific testing. He observes, "This seemed to me to be a remarkable admission that increased IBOC power would have an adverse effect on 102.7 listenership. This effect would not seem to bode well for a permanent digital power increase." Callahan Declaration at 2.

³ See Callahan Declaration. A copy of Greater Media's Engineering Report dated February 27, 2009, is attached.

Greater Media's reports of system performance at elevated carrier levels dated June 30, 2009, and submitted in this docket by letter of transmittal dated July 6, 2009, make no mention of the reports of interference by RIPR, or of Greater Media's investigation and resolution of them. The reports advise that Greater Media "recently filed an interim report with the Commission, coincident with its request for an extension of such authority, detailing its observations during this period."⁴ That interim report, however, does not appear to be publicly available, so whether Greater Media disclosed the RIPR complaints of interference is not known.

Because of its limited resources to engage in a protracted skirmish over higher IBOC power, RIPR brought the situation to the attention of NPR. In May 2009, RIPR and NPR conducted three weeks of extensive mobile listening and reception tests of WRNI-FM within its protected 60 dBu contour, with WKLB-FM operating at three different IBOC power levels. Those tests consisted of hundreds of measurements at WKLB-FM's present IBOC level of 1%, at 6%, and at 10%.

Mr. Callahan notes that the NPR testing was not conducted in a vacuum:

Greater Media and iBiquity came on the scene and insinuated themselves into the testing and evaluation of the reception conditions in all of the measurements. Greater Media's Mr. Shullins was present in the NPR van, which was tailed by an iBiquity van occupied by iBiquity and Greater Media personnel. I was at the WRNI-FM transmitter site coordinating necessary switching, and I could hear via cellphone the sometimes heated discussions in the NPR van about the validity or vitality of any given measurement. It was apparent to me that the purpose of Greater Media's and iBiquity's presence was not to promote accurate, real-world results, but instead to minimize any evidence of actual interference to the analog signal of a first adjacent station.

⁴ *FM HD Radio System Performance at Elevated Carrier Levels*, June 30, 2009, Charles River Broadcasting Company, iBiquity Digital Corporation, submitted July 6, 2009, in MM Docket No. 99-325, at 3.

The measurement data document audible impairment of the WRNI-FM signal at the higher power levels at those locations measured.⁵ They are a key component of the NPR study presently underway. The entire broadcasting industry deserves to see the extensive results of the NPR tests before their listeners tune in and find their coverage area obliterated by white noise from a first adjacent station operating with increased IBOC power.

3. IF THE COMMISSION IS DETERMINED TO ACT IN THE NEXT FEW MONTHS, AN INTERIM POWER INCREASE MUST AVOID HARMFUL INTERFERENCE TO ANALOG SERVICE AND MUST ACCOMMODATE THE DISTANCE SEPARATIONS AMONG STATIONS

The Commission's longstanding separation criteria for short-spaced stations, especially between Class B and Class A FM stations, takes into consideration the potential for analog interference on a contour-protected basis. This degree of protection is still required with an IBOC station's digital carriers which operate entirely within the channel of a first adjacent station. On an interim basis, RIPR supports NPR's proposal of distance and separation criteria to determine any IBOC power increase. A "one-size-fits-all" approach to granting IBOC power increases won't work as evidenced by the interference to WRNI-FM, and as documented in the soon-to-be-completed NPR study. Alternatively, IBOC stations have other avenues available to them to increase digital coverage without increasing interference to first adjacent neighboring stations.

Broadcast equipment manufacturers are in the process of developing asymmetrical sideband transmissions which would limit the digital sideband energy toward a first adjacent neighboring station. For stations electing to use separate antennas for their digital and analog

⁵ WRNI-FM broadcast in stereo for the tests, at the insistence of NPR, and over the protest of iBiquity and Greater Media, which wanted broadcasts to be in the station's monophonic mode, even though that mode was inconsistent with NPR's design criteria for its study. See Callahan Declaration at 2.

signals, a directional digital antenna could suppress the digital signal transmitted toward the first adjacent neighbor while allowing a higher digital level in other directions. Both of these existing alternatives would be a cost-saving alternative to stations needing to purchase larger digital transmitters to achieve any higher digital signal levels.

4. **THE ONLY WAY TO ENSURE THE LACK OF INTERFERENCE
IS TO AVOID AUTHORIZING A POWER INCREASE
THAT THE RECORD DEMONSTRATES WILL CAUSE IT**

As demonstrated by the NPR measurements on WRNI-FM, the perceived interference due to increased digital levels will appear to the average listener as white noise which most listeners will simply tune away from without question. Affected stations will not be able to rely on listener complaints to gauge or to remediate the extent of the interference. Stations will have to divert scarce financial resources to try to deal with the wave of interference. The interference suffered by WRNI-FM was not speculative or estimated, but is a real-world, documented impairment to its analog service which will be duplicated across the FM band and across the nation if an across-the board, one-size-fits-all digital power boost is authorized. No developmental effort warrants such a destructive and unscientific rush to judgment.

CONCLUSION

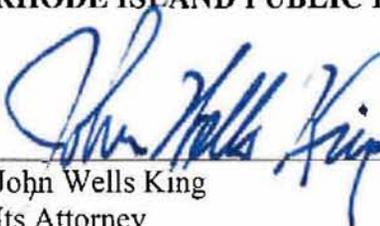
RIPR strongly urges the Commission to wait just two more months for the results of the NPR testing before approving an IBOC power increase. If the Commission deems it vitally necessary to authorize an interim power increase, then it should only authorize an increase that

avoids additional adjacent interference and adopt mileage based power increases according to the plan offered by NPR.

Respectfully submitted,

RHODE ISLAND PUBLIC RADIO, INC.

By



John Wells King
Its Attorney

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STEVEN J. CALLAHAN, CBRE-AMD
Director of Engineering
Rhode Island Public Radio
One Union Station
Providence, Rhode Island 02903

July 17, 2009

DECLARATION

I, Steven J. Callahan, CBRE-AMD, am the Director of Engineering for Rhode Island Public Radio, licensee of WRNI-FM, 102.7 MHz, Narragansett Pier, RI.

WRNI-FM is the only FM outlet in Rhode Island for National Public Radio.

In January 2009, while commuting to work, I discovered a white noise overriding the signal of 102.7 in areas where I had always received 102.7 acceptably. This was along Route 95, a major interstate highway and obviously an area of high mobile radio listening, even though the area of interference was outside of the 102.7 protected 60 dbu contour.

When I got to work, I had three inquiries waiting for me from 102.7 listeners. Donna Bannon, a WRNI employee who lives in North Kingstown, practically on the 60 dbu contour line, reported a "strange noise" covering the 102.7 signal while she was listening in her car that morning. RIPR Chair James Marsh, of Little Compton, also inquired about areas of interference to 102.7 that were not there previously. Mr. Marsh lives outside of the 60 dbu contour but on an arc between 102.7 and 102.5. RIPR counsel Don Wineberg, of Jamestown, called me to report that he thought his radio had failed because of the interference. Mr. Wineberg lives well within the 60 dbu contour of 102.7.

Based on my knowledge and past experience, the white noise interference sounded like IBOC digital sideband noise. I knew that Greater Media's WKLB-FM, 102.5 MHz in Waltham, MA, was operating in a digital hybrid mode. I checked the FCC database and learned that Greater Media had recently received an experimental authority to operate their 102.5 digital signal at a ten-fold increase in power. I informed RIPR communications counsel of my findings.

Around this same time I prepared and filed in the FCC's IBOC docket comments for RIPR opposing a digital power increase and supporting the NPR effort to research and study further the impact of a power increase on existing analog service such as WRNI-FM had experienced.

Shortly after that, I was asked to contact Paul Shullins, Chief Engineer for Greater Media's Boston stations. I spoke to Mr. Shullins and told him that I had received three interference complaints and provided the names and addresses. I also specified the locations that I had personally experienced the white noise where I was previously able to receive 102.7.

I offered to meet Mr. Shullins in the field to confirm the locations of interference but my offer was refused. He admitted that 102.5 had been testing their increased IBOC signal as per their experimental authorization and also agreed that they would not operate with higher IBOC levels continuously, but only during times of specific testing. This seemed to me to be a remarkable admission that increased IBOC power would have an adverse effect on 102.7 listenership. This effect would not seem to bode well for a permanent digital power increase.

On February 27, 2009, Greater Media furnished its report on our interference complaints. A copy of the report is attached. In so many words, it glossed over the complaints either by observing that the interference occurred beyond 102.7's 60 dBu contour, or by claiming that the interference condition could not be duplicated. After receipt of the report, RIPR contacted NPR, which we knew was doing a further study on the effects of increased IBOC power.

In May 2009, RIPR and NPR together ran a series of base measurements on the 102.7 signal, to set the stage for a round of tests with 102.5 at higher digital power. When the second round of tests began, Greater Media and iBiquity came on the scene and insinuated themselves into the testing and evaluation of the reception conditions in all of the measurements. Greater Media's Mr. Shullins was present in the NPR van, which was tailed by an iBiquity van occupied by iBiquity and Greater Media personnel. I was at the WRNI-FM transmitter site coordinating necessary switching, and I could hear via cellphone the sometimes heated discussions in the NPR van about the validity or vitality of any given measurement.

The influence that iBiquity and Greater Media attempted to exert over the process was reflected in NPR's insistence that WRNI-FM broadcast in stereo during the tests. (As

a news-talk station, WRNI-FM usually broadcasts a monophonic signal.) iBiquity and Greater Media protested testing a stereo signal, despite the fact that it was one of the design criteria for the study, since most FM stations broadcast in stereo.

It was apparent to me that the purpose of Greater Media's and iBiquity's presence was not to promote accurate, real-world results, but instead to minimize any evidence of actual interference to the analog signal of a first adjacent station.

Tests were conducted with WKLB-FM operating at three different IBOC power levels. They consisted of hundreds of measurements at WKLB-FM's present IBOC level of 1%, at 6%, and at 10%. The measurements documented audible impairment of the WRNI-FM signal at the higher power levels at the locations measured.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 2009.

A handwritten signature in black ink, appearing to read "Steve Calverton". The signature is written in a cursive style with a large, stylized initial "S".

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

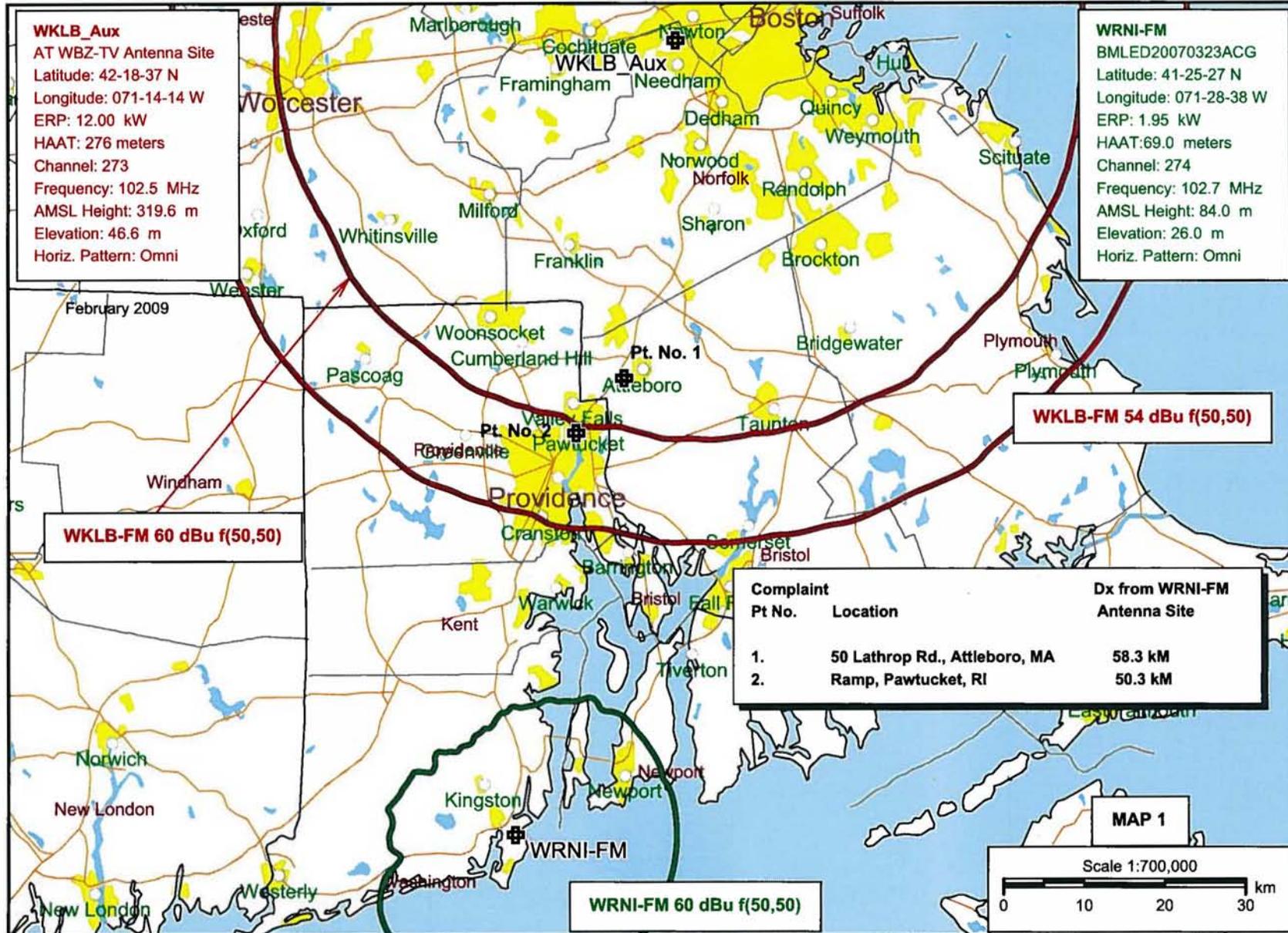
within WRNI-FM's protected 60 dBu contour. WKLB-FM technical personnel visited each of these locations and conducted listening observations and audio recordings identical to those previously discussed. No interference whatsoever was noted at these locations while WKLB-FM was operating at either the -10 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.

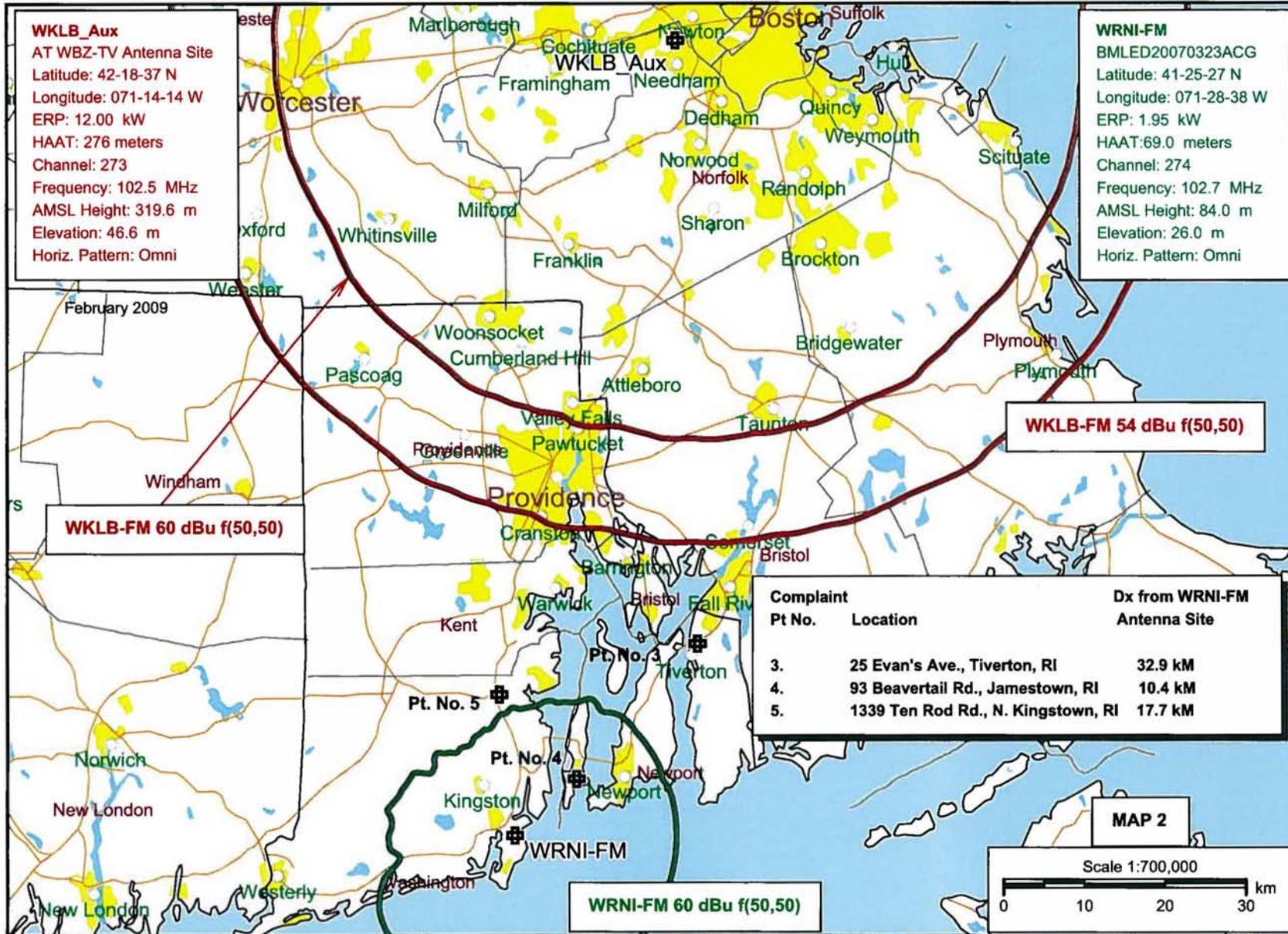
Based on the observation made by WKLB-FM's technical personnel, under the supervision of WKLB-FM's highly experienced chief engineer, Mr. Paul Shulins, Charles River does not believe that any detectable interference is being caused by WKLB-FM's experimental operation at elevated HD power levels to WRNI-FM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

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

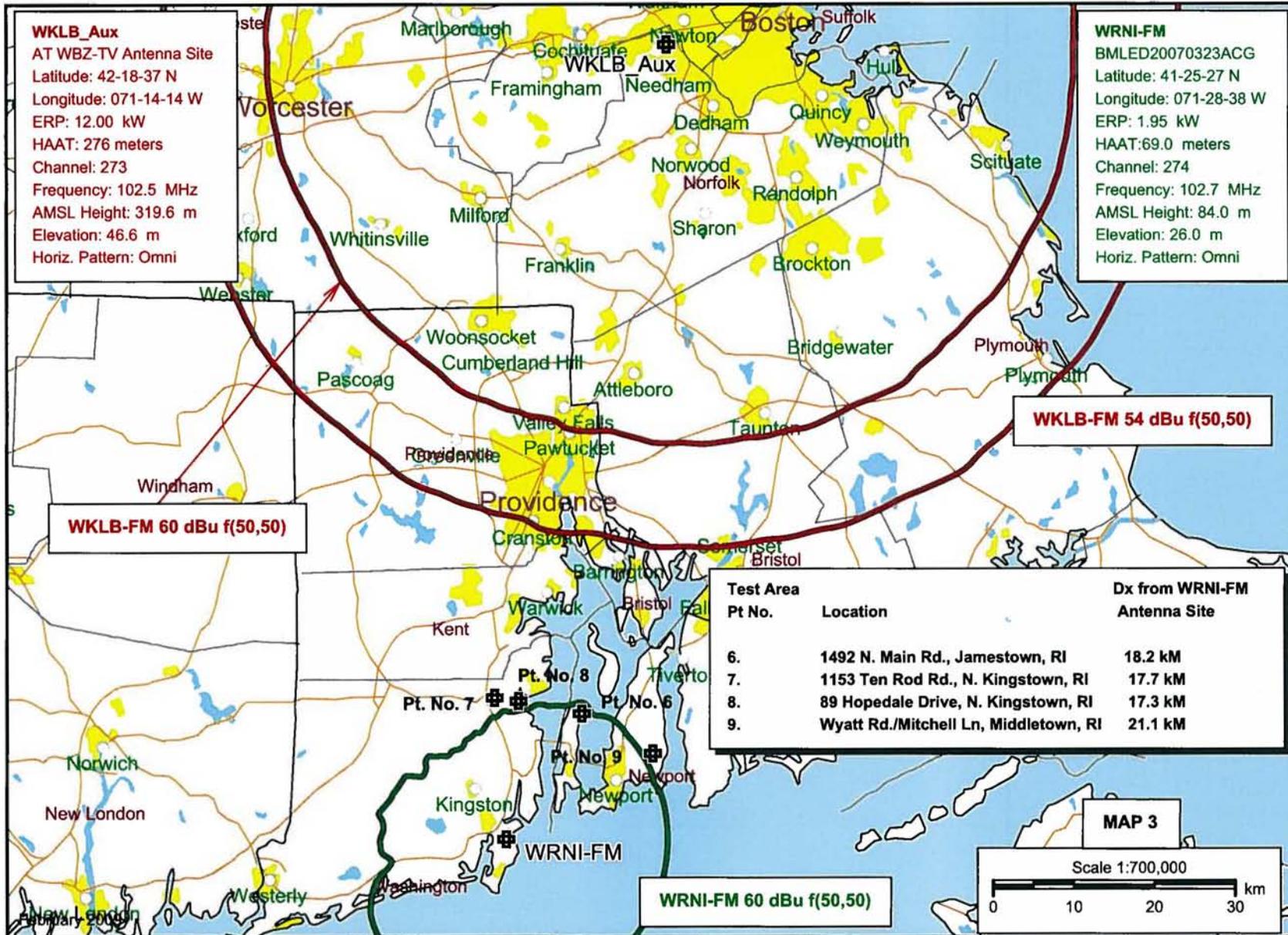
February 27, 2009



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