Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the service and eligibility rules	)	MB Docket No. 07-172
FM Broadcast Translator Stations	)	RM 11338
	)	

Petition for Reconsideration

Edward A. Schober, licensee of FM translator station W250AK, Rio Grande, NJ, and applicant for several FM translators in New Jersey, Pennsylvania and New York hereby petitions for reconsideration in part the report and order in MM Docket 07-172 to permit AM radio stations to retransmit signals on FM translator stations. Mr. Schober is a consulting engineer who has helped AM and FM station licensees to maximize their station signals for over thirty years.

Mr. Schober heartily supports all aspects of the above rulemaking proceeding, excepting the provision which limits eligibility of AM stations to retransmit signals only on translators authorized before May 1 2009, at paragraph 20 of the Report and Order. This provision of the rulemaking is arbitrary, and was adopted without advance notice and comment by petitioners. It also serves no legitimate administrative purpose, and denies legitimate applicants in the 2003 window whose applications have lain fallow due to FCC indecision on their reasonable application for use of the radio spectrum.

It appears to Mr Schober that the decision in the report and order to limit eligibility of AM stations only to pre-existing FM translators is intended to protect spectrum for supposed future LPFM stations. By limiting new FM translators to repeat FM stations only, it will decrease their effective value of these new translators, so that the long suffering applicants will fail to prosecute their applications, and allow them to be dismissed, irrespective of merit.

The Commission is charged under the Communications Act to distribute frequencies among the communities and States in a fair and equitable manner. It is not charged with favoring one service over another without a finding of public interest. Stabilizing the service to communities with only one AM station, particularly only one daytime station is clearly an important public interest goal. Denying one AM station, particularly a daytime only AM station use of a translator simply because one did not exist within its service contour at a given date is patently unfair.

Notwithstanding the argument that supplementing an AM station's existing service to its community is more important than some hypothetical, un-applied for LPFM service, there is a large class of pending FM translator applications which do not in any way preclude LPFM service. Mr. Schober admits that there are other pending FM translator applications which would block potential LPFM service.

FM translators are allocated on a very different basis from LPFM stations. An FM translator is based upon contour allocations, while LPFM stations are allocated on a spacing table basis. When one analyzes many of the pending FM translator applications, particularly in highly populated areas, one sees that many FM translator applications do not preclude LPFM allocations, even if one eliminates the

requirement for LPFM stations to protect third adjacent full power FM stations.

I have evaluated several of my pending FM translator applications, and found that none of those I studied preclude any potential LPFM allocation after eliminating third adjacent channel protection for LPFM stations and deleting all other pending FM translator applications in the area. This is because although there are FM translator allocations in the Philadelphia, and New York City metropolitan area, and along the New Jersey coast, there are no unoccupied LPFM allocations available. I am sure that this situation is duplicated in many other areas.

In the case that the Commission does not agree with my assertion that supplementing AM service, particularly for AM class D stations is more important than potential new LPFM service, I propose that the Commission modify its findings in the following way: Where an FM translator can be shown not to preclude LPFM service, after deleting third adjacent channel protection, that it may be used to repeat AM stations irrespective of its date of authorization.

Sincerely,

Edward A. Schober, PE 28 July 2009
FM Translator Licensee
FM Translator Applicant
Consulting Engineer