

Before the  
Federal Communications Commission  
Washington, D.C.

FILED/ACCEPTED

OCT - 8 2009

Federal Communications Commission  
Office of the Secretary

In the matter of:

Modification of Section 73.182(q), )  
Footnote 1, to Promote Improvement )  
of Nighttime Service by AM Radio ) RM-11560  
Stations by Eliminating the "Ratchet )  
Clause." )

COMMENTS

Clear Channel Communications, Inc. (Clear Channel) hereby submits these Comments in response to the Media Bureau's September 9, 2009 Public Notice in the above-captioned proceeding, Report No. 2897. In that Public Notice, the Media Bureau solicited comments on the Petition for Rulemaking that was submitted on August 25, 2009 jointly by the engineering firms du Treil, Lundin & Rackley, Inc. and Hatfield & Dawson Consulting Engineers, LLC.

Clear Channel has reviewed the petition and supports its recommendations. Having first-hand experience with the effects of the "ratchet clause" on numerous stations, there are many examples of potential upgrades to nighttime service that have not been undertaken, several examples where burdensome waiver requests were necessary for stations that were forced to move to new transmitter sites due to circumstances beyond our control and not one known example of a noticeable increase in service by a station receiving protection under its provisions.

Clear Channel agrees that stations which might improve their nighttime coverage by making directional antenna pattern changes and/or voluntary transmitter site moves are discouraged from doing so by the requirements of the "ratchet clause" which force

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power reduction, often on the order of 20 percent, to reduce interference which results from major lobe radiation that cannot be reduced by changes in directional antenna parameters. This has been found to be generally the case.

Clear Channel agrees that loss of groundwave coverage 100 percent of the time by a station making a change in its antenna system is far more significant than the small reduction of skywave interference calculated 10 percent of the time and included in RSS calculations with other interference contributors at the protected station. The Commission letter dated June 11, 1997, "In re: KIOQ(AM), Folsom, CA" cited by the petitioners appears to recognize this fact. Clear Channel agrees that, on the simple matter of equitable application of regulatory principles, the FCC should eliminate the "ratchet clause."

On another matter, Clear Channel believes that elimination of the "ratchet clause" will make the distinction between nighttime RSS interference calculated using 25-percent exclusion and 50-percent exclusion unnecessary. The standard should revert to the former 50-percent exclusion method and the language of footnote 1 of Section 73.182(q) should be changed to eliminate the reference to 25-percent exclusion.

Clear Channel believes that there is another related issue that should be considered by the Commission – the inclusion of first-adjacent channel stations in the calculation of nighttime RSS interference. It should be noted that the adjacent channel protection requirement was added to the Rules at the same time as the "ratchet clause" and that radio receivers having the wideband characteristics envisioned at the time have never reached the market. The first-adjacent channel protection requirement can be counterproductive with regard to nighttime protection, as the RSS of a station can be raised "on paper" by a first-adjacent channel interference contribution that is of little, if any, significance on listenership with present-day radios and allow higher co-channel contributions from other stations that will cause real interference.

Respectfully submitted,  
CLEAR CHANNEL COMMUNICATIONS, INC.

By,



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