

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Review of Technical Policies and Rules) RM-11565
Presenting Obstacles to Implementation of)
Section 307(b) of the Communications Act)
and to the Promotion of Diversity and Localism)

To: Office of the Secretary
Attention: The Commission

JOINT COMMENTS

Multicultural Radio Broadcasting Licensee, LLC, Puerto Rico Radio Broadcasters Association, Way Broadcasting Licensee, LLC, Cherry Creek Radio, LLC, Chisholm Trail Broadcasting Co., Astro Enterprises, Inc., Holladay Broadcasting of Louisiana, Communications Technologies, Inc., Great South Wireless, LLC, Brantley Broadcast Associates, LLC, RAMS, WRNJ Radio, Inc, The Ridgefield Broadcasting Corp., Foothills Public Radio, Inc., Wagon Wheel Broadcasting, LLC, Independence Broadcast Services, Gillen Broadcasting Corp., Skytower Communications Group, American Media Services, LLC, Autaugaville Radio, Inc. and Radio Training Network (“Joint Parties”) hereby offer their comments to the Minority Media Telecommunications Council (“MMTC”) proposal to create an advisory committee to assist the Commission’s consideration of Broadcast Maximization Committee’s (“BMC”) comprehensive plan for the use of television Channels 5 and 6 for FM broadcasting. The Joint Parties are broadcast licensees or other entities concerned primarily with the demise of the AM service and urge the Commission to devote more attention to the concerns of AM stations nationwide. The proposal offered by BMC is a welcome initiative and deserves the

creation of an advisory committee to focus on the most beneficial uses of the vacated spectrum formerly occupied by television channels 5 and 6. The Joint Parties believe that the benefits described in the BMC proposal are impressive for all radio services—AM, FM, NCE, LPFM, and FM translators. MMTC's Petition recognizes that by making the AM service stronger, substantial gains in diversity of ownership, local programming, expanded digital service, among other things, can be achieved. With that in mind, the Joint Parties offer the following comments.

1. AM radio was once the only radio service available to the country. Then, for many years after the advent of FM Radio, AM stations remained the dominant medium. But for various reasons, FM radio has far surpassed the AM service and various publications are predicting that the future of AM does not look promising regardless of whether there is an economic recovery. The most telling statistic is the unpopularity of AM radio among the next generation. The listening shares for AM stations among the age group 25 to 34 years, is down to 9%. For the age group 12 to 24, AM accounts for only 4% of the listening hours.¹ We would not be surprised to find out that many youths have never even listened to an AM station and may be hard pressed to locate the AM spectrum on their radios. Among the reasons are the technical inferiority of the AM service which seems to be more important to the younger listeners who have experienced great advances in all forms of technology.

2. As BMC has indicated in its filing, AM stations have been victimized by such things as the proliferation of man-made RF noise sources, the poor nighttime reception experienced by many stations, inferior fidelity and the need to detune every

¹ Data taken from BIA Financial Network.

time new construction with supporting metal structures or high tension electrical wires are installed nearby. The new LED traffic lights cause noise interference to car radios. The changes in daylight savings time have been detrimental to many stations. The list seems to increase every year. AM station owners are suffering economically as they try to repair, maintain or improve their facilities. The costs of such undertakings often exceed the value of their stations as costs increase, financing becomes scarce and sale prices decline.

3. Digital radio is, at best, uncertain for most AM stations. AM stations will fall even further behind other sources of programming if operation in the digital mode is not successful. Under the IBOC system, AM stations will operate without the additional channel streams offered to FM stations. The latest technological advance, the inclusion of FM receivers in the iPod and in cell phones is another example of the exclusion of the AM service.

4. The AM service has so many obstacles to overcome. Offering these stations FM translators, is a short term fix, available to a small percentage of AM stations and falls far short of the parity needed for AM stations to survive. Under BMC's plan, AM stations will not need to depend on FM translators for their livelihood. Instead, AM stations can operate as full time FM stations in the Channel 5/6 spectrum.

5. AM stations still have much to offer. Most news/talk, sports, foreign language and other local and diverse program formats are found in the AM service. The BMC plan is the most innovative idea offered at a time when new ideas are greatly needed. The Joint Parties have seen press reports that Canada and Mexico have been converting their AM stations to operate in the available FM spectrum wherever possible.

The Joint Parties recognize that the conversion that BMC suggests will not happen overnight. But planning for the transition from AM to digital FM will need to commence as soon as possible in order to keep the AM service around long enough to benefit from such a conversion.

6. The Joint Parties urge the Commission to begin the process and devote attention to the needs of AM broadcasters as it is currently doing for the LPFM service. With proposals like that of BMC, AM stations can eventually solve the current digital problems they are experiencing, especially at night. They can benefit from the additional channel streams like other FM stations and they can avoid the interference problems that will characterize the dual analog/digital operations in the FM band during the indeterminate period of transition to full digital operation. AM stations need to remain competitive instead of being tempted to turn off the signal and turn in the AM license.

7. In the interim, the Joint Parties would like to express their support for the other suggestions made for the benefit of the AM service in the MMTC Petition. The removal of the nighttime principal community coverage rule would help many AM stations improve their coverage especially for stations that need to relocate or otherwise modify their current facilities. New transmitter sites are increasingly difficult to obtain due to local zoning requirements, the amount of land required for certain stations and the prohibitive costs to obtain enough land to build the facilities.² Allowing flexibility for AM stations to base their community coverage on daytime facilities would be extremely helpful to AM stations that must relocate.

² The Joint Parties also believe that eliminating the multi-tower arrays which require large tracts of land would not only be beneficial from a cost standpoint but would also be environmentally friendly.

8. In the alternative, the proposal to permit AM stations to cover their communities of license with 50%, the standard for NCE stations, of their 5 mV/m signal would be helpful as well. In addition to the reasons expressed in the last section, many AM stations provide specialized programming targeted to certain ethnic or racial groups and it is important that they are able to reach the intended audience. Any of the suggested measures that provide flexibility in site locations would be very helpful for this purpose. These measures would provide solutions to bridge the gap until the Commission can determine whether the proposed migration to Channels 5/6 is consistent with its long term goals for the AM service.

9. The Joint Parties recognize there will be many issues to resolve. An advisory committee could be of great assistance to the Commission in moving the process along. An advisory committee might also play a role in developing new uses for the vacated AM spectrum space.

10. Accordingly, the Joint Parties wish to express their support for the BMC proposal and for the MMTC Petition to create an advisory committee which can assist the Commission in considering all of the various aspects of the proposed use by AM stations of the Channel 5/6 spectrum.

Respectfully submitted,

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METRO RADIO, INC
ASTRO ENTERPRISES, INC.
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GREAT SOUTH WIRELESS, LLC
BRANTLEY BROADCAST ASSOCIATES, LLC
RAMS
WRNJ RADIO, INC
THE RIDGEFIELD BROADCASTING CORP.
FOOTHILLS PUBLIC RADIO, INC.
WAGON WHEEL BROADCASTING, LLC
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October 23, 2009

CERTIFICATE OF SERVICE

I, Randy L. Pannell, a secretary at the law firm of Wiley Rein LLP, do hereby certify that on this 23rd day of October, 2009, I caused a copy of the foregoing "Comments on Minority Media And Telecommunication Council's Petition For Rule Making" to be sent via first-class U.S., postage prepaid, to the following:

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