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

In the Matter of	)	
	)	
Review of Technical Policies and Rules	)	
Presenting Obstacles to Implementation	)	RM-11565
of Section 307(b) of the Communications	)	MB Docket No. 09-52
Act and to the Promotion of Diversity	)	
And Localism	)	

To the Commission:

REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters (NAB)[1] respectfully submits these reply comments on the above-captioned Petition for Rulemaking.[2] As discussed in our initial comments on the Petition, NAB supports MMTC's call to review the Commission's regulations governing radio broadcasting for ways to provide broadcasters with additional flexibility to deliver informative, attractive content to their local communities.[3]

A review of the record in this proceeding shows that no commenters disagreed with NAB's assessment of MMTC's proposals for improving certain of the Commission's technical rules. The record demonstrates that MMTC's suggestions on these matters

---

[1] NAB is a nonprofit trade association that advocates on behalf of free, local radio and television stations and also broadcast networks before Congress, the Commission and the Courts.
[2] Petition for Rulemaking of Minority Media and Telecommunications Council (MMTC), Review of Technical Policies and Rules Presenting Obstacles to Implementation of Section 307(b) of the Communications Act and to the Promotion of Diversity and Localism, RM-11565, MB Docket No. 09-52) (filed July 19, 2009) (MMTC Petition); Federal Communications Commission, *Public Notice*, Report No. 2899 (Sep. 23, 2009) (establishing comment and reply comment deadlines).
[3] Comments of the National Association of Broadcasters, RM-11565, MB Docket No. 09-52, at 1-2 (filed Oct. 23, 2009) (NAB Comments).

will lead to increased flexibility for broadcasters to serve their audience more effectively. For example, NAB and other commenters endorsed MMTC's practical proposals designed to provide broadcasters more options for locating transmitter sites as well as their main studio, and also supported MMTC's suggestions intended to improve spectrum efficiency.[4]

NAB and other commenters, however, continue to oppose the MMTC-supported proposal of the Broadcast Maximization Committee (BMC) for migrating the noncommercial educational (NCE) FM service, the low power FM service (LPFM), and some AM radio stations to television Channels 5 and 6 (76-88 MHz). In particular, NAB notes that BMC in its comments on MMTC's Petition offers no new evidence or justification for its plan. Indeed, BMC's comments reiterating its proposal are largely identical to its original petition,[5] and therefore suffer from the same infirmities. First, BMC continues to unreasonably discount the impact of its plan on the "hard-won successes of the transition to digital television,"[6] including the disruption it would cause to full power digital television stations currently operating on Channel 5 or 6.[7] Second, BMC wholly ignores the effect its proposal would have on the hundreds of translator, Class A, and low power television stations (LPTV) that operate on these channels. ABC

---

[4] NAB Comments at 3-6, 8-9; Comments of Radio One, Inc., RM-11565, MB Docket No. 09-52, at 1 (filed Oct. 23, 2009); Comments of Arbitron Inc., RM-11565, MB Docket No. 09-52, at 3 (filed Oct. 23, 2009); Comments of Educational Media Foundation, RM-11565, MB Docket No. 09-52, at 4-9 (filed Oct. 23, 2009); Comments of Vernon Kuehn, RM-11565, MB Docket No. 09-52, at 1-2 (filed Oct. 23, 2009); Comments of David Wilson, RM-11565, MB Docket No. 09-52, 2-8 (filed Oct. 23, 2009); Comments of Edward A. Schober, PE, RM-11565, MB Docket No. 09-52, at 2-3 (filed Oct. 23, 2009).
[5] *See* Comments of the Broadcast Maximization Committee, MB Docket 07-294 (filed July 30, 2008).
[6] Comments of the Association of Maximum Service Television, Inc. (MSTV), RM-11565, MB Docket No. 09-52, at 2 (filed Oct. 23, 2009) (MSTV Comments).
[7] Comments of ABC, Inc. RM-11565, MB Docket No. 09-52, at 3-4 (filed Oct. 23, 2009).

Comments at 5. BMC's plan would severely hamper many valuable, community-oriented LPTV services like WDCN-LP, which offers Spanish-language programming to a large Hispanic population in the Fairfax, Virginia area,[8] and WABW-TV, which provides public broadcasting in Georgia.[9]

Accordingly, NAB supports in part the Petition for Rulemaking filed by the Minority Media and Telecommunications Council. The Commission should explore certain of MMTC's proposals in a further rulemaking proceeding, but should not pursue other suggestions offered by MMTC that would unwisely impact other broadcasters, including full power and LPTV stations.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036
(202) 429-5430

Lawrence A. Walke

Lynn Claudy
David Layer
NAB Science & Technology

Jane E. Mago
Jerianne Timmerman
Lawrence A. Walke

Dated: November 9, 2009

[8] Comments of Signal Above LLC, RM-11565, MB Docket No. 09-52, at 2 (filed Oct. 23, 2009).
[9] MSTV Comments at 3 (noting that many small business entities, including minority-owned firms, operate Class A and LPTV stations).

CERTIFICATE OF SERVICE

I, Patricia Jones, a secretary at the National Association of Broadcasters, do hereby certify that on this 9th day of November, 2009, I caused a copy of the foregoing "Reply Comments of the National Association of Broadcasters" to be sent via first-class U.S. Mail, postage prepaid, to the following:

David Honig
Joycelyn F. James
Jacqueline Clary
Joycelyn Tate
MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL
3636 16th Street, N.W.
Suite B-366
Washington, D.C. 20010

Patricia Jones

Patricia Jones