

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877



**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)
) RM-11579
Petition for Rule Making by National Public Radio)
to Repeal Section 73.525 of the Commission’s Rules)
)

To the Commission:

COMMENTS IN SUPPORT

Mullaney Engineering, Inc. (“MEI”), hereby submits its comments in response to the to the RM petition filed by National Public Radio (NPR) requesting the Repeal of Section 73.525 of the Commission’s rules that requires Non-Commercial FM facilities to provide protection to the Grade B contour of all full service TV 6 analog facilities.

MEI fully supports the request by NPR to totally repeal this section of the rules. The rule as written is specifically designed to protect “analog” TV 6 operations. Now that the DTV transition has been completed, there are no more “analog” full service TV 6 facilities in operation. We agree that the NPR data supports the conclusion that significant improvements have been made since the FCC last studied TV receiver characteristics. While the FCC has indicated it will be conducting a review of this protection requirement it is not a surprise that absolutely no progress has been made. NCE FM facilities have been unduly burdened for years having to protect TV 6 facilities. It is curious that when Section 73.525 was adopted it was a **one-way rule** and has never been updated. All NCE FM facilities had to demonstrate compliance but existing or modified TV 6 facilities

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proposing modifications had no similar obligation to evaluate the impact on the reception of NCE FM stations. Even secondary TV translator facilities operating on TV 6 had no obligations to evaluate the potential impact on NCE FM reception. For nearly 10 years, the processing of TV applications routinely relies on Longley-Rice for evaluation of TV to TV interference. This evaluation permits consideration of existing interference or “masking” caused by other TV facilities. Yet NCE FM stations are mandated to use contour overlap and not permitted to argue using Longley-Rice that the area in which the FM is predicted to cause interference already receives interference from another TV station. **This is truly disgraceful.**

Today, the FCC is authorizing **massive increases in ERP** to digital full service TV 6 facilities **notwithstanding the mandate by Section 73.623(f)** which requires any proposed new DTV allotment on Channel 6 to “submit an engineering study demonstrating that no interference would be caused to existing FM radio stations on FM channels 200-220”. Again, demonstrating the one-way nature of the FCC thinking.

To make this even more ridiculous, the Audio Division is returning full service NCE FM applications for failing to demonstrate protection of secondary LPTV facilities. So in their minds a full service NCE FM must provide protection of secondary TV facilities. This is in direct conflict with Docket 2037, which in 1984 resulted in adoption of Section 73.525. When the FCC adopted these new interference protection requirements for Channel 6 Full Service Analog TV stations from NCE FM stations they addressed protection of LPTV & TV translator facilities. Footnote 17 at the bottom of page 11, stated

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that "protection will not be required" (document available on FCC web). The Audio Division is fully aware of this policy but has continued to dismiss NCE applications for failure to protect these secondary TV facilities.

We would also like to point out that starting January 25, 2010, the entire country will be open to new applications for secondary digital TV translator/LPTV facilities. Given that there are several proceeding in which the FCC has been asked to take TV Channels 5 & 6 and create a new digital radio service, we believe the prudent action would be to implement a freeze on the filing of such secondary TV applications until it resolves whether it will decide to create this new digital radio facility. This request would only remove two channels from the possible pool of forty-eight channels now available for TV operations (Ch. 2-51, excluding Ch. 37).

Respectfully submitted,

MULLANEY ENGINEERING, INC.

2 December 2009

By:

A handwritten signature in blue ink that reads "John J. Mullaney". The signature is stylized and cursive.

John J. Mullaney, President
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