

**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the matter of )  
 )  
Creation of a Low Power Radio Service ) MM Docket No. 99-25  
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**REPLY COMMENTS OF REC NETWORKS**

REC Networks (“REC”) is an entity that is involved in the entertainment, information and support of our community. REC supports a citizen’s access to the airwaves, especially in rural areas. REC is the leading provider of free broadcast engineering data<sup>1</sup> and reports to the Low Power-FM (“LPFM”) community<sup>2</sup>.

**OVERVIEW**

REC, just like every other pro-LPFM entity is very excited over the passing of the Local Community Radio Act (“LCRA”)<sup>3</sup>. REC looks forward to participating in the rulemaking processes that will implement the Act.

REC acknowledges recent comments filed by The Cromwell Group, Inc. *et al* (“21 Broadcasters”) and separate comments filed by Educational Media Foundation (“EMF”) regarding the handling of mutually exclusive applications in Auction #83, a filing window we called “The Great Translator Invasion”.

While REC absolutely abhors the conduct of some of the applicants made in this window that resulted in millions of dollars being made by these speculative applicants of permits that were applied for as “non-commercial” and therefore given out free by the FCC, we

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<sup>1</sup> - <http://www.recnet.com/lpfm>

<sup>2</sup> - While REC has extremely close connections with the LPFM community, both secular and faith-based, our comments are those of our own based on overall analysis of the situation and the strategic goals of REC Networks and should not be construed as “speaking for” the entire LPFM community. In this filing, we are presenting a different concept for balancing LPFM and translators.

<sup>3</sup> - Local Community Radio Act of 2010, HR 6533, 111<sup>th</sup> Congress, 2<sup>nd</sup> Session.

acknowledge that not all applicants in the window had the same intentions and as the record has shown, some of these applicants feel that they have been penalized in some way.

### **THE “21 BROADCASTERS” PROPOSAL**

The 21 Broadcasters offers a solution<sup>4</sup> where if there is a showing where if there are LPFM channels are available in a particular area, then pending translator applications may proceed. To support their comments, the 21 Broadcasters give several examples of markets.

One of those markets is Decatur, Illinois, which they state is Arbitron market #276. REC’s check of the geographic coordinates showed the potential availability of several LPFM channels at the reference coordinates, which would suggest a wider availability of channels in the community serviced.

Another market the 21 Broadcasters depicted was Nashville, Tennessee, Arbitron market #44. In this example, the LPFM station is placed on a 100m tower that already exists and a second adjacent channel waiver standard is used to show that an LPFM channel can be made available at that location.

REC disagrees in part with the 21 Broadcasters formula for determining LPFM availability. REC does note that the nature of the LPFM service does not always see LPFM station antennas being placed on commercial towers. In fact, many LPFM stations are located on masts on top of buildings, on water towers and even in a few cases, at private residential locations. REC feels that the availability of an LPFM channel at a single spot location does not mean wide availability for the entire market.

Unlike LPFM stations, translators are permitted higher output powers (250 watts vs. 100 watts) and while LPFM stations are restricted to 60 dB/u contours of 5.6km, translators are allowed much wider service areas.

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<sup>4</sup> - “21 Broadcasters” comments at 5.

## **EDUCATIONAL MEDIA FOUNDATION COMMENTS**

EMF states in their comments that applicants, especially those proposing stations in rural areas would be disadvantaged the most as a result of the 10 application cap<sup>5</sup>.

REC agrees in part with EMF's comments that within rural areas, especially those with a wide availability of LPFM channels, the 10-application limit is hindering the ability of applicants, such as EMF who have existing broadcast holdings from proceeding with their applications in this window.

In addition, we need to point out applications that are extremely patently defective. This includes translator applications proposed with excessive power based on the HAAT of the transmitter location as well as commercial applications specifying a co-owned primary station where the translator's 60 dBu service contour would exceed the 60 dBu service contour of the primary FM station thus no longer making it a "fill-in" service or a "booster".

In the Prometheus/EMF filing on September 29, 2010, there was a report prepared by Common Frequency. Within this report, it noted several applicants who filed multiple applications within the same metropolitan area. Within the Los Angeles area, Gold Coast Broadcasting filed many applications. Gold Coast is a group owner in Ventura County located northwest of the Los Angeles metro area. During the window, Gold Coast filed dozens of applications that exceed the power restrictions in Section 74.1253(b)(1) of the FCC rules. See Appendix A for a sampling of these defective applications.

### **IT'S TIME TO MOVE FORWARD – BUT FIRST, WE NEED TO CLEAN UP**

REC feels that it is an appropriate time to move forward with some of the Auction #83 applications. However, we do feel that the incentive needs to be taken away from speculators. In addition, the FCC needs to do some housecleaning to clean the record of defective applications. First we ask that the FCC consider:

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<sup>5</sup> - See Educational Media Foundation – Supplemental Comments, January 11, 2011.

- Dismissal of applications with extreme patent defects.
- Dismissal of all applications from entities who did not have AM or FM broadcast holdings on the day prior to the opening of the Auction #83 window.

## **EXPAND POTENTIAL LPFM OPPORTUNITIES**

In addition to cleaning up the defective applications and speculators, we must look at creative methods of extending the number of available LPFM channels in a given area. This has the potential of getting the availability of LPFM channels on a playing field closer to that of the translator applications, which then open the opportunities for those translators to complete the construction of their stations. Many of these concepts have been proposed by REC in the past and we feel that they warrant consideration in a rulemaking proceeding.

*Translator Protection* – REC feels that translators should be protected by LPFM on a more granular scale that better represents the translator’s service area. When the FCC created LPFM, they placed translators in one of three “sub-classes” based on the service contour to the farthest lobe:

Service Contour of 7.3 km or less.
Service Contour of greater than 7.3 km but less than 13.3 km.
Service Contour of 13.3 km or greater.

REC proposes increasing the number of translator “sub-classes” to eight:

Service Contour of 5.3 km or less.
Service Contour of greater than 5.3 km but less than or equal to 7.3 km.
Service Contour of greater than 7.3 km but less than or equal to 9.3 km.
Service Contour of greater than 9.3 km but less than or equal to 11.3 km.
Service Contour of greater than 11.3 km but less than or equal to 13.3 km.
Service Contour of greater than 13.3 km but less than or equal to 15.3 km.
Service Contour of greater than 15.3 km but less than or equal to 17.3 km.
Service Contour of greater than 17.3 km.

See Appendix 2 for the proposed protections using the new distance charts.

*Removal of “IF” Protections* – The Commission has already recognized through Section 74.1204 (g) that translators operating “less than 100 watts” are not required to protect the intermediate frequency (IF) channels of full power stations. We do not see why LPFM

stations, many of which operate at less than 100 watts due to antenna height and a secondary service like Class D stations should be required to protect stations on their IF channels (53 or 54 channels removed). REC feels that the Commission should look at rules that will remove the IF protection requirements on LPFM to bring these stations to a more level playing field as translators. We ask that this apply to all LPFM stations including those operating at a full 100 watts at 30m HAAT.

*LPTV Channel 6 TV stations* - In many areas, LPFM access to channels in the reserved band<sup>6</sup> is precluded by Low Power TV ("LPTV"), Class A and TV translator stations (collectively "LPTV stations") operating on Channel 6. When the Commission added protection to LPTV stations by LPFM, the rules assumed that all LPTV stations operated at full facilities<sup>7</sup>. In research performed by REC for MB Docket 04-233, we have determined that only 5 Channel 6 LPTV stations had service contours of over 80 km. In fact, a majority of LPTV stations on Channel 6 have service contours of less than 30 km. This means that LPFM stations are overprotecting a majority of LPTV Channel 6 stations by at least 50 km. We propose that each LPTV Channel 6 station be protected to their 47 dBu (50,50) contour using the following protection table:

LPFM Interference Contour based on channel (rounded to the nearest km):	plus Channel 6 LPTV, TV Translator and Class A Grade-B contour:
<p><b>LP-100</b>            Channel 201 - 8 km            Channel 202 - 7 km            Channel 203 - 6 km            Channels 204 &amp; 205 - 5 km            Channels 206 through 212 - 3 km            Channels 213 through 217 - 2 km            Channels 218 through 220 - 1 km</p>	<p>The maximum 47 dBu (F 50,50) contour assuming non-directional facilities measured to the farthest lobe. Distance rounded to the nearest kilometer.</p>
<p><i>For example: For a LP-100 station on Channel 205, if there is a Channel 6 LPTV, TV Translator or Class A station with a maximum Grade B contour of 26km, then the LP-100 station must be spaced at least 31 km. (LPFM: 5 + LPTV: 26 = 31 km)</i></p>	

<sup>6</sup> - Channels 201 through 220 (88.1 to 91.9 MHz).

<sup>7</sup> - See "Creation of a Low Power Radio Service", *Memorandum Opinion and Order on Reconsideration*, MM Docket 99-25, FCC 00-349, released September 28, 2000 at 42. Also see Footnote 47 in that same document which assume that LPTV stations operate at 3kW ERP at 610 meters HAAT.

The LCRA does not specifically address the protection of Channel 6 full power or low power TV stations. This has the opportunity to open up more channels between 201 and 220 in areas that are excluded due to overprotection of LPTV stations. We are not recommending any changes to protections to full power Channel 6 DTV stations.

*Channels below 88 MHz* – The EMF/Prometheus agreement suggested the use of 87.5, 87.7 and 87.9 MHz (Channels 198, 199 & 200) for LPFM use. REC has promoted the use of these channels since the original LPFM proposals and we still continue to support their use. We do feel that more study will need to go into making these channels available in light of the changes in the band related to the DTV conversion, other rulemaking such as wireless devices in TV white-space and an overall look to the protection of TV Channel 6 stations and all FM facilities (high power and low power). In addition, the international impacts will need to be examined prior to 100-watt operation on these channels. REC asks the Commission to consider future rules regarding the use of these channels but at this time, availability on these channels should not be considered as LPFM availability for the furtherance of Auction #83 applications.

#### **WHAT CONSTITUTES LPFM AVAILABILITY?**

For the purpose of providing as close to a level playing field for LPFM and translators, we must look at more than one transmitter site to determine market availability. REC recommends that an area is served by LPFM when within the service contour of the translator, an area that represents at least 70% of the population can qualify for at least two (2) LP-100 channels (spaced at least 2 channels apart) without the use of a second adjacent channel waiver. They do not need to be the same two channels throughout the translator's service contour area. An available LP-10 channel does not meet these requirements.

## **TRANSLATOR APPLICATION PRIORITY**

Then we need to set priorities within the translator service for the remaining applications.

REC recommends the following priority order:

- Applicants that currently have an AM broadcast holding and their intention is to use the translator to provide fill-in service for the AM station. The applicant will need to amend their application to specify the correct primary station.
- Applicants that currently have an FM broadcast holding and are proposing a fill-in FM service where a gain area can be demonstrated. Fill-in services are required to not exceed the service contour of their primary station.
- Non-commercial applicants who had broadcast holdings prior to the filing window who are proposing service with a primary station within 350 km of the translator.
- Non-commercial applicants who had broadcast holdings prior to the filing window who are proposing service with a primary station exceeding 350 km of the translator.
- If a common applicant still has applications for more than one channel covering primarily the same area, the applicant must choose which application will proceed, even if it is mutually exclusive with other applications. All other applications would be dismissed.

## CONCLUSION

REC feels that we need to move some of these Auction #83 applications ahead while maintaining a level playing field that assures that LPFM stations will have opportunities. Many of these opportunities were lost through those who used the system to profit from speculative applications. REC feels that the Commission needs to issue a Notice of Proposed Rulemaking to not only implement the LCRA but also to implement procedures for completing the Auction #83 window prior to opening a window for new LPFM stations and LPFM major change applications.



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APPENDIX A – A SAMPLING OF TRANSLATOR APPLICATIONS FILED BY  
GOLD COAST BROADCASTING IN THE LOS ANGELES METRO AREA

Application BNPF-2003	Cha- nnel	Facility ID	Primary Sta.	Location (CA)	watts	HAAT	74.1253(b) pwr limit
0317FLX	300	145361	KCAQ	Culver City	250	66	55
0317END	292	155961	KCAQ	Malibu	250	630	10
0317ERA	248	155973	KCAQ	Malibu	250	630	10
0317ERU	240	155987	KCAQ	Malibu	250	630	10
0317ETK	252	155990	KCAQ	Malibu	250	630	10
0317EVB	288	155995	KCAQ	Malibu	250	630	10
0317EXY	300	156006	KCAQ	Malibu	250	630	10
0317FBB	260	156014	KCAQ	Malibu	250	630	10
0317FGI	292	156028	KCAQ	Cornell	250	630	10
0317FIV	248	156039	KCAQ	Cornell	250	630	10
0317FPN	244	156055	KCAQ	Culver City	250	66	55
0317FRY	256	156065	KCAQ	Culver City	250	66	55
0317FTE	252	156076	KCAQ	Culver City	250	66	55
0317FXS	288	156095	KCAQ	Cornell	250	630	10
0317GAY	249	156118	KCAQ	Newhall	250	631	10
0317GJZ	256	156164	KCAQ	Encino	250	329	10
0317GNB	300	156196	KCAQ	Encino	250	329	10
0317GNJ	244	156207	KCAQ	Encino	250	329	10
0317GNP	292	156213	KCAQ	Encino	250	329	10
0317GNV	260	156222	KCAQ	Encino	250	329	10

In addition, there are many other questionable applications from Gold Coast.

APPENDIX B  
REC PROPOSED TRANSLATOR DISTANCE SEPARATION CHARTS  
FOR LP-100 STATIONS

Distance to FM Translator 60 dBu Contour	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second adjacent Channel Minimum Separation (km)	I.F . Channel Minimum Separation (km)
	For No Interference Required	No Received	For No Interference Required	No Received	Required	10.6 or 10.8 MHz
<u>17.3 km or greater</u>	<u>39</u>	<u>67</u>	<u>28</u>	<u>35</u>	<u>21</u>	<u>None</u>
<u>greater than 15.3 km, but less than 17.3 km</u>	<u>36</u>	<u>59</u>	<u>25</u>	<u>32</u>	<u>18</u>	<u>None</u>
<u>greater than 13.3 km, but less than 15.3 km</u>	<u>34</u>	<u>55</u>	<u>23</u>	<u>28</u>	<u>16</u>	<u>None</u>
<u>greater than 11.3 km, but less than 13.3 km</u>	<u>32</u>	<u>51</u>	<u>21</u>	<u>26</u>	<u>14</u>	<u>None</u>
<u>greater than 9.3 km, but less than 11.3 km</u>	<u>30</u>	<u>44</u>	<u>19</u>	<u>21</u>	<u>12</u>	<u>None</u>
<u>greater than 7.3 km, but less than 9.3 km</u>	<u>28</u>	<u>36</u>	<u>17</u>	<u>19</u>	<u>10</u>	<u>None</u>
<u>Greater than 5.3 km, but less than 7.3 km</u>	<u>26</u>	<u>30</u>	<u>15</u>	<u>16</u>	<u>8</u>	<u>None</u>
<u>Less than 5.3 km</u>	<u>24</u>	<u>24</u>	<u>13</u>	<u>13</u>	<u>6</u>	<u>None</u>