

Before the  
Federal Communications Commission  
Washington DC 20554

In the Matter of )  
 )  
Amendment of Section 73.215 of the )  
Commission's Rules Related to Contour ) RM-11643  
Protection for Short Spaced )  
FM Assignments )

**COMMENTS OF THE  
MISSISSIPPI ASSOCIATION OF BROADCASTERS**

The Mississippi Association of Broadcasters (MAB)<sup>1</sup> files these comments in response to the September 28, 2011, *Public Notice* in the above-captioned proceeding.

MAB supports the proposal submitted by SSR Communications, Inc. ("SSR") to amend Section 73.215 of the Commission's rules to provide contour protection of actual operating facilities for non-reserved band FM stations.<sup>2</sup> This system has worked well in the reserved portion of the FM band and would provide FM stations with much-needed flexibility to improve service to wider areas, without causing interference to adjacent or co-channel stations.<sup>3</sup>

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<sup>1</sup> The Mississippi Association of Broadcasters is a non-profit trade association for radio and television stations in Mississippi. With 100% of Mississippi TV stations, and 85% of Mississippi radio stations as members, the MAB represents the Mississippi broadcast industry in Washington and at the state and local levels. The Mississippi Association of Broadcasters has been representing and serving Mississippi radio and television since 1941. Its purpose is to assist members with broadcast industry and general business related challenges.

<sup>2</sup> Specifically, the proposal would: 1) eliminate Section III-B, Question 4 from the FCC's Form 301, "Application for Construction Permit for Commercial Broadcast Station" for minor change applicants; 2) amend Section 73.215(b)(2)(ii) so that applicants need only protect the actual facilities of neighboring co-channel and adjacent channel facilities (rather than hypothetical maximum height and power); and 3) eliminate Section 73.215(e) of the Commission's rules (setting out minimum distance separation requirements).

<sup>3</sup> See 47 C.F.R. § 73.509.

The Commission's primary goal in retaining maximum distance separation requirements was to preserve upgrade potential—namely, the ability to “begin operation with reduced facilities initially and upgrade at a later date.”<sup>4</sup> Now, however, the FM market is fully mature and stations have had ample time to reach full operations.<sup>5</sup> Given that the Commission has repeatedly acknowledged the inefficiency of protecting theoretical contours in its various reclassification procedures,<sup>6</sup> it should now take the next step and adopt across-the-board actual contour protection as a realistic means of allowing for the expansion of stations that seek to improve their service areas.

Under SSR's proposal, service can be improved without changing antenna location, thus easing the perennial pressure on stations to change their communities of license and migrate toward urban areas in search of larger audiences, to the detriment of rural listeners. Such a result would clearly be in the public interest and in furtherance of the Commission's mandate to ensure a “fair, efficient and equitable” distribution of broadcast services throughout the country.<sup>7</sup>

The proposal does not pose any threat of interference to existing adjacent or co-channel stations through the “AM-ization” of the FM service. This argument was thoroughly considered and rejected by the Commission decades ago, when it concluded that “these other factors [*i.e.* skywave interference, variable propagation, bandwidth limitation, spectrum noise levels, and

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<sup>4</sup> *Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignments by Using Directional Antennas*, Report and Order, 4 FCC Rcd 1681, 1684 (1989), ¶¶ 26.

<sup>5</sup> Similarly, concerns regarding simplicity of administration and even distribution of assignments are less important “in a mature service . . . than in the early phases of its development.” *Id.* at 1685, ¶ 29.

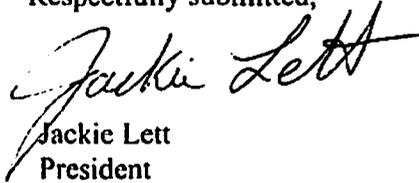
<sup>6</sup> *See, e.g., 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, Second Report and Order, 15 FCC Rcd 21649 (2000), ¶20.

<sup>7</sup> *See* 47 U.S.C. §307(b).

receiver design characteristics], not contour protection, are the principal causes for erosion of signal quality in the AM band. We have no reason to believe that the further application of contour protection in the FM service will have any adverse effects.”<sup>8</sup> Indeed, the Commission at that time “assumed there would be little question as to [contour protection’s] validity as a station assignment methodology,” given its track record in the non-commercial educational FM service.<sup>9</sup> The same holds true today.

We therefore urge the Commission to issue a notice of proposed rulemaking to implement SSR’s proposal without delay.

Respectfully submitted,

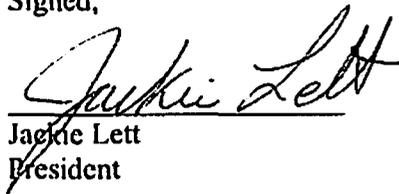


Jackie Lett  
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October 19, 2011

I hereby verify under penalty of perjury that the foregoing Comments are true and correct.

Signed,



Jackie Lett  
President

Executed on October 19, 2011

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<sup>8</sup> See *Amendment of Part 73 of the Commission’s Rules to Permit Short-Spaced FM Station Assignments by Using Directional Antennas*, Report and Order, 4 FCC Rcd 1681, 1685 (1989), ¶¶ 28.

<sup>9</sup> *Id.* at 1684, ¶ 23.

**CERTIFICATE OF SERVICE**

I, Jackie Lett, hereby state that a true copy of the forgoing Comments was delivered by U.S. mail, postage prepaid, this 19<sup>th</sup> day of October, 2011, to the following:

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Jackie Lett