

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)
)
Amendment of Section 73.214 of the) RM-11643
Commissions Rules, Related to Contour)
Protection for Short Spaced FM Assignments)

TO: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau

COMMENTS OF VERO BEACH BROADCASTERS, LLC

Pursuant to Section 1.405 of the Commission's Rules and Regulations, Vero Beach Broadcasters, LLC ("VBB") hereby respectfully submits the following Comments on the Petition for Rulemaking filed in this proceeding by SSR Communications, Inc. ("SSR")

The subject request for rulemaking proposes to replace the current allocation of FM commercial radio stations by class with a system that would base spacing of FM radio stations on avoiding contour overlaps. This proposal would result in commercial FM allocations being handled in the same manner as is currently the case for the noncommercial FM band and for AM radio.

While the SSR proposal does offer an alternative to maximizing coverage for commercial FM stations who must abide by mileage restrictions despite the protected facility not being fully compliant with the maximum allowable height and or power (usually height) it is only achieved at the expense of co-channel or in some cases adjacent channel stations with less than maximum facilities. VBB would propose a solution which in fact would simplify the matter in agreement with existing FCC regulations. Vero's proposal works within the existing Commission scheme of allocations by preserving the relevant classes of stations, spacing tables and protection contours while offering improved coverage for some existing stations with less than full facilities.

The most common limiting factor in a commercial FM facility not achieving its maximum allowable facilities is its antenna supporting structure height (which is at the heart of the SSR petition). Oftentimes this is due to local community objection or FAA opposition to the erection of less than optimal tower heights rather than a lack of desire of the licensee to maximize its service contours. In many such situations Class A, B or Class C broadcast facilities (and their sub classifications) are forced to operate at reduced heights from the maximum permissible for its Class as they are often stacked on a shared tower with other

broadcast facilities. The result is (as SSR correctly states) the public is underserved as the licensed facilities do not achieve their intended coverage for the given class of station.

FM coverage is dependent on a station's radiated power level and its antenna height above average terrain (HAAT). In the current scheme each class of station is given a maximum power at a given height which correlates to a predicted coverage area. For example; both Class B and C2 stations are predicted to have a 1 mil contour that goes out approx 52km (32.4 miles). Meanwhile, 3 kw Class A stations have a 1 mil contour of roughly 24km (15 miles). To achieve something close to the predicted licensed contour for 3 kw Class A stations the operating below 100 meters the Commission has long permitted upward adjustment of power to compensate for less than optimal height. For some reason, the Commission has never extended the courtesy to other classes of stations.

VBB proposes extending this method of achieving maximum predicted coverage through adjustment of transmitter power levels vs. height to Class B and C stations that are by current definition fully spaced (with some obvious limitations such as 100kw stations within 200 miles of our borders which are subject to treaties). As such, all classes of licensees would be permitted to achieve, but not exceed the coverage area as licensed without violating current contour protection limitations. Additionally, the proposal does not pose any further threat of interference to existing adjacent or co-channel stations since most license classifications would have equal opportunity to upgrade. Short spaced 73.215 stations could take advantage of the change in directions where they do not create interference.

Our proposal also preserves the current administratively efficient method of allocations (the spacing tables).

As an example let's take a full power class C2 station operating at a height of 122 meters (400 feet) or roughly 28 meters below maximum. As stated above a full facility Class C2 should have 1 mil coverage out to about 52km. The lessened height, however, reduces the 1 mil coverage to 48.3km (30 miles), a loss of 3.6km (a little less than 2 and a quarter miles). To replicate full coverage at the lower height would require nearly 76kw of power but would also increase interference of 5.6km to a minimally spaced co-channel station. At 60 kw (as versus to current maximum of 50kw) the station would fully protect the 34dbu 50/10 contour of the co-channel station while allowing the short stick station to recover nearly half of the "lost" coverage. It also offers the added benefit of better building penetration and HD coverage, especially at the fringes.

The broadcast industry today is dependent upon reaching people. Quality coverage is a key ingredient. The better the signal the higher the likelihood an area will be served. The SSR proposal would require that some

broadcasters whose facilities are not maximized would give up the potential to achieve full licensed coverage and thus leave areas of the public underserved. Alternatively, rather than punish the under performing facility, the VBB proposal would allow many commercial FM stations to better service the public and achieve maximum signal penetration.

The adoption of this proposed change would offer a considerable improvement in service areas without negative impact on co-channel and adjacent channel stations. It would also minimize demands on precious Commission resources. Therefore, VBB opposes the Petition for Rulemaking offered by SRR and we urge the Commission to issue a Notice of Proposed Rulemaking to implement VBB's proposal.

Respectfully Submitted,

Robert Mc Allan
Managing Member

Jim Davis
Vice President / General Manager

Vero Beach Broadcasters, LLC
1235 16th Street
Vero Beach, FL 32967

Sent electronically