

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of)
)
Petition for Rulemaking of)
Geo Broadcast Solutions, LLC)
To Permit Origination of)
Programming on FM Booster Stations)

RM - _____

MB Docket No. _____

FILED/ACCEPTED

APR - 4 2012

**Federal Communications Commission
Office of the Secretary**

To: Office of the Secretary
Attention: The Commission

**PETITION FOR RULEMAKING OF
GEO BROADCAST SOLUTIONS, LLC**

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202-293-0011

April 4, 2012

APR 4 2012
MB Audio 12-8

ORIGINAL

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SUMMARY

In the instant Petition for Rulemaking, Geo Broadcast Solutions, LLC (GBS) seeks modification of 47 C.F.R § 74.1231(i) to allow FM booster stations to originate programming. As demonstrated in the Petition, allowing program origination would promote localism and significantly benefit a financially challenged radio industry.

GBS, in cooperation with licensees who received experimental authorizations and implemented the GBS technology, have demonstrated that FM stations could successfully transmit different, targeted programming over several FM boosters simultaneously.

Modification of the rule would enhance the ability of FM stations to remain economically viable and would augment their relevance and service to their communities. Modification of the rule would be technically feasible, would promote competition and advance the public interest.

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**PETITION FOR RULEMAKING OF
GEO BROADCAST SOLUTIONS, LLC**

Geo Broadcast Solutions, LLC (“GBS”), pursuant to Section 1.401(a) of the Commission’s rules, 47 C.F.R § 1.401(a), hereby petitions the Commission to initiate a rulemaking proceeding to amend its rules to allow FM booster stations to originate programming. GBS requests that the Commission modify 47 C.F.R. § 74.1231(i), as appropriate, to effectuate grant of this Petition. This relief would be consistent with and further effectuate the Commission’s longstanding goal of promoting localism. It would also improve the viability of a financially challenged radio industry and would benefit the U.S. economy as a whole. Thus, grant of the Petition offers significant public interest benefits.

A. STATEMENT OF INTEREST

GBS has expertise in booster technology. Through deployment of special, proprietary engineering designs developed by GBS, as implemented by stations in two markets with differing terrain pursuant to the issuance of FCC experimental authorizations, multiple FM boosters have successfully targeted specific geographic locales with disparate announcements and advertising messages. This has been accomplished with minimal interference between these

boosters as well as the main facility and other boosters, while also orienting minimal interference to lesser populated areas.¹

B. Background

Section 74.1231(i) of the Commission's rules provides, *inter alia*:

An FM broadcast booster station is authorized to retransmit only the signals of its primary station which have been received directly through space and suitably amplified, or received by alternative signal delivery means including, but not limited to, satellite and terrestrial microwave facilities. The FM booster station shall not retransmit the signals of any other station nor make independent transmission...

As demonstrated herein, several compelling public interest reasons justify modifying Rule 74.123(i) so as to permit independent transmissions of announcements targeted to specific hyper-local geographic areas on booster facilities. In order to place the instant proposal in its proper context, a brief discussion of FM boosters and how they are currently utilized is discussed below.

FM translators and FM boosters comprise a low power service on the FM broadcast band (88-108 MHz) that complements primary FM service. The service was first created in 1970 to allow FM stations to provide supplementary service to areas in which direct reception of radio service was unsatisfactory due to distance or intervening terrain barriers (*e.g.*, mountainous locations).

Translator stations simultaneously rebroadcast the signal of a primary AM or FM station on a **different frequency**. **Booster stations** are essentially "fill-in" facilities operating on the **same frequency as the main station**. See Section 74.1201(f) of the rules. FM booster stations are licensed to the licensee of the primary FM station whose signal they retransmit. On the other hand, FM translators may be owned either by the primary station licensee or by an independent entity. The rules governing the licensing and operation of FM translator and booster

¹ GBS has a patent application pending for the master control device and associated software that will control the boosters by automated means.

stations are set forth in Part 74 of the FCC's rules (47 CFR Sections 74.1 through 74.34 and 74.1201 through 74.1290).

This Petition for Rulemaking deals with only the utilization of FM boosters, not FM translators.

C. The Technology

GBS has developed a proprietary FM booster system design, influenced by techniques utilized in the RF, cellular and paging industries, that allows an FM radio station to periodically broadcast different announcements simultaneously to different segments of its listening area. The proprietary booster system design includes audio and control switching, routing, hardware, software and implementation techniques. This technology allows a station to simultaneously broadcast different audio messages, such as public service announcements (PSAs) or commercial announcements on multiple FM booster stations. GBS has pending patent applications entitled "Equipment System and Methodologies for Segmentation of Listening Area into Sub-Areas Enabling Delivery of Localized Auxiliary Information" and "Equipment, System and Methodologies for Time Synchronization Between Multiple RF Frequencies, RF Power, and Antenna Selection of Boosters in a Segmented Listening Area Delivering Localized Auxiliary Information." The system allows a radio station to simultaneously reach different listeners in different geographic locales and provide them with targeted commercial and non-commercial programming. The GBS "Control Unit" will direct different radio fields from automation equipment to different booster zones, while simultaneously turning the boosters on and off (if they are not on continuously already) in synchronization with the split audio field. Alternately, the audio can be stored at the "Control Box" and routed and transmitted to the booster zone at the appropriate time when directed. The "Control Unit" software has a timed event system built into

the server, which can program events to occur at specified times. Specific items can be triggered at a particular time and date or on a rotating schedule at prescribed times.

As demonstrated through testing, the technology enables the GBS System to allow FM stations to simultaneously divide their signals into separate zones at targeted times. See Test Reports, Attachments C and G.

D. Randolph, Utah (Salt Lake City Area) Experimental Authorization

On March 9, 2010, Bustos Media of Utah Licenses, LCC (“Bustos”), using GBS technology, requested an experimental authorization, pursuant to Section 73.1510 of the Commission’s rules.² Specifically, Bustos sought authorization to utilize certain of the existing boosters associated with its station, KDUT(FM), Randolph, Utah, to originate limited non-commercial announcements and programming. Bustos requested the authorization in order to permit it to broadcast simultaneously, via its FM boosters, different non-commercial announcements targeted to discrete audiences. The broadcasts were intended to appeal to intensely local, specific and diverse audiences, in each booster station’s limited service area. Each of the FM boosters would concurrently broadcast a different non-commercial message (different from each other and different from the primary station). The testing, under the supervision and control of Bustos, was conducted by Geo Spots, LLC, a predecessor entity to GBS.

The Media Bureau granted the request for experimental authorization pursuant to a March 29, 2010 letter (Attachment B). In granting the request, the Bureau acknowledged the following:

We find that the public interest would be served though the collection of data on the feasibility of transmitting independent targeted announcements on FM boosters, which could be used in support of a

² A copy of the request for the experimental authorization is attached (Attachment A).

Petition for Rule Making to modify the Commission's Rules to permit the use of such transmissions.

In its grant, the Media Bureau also requested, pursuant to Section 73.1510(d) of the Commission's rules, that, following completion of testing, Bustos file a report detailing its research, experimentation and results. On July 29, 2010, the requested report was submitted to the Commission (Attachment C).³

E. Avon Park, Florida Experimental Authorization

On July 19, 2011, Cohan Radio Group, Inc. ("Cohan"), licensee of Station WWOJ(FM), Avon Park, Florida, predicated on designs and technology developed by GBS, requested an experimental authorization, pursuant to Section 73.1510 of the Commission's rules (Attachment D). That request was supplemented by a September 22, 2011 submission (Attachment E). The request, as supplemented, sought an experimental authorization to conduct testing similar to the testing conducted relative to KDUT, Randolph, Utah. The Avon Park station was selected so that the proposed booster service could be tested in a more challenging terrain. While the KDUT testing was accomplished in mountainous terrain, the WWOJ testing was conducted in a flat environment. Furthermore, WWOJ historically had no boosters associated with the primary station. Thus, it presented an opportunity for Lazer Spots, LLC,⁴ under the supervision and control of Cohan, to apply its technical expertise so as to maximize the effectiveness of its targeted message concept. Lazer Spots implemented the engineering models it had developed by situating the boosters so as to obtain results which would address concerns that the technology could be utilized successfully in the most challenging types of environment.

³ The report was submitted by Lazer Spots, LLC, a successor entity to Geo Spots, LLC.

⁴ Lazer Spots is a predecessor-in-interest to GBS.

Pursuant to a September 28, 2011 letter (Attachment F), the Media Bureau granted the experimental authorization. Similar to its prior grant, the Bureau acknowledged that the data collected “could be used to support a Petition for Rule Making to modify the Commission’s Rules to permit the use of such transmissions.”

In addition, the Bureau requested that, within sixty (60) days following completion of the experimental operation, a full report of the research, experimentation and results be submitted pursuant to Section 73.1510(d). On January 18, 2012, Cohan submitted the report to the Commission. A copy of that report is attached (Attachment G).

Both of the tests that were conducted pursuant to the experimental authorizations issued by the Bureau successfully demonstrated the viability of the engineering approach. Specifically, the tests evidenced minimal interference between the FM boosters themselves, or either the primary station signal or boosters associated with other stations.

F. Localism

Localism is a core value of the Communications Act of 1934, as amended. In this regard, the Commission requires licensees to serve their designated communities of license by, *inter alia*, (1) providing city grade service to the designated community; (2) locating main studios in compliance with § 73.1125 of the Commission’s rules and (3) offering programming that will serve the designated community. *See Application of WBBK Broadcasting, Inc. to Modify Facilities Including Channel Classification and Transmitting Location, Memorandum Opinion and Order*, 15 FCC Rcd 5906, par 4 (2000).

Many years ago, the Commission mandated that non-network stations originate a majority of their non-network programs from the main studio, and that network stations originate at least two-thirds of non-network programs or a majority of all programs, whichever was less,

from their main studios. The 1950 Report and Order, and the main studio rule, as amended pursuant to that Report and Order, made clear that airing local programming was the key to promoting localism and to determining whether stations appropriately served particular communities. The rule defined radio transmission as:

The opportunity which a [broadcast] station provides for the development and expression of local interests, ideas and talents and for the production of [broadcast] programs of special interest to a particular community...A station often provides service to areas at a considerable distance from its transmitter...⁵

The Commission appears to have reasoned that locally originated programming would result in locally oriented programming, thereby serving the public interest. In 1987, the local origination rule was deleted. *See* Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Stations, 62 RR 2d 1582 (1987).

The *1952 Television Main Studio Location Memorandum Opinion and Order*, 43 FCC 888, 890 (1952), appeared to provide additional goals for television studios that the Commission would later apply to radio as well. The *Order* clarified that the requirement of a local main studio facility was to encourage station interaction with the community.

The accessibility of the broadcast station's main studio may well determine in large part the extent to which the station (1) can participate and be an integral part of community activities and (2) can enable members of the public to participate in live programs and present complaints or suggestions to the station. [*See* 1952 Television Memorandum Opinion and Order, at 890].

Together, the 1950 radio and 1952 television Orders identified five core objectives: 1) assurance that stations provide service to everyone, not just to persons living in

⁵ 43 FCC 570 (1950).

major metropolitan areas; 2) generation of locally-oriented programming; 3) participation of local residents in the production of programming; 4) encouragement of station participation in community activities; and 5) facilitation of community residents' complaints or suggestions to station personnel. Grant of the instant rulemaking would be consistent with these objectives.

In January 2008, the Commission released its *Report in Broadcast Localism and Notice of Proposed Rulemaking*, 23 FCC Rcd 1324 (2008). This report was a result of *Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd 12425 (2004). The Commission emphasized the importance of the dissemination of emergency information to the public as follows:

One [commenter] described the important role local radio played in providing news updates and information on escape routes, survival tips, and recovery strategies in New Orleans in the aftermath of Hurricane Katrina. Another stated that, with the help of local broadcasters, the State of Texas was able to turn a local tragedy into a triumph of technology and cooperation by creating the nation's first Amber Alert using EAS, and that local broadcasters' cooperation and leadership on public safety matters were much appreciated. Another commenter stated that, without local broadcasters in North Carolina, there would be no Amber Alert system. Witnesses at the Rapid City hearing discussed the arrangement there between broadcasters and the local government that provides local officials expedited access to local stations in times of emergency. The commenter noted that local broadcasters have made their studios available to emergency management for the purpose of recording public service announcements ("PSAs"), and have helped with the distribution of the PSAs to other outlets in the area.⁶

The Commission over the years has promulgated many rules that emphasize the importance of localism, specifically: (1) frequencies are allocated to specific communities (§ 73.202 and 73.1120); (2) a station's public inspection file is maintained and accessed within the general community of license (§ 73.3526); (3) the licensee must maintain a quarterly needs/program list consisting of a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period (§

⁶ 23 FCC Rcd at 13.

73.3526(b)(12); (4) applicants must give local public notice of the filing of certain applications (§ 73.3580); (5) the main studio must be located within the community of license or close-in (§ 73.1125).

The GBS proposal would directly support the Commission's goal of promoting local service. It would enable a station to target disparate information to listeners simultaneously in various parts of a station's service area. For example, a station could target an emergency warning (i.e., a road closure, flood, fire, tornado or other important information) where it would have the most immediate and direct impact – to listeners in the directly affected locale. The ability of stations to utilize this technology in times of natural disasters (e.g., Hurricane Katrina) would have significant public interest benefits. The ability to provide this type of targeted information would be consistent with the objectives articulated in the localism rulemaking.

In June 2011, the Commission released a report entitled *The Information Needs of Communities*, authored by Steven Waldman and the Working Group on Information Needs of Communities. At page 14, the following was stated:

Though commercial radio offers a dazzling range of programming options, in most cities, local journalism is not one of them.

The instant proposal would not only give stations the ability to target announcements to specific geographic locales, but it would also allow stations to tailor their news and public affairs programming to specific geographic areas. For example, stations would be able to broadcast emergency warnings targeted to specific areas. Weather alerts, road closures, downed electric lines, and AMBER alerts could be geographically targeted. Religious programming could be tailored to be received by different denominations. Moreover, it would allow stations to target programs to geographic areas in a foreign language. Stations could tailor information to specific listeners and not be forced to use a “cookie cutter” approach to the dissemination of news and

public affairs programming. Radio can be truly responsive to the needs of its listeners and able to address a more diverse listener base. Radio would be able to more effectively acknowledge and address in a meaningful manner the different and diverse individuals and groups located within its service area.

As previously discussed, widespread use of the technology developed by GBS would permit FM stations to better serve all parts of their communities. In this regard, public service announcements (PSAs) could be tailored to sub-communities within a particular locale. A station could simultaneously broadcast one PSA tailored to the northern part of its service area and concurrently broadcast another tailored to the southern part of its service area. A station could announce city council meetings to those residents of a particular city in question and a different meeting to residents of a different city. A station could disseminate information to a particular defined area in its service area and maximize the immediacy and impact of such information (i.e., road closures, emergency information, etc.). It would take the concept of localism to an entirely new and higher level.

Announcements could also be tailored to address the particular language needs of a given area. For example, a station could provide concurrent broadcast of PSAs in several languages to meet the needs of different ethnic groups in its community.

GBS, in the instant rulemaking, is not seeking the establishment of a new hybrid FM service. That is not GBS's intent. Accordingly, GBS suggests, should the Commission deem it appropriate or necessary, that any independent programming distinct from the primary station, except for commercials and public service announcements (PSA's), be limited to three (3) hours a day except in cases of emergencies.

On July 14, 2006, the National Association of Broadcasters (“NAB”) filed a Petition for Rulemaking to initiate a rulemaking proceeding to amend its rules to allow AM broadcast stations to operate FM translator stations. In its petition, the NAB emphasized the following:

AM radio formats often focus on local community-responsive issues to distinguish themselves in an increasingly competitive market. All-news, all-sports, 24-hour talk radio and religious programming formats are common on this band, as are discussions of local public affairs and politics, traffic announcements, and broadcasts of local high school ballgames.

The NAB Petition suggested that the relief requested would help AM stations remain “viable” and continue to be relevant to their communities. The NAB argued that allowing FM translators to broadcast AM signals would be “technically feasible, pro-competitive and pro-public interest.” The same logic applies to the instant proposal as it relates to FM radio and the utilization of FM boosters. It should be noted that the Commission on June 29, 2009, in a *Report and Order*, 24 FCC Rcd 9642, permitted AM stations to use FM translators to rebroadcast their signals. By taking such action, the Commission permitted AM broadcasters to better serve their local communities and, thus, promote the Commission’s bedrock goals of localism, competition and diversity in the broadcast media. The rule revision proposed in the instant Petition would achieve a similar goal.

FM stations can and do help local organizations present themselves directly to local citizens, raise their public profile in a unique way and cement their connections within local communities.

FM stations are also involved in their local communities’ efforts relating to abducted children and emergency preparedness. Granting the instant Petition would enable FM broadcasters to continue, enhance and expand this kind of public service to their local communities.

G. The Economic Effect

In the Commission's Radio Multiple Ownership Rules, 7 FCC Rcd 2755, 2760 (1992), the Commission prophetically observed: "The radio industry's ability to function in the 'public interest, convenience and necessity' is fundamentally premised on its economic viability." The Commission recognized over thirty (30) years ago that radio stations present programming that serves "the wants and needs of the public" including news and other informational programming in "response to market forces".⁷ It is submitted that the GBS technology will have demonstrable public interest benefits, provide an economic boost to a financially challenged radio industry and provide efficiencies and increased profits to small businesses desiring to purchase locally targeted advertising time. The ability of radio to accomplish these vastly improved public interest goals is directly dependent on achieving improved financial health. The GBS technology will accomplish both of these goals.

On February 17, 2012, The Radio Advertising Bureau released a report showing industry revenue for 2011.⁸ The report details an overall 1% year-over-year growth in radio revenue in FY2011. Spot advertisements, which account for over 80% of radio revenue, decreased by 1% as compared to 2010 (including a 4% decrease in Q4 2011).

As noted in a description of the RAB report by Radio World,⁹ the slight increase in overall revenue for 2011 and 2010 follows "a six-year period of mostly flat-to-down years (including a grim 18% drop in 2009). U.S. commercial radio however is still well off the peak number of \$21.7 billion that RAB reported in 2006." Indeed, between 2007 and 2009, annual

⁷ *Deregulation of Radio, Report and Order*, BC Docket No. 79-219, 84 FCC 2d 968, 978 (1981).

⁸ Available at http://www.rab.com/public/pr/revenue_detail.cfm?id=124.

⁹ Available at <http://radioworld.com/article/radio-revenue-holds-its-own/211906>.

radio revenue fell by 2%, 9% and a staggering 18%, respectively.¹⁰ Put into perspective, 2011's modest 1% increase is but a hint of good news.

While increasing modestly, national radio revenue is still well below what it was just a few years ago. Technological advancements, such as GBS's targeting methods, have the potential to improve local advertising revenue for radio stations.

Specifically, local businesses would no longer need to pay for coverage that is neither needed nor desired, but instead could target their advertising messages to specific geographic audiences. The Commission should also allow the utilization of Radio Broadcast Data System (RBDS) technology by FM boosters which transmit in the manner contemplated by this Petition.

A station would be able to broadcast different spots concurrently for different advertisers wishing to target different geographical areas within the market. Assuming the cost of a 30-second spot in a major market for total coverage is X, a local business could purchase a "targeted" ad for a fraction of that amount. In the same time slot, a licensee could sell other ads targeted to other specific locales. Radio stations will thereby have the opportunity to significantly increase local revenues by selling multiple spots in the same time period to different zones and local businesses will be able to benefit through cost savings and the ability to target their advertising messages to the geographic areas most beneficial to them. Local radio advertising will be available to local businesses at lower rates, potentially allowing radio stations to attract advertisers that previously may have been priced out of the market. Those new advertisers will also benefit by having the ability to attract new customers with lower cost, hyper-targeted ads. Consumers will likewise benefit because of cost savings passed on because of the lower cost of the goods and services sold. It is a win/win/win scenario – radio stations, advertisers and consumer/listeners will all benefit.

¹⁰ Available at <http://www.rab.com/public/pr/yearly.cfm>.

Today, many advertisers cannot afford to advertise on radio. Through the use of targeted advertising and attendant cost savings, both radio and local businesses can benefit. Increase radio advertising purchases by local businesses will advance the public interest by contributing to the revival of the U.S. economy.

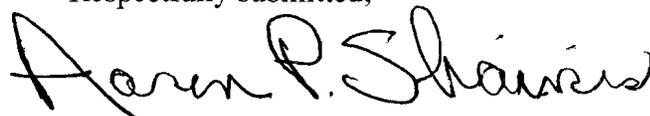
H. Political Advertising

The deployment of the GBS technology would also have a significant impact on political advertising. For example, a Congressional candidate for political office in Northern Virginia would not have to pay for a political ad that would reach listeners residing in Washington, DC or Maryland. The political candidate's message would be targeted to those locales that contain constituents who are eligible to vote for the particular candidate. The cost savings attendant to pinpointing their message would permit candidates to more effectively promote their candidacies.

I. Conclusion

Modification of 47 C.F.R. § 74.1231(i) of the rules as requested herein would clearly be in the public interest. Allowing stations to originate programming on FM booster stations would advance the Commission's oft-stated objective of promoting localism and increasing the diversity of voices on the airwaves. It would also assist in the economic recovery of radio and promote the overall economic recovery of the country as a whole.

Respectfully submitted,

A handwritten signature in black ink that reads "Aaron P. Shainis". The signature is written in a cursive style with a large, prominent initial "A".

Aaron P. Shainis, Esq.
Counsel for
Geo Broadcast Solutions, LLC

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April 4, 2012

ATTACHMENT A

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HARRY C. MARTIN
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MATTHEW H. McCORMICK
FRANCISCO R. MONTERO
LEE G. PETRO*
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March 9, 2010

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VIA HAND DELIVERY

Marlene H. Dortsch
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FILED/ACCEPTED

MAR - 9 2010

Federal Communications Commission
Office of the Secretary

Dear Ms. Dortsch:

Bustos Media of Utah License, LLC ("Bustos"), the licensee of KDUT(FM), Facility ID. No. 88272, Randolph, Utah; KDUT-FM1, Facility ID No. 122076, Bountiful, Utah; KDUT-FM2, Facility ID No. 122078, Salt Lake City, Utah; KDUT-FM3, Facility ID No. 123370, Ogden, Utah; and KDUT-FM5, Facility ID No. 131424, Provo, Utah, by its attorneys, and pursuant to Section 73.1510 of the Commission's rules, requests an experimental authorization. In support, Bustos submits the following:

Bustos seeks an experimental authorization to allow it to utilize certain of the boosters associated with KDUT to originate limited programming. In this regard, Bustos intends to utilize KDUT-FM2, KDUT-FM3 and KDUT-FM5. Specifically, Bustos intends to simultaneously broadcast on each of the aforementioned boosters different non-commercial announcements targeted to discreet audiences. Bustos intends to target the broadcasts to appeal to specific diverse audiences which are encompassed within the boosters' service areas. Each of the boosters in question will concurrently broadcast a different non-commercial message.

Methodology

The broadcasts shall be conducted over a thirty (30) day period. Broadcasts will be done between the hours of 9:00 a.m. and 3:00 p.m. and 7:00 p.m. and 11:00 p.m. It is anticipated that no more than four (4) non-commercial announcements shall be broadcast on each of the boosters in a given hour. The announcements will be directed to the specific needs and interests of the communities served by the respective booster in question.

The broadcasts shall be done at the direction and under the control of Bustos. Bustos is utilizing the services of GEO Spots, LLC ("GEO") to assist it in this endeavor. In this regard, the placement of the announcements shall be done using a master control device.¹ GEO will be employing proprietary technology (patent pending) which will allow different announcements to be placed on each of the boosters in a synchronized time sequence.

Technical Operations/Interference

During the broadcasts, no changes to the authorized facilities are contemplated. Thus, the stations (the boosters and the primary station) will broadcast consistent with their authorizations.

Reynolds Technical Associated ("Reynolds") was retained to determine the interference by the boosters to any other facilities (i.e. either co-channel, 1st, 2nd or 3rd adjacent). The maps which were prepared by Reynolds are attached in Exhibit A. These maps demonstrate that the interference is identical to that allowed by the Commission in granting the various booster licenses.

Public Interest Considerations

Each of the boosters serve a variety of communities. Exhibit B lists the communities and their respective populations which are encompassed within the service contour of KDUT-FM3 (the Ogden booster); Exhibit C provides the same information with respect to KDUT-FM2 (the Salt Lake City booster); and Exhibit D provides the same information with respect to KDUT-FM5 (the Provo booster).

Exhibit E, utilizing 2000 Census data, provides the demographic breakdown for the area encompassed by each of the boosters. While there are certain similarities between the service areas of the boosters, there are also some significant differences. For example, the Salt Lake City booster serves a significantly larger Hispanic population than either Ogden or Provo. Similarly, the Asian population is greatest in the area served by the Salt Lake City booster but there are few Asians in the area served by the Provo booster. It is submitted that an announcement concerning an event affecting the Asian community (e.g. in the form of a PSA) would have little interest to those residents encompassed within the Provo booster. Bustos intends to broadcast some of the announcements in several foreign languages.

It is also submitted that, independent of ethnicity, the needs of these communities are also different. For example, information relevant to the Salt Lake City schools would not necessarily be relevant to those residents of Provo or Ogden. Separate announcements to each of the communities would clearly be in the public interest.

The instant request is consistent with the Commission's recent focus on the future of information needs of communities. See FCC Launches Examination of the Future of Media and Information Needs of Communities in the Digital Age, DA 10-100, released January 21, 2010.

¹GEO has an application pending for a patent for the master control device and associated software that will control the boosters by automated means.

FLETCHER, HEALD & HILDRETH, P.L.C.

March 9, 2010

Page 3

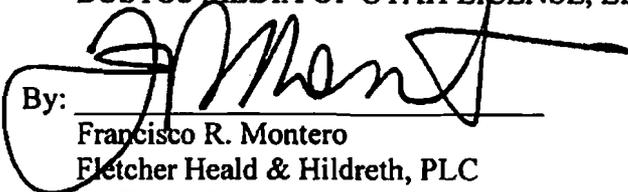
Bustos shall, within thirty (30) days of termination of the experimental authorization, submit a report of the results of the experimental operation. See 73.1510(d). That report shall specifically address the extent any interference presented by the simultaneous operation of the boosters when different broadcasts are being concurrently done.

It is submitted that good cause exists for issuance of the experimental authorization as the instant request satisfies all of the criteria enumerated in Section 73.1510 of the Commission's rules.

Bustos certifies that neither it nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Respectfully submitted,

BUSTOS MEDIA OF UTAH LICENSE, LLC

By: 

Francisco R. Montero
Fletcher Heald & Hildreth, PLC
Its Counsel

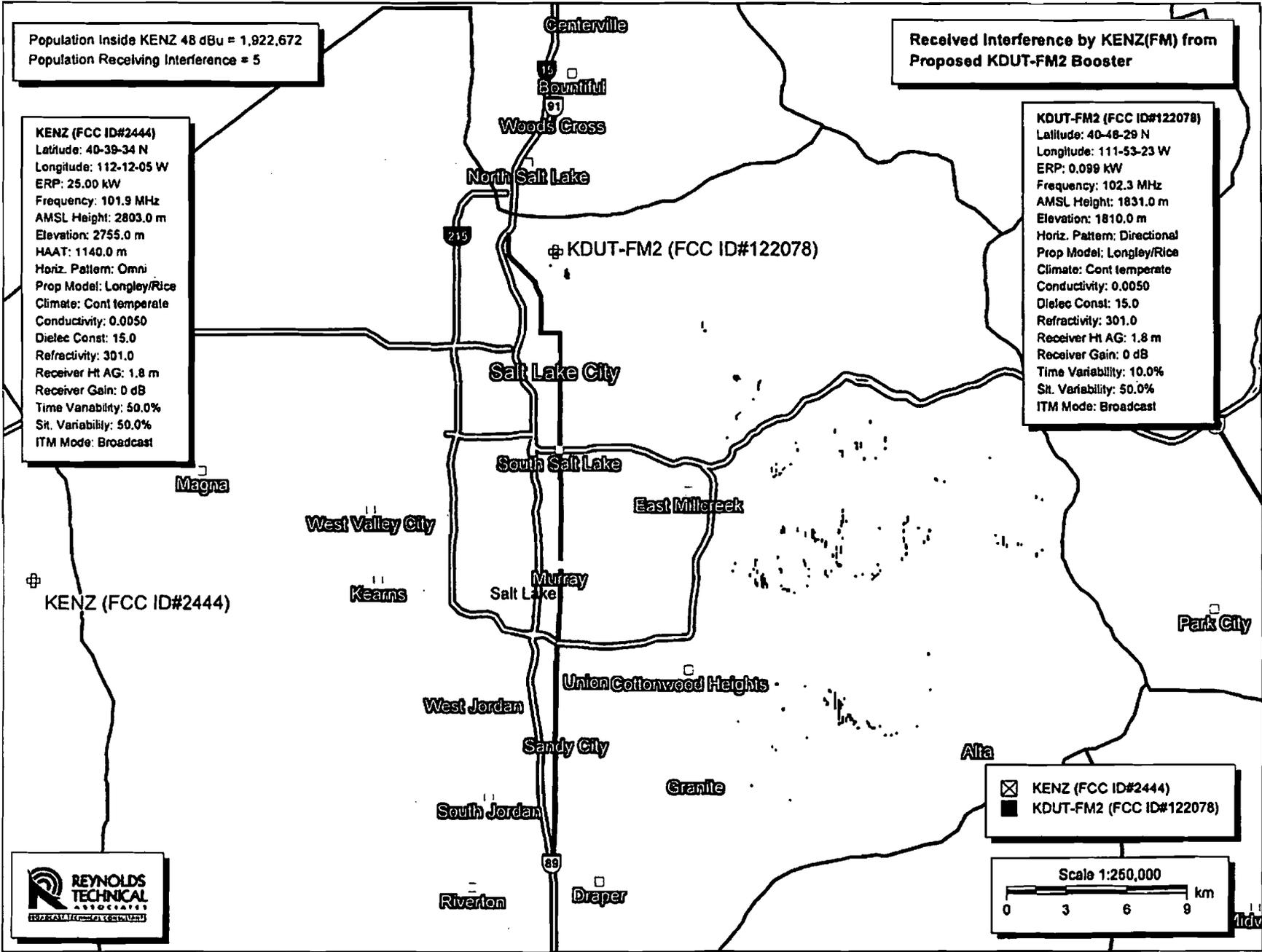
EXHIBIT A

Population Inside KENZ 48 dBu = 1,922,672
 Population Receiving Interference = 5

KENZ (FCC ID#2444)
 Latitude: 40-39-34 N
 Longitude: 112-12-05 W
 ERP: 25.00 kW
 Frequency: 101.9 MHz
 AMSL Height: 2803.0 m
 Elevation: 2755.0 m
 HAAT: 1140.0 m
 Horiz. Pattern: Omni
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 301.0
 Receiver Ht AG: 1.8 m
 Receiver Gain: 0 dB
 Time Variability: 50.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

Received Interference by KENZ(FM) from Proposed KDUT-FM2 Booster

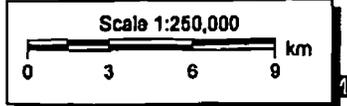
KDUT-FM2 (FCC ID#122078)
 Latitude: 40-48-29 N
 Longitude: 111-53-23 W
 ERP: 0.099 kW
 Frequency: 102.3 MHz
 AMSL Height: 1831.0 m
 Elevation: 1810.0 m
 Horiz. Pattern: Directional
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 301.0
 Receiver Ht AG: 1.8 m
 Receiver Gain: 0 dB
 Time Variability: 10.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast



⊕ KENZ (FCC ID#2444)

⊕ KDUT-FM2 (FCC ID#122078)

⊗ KENZ (FCC ID#2444)
 ■ KDUT-FM2 (FCC ID#122078)



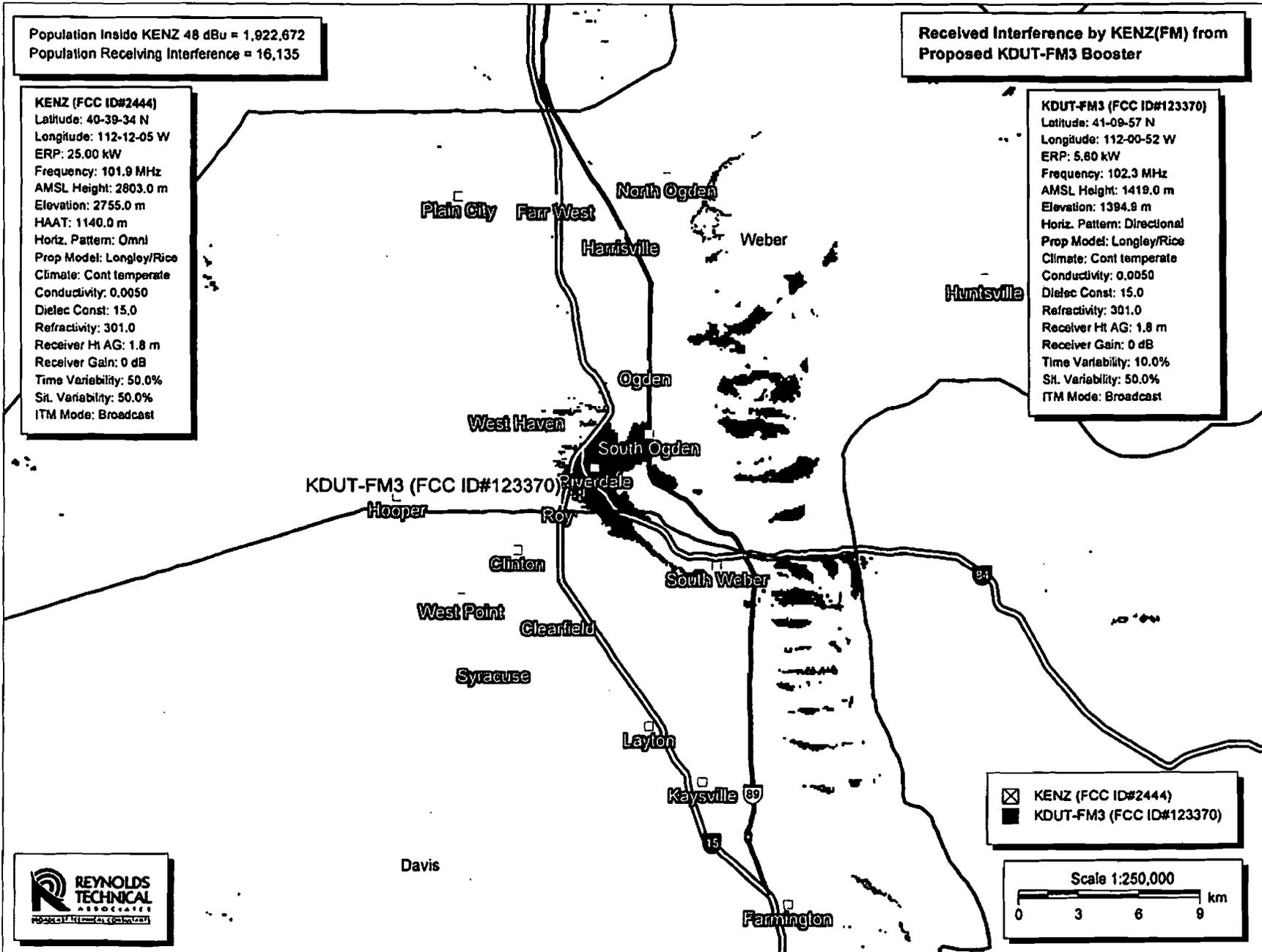
Population Inside KENZ 48 dBu = 1,922,672
 Population Receiving Interference = 16,135

KENZ (FCC ID#2444)
 Latitude: 40-39-34 N
 Longitude: 112-12-05 W
 ERP: 25.00 kW
 Frequency: 101.9 MHz
 AMSL Height: 2803.0 m
 Elevation: 2755.0 m
 HAAT: 1140.0 m
 Horiz. Pattern: Omni
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 301.0
 Receiver Ht AG: 1.8 m
 Receiver Gain: 0 dB
 Time Variability: 50.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

Received Interference by KENZ(FM) from
 Proposed KDUT-FM3 Booster

KDUT-FM3 (FCC ID#123370)
 Latitude: 41-09-57 N
 Longitude: 112-00-52 W
 ERP: 5.60 kW
 Frequency: 102.3 MHz
 AMSL Height: 1419.0 m
 Elevation: 1394.9 m
 Horiz. Pattern: Directional
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 301.0
 Receiver Ht AG: 1.8 m
 Receiver Gain: 0 dB
 Time Variability: 10.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

KDUT-FM3 (FCC ID#123370)



☒ KENZ (FCC ID#2444)
 ■ KDUT-FM3 (FCC ID#123370)

