

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Petition for Rulemaking of) RM No. 11659
Geo Broadcast Solutions, LLC)
To Permit Origination of) MB Docket No. _____
Programming on FM Booster Stations)

To: The Commission

COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

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TABLE OF CONTENTS

	PAGE NO.
SUMMARY	ii
I. Introduction.....	2
II. Adoption of the Proposal Would Further the Commission’s Longstanding Localism Goals	2
a. The Proposal Will Promote Precise Targeting of Emergency Information.....	3
b. The Proposal Will Promote Tailoring of Localized News, Information and Public Service Programming.....	4
III. The Proposal Will Create a New and Effective Method for Small, Local Businesses to Reach Customers.....	6
IV. The Proposal will Create New Opportunities for Commercial Radio Broadcast Stations to Generate Income	8
V. Adopting the Proposal Would Be Consistent With Prior Commission Rule Changes.....	9
VI. Operation of Boosters in the Manner Proposed by GBS Alleviates Co- Channel Interference, and Creates No New Harmful Interference.....	11
VII. Conclusion	12

SUMMARY

Geo Broadcast Solutions, LLC (“GBS”) files these comments to provide additional support for the Petition for Rulemaking (the “*Petition*”) that it filed with the FCC which is referenced in the April 23, 2012 *Public Notice* of the Consumer and Governmental Affairs Bureau. The *Petition* proposes modification of 47 C.F.R. § 74.1231(i) to allow FM booster stations to originate programming under certain circumstances. Adoption of the proposal would further the FCC’s longstanding broadcast localism goals by enabling and encouraging “hyperlocal” news, information, and public service programming geared to the needs of specific local communities within a station’s broader service area. It would also create a new, cost-effective means for small, local businesses to reach specific localized audiences, and would promote the overall financial health of the commercial broadcast radio industry by creating a new type of highly local advertising. Modifying Section 74.1231(i) as proposed in the *Petition* would be consistent with prior Commission rule changes that have sought to enhance the availability and viability of highly localized broadcast services. In sum, implementation of the proposal would provide tangible benefits to local listeners, businesses, and broadcasters.

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Geo Broadcast Solutions, LLC (“GBS”), by its attorneys, hereby submits these comments to provide additional support for the petition that it filed with the Commission on April 4, 2012 (the “*Petition*”) which is referenced by the April 23, 2012 Public Notice¹ in the above-captioned proceeding. The *Petition* proposes modification of Section 74.1231(i) of the Commission’s rules to allow FM booster stations to originate programming under certain circumstances. Initiation of a rulemaking proceeding, and adoption of the proposal, will enable FM radio stations to provide targeted “hyperlocal” programming directed to specific portions of their service areas, thereby furthering the Commission’s longstanding broadcast localism goals. It will also provide an effective new means whereby small, local businesses can reach highly localized audiences in a cost-effective manner. Implementation of the proposal will also promote improvement of the general financial health of the broadcast radio industry.

¹ *Public Notice, Consumer and Governmental Affairs Bureau, Reference Information Center, Petitions for Rulemaking Filed*, Rpt. No. 2949 (Apr. 23, 2012).

I. Introduction

GBS has developed new technology that allows for improved, beneficial deployment and utilization of FM booster stations. As detailed in the *Petition*, GBS's electronic synchronization technique will alleviate co-channel interference concerns long inherent in FM booster operation. Using this technology, a single FM station will be able to divide its signal, at particularized times and for limited durations, into separate "zones," facilitating the provision of brief, highly localized programming targeted to specific geographic areas. If permitted for general use by the Commission,² this innovative and efficient operation of FM boosters would enable extremely localized "multi-channel" FM broadcasts, benefitting "hyperlocal" communities and the broadcasters serving them.

II. Adoption of the Proposal Would Further the Commission's Longstanding Localism Goals

Localism has long been a core tenet of the Commission's regulation of terrestrial broadcasting.³ The FCC's entire "broadcast regulatory framework is designed to foster a system of local stations that respond to the unique concerns and interests of the audiences within the stations' respective service areas."⁴ The *Petition's* objective is squarely aligned with this bedrock principle of broadcast regulation. Adoption of GBS's proposal would promote the

² To date, this new FM booster technology has been employed through experimental authorizations. *See Petition* at 4-6. The results of testing carried out under these authorizations have demonstrated that the technology operates effectively and provides the expected results. *See id.*

³ *See Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd. 12425, 12425 (2004) (noting that "localism has been a cornerstone of broadcast regulation for decades") ("*Localism NOI*").

⁴ *Broadcast Localism*, Report and Notice of Proposed Rulemaking, 23 FCC Rcd 1324, 1327 (2008). *See also Localism NOI* at 12427 ("All of these rules, policies and procedures reflect the Commission's overarching goal of establishing a system of local broadcasting that is responsive to the unique interests and needs of individual communities.")

delivery of intensely localized broadcasts, including emergency information and news and public affairs programming, to narrowly tailored geographic audiences.

As recognized by the FCC’s Working Group on Information Needs of Communities, the Internet and other modern electronic platforms are increasingly focusing attention on “hyperlocal” issues and coverage.⁵ Some broadcasters are attempting to utilize this new technology by, for example, leveraging their electronic news gathering expertise “to develop ‘hyperlocalized’ mobile news platforms that focus on the concerns of individual neighborhoods and even more narrowly defined communities.”⁶ In general, however, broadcasters have been impeded in their efforts to provide “hyperlocal” programming by the realities of broadcast signal propagation.⁷ As a result, “‘hyperlocal’ neighborhood-based coverage [is] a form [of programming] that traditional media . . . struggle[] with.”⁸ Adoption of GBS’s proposal will help alleviate this technological impediment by encouraging a new method whereby radio broadcasters can provide highly granular coverage and programming dedicated to extremely localized areas. It will also remove the sole regulatory impairment – Section 74.1231(i) – currently hampering implementation of the synchronized FM booster operation envisioned by the *Petition*.

a. The Proposal Will Promote Precise Targeting of Emergency Information

⁵ See generally *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, Steven Waldman and the Working Group on Information Needs of Communities (June 2011), available at www.fcc.gov/infoneedsreport.

⁶ *Id.* at 139.

⁷ “[T]he larger and more diverse the region of coverage, the more difficult it is to address the full spectrum of issues that matter to . . . citizens.” *Id.* at 121.

⁸ *Id.* at 346.

The Commission has long recognized the need for an emergency alert system “that enables officials at the national, state and *local levels* to reach affected citizens *in the most effective and efficient manner possible.*”⁹ Most emergency alerts are, by their very nature, local, and “the ability to deliver a . . . local message is an essential element of an effective alert and warning system.”¹⁰ By encouraging use of FM booster technology in the manner proposed by the *Petition*, the Commission would promote the exceedingly effective and efficient targeting of emergency information and warnings to highly targeted geographic areas. Such precisely aimed emergency messages – pertinent to highly specific locales – could prove more effective than messages broadcast to broader geographic areas which may have no relevance to many listeners.¹¹ In sum, GBS’s proposal provides great promise for the “use [of] technology to pinpoint specific households and neighborhoods at risk,”¹² and for effectively transmitting highly relevant emergency information about events like floods, road closures, accidents, and “Amber Alerts” to highly localized audiences.

b. The Proposal Will Promote Tailoring of Localized News, Information and Public Service Programming

Often, radio stations serve broad geographic areas that encompass and cross numerous neighborhoods, towns, counties, and even states with widely varying social, economic and linguistic interests and needs. GBS’s proposal will allow stations to directly tailor informational

⁹ *Review of the Emergency Alert System*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625, 18651 (2005) (emphasis added).

¹⁰ *Id.* at 18652.

¹¹ *See id.* (noting that “[i]f listeners are deluged with too many emergency messages . . . which are inapplicable to them, then emergency messages may well lose their impact”).

¹² *Localism NOI* at 12436.

programming to concurrently address the diverse needs of various groups in disparate communities across stations' broader service areas.

For example, if the proposed rule change were enacted, a single FM station would be able to simultaneously target public service and informational announcements to several communities, thereby ensuring that each community's individualized announcement is highly immediate and relevant to residents in that community. Emergency preparedness announcements, for example, could be tailored to provide contact information for the nearest emergency shelters. Weather reports and forecasts could be custom produced to take into account varying weather conditions within a station's broader service area.¹³ For certain communities, announcements could be made even more relevant by providing information in languages other than English, thus serving various ethnic and linguistic groups in disparate geographic communities with pertinent – and perhaps previously unavailable – information directly applicable to their daily lives.

For stations that serve geographic areas with extremely disparate informational needs, such as those transmitting to communities dispersed across distinct geopolitical boundaries like state lines, GBS's proposal could greatly aid in the tailoring of news and information that is most relevant to localized communities. For example, news reports could focus on legislative and political updates from each state, allowing for more in-depth coverage of news from each state.

¹³ For example, communities within a station's primary service contour located at significantly varying elevations can experience remarkably different weather conditions, especially in winter. GBS's proposal would allow stations to craft highly localized weather information directly pertinent to individualized communities.

Political coverage could also benefit greatly, with stations having the ability to focus on political races that are of interest to each distinct state and/or community.¹⁴

III. The Proposal Will Create a New and Effective Method for Small, Local Businesses to Reach Customers

In addition to encouraging the tailoring and targeting of news, weather, emergency information, and informational and public affairs programming, GBS's proposal would open the possibility for a new kind of commercial radio "micro-market" advertising appealing to small, local businesses that previously may have been unable to benefit appreciably from radio advertising, or that may have found advertising on commercial radio stations to be prohibitively expensive. Businesses that provide services or goods to local communities – perhaps in one or two small towns on the outskirts of a larger city, or to an ethnic group residing predominantly in one area – may find current commercial radio advertising less effective and more expensive than more localized alternatives, because commercial radio signals generally transmit to relatively wide geographic areas with broad, generalized populations. Stated differently, the expansive coverage and broad appeal sought by regional and national advertisers is often not demanded, or desired, by businesses catering to smaller, localized communities. Under GBS's proposal, these small, local businesses would benefit from the opportunity to employ a new form of highly targeted, lower cost radio advertising.

Two examples help illustrate this potential benefit. First, consider a small, family owned business, such as a restaurant, located in Manassas, Virginia, approximately 30 miles from the

¹⁴ Candidates for political office would also benefit from the ability to target paid political messages solely to relevant locales. See *Petition* at 14. Because the cost of more localized advertising would likely be lower, the targeted advertising would have the added benefit of cost-saving for election campaigns.

center of Washington, D.C.¹⁵ The Washington D.C. radio market is dominated by powerful radio stations serving most or all of the metropolitan area.¹⁶ This family owned restaurant will likely be unable to afford, and may see little benefit to, the broad geographic and demographic reach of advertising placed on most stations in the Washington market. However, the restaurant would likely be highly interested in placing advertisements that would reach a targeted audience located in or near the restaurant's actual service area, at a fraction of the cost of advertising on a station that covers the three-state metropolitan area.

Next, consider a similar family owned restaurant located in Bristol, Virginia, one of three independent cities, situated fairly distantly from one another, that compose the single Tri-Cities, Tennessee-Virginia market.¹⁷ The Tri-Cities radio market is dominated by powerful radio stations that serve the entirety of the three-city, two-state metropolitan area.¹⁸ For the restaurant to reach its customers, who reside almost entirely in just one of three communities, by radio, it currently must "overreach" its desired customer base with advertisements transmitted across the entirety of the expansive market to all three of the widely dispersed cities. Such messages are

¹⁵ The Washington D.C. market consists of the central city – Washington (population 601,723) – surrounded by numerous medium-sized communities with high degrees of autonomy, such as Rockville, Maryland (population 61,209); Gaithersburg, Maryland (population 59,993); Bowie, Maryland (population 54,727); Leesburg, Virginia (population 42,616); Manassas, Virginia (population 37,821); College Park, Maryland (population 30,413); and Fairfax (City), Virginia (population 22,565). *See* U.S. Census Bureau: State and County QuickFacts (2010).

¹⁶ *See* BIA Media Access Pro Radio, Ratings Info. for Washington D.C. Market (Winter 2011).

¹⁷ The market consists of the highly autonomous cities of Bristol, Tennessee-Virginia (combined Tennessee and Virginia population 44,537), Kingsport, Tennessee (population 48,205), and Johnson City, Tennessee (population 63,152). *See* U.S. Census Bureau: State and County QuickFacts (2010). The three cities are located approximately 20-25 miles from one another, and each is home to numerous businesses that cater almost exclusively to residents in just one of the cities.

¹⁸ *See* BIA Media Access Pro Radio, Ratings Info. for Johnson City/Kingsport/Bristol, TN-VA Market (Winter 2011).

distributed far more broadly, at a higher cost, than the restaurant may find necessary or economically feasible. But the restaurant would likely value the opportunity to reach its highly localized customer base – those residents who reside in Bristol, the one community the restaurant serves – especially if messages were available at a reduced cost from those designed to reach all three cities.

In both of these cases, the cost of advertising on a “full” commercial radio station may far outweigh the benefits for businesses like the ones discussed above. Implementing the technology discussed in the *Petition* would enable local businesses to reach a targeted audience at an appealing cost.

IV. The Proposal will Create New Opportunities for Commercial Radio Broadcast Stations to Generate Income

The broadcast radio industry is enduring unprecedented financial challenges. The general economic recession of the past several years, and the painfully slow recovery, have hit broadcasters especially hard. Many businesses view advertising as discretionary, and may reduce or eliminate such expenses during financially challenging times. The general economic malaise, combined with the rapid rise of “new media” competitors, many of which specialize in “hyperlocal” targeting of advertising messages, has placed many broadcasters in a difficult position.

GBS’s proposal could help revitalize and invigorate sales of local radio advertising. Stations’ sales staffs could offer menus of localized “channel” options to potential advertisers. As discussed above, this could produce new advertisers, in particular numerous small, local businesses that could not otherwise afford to advertise on commercial radio stations. Stations could combine highly targeted broadcast advertising messages with equally targeted on-line or mass mailing campaigns. In short, adoption of the proposal could help establish new and viable

marketing opportunities for a broadcast radio industry eager to service a new group of potential customers.

V. Adopting the Proposal Would Be Consistent With Prior Commission Rule Changes

On numerous prior occasions, the Commission has modified rules – and even created entirely new classes of broadcast service – in order to “serve very localized communities or underrepresented groups within communities.”¹⁹ For example, when establishing the low power television (“LPTV”) service, the Commission recognized that the stations’ “small coverage areas [would] lend themselves to programming to suit discrete groups in a community.”²⁰ Later, in reviewing the successes of the LPTV service a dozen years after its creation, the Commission noted that

[t]he hallmarks of the LPTV service are TV “localism” and specialized “niche” programming. Many LPTV stations air local news and public affairs programs and significant amounts of other locally produced programming. LPTV stations serve the needs and interests of many different ethnic communities, often airing programming in foreign languages. Specialized audiences of LPTV stations have included children, the elderly, students, tourists, farmers and boaters.²¹

When the Commission created the Class A service, it sought to further enhance highly localized television service. The service was established specifically to “facilitate the acquisition of capital needed by [certain LPTV] stations to allow them to continue to provide free, over-the

¹⁹ *Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2208 (2000).

²⁰ *Low Power Television Service*, Report and Order, 51 RR2d 476 (¶ 15) (1982).

²¹ *Low Power Television Service*, First Report and Order, 9 FCC Rcd 2555, 2555 (1994).

air programming, including local-originated programming, to their communities.”²² The Commission noted that “improving the commercial viability of [these stations] . . . is consistent with our fundamental goal[] of ensuring . . . localism.”²³

Furthermore, when the Commission authorized AM stations to rebroadcast their programming on FM translators, and to originate programming on the translators even when the AM stations are not authorized to broadcast, it did so because evidence submitted by broadcasters and other participants indicated that “AM broadcasters provide hyper-local information to many areas of the country, especially small towns and rural areas.”²⁴ The Commission wished to “further [its] goal of service by [these] stations to their local communities . . . [with such programming as] local news, sporting events and issues of local interest.”²⁵

The Commission has also previously recognized the potential benefits to businesses that “hyperlocal” broadcasting can provide. For example, as it pondered the establishment of the low power FM (“LPFM”) radio service, the Commission observed that with their “relatively small coverage area . . . LPFM stations might be able to offer very localized exposure attractive to local businesses that could not otherwise afford radio advertising.”²⁶

²² *Establishment of a Class A Television Service*, Report and Order, 15 FCC Rcd 6355, 6357 (2000).

²³ *Id.*

²⁴ *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Report and Order, 24 FCC Rcd 9642, 9668 (2009) (Statement of Commissioner Robert M. McDowell).

²⁵ *Id.* at 9650.

²⁶ *Creation of a Low Power Radio Service*, Notice of Proposed Rulemaking, 19 CR 2055 (¶ 13) (1999).

As evidenced by these prior proceedings, the Commission has previously acknowledged on several occasions, and has modified or created, technical rules designed to promote highly localized broadcast service. Furthermore, the FCC has acknowledged the important role community-based advertising can play in financial support for the broadcasting industry. The GBS *Petition* seeks Commission consideration of a modest rule change, which, as evidenced by the data filed with the *Petition*, is technically feasible. Implementation of the proposed rule change will provide tangible benefits to local listeners, businesses, and the broadcast radio industry as a whole.

VI. Operation of Boosters in the Manner Proposed by GBS Alleviates Co-Channel Interference, and Creates No New Harmful Interference

As referenced above,²⁷ and explained in detail in the *Petition* and its technical exhibits,²⁸ GBS's technology alleviates the co-channel interference that has long presented challenges to FM booster design and operation. The results of GBS's testing, conducted in two distinct environments, evidenced minimal interference among co-channel boosters themselves, or among co-channel boosters and their primary stations.²⁹ Section 74.1203(c) provides that an FM booster station may cause limited interference to its primary station's signal, provided it does not disrupt the existing service of its primary station or cause such interference within the boundaries of the principal community of the primary station. The booster facilities tested by GBS were fully compliant with this rule, and GBS is not requesting any modification of this requirement. Furthermore, because FM boosters, by definition, operate only within the primary service contours of their main stations, the deployment and operation of boosters in the manner

²⁷ *See supra* Section I.

²⁸ *See Petition* at 4-6.

²⁹ *Id.*

envisioned by GBS will not create harmful interference to other broadcast stations. GBS's proposal does not necessitate changes to any of the Commission's interference rules or standards.

VII. Conclusion

For the reasons stated above and in the *Petition*, GBS respectfully requests that the Commission accept the *Petition*, and initiate a rulemaking proceeding proposing to modify Section 74.1231(i) of the Commission's rules to permit origination of programming by FM booster stations.

Respectfully submitted,

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