BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of	)	
	)	
Revitalization of the AM Radio Service	)	MB Docket No. 13-249

To: The Commission

Comments of National Religious Broadcasters
Regarding Revitalization of AM Radio Service

National Religious Broadcasters ("NRB"), through undersigned counsel, hereby files Comments in response to the Commission's October 31, 2013 *Notice of Proposed Rule Making* in the above-captioned matter.[1]

Background

National Religious Broadcasters ("NRB") is a non-profit association that exists to keep the doors of electronic media open and accessible for Christian broadcasters. NRB's many members include a number of AM radio stations and networks that utilize AM stations, and as such, this proceeding is of vital importance. Accordingly, we commend the Commission for seeking solutions to the many challenges facing AM radio service.

These Comments are generally keyed into many, though not all, of the separate questions raised in this NPRM. In addition, we offer several introductory observations.

[1] *In the Matter of Revitalization of the AM Radio Service*, MB Docket No. 13-249, Notice of Proposed Rule Making (Oct. 31, 2013) (hereinafter "*NPRM*").

Some of our members have had lengthy careers in AM radio, and they note that it was difficult in the 1980's to succeed in the AM music-format, as an example, because of the competition from FM stations. However, in the 1990's they also observed the substantial success of sports and news talk formats on the AM dial. Since that time, many of those stations have migrated to the FM. In the midst of this changing radio landscape we would urge the Commission to remember the value of smaller market AM stations that super-serve their local communities. If "revitalization" is to be realized, then it surely must mean revitalizing the whole of AM radio, including both large market and small market stations.

We also question the length of time it will take to implement the changes envisioned in this NPRM. Additionally, there is also the matter of financial investment: in a daunting economic environment, what will be the price tag, if any, for individual stations to join in this revitalization process? Will these proposals provide incentives for investors and media groups to invest afresh into AM broadcasting? Will the revitalization process help produce a viable financial model for AM radio that takes the listening habits of the American public into consideration?

The early testing done with digital delivery technology has shown progress in solving some of the problems that have typically affected AM broadcasters. Will this proceeding lead to a fully-digital delivery system, allowing the use of open source platforms that are available for broadcasters to choose from? Some of our AM radio members suggest a sunset date for a full conversion to completely digital transmission similar to the digital conversion that was ordered for the television broadcast industry.

However, there are also potential challenges with such an approach. First, there are the obvious costs to AM broadcasters. Second, HD (digital) receivers capable of receiving the current IBOC scheme are certainly not ubiquitous in the United States. It still remains to be seen whether HD will ultimately prove to be successful. Further, the Commission should determine whether there are other, less expensive technologies available to AM broadcasters that could improve fidelity and coverage, but would not require a full conversion of the receivers of the listening public.

Last, we join in the recommendation made in other Comments in this proceeding regarding main studio waivers.[2] Section 73.1125(d)(2) of the FCC's current rules allows both commercial or noncommercial stations to make a written request to relocate a station main studio to locations beyond the distances specified in the main studio location rule. This rule provision has been used by the FCC to grant main studio waivers to noncommercial educational station licensees who designate another licensee-owned station's studio as the main studio. While rarely granted to commercial stations, waivers under Section 73.1125(d)(2) for such stations are contemplated, as filing fees of commercial stations seeking a main studio waiver are specifically mentioned in that section. Waivers for both noncommercial and commercial AM stations would help invigorate AM radio by creating flexibility and cost-savings for those stations.

---

[2] See: Comments of Blount Masscom, Inc., et al, *In the Matter of Revitalization of the AM Radio Service*, MB Docket No. 13-249, Notice of Proposed Rule Making (Oct. 31, 2013).

1. **One-time filing window for AM broadcasters to apply for FM translator stations (*NPRM* ¶14).**

This proposal is critical for AM stations in general, but particularly in the Northeast, where translators are few in number and extremely expensive.

Paragraph 14.a, *NPRM*. We agree that, generally, a limitation of one translator per station is reasonable. However, there may be situations where terrain obstructions, local regulations, other site issues, or allocation concerns may prevent the AM station from serving a majority of its 2 mV/m daytime contour with a single translator. In those cases, as long as each application presents less than a 50% overlap to other operation of proposed translators for a given AM facility, no limitation should be imposed. Incumbent AM stations with existing translators should not be prevented from filing applications for additional translators if the foregoing conditions are present.

Paragraph 14.b, *NPRM*. We would propose a translator's transmitter must be located no farther than 25 miles from its AM counterparts' transmitter and the translator's contour must be 75% or greater within the AM's 2mV/m daytime contour.

Paragraph 14.c, *NPRM*. We agree, as a general proposition, with the permanent linkage of an FM translator station to the AM primary station acquiring it. Furthermore, the FCC's 2009 changes in licensing requirements that permitted FM translators to "fill-in" for AM facilities have been a success. We would encourage the Commission to open an exclusive window for AM licensees to file for fill-in translators as soon as practicable, as it will continue to aid the AM broadcast service.

2. **Limitation of the one-time filing window to AM incumbents (*NPRM* ¶15).**

We believe that limiting the one-time filing window to AM incumbent stations is reasonable.

3. Whether the proposed one-time filing window would benefit AM service (*NPRM* ¶16).

The benefit from this filing window is illustrated by one of our AM radio members who owns two "daytimer" stations and who has encountered two serious problems. First, in the winter months, when they sign-on at 7:15 a.m. and sign-off at 4:15 p.m., they lose their drive time audience. When the hours begin to increase, many of their listeners never come back because they have migrated to another channel. Additionally, because of the decreasing audience, their revenues have steadily declined. AM stations must have full time service if they are to survive.

Another issue concerns rural areas, where FM translators are a positive addition. FM translator power levels need to be commensurate with the AM coverage level. In the case of one of NRB's station members, a 250 watt FM translator has not filled their 5kW AM coverage level.

Furthermore, in considering the revitalization of AM radio, the Commission will need to face some obvious realities: in metro areas, for instance, there are few if any frequencies remaining for additional FM translators.

As a general proposition, the ability to use an FM translator as a cross-service does serve the public interest. Those licenses restricted with no nighttime coverage and those patterns that benefit by use of fill-in translators within nulls in the AM patterns have seen gains. Moving AM listeners to the FM band would, however, further reduce the number of listeners on the AM band. At some point in time, will the Commission consider, for instance, vacating the AM band entirely as has been done in several countries?

There may be unintended consequences with such a change, however. The FM band is already congested in some critical markets. Low-power FM stations and translators are continually being added to the band. These limited-coverage stations often prevent the reception of other already-existing full-service FM stations in the community because of the listener's closer proximity to the low-power transmitter compared to the distance from the existing station.

Special considerations also arise concerning transmitting locations that are proposed for low-power installations such as high-rise buildings, water towers, and other elevated locations closer to or immersed in populated areas. Existing stations are often co-located with other FM broadcasters at tower sites that are removed from heavily populated areas. Adding AM broadcasters to this FM congestion may provide relief from the down-side of limited AM operation, but it also, in some cases, could contribute to overcrowded FM broadcast spectrum conditions. An AM radio revitalization order should take into account some of these variables of market and geography.

Without doubt, the Commission's proposal will address many of the concerns faced by AM facilities. Nevertheless, the use of FM to solve AM's dilemmas is an interim step. The long-term goal of the Commission should be to initiate policies that will facilitate listeners continuing to listen to AM radio rather than abandon it.

4. Whether this proposal addresses "the problems faced by AM stations in today's marketplace" (*NPRM* ¶17).

We view this approach as a positive first step. Additionally, adding a translator to AM stations would provide some interim relief while more permanent solutions are investigated. However, there are still technical problems such as night-time power,

antenna heights, and grounding requirements for AM stations that are not so readily resolved.

5. The impact of the proposed window on certain classes of stations (*NPRM* ¶17).

The window should be for all AM stations that are Class C and Class D. Class B stations should be on a sliding scale based on frequency and power, i.e., with a daytime power of .500 kW or less, daytime and nighttime on 540 kHz to 10kW or less, and daytime and nighttime on 1690 kHz, unless a station can demonstrate that coverage would be insufficient in the city of license.

6. The filing window proposal, and Mattoon Waivers (*NPRM* ¶18).

The Mattoon Waiver process should be maintained where, as an example, a translator window is made for an AM station, but no suitable frequency is found on which to apply. In such a situation, there should be an additional opportunity to move a translator in. There may be other comparable situations where equity and fairness would dictate the continued use of such waivers.

The authorization of new translators for AM stations should be conditioned on a showing of lack of interference to existing full-signal FM's translators. The Commission should also give consideration to granting AM-only translators superiority to LPFM.

7. The daytime community coverage requirement (*NPRM* ¶22).

The Commission should consider creating some relaxation of community coverage requirements for AM radio service, as long as those changes are made on a case-by-case basis, which would create administrative flexibility, and as long as audio/reception quality is not impaired. On the other hand, providing sub-stationed

coverage to 50% of a community of license would only perpetuate AM's troubled reputation for poor audio/reception quality.

The Commission should avoid proposing those modifications of daytime coverage standards where they would be likely to result in a downgrade of audio/reception quality. As long as the method of modulation remains analog, current standards have the benefit of minimizing further deterioration of the received signal and the listening experience. From the listener's standpoint, the most fundamental contributor to listening enjoyment to any analog transmission is the received signal-to-noise ratio (S/N). If the noise floor remains the same, or increases over time as the NPRM forecasts, any reduction in signal strength will reduce the S/N ratio and thus the listening experience, which will neither serve the public interest in general, nor will it enhance the future of AM radio service.

8. The proposed change to the nighttime coverage requirement (*NPRM* ¶26).

For class D, daytime stations, the Commission should consider authorizing them to provide new nighttime interference-free service to at least 2mv/m.

However, reducing, as a general rule, the nighttime coverage requirement from 80% to 50% of the population in the coverage area would have the effect of downgrading the AM service to the community of license. Currently the nighttime service contour must cover at least 80% of the area or population as that served by the daytime contour. If, as the NPRM suggests, coverage requirements are reduced straight-across the board down to 50% of the area or population, there will likely be a quantifiable degrading in the service to the community of license. This is complicated by the fact that the physics of skywave propagation at AM frequencies introduces other interfering sources that are not

experienced in other frequency bands. Furthermore, the characteristics of AM modulation and the selective fading between the carrier and sidebands further degrades the listening experience for distant stations as the signal interacts with the ionosphere during skywave propagation. Those factors counsel in favor of a general rule that would maximize both day and nighttime coverage on each allocated channel to obtain the best listening experience throughout the broadcast day.

9. Potential modification of the nighttime coverage rule if the rule should be modified rather than eliminated (*NPRM* ¶ 27).

We would suggest retaining present AM nighttime coverage requirements, subject to our comments above, and further subject to waiver on a case-by-case basis.

10. Proposal to delete the "ratchet rule" (*NPRM* ¶30).

We suggest that the "ratchet rule" should be eliminated. Forcing a station that is seeking to change its transmission system to address the complexities of skywave propagation to distant stations in lieu of maximizing coverage to the community of license provides little benefit to the listening experience in the community of license. Furthermore, it adds increased legal and consulting costs. Since stations are licensed to a community with both day and night coverage defined and linked to that local community, nighttime has not been the primary consideration for station operation. The primary service area should be the focus for both day and night modes. The elimination of this rule would reduce the cost to broadcasters when station improvements are considered and would serve to focus the licensee on serving their community of license for the full broadcast day.

11. Whether to modify, rather than delete the "ratchet rule" (*NPRM* ¶31).

See our comments in 10 above.

12. Proposed changes to the MDCL control technology requirements (*NPRM* ¶35).

Modulation-dependent carrier level control ("MDCL") is not so much related to revitalization of the AM broadcast service as it is to operating expense reduction due to the greater utility savings. While this is certainly an advantage to struggling broadcasters, the unintended consequence of implementing MDCL may actually decrease listenership if it is not properly adjusted. If we are to truly revitalize AM, the effect upon the listener must be considered as well as the economic savings. Further, the AM transmitter is not the only energy-consuming device at most stations. As proposed in this NPRM, wider implementation of MDCL should be encouraged as long as it does not materially impact the listening experience. Third-party vendors usually do not have the intimate knowledge of the engineering in current AM broadcast transmitters. If a third-party product is allowed, the transmitter manufacturer should certify it for compliance. In essence, the Commission should allow broadcasters to make the choice and to weigh the affects of the cost savings in the operation as well as any potential changes in the signal that the MDCL would have on their operation

13. AM stations' achieving full licensed power and disablement and MDCL control technology notice requirements for FCC inspections (*NPRM* ¶35).

We agree with the proposals in this section.

14. Potential reporting requirements and use restrictions regarding transmitters and MDCL control technology, as described in Paragraph 36 (*NPRM* ¶36).

We suggest that the Commission allow the use of MDCL technology that is not manufactured by the same manufacturer of its transmitter. Further, there should be no requirement of disclosure of the identity of the MDCL manufacturer to the Commission.

15. Whether to continue to allow "all AM stations, including those operating hybrid AM analog and digital facilities, to implement MDCL control technologies without prior Commission authority" (*NPRM* ¶38).

We agree with the proposals in this section. The Commission is advised to best address interference complaints on a case-by-case basis.

16. Whether to "reduce the minimum field strength values" and revise the applicable Rules, as described and as proposed in Appendix A (*NPRM* ¶42).

Reduction should be allowed to be considered as long as the reduction in field strength values does not decrease signal strength quality within a prescribed number of miles from the transmitter site, or a prescribed geographic area such as a county where city of license is located. The quality of the overall listening experience should be the determining factor.

Antenna efficiency has been an important part of ensuring the best quality signal within a given coverage area. There are approved alternatives to erecting a tall tower that still meet radiation efficiency standards. The Kintronic Labs Kinstar system (http://www.kintronic.com/resources/brochures/) is one example. These modified systems still require an effective ground radial system to deliver the performance objective and thus this radial system takes up sizable acreage. That, in turn, financially burdens broadcasters, in addition to the cost of the tower itself. If, as this proposal suggests, AM radiators are approved that are not physically or electrically "tall" enough and do not have a suitable ground radial system, there is no way these systems will produce effective coverage to the community of license. Reducing or eliminating radiation efficiency standards may well result in spotty coverage at best when compared

to a standard radiator, and in many instances may require multiple installations to obtain the same coverage.

17. Additional proposals for AM revitalization (*NPRM* ¶45).

The Commission should consider allowing Class D, daytime stations, immediate relief by allowing operations at a minimum of 6 a.m. to 6 p.m., regardless of the month, or sunrise, or sunset times. The Commission should also entertain changes to nighttime skywave protection priority for Class A stations, affording them more opportunity for improved night coverage of new or existing regional, local, and daytime stations.

Last, the Commission should consider a general modification of pre-sunrise/post-sunset authority so as to allow full-power operation as early as 5 a.m. local time throughout the year, and as late as 7 p.m. local time during the winter months.

Conclusion

For the above reasons, NRB respectfully submits that the Commission should adopt the recommendations that are set forth in these Comments.

Respectfully submitted:

National Religious Broadcasters, by:

Craig L. Parshall, Esq.
Senior Vice-President & General Counsel

Jennifer L. Gregorin, Esq.
Associate Counsel

National Religious Broadcasters
9510 Technology Drive
Manassas, VA 20110
(703) 331-4517 *tel*
(703) 330-7100 *fax*
Counsel for National Religious Broadcasters

Dated: January 21, 2014