Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

To: Office of the Secretary
Attn: The Chief, Audio Division, Media Bureau

COMMENTS OF THE MISSOURI BROADCASTERS ASSOCIATION

The Missouri Broadcaster's Association is grateful that the FCC has taken up the issue of revitalization of the AM Radio Broadcasting Service and submits these comments. These comments are submitted timely, given the Commission was closed on January 21, 2014. While there are no longer many Missouri communities that rely solely on AM broadcasting stations for their local news, information and entertainment, AM stations still play a vital role in the lives of many Missourians. Most importantly, when disaster strikes, it is our broadcasters who have, time and again been there to provide vital lifesaving information. This is of particular importance to the MBA, given that Missouri lies in the heart of the U.S. tornado belt.

I. INTRODUCTION

The very important role of Missouri broadcasters was recognized in the aftermath of May 2011 Joplin tornado by Missouri Governor Nixon. In a passionate keynote speech before the Missouri Broadcasters convention following the Joplin tornado, Governor Nixon said:

> I want to thank all of you in the Missouri Broadcasters Association – especially those of who are here today from Joplin, Sedalia and the surrounding areas.
>
> Some of you may have been personally affected by the tornado; you may have lost friends, neighbors, colleagues, homes and possessions.
>
> But you kept going.
>
> On behalf of all the people in the state of Missouri, I salute your <u>courage</u>, your <u>professionalism</u> and your <u>dedication to serving your community</u> throughout this catastrophe.
>
> - Courage.
> - Professionalism.
> - Service to others.

> These are the hallmarks of broadcast journalism at its finest.
>
> You play a critical role in getting accurate information to the public when time is of the essence: warning folks of the coming dangers, helping them prepare and get to safety, and finding help after the immediate crisis is past.

And then Governor Nixon said this about KZRG, an AM DA-2 on 1310 kHz, with 5 kW day and 1 kW night.

> At about 4 p.m. on May 22, Radio station KZRG in Joplin began getting reports that severe weather in Kansas was sweeping in from the West – headed right toward Joplin. They crashed their normal schedule, and went to live, wall-to-wall coverage of the impending storm.
>
> As he watched the rain blowing sideways and chunks of debris flying through the air, News Director Josh Marsh was on the phone with emergency responders on the scene, as the tornado touched down, chewing its way through the heart of Joplin.
>
> At exactly 5:41 p.m., the line went dead. The tornado had knocked out cell phone towers and 20,000 people were without electricity.
>
> But the radio signal was still strong.
>
> * * *
>
> It was chaos. But in the eye of the chaos, the folks at KZRG had a moment of clarity. Joplin needed a lifeline; so that's what they would be.
>
> Once their back-up generators kicked on, KZRG broke the "Golden Rule" of radio, and began taking live, unscreened calls on the air.[1]

With recognition like that, it's impossible to say that AM is no longer viable. As Missouri broadcasters, we carry this responsibility and tradition into our work every day. We know that any day we may be called upon to reach every listener we can with vital, lifesaving information. That is why it is particularly frustrating for those of us using the AM radio band to be met with restrictions that prevent us from improving our service to our listening due to outmoded concepts and rules that no longer apply in a mature broadcast industry.

AM is the oldest broadcasting service in America, and most of the Commission's rules governing AM radio were designed for a time when radio was just starting. Whether in cities or the Ozarks, listeners gathered around their new radios at night to listen to broadcasts from the far away where radio stations were being built. Few stations were built in small towns or rural areas. No one need tell the FCC that today, the radio world is a much different place.

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[1] Governor Nixon's full text is attached as Attachment 1

According to the BIA Media Access Pro database, Missouri currently enjoys service from 398 AM and FM licensed stations. Among Missouri counties served with radio stations, 99 are home to Missouri radio stations, and of those only 19 are served by a single radio station and two of those are Class D AM stations. Given the overwhelming preponderance of Missouri communities that enjoy service from multiple broadcasters; there is little reason to require entire geopolitical areas to be covered by every station. Rather, look at the specific audiences that are poorly served and the need for their broadcast voices to improve their facilities.

Twenty-five years ago the Commission took a hard look at ways to improve AM broadcasting. As recited at paragraph 8 of the instant Notice of Proposed Rulemaking, it has continued to seek ways to advance AM broadcasting and to facilitate improvements in the medium. This docket proposes still more ideas whose time has come and that, when adopted, will make it easier to provide a better service to a deserving listener community.

II. OPEN AN FM TRANSLATOR FILING WINDOW EXCLUSIVELY FOR AM LICENSEES AND PERMITTEES.

The MBA supports this proposal to open an FM translator filing window exclusively for AM licensees and permittees. Allowing such a window would materially aid Missouri broadcasters to provide the lifesaving services referred to by Governor Nixon. For example, the General Manager of KSMO Radio, Salem, Missouri writes:

> It would allow us to provide weather coverage when severe weather approaches to areas currently missed by the NOAA weather radios in our area, plus provide the community its own voice when it comes to local cancellations (events and business) due to weather. Since the local newspaper has reduced its publications to once a week, we are the only constant source of information to update the community on obituaries, public forums, local news, etc. We have been part of the local emergency management team, and we work close with our county commission and city governments when it comes to providing important dates to our listeners be it a road closure due to water or a bridge outage. By having the FM Translator, the coverage we provide to the local citizenry would be devoid of the constant interference from new transformers, new automotive engines and also have a more definitive coverage base rather than one that can change with the atmospheric conditions. It is with pride that even as a 1000 watt local station, we do not automate our station except for Cardinal Baseball and Blues Hockey, providing information at a moment's notice with a competent staff of responsible individuals that know what it means to serve the local community.

KSMO believes that translators for AM stations enable them to distribute messages from small businesses and businesses owned by minorities and women, less expensively and to possibly a new market not served by the reduced circulation local newspaper, and, since one of the FM stations is religious, a potentially wider local listener base.

As shown by KSMO, a Class C, local AM, the need for translator support is not limited to Class-D AM stations. Should a window be opened, it should be opened to any class of AM station, but in the case of mutually exclusive applications, a preference should be assigned to the station with the poorest local nighttime coverage. In essence, the Commission should provide for a preference to the station in greater need of supplemental nighttime, the greatest, perhaps going to daytime only stations and then to stations with inadequate nighttime coverage, and then to those seeking to supplement the quality of their signal through the translator.

Current processing restrictions for cross-service AM/FM translators are too restrictive. MBA notes that the number of FM translators that could be employed by AM stations could be increased, possibly significantly. At the very least, an AM station should be permitted to specify that an FM translator may be located anywhere within the 2 mV/m contour of the station and it should be able to reach out further for existing FM translators to move to its local service area. For example, it should also be able to search fifty or more miles from its transmitter site for an FM translator to acquire and move it in so long as the move is not proposed into an LPFM spectrum limited market such that it would prejudice LPFM opportunities. Accordingly, MBA supports the so-called "Tell City" waiver for AM stations, which has proposed such a standard.

III. DAYTIME COMMUNITY COVERAGE STANDARDS FOR EXISTING AND NEW AM STATIONS.

As shown by the BIA Media Access Pro report referred to above, Missouri is currently well endowed, with radio licensed in 98 of its 114 counties and serving the entire state. At this point in the development of radio service, broadcasters need the flexibility to move old stations in a way that directs their signal to an unserved community of listeners. We agree with other commenters that, at least as far as AM is concerned, broadcasters will seek to serve new audiences wherever they may be found. Politically created geographical boundaries generally define the population centers, they do not always define where new service would be useful to an underserved group. The requirements for siting AM stations are often considerably more restrictive than for other services. At this point in the maturation of the AM service, removing community of coverage requirements and relying on the competitive marketplace to define desirable locations for new or radio service would seem the best approach and broadcasters should have the flexibility to reach audiences in need of their service.

For similar reasons, we believe the Commission should allow new AM applicants to select sites without regard to percentage of coverage over an entire existing community boundary. If there is a new community of interest that can be served with a new AM facility, that station should be allowed.

IV. NIGHTTIME COMMUNITY COVERAGE STANDARDS FOR EXISTING AND NEW AM STATIONS.

The Missouri Broadcasters Association supports the proposal of the Minority Media and Telecommunications Council (MMTC) to eliminate the AM nighttime coverage rule. As noted in the MMTC Radio Rescue Petition, the effect of the nighttime coverage rule is to unduly burden AM stations and has a negative effect even on their ability to improve daytime coverage. Because of the need to comply with both the daytime and nighttime coverage requirements, a

single site is often not possible, thus requiring the expense of building and operating from multiple sites. Special hardships are often imposed on AM stations by the nighttime coverage rule due to changes in community boundaries and the expense of land in the most desirable commercial areas near urban centers. In the end, we believe it should be up to the broadcaster, as entrepreneur, to decide whether it will have sufficient nighttime coverage to justify the cost of construction and operation of the station.

V. IMPLEMENTATION OF MODULATION DEPENDENT CARRIER LEVEL CONTROL TECHNOLOGIES.

MBA fully supports full adoption of the technique known as Modulation Dependent Carrier Level ("MDCL"). At the 2013 NAB Radio Show, Stephen Lockwood, P.E. of Hatfield & Dawson reported that both Adaptive Carrier Control (ACC) and Dynamic Amplitude Modulation (DAM) MDCL systems received extensive listening tests in Europe in the 1980s. He reported further that subjective tests by the BBC on Amplitude Modulation Companding (AMC) produced only "imperceptible" differences to most listeners. Finally, he also reported that CCIR DAM tests produced a "theoretical impairment" on the order of 1 dB and that five years of use in Alaska have not produced any listener comments or noticeable signal quality changes, but have produced an average power cost savings of 28%, ranging from 20% to 32%. In our times of rising utility bills and in light of national policies seeking to minimize energy consumption, such power savings are both economically significant and clearly in the public interest.

With such powerful results being reported, and with a history of successful implementation by the Commission as reported in this Notice of Proposed Rulemaking, it is time to make it easier adopt a change to Section 73.1560(a) to provide that an AM station may commence operation using MDCL control technology with specific Commission authorization, merely upon notice to the Commission within 10 days after commencement of MDCL operation. Here too, it is time, as Mr. Lockwood said, for allowing "enlightened self-interest" to give operators freedom to find what is acceptable in the power savings vs. quality trade-off.

VI. MODIFY AM ANTENNA EFFICIENCY STANDARDS

At another session to discuss AM technical enhancements, Mr. Lockwood recalled that AM was historically regulated by transmitter power, not actual radiated signal, to assure reasonable coverage from a give class of station. However, modern allocation policy is now largely contour based. For example, in FM, the standard is the radiated signal – e.g. 1 kW transmitter with a 5 bay antenna or a 5 kW transmitter with a 1 bay antenna. Because tower permitting has become difficult and costly, the existing AM antenna efficiency rule results in unnecessary limitations on site choices. Here too, he concludes that tower height decisions should be made using "enlightened self-interest" weighing local zoning, cost, and coverage. Missouri broadcasters agree.

Further, allowing such flexibility will further encourage innovation in AM antenna design, as reflected in the Commission's approach to licensing the KinStar and Valcom alternative, low-profile antennas.

VII. REVISE PROTECTION OF CLEAR CHANNEL CLASS A NIGHTIME SKYWAVE.

MBA believes it is time to recognize the reality that skywave nighttime service is no longer worth preserving. Of the 398 radio stations licensed to Missouri, 114 are AM stations, and of those, 64 are Class D, which serve 51 Missouri counties. There is only one Class A, KMOX, St. Louis MO, licensed to CBS Radio. KMOX provides a great service to Missourians. But, like its clear channel brethren, it is no longer an important service to nighttime listeners thousands of miles away. In the modern radio world, skywave is not an important service and CBS has said as much.

As reported in a recent issue of Radio World,[1] speaking on an AM radio panel at the 2013 NAB Radio Show, CBS Radio's Glynn Walden said his company's official position is that it's not necessary to protect the skywave anymore. Mr. Walden stated that CBS's real concern in protecting the groundwave coverage area at night and that it would consider eliminating the skywave protection as long as the groundwave was protected.

It is generally accepted that Nielsen ratings are viable for the 5 mV/M for indoor reception and the 1 mV/M for automotive reception. A reasonable standard would be to protect a Class A AM station's nighttime signal to the 1 mV/m daytime groundwave contour. That would provide significant relief for Class D stations. The Commission should consider whether that would be an appropriate standard for Class A protection. Accordingly, the Commission should seek comments on revising §73.182(a)(1)(i)(B) of its rules to specify nighttime protection to the 0.5 mV/m groundwave contour, MBA believes it is time to recognize the reality that skywave nighttime service is no longer worth preserving. Of the 398 radio stations licensed to Missouri, 114 are AM stations, and of those, 64 are Class D, which serve 51 Missouri counties. There is only one Class A, KMOX, St. Louis MO, licensed to CBS Radio. KMOX provides a great service to Missourians. But, like its clear channel brethren, it is no longer an important service to nighttime listeners thousands of miles away. In the modern radio world, skywave is not an important service and CBS has said as much.

As reported in a recent issue of *Radio World*,[1] speaking on an AM radio panel at the 2013 NAB Radio Show, CBS Radio's Glynn Walden said his company's official position is that it's not necessary to protect the skywave anymore. Mr. Walden stated that CBS's real concern in protecting the groundwave coverage area at night and that it would consider eliminating the skywave protection as long as the groundwave was protected.

It is generally accepted that Nielsen ratings are viable for the 5 mV/M for indoor reception and the 1 mV/M for automotive reception. A reasonable standard would be to protect a Class A AM station's nighttime signal to the 1 mV/m daytime groundwave contour. That would provide significant relief for Class D stations. The Commission should consider whether that would be an appropriate standard for Class A protection. Accordingly, the Commission should seek comments on revising §73.182(a)(1)(i)(B) of its rules to specify nighttime protection consistent with the protection afforded under §73.182(a)(1)(i)(A).

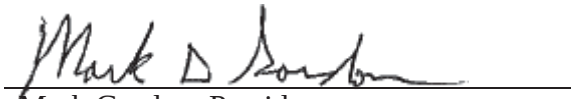
VIII. AM ALL-DIGITAL

We take notice of the very impressive work being done by the NAB labs to test the capabilities of an all-digital AM signal. While it is too early to speculate on the eventual outcome of these tests and the NAB program, MBA wishes to take this opportunity to express its support for the program and to encourage the Commission to continue to its cooperation with the NAB by continuing to provide Experimental Authorization for all-digital AM operation.

IX. CONCLUSION

The Missouri Broadcasters Association is enormously gratified that the Commission appears to be taking AM broadcasting seriously and appreciates this opportunity to comment on how the service may be revitalized. As demonstrated by the experience of KZRG reported in the introduction to our comments, AM radio remains the lifeblood of many local communities and is still a primary source of news and information to many Missourians; and in times of emergency, can be relied upon for lifesaving information. Talk of sunsetting this band ignores the real contributions AM continues to make to our communities.

Respectfully submitted**,**
Missouri Broadcasters Association



By: Mark Gordon, President

Attachment 1

Gov. Nixon remarks to Missouri Broadcasters Association
Annual Convention and Awards Presentation
The Lodge of the Four Seasons
June 3, 2011 - noon

Thank you, Don (*Don Hicks, president and CEO of Missouri Broadcasters Assn*.). It's great to be here.

I want to thank all of you in the Missouri Broadcasters Association – especially those of who are here today from Joplin, Sedalia and the surrounding areas.

Some of you may have been personally affected by the tornado; you may have lost friends, neighbors, colleagues, homes and possessions.

But you kept going.

On behalf of all the people in the state of Missouri, I salute your courage, your professionalism and your dedication to serving your community throughout this catastrophe.

Courage.
Professionalism.
Service to others.
These are the hallmarks of broadcast journalism at its finest.

And in the last two weeks in Missouri, in the aftermath of one of the most destructive tornadoes in history, I have seen broadcast journalism in its finest hour.

You play a critical role in getting accurate information to the public when time is **of the essence**: warning folks of the coming dangers, helping them prepare and get to safety, and finding help after the immediate crisis is past.

We've had more than our fair share of crises this year: the historic blizzard that required us to close I-70; the flooding of 130,000 acres in the Bootheel; the New Year's and Good Friday tornadoes; and, of course, the devastating E-5 tornado in Joplin.

Unfortunately, it doesn't look like Mother Nature is ready to give us a break. Yesterday I was in St. Joe, where we are trying to help communities along the Missouri River prepare for imminent flooding. The river's already up, and it's only going to keep getting higher.

So you'd better keep some boots in the trunk of your car.

In times of crisis, things are chaotic.

People are scared.

People hear rumors.

People don't know what to do or where to go for help.

And in times like those we've witnessed in Missouri
in the last six months, what you do – or don't do -- can literally make the difference between life and death.

Unlike the national media, you are in it for the long haul.

Unlike the national media, you've got skin in the game because you live here.

When you get it right, your community gets the benefit.

When you get it wrong, your community suffers.

The point is that what **you do matters**. Not sometimes; all the time. Not in theory; in the real world.

In the first few days after the Joplin tornado, my office received hundreds of calls from the national and international media asking for interviews and updates, body counts and damage estimates.

Everyone from the BBC to Al-Jazeera wanted to know what was happening in Joplin, and what we were going to do next.

I was interviewed on Fox, CNN, NBC, CBS, NPR and many others. It was an exceptional opportunity to share Joplin's story with a global audience, and hopefully it will help in Joplin's recovery.

But if the national broadcast media get it wrong, they don't have to live with the consequences the way **you** do.

National media don't run the risk of bumping into the city manager or the police chief in the checkout lane at the grocery store, or in the next pew on Sunday.

They're one and done.

All of **you** are part of your communities; you're in it for the long haul, for better or for worse.

And that brings me to a remarkable story I'd like to share with you today, about some of your colleagues down in Joplin.

At about 4 p.m. on May 22, Radio station KZRG in Joplin began getting reports that severe weather in Kansas was sweeping in from the West – headed right toward Joplin.

They crashed their normal schedule, and went to live, wall-to-wall coverage of the impending storm.

As he watched the rain blowing sideways and chunks of debris flying through the air, News Director Josh Marsh was on the phone with emergency responders on the scene, as the tornado touched down, chewing its way through the heart of Joplin.

At exactly 5:41 p.m., the line went dead.
The tornado had knocked out cell phone towers and 20,000 people were without electricity.

But the radio signal was still strong.

Once their back-up generators kicked on, KZRG broke the "Golden Rule" of radio, and began taking live, unscreened calls on the air.

The first caller was a woman, pregnant with twins, frantically looking for her husband.

Hearing her voice on the radio, he called the station to let her know he was at work and OK.

Then a call came in from Duquesne, where the tornado had knocked out police radios; they wanted help dispatching officers where they were needed most.

Two KZRG reporters, Chad Elliot and Rob Meyer, hit the streets, describing a scene that looked like hell had exploded: mangled cars, houses and business in ruins, people screaming and running.
The calls kept coming: Can you find my daughter? Can you help me get a doctor? I have food, where can I take it?

It was chaos.

But in the eye of the chaos, the folks at KZRG had a moment of clarity.

Joplin needed a lifeline; so that's what they would be.

"You **have** to step into that role, so that's what you do," Marsh said.

Miles away, station owner James Zimmer had a similar moment of clarity. He was on vacation with his family; they had gathered to observe the one-year anniversary of the death of James's oldest son, Michael, 25. Michael had just graduated from St. Louis University law school. On Mother's Day of last year, he was in an accident. Two weeks later he was gone. He died on May 22, 2010.

When the call came in from Joplin, James answered.
He got off the phone and his surviving son looked at him and said, "Dad, you need to go." And James said "I know. That's what we do."

Like his five brothers – [three of whom are here today] James Zimmer grew up in the radio business started by their dad, Jerome. James started working at radio stations when he was 12, emptying trash cans and cleaning bathrooms.

And so, just minutes after the tornado struck, James put his grief on hold, drove to Joplin and went back to his old job…..emptying trash cans and cleaning bathrooms. At age 52.

Things snowballed from there. Everyone at Zimmer pitched in, including eight employees – a quarter of the station's workforce – left homeless by the tornado. Sales manager Chris Bullard got a relief effort going in the parking lot.

Others brought barbecue pits and started cooking for anybody who was hungry. For days, so many people came to the station to give and get help, it looked like a street party, 24/7.

And 24/7, KZRG was on the air with the latest news and information, holding that lifeline taut between victims and volunteers, shelters and the homeless, state services and those in need, the lost and the found.

They helped spread the word about the Memorial service held last Sunday at Missouri Southern State University, where the President Obama and I were present.

Their coverage was interrupted only once, at precisely 5:41 p.m. last Sunday, when the city of Joplin observed a moment of silence.

By Wednesday of this week, the mood of Joplin had started to shift.

After talking with community and business leaders and taking their pulse, James felt it was time to move on.

The wall-to-wall disaster coverage was getting folks down. They were ready for a little music… a little laughter… ready to reconnect through broadcast news to the rest of the universe.
This weekend, James and his wife are going to get out of town and take some time off. They need to grieve a while, James said, and then they'll be ready to move on.

I offer their story to remind all of us here of the great power, and the great responsibility, of broadcast media, not just to inform and entertain us, but to connect and protect us, to unite and uplift us.

The role of the free press is sacred in our democracy. In fact, it was so important to the framers, Thomas Jefferson in particular, that the press is the **only** economic enterprise mentioned specifically in the Constitution.

In the course of more than five decades as a public figure, Jefferson took his share of lumps from the press, and it left him a little sensitive to criticism.

But because the press both **re-flects** and **a-ffects** public opinion, Jefferson considered it essential in holding government accountable to the people.

There's a lot of responsibility on both ends of that transaction.
It's your responsibility to hold government – to hold your Governor – accountable.

It's also your responsibility to hold yourselves to the highest standards of accuracy, fairness and balance in order to serve the public.

When the next crisis comes, I hope you will seize the opportunity to serve the public the way no other entity can.

It could very well be … your finest hour.

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