

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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

**COMMENTS OF  
BUTTE BROADCASTING COMPANY, INC.**

Butte Broadcasting Company, Inc. (“Butte”), licensee of KKXX(AM), Paradise, California, Fac. Id 7909 and KYIX(FM), South Oroville, California, by its attorney, hereby submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) released by the Federal Communications Commission in the above-referenced proceeding.<sup>1</sup> Butte applauds the Commission in initiating a proceeding to revitalize the AM service. Butte has a unique perspective on the state of the radio industry, and the plight of AM stations in particular, as a licensee of both AM and FM stations and a broadcaster that rebroadcasts its AM signal on an FM translator owned by a third party. Butte wishes to provide its insights on a number of aspects of the NPRM, including (i) the opening of an FM Translator filing window exclusively for AM licensees and permittees; (ii) the modification of FM translator rules to benefit AM stations; (iii) daytime community coverage standards for existing AM stations; (iv) the modification of nighttime community coverage standards for existing AM stations; (v) the elimination of the AM “Ratchet Rule”; (vi) the wider implementation of modulation dependent carrier level control technologies and (vii) modify AM antenna efficiency standards. Additionally, Butte submits with these comments a Supporting Statement from Andrew

---

<sup>1</sup> See *In the Matter of Revitalization of the AM Service*, FCC 13-139, MB Docket. 13-249, Notice of Proposed Rulemaking (rel. Oct. 31, 2013) (“NPRM”). These comments are timely submitted as the Commission was closed on January 21, 2014.

Palmquist, the General Manager of Station KKXX, based on his practical knowledge of the day to day operations of the station and its experience rebroadcasting on an FM translator.

**Opening an FM Translator Filing Window Exclusively  
for AM Licensees and Permittees is a Necessity**

Butte supports the proposal that the Commission open a filing window for FM translators exclusively for AM station licensees and permittees, but there must be eligibility and use restrictions placed on the applicants in the window. The Commission must limit applicants in the window to daytime only and fulltime stations with nighttime power of 10 kW or less. AM stations that have already acquired a permit or license through application or purchase should not be precluded from participation. Stations leasing Translators should be allowed to apply in their own name since such lease arrangements are not permanent. Although all AM stations could benefit from being rebroadcast on an FM translator, the Commission should provide this opportunity to the stations most in need of expanded service first. A second filing window could be opened at a later date to offer other AM stations the opportunity to obtain an FM translator, but the most desperate stations should be addressed first. Butte agrees that the FM translators that result from the filing window must be tied to the AM stations give rise to the eligibility to participate in the filing window.

**FM Translator Rules that Benefit AM Stations**

Butte believes that the Commission should modify the restriction that no portion of the 60 dBu contour of an FM translator that will rebroadcast an AM station extends beyond the lesser of (a) a 25-mile radius from the AM transmitter site, and (b) the 2 mV/m daytime contour of the AM station. The limitation to the 2 mV/m daytime contour of the AM station is sufficient enough to prevent the expansion of the AM service beyond the area initially licensed while providing the most flexibility to the AM station. This is the most practical step the Commission

can take. The Commission should also extend the allowable service area to the daytime 0.5 MV contour. Stations in rural areas often provide excellent service to small towns within the .5 MV contour. Consideration should also be made to allow translator locations so as to allow coverage to exceed the 2 MV contour in rural areas on a per station basis.

Due to the lack of FM frequencies in congested areas, and especially after the recent LPFM window and the resulting filings, Butte suggests that the Commission continue the Mattoon Waiver. This is simply to allow the AM stations to take advantage of any possibility to obtain an FM translator.

#### **Modifications of Daytime Community Coverage Standards for Existing AM Stations**

Butte supports the request of the MMTC in regard to changing the required daytime signal strength over a station's community of license. The Commission has proposed to modify the daytime community coverage requirement contained in Section 73.24(i) of the Rules, for licensed AM facilities only, to require that the station cover either 50 percent of the population or 50 percent of the area of the community of license with a daytime 5 mV/m principal community signal. Butte suggests that the Commission also make this the standard daytime requirement for proposals for new stations and for existing stations that are proposing a change in the community of license.

#### **Modification of Nighttime Community Coverage Standards and Minimum Operation Power for Existing AM Stations**

The Commission has tentatively concluded that the nighttime coverage requirement should be eliminated for existing licensed AM stations. Butte supports this concept as it makes possible the survival of stations seeking new sites due to zoning and land costs. Butte also strongly urges the Commission to allow existing AM stations wishing to relocate to other transmitter sites be allowed to change their community of license and eliminate the nighttime

coverage requirements. The difficulty of constructing a new AM transmitter site given zoning restrictions and community concerns has made siting issues of great importance to the survival of the AM service. Existing stations must be granted the greatest amount of flexibility in this area to ensure that they can continue to provide service to their changing communities.

Butte does agree that applicants for new AM stations should be required to cover either 50 percent of the population or 50 percent of the area of their community of license with a nighttime 5 mV/m signal.

The Commission can take further steps to bolster the AM service by raising the minimum nighttime power to a range of 150 watts with a maximum of 500 watts for daytime AM stations operating with post-sunset authorizations. This would have a major effect on increasing the local audience of stations with limited nighttime service. While minimal nighttime service is appreciated by these stations, the power is generally too low to provide adequate service. Station KKXX operates with licensed power of 37 watts from its rural transmitter site and it is barely heard in its community of license. It is extremely difficult to attract paid programming at night with these limitations. This proposed improvement in post-sunset operations would work well with the other proposals in the NPRM. The radio audience is very local and the clear channel and high powered stations have relatively little value today in the distant areas reached by their signals. These stations are well protected in their market areas with their superior power. Smaller, rural stations need additional support to serve their local audiences.

### **The Elimination of the AM “Ratchet Rule”**

Butte supports the elimination of the “Ratchet Rule.” The Ratchet Rule effectively requires an AM broadcaster to demonstrate that its proposed facility changes will result in an overall reduction in the amount of interference to other AM stations. The rule sought to reduce

interference in the AM band, but it resulted in the unintended consequences of limiting the possibilities for stations to improve service. The time has come to eliminate this well intended, but unfortunate policy.

### **The Wider Implementation of Modulation Dependent Carrier Level Control Technologies**

Butte supports proposals to permit other types of modulation to provide reduction in operating costs, provided that it is at the choice of the licensee. The Commission should allow licensees to use, within reason, all options available to them to reduce operating costs.

### **Modification of AM Antenna Efficiency Standards**

The Commission's minimum efficiency standards are at present a serious problem for AM stations wishing to change transmitter sites. Due in part to the proliferation of mobile phone towers, most localities have a number of restrictions on the construction of communications towers, including height restrictions. These height restrictions have a tremendous impact on AM broadcasters.

Many of the restrictions limit the height of towers to a maximum of 100 feet. Sometimes whole counties are zoned with this restriction. This makes finding a transmitter site almost impossible, especially for lower frequency operations that requiring high towers. The Commission must offer broadcasters some assistance in this area by allowing shorter tower heights. Butte considers this an extremely important proposal, given that a station may not be able to survive the loss of a transmitter site with the difficulty of finding a tower that meets the Commission's requirements.

Operating with shorter towers poses certain difficulties for broadcasters and the Commission. Short towers will mean that stations must operate with higher power and absorb higher electricity costs. Stations will also have to provide greater protection to the public from

radiation with renovated fencing and signage. Using grounded shunt fed towers in these cases would also be an important option. Butte recognizes that in the case of nighttime operation, short towers produce more sky wave radiation that can cause serious interference at great distances. Because of this, AM broadcasters must be willing to comply with the standards the Commission may impose on nighttime operation with shorter towers. But without the ability to operate with shorter towers, many AM stations will not be able to operate at all.

#### CONCLUSION

The Commission's acknowledging that the AM radio service needs revitalization is a major step towards assisting these worthy broadcasters. By taking the suggestions offered by Butte, the Commission will be fulfilling the promise of this proceeding.

Respectfully submitted,

/s/ Nathaniel J. Hardy  
Nathaniel J. Hardy  
Marashlian & Donahue, LLC  
The *CommLaw* Group  
1420 Spring Hill Road, STE 401  
McLean, Virginia 22102  
(703) 714-1322

Counsel for  
Butte Broadcasting Company, Inc.

January 22, 2014

## **Supporting Statement of the General Manager of Station KKXX(AM), Paradise, CA**

I am the manager of KKXX(AM), Paradise, California, which is the only local radio station which allows for small broadcasters to have access to local airwaves in the small Chico, California market. The station is owned by Butte Broadcasting Company, Inc. whose ownership is 50% controlled by a female trustee of Asian descent. We offer minority and religious programming to our listeners.

It is our desire to broadcast a diverse and impactful message that reaches the homes of those in our listening area. This desire has for the most part gone unfulfilled as, over the past few years, an increasing number of our listeners can no longer receive our KKXX's signal due to new metal building construction, power lines, terrain and the simple fact that we are forced to lower our power at night to 37 watts. It is worse at night. Our signal simply cannot be received by the majority of people in our service area at night.

The station has taken steps to improve service for our listeners. Station KKXX now rebroadcasts on third-party owned FM Translator K283AR, Chico, California, Fac. Id 156504. Our listeners reported a measured improvement of receiving our station with the addition of FM service, during the day and night. However, because Station K283AR only has 250 watts, we still experiencing substantial difficulty penetrating buildings.

There are steps that the FCC can take to support stations like KKXX. To address the problem of receiving our signal in buildings, the FCC could allow FM translators to increase power beyond the 250 watt limit, yet remain within the AM station's 0.5 mV/m contour. This could be accomplished through Special Temporary Authority or an Experimental License.

The FCC should also remove the restriction that the 60 dBu contour of an FM translator rebroadcasting an AM station not extend beyond a 25-mile radius from the AM station's transmitter location. The restriction that the FM translator's 60 dBu contour not extend beyond the 2 mV/m daytime contour of the AM station is a sufficient limitation to protect against expansion of an AM station's authorized service area.

Station KKXX's daytime signal is limited to our rural city of license because of stations located 500 miles to the south. To resolve this issue I believe that a maximum protected radius for all AM stations regardless of power be limited to 150 miles. While acknowledging that a 50 kW station will naturally extend beyond 150 miles, it simply is inequitable that a future application for power increase to serve our community could be arbitrarily limited by a 0.25 to 0.5 mV/m of an adjacent station 500 miles away, that does not serve our market.

Additionally, the FCC could easily improve the situation of AM stations like KKXX that have reduced nighttime service by allowing them to request a minimum post-sunset nighttime power of no less than 150 watts, allowable up to a maximum 500 watts non-directional unless a specific complaint and interference is noted.

In summary, there are many issues that face AM broadcasters in small markets that reach rural populations. In order to compete and remain relevant, AM stations with limited nighttime service like KKXX must be able to operate with at least a minimum 150 watts at night, see the elimination of the ratchet rule, reduce protected contours by setting the maximum interference free contour to 150 miles, allow FM translators rebroadcasting AM stations to penetrate buildings by operating with more than 250 watts and see the elimination of 25-mile radius restriction for FM translators so as to better duplicate the current service of the AM station.

I am confident that my experience is mirrored all across the country, specifically in small towns and rural areas. Small broadcasters need more tools to compete with the big clusters of stations which do not typically provide the diverse content that small stations such as KKXX offer.

/ Andrew Palmquist /

Andrew Palmquist, General Manager  
Butte Broadcasting Company, Inc.  
KKXX AM 930  
1363 Longfellow Ave.  
Chico, California 95926-1534