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Monday, February 24, 2014

Federal Communications Commission
445 12th Street, SW,
Washington, D.C. 20554

Re: DA 13-2224 MB Docket No. 13-249

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Please accept the attached document as Reply Comments pertinent to the Notice of Proposed Rule Making in the Matter of Revitalization of the AM Radio Service. Thank you.

Sincerely,

James B. Potter

Document also submitted via the FCC ECFS Website

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Reply Comments Re: DA 13-2224 FCC NPRM MB Docket No. 13-249
Revitalization of the AM Radio Service

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)
)
Revitalization of the AM Radio Service)

MB Docket No. 13-249

To: The Commission

I. PREFACE

James B. Potter, *et.al.*, (“We” “Our”) welcome the opportunity provided by the Federal Communications Commission (“FCC” “Commission”) to submit our Reply Comments concerning MB Docket No. 13-249 NPRM Revitalization of the AM Radio Service.

**II. OUR REPLY TO COMMENT SUBMITTED BY THE MINORITY
MEDIA TELECOMMUNICATIONS COUNCIL**

We acknowledge the cogence and diligence of the arguments put forth by MMTTC in their Comment submitted in connection with the AM NPRM. While we support and agree with some MMTTC recommendations, we take exception to others

A. REDEDICATION OF TV CHANNELS 5 AND 6 FOR AM MIGRATION

In their *Summary and Introduction*, and expanded in the body of their paper, we note the statement ‘...as discussed herein, the greatest effort the Commission could make on behalf of AM radio is *to give serious consideration to developing a plan to relocate AM service to TV channels 5 and 6*.¹¹ We take strong exception to the notion of re-dedicating TV channels 5 and 6 to a new broadcasting service intended to replace the AM Broadcasting Service as presently constituted. We also note their recommendation is not unique to MMTTC. Such an undertaking would require the introduction of entirely new radio receiving sets designed for the purpose. It is our opinion that the

general public would *not* respond positively to the requirement to purchase new radios for this purpose. By means of comparison, we state our anecdotal understanding that new radios capable of receiving HD digital broadcasts on AM and /or FM have received only tepid reception by the public to-date, and we believe the same would apply to radios designed to receive radio on TV channels 5 and 6. It is not our intention to argue against the rededication of TV channels 5 and 6 for some other purpose, but rather to sustain the AM spectrum allocation for its present purpose in perpetuity.

We bolster our protest, stated above, by noting the estimated existence of some 500 million² radios possessed by estimated 115 million US households³ in 2010. We believe this quantity of radios already in the possession of many or most Americans strongly argues for taking advantage of such an 'installed base' of appliances rather than argue for their discard and replacement. As stated in our Comments paper,⁴ we believe the AM Broadcasting Service can be resurrected via the implementation of a newly-defined Class of Low-Power AM (LPAM) stations⁵ liberally allocated throughout the US, available to qualified applicants to serve the public interest, convenience, and necessity of population nexuses, particularly those of minorities, thereby taking advantage of the installed base of radios without need to purchase new models.

B. ADDITIONAL PROPOSALS

In their *Summary and Introduction*, and expanded in the body of their paper, we note the statement 'MMTC ... offers these additional proposals;⁶ followed by four items. As stated previously, we disagree with their proposal Migration of AM radio service to TV channels 5 and 6. We agree with their proposals Relaxing restrictions on AM stations relocating near urban areas and Conducting tutorials on AM radio engineering rules; but disagree with Creating a position for a broadcast public

¹ The Minority Media Telecommunications Council (MMTC) comments, Page 1.

² See Comments of James B. Potter, et.al., to AM NPRM 13-249, Page 4, Paragraph 1. *Pertinent Demographic Statistics*

³ *Id.*

⁴ *Id.*

⁵ *Id.*, Page 4, Paragraph 4. *Strategic Initiative*

⁶ MMTC, *op.cit.*, Page 3

engineer to aid in routine engineering matters. We bolster their proposals with which we agree by citing our recommended changes to the FCC Rules, Items (g), (h), (i), and (j) in our Comment paper.⁷ We re-state our opinion that the overall license application process for relatively simple AM radio station designs is over-burdensome and encumbered by legacy procedures which we believe may be streamlined without sacrifice of regulatory propriety.

C. FM TRANSLATOR CONSIDERATIONS

We note the statement by MMTC: 'An AM-only window to file FM translator applications would serve the public interest by helping to maintain the vitality and utility of AM service.'⁸ We are on record stating our wholesale disagreement with FM translators used in conjunction with AM radio stations.⁹ It is our opinion developed through our personal experience as consumers of AM and FM broadcasting as well as numerous anecdotal accounts from others that FM translators are anathema to AM. It is our considered opinion that the listener switchover from the AM band to the FM band in the course of following AM programming alerts the listener to the higher fidelity and coverage of FM, and is therefore seductive to remain on the FM band without switchback to AM. Contrary to the MMTC opinion, we believe that FM translators do *not* help to maintain the vitality and utility of the AM service, but only serve to erode its foundation.

MMTC states: 'The Commission has proposed a rule that would require that any FM translator authorized pursuant to the AM-only window be permanently linked to the primary AM station that acquired the translator.' They state: '... AM radio has faced a steady decline in listenership and is struggling to maintain its viability. *Any restraint on free alienability for AM stations could frustrate the Commission's goal of revitalizing AM radio* [emphasis ours]. MMTC understands the Commission's concern that without such a restriction, AM licensees could buy FM translators for the sole purpose of selling them at a higher price, rather than re-broadcasting the AM signal.

⁷ Potter, *op.cit.*, Page 5

⁸ MMTC, *op.cit.*, Page 5

⁹ Potter, *op.cit.*, Page 6

However, MMTC believes that concern must be balanced against the needs of failing AM stations to assign or transfer their FM translators to service. The economic reality is that many AM stations may currently be unsellable, while FM translators are selling for record prices.¹⁰ MMTC then argues in favor of a loophole for 'failing stations' by calling for a 'Failing Station Waiver' and states 'Failing Station Wavers would balance the Commission's goal of ensuring that the AM-only window is used for its intended purpose, with the reality that cash-strapped AM stations may need to sell their FM translator station in order to maintain the viability of their primary station.'¹¹ Two aspects of the MMTC argument trouble us: (1) Loopholes in rules are, in our opinion, inherently unfair to those to whom the rules generally apply. Furthermore, the temptation would then exist for stations to 'game' the system to exploit the loophole in order to sell their FM translators by claiming financial hardship. (2) Proceeds from the sale of an asset such as an FM translator represent a capital financial transaction. Were such proceeds to be used to cover ordinary expenses in a failing station, most likely the respite from insolvency or bankruptcy would be short-lived given the fact that the station was not previously viable from operations anyway. Such action would be an insult to viable stations which might wish to dispose of their FM translators but were prevented from so doing by virtue of not qualifying for the said loophole. We object to the adoption by the Commission of a 'Failing Station Waiver' as recommended by MMTC for the reasons stated.

D. TECHNICAL RULES ISSUES AND CONSIDERATIONS

We note with great interest the assertion by MMTC: 'One of those market incentives [reference to immediately preceding paragraph in MMTC paper] is to provide service to an underserved interest group. To allow a station to align itself for service to a particular unserved, or underserved community of interest, the Commission must realize that in an otherwise well-served geographic area, *it is more important to facilitate coverage of the demographic community in need of a voice* than to assure additional broader coverage defined only by the politically boundaries

¹⁰ MMTC, *op.cit.*, Page 7

established for many other reasons. This is particularly so when those broader interests are well served by a wide variety of existing sources [emphasis ours].¹² We understand the purport and novelty of this assertion, but wonder aloud how a radio signal radiating from a single point might be distributed over a 'demographic community' in the event said community is physically disparate or marbled throughout the demographic at large.

The MMTC assertion continues: 'While the *NPRM* recites the value of principal community coverage as part of the commitment to broadcast localism and fair, efficient, and equitable distribution of radio service, MMTC submits that those goals are defeated when maintenance of the rule results in a second, third or fourth service to a relatively disinterested general audience and at the cost of a vital service to a specific and underserved audience. "Local" does not necessarily refer only to geography – but rather to the needs of listeners, wherever they are located.'¹³ Again, we beg to understand how a radio signal emanating from a single point can be distributed across the landscape to target a desired demographic without also affecting the undesired demographic, unless it is assumed that the target demographic is congregated within a contiguous boundary of such a shape as to be amenable to overlay by a signal footprint of a radio station. Such may be the case wherein minority enclaves exist in an urban area, but not where the target minority is distributed throughout the general population.

For 'communities' so defined by MMTC, determination of percentage of coverage in the distributed minority case would be difficult to calculate. Furthermore, we wonder how MMTC would propose to define 'Community of License' for FCC purposes. The current system uses place names. Following MMTC logic, for demographic communities defined by ethnic minorities, might the station Community of License be, for example, 'Hispanic?' While we applaud the MMTC rationale for the concept of demographic rather than geographic radio service communities, the approach appears to

¹¹ *Id.*, Page 7

¹² *Id.*, Page 10

¹³ *Id.*, Page 12

present unresolved issues surrounding station service area identity and the physical laws of radio signal shape and distribution.

Notwithstanding the above, we agree with the MMTC call for greater station tower siting flexibility, and the relaxation of daytime and nighttime coverage rules in order that a lesser geographic area than the entire Community Of License may be covered by a station. We support their statement: 'MMTC believes the new station development in the AM band will occur only when a broadcaster has an innovative idea to serve a previously unserved audience.'¹⁴ We furthermore support their statement: 'It's time for the Commission to assume that broadcasters will seek to provide service to the markets they can develop and provide nighttime radio service to a listener community most in need of it by dropping the nighttime geographically based coverage requirement entirely.'¹⁵ In this connection, we point to our call in our Comments paper calling for an LPAM radio service which would meet the challenges of reaching targeted demographic communities without the concomitant requirement to cover an entire geographic community wastefully.

E. RELAX RESTRICTIONS ON AM STATIONS RELOCATING NEAR URBANIZED AREAS

We agree with MMTC urging '...the Commission to relax the Rural Radio prohibitions on relocating AM stations by simply requiring that the loss area continues to have five aural services.'¹⁶ The relaxation of this rule would afford greater flexibility to the would-be station entrepreneur with respect to siting issues and the facilitation of LPAM as recommended in our Comments paper.

F. CONDUCT TUTORIALS ON AM RADIO ENGINEERING RULES AT COMMISSION HEADQUARTERS AND ANNUAL INDUSTRY CONFERENCES

MMTC states: 'As a result of the complexity of AM radio regulations, it is extremely difficult for AM radio broadcasters to fully understand and comply with the existing radio regulatory regime,... To help enable AM businesses and nonprofits to compete in the new regulatory environment, the

¹⁴ *Id.*, Page 13

¹⁵ *Id.*, Page 16

Commission should conduct tutorials on AM radio engineering rules....¹⁷ We support this recommendation in concept, with practical limitations. It must be recognized that a considerable degree of technical complexity surrounds the design of AM directional antenna arrays, transmitter apparatus, radio wave propagation theory, *et.al.*, and for this reason degreed electrical engineers or equivalent undertake such tasks. It would be unrealistic to expect to acquire mastery of this and other related technical topic areas through simple tutorials. However, in the case of basic stations employing non-directional single towers, much is known from decades experience, and thus can be modeled for a template approach to transmission system design, particularly in the case of LPAM. By contrast, multi-tower arrays are substantially more complex, and tedious technical detail is unavoidable. For this reason, a cadre of legal and technical experts exists to shepherd the would-be station entrepreneur through the design and license application phases. We take pains to point out that FCC personnel are known for their cooperation with technical and legal inquiries. We furthermore note that self-education is possible through such documents as *The Public and Broadcasting* and 47 CFR Parts 70 through 79, aka 'FCC Rules' available in hard copy or via Internet download. We assert that broadcasting is highly complex technically and legally, and urge MMTC to manage their expectations with respect to the efficacy of such proposed tutorials, albeit a laudable concept.

G. CREATE A BROADCAST PUBLIC ENGINEERING POSITION TO ASSIST SMALL BUSINESS AND NONPROFITS WITH ROUTINE ENGINEERING MATTERS

MMTC states: 'This proposal would increase diversity within the broadcast industry by providing a valuable tool for AM broadcasters to help navigate the Commission's complex regulatory system, which would allow increased participation of these entities in broadcasting.'¹⁸ We are puzzled as to how the creation of this advisory position in itself would allow increased participation, save for

¹⁶ *Id.*, Page 21

¹⁷ *Id.*, Page 22

¹⁸ *Id.*, Page 34

the possibility that MMTC perhaps expects these services to be furnished by the FCC on a gratis basis, thus avoiding expensive private legal and engineering consultation. We note the IRS also provides gratis legal and technical advisory services, but by contrast, the paying of taxes is compulsory whereas founding a radio station is entirely optional. We imagine a significant number of highly-trained professionals having expertise in the legal and technical aspects of radio station founding would be required to field the likely voluminous questions arising from the seductive gratis availability of such services, verses hiring experts in private practice. The burden of expense of said FCC experts would fall on the US taxpayer, which we believe unjustifiable given the plethora of such services extant in the private sector. Accordingly, therefore, we oppose this proposal by MMTC.

III. OUR REPLY TO COMMENT SUBMITTED BY IBIQUITY DIGITAL CORPORATION

In their prefacing remarks, the commenter takes pains to point out the magnitude of their asserted 'enhancement and improvement of over-the-air radio broadcasting through the development and commercialization of digital radio...' and how they have '... invested hundreds of millions of dollars in the development and commercialization of HD Radio technology....'¹⁹ We view this narrative as braggadocios and self-promotional, and entirely irrelevant to the NPRM to which it is addressed.

The commenter states: '...some stations have found it difficult to introduce hybrid AM broadcasts without interference to host analog signals or, *in a handful of cases, interference to adjacent channel stations* [emphasis ours].'²⁰ Given the voluminous anecdotal ire among broadcast professionals and casual listeners alike pertaining to the detriment to AM reception caused to first-, second-, and in some cases third-adjacent stations by iBOC digital sidebands (known colloquially as 'iBUZZ'), the commentator's assertions trivializing the byproduct effects of their product are

¹⁹ Ibiquty comment, Page 1

²⁰ *Id.*, Page 6

disingenuous to be charitable. We asserted in our Comment²¹ paper that iBOC digital sideband noise ranks with the other causes of spectral pollution leading to the demise in quality of AM radio reception. While we acknowledge the diligence of both the FCC engineering staff and the commenter during the development and testing phase of their product, it would appear neither party anticipated or perhaps simply disregarded the unintended consequences (sideband spectral noise pollution) of allowing mixed-mode (i.e., analog and digital) transmission systems in the same spectrum allocation space of a legacy analog radio broadcasting service. We believe this oversight to have been a grave error. While many sources of spectral noise pollution would appear to be beyond practical remediation at this juncture, wideband sideband noise interference caused by iBOC transmissions, by contrast, are within the regulatory control of the FCC to extinguish at will.

A. THE COMMISSION SHOULD ENSURE ANY CHANGES TO THE AM TECHNICAL RULES DO NOT NEGATIVELY IMPACT THE ROLLOUT OF HD RADIO BROADCASTING

The commenter expresses concern that ‘... stations that take advantage of these rule modifications and relocate their antenna facilities may inadvertently change the potential for interference from existing or future digital broadcasts... Any stations ... should be required to accept any new digital interference they receive as a result of [antenna system] modifications.’²² We strongly object to the assertion that stations should accept any interference from digital broadcasts. To the contrary, we believe stations suffering interference from digital broadcasts have a *prima facie* basis for interference complaint. We furthermore believe the burden rests upon the interfering digital broadcasting station to mitigate said interference by either technical means or cessation of said digital broadcasts.

B. THE COMMISSION SHOULD AUTHORIZE AM BROADCASTERS TO CONVERT TO ALL DIGITAL BROADCASTS

²¹ Potter, *op.cit.*, Page 2

²² Ibiqity, *op.cit.*, Page 3

The commenter states 'The Commission should facilitate the digital transition by allowing stations to voluntarily adopt all digital broadcasting...'²³ We strongly oppose the further implementation and aggrandizement of any digital broadcasting system which gives rise to adjacent channel interference to the detriment of legacy analog AM broadcasting stations.

IV. OUR REPLY TO COMMENT SUBMITTED BY NATIONAL ASSOCIATION OF BROADCASTERS

A. ALL DIGITAL AM RADIO SERVICE

The commenter states: 'To date, all-digital AM testing has been a valuable endeavor. NAB Labs intends to continue to work on implementing an ongoing test program. We look forward to coordinating with Commission staff on next steps toward a possible all-digital AM radio service, should industry support such a transition.'²⁴ As stated above in our reply to comments submitted by iBiquity, we believe implementation of digital broadcasting on the AM band as a mixed-mode with legacy analog AM modulation was ill-considered, particularly with regard to excessive sideband radiations causing interference to first-, second-, and sometimes third-adjacent stations. While hybrid mode analog plus digital transmissions *de minimis* allows continued use of existing AM radio receivers, all-digital modulation raises the specter of requiring listeners to purchase digital-capable radios to enjoy stations to which they have been accustomed with their existing assets. We strongly oppose the imposition of such a purchase requirement on the American public. Accordingly therefore, we strongly oppose further implementation of, and potential transition to all-digital modulation on the AM band.

V. OUR REPLY TO COMMENTS SUBMITTED BY DAIJ MEDIA, LLC

²³ *Id.*, Page 7

We strongly support and agree with the recommendation of this commenter: 'DAIJ proposes that an operation be commenced by the Commission to review the thousands of readings it has at hand and to incorporate the resulting conductivities into an updated Figure M-3 map. The result would be a far more accurate representation of the conductivities across the U.S. As part of updating of Figure M-3 with actual data, DAIJ proposes that the existing Figure M3 be revised in the interim to show conductivities 25 to 30 percent lower than currently indicated.'²⁵

VI. OUR REPLY TO COMMENTS SUBMITTED BY CARTHAGE BROADCASTING COMPANY

A. ADDITIONAL INPUT FOR FURTHER PROPOSAL FOR FUTURE DIGITAL AM OPERATION

We strongly support and agree with this commenter's objection to '... to the idea of "requiring stations to convert to all-digital AM operation."' We agree with their observations: 'Despite glowing reports and press releases to appease Wall Street and investors, the FM digital rollout has been greatly limited and underwhelming...Yes, a few stations in small and medium markets around the country have added digital channels, but many more have not...Our forecast for HD FM radio is not good at least for small market broadcasters, independently owned and operated stations, many independently owned minority broadcasters.... HD radios are expensive – a garden variety clock radio costs \$15, yet an HD radio that is nearly the same size will cost \$90 to \$100 or more. Most of this added premium is to cover the royalty paid to iBiquity....We hope the Commission will seek to solicit other open source technologies for AM and FM digital radio such that many suppliers can enter and compete by offering the service similar to the way TV stations moved to digital– TV had no such iBiquity model and monopoly with outrageous license fees and ongoing annual fees....'²⁶ This commenter's reference to the TV digital transition resurrects the specter of the government-

²⁴ NAB comment, Page 20

²⁵ DAIJ comment, Page 9

²⁶ Carthage comment, Pages 8-9

sponsored converter box program involving purchase coupons to induce public acceptance of the forced obsolescence of hundreds of millions of TV receivers. We believe digital-AM converter boxes would not be technically feasible for use with AM radio receivers owing to the absence of a physical antenna connection, thus rendering untenable the inducement of public acceptance of all-digital AM broadcasts.

VII. OUR REPLY TO COMMENTS SUBMITTED BY THE BROADCAST MAXIMIZATION COMMITTEE

This commenter states: 'Some commenters believe that digital AM radio will provide a long term solution for the AM service. But for various reasons, including technical inferiority compared to FM digital and the cost versus the benefit of the investment of in HD equipment and licensing fees, AM broadcasters are not jumping on the HD bandwagon, are not likely to do so in the immediate future, and some who have implemented HD have since turned it off.'²⁷ We fully agree with these assertions.

VIII. OUR REPLY TO COMMENTS SUBMITTED BY JOINT COMMENTS OF AM STATION OWNERS

This commenter states: 'AM stations are not being repaired and maintained due to the high cost when compared to the value of the repair involved. As a result, the Commission has seen a larger number of STA filings by AM licensees and numerous extension requests. The Commission has no choice but to be lenient with AM station owners and grant these STAs, recognizing their plight. But this leniency only encourages the AM station owner to neglect the station's physical plant and, for those relying on FM translators, there is even less reason to repair the station. By allowing the neglect to continue and *by fostering the use of FM translators, the result will inevitably be a further*

²⁷ BMC, Page 3

decline in AM station values [emphasis ours].²⁸ We fully agree. We stated in our comment paper²⁹ and herein reiterate our belief that FM translators for AM stations are anathema to AM. While FM translators may enhance the revenue prospects for AM station enterprise profitability, and in some cases provide *bona fide* fill-in coverage, we nevertheless believe FM translators subvert and corrode the AM service by luring listeners to the FM band with some probability of not returning to the AM band for a variety of reasons, including superior quality of FM reception and fidelity. Our objective is preservation of the AM radio broadcasting service *per se* in the broad context, not necessarily the preservation and perpetuation of individual radio station enterprises, the salvation of which many of said enterprises look toward FM translators to achieve.

IX. OUR REPLY TO COMMENT SUBMITTED BY BLONT MASSCOM, INC., ET. AL

A. THE FCC SHOULD IMMEDIATELY BEGIN GRANTING MAIN STUDIO WAIVERS TO AM STATIONS

The commenter advances the argument: ‘The expense of maintaining a main studio and staffing it with the required personnel to meet the FCC’s “meaningful presence” requirement of two full-time employees is substantial, and the waiver of such a requirement would provide significant, immediate relief to the financial bottom line of AM stations, ensuring that many survive in the near term. Blount supports the application of the FCC’s long standing practice of granting main studio waivers under its existing rules in order to provide immediate financial relief to AM stations as part of the revitalization process.’³⁰ We adamantly oppose this recommendation on the grounds that absentee station operation is directly counter to localism and local community access to the station’s facilities. The commenter’s recommendation would to supply legitimacy to the practice of attaching a

²⁸ Joint Station Owners comment, Page 5

²⁹ Potter, *op.cit.*, Page 7

³⁰ Blount comment, Page 2

satellite receiver to a transmitter at the transmitter site and broadcasting without sensitivity, reactivity and availability to the local community of license. This noxious extant practice has, in our opinion, contributed as much as any other cause to the demise of AM radio by alienating listeners who no longer perceive any personal relationship nor representation of local community affairs. We strongly urge the Commission *not* to adopt this recommendation, and to decline additional main studio waiver requests.

X. OUR REPLY TO COMMENT SUBMITTED BY CAVELL, MERTZ & ASSOCIATES, INC.

A. FURTHER PROPOSAL 3 –

The commenter advances the argument: ‘Permit the use of on channel medium wave (AM) booster stations, not unlike that which is permitted in the FM radio and digital television services. Like in FM and digital television services, advancements have been made in technology of on-channel boosters and propagation prediction methodology that permit synchronized operation. Such facilities should be conditioned on a non-interference basis and coverage should not be extended beyond the protected contour of the main station.’³¹ We strongly support this recommendation as a preferable alternative to FM translators. Whereas, in our opinion, FM translators may subvert the AM radio service by drawing listeners away from the AM band to the FM band from which they might not return, AM on-channel signal booster stations perform an identical function to FM translators by providing fill-in signal to the coverage area *without luring the listener away to the FM band*. Furthermore, as has been noted by other commenters advocating AM on-channel boosters, advances in frequency control technology involving GPS reference oscillators provides the capability of freedom from beat frequency signal quality degradation when the main AM signal and booster signal arrive at the radio receiver simultaneously.

XI. OUR REPLY TO COMMENT SUBMITTED BY CLEAR CHANNEL COMMUNICATIONS INC.

A. THE COMMISSION SHOULD PERMIT ALL DIGITAL AM OPERATION ON A VOLUNTARY BASIS

The commenter states: 'As more HD receivers are installed in vehicles and more consumer digital receivers are purchased, more Americans are experiencing the sound quality advantages of digital broadcasting. While the levels of digital receiver penetration are not at the point where the Commission should consider mandating all-digital AM operation, individual AM broadcasters may find their listeners ready to embrace digital-only reception.'³² We agree that the levels of digital receiver penetration are not at the point where the Commission should consider mandating all-digital operation, nor, in our considered opinion, will said levels of penetration likely *ever* be achieved. Anecdotal evidence points to broad consumer apathy to digital-capable AM receivers available on a stand-alone basis, and accordingly some digital-capable AM stations are said to be ceasing their digital operations due to lack of measurable audience response to their digital broadcasts. Furthermore, we believe claims made by this commenter and other proponents of digital AM broadcasting with regard to increasing market penetration of digital-capable AM radios are specious and rely primarily on sales of vehicles which contain digital-capable AM radios in their dashboards. Almost certainly, new vehicle selections and purchases are based on virtually any feature preference *other than* the presence digital-capable AM radios; thus digital-capable AM radio 'sales' in this context are an incidental collateral byproduct of new vehicle purchases, but not an independent explicit consumer demand for said radios.

The commenter continues: 'CCME proposes that the Commission consider in this docket allowing AM broadcasters to determine the best means, whether analog, hybrid or all-digital, to reach their audiences, by revising Commission rules to allow AM broadcasters to choose all-digital means

³¹ Cavell comment, Page 6

³² Clear Channel comment, Page 17

of broadcasting...³³ We have opined in our comments, and earlier in these our reply comments, that we believe the decision by the Commission to permit mixed-mode analog and digital broadcasts within the AM band was a grave error in judgment inasmuch as the implementation of said digital broadcasts using the approved proprietary modulation scheme (iBiquity) gave rise to sideband interference (known colloquially as 'iBUZZ') to adjacent channel stations, thus degrading the long-established legacy listening experience to those stations thus affected. We strongly oppose the furtherance of this or any other digital modulation scheme that produces objectionable sideband interference, and furthermore urge the Commission to reverse and withdraw its approval of the iBiquity iBOC modulation scheme for use in the AM band for the reasons noted.

XII. OUR REPLY TO COMMENT SUBMITTED BY CURTIS MEDIA GROUP, INC.

A. RELAXATION OF DIRECTIONAL AM PROTECTION

The Commenter encourages the Commission '...to reevaluate its AM directional protection rules. CMG currently operates a number of directional AM stations, and in our experience the protection afforded to those stations in many cases is unnecessary because the areas protected are well outside of our local market areas. The AM stations that are required to protect these directional stations under the current rules do so to the detriment of their local service coverage.... *It would seem that improvement of local coverage of one station is more equitable than preservation of distant coverage of another* [emphasis ours]. Accordingly, I encourage the to Commission to relax the AM directional protection rules so that protection is not afforded beyond a station's local market area.³⁴ We strongly support this recommendation for the market service reasons offered, and furthermore in

³³ *Id.*, Pages 17-18

³⁴ Curtis comment, Pages 2-3

recognition of the high level of spectral noise interference that precludes satisfactory distant reception in any case.

XIII. OUR REPLY TO COMMENT SUBMITTED BY JONATHAN E. HARDIS

The commenter notes: ‘...I would be remiss if I did not go on record here to reiterate in the AM context an issue that I have previously brought to the Commission’s attention in the FM context (MM Docket No. 99–325). IBOC digital transmission, in its “hybrid” (analog/digital simulcast) mode, far exceeds the out-of-band emission allowed under the Commission’s rules (47 C.F.R. § 73.44, for the AM service). Any serious effort to reduce interference on the AM band must begin by correcting this error—which can also be done expeditiously.’³⁵ We whole-heartedly agree and support the commenter’s contention.

A. THE COMMISSION’S INTERFERENCE PROTECTION RULES SHOULD BE RIGOROUSLY ENFORCED.

We applaud the technical rigor of this commenter and strongly support the purport of this section of his comment.

B. THE COMMISSION SHOULD SOLICIT COMMENTS ON INTRODUCING ALL-DIGITAL AM BROADCASTING

We applaud the technical rigor of this commenter and strongly support the purport of this section of his comment.

XIV. OUR REPLY TO COMMENT SUBMITTED BY MISSOURI BROADCASTERS ASSOCIATION

A. REVISE PROTECTION OF CLEAR CHANNEL CLASS A NIGHTTIME SKYWAVE.

MBA believes it is time to recognize the reality that skywave nighttime service is no longer

worth preserving.... In the modern radio world, skywave is not an important service... 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).³⁶ We strongly agree with this position taken by the commenter, inasmuch as lifting nighttime power restrictions for lesser class stations advances the cause of localism, of which we are strong proponents.

B. AM ALL-DIGITAL

The commenter states: '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.'³⁷ We strongly oppose the support of this commenter for all-digital AM operation for reasons stated earlier in these, our reply comments.

C. CONCLUSION

We applaud and support: '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. ...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

³⁵ Hardis comments, Pages 2-3

³⁶ Missouri Broadcasters Association comments, Pages 6-7

³⁷ *Id.*, Page 7

of emergency, can be relied upon for lifesaving information. Talk of sunseting this band ignores the real contributions AM continues to make to our communities.¹³⁸

XV. OUR REPLY TO COMMENT SUBMITTED BY BURT I. WEINER

A. I MAKE THE FOLLOWING RECOMMENDATIONS

The commenter states: 'The FCC under Congress must enforce the rules they already have. ... Random FCC inspections of all transmission aspects of broadcast transmitter facilities should be re-instituted. It is well known to most of the engineers in my profession that the FCC's failure to make such inspections has led to an attitude that the FCC no longer cares. This has resulted in stations that no longer pay attention to facilities or emissions until they experience a complete failure. Minimal necessary repairs are often made to merely get the station back on the air. Transmission equipment that is not properly maintained, tested and adjusted can impact other stations as well as other services. Responsible engineers still believe that the Commission is supposed to take an active role in preventing this apparent neglect. Competent broadcast engineers should be able to depend on FCC support (enforcement) to help them guide their employers and clients on the path to good engineering and compliance.³⁹ Our experience with broadcast station service maintenance over the decades affirms the truth and validity of the commenter's assertions of neglect of station facilities. Numerous AM stations across the US are virtual junkyards of defective, mal-adjusted half-century-old equipment in grave condition, particularly those with multi-tower directional arrays. We believe such station's claims of poverty are insufficient justification for continued operation. We note the Commission regularly issues NALs for Rules violations, but we also note many stations protest their inability to pay assessed forfeitures. We believe the licensees of stations thus described exhibit

³⁸ *Id.*, Page 7

³⁹ Burt Weiner comment, Page 3

malfeasance with respect to the terms conditions of their Instruments of Authorization to operate their stations (compliance with FCC Rules and Regulations), and furthermore believe the Commission should either temporarily suspend or permanently revoke the licenses of stations thus described, particularly in instances in which assessed forfeitures cannot be paid. Such enforcement action would likely rid the AM band of many non-conforming stations, thereby lowering co-channel interference, and generally improving overall reception of desired stations. We make an analogy, and by extension, precedence for such action (termination of operation by enforcement action) by comparison with other enforcement agencies, for example, DOT, FAA, and NTSB. If a tractor-trailer rig is inspected and found to have bald tires or thin brake linings or inoperative signal lamps, the rig can be sidelined until and unless repairs are made.

The commenter continues: 'FM translators for AM stations do nothing to improve or revitalize the AM broadcast band, and in fact pull listeners away from AM broadcast. We should learn from the many FM to FM "translators" which have a history of abuse in that many operate very differently from the intended purpose of the translator rules. If we are to have FM translators for AM then the FCC must take steps to prevent this same abuse from happening now and in the future for the AM translator service.⁴⁰ We strongly agree, as we have stated elsewhere.

The commenter opines: 'The current form of AM digital transmission known as IBOC should be revisited. Close examination will clearly show that in its relatively brief history it has been more destructive than beneficial to the AM Broadcast band as a direct result of the severe interference it causes to adjacent channel signals. Due to the nature of propagation in the AM Broadcast band IBOC has proven itself to not be a reliable method of digital transmission at these frequencies and only adds to the list of interference sources to other licensees.⁴¹ We strongly agree, as we have stated elsewhere.

⁴⁰ *Id.*, Page 4

⁴¹ *Id.*, Page 5

XVI. SUMMARY OF OUR REPLY COMMENTS

We have read and critically reviewed many of the comments posted in response to NPRM 13-249. This process is an excellent illustration of the democratic process of American government, of which we are proud; we applaud the FCC for their efforts in this connection. In the matrix of opinions and recommendations offered in the comments, there is much commonality of concurring and opposing views. In this, our reply comments paper, we noted commentators who's views were notably cogent and prose professional. Owing to the volume of responses, it should not be interpreted as a negative reflection on those who's comments were not herein addressed. But clearly, allowing us to inductively generalize from the number and intensity of parties submitting comments, interest in reviving and sustaining AM is strong, albeit with differing visions for the future. We eagerly look forward to the Commission's 'King Solomon' judgments forth coming.

A. COMMENTS WITH WHICH WE AGREE AND SUPPORT

We agree and support: (1) Relaxing restrictions of AM stations relocating near urban areas; (2) Conducting tutorials on AM radio engineering rules; (3) Defining a demographic community of license as an alternative to geographic; (4) Revising the FCC M-3 ground conductivity map; (5) On-channel AM booster stations; (6) Re-assessment of the AM directional contour protection rules; (7) Vigorous enforcement of the interference protection Rules; (8) Reduce protection of Class A nighttime skywave protection Rules; (9) Reinstate random FCC inspections of station transmission facilities; (10) Reducing Class A station nighttime TPO to 10KW.

B. COMMENTS WITH WHICH WE DISAGREE AND OPPOSE

We *do not* agree with or support: (1) AM service transition to TV Channels 5 and 6; (2) Creating a new position within the FCC of engineer to aid in routine engineering matters; (3) FM Translators of any kind in connection with AM station coverage fill-in; (4) Mixed analog-digital

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modulation schemes in the AM band, particularly digital implementations giving rise to sideband interference to adjacent channel stations; (5) Authorization to AM broadcasters to convert to all-digital broadcasts; (6) Relaxing the 'meaningful presence' requirement of two full-time employees; (7) Waiver for no studio presence in the Community of License; (8) Raising Class A TPO to 100KW day and night.

End of Comments