

**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

**Reply Comments of National Public Radio, Inc.**

**Introduction**

Pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, National Public Radio, Inc. (“NPR”) hereby submits its Reply Comments in response to the comments on the Notice of Proposed Rulemaking in the above-captioned proceeding proposing measures to improve the AM radio service.<sup>1</sup>

NPR’s initial comments endorsed the technical measures proposed by the Commission as reasonable steps to improve AM radio service.<sup>2</sup> Many other commenters agreed. In particular, there appears to be universal support for eliminating the so-called “ratchet rule” and permitting greater use of Modulation Dependent Carrier Level (“MDCL”) control technologies.<sup>3</sup>

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<sup>1</sup> In the Matter of Revitalization of the AM Radio Service, Notice of Proposed Rulemaking, 28 FCC Rcd 15221 (2013) [hereinafter “NPRM”]. Unless otherwise indicated, all citations to comments are to comments filed in this proceeding in response to the NPRM.

<sup>2</sup> Comments of National Public Radio, Inc. at 2-3.

<sup>3</sup> NPRM, 28 FCC Rcd at 15233-37. See, e.g., Minority Media Telecommunications Council at 16-17 [hereinafter “MMTC Comments”]; Comments of Carl T. Jones Corporation at

Commenters also supported relaxing daytime and nighttime coverage requirements<sup>4</sup> and antenna efficiency standards.<sup>5</sup> Accordingly, the Commission has ample support for implementing those proposals.

NPR also supported the NPRM proposal to open an FM translator filing window for AM station licensees or permittees. While some commenters proposed variations to the Commission's recommended approach, such as allowing AM stations to obtain multiple FM translators<sup>6</sup> and the sale of an FM translator independently of the AM station,<sup>7</sup> the record evinces substantial support for the filing window described in the NPRM.<sup>8</sup> A lone dissenter sought to limit the ability of AM stations to obtain an FM translator, arguing that the Local Community Radio Act ("LCRA") requires the Commission to conduct a preclusion analysis as part of an FM

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4-5; Comments of the National Association of Broadcasters at 16-19; Comments of The Association of Federal Communications Consulting Engineers at 6 [hereinafter "AFCCE Comments"]; Comments of the Society of Broadcasting Engineers, Inc. at 3-5 [hereinafter "SBE Comments"].

<sup>4</sup> NPRM, 28 FCC Rcd at 15229-33. See Comments of Cavell, Mertz & Associates, Inc. at 3-4; Comments of Hatfield & Dawson Consulting Engineers, LLC at 2; Comments of Du Treil, Lundin & Rackley, Inc. at 2.

<sup>5</sup> NPRM, 28 FCC Rcd at 15237-40. See SBE Comments at 6-8. But see AFCCE Comments at 6-7 (proposing the complete elimination of antenna efficiency standards).

<sup>6</sup> AFCCE Comments at 2.

<sup>7</sup> MMTTC Comments at 6-7; AFCCE Comments at 2-3.

<sup>8</sup> NPRM, 28 FCC Rcd at 15226-27. NPR agrees with the limit of one FM translator station per AM station and the permanent linking of the FM translator station to the AM primary station to benefit AM stations genuinely motivated to use FM translators to benefit service to the station's community rather than for speculative purposes. NPR Comments at 3-4.

translator filing window.<sup>9</sup> This commenter offered no basis for such a requirement in the LCRA or its legislative history, however, and the Commission conducted no such analysis as part of its recently concluded LPFM filing window. NPR therefore urges the Commission to reject that proposal and conduct the filing window as proposed in the NPRM.

NPR also requested that the Commission conduct a filing window for noncommercial educational (“NCE”) reserved band FM translators simultaneously with the FM translator filing window for AM stations.<sup>10</sup> As NPR noted, the Commission has never conducted an NCE FM translator filing window, and there would be little, if any, conflict with the FM translator filing window for AM station licensees.<sup>11</sup> Simultaneously conducted filing windows would serve a clear need for access to FM translator facilities for both AM and NCE FM services, without imposing an appreciably greater burden on Commission resources.

Finally, NPR endorses the proposal made by the Broadcast Maximization Committee and supported by the Minority Media Telecommunications Council to reallocate the television

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<sup>9</sup> Comments of REC Networks at 4

<sup>10</sup> NPR Comments at 5-7.

<sup>11</sup> Thus, only AM stations formally designated as operating on an NCE basis could apply for an FM translator station in the reserved portion of the FM band, 47 C.F.R. § 73.1690(c)(9) (specifying how an AM, FM, or TV commercial station may propose to change from commercial to noncommercial educational service), and any mutually exclusive applications can be resolved through the existing rule for resolving mutually exclusive NCE FM translator applications. 47 C.F.R. § 74.1233(b); 47 C.F.R. § 73.7001(b). See also In the Matter of Reexamination of the Comparative Standard for Noncommercial Educational Applicants; Association of America's Public Television Stations' Motion for Stay of Low Power Television Auction (No. 81), Second Report and Order, 18 FCC Rcd 6691, 6695-96 & n.28 (2003) (discussing the Commission’s treatment of “AM stations that satisfy the NCE FM eligibility rules as NCE AM stations”). Mutually exclusive AM stations formally operating as NCE stations will already have the matter resolved under the existing process for resolving mutually exclusive NCE applications even if the filing window were limited to AM station licensees or permittees.

channels 5 and 6 spectrum to radio.<sup>12</sup> The measures proposed in the NPRM may modestly improve the AM service, but only for some AM stations and likely only to a limited extent. Reallocating television channels 5 and 6 would provide sufficient spectrum to migrate current AM stations, accommodate demand for NCE FM and other FM stations, while accommodating existing channel 5 and channel 6 stations. While it is premature to adopt a specific plan for the reallocated spectrum, the Commission should initiate a proceeding to develop such a plan. The reallocation of spectrum to accommodate AM stations and others may be the best and only way of truly revitalizing AM radio service.

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<sup>12</sup> Comments of Broadcast Maximization Committee at 1-2; MMTC Comments at 18-20.

**Conclusion**

For the foregoing reasons, NPR supports the Commission's efforts to improve the AM radio service and urges the Commission to take implement the measures recommended herein and in NPR's initial comments.

Respectfully submitted,

NATIONAL PUBLIC RADIO, INC.



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March 20, 2014