Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Section 73.207, 73.211, 73.215, and	)	MB Docket No. _____
73.3573 of the Commission's Rules related to	)	RM-11727
Minimum Distance Separation Between Stations,	)	
Station Classes Power and Antenna Height	)	
Requirements, Contour Protection for Short Space	)	
FM Assignments, and Processing FM Broadcast	)	
Station Applications	)	

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

COMMENTS OF THE CROMWELL GROUP

The Cromwell Group, a 42 year broadcast station licensee through affiliated entities, hereby submits its Comments in support of the SSR Communications, Inc. proposal to create a new Zone II FM Class C4 broadcast station classification provided that certain safeguards are at the same time adopted for fill-in FM translators. In support, the following is submitted:

INTRODUCTION

1. The Cromwell Group conditionally supports the adoption of the Class C4 category of FM classifications in Zone II of the United States, provided that certain safeguards for existing fill-in FM translators are adopted, and that the proposed AM-only filing window for FM translators is completed prior to the effective date of the Class C4 classification.

THE CROMWELL GROUP'S PROGRAMMING ON AM STATIONS COULD NOT CONTINUE ABSENT CARRIAGE ON FILL-IN FM TRANSLATORS

2. The Cromwell Group, through affiliate entities, is the licensee of the following AM radio stations:

- WPMB(AM), 1500 kHz, 250 watts day/2 watts night, Vandalia, Illinois. This station with 2 watts of nighttime power has very limited coverage.

- WCRA(AM), 1090 kHz, 1000 watts day, Effingham, Illinois. This station has no nighttime authority.

- WTCJ(AM), 1230 kHz, 850 watts day/night, Tell City, Indiana. Very limited and interfered with nighttime coverage.

- WKCM(AM), 1160 kHz, 2500 watts day/1000 watts night non-directional, Hawesville, Kentucky. Two tower directional with very tight coverage at night and high interference.

- WVJS(AM), 1420 kHz, 980 watts day/20 watts night non-directional, Owensboro, Kentucky.

- WQZQ(AM), 830 kHz, 2000 watts daytime only, Goodlettsville, Tennessee.

3. When these stations were built they had clear signals that served their communities well. As the number of AMs expanded and interference grew from other sources, their ability to serve their communities and be a listener choice diminished.

4. Of these stations, WQZQ is our newest AM station with the current facilities built in 2010. WQZQ was originally purchased out of bankruptcy in 1988 and recently moved to Goodlettsville. WTCJ and WVJS are heritage AMs built in the 1940s. WVJS and WTCJ were both purchased in financial distress. WKCM was built from scratch by us in 1972 and kept going, even when for business reasons it should not have been. WCRA is a heritage small community central Illinois call sign. WPMB is similar in its service to a small central Illinois community.

5. Each of these AM stations has been fortunate to have paired with it in the past several years an FM translator. An AM station's ability to effectively serve its community has diminished in recent times, with nighttime service greatly limited by interference. While 20 to 30 years ago, AM stations were generally vibrant and billing enough to support a staff of many,

AM stations today without FM translators often bill less than enough revenue to pay the electric bill, let alone rent or employee salaries. This revenue loss stems in part from the perception of local advertisers that the public no longer listens to an AM station's questionable signal and that in small towns, there are no local ratings to prove or disprove this lack of listenership.

HD SUB-CHANNELS CARRIED ON FILL-IN FM TRANSLATORS BRINGS DIVERSE PROGRAMMING

6. The Cromwell Group licensees have also been a pioneer in bringing diverse programming to its various communities through the provision on HD2 and HD3 sub-channels of programming otherwise unavailable to its listening audience. The reliable reception of HD2 and HD3 sub-channels on HD radios is intermittent, at best.

7. In addition, the penetration of HD radio receivers in the listening audiences of its various communities is woefully inadequate to garner the mass audience necessary to support the HD2 and HD3 programming with advertising revenue. The diverse programming offered on the Cromwell Group's HD2 and HD3 sub-channels would not be sustainable as a business proposition without the FM translators that are paired with them.

SAFEGUARDS FOR FILL-IN FM TRANSLATORS CARRYING AM STATIONS AND HD SUB-CHANNELS ARE REQUIRED

8. The Class C4 proposal, while commendable in its goal of somewhat increasing the service areas of Class A stations, carries with it the risk that many fill-in FM translators carrying AM stations and HD2 and HD3 sub-channels will be displaced. In the past several years the scope and function of FM translator use to augment and enhance fill-in service from broadcast stations to communities, both from more consistent and reliable AM service, and from diverse HD sub-channel programming unavailable to analog radio listeners, has grown tremendously.

9. The FCC should endeavor not to harm the nascent enrichment of AM service and the provision of diverse programming over HD2 and HD3 sub-channels through fill-in FM translators. Rather, the Cromwell Group supports rule changes safeguarding fill-in FM translators at the same time as the service improvement prospects for Class A stations are adopted. Both are situations deserving of Commission attention.

10. Under Section 74.1203(a) of the Commission's rules, there is currently no limit as to where interference from an FM translator may be claimed to occur by a full-service station. A full-power FM facility is able to allege interference from a distant translator station, even if such interference occurs well beyond its protected contour. In some cases, full power FM licensees, citing the above provision of the Commission's rules, have been able to make dubious interference claims in an attempt to force a neighboring translator station to either change its frequency, or worse, cancel its authorization altogether.

CHANGES TO FILL-IN FM TRANSLATOR RULES REQUESTED WITH CLASS C4

11. Reliability of service for fill-in FM translators benefits communities and listening audiences in the same way as will the proposed enhancements to Class A stations. Accordingly, the Cromwell Group respectfully asks that the Commission change its rules, at the same time that the Class C4 category is considered, to only consider fill-in FM translator interference claims of a full power FM facility *within its protected service contour*, and only during the first year of the subject fill-in translator's operation, and to align the rules for fill-in FM translators and new or modified full service station applications more closely with the similar rules existing for LPFM

stations. These proposed changes are more fully described in the August 7, 2014 Comments of SSR Communications, Inc.[1]

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[1] SSR Communications, Inc. in its August 7, 2014 Comments requested an amendment to Section 74.1203(a) of the rules so that it states (changed text underlined):

> (a) An authorized FM translator <u>operating outside of its primary station's fill-in area</u> or booster station will not be permitted to continue to operate if it causes any actual interference to:
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> > (1) The transmission of any authorized broadcast station; or
> >
> > (2) The reception of the input signal of any TV translator, TV booster, FM translator or FM booster station; or
> >
> > (3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, and previously authorized and operating FM translators and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.
>
> <u>An authorized FM translator operating inside of its primary station's fill-in area will not be permitted to continue to operate if it causes any actual interference within its first year of operations with its current facilities to:</u>
>
> > <u>(4) The transmission of any previously authorized broadcast station inside its protected contour, or</u>
> >
> > <u>(5) The reception of the input signal of any TV translator, TV booster, FM translator or FM booster station, or</u>
> >
> > <u>(6) The direct reception by the public of the off-the-air signals inside the protected contour of any previously authorized broadcast station with interference considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator station.</u>
>
> <u>If a full service FM facility application is filed subsequent to the filing of an FM translator station facility application, such full service station is protected against any condition of interference to the direct reception of its signal caused by such FM translator station that operates on the same channel, first-adjacent channel or intermediate frequency (IF) channel as or to such full service station, provided that the interference is predicted to occur and actually occurs within:</u>
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> > <u>(7) The 3.16 mV/m (70 dBu) contour of such full service station, or</u>
> >
> > <u>(8) The community of license of such full service station; or</u>

12. Under these proposed revised rules, a fill-in FM translator after its first year of operations could no longer be subject to interference complaints from an existing full-service FM station. After the first year of operations with current facilities, there would be a stability and reliability of operations to fill-in FM translators. Until one year of operations had elapsed, the fill-in FM translator would be "at-risk".

13. The secondary status of fill-in FM translators with respect to full service FM stations is maintained as to any new or modified full service FM station applications, such as Class C4 applications, with the FM translator interference rules for fill-in FM translators being more closely aligned with those rules already existing for LPFM interference (*See* Section 73.809(a) of the Commission's rules). Such interference safeguards are already well-tested in the LPFM arena, and aligning the safeguards for fill-in FM translators with those in place for LPFM stations make sense.

14. Further, recognizing the importance of fill-in FM translator service, if a fill-in FM translator is displaced or asked to change facilities due to allegations of, or the prospect of, interference covered by the amended Section 74.1203(a), the Cromwell Group supports an amendment of Section 74.1203 of the Commission's rules specifically allow the translator to

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(9) Any area of the community of license of such full service station that is predicted to receive at least a 1 mV/m (60 dBu) signal. Predicted interference shall be calculated in accordance with the ratios set forth in § 73.215 paragraphs (a)(1) and (a)(2). Intermediate frequency (IF) channel interference overlap will be determined based upon overlap of the 91 dBu F(50,50) contours of the FM and translator stations. Actual interference will be considered to occur whenever reception of a regularly used signal of such full service station is impaired by the signal radiated by the FM translator station.

move to any other eligible frequency, without the need for a "major change" application waiver request.[2]

15. Given the importance of consistent and reliable AM service and diverse HD sub-channel programming unavailable to analog radio listeners from fill-in FM translators, the adoption of the above safeguards for fill-in FM translators is respectfully requested in this proceeding.

THE PROPOSED AM-ONLY FM TRANSLATOR FILING WINDOW SHOULD BE COMPLETED PRIOR TO THE EFFECTIVE DATE OF THE CLASS C4 CLASSIFICATION

16. For the reasons above regarding the importance of fill-in FM translators carrying AM broadcast stations, the proposed AM-only FM translator filing window proposed in *Revitalization of the AM Radio Service*, MB Docket No. 13-249, Notice of Proposed Rule Making, 28 FCC Rcd 15221 (2013), should be completed prior to the adoption the Class C4 rules. It makes little sense for FM stations to contemplate upgrades to a Class A FM station when a co-owned AM station might receive a far better benefit from an FM translator to carry the AM station as its primary station.

17. Further, just from a standpoint of administrative priorities, the revitalization of AM radio came first. Not to take away anything from the Class C4 proposal, but AM revitalization is at least as important a priority, if not more important, than the adoption of a

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[2] The Cromwell Group supports the addition of the following as subsection (f) to Section 74.1203 of the Commission's rules:

> (f) An authorized fill-in FM translator that may be required to modify its facilities or cease operations pursuant to Section 74.1203(a) shall be afforded the opportunity to seek a continuance of operations by specifying any available FM frequency and such application shall be regarded as a minor change pursuant to Sections 74.1233(a)(1) & (2) .

nominal power increase for some FM stations. Accordingly, the Cromwell Group urges that a decision on AM revitalization be adopted and be effective, and the proposed AM-only FM translator filing window be opened and closed, prior to the effective date of the Class C4 FM classification.

CONCLUSION

18. Fill-in FM translators carrying AM stations and diverse programming from HD2 and HD3 sub-channels are too important to be jeopardized by changes to the FCC's FM classifications that have the prospect to eliminate or severely diminish such fill-in FM translators. The FCC, at the same time as it moves forward with a notice of proposed rule making for the Class C4 classification of FM stations as advocated by SSR Communications, Inc., should propose in the same notice of proposed rule making the above-described safeguards for fill-in FM translators.

Respectfully submitted,

THE CROMWELL GROUP

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