

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
)
Amendment of Section 73.207,) RM-11727
73.211, 73.215, and 73.3573 of the)
Commission's Rules related to)
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: Marlene Dortch, Secretary
Federal Communications Commission
Attention: Media Bureau

Comments of Jeff Sibert

The following comments are filed by myself, Jeff Sibert, in partial support of the petition¹ by SSR Communications, Inc. (Petitioner) in this petition for rulemaking proceeding.

I cheerfully support ideas which increase the efficiency of the FM broadcast band, thus enabling new entrants and existing broadcasters to better serve the public. This C4 proposal is one step towards increasing the efficiency of the FM dial, but by itself will not provide any opportunities for new entrants, minority, and women broadcasters as the Commission has many times stated is a goal. Rather it will only provide already existing broadcasters an upgrade opportunity, which is secondary to the goal of increasing the number of communities that can be served and the diversity of operators. The petition should be made part of an expanded rulemaking proceeding which will seek to add additional classes of service (including making greater use of contour protection), allocate additional spectrum for FM broadcasting, and provide other opportunities to make better use of the FM broadcast spectrum that will help advance these goals. There are numerous petitions waiting for Commission action that would advance these goals, and now is the time for serious reforms in the licensing of non-reserved broadcast stations which have not had significant changes in many years.

¹ The petitioner also filed comments in this proceeding to make changes to FM translator protections. We do not support making such changes as part of this proceeding because they are not germane to implementation of the C4 petition. Rather this should be part of a separate proceedings on updates to part 74 FM translator rules. We may file reply comments in response to the petitioner's comment at the appropriate time.

Classes of service

I support the addition of new classes which enable greater spectral efficiency, therefore I support the petitioners proposal to add a new class C4. The addition of this new class will certainly enable a large number of class A stations to increase their coverage area while ensuring underpowered class C3 stations are not consuming unused spectrum that other stations have expressed interest in using.

However, I feel that the addition of this new class should be part of a larger proceeding to also allot new classes of stations with power levels below that of a full class A.² The addition of a class C4 by itself will not add any new entrants nor make any additional allocations to any communities, instead it will simply allow existing stations a small 3dB power upgrade. Therefore by itself it does a poor job of meeting the Commission's 307(b) goals to distribute licenses to more communities in order to provide a fair, efficient, and equitable distribution of radio service.

The smallest full power allocation currently possible (class A) has a protected contour of 28.2 km, yet the smallest licensable class A contour is 5.6 km. If there were a smaller allotment allowed, numerous new sub-maximum class A facilities could be created. Non-commercial broadcasters in the reserved band have been allowed smaller facilities without major problems. This has allowed in a robust non-commercial educational service in one-fourth the spectrum used by the non-reserved band. I would encourage the Commission to consider and seek comment on adding at least two new allocations below class A. For example, a class A1 station would be licensed for 1.5 kW at 100 meters HAAT, 6dB lower than a maximum class A. An additional class, A2, licensed for 0.25kW at 100 meters HAAT or an equivalent would provide service similar to that of an FM translator³. The Commission could also entertain second and third adjacent waivers for class A2 stations since 0.25 kW licensed translators operating on second or third adjacent frequencies have rarely caused interference to existing services. To avoid displacing LPFM facilities, a class A2 facility should be required to protect LPFM facilities. The difference therefore between a class A2 and an LPFM or translator is it would originate programming and be available to local for profit and not for profit operators.

I would encourage the Commission to take a serious look at the existing petitions to add additional classes of stations and seek comment on them at the next step in this rulemaking proceeding.

Difference in field strength between classes

The petition suggests a class C4 is necessary because all other C classes have a 3dB difference in power⁴. However, when height is taken into consideration, the field strength varies considerably, and the difference in power between the two classes looks dramatically different.

The table below shows all the current FM classes (Class), the maximum power in kW for the class (Power), the reference height above average terrain⁵ (Height), and 60 dBu class contour (60dBu).

2 See petition by Diversity Committee referenced in the petitioner's initial Petition for Rulemaking. They proposed for instance a class A1 station at 1.5kW at 100 meters HAAT, and a class A2 station at 1 kW at 50 meters HAAT.

3 1kW at 50 meters HAAT as proposed by Diversity Committee is equivalent to 0.25 kW at 100 meters HAAT.

4 The difference in power between 25 kW (class C3), 50 kW (class C2) and 100kW (class C1) is 3dB.

5 For easier calculation I rounded the reference height for a class C1 station to 300 meters instead of 299.

Because most of the classes use different reference heights I next list the equivalent power level in kW for each class if the antenna height above average terrain was at 300 meters (Equiv P). Finally, I list the difference in numerical power between this class and the next lower class (Difference).

The table shows the difference in maximum power between a class C1 and class C2 station both operating at 300 meters HAAT is a factor of 8 (12.5 kW vs 100kW). Between a class C2 and class C3 station both at 300 meters HAAT is a factor of about 4.5 (12.5kW vs 2.75kW). The difference between class C3 and class A is 4.2 (2.75 kW vs. 0.66 kW). With the class C4 added between class C3 and Class A this difference becomes 2.1 between Class C3 and C4, and 2.0 between Class C4 and A.

Although I support the C4 proposal for other reasons, the difference between a class C3 and class A is actually less than the difference between any other class of station. It therefore makes sense to look into whether there should exist an additional class between class C1 and class C2 so the difference between all classes would be more even.⁶

Class	Power	Height	60dBu	Equiv P	Difference
C	100	600	91.8	670.4	2.27
C0	100	450	83.4	295.4	2.95
C1	100	300	72.3	100	8
C2	50	150	52.2	12.5	4.5
C3	25	100	39.1	2.75	2.1 (4.2 from C3 to A)
C4	12	100	33.3	1.33	2
A	6	100	28.3	.66	2

Effect on LPFM operations

The Commission recently helped spark a massive expansion of the number of LPFM operators in its recent LPFM filing window. It is important the FCC does not take measures that could now harm this fledgling service, particularly since the service has no protections against interference by full power operators, which includes class C4 operators. The Commission should ensure that upgrades by class A stations to class C4 would not result in the silencing of any LPFM operator, or a significant increase in interference to reception of the LPFM signal. The prospective class C4 operator should assist in helping relocate any displaced LPFM operator or if no suitable relocation can be made, deny the C4 upgrade. The Commission may also want to consider providing some protection for LPFM operators that maintain a main studio and meet the program origination requirements against displacement and/or silencing, or limiting the interference protection class C4 operators enjoy against LPFM operators who now find themselves causing prohibited interference. As an LPFM operator, I can understand how unfortunate it would be if the upgrade of one operator silenced another.

Reclassification of some class C3 stations as class C4

The petitioner suggests class C3 stations operating at or below the reference 12kW at 100 meters HAAT be downgraded to class C4 once a triggering application is filed and at least 10 years of operation below maximum facilities for the class have been achieved.

⁶ This class would have a class contour distance of approximately 61.8 km which would lead to a numerical difference of 2.8 between the new classes.

While this achieves the goal of increasing the efficiency of the spectrum, the ten year wait is arbitrary and unnecessary. There is already a process in place for reclassifying class C stations operating below 451 meters HAAT to class C0, so there is no reason to have a different set of procedures for this class. The Commission should be consistent and utilize the same process that currently is in place for class C to C0 downgrades.

Zone I / Zone I-A and international considerations

The Commission should allow zone I and zone I-A facilities a similar class B2 facility to afford licenses in those areas a similar opportunity. Similarly, for stations located in international zones, the Commission should classify all C4 stations internationally as class B1 if it meets all international clearances for a B1 station. The Commission already does this with class A stations that operate with facilities greater than 3kW at 100 meters HAAT, therefore this classification should not pose any problems.

Conclusion

I support the class C4 allotment as it will allow for greater efficiency of the FM spectrum. However, I believe the Commission should make this part of a larger proceeding to add additional classes and put forth other options for increasing the number of stations that can use the airwaves. Doing otherwise would not progress the Commission's goals of increasing licensing opportunities for small businesses, minority and women ownership or the 307(b) requirements to distribute licenses to additional communities. These are groups who would not benefit from the class C4 upgrade but would benefit from other proposals such as those which create additional classes of stations below a class A. I welcome further movement on this and related rulemaking proceedings.

Respectfully submitted,



Jeff Sibert