Before the
Federal Communications Commission
Washington, D.C.

In the matter of:

	)	
Class C4 FM Proposal	)	**MB RM-11727**
	)	

COMMENTS OF THE ASSOCIATION OF FEDERAL COMMUNICATIONS CONSULTING ENGINEERS (AFCCE)

On January 22, 2013, SSR Communications, Inc. ("SSR") filed a petition for rulemaking to create a new Zone II FM broadcast station class, or "C4″ allocation, and amend certain technical rules for the FM broadcast service.

The Association of Federal Communications Consulting Engineers hereby submits these comments in response to the Commission's July 17, 2014 rulemaking proceeding in this matter, published as RM-11727.

These comments are not necessarily inclusive of all AFCCE members' opinions on this matter. Some of those members and/or their firms may have submitted their own comments on this proposal, and in those cases where they disagree with those below, those separately filed comments, and not these, represent those commenters' intentions.

The Class C4 proposal has some potentially problematic issues.

In allowing stations to upgrade their facilities, the proposal intends to compel stations that are underutilized for their class and are NOT authorized as Section 73.215 stations, to become Section 73.215 stations if the upgrade sought by the first station isn't possible otherwise. The station applying for the upgrade would "trigger" an order to show cause, directed to the conflicting underutilized station, which would direct that station to seek an

upgrade to maximum class facilities. Apparently, if the station receiving the show cause order gets a CP for such an upgrade, the triggering application is dismissed, but if it doesn't follow through, or chooses not to apply, the station is automatically designated as a 73.215 station on its license.

This is similar to what the FCC did when it created the "C0" Class, which the proponent makes reference to. However, this Class C4 proposed rulemaking goes beyond that. In the case of the Class C0, the underutilized Class C station would have had its Class designation downgraded to C0, but if the station's facilities were under the maximum for that class, it retained the right to upgrade to full Class C0 anytime in the future. The same was done when the FCC created the Class C1 years before that. However, this PRM goes way beyond that by locking in underutilized the non-73.215 station to its actual facilities operated at the time, by designating them as 73.215. What's more, the PRM as written seems to permit this process not only in the case of Class A stations seeking to upgrade to Class C4, but for any proposed minor change by an FM station of any class.

There may be general agreement that increasing opportunities for more coverage is a laudable goal, but is this too radical a change to the FM rules? Is this going to cause harm and is it even fair to stations that, for financial reasons or some other type of adverse circumstance, are operating below maximum class facilities, but would like to upgrade when things get better? Should the order to show cause provision of the PRM be strictly limited to reclassifying Class C3 stations not meeting the new proposed Class C3 minimum to Class C4? Authorization under Section 73.215 is currently only at the discretion of stations that request it on their own. Would a 73.215 designation by external force of administration be contrary to the original intent of Section 73.215? What about stations that are short-spaced under Section 73.213? These are not addressed in this PRM.

Furthermore, should the FCC entertain Class C4 drop-ins as well as upgrades from A to C4? Would a counterproposal for a new drop-in be accepted in response to an upgrade by an existing station, and how would the mutual exclusivity be resolved?

We believe discussions of these questions are important to the record in this proceeding.

Respectfully Submitted, September 18, 2014

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