

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

In the Matter of )  
 )  
Amendment of Sections 73.207, 73.210, ) 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 )  
Spaced FM Assignments, and Processing )  
FM Broadcast Station Applications )

To: The Commission

**COMMENTS**

WOLF Radio, Inc. (“WOLF”), licensee of FM radio stations in the State of New York, hereby submits comments generally in support of the above-captioned Petition for Rulemaking (“Petition”). The Petition proposes a new station class “C4” for FM in Zone II with a maximum 12 kW ERP and 100 meters HAAT. It further proposes that FM facilities not operating at maximum facilities for their class to be reclassified as 73.215 facilities. WOLF’s comments will treat each of the two parts of the Petition separately.

**Proposed C4 Class**

1. Prior to mid 1980’s, Class A stations (3kW @ 300 feet HAAT (91 m.)) were permitted to exist in all zones on certain channels, Class B stations (50kW @ 500 feet HAAT (152 m.)) in Zone I (and Zone 1-A in California) and Class C stations (100kW @ 2000 feet (610 m.)) in Zone II.

2. Docket 80-90 in 1980 was the first to propose new classes of stations and the intermixture of all classes on all channels for greater spectrum efficiency. The eventual

introduction of Class B1, C0, C1, C2 and C3 allotments led to permitting many upgrades as well as new facilities. Now, the proposed introduction of a new C4 class is a natural progression and fits a perfect piece into the puzzle for a roughly 3 dB of power difference between the respective classes of A, C3, C2, and C1/C0 stations.

3. However, as the petition states that “This petition can be treated as a logical extension of the MPFM proposal as is designed to benefit Class A stations.....,” one might ask why this proposal should be limited to Class A channels only in Zone II and not to all Class A stations such that either there should be a simultaneous addition of a Class B2 station in Zones I and I-A<sup>1</sup> (with equal facilities to that of Class C4) or whether the new class should be designated as a Class A with a numeric suffix such as ClassA0. Realizing that in B and C classes each suffix generally is associated with lesser facilities (Class C3 has lower maximum parameters than C2, B1 is less than B, etc.), the new Class would be for a 12kW 100 m. HAAT class. Regardless of how class 12 kW stations might be labeled, the need exists in all zones. It has been 34 years since the introduction of the only new class of station in Zones I and I-A (“Class B1”) while Zone II has had several new C classifications (C3, C2, C1, C0). The simultaneous introduction of a B2 (or A0) would greatly improve service for a number of existing stations as well as further increasing spectrum efficiency and service to the public. Due to enormous length of time that has passed since the establishment of the B1 classification, it is only sensible that any potential improvement for Class A stations in Zone II also be extended to Class A stations in Zone I and I-A.

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<sup>1</sup> The Commission would have to determine whether new Class B2 allotments or upgrades would be of benefit in Puerto Rico and the Virgin Islands and the specific operating parameters.

### **Proposed B2/C4 Parameters**

4. Just as proposed in the Petition, the new Class B2 stations should be permitted 12kW ERP @ 100 m. HAAT and should be protected to the 60 dBu (1.0 mv/m) contour as are existing Class A stations and the proposed Class C4 stations. This is explained more fully below.

5. Although the establishment of Class B1 stations in Zone I and 1-A provided the ability for an upgrade in service for a significant number of Class A stations, it also introduced an unexpected consequence to some Class A stations wishing to upgrade. Specifically, stations that were able to locate allotment sites to allow an upgrade from Class A to Class B1 and then desired to continue to use their existing sites by implementing Section 73.215 were torn as to whether or not to implement the modification due to the fact that while service would be improved in one direction (away from the short-spaced station), it would also lose service in the direction toward the short-spaced station due to the requirement that the station would have to overprotect itself as a result of not being able to accept interference within its 57 dBu contour rather than the 60 dBu contour.

6. For example, if two co-channel Class A stations are located 120 km. apart in Zone 1 and one station decides to pursue an upgrade to Class B1 and the station has secured a reference allotment that complies with a full A to B1 spacing of 143 km., the station could still utilize its existing site as Section 73.215 would permit a minimum of 119 km. between the sites. However, the station proposing the upgrade now has to reduce its signal toward the short-spaced station, not because it needs to protect the other station, but because it now must protect its own contour to the 57 dBu (0.7 mv/m)

contour rather than the 60 dBu (1.0 mv/m) contour. So only for an arbitrary reason, the station must decide whether the upgrade is worth it as there would be a corresponding reduction of service where it previously had service. This situation is not a win to the station or the public as an unnecessary reduction in service is involved.

7. A new B2 (A0) classification with protection to the 60 dBu would be a win-win situation in that it would allow for improved service without any corresponding reduction necessary in the situation described above. As Class B (50 kW) stations are protected to their 54 dBu contours, Class B1 (25 kW) stations to their 57 dBu contours, it would reasonably follow that new Class B2 (A0) stations be protected to the 60 dBu contour, which is the same value as Class A. Again, as the Petition states one its primary goals is to be an upgrade for Class A stations, it then follows that a Class B2 station not have any extra impediment in order to achieve that improvement.

8. Also, it is noted that any minimum distance separation requirements proposed in the Petition for Section 73.207(b)(1) would be the same for Class B2 as they would for Class C4. Section 73.210(a) would need to be amended as necessary to state Class A, B1, B and B2 stations may be authorized in Zones 1 and 1-A. Section 73.210(b)(2) would need to be amended to include that stations in Zone I and I-A<sup>2</sup> with a distance greater than 28 km and less than or equal to 33 km would be B2 and stations with a distance greater than 33 km and less than or equal to 39 km would be B1. Section 73.211(a) would need amended language to state that the ERP for Class B1 stations must exceed 12 kW and Class B2 stations must exceed 6 kW. In 73.211(b) Class B2 stations

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<sup>2</sup> If adopted for Puerto Rico and the Virgin Islands, appropriate distances would need to be designated for Class B2 and B1.

would have an identical listing to that of C4 station which would list a Maximum ERP 12 kW, Reference HAAT of 100 meters (328 feet) and class contour distance of 33 km.

### **Proposed Changes to Section 73.215**

9. The Petition seeks to designate stations not operating at their maximum facilities to be designated as 73.215 facilities in certain circumstances. WOLF states that Petitioner's proposal is too severe, especially for stations operating near the permitted maximums for their class. An older Class A station may only be at 91 m. HAAT due to previous rules of allowing only a 300 ft. HAAT or perhaps a Class B station is 50 kW ERP at 137 m. HAAT due to a tower height limitation imposed by the FAA or as a result of a bird flyway. Stations in this situation should not have a 73.215 designation simply because they aren't at the absolute maximum for their class. Rather, a figure of approximately 75 – 80% should be used or the equivalent. This is to state that the percentage of power and height should in combination attain the suggested minimum. So for example, a station that is 90% of the ERP allowed and 90% of the height allowed for its class would be 10% lower than the maximum in both categories or 80%. A second example would be if the HAAT of a Class B station limited its ERP to a maximum of 16 kW, then 12 kW would be the minimum (75%) for the station to retain its rights to full protection. Any conversion to a 73.215 designation forever limits a station to make any changes in the pertinent direction and such designation should not doled out so freely simply because the station is not at the absolute maximum for its class.

10. While not specific for the Petition at hand, WOLF further proposes that Section 73.211(b)(2)(ii) be modified to use the maximum power for the applicable station class at the actual height of an existing station rather than the reference height for the

applicable station class (except where the station is at maximum power with a lower antenna height in which case the maximum height would be assumed). The present method using the reference height for an existing station produces anomalies whereby the existing station is underprotected in certain directions and overprotected in other directions. The examination of protected contours of any station with a considerably higher HAAT and corresponding lower ERP in any mountainous area will illustrate this anomaly. Adoption of the modification of 73.211(b)(2)(ii) as described, would eliminate the anomaly completely.

**11.** Related to WOLF's comments herein regarding the Petition and to provide greater flexibility for Class A stations in Zone I and I-A that are near the border of Zone I/I-A and Zone II, it is proposed that greater flexibility be considered of how a station may upgrade its facility. For example, presently Class A stations located in the continental United States in Zone I or I-A near the Zone II border may propose a fully spaced allotment reference point in Zone II and change to Class C3 as the next higher class available. However, if a Class A station located in Zone I or I-A wishes to remain at its present site, it must propose Class B1 facilities in its application for modification in which case it may lose coverage in certain areas as described in paragraph 5 herein.

**12.** To increase the flexibility for a Class A station to upgrade its facilities, WOLF proposes that the station be able to specify Class C3 facilities in Zone I or I-A so long as the station's proposed service contour (60 dBu for Class C3) encompasses the reference allotment coordinates. This would permit the station to implement the upgrade without the necessity of reducing coverage and service as it would if it had to be classified as a B1 facility in which case it would have to reduce its contour in any

direction where the would be overlap to its 57 dBu service contour. A proposed modification to Section 73.210(a) would be limited in application and would prove not to be disruptive or abused as only stations near the border dividing Zones I or I-A and Zone II would be permitted this flexibility. As it is a goal of the federal government for environmental concerns to minimize the development of new tower sites where existing towers can perform a service, it is respectfully requested that a modification to 73.210(a) be considered in addition to the improved service that the station would provide.

### **Summary**

In summary, WOLF endorses the Petition for the establishment of Class C4 stations in Zone II and as well as Class B2 stations in Zones I and I-A. It also endorses certain aspects of the proposed designation of 73.215 stations, but with limitations described and the modification of certain aspects of 73.211(b)(2)(ii) which relates to how 73.215 short-spaced stations may be implemented.

Respectfully submitted,

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