

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

In the Matter of)
)
An Inquiry Into the Commission's Policies) MM Docket No. 93-177
and Rules Regarding AM Radio Service)
Directional Antenna Performance Verification)

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters ("NAB")¹ hereby submits these comments in response to the Commission's *Second Further Notice of Proposed Rulemaking* in the above-captioned proceeding.² In the *Second Further Notice*, the Commission seeks comment on proposed new regulations intended to harmonize and simplify its rules concerning the protection of AM stations from the effects of nearby tower construction. *Second Further Notice* at ¶ 14.

NAB supports the Joint Comments of the AM Directional Antenna Performance Verification Coalition, the Land Mobile Communications Council, and the Wireless Communications Association International, Inc.³ As the Coalition notes, the Commission's current rules governing tower construction can be improved in several

¹ NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission, the Courts, and other federal agencies.

² *In the Matter of An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification*, MM Docket No. 93-177, Second Report and Order and Second Further Notice of Proposed Rulemaking (*rel.* Sep. 26, 2008) ("*Second Further Notice*").

³ Joint Comments of the AM Directional Antenna Performance Verification Coalition, the Land Mobile Communications Council, and the Wireless Communications Association International, Inc MM Docket No. 93-177 (filed Jan. 12, 2009) ("*Coalition Comments*").

respects. For example, Sections 73.1692, 22.371 and 27.63 impose differing obligations on broadcast and wireless companies, even though the potential issues for AM stations are the same regardless of what kind of antennas are mounted on a tower. Coalition Comments at 2. Similarly, Parts 90 and 24 contain no rules for protecting AM stations from the potential effects of nearby tower construction. *Id.*

Given these issues with the Commission's current rules, the *Second Further Notice* seeks comment on an earlier proposal submitted by the Coalition that would harmonize the inconsistent treatment regarding the protection of AM stations from the construction or modification of nearby towers. The Commission also seeks comment on several relatively minor changes to the Coalition's proposal.

NAB endorses all of the positions and proposals offered in the Coalition's comments on the *Second Further Notice*. As the Coalition states, the Commission's proposed rules will clarify and simplify the process for protecting AM stations. The new rules will also reduce confusion that licensees often face in trying to determine the proper procedures for protecting AM broadcast stations. Moreover, the proposed regulations will substantially decrease the time and expense associated with analyzing the potential impact on AM stations of nearby tower construction. *Id.* at 2. NAB also agrees with all of the Coalition's suggestions for improving the Commission's proposal, including its views on the measuring point for determining whether a tower is in the immediate vicinity of an AM station, the proposed exemption for antennas located on a building, and the need for Commission-available software for ascertaining whether a proposed tower falls within the AM antenna protection criteria, among others. *Id.* at 4-10.

Accordingly, NAB wholeheartedly supports the comments of the Coalition on the *Second Further Notice*, and urges the Commission to adopt final rules that are consistent with the Coalition's comments as soon as possible.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Law. A. Walke".

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