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## EXECUTIVE SUMMARY

The National Association of Broadcasters (NAB) appreciates the Commission's efforts to reexamine its rules and policies for AM radio service. AM radio stations face technical, regulatory and economic challenges making it more difficult for AM broadcasters to thrive in an increasingly competitive audio marketplace. These challenges, including signal quality, audience coverage, and the higher fidelity of some alternative audio services, can impact listenership and advertising revenues. In the Notice, the Commission offers several proposals intended to improve the viability of AM radio service. In these reply comments, NAB reiterates our support for most of these proposals, and suggests certain other policy changes that would further enhance the public's AM radio service.

Specifically, NAB agrees with most comments in favor of opening a filing window for FM translators in which only AM stations may participate, as a means of extending the benefits of cross-service translators to more AM stations and their listeners. While translators obtained in this window should generally remain linked to the acquiring AM station, NAB submits that it would be reasonable to allow such translators to be transferred under certain limited circumstances, such as financial hardship. We also support relaxation of the proposed limit of one FM translator per AM station, to accommodate AM stations with unusually large or irregularly shaped service areas, as well as opening the filing window to all AM radio stations on an equal basis, regardless of class or ownership structure. The record also demonstrates support for the FM translator processing approaches set forth in the "Mattoon" and "Tell City" waiver cases. Retention of the former, and approval of the latter, will expand the universe of eligible

cross-service translators, and foster efficient spectrum use by enabling more translators to be fully utilized.

NAB further supports commenters' requests for more flexibility in the use of cross-service translators. NAB recommends that, instead of limiting a translator's 60 dB $\mu$  contour to the "smaller" of an AM station's 25-mile radius or daytime 2 mV/m contour, the FM translator's signal should be able to cover the *greater* of these benchmarks. This approach will enable enhanced service for more listeners, especially as communities' boundaries and population shift. Specifically, under this proposal, listeners located beyond a station's 25-mile radius but within the 2 mV/m contour would receive new or greatly improved service. Below, NAB discusses in detail a study by Hammet & Edison demonstrating the benefits of this proposal.

NAB also calls upon the Commission to consider ways to deal with potential displacement of FM translators. Although NAB cannot endorse all ideas in the record, we recognize a need for some accommodations to allow stations to relocate FM translators if they are displaced.

Finally, NAB agrees with commenters supporting proposals to relax both the daytime and nighttime community coverage standards for AM radio stations. Implementing these modifications would remove barriers to station improvements by providing more flexibility in the relocation of transmitter facilities.

Implementing the proposals raised in the Notice will help many AM stations to mitigate some of the regulatory and technical obstacles that hinder AM radio service. NAB respectfully requests that the Commission adopt or modify the proposals as

described herein, and consider certain other suggestions for improving the viability of AM radio service.



## **A. An AM-Only Filing Window for FM Translators Will Serve the Public Interest**

Use of FM translators has enabled some AM stations to retain listeners and resist downward pressure on advertising revenues.<sup>3</sup> Following the Commission's authorization of cross-service translators in 2009,<sup>4</sup> approximately 720 AM stations are now using translators to retransmit their programming with a clearer, more reliable signal on the FM band, and many more look forward to joining them by participating in the special filing window proposed in the Notice. Commenters agree that implementing an AM-only filing window for FM translators will expand such opportunities and extend the benefits of cross-service translators to additional AM stations and their listeners.<sup>5</sup>

### **1. The Proposed Limits on the Transferability and Number of Permitted Cross-Service Translators Are Overly Restrictive**

Commenters also support the proposal that translators obtained in the AM-only filing window should remain linked to the acquiring AM station, but agree with NAB that such translators should be transferable under certain limited circumstances, such as financial hardship<sup>6</sup> or to another commonly-owned AM station.<sup>7</sup>

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<sup>3</sup> See, e.g., *KGym to Broadcast at 106.3 FM*, The Gazette (Dec. 9, 2011), available at <http://thegazette.com/2011/12/09/kgym-am-to-broadcast-at-106-3fm/>, ("In addition to allowing listeners to enjoy local and national programming, the improved signal will open the door for KGym Radio to increase its presence on the high school sports scene in Iowa City as well."); Randy J. Stine, *Uses of FM Translator Morph Quickly*, Radio World (Aug. 4, 2011), available at <http://www.rwonline.com/article/uses-of-fm-translators-morph-quickly/24068>.

<sup>4</sup> *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Report and Order, 24 FCC Rcd 9642 (2009) (2009 Translator Order).

<sup>5</sup> See, e.g., Comments of Bryan Broadcasting Corporation (BBC), MB Docket No. 13-249 (filed Jan. 22, 2014), at 1; Comments of the Minority Media Telecommunications Council (MMTC), MB Docket No. 13-249 (filed Jan. 22, 2014), at 5; Comments of National Public Radio (NPR), MB Docket No. 13-249 (filed Jan. 22, 2014), at 3-4.

<sup>6</sup> MMTC Comments at 7; Comments of the Association of Federal Communications Consulting Engineers (AFCCCE), MB Docket No. 13-249 (filed Jan. 22, 2014), at 2.

CCME notes that the conditions governing construction permits awarded to noncommercial educational (NCE) entities in a filing window may provide useful guidance here. CCME Comments at 9. These rules promote the Commission's interest in limiting speculative filings but still provide a measure of flexibility to modify or reassign an NCE authorization. Applied in the context of the proposed FM translator filing window, analogous conditions would permit reassignment of a translator during the first four years of operation to another qualified AM station so long as the consideration is limited to the "reasonable and prudent expenses" associated with applying for and constructing the FM translator. *Id.* citing 47 C.F.R. § 73.7005. After the first four years of operation, there would be no restrictions on transferring or reassigning the translator to any other qualified AM station. *Id.*

NAB supports approaches that would provide options to an AM station with an FM translator that no longer meets its needs, perhaps because the initial primary station relocates or otherwise changes its target audience. Given the uncertain economic climate for AM radio, developing such approaches would help increase a station's opportunity to recoup its investment in an FM translator. MMTC Comments at 7. It would also serve the public interest in reliable AM radio service.

The Notice proposes to limit each AM station participating in the special filing window to only one FM translator. Notice at ¶ 14. Commenters in the record make a persuasive case that permitting stations to acquire multiple translators may be reasonable in certain circumstances. For example, this restriction may not meet the needs of an AM station with a large, irregularly shaped coverage area that cannot be

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<sup>7</sup> Comments of Clear Channel Communications, Inc. (CCME), MB Docket No. 13-249 (filed Jan. 21, 2014), at 8.

sufficiently served by a single translator, especially if a station's coverage area includes multiple urban cores, such as a downtown business hub and a populous suburb.<sup>8</sup> We also agree that it may be sensible to impose certain conditions on multiple translators to prevent abuse. For example, the Commission could require the submission of engineering evidence that demonstrates a need for an additional translator,<sup>9</sup> or restrict overlap of the respective translators' contours to a certain percentage.<sup>10</sup> Modifying the proposal along these lines would allow AM stations to fully leverage the advantages of FM translators.

## **2. All AM Stations Should Be Equally Eligible to Participate in the FM Translator Filing Window**

NAB objects to calls in the record for restrictions on which classes of AM stations may participate in the proposed translator filing window. Generally, these parties urge the Commission to provide priority access to FM translators based on their technical status or relative vulnerability to interference, but disagree as to the parameters of any such restrictions. For example, REC Networks contends that only "standalone" Class D stations, or those which are not co-owned with any FM station, should be eligible for the filing window.<sup>11</sup> Other parties would allow all Class D stations regardless of ownership structure,<sup>12</sup> while still others would have the Commission provide a preference to Class

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<sup>8</sup> MMTC Comments at 6; Comments of the National Alliance of AM Broadcasters (AM Alliance), MB Docket No. 13-249 (filed Jan. 21, 2014), at 3.

<sup>9</sup> MMTC Comments at 6.

<sup>10</sup> Comments of the National Religious Broadcasters (NRB), MB Docket No. 13-249 (filed Jan. 21, 2014), at 4 (proposing no more than a 50 percent overlap).

<sup>11</sup> Comments of REC Networks, MB Docket No. 13-249 (filed Jan. 21, 2014), at unnumbered page 2.

<sup>12</sup> Comments of Carl T. Jones, MB Docket No 13-249 (filed Jan. 21, 2014), at 2.

C and Class D stations, and allow some Class B stations to participate depending on their frequency and power levels.<sup>13</sup>

NAB agrees with Crawford Broadcasting that limiting eligibility for FM translators to certain classes of AM stations would be counter-productive to the Commission's goal of revitalizing AM service because "there may be circumstances wherein even class A or senior class B AM stations could significantly benefit from the fill-in services provided by such a translator."<sup>14</sup> Experience shows that all types of stations can benefit from an FM translator; the approximately 720 AM stations currently retransmitting their stations on FM translators includes stations of all ownership structures and classes. The Commission imposed no such distinctions between stations in the 2009 Translator Order, 24 FCC Rcd at 9653, and the record reveals no persuasive reason to change course now.<sup>15</sup> NAB continues to believe that listeners of all AM stations are equally deserving of enhanced signal quality.

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<sup>13</sup> NRB Comments at 7; Comments of Cavell, Mertz & Associates, Inc., MB Docket No. 13-249 (filed Jan. 21, 2014), at 2; *see also* Comments of DAIJ Media, LLC, MB Docket No. 13-249 (filed Jan. 21, 2014), at 2 (proposing eligibility only for stand-alone Class B, C and D stations); Comments of Scott Fybush, MB Docket No. 13-249 (Jan. 21, 2014), at 8 (proposing a sliding scale of priorities based on the number of co-owned stations).

<sup>14</sup> Comments of Crawford Broadcasting Company (Crawford), MB Docket No. 13-249 (filed Jan. 21, 2014), at 3. *See also* Comments of Khanna & Guill, Inc., MB Docket No. 13-249 (filed Jan. 21, 2014), at 3.

<sup>15</sup> It also would be difficult to establish rational, non-arbitrary distinctions between AM stations to justify the exclusion of particular types of stations but not others.

### **3. The Record Supports the FM Translator Processing Approaches Set Forth in the “Mattoon” and “Tell City” Waiver Cases**

NAB also notes widespread support in the record for the FM translator processing approaches set forth in in the “Mattoon”<sup>16</sup> and “Tell City”<sup>17</sup> waiver cases. Under the former approach, the Commission may permit, as a minor modification, the relocation of a translator between two points where the translator’s existing and proposed 1.0 mV/m contours do not overlap. Since the first such waiver was granted in September 2011,<sup>18</sup> a significant number of AM stations have used the Mattoon approach to improve service via an FM translator.

The Commission asks whether implementation of the proposed FM translator filing window may obviate the need for Mattoon waivers. Notice at ¶ 18. There is no reason to believe this will be the case. Not all AM radio stations will be able to obtain an FM translator in the proposed filing window, either because of mutually exclusive applications or their current inability to pay to construct a translator. In addition, even if a station is successful in the filing window, it may become necessary in the future to relocate a translator pursuant to the Mattoon approach, especially if the station has a particularly large market. Crawford Comments at 10.

In fact, rather than abandoning Mattoon waivers, we agree with EMF that the Commission should consider adoption of the Mattoon approach as a formal rule. EMF

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<sup>16</sup> See, e.g., Crawford Comments at 3; NRB Comments at 7; Comments of Blount Communications, Inc., MB Docket No. 13-249 (filed Jan. 21, 2014), at 5-6 and 9-10; Comments of the National Translator Association (NTA), MB Docket No. 13-249 (filed Jan. 21, 2014), at 7; Comments of Educational Media Foundation (EMF), MB Docket No. 13-249 (filed Jan. 21, 2014), at 2-3.

<sup>17</sup> See, e.g., Comments of the Minnesota Broadcasters Association (MBA), MB Docket No. 13-249 (filed Jan. 21, 2014), at 2.

<sup>18</sup> *The Cromwell Group, Inc. of Illinois*, Letter, 26 FCC Rcd 12685 (MB 2011) (Mattoon Waiver).

Comments at 1. The Mattoon approach lessens burdens on both stations and FCC staff in dealing with multiple minor modification applications. Given these efficiencies, it would serve the public interest to facilitate the Mattoon approach by codifying it as a rule. EMF Comments at 2-3.

The Commission limited the Mattoon waiver approach partly because of concerns about the potential impact on future opportunities for low power FM services. Mattoon Waiver, 26 FCC Rcd at 12686. The Commission sought to ensure a reasonable availability of channels for LPFM stations. However, as RAFTT explains, the recent LPFM filing window should obviate such concerns. Approximately 2,800 applications were filed in that window, and the Commission is rapidly reviewing the applications and granting hundreds of construction permits. Given this activity, Mattoon waivers facilitating the relocation of cross-service translators should no longer raise serious concerns about restricting LPFM opportunities. RAFTT Comments at 8. We accordingly urge the Commission to at least continue to consider Mattoon waivers, if not formalize the Mattoon approach in a rule.

For the same reasons, the Commission should promptly approve the Tell City waiver, which proposes relocation of FM translators over a longer distance, thereby conserving even greater amounts of Commission and applicant resources.<sup>19</sup> Approving requests such as the Tell City waiver would allow AM stations more flexibility to identify

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<sup>19</sup> Joint Request for Waiver, Hancock Communications, Inc. and Way Media, Inc., File No. BPFT-20121116ALE (filed Nov. 16, 2012) (Tell City Waiver Request).

available FM translators and relocate them to sites where they can be better used to provide listener services.<sup>20</sup>

#### **4. Relaxing the Current Geographic Limits on Cross-Service Translators Would Improve the Signal Quality of Fill-in Service**

The Notice proposed that applications for FM translators obtained in the special filing window must comply with the existing fill-in coverage area technical limits on cross-service translators. Specifically, no part of the 60 dB $\mu$  contour of the FM translator may extend beyond the smaller of a 25-mile radius from the AM station's transmitter site or the AM station's daytime 2 mV/m contour.<sup>21</sup> Although NAB supported these limits several years ago,<sup>22</sup> we now agree with commenters in this proceeding that a modest relaxation of these criteria is warranted given the increasing competitive and technical challenges facing AM stations and the evolution of translator use since the Commission first authorized cross-service translators almost five years ago. NAB recommends that, instead of limiting a translator's 60 dB $\mu$  contour to the "smaller" of an AM station's 25-mile radius or daytime 2 mV/m contour, the FM translator's signal should be able to cover the *greater* of these benchmarks, for both translators obtained in the special filing window as well as existing cross-service translators.<sup>23</sup>

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<sup>20</sup> Comments of the RAFTT Corporation (RAFTT), MB Docket No. 13-249 (filed Jan. 21, 2014), at 7; NAB Comments at 10-11. In this vein, we also note that commenters have suggested other potentially helpful approaches, such as a one-time, unrestricted opportunity for AM licensees to modify existing FM translators, in frequency or location or both, for purposes of retransmitting the AM station in accordance with the current rules. See, e.g., DAIJ Comments at 2 (proposing a 100 mile limit on such translator moves).

<sup>21</sup> Notice at ¶ 16; 47 C.F.R. § 74.1201(j).

<sup>22</sup> Comments of the National Association of Broadcasters, MB Docket No. 07-172 (filed Jan. 7, 2008), at 9-10.

<sup>23</sup> NTA Comments at 3; CCME Comments at 5; DAIJ Comments at 3 (proposing elimination of the 25 mile restriction); Comments of Wright Broadcasting Systems, Inc.,

We believe this approach is fully consistent with the Commission's expressed goal of revitalizing AM radio because it will help resolve certain technical problems that AM stations currently encounter, even with the assistance of an FM translator. For example, changing the rule as proposed will assist AM stations in covering an urban core located beyond the 25-mile radius but within the 2 mV/m contour. Urban core areas are particularly challenging for AM stations because of the high levels of environmental noise, making indoor reception of AM signals difficult or impossible. As a result, the current rule sometimes prevents AM stations from locating a fill-in FM translator where it may be needed the most. CCME Comments at 6.

This proposed rule change will provide meaningful improvement for a large number of AM stations and greatly increase the flexibility these stations will have in locating FM translators to provide the greatest benefit to their listeners. Working with the broadcast consulting engineering firm of Hammett & Edison, NAB commissioned a study to determine the impact in potential coverage improvement by FM translators that would be achieved by limiting a translator's 60 dB $\mu$  contour to the *greater* of an AM station's 25-mile radius or daytime 2 mV/m contour. This study compared the U.S. population (2010 U.S. Census) and U.S. land area of the 2 mV/m groundwave contour of AM stations as based on FCC Figure M3 soil conductivity, to the projected 25-mile radius around AM transmitter sites, to predict the potential increase in coverage obtained by the proposed rule change.

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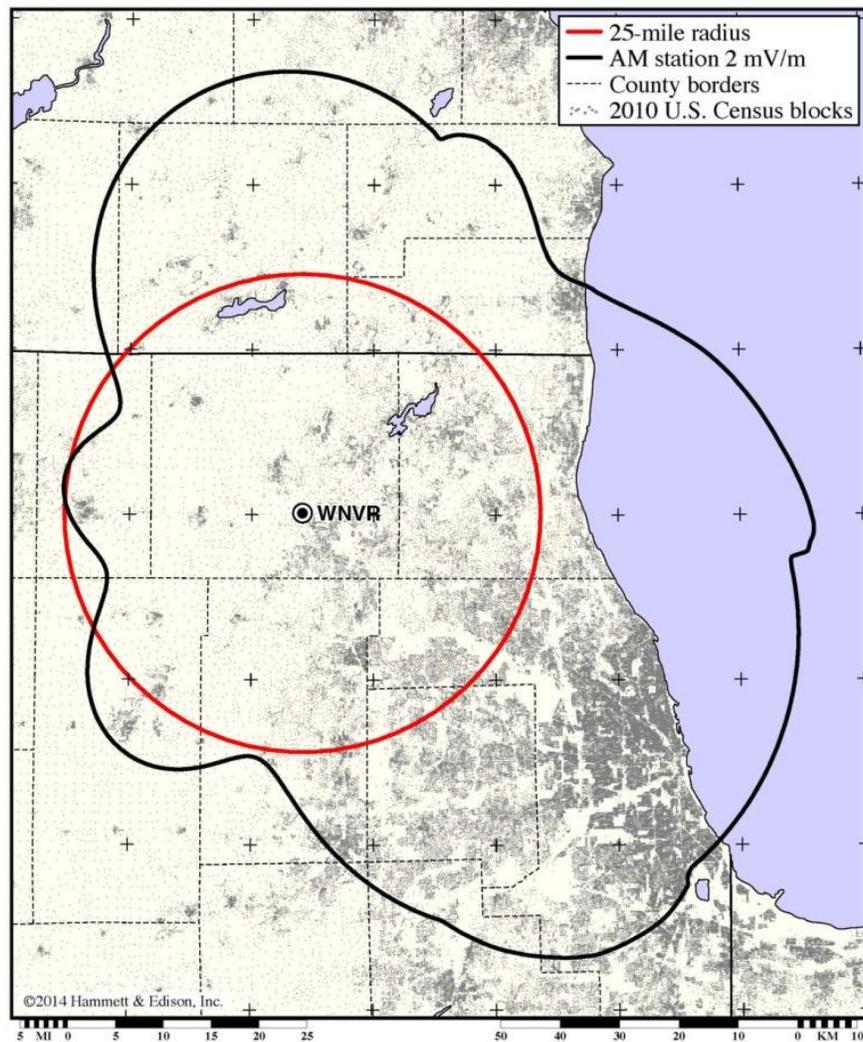
MB Docket No. 13-249 (filed Jan. 21, 2014), at 2-3 (same); Comments of Butte Broadcasting, Inc., No. 13-249 (filed Jan. 21, 2014), at 2 (same); RAFFT Comments at 2-6 (same); Comments of Mark D. Humphrey, No. 13-249 (filed Jan. 21, 2014), at 6 (change 2 mV/m contour limit to 5 mV/m).

With respect to population coverage, this study estimates that this rule change will allow approximately half of AM stations to increase the potential coverage area of an FM translator associated with their station by 67% or greater. Similarly, the land area coverage of half of AM stations will increase by nearly 150%. It is important to understand that, given the limited available FM translator frequencies as well as the practical limits of FM translator coverage, the coverage increases predicted by the study are not likely to be achieved. However, these coverage figures do reflect the additional flexibility that an AM station will gain in siting an FM translator to best serve its listeners.

The map below provides an example of how this proposed rule change can provide an AM station with greater flexibility in siting an associated FM translator. Station WNVR is a class D, 10 kW (daytime) directional facility on 1030 kHz licensed to Vernon Hills, IL. As shown in the map, WNVR's 2 mV/m daytime contour reaches substantially beyond a 25-mile radius circle centered on the antenna site. Under the existing AM on FM translator siting rules, it is only possible to cover a fraction of this station's 2 mV/m contour; with the proposed rule change, this station will have significantly greater flexibility in siting an associated translator to best serve listeners. For this example, the study estimates that the potential population coverage increase is over 370% (from 1.6 to 6.1 million persons) and the land area coverage increase is 125% (from 4,900 to 11,100 square kilometers). Again, these increases are representative of the additional flexibility this station will have in siting an FM translator, rather than the actual increase that would be achieved by an actual FM translator.

Careful inspection of this map shows that WNVR is a perfect example of a station with an urban core (in this case, Chicago, located in the southeast corner of the map

along the shore of Lake Michigan) that falls within its 2 mV/m contour but outside of the 25-mile radius. Under the present rules, WNVR is prohibited from using an FM translator to reach its Chicago listeners; however, with the rule change being proposed by NAB, WNVR will have an opportunity to dramatically improve its listener base in this important urban core area.



Equity among AM stations is also an important factor. The propagation characteristics of the AM band cause stations on lower frequencies to have much larger

2 mV/m daytime contours for a given transmit power. For example, a 10-watt AM station at 680 kHz has a 2 mV/m contour of 62.5 km, while the same station at 1550 kHz has a 2 mV/m contour of only 28.9 km. As a result, under the existing cross-service coverage area limits, the station at 680 kHz can use a translator with a contour of 40 km (40 km = 25 miles), while the translator for the latter AM station is restricted to a contour of 28.9 km, or less than 18 miles, merely because of their respective locations on the AM band. Listeners just beyond the 2 mV/m contour of AM stations located at the top of the AM dial are no less deserving of enhanced signal quality. Allowing translators to cover the greater of an AM station's 2 mV/m daytime contour or 25-mile radius would provide substantial relief to stations disadvantaged by their locations on the AM band.

Further, many AM stations may have relatively small 2 mV/m contours, or uneven contours, because they have directional patterns.<sup>24</sup> This can result from mountainous terrain, poor ground conductivity, or a requirement to broadcast directionally during daytime hours to avoid interference with other AM stations. For example, an AM station may have a 2 mV/m daytime contour that extends 25 miles to the north and south, but only ten miles to the east and west. AM stations have encountered difficulty providing service to listeners in these voids, even with the help of an FM translator. Allowing such stations to use translators that can extend to the full 25 mile radius could enable stations to reach population centers that are located in these

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<sup>24</sup> NTA Comments at 3. The Commission itself has recognized that a 2 mV/m daytime contour is atypical for AM radio stations. 2009 Translator Order, 24 FCC Rcd at 9658-59.

voids.<sup>25</sup> As Miller Communications stated, extending the reach of FM translators will “give coverage where it is needed the most, on the fringe, in directional nulls, where there is no service at night and in rural areas.”<sup>26</sup>

NAB notes that the Commission originally limited cross-service translator coverage to the lesser of the AM station’s 2 mV/m daytime contour or 25-mile radius because it “accurately depicts the core market area for the majority of AM stations.” 2009 Translator Order, 22 FCC Rcd at ¶ 38. This may no longer hold true, however, as the “core market area” has grown and shifted for many AM stations. Many radio markets are expanding as exurbs experience population growth, sometimes at the expense of the formerly core area of the market. It makes little sense to prohibit an AM station from extending its service to reach such listeners via FM translators.

In this vein, the Commission should also consider the impact of rising real estate values. In many locations, this development has precluded AM stations from co-locating a translator at its transmitter site, causing some stations to place a translator at a site on the fringe of the core market area. As a result, the current coverage area restrictions prevent the translator from reaching listeners on the opposite side of the AM station’s market. CCME Comments at 7. Allowing such a station to maximize the reach of an FM translator to the greater of its 2 mV/m daytime contour or 25-mile radius will enable enhanced signal quality to more listeners.

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<sup>25</sup> See, e.g., Comments of Pocahontas Communications Cooperative Corporation, MB Docket No. 07-172 (filed Jan. 7, 2008), at 3; Comments of OneCom, Inc., MB Docket No. 07-172 (filed Jan. 7, 2008), at 4.

<sup>26</sup> Comments of Miller Communications, Inc., MB Docket No. 07-172 (filed Jan. 7, 2008), at 2.

NAB stresses that this suggestion is not intended to allow AM stations to extend or expand their service area, or impinge on other radio services. As CCME explains, when a translator's AM station's 60 dBµ contour is encompassed by an AM station's 2 mV/m contour, the FM translator is a "fill-in" asset by definition, in keeping with Section 74.1231 of the rules. CCME Comments at 6. FM translators would remain a secondary service, and strictly prohibited under the Commission's rules from causing interference to any primary full-power stations or first-in-time secondary stations. 47 C.F.R. § 74.1203. This proposed change to the cross-service coverage criteria is modest, but would provide substantial, immediate benefits to AM stations and their listeners, and make the special filing window proposed in the Notice much more beneficial to AM stations.

#### **5. Improved Continuity of Cross-Service Translator Service Would Promote the Public Interest in Reliable Radio Service**

As secondary services, cross-service translators must resolve any interference they cause to an authorized primary broadcast station or first-in-time secondary service, such as another translator or booster station. 47 C.F.R. § 74.1203(a) and (e). If the interference cannot be sufficiently eliminated, the translator must cease operations until the interference can be resolved, or be displaced entirely. *Id.* at § 74.1203(b). Given the congestion of the AM frequency band, displacement of cross-service translators is an increasingly common occurrence, disrupting service to listeners as well as the business plans of AM broadcasters.

The Commission's rules allow a displaced translator to immediately request a replacement channel, so long as the new channel is first, second or third adjacent to the current channel. 47 C.F.R. § 74.1233. However, such channels are frequently

unavailable, forcing a translator licensee to cease operations and wait for the Commission to open a filing window for new translator channels, a process that can take years.

Some commenters suggested approaches such as requiring a full-power station proposing facilities that would displace a translator to provide a substitution frequency and fund the costs of moving the translator's frequency.<sup>27</sup> NAB would not endorse such a requirement. NAB offered an alternative approach that would allow a displaced cross-service translator to immediately apply to move the translator to any available FM channel in its market, including non-adjacent channels. NAB Comments at 11-13. NAB is also open to other workable solutions. Because a level of certainty for stations using FM translators is important, we call on the Commission to further develop and consider ways to improve the continuity of programming provided by cross-service translators in the event they are displaced by a full-power station or other service.

#### **B. Modifying the Community Coverage Standards Will Facilitate Improved AM Radio Service**

The Commission intends to relax the daytime community coverage standard for AM radio from 100 percent of an AM station's community of license to 50 percent, measured by either geography or population, and to eliminate altogether the existing obligation to cover 80 percent of a station's community of license during nighttime hours. Notice at ¶¶ 21 and 30. The record demonstrates support for both of these proposals as a means to easing the placement of AM transmitter sites.<sup>28</sup>

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<sup>27</sup> Comments of Georgia-Carolina Radiocasting Companies, MB Docket No. 13-249 (filed Jan. 21, 2014), at 1.

<sup>28</sup> See, e.g., NPR Comments at 2; MBA Comments at 2; Comments of Mount Wilson FM Broadcasters, No. 13-249 (filed Jan. 21, 2014), at 2; Fybush Comments at 9-11; DAIJ Comments at 4-6; Butte Comments at 3-4.

As CCME explains, communities frequently change in terms of size and boundaries, and AM stations often must keep pace with these changes by relocating their transmitter facilities to a site that allows continuous coverage. It can, however, be very difficult to identify an affordable site that also complies with Commission coverage standards, especially when more land-intensive directional arrays must be used. CCME Comments at 10. In some cases, AM stations must even operate separate transmitter facilities to fulfill both the daytime and nighttime standards. Moreover, as MMTC states, community economic development, the increased cost of land, and more restrictive zoning regulations in areas near population centers can further increase the difficulty of improving service by relocating a transmitter. MMTC Comments at 13. MMTC also notes that AM stations that may provide niche programming, including minority-owned stations, face special economic challenges in reaching listeners within core population centers, because obtaining a suitable transmitter site is often too expensive or does not allow sufficient coverage of a station's community of license. *Id.* at 14-15.

NAB agrees that implementation of the Commission's proposals would help alleviate many of these problems. Stations seeking to relocate their transmitters would have more flexibility in finding a site,<sup>29</sup> and base such decisions only on their ability to provide a sufficient signal during daytime hours. Locations on the fringe of population centers would become possibilities, and the proposed rule changes should remedy situations where stations have been forced to operate separate daytime and nighttime

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<sup>29</sup> In this vein, NAB agrees with the majority of commenters in favor of deleting the so-called "Ratchet Rule," because it has failed to fulfill its intended goal of reducing interference, while discouraging broadcasters from making facility changes designed to improve service. See, e.g., Mount Wilson Comments at 2; NRB Comments at 9; Comments of the Society of Broadcast Engineers (SBE), No. 13-249 (filed Jan. 21, 2014), at 3.

facilities. At the same time, the revised regulations would continue to ensure that stations provide a sufficient signal to their audiences.

### **C. NAB Supports Flexible Use of Modulation Dependent Carrier Level Control (MDCL) Technology**

The record supports the proposal to facilitate wider use of MDCL technology, which allows stations to conserve power consumption by automating a transmitter's variable power levels as a function of the modulation level. Notice at ¶ 32. NAB agrees with the Notice that permitting the use of MDCL technology without prior Commission authority, subject to notice within ten days after commencing such operations, is a reasonable step.

iBiquity Digital Corporation raises an important issue related to use of MDCL technology on stations that are using iBiquity's HD Radio hybrid AM in-band/on-channel (IBOC) digital radio system.<sup>30</sup> iBiquity expresses concerns about the impact of lowering the power level of the digital sidebands of a hybrid AM IBOC as part of an MDCL implementation, and specifically, how this may cause a reduction in digital signal coverage. iBiquity Comments at 3-4.

iBiquity requests that the FCC allow broadcasters to maintain their existing digital power levels and not vary these power levels as part of an MDCL algorithm implementation, noting that the only risk here is one of self-interference (to the host analog signal) and that the Commission should be willing to allow a station to accept some level of analog host interference in order to support the viability of its digital service. *Id.* NAB supports this position and similarly requests that the Commission allow AM digital radio broadcasters the flexibility to configure MDCL operations in a

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<sup>30</sup> Comments of iBiquity Digital Corporation, MB Docket No. 13-249 (Jan. 21, 2014).

manner that best serves their listeners, with the understanding that their digital sideband power levels are constrained to remain within the RF masks established by FCC rules relative to the licensed operating power of the station.

## II. Conclusion

For the reasons described above, NAB requests that the Commission amend its rules governing AM radio service to implement certain technical and regulatory changes designed to improve AM signal quality and help ensure the continued viability of AM radio broadcasting.

Respectfully submitted,

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