Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Digital Audio Broadcasting Systems
And Their Impact On the Terrestrial Radio Broadcast Service

COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters (NAB)\(^1\) hereby submits comments in the above-referenced docket to make the following points in opposition to various filings\(^2\) objecting to the Media Bureau’s authorization of higher digital power levels for FM stations.\(^3\)

\(^1\) NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

First, contrary to the contentions contained in the Applications and Petitions, the Media Bureau appropriately concluded, on the basis of a well-developed and lengthy record,\(^4\) that authorization of increased digital power for FM broadcasters of 6 dB and, in certain circumstances, of up to 10 dB was justified and important to the continued implementation of digital radio. Rather than not adequately considering the objections of applicants and petitioners as they claim, the Bureau, based on the record before it, simply disagreed with the objectors’ arguments. For example, the Bureau did not ignore the question of interference to analog reception from a boost in digital power. This issue was central to the question at hand. The Bureau addressed this concern and decided, on the basis of the record as a whole, including many complaint-free higher power experimental operations, that an increase in digital power was appropriate for all FM stations except super-powered FM stations.\(^5\) It specifically stated that “[w]e are convinced . . . that the record establishes that the digital


\(^5\) *Order* at 14-15, 23, fn. 38. The Bureau pointedly disagreed with one applicant that further testing is necessary. *Id.* at fn. 38.
power limits set forth in this order will provide the necessary protection to analog FM stations."\(^6\)

Second, the Media Bureau was under no obligation to seek specific comment on the final NPR Study,\(^7\) which was completed and posted in the docket some two and a half months before the Order was released. In fact, several parties commented on the NPR Study, and these comments were also publicly available in the docket. The record reflects a lively debate on this subject. The Bureau was entitled to consider that study in its decision making, as well as the subsequent filing in the public record by NPR and iBiquity, without specifically seeking additional comment.\(^8\)

Third, the specific, limited action taken by the Bureau here was not dependent on resolution of other issues raised in earlier, pending petitions for reconsideration of the Second Report and Order that established certain service and operational rules for interim digital radio operations.\(^9\) Those earlier petitions

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\(^6\) *Id.* at 23. The Order, moreover, established interference remediation procedures to address quickly any instances of interference that might occur. *Id.* at 24-30. See also, *id.* at 21-22, for an extensive discussion and rejection of extending interference protection rights to secondary services from digital power operations.


\(^8\) See NPR Opposition, *supra*, at 8-9. NPR argues that further notice and comment was and is not warranted to justify a more modest digital power increase than originally proposed and supported by most of the interested parties and the record.

\(^9\) *In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, Second Report and Order, First Order on*
for reconsideration concerning the specifics of that report and order are simply not relevant to the limited action the Bureau has taken here.\textsuperscript{10}

For these reasons, the applications and petitions filed here with regard to the Media Bureau’s Order are insufficient to warrant reconsideration or modification of the Bureau’s authorization of a power increase for FM digital radio, much less justify an abrupt delay in the continued implementation of digital radio, as several of the filings request.\textsuperscript{11}

NAB submits that the Bureau’s action on the power increase request was appropriate, justified by a well-developed record and important to the continued implementation and success of digital radio. We respectfully request that objections to the contrary be dismissed.

Respectfully submitted,

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