



ELECTRONIC DELIVERY VIA ECFS

November 5, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket No. 99-325

Dear Ms. Dortch:

iBiquity Digital Corporation (“iBiquity”) and National Public Radio, Inc. (“NPR”) hereby submit a new proposal related to the pending request to allow FM stations to increase the power of their digital signal. iBiquity and NPR believe the proposal addresses the pending power increase request, but recognize that further power increases may be warranted in the future based on the further roll-out of HD Radio™ technology.

NPR recently completed its “Advanced IBOC Coverage & Compatibility Study,” consistent with its previous notices to the Commission, and filed a report on the study with the Commission earlier this week. Based on the results of the study and discussions recently completed between NPR and iBiquity, in consultation with a broad range of commercial and noncommercial station licensees, iBiquity and NPR have reached agreement on a framework they believe will allow the Commission to authorize an increase in digital power and at the same time minimize the occurrence and severity of interference to existing analog operations. The parties believe this framework provides an appropriate balance that will allow the Commission to enhance the continued rollout of digital service at the same time that it maintains its critical role protecting existing services.

iBiquity and NPR have agreed upon the following framework they believe the Commission should use to approve a digital power increase:

1. The parties endorse a blanket authorization for all FM stations to increase FM digital power by up to 6 dB above existing authorized levels. This endorsement is subject to the additional conditions enumerated below, except for grandfathered super-power Class B stations, for which the digital power levels should be limited to the higher of: (i) -20 dB relative to their analog carrier as is permitted by the current rules, or (ii) at least 10 dB below the maximum analog power authorized for this class of station as adjusted for height, absent any grandfathered super power.

2. The parties agree that additional power increases beyond a 6 dB increase may be possible depending on conditions that limit harmful interference. Stations that seek to increase power by more than 6 dB up to a maximum of 10 dB should be required to file an application with the FCC setting out compliance with the following criteria and formula:

Between the maximum IBOC power of -10 dBc and a blanket minimum power of -14 dBc, the allowable digital power for the digital station, toward any point on the 60 dBu contour of any first-adjacent analog FM station, is:

$$\text{Allowable IBOC power} = [2.27 * (60 - (\text{IBOC station F}(50,10) \text{ dBu})) - 33.6]$$

3. The parties request that the FCC adopt the following rule, consistent with the current rule for AM interference, to remediate harmful interference from any stations increasing power above the existing -20 dBc power level:

In cases in which digital operation with sideband power above the -20 dBc level results in complaints of actual interference within another station's protected service contour and the respective licensees are unable to reach agreement on a voluntary power reduction, the Commission staff may order power reductions for the IBOC digital carriers. In a case in which licensees fail to reach agreement on a voluntary power reduction, an affected station may file an interference complaint with the Commission. In order to make out a prima facie complaint, the station must (i) include interference reports from a minimum of three complainants and evidence of ongoing rather than transitory harmful interference within the station's protected contour, (ii) describe any test measures used to identify IBOC-related interference and (iii) document the extent of such interference. The Media Bureau shall resolve each complaint within ninety days of filing. In the event the Bureau fails to issue a decision within ninety days of the date on which a complaint is filed, the interfering station shall reduce immediately its digital subcarrier power. In the case of stations operating above -14 dBc, the station shall reduce power to -14 dBc. If there are further complaints of continued interference at the -14 dBc level, the station shall reduce power to -17 dBc unless continued interference requires a further reduction to the -20 dBc level. In the case of stations operating at -14 dBc or below, the station shall reduce power to -17 dBc unless there are further complaints of continued interference requiring a further reduction to the -20 dBc level.

4. The parties also request that the Commission include the following language in any Order authorizing a digital power increase:

Consistent with its previous position in this proceeding, the Commission staff will act on unresolved complaints in cases in which interference is shown to cause a problem. We reserve the right to revisit in the future the appropriate power level for the digital sidebands should the need arise due to widespread instances of harmful interference from operation above the -20 dBc level.

5. The parties have committed to developing additional enhancements to the HD Radio™ system to increase digital coverage and minimize interference to first adjacent analog operations and make the system usable for the public service requirements of radio reading services. Specifically, the parties have committed to work together to finalize the design and implement single frequency networks to fill gaps in digital coverage and asymmetrical digital sidebands to reduce the potential for digital interference to short spaced first adjacent analog stations, and to collaborate on low bitrate codecs and conditional access for radio reading services.. NPR and iBiquity will periodically report to the Commission on the progress of these efforts.

The parties believe the framework they have outlined above addresses the concerns that have been expressed about a digital power increase. This framework will allow most stations to increase power by 6 dB and many additional stations to increase power above that level. This approach will help many stations to address digital coverage concerns and will help to support the continued rollout of the HD Radio system. At the same time, the enhanced mitigation procedures are intended to ensure the appropriate redress of interference that arises from a power increase.

Broadcasters remain committed to providing their listeners with the best digital service possible. iBiquity and NPR urge the Commission to expeditiously authorize a digital power increase consistent with the framework outlined above.

Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

/s/ Gregory A. Lewis

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