

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

In the Matter of)
)
Amendment of Section 74.1231 (i)) RM-11854
of the Commission's Rules on)
FM Broadcast Booster Stations)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. Introduction

The National Association of Broadcasters (NAB)¹ hereby comments on the above-captioned Petition for Rulemaking filed by GeoBroadcast Solutions, LLC (GBS).² GBS requests a change in the FCC's rules to allow FM booster stations to originate programming on a limited basis,³ which will enable FM broadcasters to use GBS's booster system design to simultaneously location target different programming to different parts of their service area. NAB supports allowing radio stations to "geotarget" a limited amount of content, while continuing to broadcast substantially similar programming throughout their service area.⁴

FM radio broadcasters provide critical news and information to their local communities. Local broadcasters are woven into the fabric of their local communities, and committed to keeping their neighbors informed and safe during emergencies. FM stations also provide local news, information and entertainment that is uniquely responsive to

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

² Petition for Rulemaking, GeoBroadcast Solutions, LLC, RM-11854 (Mar. 13, 2020) (GBS Petition).

³ *Id.* at 7-8; 47 C.F.R. § 74.1231(i).

⁴ GBS proposes that the programming aired on a station's booster must be substantially similar to that aired on the primary station, meaning that the programming must be the same except for advertisements, promotions for upcoming programs, and enhanced capabilities including hyper-localized content. GBS Petition, Exhibit A.

listeners' needs and interests. The importance of radio, and the connection and community it provides, has never been more apparent than during the ongoing pandemic which has forced millions of Americans to stay home and avoid in-person contact. For many, local radio has provided a crucial window into the outside world these past few months.

The ability to geotarget some programming could allow broadcasters to improve service even more. NAB submits that GBS has sufficiently demonstrated the viability of its' system to enable geotargeted programming, and that further consideration of GBS's proposal in a rulemaking proceeding is justified.

II. NAB Supports Enabling FM Broadcasters to Location Target Programming

GBS states that it has developed a FM booster system design that allows an FM station to simultaneously broadcast different content to different parts of their service area.⁵ GBS states that it has demonstrated and improved the effectiveness of its system during three tests over the past decade pursuant to FCC experimental authorizations, and also verified the parameters of its system at NPR Labs.⁶ GBS further notes that zoned broadcasting has already been successfully deployed in parts of France.⁷

NAB supports allowing radio broadcasters to geotarget a limited amount of announcements and other programming within their service area, and GBS's system appears to be the leading, if only, currently viable approach. Geotargeting could allow FM stations to direct warnings and announcements to listeners most likely to be affected by an emergency,⁸ and provide more relevant, tailored news, information, PSAs and even foreign

⁵ GBS Petition at 7-9 (describing technology).

⁶ Id. at 9-10.

⁷ GBS Petition at 12-13.

⁸ Letter from Craig Fugate to FCC Chairman Ajit Pai, RM-11854 (Apr. 10, 2020), at 1 (“[L]ocalized radio broadcast updates of today’s COVID-19 crisis would serve the public good by communicating public safety information pertinent to specific portions of the airwave’s audience.”).

language announcements to pockets of their service area. For example, a broadcaster could conceivably broadcast different local event calendars or Spanish language public information announcements. Listeners clearly stand to benefit from such hyper-local service,⁹ and allowing radio stations to implement such a system would certainly support the Commission's goal of localism.¹⁰

Geotargeting may also create new revenue streams for FM radio that could help broadcasters overcome the ongoing competitive and financial challenges that face radio,¹¹ which have been magnified exponentially by the ongoing pandemic.¹² First, as discussed in the Petition, both local and national retailers increasingly use some form of targeted advertising to reach their most likely customers.¹³ BIA predicts that just three categories of this market (direct mail, out-of-home and location targeted mobile) will increase by \$16.8 billion over the next five years.¹⁴ Digital audio competitors including Spotify and Pandora, as well as MVPDs, online mobile and other media can all offer geotargeted options to advertisers.¹⁵ The ability to geotarget content will provide an attractive option to certain FM broadcasters by allowing them to contend for this substantial and growing pool of revenues.

⁹ Comments of SSR Communications, Inc., RM-11854 (Apr. 24, 2020); Letter from Rick Cummings, President of Programming, Emmis Communications, to FCC Chairman Ajit Pai, RM-11854 (Apr. 20, 2020); Letter from Fred. M. Weinberg, CEO, USA Radio, to FCC Chairman Ajit Pai, RM-1154 (Apr. 15, 2020).

¹⁰ GBS Petition at 17.

¹¹ *Id.* at GBS Petition, Exhibit D, *Opportunity Assessment for Local Radio Stations with Zoned Broadcast Coverage*, BIA Advisory Services (Nov. 20, 2018), at 4-5 (BIA Study) (estimating total spending on over-the-air radio will continue a steady decline through 2023); NAB Comments, GN Docket No. 20-60 (Apr. 27, 2020) at 16-23 (radio stations are competing in a slower growing yet highly competitive advertising market).

¹² [COVID-19 Economy: 2020 Forecast for 21 Media Categories](#), The Myers Report (Apr. 23, 2020) (forecasting 2020 audio ad spending to decline by more than 25% versus 2019).

¹³ GBS Petition, Exhibit B, BIA Main Street Survey (Dec. 2019) and Advertiser Perceptions Madison Avenue Survey (Oct. 2019), at 4 (Advertisers Survey).

¹⁴ GBS Petition at note 45.

¹⁵ *Id.* at 19-20. ATSC 3.0 will allow television stations to location target content.

Second, zoned broadcasting may facilitate radio advertising by small or local businesses that were previously priced out of advertising on radio, or found that buying spots that cover an entire radio market was not financially sensible. For example, a car dealer on Long Island could purchase an ad on a New York City station that targets prospective nearby customers, instead of an ad that also reaches listeners in New Jersey who are unlikely to car shop on Long Island. At a time when radio broadcasters must compete in a challenging economic climate against a plethora of audio sources, including unregulated streaming services, it is critical that the FCC facilitate any new and innovative revenue streams for radio, such as location targeted programming.

III. The Commission Should Also Note Certain Concerns Inherent In GBS's Proposal

Although NAB supports allowing radio stations to location target programming, GBS's proposal is not entirely free of potential concerns. As a general matter, NAB disfavors proposals that may increase interference on the FM dial. For example, we opposed the creation of new Class C4 FM radio service due in part to increased risk of interference to incumbent FM services,¹⁶ and have repeatedly urged the FCC to help reduce ambient RF noise that degrades AM radio service.¹⁷ However, unlike those cases, any potential interference caused by using boosters to target content should only affect an FM station's own service, and the decision whether to risk such self-interference would be purely voluntary. GBS states that its field tests have shown that its' system does not result in "harmful interference" between either the primary station and boosters or the booster themselves, and adds that the technology can be calibrated to minimize disruption.¹⁸

¹⁶ NAB Comments, MB Docket No. 18-184 (Aug. 13, 2018).

¹⁷ NAB Reply Comments, MB Docket Nos. 18-349 and 17-289 (May 29, 2019), at 55.

¹⁸ GBS states that localized content can be "inserted at the appropriate time in the primary station's feed to provide a seamless experience without programmatic interference." *Id.* at

We also observe potential concerns that GBS's system currently works only with analog FM service, which could undermine the continued expansion of digital audio broadcasting (DAB, also called HD Radio®). There may be potential disruption to DAB in the targeted zones. This issue is not addressed in the Petition. NAB understands that GBS is working on implementing its system in a manner that is compatible with HD Radio and that GBS's goal is to support digital radio. NAB strongly encourages GBS to continue pursuit of a remedy for this issue, but that the existing policy permitting digital translator and booster stations not be extended to include location targeted programming until there is sufficient experience to demonstrate, at a minimum, that harmful interference to other DAB stations is unlikely to occur.¹⁹

IV. Conclusion

NAB submits that enabling radio broadcasters to use boosters to location target announcements and other programming would benefit listeners with more relevant, tailored content, including emergency news and announcements. Geotargeting could also open important new revenue streams for FM broadcasters in the markets for targeted advertising and smaller, local commercial advertisers.

Currently, GBS's booster system design appears to be the only viable approach for radio stations to location target content. GBS states that a series of tests demonstrate the effectiveness of its' system, and indicates that it will continue to refine the system. That said, NAB remains concerned about potential interference that, although apparently limited geographically and confined to within a station's booster cluster, could spur listeners to

10; Letter from Amador Bustos, President & CEO, Bustos Media, LLC, to Ajit Pai, Chairman, FCC, RM-11854 (Apr. 17, 2020).

¹⁹ Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service, Second Report and Order, First Order on Reconsideration and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 10344, 10381 (2007).

change channels, or worse, audio sources, and reflect poorly on FM radio service. We are also interested in resolving any incompatibility between GBS's system and HD Radio.

On balance, however, NAB submits that granting GBS's petition is justified. A rulemaking proceeding would allow stakeholders to fully vet the technical issues described above, and provide input on costs and benefits of geotargeting generally, and GBS's specific proposal. For example, the record would benefit from further consideration of the technical concerns discussed above, and more information about broadcaster interest in geotargeting and the potential experience of users. If GBS's request for a rule change is approved, NAB has no doubt that broadcasters will carefully weigh all the relevant factors in deciding whether to implement zoned broadcasting, and that market forces will ultimately determine the success of geotargeting and GBS's approach.

For these reasons, NAB respectfully supports GBS's petition for rulemaking and looks forward to participating in the Commission's proceeding.

Respectfully submitted,



Rick Kaplan
Larry Walke
Robert Weller
David Layer
NATIONAL ASSOCIATION OF BROADCASTERS
1 M Street S.E.
Washington, D.C. 20003
(202) 429-5430

May 4, 2020

CERTIFICATE OF SERVICE

I, Larry Walke, do hereby certify that a copy of the Comments in RM-11854 was served, this 4th day of May 2020, to the following:

VIA U.S. MAIL

Gerard J. Waldron
Hannah Lepow
Covington & Burling LLP
850 Tenth Street, N.W.
Washington, D.C. 20001
Counsel for GeoBroadcast Solutions LLC

A handwritten signature in black ink that reads "Larry Walke". The signature is written in a cursive style with a horizontal line underneath the name.

Larry Walke