Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Sections 73.207, 73.210 and 73.211 of the Commission's Rules related to Minimum Distance Separation Between Stations, Station Classes, Power and Antenna Height Requirements.	)	MB Docket No. 24-183

Comments of the
National Association of Broadcasters

I. Introduction and Summary

The National Association of Broadcasters (NAB)[1] hereby comments on the above-captioned Petition for Rulemaking filed by Commander Communications Corporation, which proposes the creation of a new FM class "A10" service.[2] NAB generally supports policy proposals intended to improve radio service and appreciates that allowing Class A stations to increase power up to 10 kW may benefit some listeners. NAB is unable to weigh in comprehensively at this point, however, given that the Petition lacks critical information to allow broadcasters to properly assess the potential benefits and harms of this new class of service. In lieu of that information, below we reiterate the concerns we raised previously about the similar Class "C4" proposal the Commission considered several years ago and offer some thoughts about the facial differences between the petitions.[3].

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[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 and other federal agencies, and the courts.

[2] Petition for Rulemaking, Commander Communications Corporation, MB Docket No. 24-183 (filed June 13, 2024) (Petition).

[3] Petition for Rulemaking, SSR Communications, Inc., RM-11727 (Jan. 22, 2013).

More specifically, the A10 Petition appears to improve upon the C4 Petition in some ways and may make it more problematic in others. For instance, the A10 Petition fortunately does not include the untenable proposal in the C4 Petition that would have involuntarily locked a station into its current operating parameters instead of the maximum parameters for its station class.[4] On the other hand, the A10 Petition seeks nationwide implementation of A10 service while the C4 proposal was limited to Zone II. As a result, more stations may pursue an upgrade to A10 than C4, and notably in Northeastern US and California markets where the FM band is typically more crowded, potentially increasing the interference risk to more broadcasters than the C4 proposal. The FCC seems to have tabled the C4 petition, presumably due to such concerns, and NAB respectfully urges the FCC to take into account any similar issues that may be raised by the A10 Petition as it decides whether to advance the Petition to a Notice of Inquiry or Notice of Proposed Rulemaking.

II. The Benefits of Introducing an FM Class A10 Service Would be Limited

The entirety of Commander's justification for its proposal is that adding an A10 class would "benefit thousands of listeners with reliable signals to keep the public informed in times of severe weather and natural disasters."[5] But Commander provides no technical analysis, and no information on how many stations may be upgradable or where such stations are located, making it difficult for NAB to comment meaningfully on the benefits or costs of adopting the proposal.[6]

Based on the scant information in the Petition, NAB believes that only a fraction of Class A stations may be able to fully upgrade to A10 due to terrain constraints or FM band

[4] C4 Notice at ¶¶ 8-10.
[5] Petition at 1.
[6] Comments of V-Soft Communications at 1-2, MB Docket No. 24-183 (July 13, 2024).

allocation constraints under the FCC's distance separation rules,[7] and that that some larger number of stations may be partially upgradeable with the use of a directional antenna to avoid interference to other stations. However, we believe that only a subset of stations that could potentially upgrade are likely to do so because of the expense. Upgrading to A10 could require additional costs associated with a higher-power transmitter, larger cooling systems, and higher electrical power needs. Stations that would need a directional antenna would incur even higher costs given the added complexity of such antennas. Given that the average revenue (not profit) for commercial Class A stations is only about $400,000, or just $200,000 when noncommercial stations are included,[8] it would appear that relatively few Class A stations would be able to afford to upgrade to A10.

Class A stations would also have to balance these costs against the expected coverage a station may gain from increasing its power by a few thousand watts. The current Class A maximum power is 6 kW (at 100 meters), which yields a 60 dBu service contour radius of 28.3 km. The Class A10 proposal would allow for a service contour radius of 31.9 km, meaning that most Class A stations could extend their service contour by just 3.6 km (2.2 miles). In our experience, it is likely that only a portion of Class A stations that could upgrade to A10 serve markets where a coverage expansion of a couple miles may translate into an increase in audience and ad revenues sufficient to justify the costs of upgrading.

[7] 47 C.F.R. § 73.207.

[8] The tables of proposed distance separations in Commander's Petition may also be incorrect. BIA Advisory Services, BIA MAPro (July 11, 2024).

III. Creating a New Class A10 Radio Service Raises Interference Concerns

Radio broadcasters have previously explained that the FM band is already congested.[9] For example, six years ago in the C4 proceeding, Alpha described interference problems that were attracting listener complaints involving half a dozen of its stations,[10] and Beasley expressed similar concerns about the rising noise floor on the FM band.[11] FM band congestion has only increased in recent years. In June 2018, when the FCC issued a Notice of Inquiry about the C4 proposal, there were 10,866 FM stations and 7721 FM translators and boosters.[12] Today, there are 10,976 FM stations and 8,906 FM translators and boosters.[13]

As with the C4 proposal, broadcasters urge the Commission to assess whether an A10 class may increase the risk of interference to other FM stations. The differences in the proposals would require further study if the Commission moves forward with a Notice of Inquiry. First, the lower proposed maximum power level for A10 could allow more Class A stations to upgrade, and while this could lead to improved service for additional listeners, it could also further squeeze the band in more markets and impact more FM services. Second, the C4 proposal was limited to Zone II while Commander seeks implementation of A10 across all zones, including in large Northeastern and California markets. Again, although stations in more areas may be able to pursue an upgrade to A10 than C4, the FM band is

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[9] Comments of the National Association of Broadcasters at 2, MB Docket No. 18-184 (Aug. 13, 2018).

[10] Reply Comments of Alpha Media LLC at 2, MB Docket No. 18-184 (Sep. 10, 2018).

[11] Reply Comments of Beasley Media Group Licenses, LLC at 2, MB Docket No. 18-184 (Sep. 10, 2018).

[12] FCC, *Broadcast Station Totals as of June 30, 2018* (July 3, 2018), available at https://docs.fcc.gov/public/attachments/DOC-352168A1.pdf.

[13] FCC, *Broadcast Station Totals as of June 30, 2024* (July 3, 2024), available at https://docs.fcc.gov/public/attachments/DA-24-644A1.pdf.

often more congested in markets outside Zone II, such that A10 upgrades could erode the quality of FM radio service in more markets.

EMF explained in the C4 proceeding that, as the FM band becomes more crowded, any increase in power by one station can preclude opportunities by other stations in the area surrounding the newly upgraded station.[14] NAB questions whether introducing an A10 class could impede improvements by other FM stations because the additional band congestion would block them from increasing power, relocating an antenna, or making other modifications. In general, other radio stations likely serve larger audiences than the Class A stations that may seek to upgrade to A10, and while all listeners are equally important, on balance, the FCC may want to consider if it would be more effective to not close the door to service improvements by other stations that could benefit more listeners.

IV. Introducing an A10 Class Could Impact FM Translators

The Petition also lacks any technical analysis of the potential impact on FM Translators, which are critical to both FM and AM stations. Translators allow FM broadcasters to provide service to areas where access to the main channel is reduced due to terrain, distance, or other obstacles.[15] FM broadcasters also use translators to offer one or more streams of attractive, niche content on multicast channels, including specialized ethnic and foreign-language programming, in addition to more widely popular programming on their primary stream.[16]

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[14] Comments of Educational Media Foundation, at 3, MB Docket No. 18-184 (Aug. 13, 2018).

[15] *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Report and Order, 24 FCC Rcd 9642,9651 (2009) (AM Revitalization Order).

[16] Reply Comments of Alaska Broadcasting Association et al. at 8, MB Docket 20-401 (Mar. 12, 2021); InsideRadio, *HD Radio & FM Translators: A Marriage Made in Tech Heaven* (July

Pursuant to the FCC's AM radio revitalization initiative,[17] many AM stations use translators to provide new and improved service, especially during nighttime hours when some AM stations must reduce power. Cross-service translators have become vital to many AM stations, as described by AM station owner Mark Bohach: "FM translator service was a lifeline for us to remain competitive considering the entertainment space we operate in now . . . We have been able to maintain a local AM service that is viable in our local community [and] increase sales and grow our company thanks to the FM signals."[18]

Despite their importance, translators are a secondary service, and thus have no protection from and may not cause interference to any full-power FM station, including a newly upgraded Class A10 station.[19] The Class A10 proposal would potentially enlarge the 40 dBu interference area of existing Class A FM stations by about 20% (from 23,615 to 38,353 square kilometers),[20] potentially degrading the service provided by existing FM Translators on co- and adjacent-channels. A translator could try to avoid such interference by reducing power, changing its antenna, or moving to another channel, but all these options could mean reduced service. In some cases, a new Class A10 station could force a translator to cease operations if the FM band is too congested to implement any of these changes. NAB urges the Commission to consider the potential impact on FM translators if it moves to consider the Petition in a rulemaking proceeding.

2, 2018), available at https://www.insideradio.com/hd-radio-fm-translators-a-marriage-made-in-tech-heaven/article_2baea754-7845-11e8-8003-db8a924ac769.html.

[17] AM Revitalization Order, 24 FCC Rcd at 9643.

[18] Randy J. Stine, *FM Translators Remain a Popular Tool*, RadioWorld (Dec. 12, 2023), available at https://www.radioworld.com/news-and-business/news-makers/fm-translators-remain-a-popular-tool.

[19] Comments of Kaskaskia Broadcasting, Inc. & Miller Communications, Inc. at 2, MB Docket No. 20-183 (June 28, 2024).

[20] Area calculation assumes 6 kW *vs*. 10 kW ERP at 100 m uniform HAAT.

NAB notes that radio broadcasters already face significant economic and competitive challenges. Just last month, NAB again documented the transformation of radio service due to internet ubiquity, the widespread adoption of digital devices that can access almost infinite sources of online audio content 24/7, and the growth of technology platforms that dominate advertising markets.[21] For example, we noted that in 2023, 70% of Americans listen to online audio at least weekly,[22] and that AM/FM radio's share of all the time consumers spend listening to audio sources has fallen from 52.1% to 36% since 2014 (counting both OTA and radio streams).[23] These marketplace changes have fundamentally affected broadcasters' bottom lines, and although the A10 proposal could benefit certain Class A stations, NAB respectfully urges the Commission to take these factors into account as it considers introducing the requested A10 class of service.

V. Conclusion

NAB recognizes that, like the C4 proposal, enacting an A10 class could allow some Class A stations to increase power and provide improved service to more listeners. At the same time, certain potential broader risks and problems may counsel against advancing the

[21] Comments of the National Association of Broadcasters at 5, GN Docket No. 24-119 (June 6, 2024).

[22] *Id*. at 5 citing Edison Research, *The Infinite Dial 2023* at 4 (Mar. 2, 2023) (Infinite Dial 2024).

[23] Infinite Dial 2024 at 24.

Petition. NAB respectfully requests that the Commission take the issues described above into account in deciding whether to advance the A10 Petition in a rulemaking proceeding.

Respectfully submitted,

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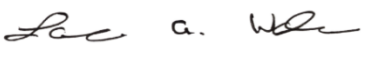

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