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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In the Matter of | ) | |
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| Amendment of the AM and FM service rules to designate one AM and one FM channel for a microradio broadcasting service for the purpose of providing very localized broadcast service to the public | ) | RM-9208 |
| | ) | |
| Amendment of the FM service rules to create three new classes of lower power stations | ) | RM-9242 |
| | ) | |
| Amendment of the AM and FM service rules to create a new class of station, known as Event Broadcast Stations, to provide temporary stations in small geographic areas for the purpose of providing very localized coverage of events to the audience present at the event | ) | RM-9246 |

To: The Commission

**COMMENTS OF GREATER MEDIA, INC.**

Greater Media, Inc. ("Greater Media"), through its attorneys and pursuant to Section 1.415 of the rules, hereby files its comments in response to the Commission's Public Notices[1] inviting comment on the above-referenced Petitions for Rule Making (Petitions) filed by Nickolaus E. Leggett, Judith F. Leggett and Donald J. Schellhardt, Esq.; J. Rodger Skinner, Jr.;

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[1]Report No. 2254, released February 5, 1998; Report No.2262, released March 12, 1998; Report No.2264, released March 18, 1998.

and Gregory D. Deieso (collectively, the "Petitioners") requesting amendment of the rules in various ways to establish a low power microradio broadcasting service. In support thereof, the following is shown:

1. Greater Media has been a broadcast licensee for over thirty years, operating both AM and FM stations in communities large and small in many areas of the United States. Today Greater Media, individually or through various subsidiaries, is the licensee of stations in markets throughout the country, including Boston, Massachusetts, Philadelphia, Pennsylvania, Detroit, Michigan and New Brunswick, New Jersey. As a longtime licensee, Greater Media has participated extensively in Commission proceedings over the years looking toward amendment of the technical rules which are critical to maintaining, to the maximum possible extent, an interference-free broadcasting environment which maximizes service to the public.

2. Greater Media is vitally concerned that the Petitioners' proposals, if implemented in whole or in part, would have disastrous consequences for the current allocation scheme. Among other things, the Petitioners' misguided proposals would create massive new areas of interference, substantially degrading the quality of current service and would stymie efforts to implement digital radio service. At the same time, it should be stressed that microradio presents no realistic economic opportunities and that, to the extent that the Petitioners are animated by the desire for new outlets to permit the expression of additional

viewpoints, the Internet presents a viable alternative to the creation of microradio stations. Moreover, the Petitioners' proposals if adopted would likely provide further encouragement to illegal broadcast operations. Ultimately, eviscerating basic technical rules to create thousands of new low power radio broadcast facilities will not serve the public interest.

3. Promotion of an interference-free AM and FM environment and maximizing efficient and effective use of spectrum have been cardinal objectives of the Commission's technical rules over the years. The Commission has undertaken exhaustive proceedings involving AM and FM service rules with a view toward achieving these ends. In the case of FM proceedings over the past 40 years, the Commission has consistently observed that lower power stations provide for very inefficient use of the spectrum. Quite simply, the area in which such stations produce interference, and thus preclude other service and/or interfere with existing service, is massive in comparison with their minuscule areas of interference-free service. It was largely for this reason, for example, that the Commission eliminated Class D 10 watt noncommercial educational stations. To endorse anew the microradio concept would run counter to the Commission's own carefully drawn conclusions in this area.

4. Among the Petitioners' proposals, Mr. Skinner's proffer essentially seeks to cram more low power FM stations into the FM band by simply doing away with most of the existing interference criteria, including, in particular, the elimination of all second

and third adjacent interference protections and IF spacing requirements. Greater Media notes that recent testing of various consumer receivers by the National Radio Systems Committee and the Electronics Industry Association in conjunction with their evaluation of in-band on-channel digital audio broadcast (IBOC DAB) systems reveals that consumer receiver performance is highly variable. More important, these studies show that second and third adjacent interference criteria, as well as IF spacing limitations, were both necessary and appropriate in order to assure that a substantial percentage of the universe of receivers performed adequately. Indeed, the existing FM interference rules have provided the framework governing the design of most FM receivers over the years. They have served the industry and the public well and should not be radically changed.

5. As in the case of FM service, approval of the microradio proposals, insofar as they affect AM radio, would fly in the face of years of Commission efforts to reestablish and maintain a viable interference-free AM service. There is no doubt that AM service has become severely degraded over the years. Listenership has dramatically declined, and numerous stations have gone dark for economic reasons. The Commission's lengthy omnibus proceeding concerning existing AM service and its 1600-1700 kHz allocation proceeding was all about reducing interference in the existing AM band and establishing new interference-free AM service. The inescapable conclusion of these proceedings was that fewer, not more, stations were

essential to reviving AM service. Any introduction of numerous low power AM signals would raise levels of interference to unprecedented levels, entirely undermining the laudable goals of the Commission's exhaustive proceedings regarding AM service.

6. Adoption of any of the Petitioners' proposals would likewise jeopardize the ongoing efforts to develop IBOC DAB, which is an important, if not essential, component of future radio broadcast service as the nation converts from analog to digital communications systems. Years of time, effort and resources have been devoted to this end, both for the AM and the FM bands. Of necessity, the proponents of IBOC DAB have relied upon existing interference criteria. Today, increasing resources are now being devoted to IBOC DAB, for both the AM and the FM bands. The success of IBOC DAB by its nature is dependent upon existing channel and interference relationships, in large part because extreme care and precision is required to "fit" the additional RF energy which is characteristic of the digital signal into the existing spectrum in order to avoid interference to either the host FM station or to co-channel and adjacent channel facilities. The addition of many new signals and, worse still, the elimination of second and third adjacent and IF protections would clearly doom any hope of implementing an IBOC DAB system. For this reason alone, the Petitioners' proposals should be rejected.

7. Greater Media also is concerned that further examination of the Petitioners' proposals would give encouragement to the

illegal pirate FM operations sprouting up around the country. These operations generally are conducted by individuals with no particular knowledge, expertise or concern for FCC regulations, including necessary interference criteria. At least five of these operations have caused harmful interference to life-critical aeronautical communications, resulting in their shutdown. The Commission is well aware of the difficulties of enforcing its rules with limited resources in the field. Greater Media believes that the enforcement concerns of today would pale in comparison to the enforcement nightmare of tomorrow should rules permitting microradio be adopted and such operations sanctioned by law. It is easy to envision chaos in the AM and FM bands resulting in severe diminution of service from existing stations as thousands of low power transmitters sign on, effectively immune from current enforcement mechanisms.

8. It should also be emphasized that, contrary to general claims by the pirate broadcaster community, broadcasters such as Greater Media do not fear competition from microradio. Greater Media's comments herein are not animated by competitive concerns. As an experienced broadcaster, Greater Media knows well that microradio presents no realistic economic opportunity and will not spawn a new class of entrepreneurs able to compete with full power operations. On the other hand, Greater Media and other broadcasters do fear interference, the loss of existing service and the potential for uncontrolled proliferation of microradio stations, both licensed and unlicensed, throughout the country,

and the potential concomitant loss of revenue. In this regard, Greater Media has received listener complaints of interference to its Class B Station WROR-FM, serving the Boston market, caused by pirate operations on upper and lower second adjacent channels. Greater Media has also experienced severe interference to Class A Station WMGQ(FM), New Brunswick, New Jersey by a high power pirate in Newark who began co-channel transmissions, provoking dozens of immediate listener complaints. Greater Media firmly believes that these anecdotal examples are but a small indication of what will result if microradio operations are authorized by the Commission.

9. As a final matter, Greater Media notes the suggestion that microradio will provide substantial entrepreneurial opportunities and broadly enhance the goals of diversity. However, to the extent that these operations depend on economics to survive as outlets of communication, it is entirely unrealistic to expect that microradio as a class of station will achieve this end. Further, with respect to the diversity issue, Greater Media suggests that the Internet provides a readily accessible medium for the expression of views. Today, one can effectively start an operation over the Internet at will, employing streaming audio and other techniques without any need to obtain a license. Indeed, the Internet seems to be an ideal medium for persons and groups to reach niche audiences which is not dependent upon conventional commercial competitive imperatives.

10. Through wise and prudent technical regulation, the Commission has facilitated the development of a robust, viable and diverse radio broadcast industry which provides effective and efficient service to the American public. At the bottom line, microradio would result in the "CB-ization" of the service to the detriment of radio broadcasters and the public alike. The Commission must not permit this result.

**WHEREFORE**, for the foregoing reasons, Greater Media respectfully urges the Commission deny the Petitions.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By: Malcolm G. Stevenson

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Dated: April 27, 1998

**DECLARATION**

I declare under penalty of perjury that, except for the facts of which the Federal Communications Commission may take official notice, all of the facts of the foregoing pleadings are true and correct to the best of my knowledge, information and belief.

Executed on April 24, 1998.

By: _____
Milford K. Smith, Jr.
Vice President/
Radio Engineering
Greater Media, Inc.

**CERTIFICATE OF SERVICE**

I, Lisa G. Eyeson, Secretary in the law offices of Schwartz, Woods & Miller, hereby certify that I have on this 27th day of April, 1998, sent by First Class United States mail, postage prepaid, copies of the foregoing **COMMENTS OF GREATER MEDIA, INC.** to:

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