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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	
Petition for a Microstation Radio Broadcasting Service	)	RM-9208
	)	
Proposal for Creation of the Low Power FM (LPFM) Broadcast Service	)	RM-9242
	)	
Amendment of Part 73 of the Rules and Regulations to Establish Event Broadcast Stations	)	RM-9246

To: The Commission

REPLY COMMENTS OF
NEW JERSEY BROADCASTERS ASSOCIATION

New Jersey Broadcasters Association ("NJBA")[1/] hereby submits its Reply Comments in opposition to the above-captioned: Petition for a Microstation Radio Broadcasting Service, RM-9208, filed by Nickolaus E. Leggett, Judith F. Leggett, and Donald J. Schelhardt, Esq. on February 5, 1998 ("Leggett Petition"); Proposal for Creation of the Low Power FM (LPFM) Broadcast Service, RM-9242, filed by J. Rodger Skinner, Jr. ("Skinner Petition") on March 10, 1998; and Amendment of Part 73 of the Rules and Regulations to Establish Event Broadcast Stations, RM-9246, filed by Gregory D. Deieso on June 24, 1996 ("Deieso Petition") (collectively "Micro/Low Power/Event Petitions").[2/] Because the adop-

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[1/] NJBA is a non-profit association representing the interests of New Jersey radio and television stations.

[2/] On May 22, 1998, the Commission granted a motion filed by the Democratic Communications of the National Lawyers Guild requesting an extension of the date for filing reply comments in the above-captioned proceedings. The Commission adopted an order (continued...)

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tion of any proposal for micro, low power, or event broadcasting will prohibit the upgrade of analog AM/FM radio to the higher quality, in-band, on-channel ("IBOC"), digital aural broadcast service and because the public interest benefits of digital radio broadcasting greatly outweigh those of micro, low power, and/or event broadcasting, NJBA opposes the institution of any rule making proceeding towards the establishment of micro, low power, or event broadcasting. In support whereof the following is respectfully submitted for the Commission's consideration:

1. The Introduction of Micro, Low Power, and/or Event Broadcasting Stations Will Prevent IBOC Digital Radio. NJBA opposes the establishment of any micro, low power, or event broadcasting because any such service threatens the future of IBOC digital radio. As explained in more detail by the comments filed by USA Digital Radio Partners, L.P. ("USADR"),[3] any change to the current interference environment or any change in the Commission's current rules as to analog broadcasting parameters or protection requirements will obstruct, and perhaps jeopardize altogether, the implementation of IBOC digital radio. See generally Comments filed by USADR.

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[2](...continued)
extending the date for filing reply comments to July 24, 1998. Accordingly, the instant comments of New Jersey Broadcasters Association are timely filed. See Order Extending Time, DA 98-978, released May 22, 1998.

[3] USADR is the developer of In-Band On-Channel ("IBOC") AM and FM digital broadcasting technology, which will allow existing AM and FM stations to use their assigned frequencies and simultaneously broadcast an analog and digital signal.

2. As currently designed, the IBOC system will introduce a digital signal within the FCC's existing emissions limitations for analog AM and FM radio. This is accomplished by placing low power digital carriers in the upper and lower sidebands of analog transmissions. Id. at pages 7 - 8. These digital carriers are set to provide a high quality digital signal without causing interference to the analog signal. This is critical because the IBOC system will not require the allocation of new spectrum for digital radio broadcasting or necessitate any change in frequency or coverage by existing analog stations in order to transition into digital radio broadcasting. The addition of any second-adjacent interference, however, as will be caused by the establishment of any micro, low power, and/or event broadcasting stations, will leave the digital signal vulnerable because the IBOC system was designed to withstand interference from existing analog signals. The IBOC system will be unable to survive the additional sources of interference caused by potentially thousands of micro, low power, and/or event broadcasting stations. As such, the establishment of any micro, low power, and/or event broadcasting proposal will make the transition to digital radio broadcasting, using current IBOC technology, impossible because the FM band lacks the capacity to accommodate IBOC digital radio and micro, low power, and/or event broadcasting.

3. There are currently 7,602 full service FM stations operating on 100 channels on the FM band.[4] This is an average of 76 stations per channel.[5] When compared to the television band where conversion to digital broadcasting is already taking place, overcrowding on the FM band is obvious. The television band has an average of 24 stations per channel,[6] as compared to 76 stations per channel on the FM band. Even though the television band is less congested than the FM band, many existing low power television stations will be displaced by digital television. Because the FM band is much more congested than the television band, digital conversion on the FM band will be more difficult. Unlike the television band, where there are some vacant channels to allocate to displaced low power television stations, the FM band has far fewer vacant channels. Consequently, FM radio stations must convert to digital broadcasting using the same channels that are currently assigned for analog broadcasting. IBOC digital systems allows for such a conversion. The scenario for converting AM radio stations to digital broadcasting is even more problematic due to more adjacent channel interference, even though there are fewer AM stations on average for each

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[4] Broadcast Station Totals as of June 30, 1998, FCC News Release (July 21, 1998). See also Comments of the National Association of Broadcasters, filed April 27, 1998, at pages 13-16.

[5] Id.

[6] There are 1,580 full service television stations operating on 67 channels. Broadcast Station Totals as of June 30, 1998, FCC News Release (July 21, 1998).

AM channel.[7] Accordingly, neither the AM or the FM band can accommodate the impending conversion of analog radio to IBOC digital broadcasting if any of the micro, low power, or event broadcasting proposals are adopted.

4. The Public Interest Benefits of IBOC Digital Radio Greatly Outweigh Those of Micro, Low Power, or Event Broadcasting. While IBOC digital radio technology will advance the radio broadcasting industry forever, the establishment of micro, low power, and/or event broadcasting will only cause interference to existing analog radio stations. By allowing analog radio broadcasters to provide higher quality digital signals using the frequencies currently assigned to them, IBOC digital radio technology will serve radio listeners nationwide. Micro, low power, and/or event broadcasting, on the other hand, will serve at most, a very small group of listeners, most of whom are already served by full power radio stations. The Micro/Low Power/Event Petitions envision serving niche audiences and "broadcasting" information to those who attend conventions, concerts, sporting events and the like. See Leggett Petition; Skinner Petition; Deieso Petition. However, most of those that micro, low power, and event broadcasting stations seeks to serve are already served by local and/or regional full power radio stations and the types of services to be provided by micro, low power, and event broadcast-

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[7] There are 4,724 full service AM stations on 40 channels, resulting in an average of 118 stations per channel. Broadcast Station Totals as of June 31, 1998, FCC News Release (June 19, 1998).

ing stations are already provided by a variety of alternative means (e.g., existing local and regional radio stations, internet, telephone, facsimile, local and regional newspapers, local newsletters). It is therefore clear, that on balance, the public interest benefits of IBOC digital radio greatly outweigh those of micro, low power, or event broadcasting.

Accordingly, New Jersey Broadcasters Association opposes the institution of any rule making proceeding toward the adoption of micro, low power, or event broadcasting.

Respectfully Submitted,

NEW JERSEY BROADCASTERS ASSOCIATION

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July 22, 1998

CERTIFICATE OF SERVICE

I, Lisa Skoritoski, do hereby certify that a true and correct copy of the foregoing "Reply Comments" was served by U.S. mail, first-class, postage prepaid on this 24th day of July, 1998, upon the following individuals:

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