

March 25, 1999

BEFORE THE FEDERAL COMMUNICATIONS  
COMMISSION, Washington D.C.

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In the matter of:

FCC 99-25. Establishment of a low  
power radio service.

**SECOND AMENDMENT TO THE COMMENTS OF REC NETWORKS**

1. *Overview.* The purpose of this filing is to make some clarifications to our original filing of comments in this proceeding.
2. *Protection of existing translators.* In our original comments, paragraph 17 did not make it totally clear how we feel that existing translators should be treated in an LPFM environment. We submit the following chart to show the way that we feel translators should be handled:

<b>Existing</b> translators where the primary station is <u>less than</u> 400 km (250 miles) from the translator.	These translators would be given a <u>grandfather</u> status as long as no major changes are made to the station. (transmitter location, antenna type/direction, output power, frequency, designation of primary station to a station more than 400 km away, etc.)
<b>Existing</b> translators where the primary station is <u>more than</u> 400 km (250 miles) from the translator <b>on the date of the 99-25 NPRM.</b> (“Distant Translator”)	These translators would <b>not</b> be afforded grandfather status. LPFM applicants should select a channel which would allow the LPFM and the distant translator to co-exist. In the event that no frequency could be found, the LPFM can propose operation on the same or adjacent channel to the distant translator. It will be the responsibility of the distant translator to resolve the interference.
<b>New</b> translators <u>regardless</u> of the location of the primary station.	New translators will continue to be licensed with the knowledge that these licenses will have a <i>sub-secondary</i> status to LPFM local station. In the case of new translators, the LPFM should attempt to propose operation on a channel which would allow the LPFM and the translator to co-exist. If no such channel is found, the LPFM can propose operation on the same or adjacent channel to the translator. It will be the responsibility of the translator to resolve the interference.

Table 1. Treatment of Translators in an LPFM Environment.

In our table above, an **existing** translator is defined as a translator station which was licensed or holding a construction permit on the date of the release of the FCC 99-25 NPRM. A **new** translator is defined as a translator which was not licensed or holding a construction permit on the date of the release of the FCC 99-25 NPRM.

3. *“Paper” translators.* We are also asking the FCC to please assure that all translators which are currently licensed are actually operating. When I lived in Pahrump, NV in 1995, there were about 6 FM translators licensed to commercial stations in the region. Of those translators, only one was actually operating. Here in the Phoenix area, there are several dark translators. These “paper” translators are holding channels which could be assigned to LPFM services.

4. *Conclusion.* We feel that this amendment would help recognize the service that can be potentially provided by nearby translators while still making spectrum available for additional local stations. Translators are not always licensed directly to the primary station but are also licensed to private individuals, tax assessment districts set up primarily to operate the translators in areas not in the coverage areas of primary FM and TV stations, “TV clubs” and small businesses primarily involved in the construction and operation of translators. We must protect the investment of these operations as they have had a history of providing a local service but at the same time we need to draw a line at what constitutes a local service and if a station which is being established to provide a local service (like LPFM) has priority over a station not currently providing a local service (like a distant translator).

Respectfully Submitted  
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