

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

In re:)	MM Docket No. 99-25
)	
Creation of a Low)	RM-9208
Power Radio Service)	RM-9242
)	

To: The Commission

COMMENTS OF BRILL MEDIA COMPANY

Brill Media Company ("Petitioner"), by its attorney, submits the following Comments in response to the *Notice of Proposed Rule Making* in MM Docket No. 99-25 ("*Notice*"), released on February 3, 1999. Petitioner, though affiliated entities, is the independently-owned licensee of commercial radio stations in small markets, and has operated stations in this environment for over 15 years. For the reasons set forth herein, Petitioner urges the Commission not to authorize the creation of a low power FM radio service due to the real potential for significant interference to existing radio service, and the serious impact such a service would pose to the successful development of an In-Band-On-Channel ("IBOC") capability.

Interference to Existing Service. In order to foster a low power FM ("LPFM") service, the Commission appears willing to sacrifice present service provided by existing stations throughout the country. This would be accomplished in part by disregarding second and third adjacent channel interference considerations, and is premised on the false assumption that existing radio service stops at the 60 dBu contour. There is no valid technical reason to ignore adjacent channel interference; rather, it is necessary to do so in order to create even the possibility of a significant number of new LPFM allocations. In effect, the Commission is willing to permanently eliminate existing service on

the unproved assumption that something better will replace it. As noted by Commissioner Furchtgott-Roth in his Dissenting Statement:

[U]nder existing interference rules the Commission can authorize so few new stations that the results would hardly warrant the effort. In order to create any substantial amount of new service, protection standards have to be loosened so far as to eliminate third and even second adjacent channel safeguards. This is a severe incursion on the rights of current licenseholders, as well as on the value of their licenses...

The radio industry and the Commission are well aware that off the air FM service is not neatly confined to an arbitrary signal strength contour. This is particularly true in FM radio where a myriad of factors can and do influence signal propagation and listener reception. Indeed, the Commission's translator rules are premised on the knowledge that a station's usable signal extends beyond its 60 dBu contour. The Commission routinely denies FM translator applications for the very reason that the translator will interfere with the regular reception of the signal of a full service FM station at locations beyond its protected contour. There is simply no public interest rational to disregard this historic protection of existing service, and the Commission has no ability to even guess the amount of existing service that will be disrupted by LPFM under the rules proposed in the *Notice*.

Development of IBOC Operation. Critical to the continuing success of the terrestrial radio industry is the successful introduction of IBOC digital radio, and critical to the successful development of this service is protection of the second adjacent channel from interference. However, the advent of IBOC would be dramatically jeopardized if LPFM operations are authorized without concern for creating interference to second adjacent channels. It would be particularly unwise to take such a potentially disastrous step before all of the technical ramifications of IBOC operations are known and understood.

Received Interference. Another technical sleight of hand proposed by the Commission in order to support the creation of a substantial number of LPFM operations is the idea of ignoring *received interference*. The Commission has long upheld protection from both caused interference and received interference in authorizing new FM radio service. One rationale behind the prohibition of received interference has been to prevent the FM band from generating the type of frequent interference that plagues the AM band. Even though a new operator is willing to accept received interference in order to reach the desired portion of its market, the impact on FM listeners is increased interference overall, to a point that FM radio would sound similar to the AM service. Given its experience with AM radio and its efforts to date not to repeat those problems in the FM service, the Commission should avoid further lessening its interference criteria for the preconceived benefits of LPFM.

For these reasons, we urge the Commission not to authorize the creation of a new low power FM service at this time.

Respectfully submitted,
BRILL MEDIA COMPANY

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August 2, 1999