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Before the

Federal Communications Commission

Washington, D.C. 20554

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS OF BIBLE BROADCASTING NETWORK, INC.

Bible Broadcasting Network, Inc. ("BBN"), by its attorneys, herewith files its Comments on the *Notice of Proposed Rule Making,* 14 FCC Rcd 2471, released February 3, 1999 ("*NPRM*"). Time for filing comments on the *NPRM* has been extended to August 2, 1999.

Introduction

BBN is a non-profit noncommercial educational broadcaster. It is licensee of 32 full-power AM and FM stations which are all operated with a noncommercial educational format. BBN is also licensee or permittee of more than 100 FM translator stations that rebroadcast the programs of one of BBN's full-power stations. The Commission proposes the creation of a new low power radio service on the FM band that would result in the allotment of three new classes of stations: (1) stations operating with 1000 watts effective radiated power ("ERP") with antennas at a maximum 60 meters (197 feet) above average terrain ("HAAT"), to be known as "LP1000" stations; (2) stations operating with 100 watts ERP at a maximum 30 meters (98 feet) HAAT, to be known as "LP100" stations; and (3) stations operating with 1-10 watts ERP at a maximum 30 meters HAAT, to be known as "Microradio" stations. If implemented, LPFM would result in new

stations being authorized in communities where BBN operates full-power radio stations and FM translator stations. BBN provides the following comments in opposition to the proposal in the *NPRM*.

BBN's Service to the Public Would Be Jeopardized by Adoption of the LPFM Plan

Like most noncommercial broadcasters, BBN receives its operating funds from contributions made by its listeners. As such, BBN feels a strong fiduciary duty to its listening public to preserve the radio service that its contributing listeners have come to rely upon. Therefore, BBN urges the Commission to "grandfather" all currently pending applications and existing construction permits and licenses for FM translators. BBN has invested significant amounts of funds in researching, engineering, and filing applications for FM translators and then awaiting grant of a construction permit. BBN has also expended funds in actually constructing the stations and placing them on the air. To have the LPFM stations displace these FM translators would result in a waste of BBN's scarce resources and would deprive BBN's listeners of the service they have come to depend upon.

In most cases, BBN's translators have been constructed and put on the air because of a request of a local constituent who wanted to receive BBN's programs. After such listeners have waited for the inception of service and then experienced and enjoyed BBN's programming, it will be hard for BBN to explain that the FCC has made new rules eliminating or jeopardizing the translator that they have come to depend upon without giving the listeners any consideration. BBN believes that the Commission's

contemplated action will create a chaotic situation for both BBN as a broadcaster and erode public confidence in the operations of the Commission to regulate in the public interest.

Thus, BBN requests that the Commission continue to protect licensed FM translators and construction permits against the LPFM stations. The Commission has proposed to eliminate FM translators in order to allot new LPFM frequencies. For the reasons set out above, BBN opposes this proposal.

LPFM Should Be a Secondary Service

The Commission should only authorize LPFM if the new stations are required to (a) protect all existing and proposed full-power and secondary facilities and (b) terminate operations if the LPFM stations cause interference to such facilities. The same rationale should be adopted that is expressed in Section 74.1203 of the Rules. That section requires FM translators, which are secondary stations, to terminate operations if they cause interference to (1) the transmission of any authorized broadcast station; (2) the reception of the input signal of any other translator or booster; or (3) the direct reception by the public of the off-the-air signals of any authorized broadcast station. "Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted." This standard has worked well in the FM translator world since it protects the listening public's rights to hear stations even when the listener is not within the protected contour of the station. So, LPFM stations should be given "secondary"

status similar to the status of FM translators. In the allocation process, the Commission should require LPFM stations to demonstrate that they would meet all spacing requirements to existing stations, including FM translators and boosters.

Conclusion

BBN respectfully urges the Commission in any LPFM rules it adopts to protect all primary and secondary services, and specifically FM translators.

Respectfully submitted,

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