

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC

In the Matter of) Case No.: MM DOCKET NO. 99-25
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 Creation of a Low Power Radio Service) RM-9208, RM-9242
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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

TO: The Commission

COMMENTS OF HISPANIC BROADCASTING CORPORATION

Hispanic Broadcasting Corporation ("Hispanic"), pursuant to Sections 1.415 and 1.419 of the Rules, by its attorneys, submits these Comments on the Commission's Notice of Proposed Rulemaking, FCC 99-6, released February 3, 1999, on the creation of a low power FM radio service.

Hispanic is the largest Spanish language radio broadcasting company in the United States and currently owns or programs over 40 radio stations in 13 radio markets, including 12 of the 15 largest Hispanic radio markets in the United States (Los Angeles, New York, Miami, San Francisco/San Jose, Chicago, Houston, San Antonio, Dallas/Fort Worth, McAllen/Brownsville/Harlingen, San Diego, El Paso, and Phoenix). Hispanic also operates the HBC Radio Network, one of the largest Spanish broadcast networks in the United States in terms of audience delivery. As a broadcaster which programs for a minority

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audience, Hispanic is sensitive to the perceived need of minorities and others for additional outlets of local expression, and their sense that the demand for such additional outlets is frustrated by the growing consolidation of ownership of radio on a national and local level. However, this perception must face the reality that spectrum is limited and the Commission's primary public interest obligation is to insure the integrity of its existing services.

Accordingly, Hispanic requests the Commission to carefully consider the following points in connection with its study of the feasibility of establishing a new service:

- The Commission has apparently assumed that current FM receivers will not be affected by second- and third-adjacent channel interference. For some listeners, particularly those in the lower economic brackets, this assumption may be significantly unfounded and, if incorrect, will wreak havoc on the quality of existing service and on the technical viability of the entire industry.
- Even assuming the FM main channels are not affected by the redefinition of interference protections, it is not at all clear what the effect of that additional interference will be on sideband (SCA) transmissions. These SCA services provide not only valuable sources of revenue to FM radio stations, but also very significant services to the public, such as paging, other foreign language

programming, global positioning satellite correction information, and radio reading services for the blind.

- Similarly, the Commission must consider the impact of the proposed changes in the interference standards on FM translators and booster stations. These also provide a significant extension of FM service to the public by way of extended (and in the case of boosters enhanced) coverage. At a minimum, these operations should be provided with continued protection by way of grandfathered interference limits.
- Finally, the Commission is putting the cart before the horse in considering the LPFM proposal prior to its consideration of the digital radio proposal. Hispanic is an investor in USADR, one of the companies working on digital audio broadcasting ("DAB"), using in-band on-channel ("IBOC") technology. USADR and another company (Lucent) have both announced that they are engaged in field testing of this emerging technology, and that they expect by year's end to be able to assess the impact of additional levels of interference on the proposed DAB/IBOC service. The public interest requires the Commission to withhold action on the LPFM proposal, particularly on the proposed changes in interference standards, until it has received and considered the DAB/IBOC test results. The Commission should not establish an LPFM service until after a DAB/IBOC standard is established and implemented.

Although Hispanic is, as noted above, the largest Spanish language radio operator in the country and, as such, does not shrink from the prospect of competition in the marketplace, we cannot help to recall the not so distant past when we operated smaller stations in smaller markets and faced very difficult times when the Commission greatly increased the number of stations (as was done in the Docket 80-90 proceeding years ago). For smaller broadcasters, the prospect of additional stations in smaller markets may pose a significant threat to their viability. For Hispanic, however, our concern is, as stated above, with the continued technical integrity of the FM broadcast band and the prospect for an effective implementation of digital radio.

Respectfully submitted

HISPANIC BROADCASTING CORPORATION

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