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

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

To: The Commission

REPLY COMMENTS OF NATIONAL RELIGIOUS BROADCASTERS

National Religious Broadcasters ("NRB") hereby submits its reply to comments filed in response to the above-referenced proposal to establish new, low power FM ("LPFM") radio stations.[1] As NRB explained in its initial comments, the association is gravely concerned about the Commission's proposal to eliminate its existing second- and third-adjacent channel protections for full-power FM stations in order to make room for as many as three new classes of LPFM stations.[2]

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[1] *See Creation of a Low Power Radio Service (Notice of Proposed Rulemaking)*, MM Docket No. 99-25, FCC 99-6, ¶ 1 (rel. Feb. 3, 1999) ("Notice"). NRB is a national association of radio and television broadcasters and programmers whose purpose is to foster and encourage the broadcast of religious programming. NRB and its members—many of whom operate relatively small stations that serve as the main outlet for religious programs in their communities—therefore are keenly interested in the outcome of this proceeding.

[2] Comments of National Religious Broadcasters, MM Docket No. 99-25 (filed Aug. 2, 1999).

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NRB now has reviewed a number of the technical reports and analyses submitted in this docket on or since August 2, 1999. In particular, NRB has scrutinized the "Interim Report associated with this docket by the Commission's Office of Engineering Technology.[3] While that report differs from the receiver study submitted by the National Association of Broadcasters,[4] NRB notes that even the OET Study indicates that there are some problems with second adjacent channel interference. In addition, NRB is struck by the cautious tone of the report, which clearly indicates that the small sample size underlying its analysis—just 21 radio receivers—renders the staff's analysis a preliminary one at best.[5] As the OET Study carefully states, "[b]ecause of the need to develop some information quickly, *this phase* of the study is limited in scope" and "follow on work is anticipated to expand the study sample as well as to broaden the scope" to include other issues, such as the complications that may arise

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[3] William H. Inglis & David L. Means, FCC Office of Engineering and Technology, Project TRB-99-3 (dated July 19, 1999) ("OET Study").

[4] Prior to the filing of its initial comments, NRB reviewed the data contained in the "FM Receiver Interference Test Results Report" submitted in conjunction with the comments of in this docket by the National Association of Broadcasters. *See* Carl T. Jones Corporation, "FM Receiver Interference Test Results Report" (dated July 1999). That study indicated that a very large number of receivers currently owned by consumers do not perform up to the theoretically predicted level. NRB already has noted that one of the disturbing implications of the NAB study is that the type of receiver most vulnerable to interference—such as clock radios and portable radios—also are the type most likely to be owned by the less affluent listeners, including the poor and the elderly.

[5] OET Study at 1-2.

with the introduction of digital radio.[6] before any final conclusions about the impact of the LPFM proposal could be drawn.

NRB also has reviewed the comments and technical attachments submitted by the Consumer Electronics Manufacturers Association ("CEMA"), as well as the conclusions drawn by a number of other commenters who had early access to the CEMA data.[7] This data suggests that noncommercial stations (such as those of many NRB members) may be disproportionately harmed by interference from LPFM transmissions. Specifically, NAB is very troubled about the prospect that "lightly processed" broadcasts on noncommercial channels—*i.e.*, low-modulation signals providing news/talk and classical music—are particularly vulnerable.[8] Much of the airtime of many NRB members is devoted to precisely this type of programming, of course, and audiences have come to depend on them for the unique blend of religious discussion, prayer, and music that the stations provide.

In addition to these studies, NRB took stock of the several "real life" illustrations of harm submitted by other commenters and urges the Commission to do the same. For example, although not comprehensive—or purporting to be—the engineering analysis provided by the

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6 *Id.* at 1 (emphasis added).

7 *See* Comments of the Consumer Electronics Manufacturers Association, MM Docket No. 99-25 (filed Aug. 2, 1999); *see, e.g.,* Comments of the Corporation for Public Broadcasting, MM Docket No. 99-25 (filed Aug. 2, 1999); Comments of National Public Radio, MM Docket No. 99-25 (filed Aug. 2, 1999); Comments of the Public Radio Regional Organizations, MM Docket No. 99-25 (filed Aug. 2, 1999).

8 Comments of the Public Radio Regional Organizations at 17-19.

Adventist Radio Network, Inc. ("ARN"), should give the agency pause.[9] ARN's review of the impact of the LPFM proposal on three of its stations shows that all three facilities would experience interference with their protected contours. NRB agrees with ARN that the resulting loss of existing service to an aggregate population of more than 38,000 is "unacceptable" and that "[t]he theoretical benefit which might result from allowing untested new [LPFM] operators to impinge upon existing services is too ephemeral to justify the disruption that would ensue."[10]

All of this preliminary and, to some degree, inconsistent technical information now on the record does not give the Commission a sufficient basis to adopt its LPFM proposal at this time. Rather, the data before the agency warrants a decision to move forward with further technical studies, by OET as well as private entities, before adopting any LPFM rules that would impair the ability of listeners to continue to hear and enjoy the programming provided by existing FM stations.

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[9] Comments of the Adventist Radio Network, Inc., MM Docket No. 99-25 (filed Aug. 2, 1999).

[10] *Id.* at 3.

For the foregoing reasons, NRB urges the Commission not to adopt the LPFM proposals set forth in the *Notice* at this time.

Respectfully submitted,

NATIONAL RELIGIOUS BROADCASTERS

By: E. Brandt Gustavson

E. Brandt Gustavson
President
National Religious Broadcasters
7839 Ashton Avenue
Manassas, VA 20109
(703) 330-7000

Lawrence W. Secrest, III
Rosemary C. Harold
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000

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Its Counsel