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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

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

To: The Commission

REPLY COMMENTS
OF
EMMIS COMMUNICATIONS CORPORATION

Emmis Communications Corporation ("Emmis") hereby submits its reply comments in response to the *Notice of Proposed Rule Making* ("NPRM") in the above-captioned proceeding released February 3, 1999, 14 FCC Rcd 2471.

In its initial comments filed August 2, 1999, Emmis showed that, assuming relaxation of adjacent-channel protection as proposed in the NPRM, as many as thirteen LP1000 stations could be located *within the protected service contours* of Emmis's stations, in each case in heavily populated areas with the potential of causing interference to many thousands of listeners. Emmis therefore urged the Commission "to evaluate the potential for adjacent-channel interference with the greatest possible care."

The attached Engineering Statement discusses the results of the receiver selectivity studies conducted on behalf of the National Association of Broadcasters, the Consumers Electronics Manufacturing Association, and National Public Radio (all of which are part of the

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record in the instant proceeding). Specifically, the studies demonstrate that receiver selectivity is even worse than is assumed by the Commission's current adjacent-channel protection standards. These findings are significant since the Commission must rely on the superior selectivity of modern receivers to justify the elimination of the 2nd and 3rd adjacent channel protection. *See* NPRM, ¶ 46. The studies by NAB, CEMA, and NPR conclude that a wide variety of receivers will be unable to provide clear signal reception.

As such, the authorization of the LP1000 stations within the protected contours of the subject Emmis stations would cause devastating interference. Emmis submits that whatever theoretical benefits might flow from a low power FM service cannot be sufficient to justify such decimation of existing FM service. Accordingly, a low power FM service should not be authorized and the instant proceeding should be terminated forthwith.

Respectfully submitted,

EMMIS COMMUNICATIONS CORPORATION

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September 16, 1999
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EXHIBIT E-R
ENGINEERING STATEMENT
IN SUPPORT OF REPLY COMMENTS
ON BEHALF OF EMMIS
COMMUNICATIONS CORPORATION
RE: MM DOCKET NO. 99-25
CREATION OF LOW
POWER RADIO SERVICE

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Prepared by
Lohnes and Culver Washington, D.C.

September, 1999

EXHIBIT E-R
ENGINEERING STATEMENT
IN SUPPORT OF REPLY COMMENTS
ON BEHALF OF EMMIS
COMMUNICATIONS CORPORATION
RE: MM DOCKET NO. 99-25
CREATION OF LOW POWER RADIO SERVICE

INTRODUCTION

This statement was prepared in support of reply comments on behalf of Emmis Communications Corporation ("EMMIS"), licensee of thirteen commercial FM broadcast stations. In response to the Notice of Proposed Rule Making in MM Docket 99-25, EMMIS filed direct comments describing the potential impact on eight EMMIS FM stations that appear to be vulnerable to interference from a new low power FM service. The comments referred to extensive receiver tests that were being conducted by major industry groups, the results of which were not available at the time direct comments were due. The results were made available through direct comments filed on behalf of the National Association of Broadcasters (NAB), the Consumers Electronics Manufacturing Association (CEMA) and National Public Radio (NPR). The purpose of this statement is to relate the test results to the potential impact on the EMMIS broadcast stations as described in their direct comments in MM Docket 99-25.

INTERFERENCE POTENTIAL

The direct comments submitted by EMMIS included a series of maps showing areas within each station's normally protected contour, 54 dBu for Class B stations and 60 dBu for Class C stations, where LP 1000 assignments could be made if the 2nd and 3rd adjacent

channel separation requirements were eliminated. Those areas include substantial portions of the DMA and the Urbanized Areas of the following cities where Emmis operates a full service FM station: Indianapolis, IN, St. Louis, MO, Chicago, IL, New York, NY and Los Angeles, CA.

As previously stated, extensive testing of receivers was conducted by NAB, CEMA and NPR and the results were made public in direct comments that were submitted in response to the NPRM in MM Docket No. 99-25. The results of those tests clearly demonstrate that 2nd and 3rd adjacent channel separation requirements are necessary in order to avoid interference. In fact, the current separations based on the established D/U ratios are insufficient to provide interference-free service with respect to most receivers.

Based on the results of the very extensive receiver tests conducted by NAB, CEMA and NPR, it is conclusive that a low power radio service in the FM band with a total disregard for 2nd and 3rd adjacent channel separations will have a devastating effect on existing FM service. In the case of the EMMIS stations as described in their direct comments, the development of a low power radio service as proposed in the NPRM in MM Docket 99-25 will create new interference within their normally protected service areas and will affect hundreds of thousands of listeners in densely populated areas.

The Commission has held the line with respect to many requests for proposed relaxations and changes in the Rules that would degrade the high quality service provided

by FM stations. The integrity of the band will certainly be diluted if a low power radio system is created with stations located within the currently protected service areas of existing stations. We strongly urge the Commission to consider the overwhelming comments of the industry and preserve the high quality service provided by FM broadcast stations.

Respectfully Submitted,
LOHNES and CULVER

By Frederick D. Veihmeyer

September, 1999