

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

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

To: The Commission

**FURTHER REPLY COMMENTS OF
NATIONAL PUBLIC RADIO, INC.**

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, and the Commission's October 1, 1999 Order in this proceeding,¹ National Public Radio, Inc. ("NPR") hereby submits Further Reply Comments concerning the establishment of low power FM band radio broadcast services.²

The FCC justified its most recent extension of the reply comment filing deadline on the need to correlate the establishment of digital audio broadcasting ("DAB") with the issue of whether and how to establish low power FM band radio broadcast services.³ Because the

¹ Order on Reconsideration, MM Docket 99-25, RM-9208, RM-9242, rel. Oct. 1, 1999, at ¶ 6.

² Notice of Proposed Rulemaking, MM Docket 99-25, RM-9208, RM-9242, 14 FCC Rcd. 2471, rel. Feb. 3, 1999.

³ Order, MM Docket 99-25, RM-9208, RM-9242, rel. Sept. 17, 1999, at ¶ 7.

extension order was issued at the very close of the reply comment filing period and after NPR had already submitted its Reply Comments, we confine these Further Reply Comments to the DAB NPRM and its relationship to this proceeding.

As an initial matter, NPR applauds the Commission's reaffirmation of support for DAB and the important step it has taken through the issuance of the DAB Notice of Proposed Rulemaking ("NPRM").⁴ The NPRM raises a number of far reaching issues concerning the potential attributes and dimensions of a terrestrial DAB system. On behalf of NPR's member licensees, we look forward to the development of the administrative record in what may well be the most important regulatory proceeding affecting radio broadcasting in this Nation's history.

With regard to the relationship between the DAB NPRM and the instant proceeding, NPR previously has cautioned the Commission that the DAB transition is too important to undermine, however unintentionally, as the result of the establishment of new low power broadcasting stations.⁵ The need to proceed cautiously was confirmed by the two IBOC DAB proponents that filed comments. Indeed, both Lucent and USA Digital expressed significant doubts about the feasibility of implementing IBOC DAB while establishing new low power stations through the wholesale elimination of second- and third-adjacent channel protections.⁶

⁴ Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, Notice of Proposed Rule Making, MM Docket No. 99-325, rel. Nov. 1, 1999 [hereinafter "DAB NPRM"].

⁵ NPR Comments, filed August 2, 1999, at 21-23; NPR Reply Comments, September 17, 1999, at 12-17.

⁶ Comments of Lucent Technologies, Inc., filed August 2, 1999, at i; Comments of USA Digital Radio, Inc., filed August 2, 1999, at 6.

The recently released DAB NPRM acknowledges, at least implicitly, the need to defer initiating any new low power services not based on existing interference protection criteria until the prospects for IBOC DAB are clarified. Thus, the NPRM reiterates the Commission's longstanding conclusion that "terrestrial DAB is in the public interest"⁷ and declares, "it is [the Commission's] objective to foster a rapid and non-disruptive transition to DAB for broadcasters and listeners."⁸ Further, the NPRM notes the Commission's continuing belief "that IBOC systems hold great promise."⁹ Indeed, while the various proposed IBOC DAB systems may ultimately prove infeasible,¹⁰ IBOC DAB remains the most cost-effective, least disruptive, and expeditious approach to implementing DAB.

Given the importance of DAB, retaining the existing interference protections is essential both to determine the feasibility of IBOC DAB and, assuming the viability of one or more of the proposed IBOC DAB systems, to permit a rapid and non-disruptive transition to an IBOC DAB system. To do otherwise would be to fundamentally alter the basic premises on which the DAB NPRM is based and to effectively foreclose an IBOC DAB transition. While time will surely tell whether it is possible and appropriate to implement the Commission's LPFM proposal as well, it

⁷ DAB NPRM at ¶ 15.

⁸ Id. at ¶ 18.

⁹ Id. at ¶ 19.

¹⁰ Id. at ¶ 18.

is now more important than ever to proceed cautiously so as to avoid regulatory changes that effectively foreclose the possibility of an IBOC DAB transition.

Respectfully Submitted,

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