The Walt Disney Company

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November 15, 1999

Hand Deliver

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Rm. TWB204
Washington, D.C. 20554

Re: In The Matter of Creation of a Low Power Radio Service

Dear Ms. Salas:

We are transmitting herewith for filing with the Commission an original and four copies of Reply Comments of The Walt Disney Company in MM Docket No. 99-25.

If there are any questions in connection with the foregoing, please contact the undersigned.

Respectfully submitted,

Diane H Davidson

Diane H. Davidson
Director, Government Relations

DHD/smk

Enclosures

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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
	)	

To: The Commission

Reply Comments of The Walt Disney Company ("ABC")

The Walt Disney Company, on behalf of its subsidiary ABC, Inc. ("ABC"), hereby submits its Reply Comments in the Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding. ABC, Inc. is the owner of 16 FM stations (as well as 26 AM stations) and is committed to maintaining the viability of free, universal full service radio.

ABC filed Comments in this proceeding addressing two issues. These comments concluded that (1) the FCC should not eliminate second and third adjacent channel protections standards in order to free up spectrum that could be used to create an LPFM1000 service; and (2) that establishing a secondary LPFM100 service is not merited when one weighs the public interest benefits and detriments that would flow from such action. Nothing in the record disproves these positions.

On the contrary, there is ample evidence in the record to support ABC's conclusions that elimination of second and third adjacent channel protections would result in significant, harmful interference to existing FM full power stations that cannot be justified in light of the

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minimal amount of interference-free service that could be provided from the LPFM stations created under the FCC's proposals in the NPRM. Moreover, the LPFM stations themselves would experience so much harmful interference from existing full power radio services that it makes no sense to authorize them. ABC submits the following additional comments to support its earlier arguments.

I. Elimination of Second and Third Channel Adjacent Channel Protections Will Cause Interference to Full Service Stations, and the Existing Interference to WRQX, Washington, D.C., is a Case in Point.

It is apparent from the FCC's receiver study and other statements made by Commission staff that some at the Commission believe there is nothing to worry about if second and third adjacent channel interference criteria are eliminated. ABC challenges this belief with a real life example of third adjacent channel interference only a few miles from the FCC offices in Washington, DC. This example graphically shows the problems that can occur if second and third adjacent channel interference standards are ignored.

Prior to 1964, before second and third adjacent channel interference standards were established, WEZR, now WJFK (at 106.7 MHz) was allowed to become short spaced to WRQX (at 107.3 MHz). After second and third adjacent spacing standards were established, WEZR became "grandfathered" with their existing facility. Although interference existed surrounding the WEZR transmitter site, the site was in a somewhat rural area and few complaints were lodged.

In 1981 WEZR filed for and was granted, over ABC's vehement objection, the right to substantially increase its short spacing on WRQX's 3rd adjacent channel. This short spacing left only nine miles between the two stations. What made matters worse was the

area of interference, rather than being in a somewhat rural area was now located at one of the busiest highway intersections in the Washington, DC area, the intersection of I-66 and I-495.

ABC has found third adjacent channel interference at various points throughout the area that is within a three mile radius of the WJFK tower site depending upon the receiver used for the testing. This area of interference is similar to that which is predicted by the NAB receiver study. If, as the FCC appears to believe, receivers have gotten better over the last twenty years to the extent that they are now not susceptible to third adjacent channel interference, then this interference zone should have generally disappeared. That is certainly not the case and ABC invites anyone to drive near the I-66 and I-495 intersection to experience the interference for themselves. On virtually any receiver, WRQX is interfered with. Similar effects exist in the vicinity of the WRQX transmitter to receivers tuned to WJFK.

II. Effect of Widespread Elimination of Second and Third Adjacent Channel Protections.

A. Effect on Existing Full Power Service

The FCC would drop in many additional interference generators if it decides to ignore the second and third adjacent channel interference standards. ABC is concerned that this increase in interference will create more interference than it will create in service and thus is an inefficient utilization of spectrum. Moreover, generally increasing interference on the FM band will deteriorate the quality of service that the public has grown to expect over

the years. The results would be loss of listenership in general and increased susceptibility to competition from new services.

The FCC has asserted that at the present time second and third adjacent channel interference is inconsequential and that, if the NAB study of receivers is accurate, then whatever interference there is affects only the outer extents of existing protected contours. However, there is a large difference between what exists today and what might exist if LPFM's are allowed to locate without respect to second and third adjacent channel interference criteria.

Currently most interference, if any, is at the outer edges of coverage. Listeners expect to have to use better receivers to pick up the signals. These receivers are generally those with better "front ends" and higher gain. In addition, directional outside antennas may be used at times to pick these stations up. However, listeners may not realize that they might be able to improve their reception through these means because interference is generally masked by the fact that it sounds on many radios like loss of signal, which is the expected mode of failure at the limits of coverage. ABC asserts that, indeed, on many radios the full, protected contour is not receivable.

Listeners within the station's city grade contour do not expect interference. By eliminating the second and third adjacent channel spacing criteria entirely, the FCC will be bringing the interference zone from the outer reaches of the contour to the very heart of the primary listening area, indeed into the very city of license of the stations affected. Interference zones can be expected at virtually any location where listeners are located. As long as the desired to undesired ratio exceeds that of the receiver design, interference will be heard. That signals a basic departure from the historic expectation that stations have

enjoyed up to this point -- interference-free listening on all receivers within their city grade contour.

ABC does not expect the FCC to increase the protection already afforded stations, but ABC does expect continued protection from interference within the station's city grade contour, and does not expect the Commission to act in a manner that would result in further deterioration of existing service.

B. Effect on New LPFM Service

In our Comments, ABC demonstrated the significant interference that existing full power FM operations would cause to the new LPFM stations allocated. It only stands to reason that if the new LPFM stations are causing interference to existing FM operations, then the existing full power stations would have a devastating impact on any LPFM operations. The end result is severe disappointment on behalf of the new LPFM licensees, who will find that they are unable to be heard throughout the service area that the licensee expects. Indeed, the interference-free service that LPFM stations will be able to provide is so minimal that it cannot possibly justify the interference that the new LPFM licensees will generate.

For example, ABC's Comments demonstrate that in Minneapolis, while a potential LPFM1000 station should theoretically be able to serve over 730,000 people if the second and third adjacent protections were in place, instead that station will serve almost none of those people because of the interference it would receive from ABC's existing FM station. See ABC Comments at 3. In fact, allocation of an LPFM station in Minneapolis will generate 31 times more interference for portable radios than service created. Similar results

were demonstrated for LPFM stations that could be allocated in Atlanta. See ABC Comments at 4. Given the amount of interference that the LPFM stations themselves will receive and their resultant inability to serve the market they believe they can reach, it makes no sense to allocate them in the manner proposed by the Commission.

III. Rather than Establishing a Nationwide Service, the FCC Should Conduct a Test in a Single Market to Determine Whether Sufficient LPFM Service Can Actually Be Provided to Justify the Resultant Interference to Existing Full Power FM Stations.

ABC recognizes that there are competing engineering studies that provide conflicting projections with respect to interference that would result from elimination of second and third adjacent channel protections. ABC supports the studies submitted by NAB, but acknowledges that the FCC may not be completely convinced by the NAB's findings. ABC submits that, under these circumstances, it would not be reasonable for the Commission to establish a nationwide LPFM service without first determining the accuracy of its predictions. Accordingly, ABC suggests that the FCC conduct a real world test of its technical theories in a real world market before concluding that it is in the public interest to establish an LPFM service. ABC would cooperate in such a test if it was to be conducted in a market in which ABC already owns an FM station.

ABC believes that this is the only rational method to determine whether the FCC's technical analyses are correct. Moreover, theoretical engineering tests conducted in the lab do not necessarily generate the same results when conducted in the real world that also takes into account terrain, buildings and other factors that impact the strength of radio signals and hence their reception. The FCC should test its technical theories in a real world setting

before rushing to judgment and establishing a nationwide LPFM service that will produce substantial interference to the existing FM full power service.

IV. Conclusion.

Although the FCC appears to believe that interference will not result from elimination of second and third channel adjacent protections, the example of interference to ABC's FM station WRQX squarely refutes that belief. Most listeners driving in their cars in the area of the Washington, D.C. Beltway (I-495) and I-66 can hear the resultant interference. Establishment of an LPFM radio service by eliminating second and third adjacent channel protections will only create thousands of examples of the same kind of interference throughout the country. In exchange, only a very limited amount of new service will be created due to the interference that the LPFM stations themselves will receive from existing stations.

For these reasons, ABC believes that the FCC should determine that it is not in the public interest to establish an LPFM service as proposed in the NPRM. But, if the FCC is not yet persuaded that the LPFM service as proposed is not in the public interest, ABC strongly urges the FCC to conduct a real world test in a single market to analyze its technical assumptions. Rather than rushing to judgment and establishing a nationwide service with

the potential of severe interference to the existing FM licensees, the FCC should conduct a test to verify its technical assumptions and conclusions.

Respectfully submitted,

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