

**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

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

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, National Public Radio, Inc. ("NPR") hereby submits its Reply Comments in the above-captioned proceeding concerning the establishment of low power FM band radio broadcast services.¹

Introduction and Summary

In its initial comments,² NPR endorsed the Commission's stated objective of promoting programmatic and ownership diversity. At the same time, NPR identified a number of significant problems in the Commission's specific proposal. In particular, NPR provided the results of a comprehensive laboratory study it commissioned with the Consumer Electronics Manufacturers Association ("CEMA") and the Corporation for Public Broadcasting ("CPB") showing the likely interference consequences associated with licensing LPFM stations without second- and third-

¹ Notice of Proposed Rulemaking, MM Docket 99-25, RM-9208, RM-9242, 14 FCC Rcd. 2471, rel. Feb. 3, 1999 [hereinafter "NPRM"].

² Comments of National Public Radio, Inc., filed August 2, 1999 [hereinafter "NPR Comments"]. Unless otherwise indicated, all comment references herein are to comments filed in this proceeding.

adjacent channel and intermediate frequency protections. NPR also cautioned the Commission against proceeding without regard for the transition to in-band, on-channel ("IBOC") digital audio broadcasting ("DAB"). Further, NPR demonstrated that the Commission's proposal would have devastating consequences for the millions of Americans that receive public radio services via translator and booster facilities. Finally, NPR briefly addressed the complexity of the Commission's undertaking based on just a few of the difficult licensing and administrative issues the Commission must confront.

While the sheer volume of comments filed to date in this proceeding belies a simple characterization or response, the record largely validates the concerns NPR raised in its initial comments and the need to proceed cautiously so as not to undermine the important public service public radio affords the American people and the long-standing and substantial federal investment in public radio.

Most importantly, the technical studies demonstrate that the licensing of LPFM stations without regard for second- and third-adjacent channel protections would create significant new interference to the reception of full service broadcast stations. In particular, the separate testing and analysis sponsored by the National Association of Broadcasters ("NAB") demonstrated a likelihood of interference of the same character and degree as that found by the NPR/CEMA/CPB testing. The interim report submitted by the Commission's Office of Engineering and Technology ("OET") and a study sponsored by several supporters of low power broadcasting also confirmed the potential for interference. Those tests would have shown the true extent and likelihood of interference harm, moreover, had OET and the Broadcast Signal Lab ("BSL") established an appropriate reference point of minimum sound quality and examined a more complete range of radio receivers in the market.

Nonetheless, the technical record in this proceeding amply justifies at least retention of the existing interference protection criteria. If the Commission is inclined to view the record as debatable on the interference issue, however, the only appropriate course is for the Commission to sponsor additional testing under uniform and mutually agreed to criteria, including receiver samples, test beds, calibration and test procedures.

The record with regard to IBOC DAB also validates NPR's view that the establishment of LPFM stations at this time threatens the digital transition of the last remaining analog electronic communications medium. Both Lucent Technologies and USA Digital found a substantial likelihood of interference to their respective IBOC systems associated with the proposal to eliminate the second- and third-adjacent channel protections. At a minimum, they and others cautioned the Commission not to proceed with its LPFM initiative until the development and implementation of a definitive IBOC DAB system is assured.

The record in this proceeding confirms the substantial harm that would result if LPFM stations are permitted to displace translator and booster facilities, as the Commission has proposed. Moreover, merely grandfathering existing translators is inadequate to preserve the substantial investment in these facilities by the Federal government, state governments, and communities across the country and the services on which millions of Americans rely. The Commission should reject the suggestion to impose arbitrary distinctions in determining which translator stations to protect, such as the nature of the technology used to feed the translator's input signal.

Although a few commenters have seized this proceeding to propose yet another class of broadcast service -- FM band travelers information service ("TIS") stations -- the Commission should not pursue such an initiative. However meritorious the objective may be, the proposed

means of using FM band low power facilities is spectrally inefficient and inappropriate, as the Commission has previously concluded. There are already a variety of technical options available to transmit such services, including full service AM and FM band stations, AM band TIS stations, and Radio Broadcast Data Systems ("RBDS"). In addition, the Federal Highway Administration, the Intelligent Transportation Society of America ("ITS America") and others are aggressively developing intelligent transportation technologies that promise a far more effective and efficient dissemination of traveler-sensitive information.

Finally, while we expect supporters of low power broadcasters to dismiss out-of-hand the concerns raised regarding the Commission's proposal, the nature of the concerns and the identity and interests of those raising them do not permit a simplistic response. Even if the Commission summarily dismissed all of the concerns, however, it would still be left without any consensus in support of its proposal or any alternative one. Among those who support low power broadcasting, the diversity of views on the fundamental elements of an LPFM service may well approach the diversity of interests and perspectives of the public at large. As NPR predicted in its initial comments, the Commission faces an extreme challenge in fashioning rules to achieve its stated objectives and, based on the comments filed to date, that challenge includes marrying the disparate interests of those who support low power radio. Thus, if the Commission intends to proceed, one point is now abundantly clear: the Commission is just beginning what can only be a long process.