

**MM DOCKET 99-25
PUBLIC NOTICE DA 03-2277**

COMMENTS OF REC NETWORKS

TABLE OF CONTENTS

| | |
|------------|--|
| THIS FILE | COMMENTS OF REC NETWORKS |
| APPENDIX A | MAPS OF AREAS THAT WOULD RECEIVE BENEFIT FROM THE ELIMINATION OF RESTRICTIONS ON THIRD ADJACENT CHANNEL RESTRICTIONS. <i>(Note: In the electronic filing, this section has been broken up into 4 files due to the large file size)</i> <i>Appendix A-1: US Map, AL, MS, GA, AR, AZ, NM, Northern CA, Northern CA, Southern CA, Southern NV, CO.</i> <i>Appendix A-2: DE, DC, MD, Eastern VA, FL, IA, ID, MT, IN, IL, KY, TN, LA, ME.</i> <i>Appendix A-3: MI, MN, MO, NC, SC, ND, SD, NE, KS, New England, OK, Northern TX.</i> <i>Appendix A-4: OR, PA, Western NY, UT, WA, WA, WV, Western VA, WY, NJ, Long Island, OH, Southern TX.</i> |
| APPENDIX B | LISTING OF THE TOP 5000 COMMUNITIES THAT WILL RECEIVE LPFM SERVICE IF THIRD ADJACENT RESTRICTIONS ARE LIFTED. |
| APPENDIX C | LISTING OF PROPOSED CHANGED RULES |

**Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

| | | |
|---------------------------------------|---|--------------------------|
| In the Matter of |) | |
| |) | MM Docket 99-25 |
| Creation of a Low Power Radio Service |) | |
| |) | Public Notice DA 03-2277 |
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COMMENTS OF REC NETWORKS

1. REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool¹. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners. REC is the leading provider of broadcast engineering database information to the LPFM community.

2. REC has had an opportunity to examine the MITRE report. Based on the information in that report, we have found that the results are very favorable to the removal of domestic third adjacent channel restrictions in respect to full power FM stations and the outputs of translators.

ISSUES RAISED IN THE MITRE REPORT

3. *Radio Reading Services for the Visually Impaired.* We feel that the interference from third adjacent channel LPFM will be minimal. This is due to the fact that not many channels are available for LPFM in the reserved band, mostly due to the proliferation of full power non-community based NCE-FM stations as well as satellite-fed translators.

4. *LPFM stations located within the 60dBu contour of a full power third adjacent channel station.* REC does feel that a full power station should be protected to their 60 dBu service contour. However, we feel that no additional restrictions around placement of the transmitter (in respect to populated areas) should be imposed on LPFM stations as that would

¹ - <http://www.recnet.com/lpfminfo>

move stations outside of the neighborhoods they are intended to serve. If there truly is an interference problem, the existing resolution procedure codified in §73.810 should apply.

5. ***Protection of the input frequencies of translators.*** The MITRE reports suggests specific limitations on LPFM stations located on the third adjacent channel to the input frequency of translators. We disagree. There are no current rules that specify distances or signal strengths at the input of translators. §73.827 does address the process for resolving translator interference issues. The current rule does not specify channel separation and therefore could also apply to third adjacent without any modification.

6. ***Specific requirements for LPFM transmitters.*** REC opposes any special requirements for transmitters that will be used in the LPFM service compared to transmitters used in the full power FM and translator services. Any proposed changes would cause an unnecessary burden on prospective LPFM licensees and with the need for a "specialized" transmitter, it could increase the costs for the transmitter².

IMMEDIATE RELIEF FOR DISMISSED APPLICATIONS

6. Since March 2003, we have seen a large number of applications that were dismissed for being short spaced from third adjacent stations. Some of these applicants were also mutually exclusive. REC feels that the applicants who were dismissed strictly for third adjacent channel issue should be reinstated.

7. We are concerned that LPFM applicants that were dismissed strictly for third adjacent channel who were also in MX groups, will not be able to participate in the upcoming MX settlement window, even though it may be possible for some of these MX stations to be able to change channels to not only settle their MX status but also to settle their third adjacent short spacing.

² - REC also opposes the transmitter certification requirements of §73.1660(a)(1). REC plans to address this issue in a separate petition for rulemaking as it is not within the scope of this proceeding.

8. REC feels that this can be resolved by opening a "second chance" window for LPFM applicants that were dismissed strictly for third adjacent channel interference to be able to re-file for the exact same channel from the exact same location. These applications should only be required to protect secondary stations and applicants on file on the date of the original filing window opening per §73.807(a)(1).

MANY COMMUNITIES WILL BENEFIT FROM REMOVING THE THIRD ADJACENT CHANNEL RESTRICTION

9. Attached to this pleading, REC has enclosed maps³ that will show the areas that will benefit from the lifting of the third adjacent channel. Even though many urbanized areas will continue to not receive LP-100 or LP-10 service, many communities will receive it again. REC feels that the Commission should consider proposing to Congress to extend the FM broadcast band to include 82-88 MHz for lower power non-commercial educational stations including a primary LPFM service. Moving the "Channel 6" spectrum for FM broadcasting will promote spectrum efficiency, especially in light of Channel 6 being the most undesirable channel for Digital TV (DTV)⁴.

MANY MORE COMMUNITIES WILL BENEFIT FROM MOVING LPFM CLOSER TO A LEVEL PLAYING FIELD WITH TRANSLATORS

10. If Congress does repeal the third adjacent channel restrictions, we feel that it would be appropriate for the Commission to use the same proceeding to also eliminate the requirement that LPFM stations be required to protect the second adjacent channel in respect to translators.

11. Currently, translators are not required to protect an LP-100's second adjacent channel. Obviously, the Commission feels that translators are not a threat to the LP-100's second adjacent from an interference perspective.

³ - See Appendix "A".

⁴ - We note that there are a very small number of DTV allotments at Channel 6. This is due to the fact that DTV stations on Channel 6 must protect incumbent Non-Commercial FM (NCE-FM) broadcast stations operating on Channels 201 to 220.

12. The requirement for LP-100 to protect the second adjacent channel of a translator is a double standard, especially considering that most translators have larger facilities than LP-100 stations.

13. Consistent with the Commission's intent to promote more localism, the Commission should seriously consider removing all requirements for LP-10 and LP-100 stations to protect the second adjacent channel of translators.

CONCLUSION

14. It was the will of Congress for the Commission to conduct this *independent* study of alleged interference to third adjacent full power stations by LPFM stations. This *independent* study has proven what the studies of the FCC as well as pro-LPFM organizations have already proven. Any interference to a full power FM station by an LPFM station operating on a third adjacent channel is negligible and rules already exist to address those specific cases. REC feels that the public interest benefits from the widespread expansion of the LPFM service as indicated in our maps far outweigh a few isolated cases of interference that are already addressed in the Commission's Rules.

15. Specifically, if Congress does act to eliminate the Third Adjacent Channel restrictions, REC feels that the Commission should:

- Amend §73.807 to remove references to the third adjacent channel restrictions⁵.
- §73.807(c) should also be amended to remove the second adjacent channel restrictions of LPFM stations in respect to *translators*. This will put LPFM and translators on a more level playing field⁶
- Open a "second chance" window for LPFM applicants who were dismissed solely for being short spaced to a third adjacent channel FM station. This window should be open prior to the opening of any other LPFM windows.

Respectfully Submitted,

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⁵ - Third adjacent channel restrictions would continue to apply to LPFM stations in respect to other FM stations outside of the United States. These third adjacent channel restrictions are pursuant to international agreement and were in the original LPFM service rules prior to the passing of the RPBA.

⁶ - Even if the second adjacent restrictions are lifted in respect to translators, the current rules continue to favor translators since to LPFM, they are considered non-directional and are placed into three different "sub-classes". Even if second adjacent is still lifted, translators will continue to be overprotected by LPFM. REC also intends to address LPFM protections to translators in a subsequent petition for rulemaking.