

Minority Media & Telecommunications Council

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September 8, 2008

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW – Room 8-B201
Washington, DC 20554

Re: AM Directional Antenna Performance Verification (MM Docket 93-177)

Dear Chairman Martin:

The Minority Media and Telecommunications Council (“MMTC”) respectfully encourages the Commission to promptly adopt the rules under consideration in MM Docket 93-177 that will permit AM licensees to use computer modeling using moment method analysis to demonstrate that AM directional antennas perform as authorized. *See Public Notice*, “Comment Sought on Proposed Rules Permitting Antenna Modeling to Verify AM Directional Antenna Performance,” (DA 07-2143, released May 23, 2007). The *Public Notice* was released in response to recommendations and proposed rules submitted by the AM Directional Antenna Performance Verification Coalition (the “Coalition”), which includes broadcasters, broadcast engineering consultants and broadcast equipment manufacturers.

As the Commission is aware, minority broadcasters gained access to broadcast station ownership 50 years later than non-minority broadcasters, and as a consequence were largely excluded from ownership of FM stations. As of 2001, 5.9% of AM stations were minority-owned, and a minority-owned station was 43% more likely to be an AM station than was a non-minority-owned station. Today, minority-owned stations are also likely to be small businesses, which continue to face operational obstacles, such as regulatory restrictions that hamper station upgrades and improvements. These obstacles are compounded by difficulties in securing access to capital. Under Section 257 of the Communications Act of 1934, as amended, the Commission is expected to identify and eliminate regulatory market entry barriers for small businesses. 47 U.S.C. §257. Adoption of the proposed rules in this proceeding can be a model example of Section 257 at work for the benefit of increased diversity, competition, *and* streamlining the Commission’s regulatory processes for small businesses.

AM stations are currently subject to overly complex, burdensome and unnecessary regulatory requirements relating to the maintenance, operation and improvement of AM directional antenna systems. AM stations must routinely take field strength measurements to track changes in signal levels at specified monitor points, which frequently go out of tolerance due to circumstances beyond the AM licensees’ control (*e.g.*, nearby construction activities or

construction or modifications to other towers in the vicinity). When these monitor points go out of tolerance, an AM station typically must engage the services of an RF consulting engineer to identify the source of the problem, a very costly and time consuming process. Pending the resolution of the out of tolerance monitor point, the AM station is required to operate at reduced power pursuant to Special Temporary Authority (“STA”) which itself requires an additional expense to secure. In the most extreme circumstances, where an AM station’s errant monitor point cannot be resolved, the station may be forced to change transmitter sites or permanently reduce operating power. Notwithstanding the extraordinary efforts that AM station licensees must undertake to maintain a station’s monitor points, there is no evidence that out of tolerance monitor points actually result in interference.

The rules proposed by the Coalition would treat AM antennas like FM or TV antennas. The licensee would purchase an AM directional antenna, perform a onetime computer model to verify its performance, and thereafter operate the AM directional antenna without having to perform costly routine field measurements.¹ Adoption of these rules would provide much-needed regulatory relief and the elimination of a burdensome market-entry barrier to minority-owned AM stations by:

- saving manpower and time spent on intensive and expensive field strength measurements;
- saving scarce financial resources otherwise spent on costly RF consultants and field measurements;
- reducing disruptions to the station’s coverage area; and
- reducing the need for AM stations to operate with an STA at reduced power.

As evidenced by the comments filed in this proceeding, substantial support exists within the broadcast community for the adoption of rules that would permit the use of computer modeling to more efficiently verify the performance of AM directional antennas. Minority-owned AM stations especially need this long-overdue regulatory relief. Some even have postponed directional AM station upgrades in anticipation of the substantial time and cost savings that can be achieved through computer modeling of directional antennas.

¹ Under the rules proposed by the Coalition, computer modeled AM stations must recertify the performance of the directional antenna at least once every two years. *See* proposed Rule 73.151.

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In light of the substantial benefits the Coalition's proposed rules will generate for minority-owned broadcasters, MMTC respectfully urges the Commission to promptly approve the use of computer modeling to verify the performance of AM directional antenna systems.

Sincerely,

David Honig

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Executive Director

cc: Hon. Jonathan Adelstein
Hon. Michael Copps
Hon. Robert McDowell
Hon. Deborah Taylor Tate
Monica Desai, Esq.
Ann Gallagher, Esq.
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