

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Revitalization of the AM Radio Service) MB Docket No. 13-249

COMMENTS OF CLEAR CHANNEL COMMUNICATIONS, INC.

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SUMMARY

Clear Channel Communications, Inc., which via its Media and Entertainment business segment (“CCME”) operates 239 AM radio broadcast stations, supports many of the Commission’s tentative proposals to revitalize AM broadcasting set forth in the *Notice of Proposed Rule Making*, FCC 13-139, MB Docket No. 13-249 (rel. Oct. 31, 2013).

Information services sought after by the public, particularly news, weather and opinion, are mainstays of the AM band. With Commission revitalization efforts, the significant investment in the AM infrastructure made by CCME and other AM broadcasters can continue to serve as the foundation for ongoing and improved service, including emergency services, to the listening public. Certain revitalization proposals outlined by the Commission would be welcome help to AM broadcasters seeking to improve the listenership of, and hence the viability of, AM stations, provided the Commission ensures that such proposals do not increase interference among AM stations, which are operating in a band already handicapped by interference issues. Thus, when considering specific revitalization proposals, the key principle the Commission should head is “Do No Harm” to existing AM stations.

In CCME’s experience, an FM translator rebroadcasting an AM signal can increase listenership and drive additional listeners to the AM band. Thus, CCME wholeheartedly supports the prompt opening of an FM translator filing window available exclusively for AM stations that do not have an associated FM translator. FM translator authorizations granted in this window should have assignment limits similar to those adopted by the Commission for noncommercial educational window authorizations in order to ensure that the public service goals of the window are not diluted and to discourage speculative applications. Moreover, the Commission should revise the geographic qualifications for an FM translator rebroadcasting a

primary AM station so that the FM translator's 60 dB μ contour must fit within the *greater* of the 25-mile radius from the AM station's transmitter site and the AM station's daytime 2 mV/m contour. This refinement of the current geographic limits would better allow AM stations to serve the urban core of their service area, particularly where AM reception is hampered by terrestrial conditions.

Liberalizing the AM daytime community coverage minimum to 50 percent of the AM station's community of license's area with a daytime 5 mV/m contour and the AM nighttime community coverage minimum to 50 percent of the community of license's area with the station's nighttime interference-free contour for all AM stations (new, change of community and existing) would allow all AM broadcasters additional flexibility in meeting the challenge of serving communities in the current environment of urban growth and high land costs.

Another reform that would increase opportunities for greater service to the public by existing AM stations without adding interference to the band's RF environment is the elimination of the AM "ratchet rule," which currently serves to impede AM station facility improvements and/or to result in overall decreased service. And CCME's experiences with Modulation Dependent Carrier Level ("MDCL") control technologies support the Commission's tentative conclusion to permit the initiation of MDCL technology without prior Commission approval.

In undertaking potential changes to AM antenna efficiency standards, CCME urges the Commission to review the impact of short antennas on the existing standards for nighttime skywave to ensure that service to the public is not degraded. Furthermore, because any proposal that would increase interference in the AM band is not a solution to the band's

problems, the Commission should preserve existing interference protections, including nighttime skywave protection for Class A AM stations.

As more AM broadcasters have implemented digital AM operations and as more vehicle and consumer digital receivers are available, CCME proposes that the Commission use this AM revitalization proceeding to revise its rules to allow AM broadcasters to choose all-digital means of broadcasting by notification to the Commission. Such a process would allow individual AM broadcasters to determine the best means, whether analog, hybrid or all-digital, to reach the listening public.

The AM band faces several challenges, including the lack of interference-free service areas, the imbalance of coverage areas between daytime and nighttime service and lower audio fidelity. Adoption of the foregoing reforms would be important first steps in revitalizing and strengthening AM broadcasters' ability to serve the public.

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COMMENTS OF CLEAR CHANNEL COMMUNICATIONS, INC.

Clear Channel Communications, Inc. hereby comments on the Commission's tentative proposals set forth in its *Notice of Proposed Rule Making*, FCC 13-139, MB Docket No. 13-249 (rel. Oct. 31, 2013) (the "*NPRM*"). Clear Channel Communications, Inc., via its Media and Entertainment business segment ("CCME") operates 239 AM radio broadcast stations licensed by the Commission. CCME's media and entertainment operations include AM and FM radio broadcasting, online and mobile services and products, program syndication, entertainment, traffic data distribution and music research services. CCME's radio stations and content can be heard on AM/FM stations, HD radio stations, satellite radio, at iHeartRadio.com and CCME's radio stations' websites, through CCME's iHeartRadio mobile application on tablets and smart phones, and via navigation systems. In addition to CCME's local radio programming, CCME also operates Premiere Networks, a national radio network that produces, distributes or represents approximately 90 syndicated radio programs and serves more than 5,000 radio station affiliates. CCME also delivers real-time traffic information via navigation systems, radio and television broadcast media and wireless and Internet-based services through CCME's traffic business, Total Traffic Network.

The CCME strategy centers on delivering entertaining and informative content across multiple platforms, including broadcast, mobile and digital, serving listeners by providing the content they desire on the platform they prefer. Notwithstanding that CCME has been on the forefront of developing multi-platform venues of distribution of programming content, over-the-air radio broadcast stations, including AM broadcast stations, remain a backbone of its service to the public. Information services sought after by the public, particularly news, weather and opinion, are mainstays of the AM band. Thus, AM stations serve the critical information needs of the public, both on a daily basis and in times of emergency. ^{1/} With Commission revitalization efforts, the significant investment in the AM infrastructure made by CCME and other AM broadcasters can continue to serve as the foundation for ongoing and improved service, including emergency services, to the listening public. CCME welcomes the Commission's commitment to revitalize the still essential AM programming distribution platform, provided that the technical aspects of AM service are not weakened.

^{1/} For example, an International Telecommunication Union Study Group recently emphasized that “[i]n times of crisis and disaster, or wherever mass dissemination of information is required instantaneously, radio and television broadcasting is unparalleled in its ability to effectively reach affected populations with relevant information-rich media content.” See International Telecommunication Union, Radiocommunication Study Groups, *Proposed Draft New Report on The Importance Of Terrestrial Broadcasting In Providing Emergency Information To The Public Groups*, Document 6/156-E, 6A/301-E at 12 (Oct. 28, 2013).

I. THE COMMISSION SHOULD PROMPTLY OPEN AN FM TRANSLATOR FILING WINDOW EXCLUSIVELY FOR AM LICENSEES AND PERMITTEES AND SHOULD MODIFY THE GEOGRAPHIC RESTRICTIONS FOR FM TRANSLATORS REBROADCASTING AM STATIONS

The AM band faces several challenges, but primary issues include the lack of interference-free service areas, the imbalance of coverage areas between daytime and nighttime service and lower audio fidelity. In CCME’s experience, the addition of an FM translator rebroadcasting an AM station’s signal has, in some cases, increased listenership in certain demographic groups by 20 to 30 percent, which clearly bolsters the viability of the AM station. Moreover, FM translator rebroadcasting of AM stations have, in CCME’s experience, helped listeners discover the AM format, thus driving additional listeners, including those in younger demographics, to explore the AM dial.

The public interest in strengthening the viability of AM broadcast stations will clearly be served by the *NPRM* proposal to open a filing window for new FM translator stations restricted exclusively to AM licensees and permittees. ^{2/} As the Commission recognized when it formalized the availability of FM translators for AM station rebroadcasts, “[c]ross-service translating would allow AM stations to ameliorate their signal losses and provide more continuous and consistent service throughout their protected service areas.” ^{3/} CCME’s positive experiences have demonstrated that supplementing an AM station with an FM translator has had a positive impact on AM listening.

^{2/} See *NPRM* at ¶¶ 11-18.

^{3/} *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Report and Order, 24 FCC Rcd 9642, 9647 [¶ 9] (2009).

Given that spectrum opportunities for FM translators are already restrained by the previous non-restricted new and major change FM translator window opened in 2003, ^{4/} and the low power FM (“LPFM”) window opened in 2013, ^{5/} the next FM translator window must be restricted to AM station applicants, who have the greatest need to bolster the viability of their service to the public by the adjunct of an FM translator. ^{6/} Consequently, CCME supports the prompt opening of an AM-only FM translator filing window.

Moreover, it would promote the public interest for any interested licensee or permittee of an AM station, where that station does not have an associated, licensed FM translator, to be allowed to participate in such an AM-only FM translator filing window. All classes of AM stations face challenges in providing a listenable signal to their service area, often due to factors such as land use limits within the urban core, poor penetration of buildings by AM signals and susceptibility of the AM signal to noise factors such as electric lines. ^{7/} AM stations

^{4/} See *FM Translator Auction Filing Window and Application Freeze*, Public Notice, 18 FCC Rcd 1565 (MB/WTB 2003); *FM Translator Auction Filing Window and Application Freeze Extended to March 17, 2003*, Public Notice, 18 FCC Rcd 3275 (MB/WTB 2003).

^{5/} See *Media Bureau Announces Availability of the Revised FCC Form 318 and the Filing Procedures for October 15 – October 29, 2013 Low Power FM Filing Window*, 28 FCC Rcd 08854 (MB 2013).

^{6/} The Commission has an obligation to set threshold standards for qualified applicants to participate in its application process; limiting the next FM translator window to AM licensees and permittees, whose use of FM translators will best serve the public interest, is consistent with *Ashbacker Radio Co. v. FCC*, 326 U.S. 327 (1945). See *NPRM* at ¶¶ 15-16.

^{7/} CCME has addressed issues with AM reception in an urban core by rebroadcasting the signal of several of its AM stations on FM translators operating within the AM station’s service area. However, the number of currently available FM translators does not meet the outstanding need. Even with an AM-only FM translator window, CCME does not expect the universe of AM needs will be met. Consequently, so that AM stations might continue to be able to overcome signal issues with FM translators, CCME supports the retention of “*Mattoon* waiver” policy. See *John F. Garziglia, Esq.*, Letter, 26 FCC Rcd 12685 (MB 2011). Such *Mattoon* waivers would continue to permit a degree of

[Footnote continued]

across all classes are relied on by the public to provide information services, with higher class stations often focusing their resources on news, weather and opinion. As AM stations continue to be a critical source of information, and particularly emergency information, for many Americans, the opportunity for an FM translator to improve an AM station's reception in its service area should be open to all AM licensees and permittees without a current associated FM translator.

A. The Commission Should Revise the Geographic Contour Requirement for FM Translators Rebroadcasting AM Station Signals

While CCME strongly supports the *NPRM* proposal for an AM-only FM translator window, the Commission should modify its tentative conditions for participation in the window in two respects. First, while CCME agrees that applications filed in this window must strictly comply with the “fill-in” geographic restrictions on FM translators for AM stations, 8/ CCME urges the Commission to adopt, both for this upcoming window, and across-the-board for pending and authorized FM translators, refined geographic conditions to qualify an FM translator to rebroadcast an AM station signal. 9/

The current geographic conditions for an FM translator rebroadcasting an AM station are that the predicted 60 dB μ contour of the FM translator cannot extend beyond the

[Footnote continued]

flexibility for relocating FM translators to boost AM service areas, limited by the waiver policy requirement that the proposed facility is mutually exclusive with the existing facility, among other factors.

8/ See *NPRM* at ¶ 14b.

9/ The Commission encouraged commenters in this docket to advance other specific proposals to revitalize the AM service. See *NPRM* at ¶ 45.

smaller of a 25-mile radius from the AM station's transmitter site and the AM station's daytime 2 mV/m contour. ^{10/} CCME proposes the geographic requirement be revised so that the FM translator's 60 dB μ contour must fit within the *greater* of the 25-mile radius from the AM station's transmitter site and the AM station's daytime 2 mV/m contour.

When an FM translator's predicted 60 dB μ contour is encompassed by the AM station's 2 mV/m contour, by definition the FM translator is a "fill-in" facility and the 25-mile radius limit is an unnecessary restraint. After all, fill-in FM translators for primary FM stations qualify based on contour encompassment without the overlay of a mileage restriction. ^{11/}

Besides generally limiting the flexibility of AM stations to use FM translators to boost reception of their programming by the public, the current additional 25-mile radius limit has had the unintended consequence of preventing AM stations from locating a fill-in FM translator where it may most be needed. For example, many AM stations have transmitter sites outside of, or on the edges of, a densely urbanized area, due to the extensive real estate needed for AM arrays. ^{12/} While an AM station's daytime 2 mV/m contour may be predicted to cover the urbanized area, many listeners in the urban core will be unable to receive a listenable AM

^{10/} See 47 C.F.R. § 74.1201(g) and (j); *NPRM* at ¶ 14b.

^{11/} See 47 C.F.R. § 74.1201(g).

^{12/} Examples of even long-established AM stations whose transmitter sites are now located some distance from the central districts of their urban community of license are CCME stations KTLK (located approximately 23.5 miles from downtown Minneapolis) and WLW, Cincinnati, Ohio (located over 20 miles from downtown Cincinnati), as well as CBS station WWJ (located over 23 miles from downtown Detroit) and Cumulus station WLS, Chicago, Illinois (located approximately 24.5 miles from the Chicago Loop).

signal in their offices or apartments due to terrestrial interference. Yet, if this urban core lies near the edge of the 25-mile radius from the AM station's transmitter site, the current mileage condition prevents the use of an FM translator to solve such urban signal penetration issues, even though the area is well within the AM station's service area. The listening public's expectation of service within the AM station's protected contour thus is being defeated by the 25 mile-radius restriction.

Likewise, for those AM stations which have moved out of the urban core due to land value changes, those AM stations employing directional antennas, and those AM stations whose business hubs have expanded away from the transmitter site, the predicted daytime 2 mV/m contour may not encompass the business district. For those stations, qualifying an FM translator under the alternative of encompassment of the 60 dB μ contour within a 25 mile-radius from the transmitter site would allow such AM stations to overcome reception impediments to their local business hubs.

In sum, allowing AM stations the flexibility of meeting either a daytime 2 mV/m contour *or* a 25-mile limit encompassing the FM translator's 60 dB μ contour will allow AM stations to serve population centers currently facing diminished signal reception with the boost of an associated FM translator.

B. The Commission Should Impose Conditions on the Assignment of Translators Awarded From the AM-Only FM Translator Window Similar to the Conditions on Authorizations Awarded to Noncommercial Educational Applicants

In the *NPRM*, the Commission proposes that FM translators granted in an AM-only window would be permanently linked to the AM primary station acquiring it, with no assignment independent from the original AM station and no ability to change the primary

AM station. ^{13/} CCME agrees that to further the goal of enhancing existing service to the public by AM stations, the Commission must impose conditions on the transferability of FM translators authorized from an AM-only FM translator window. Guidance for the crafting of such conditions in this context can be found in the instances where the Commission has adopted conditions for other window authorization in order to advance the goals of the application window and to limit speculative filings, yet allowing room for future changes.

A useful template is the series of conditions enforced by the Commission on prevailing applicants for construction permits awarded via windows for noncommercial educational (“NCE”) authorizations. These NCE conditions balance the Commission’s service goals for the NCE service with the need to provide future flexibility for the assignment or modification of the authorization. First, by definition, the authorizations issued in an NCE window are conditioned by the requirement that the authorization permanently must be held by a party qualified to be a licensee in the NCE band. ^{14/} Second, if an applicant obtained the NCE permit by means of a decisive preference for fair distribution of service (that is, specifying greater first or second NCE service), the applicant or its successor cannot downgrade that service for the first four years of operation. ^{15/} Third, if an applicant obtained the NCE authorization from the award of comparative points, the authorization cannot be assigned or transferred to a third party during the construction permit phase and up through the first four years of operation, unless that third party would qualify for the same number of points and only if the consideration

^{13/} See *NPRM* at ¶ 14c.

^{14/} See 47 C.F.R. § 73.503(a).

^{15/} See 47 C.F.R. § 73.7002(c); § 73.7005(b).

does not exceed the original applicant's legitimate and prudent expenses in obtaining and constructing the station. 16/

Using the foregoing NCE window conditions as the template for AM-only FM translator window authorizations, the following conditions would preserve the public service goals of the window, while limiting speculative applications and building in a degree of flexibility to address future challenges and changing market conditions: (i) the primary station of the awarded FM translator must permanently be an AM band station; (ii) for the first four years of FM translator operation, the primary station must be the initial AM station designated in the window application as the primary station or another qualifying AM station under common ownership with the initial AM station; (iii) during the construction permit phase and up through the first four years of operation, if the initial AM licensee assigns or transfers the FM translator to a third party AM licensee separate from the associated AM station, it may do so only if the receiving AM station qualifies (that is, has no associated FM translator and geographically qualifies) and the consideration is limited to the reasonable and prudent expenses applying for and constructing the FM translator; and (iv) following the first four years of operation, the FM translator may be freely assigned/transferred or designated to rebroadcast any other qualifying AM station.

As AM stations are facing an ever changing and challenging competitive and technological environment, today's investment in an FM translator may not be tomorrow's solution. These proposed conditions will allow AM licensees to participate in an AM-only

16/ See 47 C.F.R. § 73.7005.

FM translator window knowing there may be downstream options if the FM translator no longer fulfills its improved service objectives for the initial AM station, such as when the initial AM station relocates or goes silent or changes its target audience. Yet these conditions, like the NCE conditions on which they are based, would preserve the Commission's service goals for the application window (helping AM stations without current FM translators) and discourage speculative applicants with the construction and four year operation requirements.

II. LIBERALIZED DAYTIME AND NIGHTTIME COVERAGE STANDARDS FOR NEW AND MODIFIED AM STATIONS THAT ALSO PRESERVE LISTENER EXPECTATIONS OF SERVICE TO THEIR COMMUNITY WOULD SERVE THE PUBLIC INTEREST

Under the current Commission *daytime* coverage rule, a commercial AM radio station must cover 100 percent of the station's community of license with a daytime 5 mV/m signal. ^{17/} The current Commission *nighttime* coverage rule requires that non-Class D AM stations maintain a signal "sufficient to cause 80 percent of the area or population of the broadcaster's principal community to be 'encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher.'" ^{18/}

CCME and other broadcasters have found that, as communities expanded, it often was necessary to relocate an AM transmitter site to maximize listener coverage. Due to current different daytime/nighttime allocation schemes, it may not be possible to cover sprawling communities without untenable costs, such as separate daytime and nighttime transmitter sites, expensive land in or abutting metro areas, and/or excessively complex antennas. Thus,

^{17/} See 47 C.F.R. §§ 73.24(i), 73.315(a).

^{18/} See *id.*; *NPRM* at ¶ 19.

AM broadcasters (new or licensed) seeking to maximize service to public will be benefited by a degree of relaxation of the community coverage rules.

In the *NPRM*, the Commission tentatively proposes a variety of changes to daytime and nighttime community service levels, dependent on whether the station is new, or a modification to a different community, or a modification serving the same community. ^{19/} CCME believes the public interest will best be served by the liberalization of community coverage minimums to 50 percent of the AM station's community of license's area with a daytime 5 mV/m contour and 50 percent of the community of license's area with the station's nighttime interference-free contour, to be adopted across-the-board for new and authorized AM stations. Such consistent standards would recognize listener expectations of community service, while providing more flexibility for AM tower siting.

Thus, CCME supports the Commission's *NPRM* proposals for AM daytime coverage minimums ^{20/} with a few caveats. First, because listeners identify a broadcast station with the community named at the top of the hour, the coverage requirements should apply to that community's municipal boundaries, so that 50% coverage of the community's *area*, rather than alternatively of the population, should be the test. Second, for nighttime coverage, what matters most to listeners tuning in on their radios is an interference-free signal, so that the nighttime coverage requirement should be 50% coverage of the community's area with the *nighttime interference-free contour*, rather than alternatively with a 5 mV/m predicted signal.

^{19/} See *NPRM* at ¶ 19 and n.52.

^{20/} See *NPRM* at ¶¶ 22, 26.

Third, these minimum standards should apply across the board to new AM station applications, major modifications of existing AM stations, AM community of license changes and minor modifications to AM stations. While the Commission asserts in the *NPRM* that applicants for new AM stations and AM community of license modifications can conduct pre-application due diligence to determine if a site is available for 100 percent daytime community coverage, 21/ such due diligence most often will only confirm that few cities are eligible for new AM service under the 100 percent standard, thereby preventing efficient use of the spectrum. Through annexation and other expansion efforts, many communities have expanded their borders. New AM facilities, as well as those to be modified, need copious amounts of land as compared to FM stations, and often must locate on the outskirts of the municipality. Such communities deserve AM service as much as communities with existing service. Consequently, there should be no differential in required community coverage based on whether the AM facility is new or modified.

Just as consistent rules should apply across-the-board to new and existing AM stations for daytime community coverage requirements, so should the nighttime community coverage requirements be met by new, changed community, and licensed AM stations seeking other modifications. In particular, the *NPRM*'s tentative proposal to eliminate altogether the nighttime community coverage specifications for existing licensed AM stations, 22/ would disserve the public's expectation of audio service within their community, further undermining the public's desire to tune into the AM dial and depriving communities of needed nighttime

21/ See *NPRM* at ¶ 21.

22/ See *NPRM* at ¶ 26.

service. 23/ Thus, the Commission should maintain minimum, but reasonably relaxed, nighttime community coverage standards for all AM stations.

III. THE COMMISSION SHOULD ELIMINATE THE AM “RATCHET RULE”

CCME supports the tentative conclusion of the *NPRM* to eliminate the so called AM “ratchet rule” which imposes interference reduction requirements on certain AM station modifications. 24/ In CCME’s experience, the “ratchet rule” has done little to improve interference issues in the AM band, while it has served as an impediment to improvements and necessary relocations of AM stations, disproportionately impacting more established AM stations.

Ironically, the ratchet rule has had a disproportionately negative impact on those AM stations with greater and long-standing listenership. While the rule was implemented in 1991 with the intent to ameliorate AM nighttime interference issues, very little reduction in actual interference has resulted. Because the rule requires 100 percent ground wave coverage area reduction in the hopes of gaining a 10 percent skywave interference decrease, received interference improvements imposed by the ratchet rule are small compared to coverage loss: in some cases, an 8 to 1 coverage loss to received interference improvement ratio is seen. Due to changes over time in the RF environment, stations that have been on the air the longest, and those with the greatest opportunity to provide interference free service, are restrained the most by

23/ Indeed, as the Commission noted in the *NPRM*, because of their service limitations, the Commission no longer authorizes new Class D AM stations, which are daytime-only or provide only secondary, unprotected nighttime service. See *NPRM* at ¶ 26.

24/ See 47 C.F.R. § 73.182(q) n.1.

the ratchet rule from implementing technical improvements and relocations. For example, under the ratchet rule, an authorized AM station trying to fill a null in its service area could be required to reduce power overall by 10 percent merely because an intervening Auction 84 window AM application was filed. The consequence of the ratchet rule's forced power decrease will be either the loss of existing service area or abandonment of the improvement project by the AM broadcaster, in both cases, to the detriment of the public.

AM broadcasters would benefit by having increased flexibility to seek overall improvements of their AM signals, to the ultimate benefit of the listening public, without the unproductive constraints of the ratchet rule. The relocation process for AM stations, already complex due to the swaths of land and sensitive equipment necessary for AM transmission, plus local zoning and land expense issues, does not need the added complication and uncertainty of seeking a waiver of the ratchet rule, which does not protect AM stations from new interference, but seeks to mitigate the existing RF environment. Upon repeal of the ratchet rule, both AM station licensees, and the FCC Media Bureau, will be spared the added time and expense of the waiver process for relocations of AM stations otherwise compliant with FCC interference standards. Those existing standards provide sufficient protection to other AM stations and their listening public when modifications are sought.

IV. THE COMMISSION SHOULD PERMIT AM STATIONS TO IMPLEMENT MODULATION DEPENDENT CARRIER LEVEL CONTROL TECHNOLOGIES WITHOUT PRIOR COMMISSION AUTHORITY

In the *NPRM*, the Commission proposes to permit AM stations to commence operation using Modulation Dependent Carrier Level ("MDCL") control technologies without prior Commission authority, provided that notice is given to the FCC within ten days of

commencement. 25/ The Commission tentatively concluded that the record of experimental MDCL operation has established that use of MDCL control technologies reduces AM broadcasters' operating costs while maintaining a station's current level of service to the public, without interference to other stations. 26/ The Commission also proposes in the *NPRM* (a) to require that the AM station's transmitter achieve full licensed power at some audio input level, or when the MDCL control technology is disabled, and (b) AM station using MDCL control technology to disable it before field strength measurements on the station are taken by the licensee or others.

CCME has experimented with MDCL control technologies and has seen encouraging results for more efficient AM operations. Thus, CCME supports the Commission's *NPRM* proposals allowing more flexibility for AM stations employing MDCL technology.

V. ANY MODIFICATION OF AM ANTENNA EFFICIENCY STANDARDS MUST BE CAREFULLY DESIGNED TO PREVENT ADDITIONAL SIGNAL FROM ENTERING THE NIGHTTIME SKYWAVE

In the *NPRM*, the Commission discusses a proposal that the Commission replace the "minimum efficiency" for AM antennas with "minimum radiation," in order to allow AM stations to utilize very short antennas. 27/ The Commission concludes in the *NPRM* that the record on this proposal is not sufficiently developed to support wholesale rule changes, but the Commission asks for comment as to whether it should reduce by approximately 25 percent the

25/ See *NPRM* at ¶ 35.

26/ See *NPRM* at ¶ 35.

27/ See *NPRM* at ¶¶ 39-43.

existing minimum effective field strength values in Section 73.189(b) of its rules to enable AM broadcasters to propose shorter antennas. 28/

While CCME is not opposed to affording AM broadcasters additional antenna design flexibility, CCME urges the Commission to carefully consider the potential negative consequences of changes to the AM antenna minimum efficiency standards. The Commission should continue to analyze the effects of high angle radiation associated with short antennas on the existing standards for nighttime skywave impact to ensure that service to the public is not degraded.

VI. THE COMMISSION SHOULD MAINTAIN THOSE RULES THAT PROTECT EXISTING AM STATIONS FROM INTERFERENCE, INCLUDING NIGHTTIME INTERFERENCE

As the Commission has recognized, the “AM band is also subject to interference concerns not faced by other broadcast sources.” 29/ In the *NPRM*, the Commission notes that some proponents have suggested changes to nighttime skywave protection for Class A AM stations, which the Commission acknowledges, at a minimum, would be a complex change requiring additional comment, research, and analysis. 30/

The Commission’s guiding principle in considering AM revitalization proposals should mirror the physician’s motto: First, Do No Harm. Class A AM stations are among the only AM stations with interference free nighttime coverage and are also among the only

28/ See *NPRM* at ¶ 42.

29/ See *NPRM* at ¶ 5.

30/ See *NPRM* at ¶ 45.

AM stations that still garner substantial listening. Clearly, any proposal that would increase interference in the AM band is not a solution to the band's problems.

AM broadcasters such as CCME with Class A AM stations have learned the impact of lessened interference protection the hard way through lost coverage, "beat frequency" phenomena (variations in perceived volume) and listener complaints. These lessons have come through the experience of nighttime interference received when daytime AM stations fail or otherwise "forget" to shut down at sunset according to their authorizations. The FCC's Enforcement Bureau actively investigates and requires the correction of such improper nighttime operation, so that these incidents are now mostly isolated. The detriment to the AM band caused by interference-causing nighttime operation should not become sanctioned Commission policy via the lessening of existing nighttime skywave protections.

VII. THE COMMISSION SHOULD PERMIT ALL DIGITAL AM OPERATION ON A VOLUNTARY BASIS

As more HD receivers are installed in vehicles and more consumer digital receivers are purchased, more Americans are experiencing the sound quality advantages of digital broadcasting. While the levels of digital receiver penetration are not at the point where the Commission should consider mandating all-digital AM operation, individual AM broadcasters may find their listeners ready to embrace digital-only reception.

Initial testing of AM all-digital operations has proven very positive. Particularly if an AM station can pair an all-digital AM operation with an analog FM translator, it can serve listener expectations while implementing a transition to all-digital. Consequently, CCME proposes that the Commission consider in this docket allowing AM broadcasters to determine the best means, whether analog, hybrid or all-digital, to reach their audiences, by revising

Commission rules to allow AM broadcasters to choose all-digital means of broadcasting by notification to the Commission (and the ability to revert back to analog or hybrid upon notification to the Commission).

VIII. CONCLUSION

Broadcasters such as CCME who have invested, and continue to invest, in the AM platform welcome the Commission's attention to easing current barriers to efficient and effective service to the listening public. Provided the Commission attunes its revitalization efforts to improve AM service while "doing no harm" to AM services now relied upon by the public, the public interest will be furthered by several proposed reforms. As set forth in these Comments, first steps for this revitalization effort should be: (i) the prompt opening of an AM-only FM translator window, with NCE-like conditions on assignability; (ii) revising the geographic requirements for FM translators rebroadcasting AM stations; (iii) setting the daytime community coverage minimum for new and existing AM stations to 50 percent of the community of license area by a daytime 5 mV/m contour; (iv) setting the nighttime community coverage minimum for new and existing AM stations to 50 percent of the community of license area by the station's nighttime interference-free contour; (v) elimination of the AM "ratchet rule"; (vi) increased options for MDCL control technologies; and (vii) permitting all digital AM operations.

Respectfully submitted,

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