



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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October 23, 2008

MM Docket No. 99-325

COMMENT SOUGHT ON JOINT PARTIES REQUEST FOR FM DIGITAL POWER INCREASE AND ASSOCIATED TECHNICAL STUDIES

Comment Date: November 28, 2008

Reply Comment Date: January 4, 2009

By this Public Notice, the Media Bureau solicits public comment on several recent filings in the pending digital audio broadcasting proceeding, MM Docket No. 99-325,¹ and establishes deadlines for filing these comments.

A group consisting of 18 broadcasters that operate over 1200 commercial and noncommercial educational (NCE) FM radio stations throughout the United States and the 4 largest manufacturers of broadcast transmission equipment identifying themselves as “Joint Parties” has filed a request asking the Commission to revise the current technical specifications for FM digital audio broadcasting (DAB). Specifically, the Joint Parties requested that the Commission increase the maximum permissible digital operating power of FM stations from the current level of 1 percent of a station’s authorized analog power (-20 dB) to a maximum of 10 percent of a station’s authorized analog power (-10 dB). Filed concurrently with and in support of the Joint Parties request was a technical report prepared by iBiquity Digital Corporation (“iBiquity”) which examined the benefits to digital broadcasting, the compatibility with analog broadcasting, and the potential interference effects resulting from the proposed increase in permissible FM digital operating power. Based on the iBiquity study, the Joint Parties requested that the Commission authorize voluntary increased digital operation power for FM stations up to a maximum value of 10 percent of the station’s authorized analog power.

In addition, National Public Radio, Inc. (“NPR”) has submitted its recently completed, Corporation for Public Broadcasting (“CPB”) supported research on digital radio coverage and interference. As part of this study, NPR investigated the effect of an increase in digital operating power to 10 percent of authorized analog power, and concluded that such an increase in digital operating power for FM stations could result in interference to reception of first and second adjacent channel FM stations, and that further testing is necessary to determine if increased digital operating power can be permitted for FM stations.

¹ See *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, Second Report and Order, First Order on Reconsideration and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 10,344 (2007) (prior history omitted).

The Joint Parties request and the iBiquity and NPR technical studies are available electronically at http://fjallfoss.fcc.gov/prod/ecfs/comsrch_v2.cgi under MM Docket No. 99-325, or from the Commission's duplicating contractor, Best Copy and Printing, Inc. ("BCPI"), 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, 1-800-378-3160.

By this notice, comment is sought on the Joint Parties request, the iBiquity study, and the NPR study. Interested parties may submit comments on or before November 28, 2008, and reply comments on or before January 4, 2009. Comments and reply comments should specifically reference this *Public Notice* and MM Docket No. 99-325, and must be submitted in MM Docket No. 99-325. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) paper copies.²

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MM Docket No. 99-325. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Ex parte status: This is a "permit-but-disclose" rulemaking proceeding for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.³

Copies of the reports and any subsequently filed documents in this matter may be obtained electronically at <http://www.fcc.gov/e-file/ecfs.html>, and on paper from BCPI during normal business hours in the

² *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (April 6, 1998).

³ *See* 47 C.F.R. § 1.1206

Commission's Reference Information Center located at 445 12th Street, SW, Room CY-A257, Washington, DC, 20554.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For additional information, contact Susan Crawford, Ann Gallagher, or Charles Miller of the Audio Division at (202) 418-2700.

By: Chief, Media Bureau

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