

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

In the matter of)
)
) RM-11338
AM Radio use of FM Translators)
)

COMMENTS OF REC NETWORKS

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 also follows issues that involve the availability of media in rural and underserved areas.

Before us now is a Petition for Rulemaking ("Petition") filed by National Association of Broadcasters ("NAB") to allow FM Translators to be used for AM stations ("AM Translators"). For the reasons herein, REC agrees in part and disagrees in part.

REC sympathizes with the minority AM broadcast station owners, especially those with no other holdings. Many of these independent, non-corporate groups provide diverse programming including minority language (other than English or Spanish) programming or are operated by grassroots organizations or by distinctive groups such as the disabled or the Gay, Lesbian, Bisexual and Transgender (GLBT) community. Many of these stations are on substandard frequencies, which have stood the test of time and the various changes that have taken place in the AM broadcast band. Now with the unfortunate possibility of nighttime AM IBOC operation, these minority stations will be blown into obliteration at night.

¹ - <http://www.LPFM.WS>

REC will support this petition but our support is limited to station owners who do not have any co-owned full power FM broadcast facilities that have overlap of the 60 dBu contour with the 2 m/Vm daytime or 25 mile radius of the AM station². AM stations who cross-own FM stations can use the “HD2” stream of an FM digital broadcast to achieve this type of operation.

REC supports this limited application of AM Translators, as it will contribute to localism by maintaining minority voices despite various issues such as potential nighttime IBOC noise and Cuban interference.

However, while this may support localism, a new independent voice would further support localism. For that reason we must ask that these AM Translators be made secondary to LPFM stations. LPFM stations, which wish to use facilities that are mutually exclusive to an AM Translator must make a showing that no other channel is available for its use.

AM Translators (as well as LPFM stations) should be primary to translators which have a primary station at least 400 km away and in a different state or any owner who has an attributable interest in 30 or more FM translator stations nationwide. This rule not only furthers localism, it also assures that the large speculative filers in the Great Translator Invasion³ Window of 2003 will not be able to profit from the sales of translators for AM use.

We note with the ongoing restrictions of the Radio Broadcast Protection Act⁴ on LPFM stations, translators can be placed in areas where LPFM is not possible. We feel that if this rulemaking is granted, the Commission should consider the establishment of a Low

² - Criteria proposed by NAB. *Petition at 7.*

³ - See *FM Translator Auction Filing Window and Application Freeze*, Report No. AUC-03-83-A (Auction #83), DA 03-359, released February 6, 2003.

⁴ - Making Appropriations for the Government of the District of Columbia for FY 2001 Act ("2001 D.C. Appropriations Act") Pub L. No. 106-553, § 632, 114 Stat. 2762, 2762-A-111 (2000).

Power AM (LPAM) service in the expanded AM band. LPAM will provide more of a level playing field for those wishing to bring a local voice into an area that is precluded from LPFM service, especially in areas where AM stations are using FM translators.

In conclusion, REC recommends that if the public interest dictates that AM stations should be able to provide fill-in service using FM translators, that the public interest also dictates that such use should not preclude the entry of new independent voices and such facilities should be utilized by those broadcasters who do not have alternate facilities (such as FM broadcast stations). We also feel that such a rulemaking proceeding should be a part of a larger rulemaking procedure that includes LPAM as well as potential restrictions on FM translator ownership.

Respectfully Submitted,

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