

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Sections 74.1233(a)(1) of the) MB Docket No. _____
Commission's Rules to Allow for Greater) RM - _____
Flexibility in the Relocation of FM)
Translator Stations)
)

To: Office of the Secretary
Attn: The Commission

PETITION FOR RULE MAKING

This petition for rule making is submitted by Press Communications LLC¹, SSR Communications, Inc., Simmons Broadcasting, Inc., Kaspar Broadcasting Company, Inc., Mountain Top Media LLC, Priority Communications, Inc., Virden Broadcasting Corp., South Seas Broadcasting, Inc., Delta Radio Network, LLC, Hancock Communications, Inc., WYCQ, Inc., The Cromwell Group, Inc. of Illinois, R & F Communications, Inc., Eureka Broadcasting Co., Inc., O-N Radio, Inc., Viper Communications, Inc., Mentor Partners, Inc., Genesee Media Corporation, Dakota Broadcasting, LLC, and Community First Broadcasting, LLC ("Petitioners"),² seeking an amendment to FCC Rule Section

¹ Press Communications LLC is the licensee of WHTG(AM), a Class D 500-watt daytime-only station licensed to Eatontown, NJ. The station currently has one companion FM translator W264DH which only reaches about 20% of the AM's daytime coverage. Adding one or more translators would greatly enhance WHTG's ability to better serve its existing listening audience, and more importantly, develop new audience. Press Communications LLC also has a construction permit on file to move W264DH to another location within 25 miles of WHTG's transmitter site but without an additional translator that move is a zero-sum games as some listeners will lose FM service without a second translator to replace W264DH at the existing site.

² The AM radio stations owned by the other Petitioners are described in footnotes accompanying their signatures,

74.1233(a)(1) regarding FM translators. The proposed amendment aims to provide AM radio licensees the opportunity to make technical facility changes to FM translators similar to the allowances provided to AM stations in MM Docket No. 13-249 (the opening of two application filing windows for AM broadcasters seeking to substantially relocate or modify an FM translator station beyond the strict limitations set forth in Section 74.1233(a)(1) of the Commission's rules).

INTRODUCTION:

Pursuant to Section 1.401 of the Communications Act of 1934 as amended, Petitioners hereby respectfully request that the Federal Communications Commission commence a Notice of Proposed Rule Making (NPRM) to largely reinstate the since expired 2016 rules, with certain enhancements, to permit AM broadcasters to acquire an FM translator within 250 miles or more of their transmitter site and relocate it on any available frequency for local service using the rebroadcast of their respective AM radio station programming.

BACKGROUND:

It is hard to believe it has almost been a decade since the then Republican appointed Chair of the Federal Communications Commission, Ajit Pai, initiated the first round of AM Radio Revitalization. Among other steps taken, the ability to substantially move FM translators to locations where they could be more effectively utilized to rebroadcast AM programming stands out as that rule making's greatest accomplishment. Recognizing the multitude of negative issues confronting AM station operations at the time, the resultant association of FM translators with AM stations has saved hundreds of

AM stations from going off the air, while at the same time, greatly enhancing overall service to the public.

The 2016 AM Radio Revitalization allowed certain classes of AM broadcast stations to acquire existing FM translators within a then 250-mile (400km) radius and relocate them on any non-reserved band channel for use as fill-in service within 25 miles (40 km) of the AM transmitter site.

This initiative was well received across the industry, as it provided AM broadcasters with a new, viable and cost-effective means of improving service quality and competitiveness. The rule recognized the technical limitations of AM radio — particularly increased interference from an ever-rising noise floor, listener fatigue from limited receiver bandwidth on most radios, and limited or no nighttime service. Those constraints, among others, has led to a continuing decline in share of audience and corresponding advertising revenue relative to FM stations, and clearly, newer digital platforms.

THE NEED FOR REINSTATEMENT:

Since the expiration of the 2016 (and subsequent 2017) application filing windows allowing for 250-mile moves, the challenges facing AM broadcasters have only intensified. The 2016 AM Radio Revitalization translator modification filing windows recognized that AM broadcasters face unique technical and economic challenges.

AM stations continue to experience a disproportionate decline in listenership. According to recent Nielsen reports, AM listenership now represents less than a third all

broadcast radio station audiences with FM picking up the balance. This is evidenced by younger demographics rarely using AM as a primary (if any) broadcast audio source.

Reinstating the AM Radio Revitalization translator modification filing windows, with certain enhancements, would address many of the following issues facing AM broadcasters. Among the results would be to:

- Provide struggling AM stations a potential cost-effective means to reach at least a portion of their audience and listeners with better audio quality.
- Offer AM stations, and especially those with daytime only operation or low power and critical nighttime patterns, the opportunity to better serve their audiences with one, two or three full time FM translators within the 25 mile limitation.³
- Greatly enhance AM stations' ability to provide local news, public affairs, and cultural programming to more listeners via FM, especially where AM reception is poor and/or during nighttime hours.
- Reinforce the FCC's long-standing commitment to preserving AM service as a vital part of the public airwaves.

PROVEN TRACK RECORD FOR SUCCESS:

The 2016 AM Radio Revitalization translator modification filing windows have a demonstrated history of success:

- Over a thousand AM stations successfully acquired and relocated translators, extending their audience reach and preserving their operations in the last round(s) of Rule Making.
- Many of these stations have documented increases in listenership, advertising revenue and community engagement following the addition of one or more FM translator(s).
- The policy has had minimal impact on spectrum congestion and was implemented without significant interference complaints.

³ In many areas of the nation, and particularly in Zone 1, largely higher power second adjacent channels severely limit translator power levels. Thus, the need for multiple translators to better emulate the daytime coverage of many Class D and Class C AM stations.

Kenneth Forte, the President and owner of AM station WDKN, Dickson, Tennessee, and one of the signatories to this Petition for Rule Making, poignantly recounts the success an FM translator brought to his stand-alone facility:

My company purchased WDKN AM in 2009 after it had gone dark (off the air) in March of 2009 and brought it back on the air in July 2009. The previous owners struggled financially because of a lack of sales during the previous years. Upon purchasing the station we did see our sales grow with just the AM signal, however it was not until we purchased our FM [translator] signal from a station owner in Kentucky and moved it to Dickson that we began to experience significant financial growth in sales. We were able to double our revenue with the addition of the FM translator.

The only challenge that we experienced in purchasing our translator was the length of time and distance required to move it from Kentucky to Tennessee. Our community has over 50k residents and with the addition of our FM signal we have greatly expanded our night time coverage and our ability to provide 24 hour coverage to our market. Our goal would be to add another FM translator to enhance the parts of our community where our signal does not reach, in addition it would aid us in competing with the larger signal stations that can be heard in our market.

NARROW SCOPE AND GUARDRAILS:

The 2016 AM Radio Revitalization translator modification filing windows included reasonable limitations to prevent spectrum abuse. For instance, FM translators had to be moved from within the 250 radius of the subject station's transmitter site, but when moved, remain within 25 miles of the same transmitter site coordinates. This balance protected local spectrum while giving AM stations the flexibility they needed to implement the move. Reinstating the AM Radio Revitalization translator modification

filing windows as previously written, with the minor enhancements as detailed herein, avoids incurring additional FCC regulatory resources in having to “reinvent the wheel”.⁴

EQUITY FOR SMALL AND RURAL BROADCASTERS:

The reinstitution of the 2016 AM Radio Revitalization translator modification filing windows will benefit small, sometimes minority owned, AM stations, many of which are located in more rural areas, which often lack the capital or market condition to launch digital services or have either the financial capability or spectrum availability to obtain a full-service FM license. Despite the prior success of the then 250 mile move window permitting the purchase of FM translators for AM stations, well over a third of all AM stations still lack at least one companion FM translator⁵. Re-instatement of the 2016 AM Radio Revitalization translator modification filing windows, with enhancements, will offer those AM stations still lacking companion FM translators the opportunity to acquire one.

TECHNOLOGICAL AND MARKET REALITIES

Radio markets and technology continue to evolve. Consumer preference for FM (and digital sources) continues to grow, often making it harder for AM to stay relevant without an FM translator simulcast. This is especially true for lower power AM stations

⁴ In lieu of a full bore NPRM, we would suggest opening a comment period using the 2016 rules as an example along with some relatively minor changes as noted herein. However, how the NPRM is handled lies solely within the purview of the FCC.

⁵ In an article in the Oct 4, 2020 edition of Radio World Magazine, author Randy Stine offered his estimate of AM stations simulcasting on FM translators to be approximately 2800, an undetermined number of which are rebroadcasting AM on FM HD subchannels received on FM translators. Of the roughly 4300 AM stations currently on the air, that would represent 65% of all AM stations leaving a third without one or more translators.

and AM daytime-only stations. Companion FM translators allow AM stations to better compete in a modern listening environment, including recent car dashboards lacking AM radio receivers.

ENHANCEMENTS SOUGHT WITH A MINIMAL REGULATORY BURDEN

The reinstatement of the 2016 AM Radio Revitalization translator modification filing windows should not require a totally new major rulemaking infrastructure. Rather, Petitioners advocate soliciting comments on a re-opening of a previously well-functioning translator window under already familiar guidelines with minor enhancements.

In particular, Petitioners advocate *broadening the purchasing reach from 250 to 500 miles primarily to assist stations on both coasts, the Gulf, and either border with Canada or Mexico*. This change is important as AM stations located near coastal or border areas were hampered in under the 2016 filing windows by having many fewer potential FM translators to acquire due to not having a full circumference of 250 miles due to a truncation by such borders or the coast (there are no potential FM translators located in either non-US territory or in large bodies of water).

Additionally, the Petitioners advocate that the “*window*” for “*eligible*” AM stations⁶ *should be permanent*. Rather than further limiting for the future the availability and the number of translators for purchase to eligible AM stations, a

⁶ Eligibility should first be offered to Class D and Class C AM stations followed by Class B stations with critical nighttime patterns. We are not opposed to later including Class B and Class A clear channel stations but subject to the number of translators cited herein.

permanent change to the FCC's rules to allow for moving FM translators to serve AM stations going forward will avoid spectrum warehousing and gamesmanship which often occurs upon the opening of a time-limited window (i.e. while not wholly analogous, witness the 14,000 translator applications filed during a translator window opened in 2003).

Finally, the Petitions believe that upon a reopening of the 2016 AM Radio Revitalization translator modification filing window, AM stations should be limited to *a reasonable number of no more than 3 translators per AM station license* so that no AM station is forced out of the market for additional FM translators by either a huge entity acquiring dozens or a greater number of translators for a particular AM station, or a competing AM station usurping all available FM translator spectrum availability in a market. And just like the 2016 AM Radio Revitalization translator modification filing windows, an initial time period or maybe 120 days for filing should be afforded to only Class C and Class D AM station licensees and operators.

STRONG INDUSTRY SUPPORT

When originally implemented, the 2016 AM Radio Revitalization translator modification filing windows had broad support from state broadcaster associations minority and religious broadcasting groups as well as independent AM broadcasters and small group operators. Petitioners expect nothing different for this filing window. The FCC should continue to strive, particularly with a secondary service such as FM translators, to fashion its rules, policies and procedures so that existing FM translators are

put to the best and highest use in serving listening audiences. The continued viability of existing AM stations serving diverse audiences with local programming in both urban and rural areas is unquestionably one of the best and highest uses of FM translators.

CONCLUSION:

AM broadcasting technology is now over 100 years old, which is eons in a world that went from 56k digital dial up modems to gigabit speeds in a little over a quarter of that time. The laws of physics tell us there is little we can do to overcome the technical limitations inherent in AM service.⁷ And yet, despite declining audience, AM radio has still proven itself to be of great value in the role it plays in serving the American public⁸. Indeed, its unique transmission characteristics are shown to be more robust, particularly in times of emergency, than that of other services such as FM, cell phones and the internet. In emergencies, AM radio is particularly adept in its ability to scale soaring mountain ranges largely inaccessible for other terrestrial wireless services and covering vast areas of the country, especially at night.

Many in the radio industry know of Julie Koehn through her tireless work on the NAB Board where she serves as chair of the Small and Medium Market Radio

⁷ We are told Xperi MA3 AM all-digital broadcasting would be of great help to the AM service. And that may be true. Allowing AM stations to acquire multiple FM translators that would better cover an AM station's existing service area would hasten the changeover to digital AM as there would be little to no loss in revenue or listening audience with analog FM translators serving the portion of the listening audience that does not have an HD radio receiver.

⁸ Nielsen has been quoted as saying AM radio reaches well over 80 million listeners a month.

Committee⁹. As the owner/operator of two 3 kw Class A FMs and a Class C AM¹⁰ in a market of only 60,000 people, Ms. Koehn has firsthand knowledge of what the lower power small market operators face every day in meeting the needs of staff and the audiences they serve. This knowledge is invaluable in the ever-important role she plays on the NAB Board, representing so many such operators across the country.

In a recent interview for Radio World Magazine, Ms. Koehn was quoted in noting “[t]he importance of AM radio for the Emergency Alert System and for redundancy across the country”. She emphasized that that “[i]f there ever were a catastrophic event, [access to AM radio] is critical.”

Her quote was given in support of the AM in Every Dashboard Bill currently before Congress. But her comment speaks volumes about the importance of keeping the nation’s AM radio service alive and on the air. Reopening an FM translator window for AM stations as requested herein will greatly ensure the continued existence of many AM stations across this great nation of ours.

In early September 2025, FCC Chair Brendan Carr was quoted in regards to the transition to digital ATSC (Next Gen) television service saying: “Accelerating this transition will also go a long way towards ensuring that broadcasters stay competitive well into the future”. He went on to say, “*As the broadcast industry continues to evolve,*

⁹ Julie Koehn is President and CEO of Lenawee Broadcasting and Southeast Michigan Media in an area about 60 miles southwest of Detroit, Michigan.

¹⁰ FCC Class C stations operate on a local channel with unlimited time and a power of .25kw up to a maximum of 1kw of power. A Class D AM station can operate with daytime power of .25kw to 50kw with no nighttime operation or nighttime service with no protection from interference from other AM stations.

we [at the FCC] want to be sure that they [broadcasters] can do so while maintaining their core public interest obligations.”

We would hope that Chairman Carr will advocate similar treatment for AM broadcasters, broadcasters who over the past 100+ years have always proven themselves to be at the forefront of serving the public interest, need, and convenience. Adopting this proposal will offer many AM broadcasters the opportunity to stay competitive as the broadcasting landscape continues to evolve. Indeed, reinstating the 2016 AM Radio Revitalization translator modification filing windows for FM translators will help ensure AM broadcasters’ high level of service well into the future.

WHEREFORE, for the reasons above, it is requested that a proceeding be commenced to amend Sections 74.1233(a)(1) of the Commission’s rules so that FM translators may once again be moved substantial distances and to any non-reserved band FM frequency for the benefit of AM radio stations as described above.

Respectfully submitted,

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¹² Mountain Top Media LLC is the licensee of, among other radio stations, AM stations WPKE(AM) and WLSI(AM), Pikeville, KY, WPRT(AM), Prestonsburg, KY, WBTH(AM), Williamson, KY and WEKB(AM), Elkhorn City, KY.

¹³ Viriden Broadcasting Corp. is the licensee of, among other radio stations, AM stations WSDR(AM), Sterling, IL, WKEI(AM), Kewanee, IL and WZOE(AM), Princeton, IL.

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¹⁴ Delta Radio Network, LLC is the licensee of, among other radio stations, AM stations WNLA(AM), Indianola, MS and WNIX(AM), Greenville, MS.

¹⁵ Hancock Communications, Inc. is the licensee of, among other radio stations, AM stations WTCJ(AM), Tell City, IN, WKCM(AM), Hawesville, KY, and WVJS(AM), Owensboro, KY.

¹⁶ WYCQ, Inc. is the licensee of, among other radio stations, AM station WQZQ(AM), Goodlettsville, TN._

¹⁷ The Cromwell Group, Inc. of Illinois is the licensee of, among other radio stations, AM station WCRA(AM), Effingham, IL.

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¹⁸ R & F Communications, Inc. is the licensee of AM station WDKN(AM), Dickson, TN.

¹⁹ Eureka Broadcasting Co., Inc. is the licensee of, among other radio stations, AM station KEJY(AM), Eureka, CA.

²⁰ O-N Radio, Inc. is the licensee of AM station WOON(AM), Woonsocket, RI.

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²¹ Viper Communications, Inc. is the licensee of, among other radio stations, AM station KRMS(AM), Osage Beach, MO.

²² Mentor Partners, Inc. is the licensee of, among other radio stations, AM station WBRN(AM), Big Rapids, MI.

²³ Genesee Media Corporation is the licensee of, among other radio stations, AM stations WDNY(AM), Dansville, NY, WORK(AM), Canandaigua, NY, WYLF(AM), Penn Yan, NY, WRSB(AM), Brockport, NY.

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December 22, 2025

²⁴ Community First Broadcasting LLC is the licensee of, among other radio stations, AM stations KSOU(AM), Sioux Center, IA, KAYL(AM), Storm Lake, IA, KIWA(AM), Sheldon, IA, and KKOJ(AM), Jackson, MN.