Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Section 73.215 of the	)	MB Docket No. _____
Commission's Rules by the Elimination of	)	RM - _____
Subsection (e) to Allow for Greater FM	)	
Station Transmitter Site Flexibility	)	

Amendment of Original Filing
#10203202525059

To: Office of the Secretary Attn:
The Commission

PETITION FOR RULE MAKING

This amendment to the previous filing is the result of extensive consultation with a wide spectrum of radio broadcasting industry engineering leaders. This Petition for Rule Making proposes the amendment of subsection (e) of §73.215 (47 CFR § 73.215) of the Commission's rules.

Section 73.215 (47 CFR § 73.215) of the Commission's rules allows commercial FM stations to request transmitter sites that are "short-spaced" (closer than the 47 CFR §73.207 minimum distance separations) to other stations by protecting existing service from interference through specific "contour protection" requirements, ensuring the new station's predicted interfering signals don't overlap with others' protected contours. This rule section often offers greater transmitter site flexibility, especially in congested areas.

But, in a strict go/no-go limitation, subsection (e) to Section 73.215 prohibits the Commission from accepting applications that specify a short-spaced antenna location for which stated minimum distance separations are not met.

The limitations in subsection (e) to §73.215 can be an impediment to existing facilities utilizing directional antennas and contour protection to move to locations that better serve their market areas and, in many cases to relocate to existing towers when sites are lost or it is not economically viable to replace aging towers or sustain existing land and tower leasing rates inflated by wireless services.

Accordingly, the modification of subsection (e) to §73.215 is hereby proposed with the addition of an "interference test" as §73.215(f) permitting facilities as spacings less than those specified in §73.215(e) provided a showing is provided that no greater interference will be caused to short-spaced stations than would occur at the minimum distances specified in that section.

It is noteworthy that reserved band FM stations which comprise some 41% of FM stations are not and never have been subject to this strict restriction on the use of contour spacing. While painfully obvious to broadcast engineering professionals, it is useful to observe that there is no inherent nor even significant difference in FM propagation and reception for radio stations in the 88 to 92 MHz reserved portion of the FM band for which the subsection (e) limitation does not apply, and for radio stations in the 92 to 108 MHz non-reserved portion of the FM band for which subsection (e) does apply.

If there ever was a reason for providing exceptions to subsection (e) limitation of §73.215, that consideration is long overshadowed by the maturation of the FM band. FM radio has now existed in the United States almost eighty-five years since the first commercial FM in Nashville, TN, W47NV (WSM-FM) began operation in the 42-50 MHz band on March 1, 1941. The system as we now know it dates to the 1945 shift to 88-108 MHz and the subsequent 1962 First Report and Order in FCC 62-866 establishing protected contours and allocation separations. The Commission recently announced a 2025 total of 11,324 FM radio broadcast stations (6,663 commercial and 4,730 non-commercial). This number of stations and the sparse number of

petitions for rule making seeking the allotment of new channels validate the maturity of the band and justify a shift in allocations priority to improving existing facilities.

In one case, a rural Alabama broadcaster was denied a 0.44 km (1,441 feet) waiver of §73.215(e) to a first adjacent §73.215 station in order to upgrade from class A to C3 at the station's licensed site even though there was no prohibited overlap. Acquisition and tower construction for a new site were financially prohibitive and the expanded 60 dBu service to an additional 58,820 listeners, a 192% increase, was thwarted. In many other cases stations have lost tower sites and the availability of alternate towers was severely limited by §73.215(e). Construction of new towers in many markets is no longer viable due to land and tower costs and severe zoning and environmental constraints. It is simply time to provide for exceptions to the subsection (e) limitation to §73.215. The proposed *"interference test"* as well as the directional antenna 15 dB maximum to minimum rule and the 70 dBμ city grade coverage rule provide additional protection from extreme short-spacings.

Given the difficulty and expense of constructing new towers, the strict restrictions in subsection (e) to §73.215 have frequently blocked the use of a station's existing tower for upgrades or the use of other existing towers when sites are lost or become prohibitively expensive, even though contour protection an interference-free and better-signal-to-the-public FM broadcasting facility could have easily been achieved. The strict limitation, which as noted above does not exist for reserved band stations, is especially burdensome to stations in smaller markets where the economics of new tower construction are frequently insurmountable.

WHEREFORE, for the reasons above, it is requested that a proceeding be commenced to amend Section 73.215 of the Commission's rules to add subsection (f) as proposed herein so that FM stations may be afforded greater flexibility in transmitter site locations.

§ 73.215(f) Applications that propose antenna locations that are separated less than the distances specified in § 73.215(e) but have no prohibited contour overlap will be granted if they provide a supplemental showing to demonstrate that no greater interference population or area (less unpopulated areas) is caused to the short-spaced station(s). The Longley-Rice terrain dependent propagation model may be used to demonstrate that the interference caused to any facilities spaced at less than the distances specified in § 73.215(e) is no greater than would be caused by a facility at a hypothetical site located at the minimum § 73.215 distance on the same azimuth toward the protected facility as the proposed application site.

Respectfully submitted,

CHARLES M. ANDERSON

5900 Lake Cyrus Drive
Hoover, AL 35244
cma@andersonassociatesradio.com