

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

In the Matter of)
)
AM Radio Stations' Use of FM Translators) RM-11338
)
)
To: The Commission)

COMMENTS OF THE AM DAYTIMERS ASSOCIATION

The AM Daytimers Association (“AMDA”)¹, pursuant to Public Notice Report No. 2782, released July 25, 2006, hereby submits its Comments in support of the Petition for Rule Making (“Petition”) filed by the National Association of Broadcasters (“NAB”) advocating the use of FM translators by AM stations with limited or no authorized nighttime operations. In support thereof, AMDA states as follows:

1. AMDA was formed in response to the NAB’s submission of the referenced Petition to support in principle the NAB’s proposed rules that would, if adopted, allow AM stations with limited or no nighttime power to utilize FM translators to improve nighttime coverage.² AMDA’s purpose is to provide one clear and unambiguous voice in support of the preservation and advancement of these underappreciated AM operators. Allowing AM operators with limited or no nighttime authorization to utilize FM translators to offer nighttime service will serve the public interest by providing more local programming options for listeners and giving these operators a new tool with which to compete in their local radio marketplace.

¹ See www.AMDaytimers.org.

² The following AM stations have already joined AMDA: WCMA, Daleville, AL; WGZS, Dothan, AL; KIQQ, Barstow, CA; KTNS, Oakhurst, CA; KRRS, Santa Rosa, CA; WECM, Milton, FL; KPWB, Piedmont, MO; KXEN, St. Louis, MO; WGDL, Lares, PR; WABV, Abbeville, SC; and WMOV, Ravenswood, WV.

2. “Localism” is an old broadcasting mantra that has been ignored for some time. Its recent revival is due to the recognition that a locally operated broadcast station is the most effective means to deliver local news and information to a community. City council meetings, town election results, school closings, high school sports games, farm reports, traffic, and local weather are examples of the things local broadcasters have done for their communities for decades. Also, when there’s a nearby emergency situation (tornado, flood, train derailment, hurricane, etc.) local broadcasters work feverishly to keep their stations on the air and keep their communities informed. In most cases, it is AM stations that provide these services that are clearly in the public interest. And when communities need to rebuild, because of their long-standing connection to the community, these local AM stations usually lead the way. The need for local news and information does not end at sunset. It is wrong that many of these stations have to “power down” or completely shut down at sunset.

3. The Commission also has a mandate to promote diversity in media ownership. Not just more of the same commonly owned or programmed “voices” but more different voices. Among the ranks of AM daytime owners you will find the greatest concentration of individual and small group owners as compared to FM and television station owners. Here is an opportunity for the Commission to encourage diversity in ownership by helping these small AM operators better compete financially in their respective radio markets by providing them with the opportunity to broadcast at night to the same people they serve during the day.

4. There have been other attempts to improve the lot of AM stations generally, and AM daytimers in particular, that did not produce the desired result. For example, some old-timers will remember the “AM daytimers preference” that was made available in the comparative hearing process that was used prior to auctions to award construction permits for new FM stations. If a new FM station was allotted to a community with a licensed AM daytimer, the licensee of the AM daytimer was entitled to an “AM daytimers preference if it applied for the new FM station. One problem was the weight of the “preference” was not sufficient to overcome the superior credit given to applicants with no prior broadcast experience who proposed to work at the new FM station full time in a management role. There was also AM stereo, but the hype was better than the result for AM operators. The AM “expanded band” helped somewhat, but also led to the shuttering of many locally owned, small market AM stations. The idea of FM translators to help extend the broadcast day of AM stations has merit and the Commission should expeditiously issue a formal Notice of Proposed Rule Making (“NPRM”) to get the process started.

5. AMDA recommends that the following queries be added to the Commission’s NPRM when it is released:

Whether the lesser of the AM station’s 2 mV/m contour or a 25 mile radius is the correct geographic limitation for FM translator ownership.

What is the best way to amend the current rules prohibiting program origination on FM translators so that FM translators owned by AM licensees would be able to originate and broadcast local programming.

How best to amend rules to give FM translators owned by AM licensees “primary” status to protect them from displacement by full power FM stations.

AMDA and its member stations look forward to participating in the Commission's rule making process.

6. Consolidation in the broadcast industry and "move-ins" of stations from rural to more populated urban areas have left the important job of keeping small towns and cities informed primarily with AM broadcasters. The Commission should do all it can to help these AM broadcasters who provide local ownership and local programming not just survive, but thrive. Allowing the use of FM translators to expand the broadcast day for true daytimers, and expand the nighttime audience for those AM stations that "power down" after sunset is a giant step in the right direction.

WHEREFORE, on behalf of its member stations, AMDA supports the prompt release of a Notice of Proposed Rule Making based on the NAB's Petition looking toward amendments to current FCC rules to allow the use of FM translators by AM radio licensees.

Respectfully submitted,
AM DAYTIMERS ASSOCIATION

By: /s/ Scott C. Cinnamon
Scott C. Cinnamon
Its Counsel

Law Offices of Scott C. Cinnamon, PLLC
1090 Vermont Ave., Suite 800, # 144
Washington, D.C. 20005
(202) 216-5798

August 24, 2006

CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that I have on this 24th day of August, 2006,
caused to be mailed by first class mail, postage prepaid, copies of the foregoing

“Comments” to the following:

Peter Doyle, Chief
Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Marsha MacBride, Esq.
Executive Vice President
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

/s/ Scott C. Cinnamon
Scott C. Cinnamon