

Before the
Federal Communications Commission
Washington, D. C. 20554

BC
FCC 80-316
27324

In re Matter of:)

Amendment of Section 73.99)
of the Commission's Rules)

BC Docket No.80-244
RM-2650

NOTICE OF PROPOSED RULEMAKING

Adopted: May 29, 1980;

Released: June 10, 1980

By the Commission

1. The Commission has before it a petition for rulemaking filed January 28, 1976, by Mid-Indiana Broadcasters Corporation, licensee of daytime-only AM Station WHYT, Noblesville, Indiana. In its petition, Mid-Indiana seeks to amend Section 73.99 of our Rules to permit certain Class II daytime-only AM stations (such as Station WHYT), situated between co-channel U.S. Class I-B clear channel stations, to commence presunrise operation (PSA) at 6:00 a.m. local time. 1/ Such an operation would be with a sufficient power reduction to protect the 0.5 mV/m-50 percent contours of both co-channel Class I-B stations. 2/

2. In 1967, during an extensive rulemaking proceeding, we considered, in detail, presunrise operation by AM broadcast stations. Presunrise Operation by Standard Broadcast Stations, 8 FCC 2d 698 (1967). In that proceeding we permitted, in most situations, Class III (regional) stations to commence presunrise operation at 6:00 a.m. at a power of 500 watts. Similar

1/ A Class I station is a dominant station operating on a clear channel frequency and is designed to render primary and secondary service over a vast area of the country. On the other hand, a Class II station is a secondary station which operates on a clear channel frequency, is designed to render service over a limited primary area, and is subject to interference from the Class I station. Most Class II stations are daytime facilities.

2/ Presently, Section 73.99(b)(1) of the Rules, in effect, only permits such a Class II station to commence operation at sunrise at the Class I-B station located to the east with power reduced to protect the 0.5 mV/m-50 percent contour of the Class I-B station located to the west. At local sunrise, the Class II station would then commence operation with its daytime mode.

authority for Class II daytime stations was denied because of concern that it would cause substantial cumulative skywave interference to early morning Class I-B clear channel service to remote areas. Consequently, Class II stations were permitted neither a standard sign-on time nor a standard operating power. Specifically, our Rules were amended to provide sign-on times by Class II daytime stations which are tied to sunrise times at the co-channel Class I-B clear channel located east of the daytime station with power reduced to protect the 0.5 mV/m-50 percent contour of the Class I-B clear channel station located to the west. 3/

3. As indicated in the preceding paragraph, the presunrise operating privileges of the relatively few Class II daytime stations actually situated between the respective 0.5 mV/m-50 percent contours of the Class I-B clear channel stations was not the major thrust of the extensive 1967 rulemaking proceeding. It was evident that these stations could be afforded a standard 6:00 a.m. sign-on time with power significantly reduced to protect the 0.5 mV/m-50 percent contour of both co-channel Class I-B stations. 4/ At this juncture, we are now in a position to make a detailed assessment of the cumulative skywave interference impact caused by presunrise operations. Based upon our experience with Class III stations, it appears that early morning PSA broadcast service has not, in fact, caused the substantial early morning interference to fulltime stations originally feared when balanced against the additional early morning service offered by the approximately 2,500 stations holding a PSA. Similarly, we are not persuaded that the presently authorized PSA operations by Class II stations have caused detrimental cumulative skywave interference to clear channel service to remote areas and populations. Therefore, we are now proposing to amend our Rules to permit Class II stations located between the 0.5 mV/m-50 percent contours of co-channel U.S. Class I-B clear channel stations to commence operation at 6:00 a.m., local time, with power reduced to protect the 0.5 mV/m-50 percent contours of both co-channel Class I-B stations.

4. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to the procedures set out in Section 1.415 of the Rules, 47 C.F.R. 1.415, interested persons may file comments on or before July 14, 1980, and reply

3/ Section 73.99(c)(2) of the Rules requires that the 0.025 mV/m skywave contour of the Class II station protect the 0.5 mV/m-50 percent skywave contour of the co-channel Class I-B station.

4/ We realize that such an operation may result in the Class II station changing its PSA power at sunrise at the Class I-B station located to the east in order to operate with its presently authorized PSA at a power sufficient to protect the 0.5 mV/m-50 percent contour of the Class I-B station located to the west.

comments on or before July 29, 1980. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

5. In accordance with the provisions of Section 1.419 of the Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally, may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D. C.

6. For further information concerning this document, contact Robert Hayne, (202) 632-7010.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico
Secretary