

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

MM Docket No. 85-90

In the Matter of

AM Broadcast Directional  
Antenna Sampling Systems  
and Proof of Performance  
Field Strength Measurements

MEMORANDUM OPINION AND ORDER  
(Proceeding Terminated)

Adopted: October 6, 1986 ; Released: October 17, 1986

By the Commission: Commissioner Dennis not participating.

Introduction/Background

1. The Commission has before it two petitions for reconsideration of the *Report and Order (Report)* in this proceeding.<sup>1</sup> These petitions were filed by the Association of Federal Communications Consulting Engineers (AFCCE) and by du Treil-Rackley Consulting Engineers (du Treil-Rackley).

2. The *Report* deregulated the rules that required AM stations using directional antenna systems to perform skeleton and partial proofs of performance measurements (proof) on a schedule prescribed in the Rules. The *Report* further concluded that certain "how to" rules for antenna monitor sampling systems were overly restrictive and unnecessary for the prevention of interference.<sup>2</sup> Thus, they were removed from the Rules. However, the *Report* stated that the deleted guidelines for obtaining sampling system approval would be published in a future public notice. That public notice was released December 9, 1985.<sup>3</sup>

Discussion

The AFCCE Petition - Nondirectional Measurement Data

3. The AFCCE asked that the Commission amend its Rules to sanction the use of nondirectional antenna measurement data in partial proofs. They further suggested that a specific method of antenna proof analysis using nondirectional measurements be included in the Rules.

4. The Commission has a longstanding policy of recognizing the use of nondirectional measurements in partial proofs in order to establish proper pattern adjustment.<sup>4</sup> In light of that longstanding policy, it is unnecessary to adopt language sanctioning the use of nondirectional measurements. Although the Commission does not require nondirectional measurements, licensees are free to submit whatever auxiliary data that best supports their positions.

5. Further, because the Commission is not amending the Rules to explicitly acknowledge nondirectional measurements (and because we believe that there are many ways that such data can be incorporated into the analysis of partial proof data), we also decline to adopt a specific method of directional antenna data analysis with reference to new nondirectional measurements.

The du Treil-Rackley Petition - Sampling System Criteria

6. The petition for reconsideration filed by du Treil-Rackley objected to the removal of the design and construction guidelines for the approval of antenna monitor sampling systems from the Rules. It argued that, although the criteria have already been released in a public notice, the Commission should reinstate them into the Rules so that they are accessible to licensees. du Treil-Rackley commented that public notices are available only to subscribers. Therefore, any AM licensee employing a directional antenna system who is not a subscriber would have difficulty in determining acceptable sampling system design.

7. On the contrary, while the Rules are available from the Government Printing Office or from commercial publishers, public notices can be obtained from the Commission or its copy contractor and are often republished in broadcast trade and reference documents. Also, unlike the Rules, public notices can be easily updated to match the growth of new technology.

8. For these reasons, the Commission reaffirms its decision in the *Report*. However, to ensure that licensees have knowledge of and access to the public notice, we are amending the Rules to add a Note explaining how this material can be obtained.

9. Final Regulatory Flexibility Analysis

I. Need and purpose of this action :

This action is taken to respond to the concerns expressed in petitions for reconsideration of the *Report and Order* in Docket 85-90.

II. Summary of issues raised by the public comments :

No issues were raised other than those discussed above.

III. Significant alternatives considered and rejected :

The Commission considered all the alternatives raised by petitions for reconsideration filed by du Treil-Rackley and the Association of Federal Communications Consulting Engineers. After carefully weighing these alternatives, the Commission is adopting the most reasonable course of action consistent with the mandate of the Communications Act.

10. The Secretary shall cause of a copy of this *Memorandum Opinion and Order*, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with Paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981)).

Paperwork Reduction Act Statement

11. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Actions

12. Accordingly, IT IS ORDERED, THAT the petition for reconsideration filed by the Association of Federal Communications Consulting Engineers IS DENIED.

13. IT IS FURTHER ORDERED, THAT the petition for reconsideration filed by du Treil-Rackley IS GRANTED to the extent specified above, and IS DENIED in all other respects.

14. IT IS FURTHER ORDERED, THAT Part 73 of the Commission's Rules IS AMENDED as set forth below, effective November 24, 1986.

15. IT IS FURTHER ORDERED, THAT this proceeding IS TERMINATED.

16. Authority for these actions is contained in Sections 4, 303, and 405 of the Communications Act of 1934, as amended.

17. Further information on this proceeding can be obtained by contacting John Wong or John Reiser, Mass Media Bureau, (202) 632-9660.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico  
Secretary

#### APPENDIX

47 CFR Part 73 is amended as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, and 303.

2. Section 73.68 is amended by adding a Note following paragraph (b) to read as follows:

**Section 73.68 Sampling systems for antenna monitors.**

\* \* \* \* \*

(b) \* \* \*

Note: A public notice giving additional information on approval of antenna sampling systems is available upon request from the FCC's current copy contractor.

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#### FOOTNOTES

<sup>1</sup> See *Report and Order* in MM Docket No. 85-90, FCC 85-590, 50 FR 47051, November 14, 1985 (adopted October 31, 1985).

<sup>2</sup> For a complete discussion of the types of proof of performance measurements and sampling system requirements, see the *Notice of Proposed Rule Making* in MM Docket No. 85-90, FCC 85-151, 50 FR 13994, April 9, 1985 (adopted March 28, 1985).

<sup>3</sup> This Public Notice is available from the Commission's current copy contractor.

<sup>4</sup> Such data is particularly valuable in analyzing the array when there is a change in ground conductivity within the vicinity of the station.