

upgrade to maximum class facilities. Apparently, if the station receiving the show cause order gets a CP for such an upgrade, the triggering application is dismissed, but if it doesn't follow through, or chooses not to apply, the station is automatically designated as a 73.215 station on its license.

This is similar to what the FCC did when it created the "C0" Class, which the proponent makes reference to. However, this Class C4 proposed rulemaking goes beyond that. In the case of the Class C0, the underutilized Class C station would have had its Class designation downgraded to C0, but if the station's facilities were under the maximum for that class, it retained the right to upgrade to full Class C0 anytime in the future. The same was done when the FCC created the Class C1 years before that. However, this PRM goes way beyond that by locking in underutilized the non-73.215 station to its actual facilities operated at the time, by designating them as 73.215. What's more, the PRM as written seems to permit this process not only in the case of Class A stations seeking to upgrade to Class C4, but for any proposed minor change by an FM station of any class.

There may be general agreement that increasing opportunities for more coverage is a laudable goal, but is this too radical a change to the FM rules? Is this going to cause harm and is it even fair to stations that, for financial reasons or some other type of adverse circumstance, are operating below maximum class facilities, but would like to upgrade when things get better? Should the order to show cause provision of the PRM be strictly limited to reclassifying Class C3 stations not meeting the new proposed Class C3 minimum to Class C4? Authorization under Section 73.215 is currently only at the discretion of stations that request it on their own. Would a 73.215 designation by external force of administration be contrary to the original intent of Section 73.215? What about stations that are short-spaced under Section 73.213? These are not addressed in this PRM. Furthermore, should the FCC entertain Class C4 drop-ins as well as upgrades from A to C4? Would a counterproposal for a new drop-in be accepted in response to an upgrade by an existing station, and how would the mutual exclusivity be resolved?

We believe discussions of these questions are important to the record in this proceeding.

Respectfully Submitted,

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