



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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DA 04-1007  
April 14, 2004

MM Docket No. 99-325

## COMMENT SOUGHT ON USE OF DIGITAL AM TRANSMISSIONS DURING NIGHTTIME HOURS

**Comment Date: June 14, 2004**  
**Reply Comment Date: July 14, 2004**

On March 5, 2004, the National Association of Broadcasters (NAB) submitted recommendations to the Commission concerning nighttime operation of AM In-Band/On-Channel ("IBOC") digital radio. In July, 2002, NAB convened an *ad hoc* technical group of broadcast engineers to evaluate several technical reports<sup>1</sup> prepared by iBiquity Digital Corporation. Thereafter, the NAB Radio Board reviewed and endorsed the group's findings. The NAB recommendations and the AM Nighttime Reports are available electronically from the Commission's website at: [http://gullfoss2.fcc.gov/prod/ecfs/comsrch\\_v2.cgi](http://gullfoss2.fcc.gov/prod/ecfs/comsrch_v2.cgi) under MM Docket No. 99-325, or from the Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, 202-863-2893. We seek comment on NAB's conclusions and recommendations.

Currently, AM stations may voluntarily initiate hybrid IBOC transmissions during daytime hours and, if so authorized for analog broadcasts, during the pre-sunrise and post-sunset hours,<sup>2</sup> upon notification to the Commission.<sup>3</sup> In authorizing interim IBOC operations, the Commission agreed with

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<sup>1</sup> The iBiquity reports, collectively referred to herein as the ("AM Nighttime Reports") include:

- 1) *AM Nighttime Compatibility Study Report*, May 23, 2003
- 2) *Field Report-AM IBOC Nighttime Performance*, October 20, 2003
- 3) *Field Report-AM IBOC Nighttime Compatibility*, October 31, 2003

<sup>2</sup> The term "pre-sunrise" refers to the hours between 6 a.m. and local sunrise; the term "post-sunset" refers to the hours between local sunset and 6 p.m.

<sup>3</sup> See *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service*, 17

the NRSC that, due to the lack of nighttime test results, significant uncertainty remained with respect to the potential for first adjacent channel interference during nighttime skywave propagation conditions.<sup>4</sup> The Commission, therefore, deferred authorizing nighttime use of AM IBOC until the completion of further testing.<sup>5</sup> As a result, AM stations are currently precluded from transmitting IBOC signals during nighttime hours. Because of the need for further evaluation of AM IBOC during nighttime conditions, testing in this area has been continued since the release of the *IBOC Order*.

Based on the AM Nighttime Reports, the NAB recommends that the Commission permit nighttime AM IBOC broadcasts for all AM stations currently authorized for nighttime broadcasts. The NAB also recommends that the Commission authorize nighttime transmissions for all digital AM stations rather than requiring each broadcaster to seek a separate nighttime authorization. In order to accommodate those AM stations that wish to implement IBOC operations at night without delay, we seek comment here on authorizing nighttime IBOC operation by AM stations using the Commission's routine special temporary authority ("STA") procedures.

The NAB recognized that the commencement of nighttime AM IBOC broadcasts may create new instances of interference in certain situations, and noted that the recommendations made for authorization of this service include Commission action to use its existing authority to address instances of unexpected levels of interference on a case-by-case basis.<sup>6</sup>

Interested parties may submit comments on or before June 14, 2004, and reply comments on or before July 14, 2004. Comments and replies should specifically reference this Public Notice. Comments and reply comments may be filed electronically at <http://www.fcc.gov/cgb/ecfs>, or on paper (an original and four copies) with the Commission's Secretary, Marlene Dortch, Federal Communications Commission, 236 Massachusetts Avenue, NE, Suite 110, Washington, DC, 20002.

**Ex parte status:** This is a "permit-but-disclose" rulemaking proceeding. See *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service*, 15 FCC Rcd at 1745 (1999). "Permit-but-disclose" *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission, as set forth below, no later than the next business day after the presentation. See 47 C.F.R. § 1.1206(b)(1). Persons making oral *ex parte* presentations must file a summary of the presentation, as set forth below, and deliver copies to the Commissioners or Commission employees involved with the

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FCC Rcd 19990, 20004 (2002) ("*IBOC Order*"); see also *IBOC Notification Procedures Effective Immediately*, Public Notice, 18 FCC Rcd 5029 (2003).

<sup>4</sup> Propagation of AM signals varies significantly between daytime and nighttime, resulting in greater potential for interference at night; however, the initial testing of the iBiquity IBOC system was conducted only during daytime propagation conditions. For this reason, the DAB Subcommittee of the National Radio Systems Committee ("NRSC"), which evaluated the IBOC AM and FM systems and made recommendations to the Commission prior to the release of the *IBOC Order*, recommended implementation of interim IBOC for AM stations only during daytime hours. See *IBOC Order*, at Paragraphs 19-21.

<sup>5</sup> See *IBOC Order*, at Paragraphs 24, 30.

<sup>6</sup> See *IBOC Order*, at Paragraphs 27-29.

presentation no later than the next business day after the presentation. *See* 47 C.F.R. § 1.1206(b)(2). All *ex parte* filings must be clearly labeled as such and must reference this Public Notice, as well as any other applicable docket or file numbers.

An original and one copy of all *ex parte* memoranda must be filed with the Commission's Secretary, Marlene Dortch, Federal Communications Commission, 236 Massachusetts Avenue, NE, Suite 110, Washington, DC, 20002, in accordance with 47 C.F.R. § 1.1206(b)(1). In addition, one copy of each *ex parte* memorandum should be delivered to each of the following locations: (1) the Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554. Copies of the reports and any subsequently filed documents in this matter may be obtained electronically at <http://www.fcc.gov/e-file/ecfs.html>, and on paper from Qualex International during normal business hours in the Commission's Reference Information Center located at 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC, 20554.

For additional information, contact Charles N. Miller or Ann Gallagher at the Audio Division, Media Bureau at (202) 418-2700.

By: Chief, Media Bureau

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