

AM Revitalization Second Report and Order Would Relax Siting Rules for FM Translators

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On February 2, 2017, the Federal Communications Commission (Commission) released the proposed text for the Second Report and Order in the Revitalization of the AM Radio Service proceeding. This text was released at the same time that it is being circulated to commissioners, as part of new Chairman Pai's pilot program to increase transparency at the Commission.

The proposed Second Report and Order would adopt one of the proposals from the 2015 AM Revitalization Further Notice of Proposed Rule Making (FNPRM): specifically, to relax the current rule that governs siting for FM fill-in translators that rebroadcast an AM broadcast station. In the 2015 FNPRM, the Commission proposed to provide for more flexible siting of FM cross-service fill-in translators by permitting the use of an FM translator to rebroadcast an AM radio station as its primary station where the FM translator's coverage contour is contained within the greater of the 2 mV/m daytime contour of the AM station or a 25-mile radius centered at the AM transmitter site. In no event may a translator's 1 mV/m coverage contour extend beyond a 40-mile radius centered at the AM transmitter site.

The Commission received "overwhelming support" for this proposal, and is proposing to adopt it with one change, which is to remove the 40-mile limitation on translator siting. Several commenters argued that the 40-mile restriction would be unduly restrictive. In the proposed Order currently on circulation, the Commission agrees. Further, the Commission does not think that the restriction is necessary to protect against the use of FM translators to extend an AM station's primary service area, given that the 2mV/m contour, which constitutes the

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primary service area, is included as a limit to translator coverage in the proposed rule.

If adopted, the new rule would provide that an FM translator that rebroadcasts an AM broadcast station must be “contained within the greater of either the 2mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site. The protected contour for an FM translator station is its predicted 1 mV/m contour.”

The Commission has proposed to act on this issue “expeditiously” to give the large number of applicants that it has allowed to acquire and relocate FM translators to rebroadcast AM stations (over 1000) the needed flexibility to provide service to their communities and nearby areas. The Commission plans to act on the other proposals from the 2015 AM Revitalization FNPRM—which include changing the nighttime RSS calculation methodology; changing daytime protection to Class B, C, and D stations; modifying the partial proof of performance rules; modifying the method of moments proofs rules; and requiring surrender of licensees by dual expanded band/standard band licensees—at a later date. Our summary of the 2015 AM Revitalization FNPRM, which details the above-listed outstanding proposals, can be found [here](#).

It is no surprise that the new Chairman is acting in this proceeding early in his chairmanship. AM revitalization has been an important issue for Chairman Pai for many years. He has described the “enduring importance of AM radio in communities across the country” and has reiterated that “[w]hen it comes to promoting localism, advancing diversity, and otherwise serving the public interest, AM radio matters.”