

ALERT

FCC Seeks Comment on Changes to Radio Technical Rules

July 19, 2021

On July 12, 2021, the Federal Communications Commission (FCC or Commission) unanimously adopted a Notice of Proposed Rulemaking (NPRM) proposing several updates to the technical rules applicable to broadcast radio stations. Comments are due 30 days after the NPRM is published in the Federal Register, and reply comments are due 45 days after publication.

In the NPRM, the FCC proposes the following seven changes to its radio technical rules:

- 1. Eliminating the maximum rated transmitter power limit rule for AM Stations**

The Commission proposes to amend Section 73.1665(b) of its rules to remove the maximum rated transmitter power limit for AM stations. The Commission explains that retaining an equipment-based maximum rated transmitter power rule is unnecessary given the FCC's reliance on actual operating antenna input power and inconsistent with the Commission's rules governing the operating power of AM stations.

- 2. Updating the NCE FM community of license coverage requirements**

The Commission seeks to amend Sections 73.316(c)(2)(ix)(B) and 73.1690(c)(8)(i) of its rules to provide that a noncommercial educational (NCE) FM station operating on a reserved channel must provide a predicted 60 dBu signal to at least 50% of its community of license or reach 50% of the population within the community. According to the Commission, the existing "portion of the community of license" standard is obsolete, and making this change will

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harmonize those rules with the later-adopted, more specific, NCE FM community coverage standard set out in Section 73.515 of the Commission's rules.

3. Eliminating the requirement that applicants demonstrate the effect of their FM transmitting antenna on nearby FM or TV broadcast antennas

The Commission proposes eliminating Section 73.316(d) of the Commission's rules, which provides that "[a]pplications proposing the use of FM transmitting antennas in the immediate vicinity (i.e. 60 meters or less) of other FM or TV broadcast antennas must include a showing as to the expected effect, if any, of such approximate operation." The Commission tentatively concludes that the rule is seldom-used and that radio antennas 60 meters or less from other FM or TV broadcast antennas are unlikely to create interference problems if they are otherwise compliant with the FCC's transmission system requirements.

4. Updating the signal strength contour overlap requirements for NCE FM Class D stations to comport with the contour overlap requirements for all other NCE FM stations

The Commission seeks to amend Section 73.509(b) of its rules—which sets out signal strength contour overlap requirements for NCE FM Class D stations—to harmonize its requirements with the standard applied to all other NCE FM stations. The FCC would replace the existing Class D requirement with the otherwise universal 100 dBu contour overlap standard for second-adjacent channels. The FCC says it expects that the change will provide Class D stations greater site selection flexibility as well as the opportunity to potentially increase their coverage areas.

5. Eliminating the requirement for broadcast services to protect grandfathered common carrier services in Alaska operating in the 76-100 MHz frequency band

The Commission proposes to remove the requirement that radio stations operating in the 76-100 MHz frequency band protect Alaskan common carriers based on the FCC's belief that there are no common carrier services remaining in that band.

6. Amending the definition of an "AM fill-in area" for FM translators

The Commission seeks to amend the definition of "AM fill-in area" in Section 74.1201(j) to conform to the requirement in Section 74.1201(g) that the "coverage contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site." The Commission explains that the proposed change will create consistency among the rules governing fill-in translator transmitter siting.

7. Amending allocation and power limitations for broadcast stations within 320 kilometers of the Mexican and Canadian borders

Finally, the Commission proposes several revisions to its rules to comport with requirements set out in the *1992 U.S.-Mexico FM Broadcasting Agreement* (Mexico Agreement) and the *1991 U.S.-Canada FM Broadcasting Agreement* (Canada Agreement). The FCC explains that the proposals are intended to codify the existing international agreements to which the United States is already a party and, therefore, it seeks comment only on whether the proposed changes properly implement those agreements rather than whether any changes should be made to the agreements.

If you have any questions about these proposed changes to the radio technical rules or are interested in filing comments, please contact the Wiley attorney who regularly handles your FCC matters or one of the attorneys listed on this alert.