

ALERT

FCC Proposes Changes to FM Translator Interference Complaint Resolution Process

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On May 10, 2018, the Federal Communications Commission (FCC) adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on agency proposals to both change the way the Commission evaluates interference caused by FM translators and expedite the process for resolving translator interference complaints.

Under the FCC's current rules, an application for an FM translator station will not be accepted if: (1) the proposed operations overlap with the protected contour of any other broadcast station; or (2) an objecting station provides convincing evidence that the predicted 60 dB μ contour of the translator would overlap a "populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station" and "grant of the authorization will result in interference to the reception of such signal." Once a translator commences operation, the Commission's rules prohibit "actual interference to . . . [t]he direct reception by the public of the off-the-air signals of any authorized broadcast station" without any geographic or signal strength limitation. For complaints of predicted or actual interference to listeners, the FCC typically requires the submission of listener complaints that include the listener's name, address, location(s) where the interference occurs (or is predicted to occur), and a statement that the complainant is a listener of the station that receives (or is predicted to receive) interference.

Noting an uptick in interference complaints from primary FM stations due to an increasing number of translators on the air, and recognizing that the current process for resolving translator interference complaints is often contentious and time-consuming, the NPRM seeks comment on several proposals the Commission believes

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should streamline the process.

Specifically, the NPRM seeks comment on proposals to:

- Make it easier for FM translators to resolve interference issues by allowing them to change channels to any available frequency using a minor modification application (rather than limiting them to only first, second or third adjacent channels as is currently permitted).
- Require a minimum of six listener complaints to be submitted with any FM translator interference claim.
- Require listener complaints to include the following information in order for them to be considered *bona fide*: (1) full name and contact information, (2) a clear, concise and accurate description of the location where the interference is alleged to occur (including, where appropriate, a map plotting listener addresses in relation to the relative station contours), (3) a demonstration that the complainant listens to the desired station at least twice per month, and (4) a demonstration that the complainant has no legal, financial or familial affiliation with the desired station.
- Eliminate the current requirement that a complaining listener cooperate with remediation efforts and instead require the translator operator to submit a technical showing that all interference has been eliminated.
- Limit actionable interference (both predicted and actual) to that occurring within a complaining station's 54 dB μ contour.

Comments will be due thirty days after publication of the NPRM in the Federal Register, with reply comments due thirty days later.