

# National Translator Convention

## Denver, Colorado

### May 5, 2007

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## Current Radio Licensing Issues

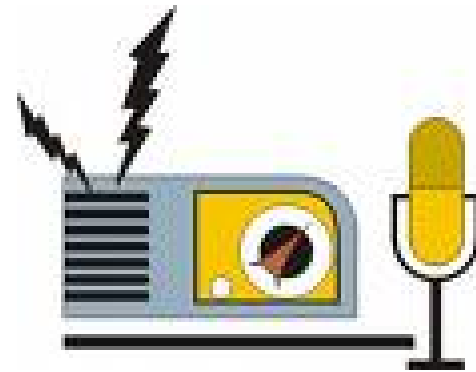


Jim Bradshaw,  
Deputy Chief  
Audio Division  
Media Bureau  
Federal Communications  
Commission

# Radio “currents”

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- Status of Licensing activities
- NCE Window
- Policy Issues
- [www.fcc.gov/mb/audio](http://www.fcc.gov/mb/audio)



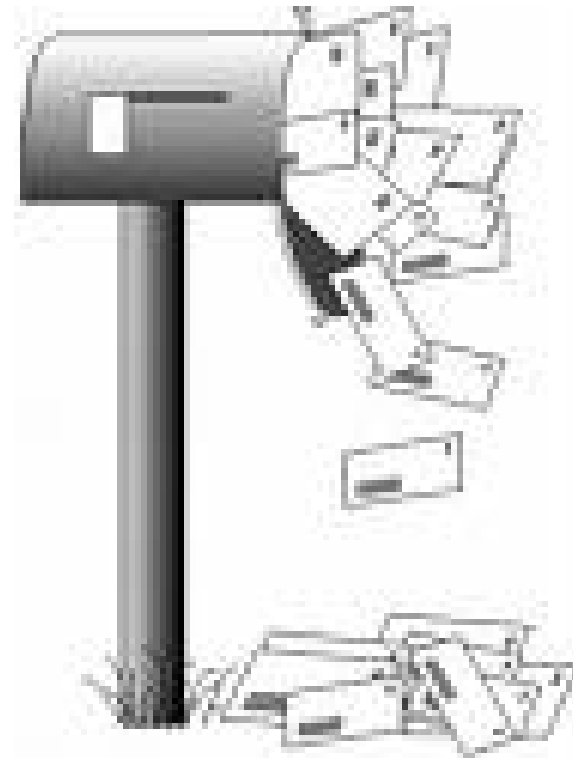
# Bureau Staff – new and seasoned

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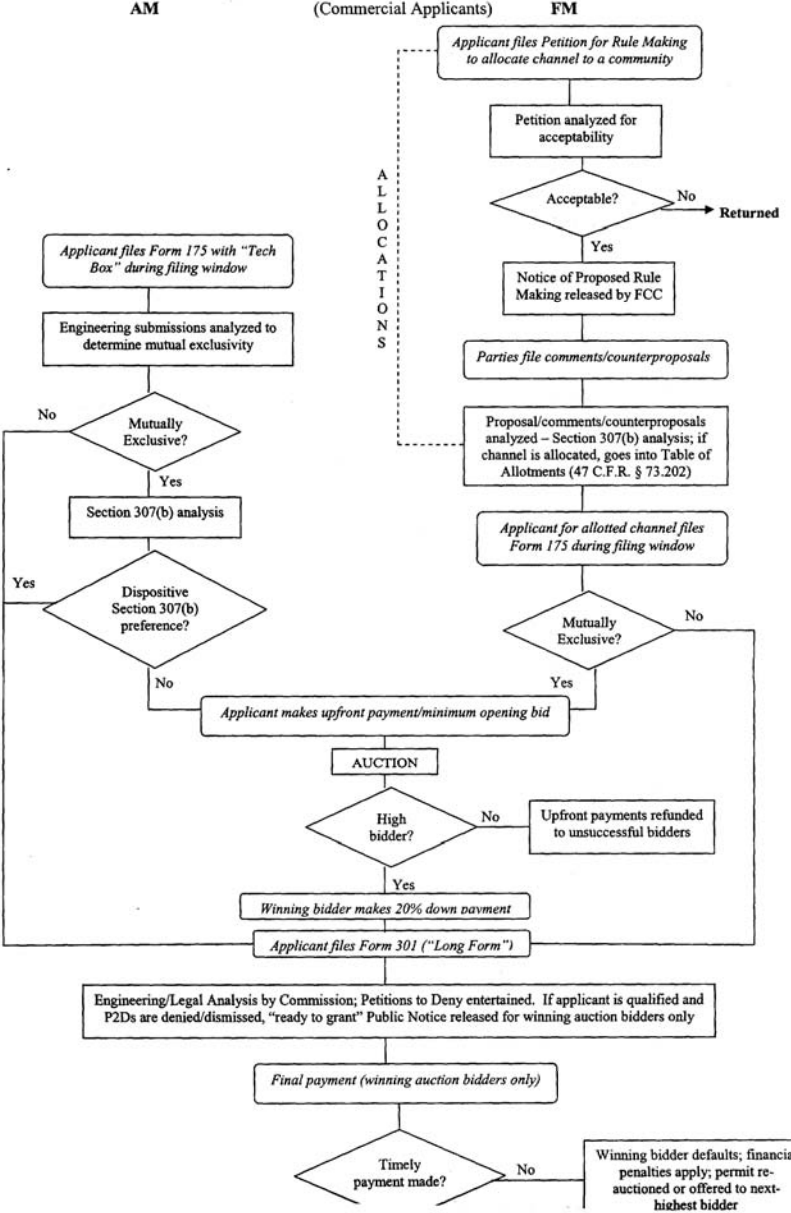
- Monica Desai named Bureau Chief in February
- Tom Hutton, Legal Deputy, Audio Division
- George Gwinn retired January 2007
- Rob Gates and Bill Wilson
- Gary Loehrs and Frank Takacs

# Licensing Activities

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# AM and FM Licensing



Details intentionally fuzzy

# FM Translator New Station Licensing

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## March 2003 Filing Window

- ❑ 13,300+ applications filed
- ❑ 3,300 new station applications granted
- ❑ 8,000 applications remain pending
- ❑ LPFM Further Notice: six-month freeze on grant of additional applications



# “Routine” Translator Processing

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- **FX Mod** filing rate at an all-time high
- March & April 2007 – about 150/month
- 2005 & 2006 – about 70/month
- Typical processing time – about 1-2 weeks
- Majority of 3300 new CPs expire by June
- Processed exclusively by Rob and Bill

# “Routine” Translator Processing (continued)

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- **FX License** filing rate at an all-time high
- March & April 2007 – 150 & 190/month
- 2005 & 2006 – about 70-80/month
- Typical processing time – about 1 month
- Majority of 3300 new CPs expire by June
- Processed exclusively by Ann Hardy

# Non-Reserved Band FM Licensing

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- FM Auction No. 68 – 1/10/2007-1/17/2007
- 32 Qualified Bidders
- 9 Construction Permits Won
- 9 Winning Bidders
- \$3.2 Million Net Bids

# Non-Reserved Band FM Licensing

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- FM Auction No. 70 – 3/7/2007-3/26/2007
- 114 Qualified Bidders
- 111 Construction Permits Won
- 60 Winning Bidders
- \$21.3 Million Net Bids

## 2003 Reexamination of the Comparative Standard for NCE Applicants, 2<sup>nd</sup> Report and Order

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- A nonprofit educational organization that does not show that it intends to use its station to advance an educational program may participate in auction.
- Previous Auction No. 37:
  - World Radio Link, Inc. won 16 construction permits for \$1.2 Million
  - GBH Telecommunications, Inc. won Brewster, MA, Class A, for \$3.9 Million

## 2003 Reexamination of the Comparative Standard for NCE Applicants, 2<sup>nd</sup> Report and Order

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- ❑ The Commission will return an application for a NCE station filed in a non-reserved filing window if a mutually exclusive commercial application is filed.
- ❑ The Commission affirms “relaxed reservation standard” for FM allotments and announces a streamlined methodology for demonstrating technical preclusion of reserved band facilities.

## 2003 Reexamination of the Comparative Standard for NCE Applicants, 2<sup>nd</sup> Report and Order

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- Reservation petitioner must demonstrate reserved band preclusion AND white or gray area within proposed service contour
  - Preclusion – No reserved band channel is available for a same-class facility. Preclusion can be caused by existing domestic, international, TV channel 6, and FM stations
  - White or Gray Area – Proposed station must provide first or second service to at least 10% of service area

## 2003 Reexamination of the Comparative Standard for NCE Applicants, 2<sup>nd</sup> Report and Order

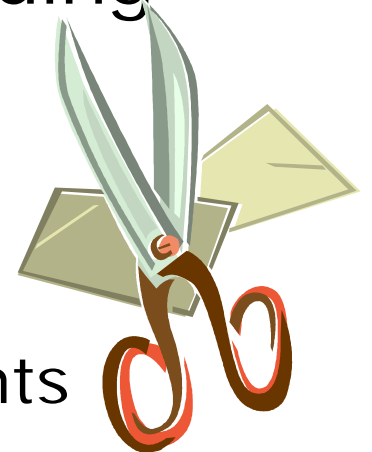
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- The Commission concludes that the relaxed reservation standard should apply to vacant allotments adopted in proceedings initiated prior to release of NCE Report and Order (8/7/2000)
  - 450 Allotments
  - 129 Petitioners Seek to Reserve 91 Allotments for NCE use
  - 48 Allotments Reserved (many had more than one Petitioner)
  - 26 Petitions Returned
  - A few Reservation Actions Pending on Reconsideration or Review

# NCE Full-Service Station Licensing “Cut-off” Groups

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- June 2004 – approximately 200 pending groups, 620 applications
  
- August 2004 Settlement Window
  - Settlements Filed: 38 Groups – 51 Grants
  - Settlements Granted: 35 Groups+



# NCE “Omnibus” Item

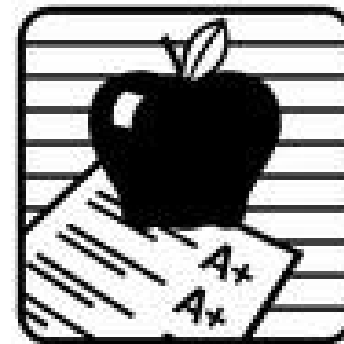
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- March 27, 2007 release
  
- Commission applied NCE comparative criteria to remaining 76 groups and identified “tentative” selectees
  - Only 1 tentative selectee per group
  - Media Bureau will dispose of petitions to deny tentative selectee applications
  
- Petition to Deny Deadline: May 2, 2007
  
- Over 20 selectees received petitions to deny

# NCE Applications That Remain Subject To Competing Applications

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- 178 non cut-off applications filed between 1999 and April 2000



- No "A List" Issued

- Considered with applications filed in upcoming window

- Window Date: October 12-19, 2007

## NCE Window

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- See April 4, 2007 PN – DA 07-1613
- Window Date: October 12-19, 2007
- As written – only for Channels 201-220
- Existing NCE apps must e-file amendment
- PN detailing filing requirements - Summer 2007

# LPFM New Station Licensing

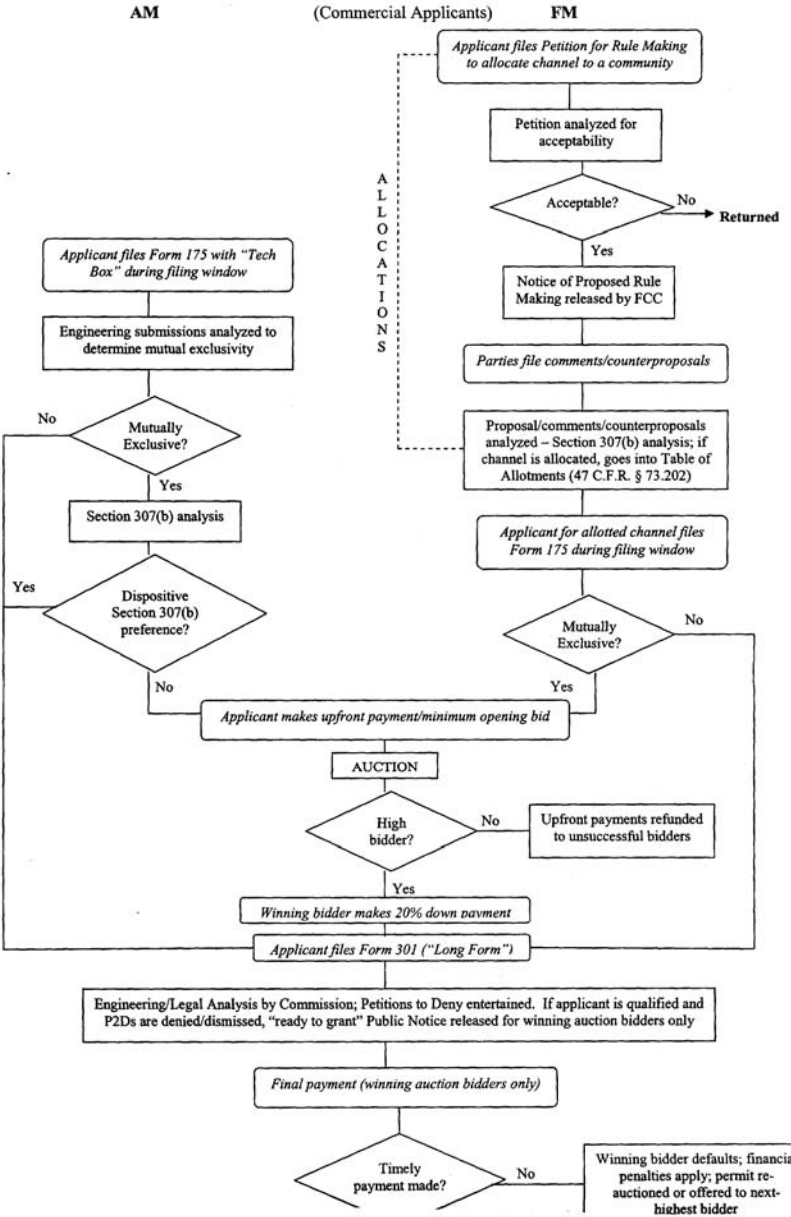
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- ❑ 800 licensed stations
- ❑ 200 CPs outstanding
- ❑ 10 remaining groups - 40 applications – Commission will resolve under LPFM comparative standards



(all figures are approximate)

# AM and FM Licensing



Details intentionally fuzzy

# Policy Issues

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- HD Radio
- Allocations Streamlining
- FM Translators rebroadcasting AM

# HD Radio

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- Stations continue to implement IBOC
- Over 1250 stations authorized
- Over 900 on air
- 700 with multicast authority

# HD Radio Further Notice

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- March 22, 2007 Commission adopted *2<sup>nd</sup> Report and Order, First Order on Reconsideration and Second Further Notice of Proposed RM*
- Text of the Order not yet released
- AD website has links to Press Release and Commissioners statements

# HD Radio Further Notice

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- ❑ Does NOT impose a mandatory conversion schedule to commence digital broadcasts
- ❑ Permits operation in extended hybrid mode
- ❑ Permits flexible use of digital bandwidth-multiple streams, HD radio, subscription, data

# HD Radio Further Notice - more

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- ❑ Requires at least one digital signal to be at least the signal quality of the analog signal
- ❑ Permits time brokerage with restrictions
- ❑ Applies existing regulatory and statutory requirements to all free digital streams
- ❑ Authorizes AM nighttime operations

# HD Radio Further Notice – even more

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- ❑ Seeks comments on subscription service limits and requirements
- ❑ Seeks comments on new public interest requirements for digital broadcasters
- ❑ IBOC FM translators addressed

# HD Radio vs. DTV

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## □ Subscription Services

- How much?
- The Core Obligation is to preserve a free over the air broadcast service
- Explicit Congressional authority to permit ancillary and subscription services

## □ Spectrum Fees

- Congress authorized the FCC to impose fees on ancillary and subscription services

# HD Radio vs. DTV

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- Price point dropping for receivers
  - December - \$200
  - Now - \$130
- Auto Manufacturers
- Second/Third Channels
- Chicken and Egg
- [www.hdradio.com](http://www.hdradio.com)



# Allocations Streamlining

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- Most significant deregulatory radio rulemaking in the past 10+ years
- MB Docket 05-210 – rel. Nov 29, 2006
- New Rules became effective Jan. 19, 2007
- Scenarios PN - April 10, 2007

# Allocations Rule Changes

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- ❑ Community of License (CofL) change via Minor change application ( Form 301)
- ❑ Non-adjacent channel change via 301
- ❑ Drop-in allotments must now file Form 301 and filing fee
- ❑ Permits “involuntary” change of another station’s channel via Form 301

# Allocations Rule Changes - more

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- ❑ Non-adjacent-channel upgrades NOT permitted via Form 301 – Petition required
- ❑ 4 application contingent limit
- ❑ Lifts prohibition on e-filing of Petitions for Rulemaking
- ❑ Lifted ~18 month freeze on filing of new Petitions

# The Way it Was - Community of License Changes

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- ❑ FM “Commercial” band –  
Petition+application process –  
18 months + 4 months
- ❑ FM Reserved band – Only could be filed in  
NCE window (prohibited since 2000)
- ❑ AM service – Only could be filed in auction  
windows (2001 & 2004)
- ❑ Expected processing time for CofL mods –  
4 months

# The Way it IS -

## Community of License Changes Today

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- ❑ AM, FM Comm., FM NCE – may file minor mod to change CofL at any time
- ❑ 307(b) showing required – procedural changes only
- ❑ Federal Register Publication requirement – 60 days before grant
- ❑ Audio Division webpage lists all pending Form 301s proposing CofL changes

# Allocations Issues Today

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- Drop-In Allotment proposals must include Form 301
  - Previously received dozens of questionable allotment requests
  - No evidence of bona fide interest to obtain vacant allotments added to the Table
  - Form 301 must include Filing Fee
  - Money refunded if petitioner participates in auction
  - 25 year old process
  - New allotments eventually will be auctioned

# Allocations Issues Today

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- ❑ Non-adjacent channel change via 301
- ❑ Permits “involuntary” change of another station’s channel via Form 301
- ❑ 4 proposal limit counts toward voluntary & involuntary
- ❑ See April 10, 2007 Scenarios PN DA 07-1671

# CofL filings under the new rules

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- Only 25 drop-ins after 18 month freeze
- Over 180 CofL proposals filed since 1/19
- First FR publication Feb 14<sup>th</sup>
- First grants went out last week –  
expecting many more during May, June
- 307(b) objections

# AM on FM Translators

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- NAB Petition – RM-11338
- Filed July 14, 2006
- Comment deadline August 24, 2006
- Reply deadline September 8, 2006

# AM on FM Translators - Proposal

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- FX 60 must be within 2 mV/m daytime
- FX 60 must be within 25 mile radius
- Permit FX rebroadcasting daytime-only AMs to operate at night

# AM on FM Translators – what now?

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- Commission is actively considering the issue
- Proposal received widespread support
- Next step - Notice of Proposed Rulemaking
- 800 AM daytimers
- 1200 AM night operators <250 watts

# Contact info

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- Jim Bradshaw
- 202-418-2739
- james.bradshaw@fcc.gov
- [www.fcc.gov/mb/audio](http://www.fcc.gov/mb/audio)



# Direct Off-air reception requirement

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- FX within FM's 20 dBu contour – Grant
- FX between FM's 10 and 20 dBu – conditional grant
- FX beyond FM's 10 dBu contour - Dismiss

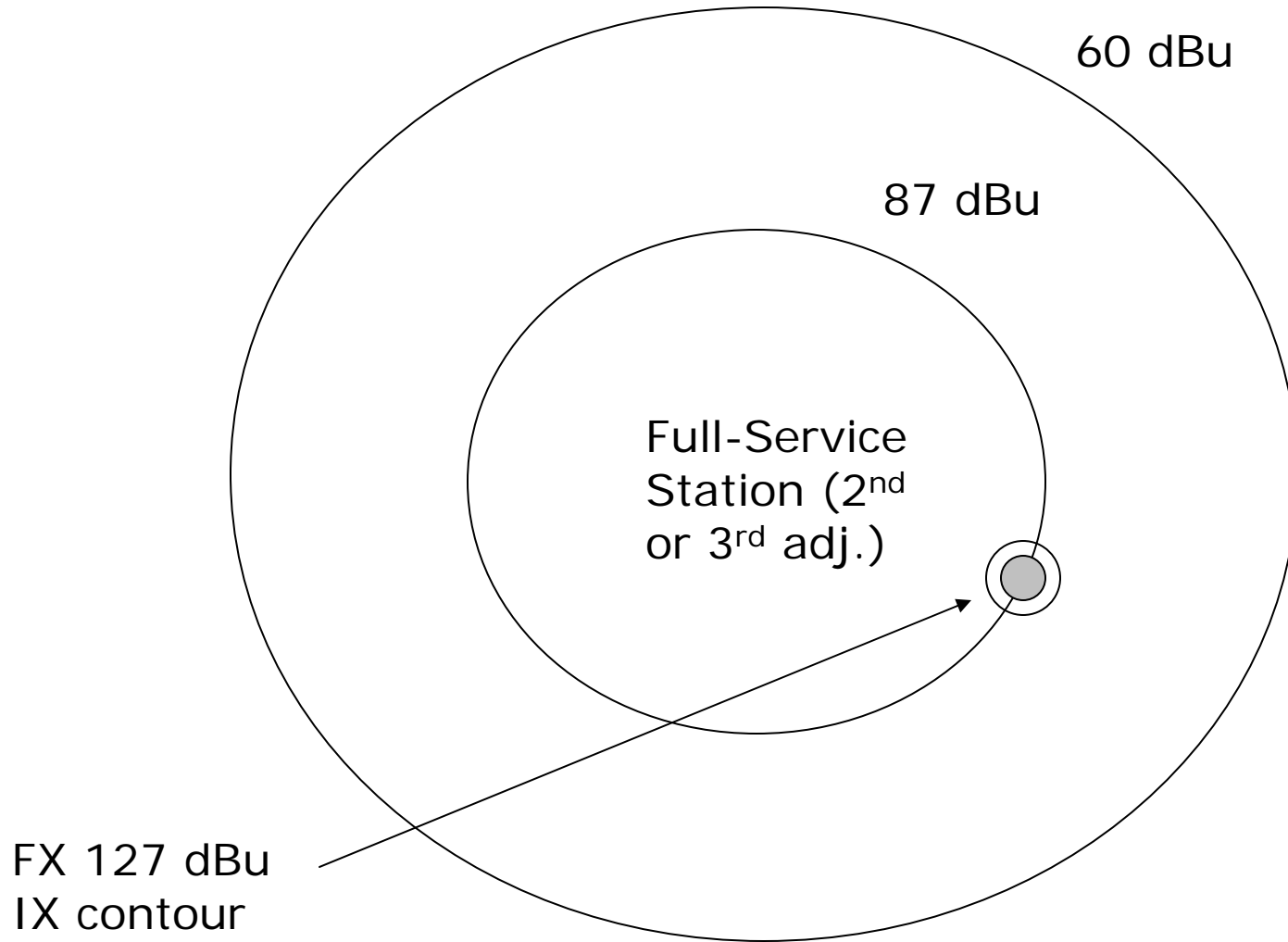
## 74.1204(d) D/U Ratio Showings

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- Find the appropriate contour using the F(50,50) curves from the full-service station that intersects the FX transmitter site (The "D")
- Add the appropriate IX contour of the translator.  $87 + 40$  (2<sup>nd</sup> or 3<sup>rd</sup> adjacent) = 127 dBu. (The "U")
- Determine if any population is within the contour

# 74.1204(d) D/U Ratio Showings

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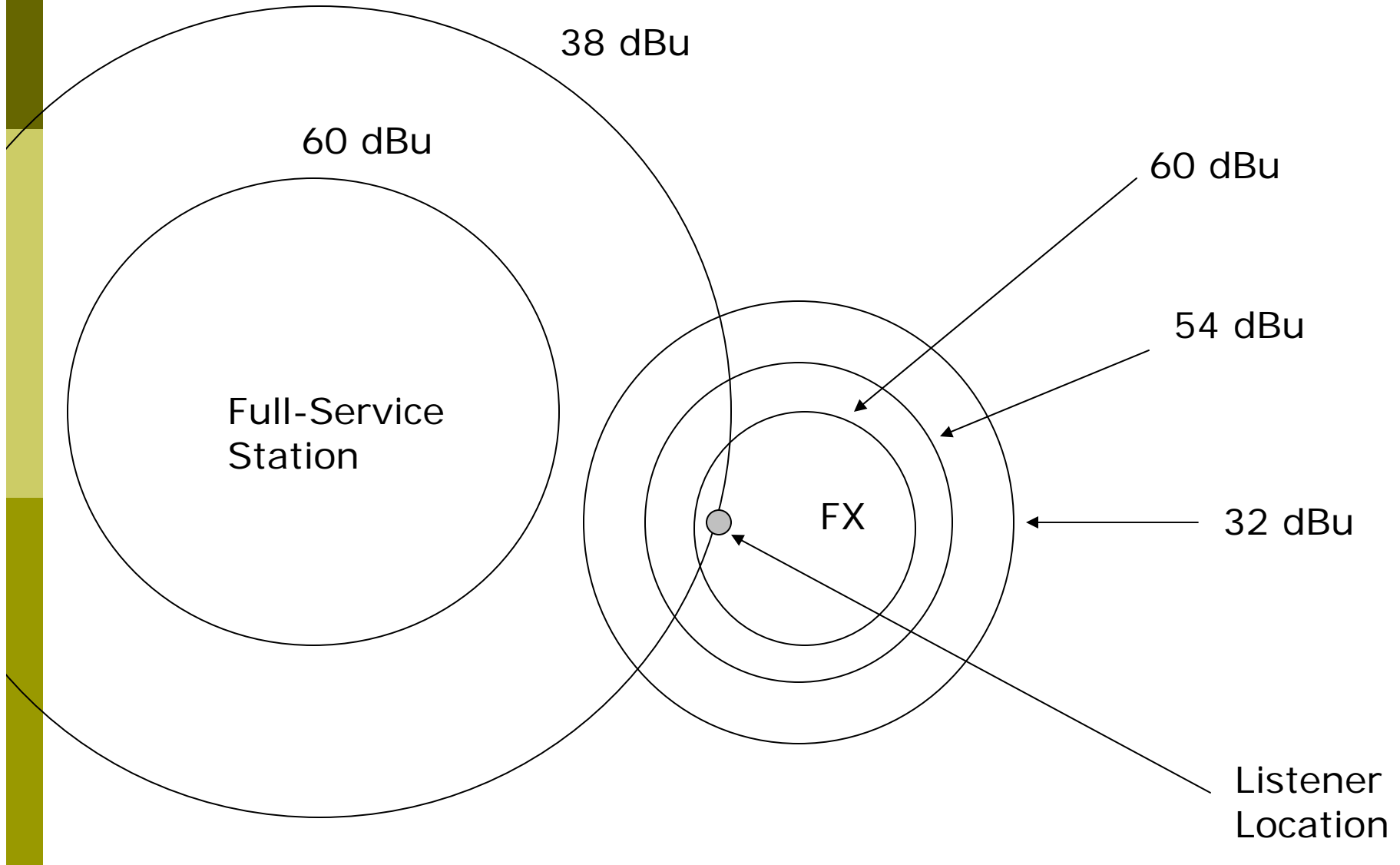
## 74.1204(f) Showings

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- ❑ The listener's location is within the 60 dBu contour of the translator
- ❑ Plot the predicted service contour from the full-service FM station (e.g. 38 dBu)
- ❑ Plot the appropriate IX contour of the translator ( $38 \text{ dBu} - 6 \text{ dBu (1}^{\text{st}} \text{ adj)} = 32$ )
- ❑ If the listener is located within the appropriate IX contour, then the listener is predicted to receive interference

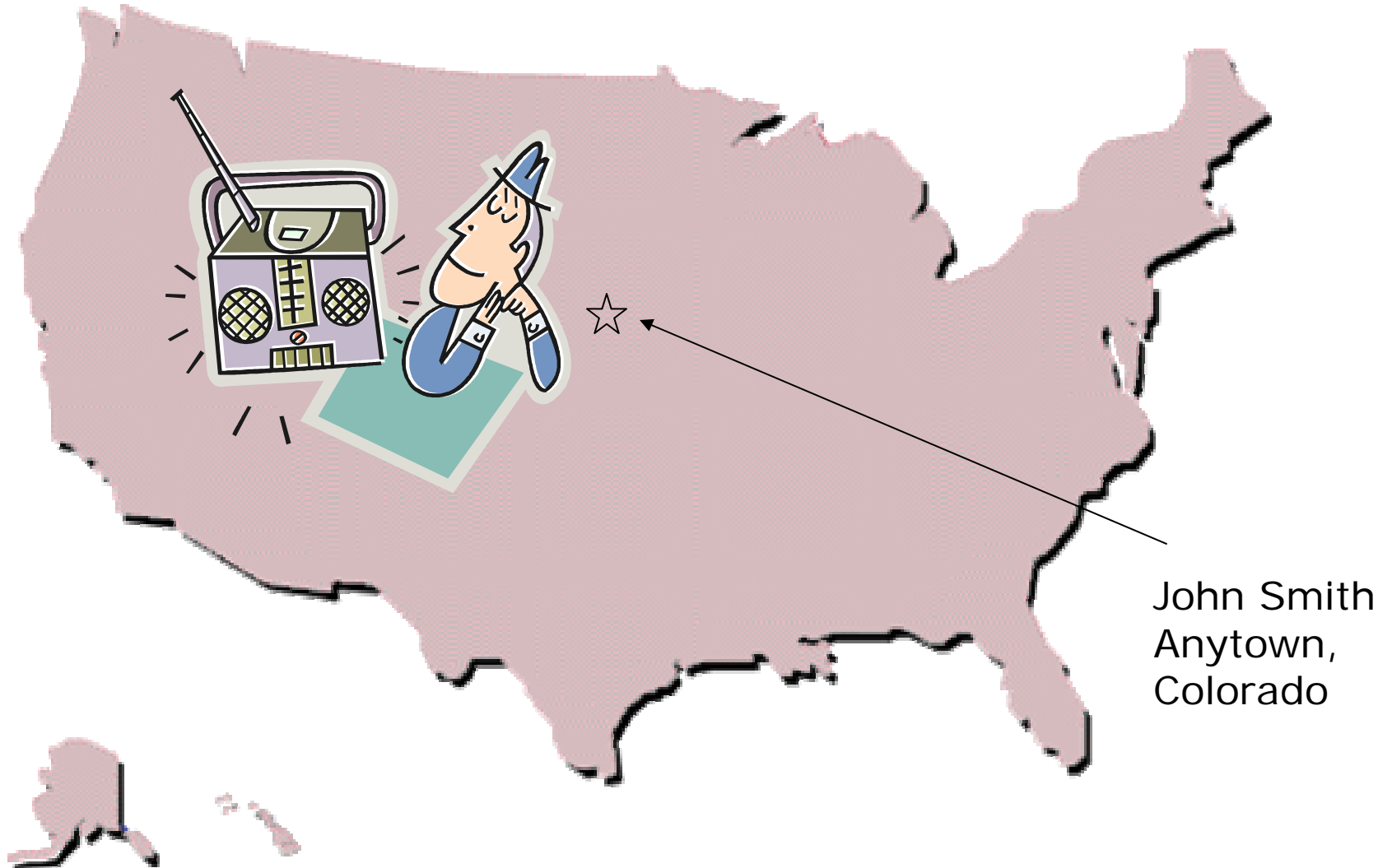
# 74.1204(f) Showings – 1<sup>st</sup> Adj. Stations

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# 74.1203(a) – “Actual” Interference Complaints

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John Smith  
Anytown,  
Colorado

# Contact info

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- [www.fcc.gov/mb/audio](http://www.fcc.gov/mb/audio)