



Federal Communications Commission  
Washington, D.C. 20554

June 4, 2008

DA 08-1307

## **Small Entity Compliance Guide**

### **Amendment of Sections 73.62 and 73.1350 of the Commission's Rules Regarding AM Directional Antennas**

MB Docket No. 03-151

**This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the above-referenced FCC rules. This Guide is not intended to replace the rules and final authority rests solely with the rules. While we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to clarify or update the contents. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:**

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### **Background.**

On May 25, 2007, the Federal Communications Commission released a *Report and Order* in MB Docket No. 03-151, FCC 07-97, 22 FCC Rcd 9844 (2007). The *Report and Order* was issued to resolve a conflict between Section 73.62 and 73.1350(d)(2) of the Commission's rules regarding AM directional antennas. Both rules applied when an AM broadcast station's measured directional operating parameters and/or monitoring point field strengths exceeded the required operating tolerances. However, each rule specified a different time period within which an AM licensee had to take corrective action when its measurements revealed that its directional antenna array varied from its authorized parameters beyond certain tolerances. These inconsistent directives left AM licensees unclear as to what course of action they must take when they observe out-of-tolerance monitor measurements and by when they must take action. It was important that these rules be clarified because, as they had existed, they may have unnecessarily resulted in the termination of broadcast operations. In such instances, broadcast listeners may have been deprived of critical information regarding hazardous weather or other emergency conditions. In addition, if broadcasters were found not to be in compliance with these rules, they may have faced enforcement action by the Commission. The *Report and Order* adopted the substantive amendments proposed in the *Notice of Proposed Rulemaking* issued in this proceeding to resolve this outstanding conflict, in addition to making a minor clarification in one aspect of the rules.

### **Compliance Requirements.**

The Commission determined that Section 73.1350(d)(2) of the rules requiring termination of broadcast operations in three minutes when measured directional operating parameters and/or monitoring point field strengths exceeds the required operating tolerances was excessively stringent. The Commission further found this rule was not intended to apply to instances of minor out-of-tolerance AM directional antenna operating parameters. The Commission therefore decided that a requirement to terminate operations in three minutes should apply only to catastrophic events that are likely to cause significant disruption to the operation of other stations or that pose a threat to life or property. The Commission also determined that a three-hour requirement to terminate operations should apply to instances of out-of-tolerance operations that are likely to result in minor interference to other stations. In addition, the Commission determined that Section 73.62 -- which allows for 24 hours to determine the existence of an out-of-tolerance condition for an AM directional antenna system -- was reasonable in the case of minor variances of operating parameters caused by environmental changes.

The Commission delineated the difference between minor variations of operating parameters and operation substantially at variance from the license. The Commission adopted the following definition and added it to Section 73.62 of the rules: Any variation of operating parameters by more than +/- 15 percent sample current ratio or +/- 10 degrees in phase, any monitor point that exceeds 125 percent of the licensed limit, or any operation at variance from the license that results in complaints of interference shall be considered operation substantially at variance from the license and will require immediate corrective action, i.e., action within the three minute time frame for responding to substantially variant out-of-tolerance conditions, or within three minutes

of a bona fide complaint. In the absence of interference complaints, lesser variances shall be considered minor variations in operating parameters subject to the corrective actions called for in Section 73.62 of the Commission's rules.

Finally, the Commission determined that the language of Section 73.1350(d) that specifically addresses AM directional systems should be relocated to Section 73.62 because that section of the rules applies only to AM licensees, while Section 73.1350 applies equally to AM, FM and TV licensees.

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