



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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GUIDANCE PROVIDED TO FM LICENSEES REGARDING OPERATIONS WITH INCREASED DIGITAL POWER

MM Docket No. 99-325

On January 27, 2010, the Media Bureau (“Bureau”) adopted an Order establishing new notification and application procedures to permit FM stations to voluntarily increase hybrid digital effective radiated power (“ERP”) levels to a maximum of ten percent of authorized analog FM ERP.¹ The *Order* also announced new interference mitigation and remediation procedures to resolve promptly allegations of digital interference to analog FM signals. The *Order* became effective on May 10, 2010. The Bureau is issuing this Public Notice to provide additional guidance on the procedures that licensees should follow when implementing digital power increases.

1. Notifications of operations with increased digital power no greater than -14 dBc.

The new electronic form for e-filing digital notifications (Form 335) in CDBS has not yet been approved by the Office of Management and Budget (“OMB”). Until the e-filing form has been approved, FM licensees may notify the Commission of operation with increased digital power, within 10 days of commencement of operation, by letter addressed to:

Digital Radio Notification
445 12th Street SW, Room 2-B450
Washington, DC 20554

The information required in the letter of notification is as follows:

- The date that operation with increased digital power commenced;
- A certification that, except for the digital ERP, the IBOC facilities conform to the iBiquity specifications;
- The name and telephone number of a technical representative the Commission can call in the event of interference;
- Analog, digital and, if applicable, combined transmitter power output;
- Analog and digital ERP; and

¹ See *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service*, Order, 25 FCC Rcd 1182 (2010) (“*Order*”).

- A certification that the notified operation will not cause human exposure to levels of radio-frequency radiation in excess of the limits in Section 1.1310 of the FCC Rules and is therefore categorically excluded from environmental processing pursuant to Section 1.1306(b) of the Commission's Rules. Any station that cannot so certify must submit an environmental assessment ("EA") pursuant to Section 1.1311 and may not commence operation until such EA is ruled on by the Commission.

Stations which have been granted STAs for operation with increased digital ERP are deemed to have complied with the required notification procedures. All such STAs carry expiration dates after the May 10, 2010, effective date of the Order, and thus, need not be extended.

Licensees must electronically file notification on Form 335 following OMB approval. By subsequent Public Notice the Bureau will announce the effective date of the new form and mandatory electronic filing.

2. Requests for operation with digital power in excess of -14 dBc, or operation in excess of -20 dBc by super-powered FM stations.

Such requests must be filed electronically in CDBS. Applicants should use the "Engineering STA" form for this purpose and should check the boxes marked "Licensed antenna" and "with other variance." An explanation of the nature of the request should be included as a narrative attachment. The request must include an engineering showing in support of the request, as described Paragraphs 15 – 20 of the *Order*. A filing fee of \$170.00 is required for this filing. If the request is granted, the letter authorization will not carry an expiration date but will be associated with the station license as a secondary authorization. As such, it may be suspended, modified or cancelled by the FCC without notice or right to hearing.

3. Licensing of auxiliary antennas.

Some licensees use auxiliary antennas to transmit digital signals. If the digital ERP permitted by the *Order* would exceed the licensed analog ERP of such an auxiliary antenna, a licensee must file an application for construction permit (Form 301 or 340) to increase power and file a covering license application (Form 302-FM) prior to commencing operations at the higher power level.

For additional information, please contact Susan Crawford, Ann Gallagher or Charles Miller of the Audio Division, Media Bureau, 202-418-2700.