



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D.C. 20554**

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY 1-888-835-5322

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## **MEDIA BUREAU INITIATES AM REVITALIZATION OUTREACH EFFORTS; MODIFICATION WINDOW PROCEDURES AND REQUIREMENTS ANNOUNCED**

On Friday, October 23, 2015, the Commission is releasing its initial order in the AM Revitalization rule making proceeding.<sup>1</sup> The *AMR Order* adopts a number of rule and policy changes to strengthen the AM service, thereby advancing the Commission's fundamental goals of localism, competition and diversity in broadcast media. A key component of the *AMR Order* is a series of filing windows to promote the greater use of FM translators by AM licensees and permittees.<sup>2</sup> This Public Notice is the first of a number of Media Bureau ("Bureau") outreach efforts to facilitate Class C and D AM licensee participation in this window process.<sup>3</sup>

**Window Schedule.** In order to provide immediate relief to AM broadcasters, the Commission has directed the Bureau to promptly open two FM translator modification application windows under modified procedures that will vastly increase opportunities for AM stations to relocate FM translator stations.<sup>4</sup> In accordance with the *AMR Order*, the initial six-month window will open during the first quarter of 2016 ("First Modification Window"). The second three-month window will open immediately after the close of the first window ("Second Modification Window").

**Eligibility.** The First Modification Window will be open to only Class C and D AM licensees seeking to modify and/or relocate FM translator stations. The Second Modification Window will be open to AM licensees of any class.<sup>5</sup> The following eligibility restrictions will apply to Modification Window filings:

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<sup>1</sup> *Revitalization of the AM Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, FCC 15-142, ¶ 13 (rel. October 23, 2015) ("*AMR Order*").

<sup>2</sup> Unless otherwise specified in this Notice, "licensee" includes both licensees and permittees, "license" includes both license and construction permit authorizations, and "station" includes both licensed and permitted facilities.

<sup>3</sup> Class C AM stations are limited to 1 kilowatt of power, day and night, and Class D AM stations have no protected nighttime service. These service-limited stations are most likely to benefit from an FM translator.

<sup>4</sup> *AMR Order* at ¶ 13.

<sup>5</sup> The Commission has also directed the Media Bureau, in conjunction with the Wireless Telecommunications Bureau, to open two new FM translator application auction windows, beginning in 2017, for those AM licensees that do not file an application in one of the modification windows. *Id.* at ¶ 19.

1. Only one application may be filed by/on behalf of each AM station, i.e., A First and Second Modification Window application may not specify the same primary Class C or Class D station.
2. An AM licensee may file in its own name if it is the licensee of the FM translator station or is the proposed assignee or transferee of the subject FM translator station.<sup>6</sup>
3. A modification application also may be filed by an FM translator licensee that has entered into a rebroadcasting agreement with an AM licensee. Each such application must specify an eligible primary AM station.

**Application Processing Standards.** Applicants must satisfy each of the following requirements. Failure to do so will result in application dismissal.

1. Applications must be electronically filed on FCC Form 349. There is no filing fee for this application.
2. FM translator station relocations of up to 250 miles will be permitted.
3. The FM translator station must be authorized to operate on a non-reserved band FM channel, i.e., 92.1 – 107.9 MHz.
4. The modification application may specify any rule-compliant non-reserved band FM channel.<sup>7</sup>
5. The proposed facilities must satisfy AM/FM translator “fill-in” service restrictions.<sup>8</sup> That is, the FM translator station’s proposed 60 dBu contour must be contained within the AM station’s 2 mV/m daytime contour *and* may not extend more than 25 miles from the AM transmitter site.

**Construction Requirements.** Build-out requirements will depend on whether the modification application proposes to modify a licensed and operating FM translator station or a new, unbuilt Auction 83 construction permit.

1. Construction permits modifying a licensed and operating FM translator station will specify a three-year construction period.
2. The approximately 1300 outstanding Auction 83 construction permits (“CPs”) may be relocated under these window procedures. Many of these CPs have 2016 construction deadlines. A filer may seek a waiver of a CP deadline, provided that the waiver request includes a commitment to promptly construct the modified FM translator station. Waiver requests must include supporting information regarding construction commitments.

**Operational Requirements.** An FM translator station modified under these procedures must rebroadcast the specified primary AM station for a minimum of four years, exclusive of silent periods, commencing with the initiation of service at the new location.

**Application Processing.** Applications will be processed on a **first-come, first-served** basis. That is, earlier filed window applications will have cut-off protection *vis a vis* any subsequently filed window application. Accordingly, a First Modification Window application will have cut-off protection with regard to all Second Modification Window filings.

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<sup>6</sup> See 47 C.F.R. § 73.3517(a).

<sup>7</sup> See 47 C.F.R. §§ 74.1201 – 74.1290.

<sup>8</sup> See 47 C.F.R. § 74.1201(g).

**Outreach.** As directed by the Commission, the Bureau is initiating a three-month outreach effort to ensure Class C and Class D licensees are well informed on the modification window filing process. The Bureau will send information during the outreach period to each Class C and Class D licensee with a valid email address on file in the Consolidated Database System (“CDBS”). We recommend that licensees confirm and update their contact information, using the following link to access CDBS: <http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.hts>. Licensees with CDBS account IDs and passwords should log in and click the “Account Maintenance” button. Both “Licensee Applicant” and “Contact Rep” information should be reviewed and, as necessary, updated. If updates are necessary, licensees should return to the CDBS Electronic Filing System page. Click on “Additional non-form Filings” at the bottom of the list of FCC Forms and then click on “Change in Official Mailing Address for Broadcast Station.” Licensees should follow those instructions for electronically updating information. This form can be submitted for multiple stations with the same address. Consult the CDBS user guide if you have any questions about filing: [http://licensing.fcc.gov/prod/cdbs/forms/prod/cdbs\\_ug.htm](http://licensing.fcc.gov/prod/cdbs/forms/prod/cdbs_ug.htm).

Additionally, the Bureau also has established a dedicated e-mail address for inquiries from prospective applicants about the window process, [AMmodification@fcc.gov](mailto:AMmodification@fcc.gov). Finally, the Bureau will introduce in the near future an AM Revitalization webpage that will include information and tools for prospective applicants. The Bureau is currently developing tools to assist each prospective applicant in locating eligible translator stations and, potentially, identifying rule-compliant FM translator channels.<sup>9</sup> Prospective applicants are encouraged to monitor the AM Revitalization webpage for developments.

For additional information, contact:

- Legal inquiries: Parul Desai, (202) 418-2700
- Engineering inquiries: James Bradshaw or Robert Gates, (202) 418-2700
- CDBS Helpdesk: (202) 418-2662
- Press inquiries: Janice Wise, (202) 418-8165

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<sup>9</sup> The Bureau is exploring whether it would be feasible to develop a FM translator “channel finder tool” similar to the utility provided to prospective LPFM applicants prior to the 2013 LPFM filing window. Developing such a tool poses greater technical challenges than did the LPFM tool and must take into account, among other factors, relevant contours of the proposed FM translator station, all authorized facilities and all pending applications. However, as was the case with the LPFM channel finder tool, each applicant is strongly encouraged to make its own assessment regarding potential channel options and, as necessary, to rely on a consulting engineer to confirm the technical acceptability of its proposal.