



PUBLIC NOTICE

Federal Communications Commission
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DA 22-1226

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MEDIA BUREAU SEEKS COMMENT ON PETITIONS FOR RULEMAKING PROPOSING AMENDMENTS TO FM BROADCAST DIGITAL RADIO RULES

MB Docket No. 22-405

Comment Date: January 12, 2023

Reply Comment Date: February 13, 2023

By this Public Notice, the Media Bureau (Bureau) seeks comment on the Petition for Rulemaking filed by the National Association of Broadcasters and Xperi, Inc. (collectively Petitioners) on October 26, 2022.¹ The Petitioners request that the Commission adopt an updated formula to determine and increase FM digital sideband power levels for stations transmitting digital FM.² Petitioners also request that the Petition be combined with the rulemaking proceeding initiated by the Petitioners and National Public Radio, Inc. on December 9, 2019,³ seeking blanket authorization to originate digital transmissions at different power levels on the upper and lower digital sidebands (asymmetric sidebands) without having to request experimental authorization.⁴ Petitioners contend that the proposed changes will serve the public interest by improving digital FM signal quality and coverage while minimizing harmful interference to adjacent-channel stations.⁵

The Bureau grants Petitioners' request to combine the Asymmetric Sideband Petition and the Petition into one rulemaking proceeding, which is assigned MB Docket Number 22-405.

The Petition and the Asymmetric Sideband Petition are available electronically through the Commission's Electronic Comment Filing System (ECFS) under the above-referenced docket number, which may be accessed on the Commission's Internet website at <http://apps.fcc.gov/ecfs/>.

¹ Petition for Rulemaking of National Ass'n of Broadcasters and Xperi, Inc. (filed Oct. 26, 2022) (Petition).

² *Id.* at 1.

³ Petition for Rulemaking of National Ass'n of Broadcasters, Xperi, Inc., and National Public Radio, Inc., CG RM-11851 (filed Dec. 9, 2019) (Asymmetric Sideband Petition). *See Consumer and Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, Public Notice, Report No. 3140 (CGB Feb. 5, 2020).

⁴ Petition at 2.

⁵ *Id.* at 1. *See also* Asymmetric Sideband Petition at 8-9.

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁶ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the ECFS.⁷

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554
- Currently, the Commission does not accept any hand delivered or messenger delivered filings as a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. In the event that the Commission announces the lifting of COVID-19 restrictions, a filing window will be opened at the Commission's office located at 9050 Junction Drive, Annapolis Junction, Maryland 20701.⁸
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation.¹⁰ If the presentation consisted in whole or in part of the presentation of data or arguments

⁶ 47 CFR §§ 1.415, 1.419.

⁷ *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, GN Docket No. 97-113, 13 FCC Rcd 11322, 11324-25, para. 4 (1998).

⁸ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

⁹ 47 CFR §§ 1.1200 *et seq.*

¹⁰ *Id.* § 1.1206(b). Memoranda must contain a summary of the substance of the *ex parte* presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *Id.* § 1.1206(b)(1).

already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the rules. In proceedings governed by section 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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