



Federal Communications Commission
Washington, D.C. 20554

June 27, 2023

DA 23-550

SMALL ENTITY COMPLIANCE GUIDE

**Amendment of Part 74 of the Commission's Rules Related to
Low Power Television and Television Translator Stations**

FCC 23-25

MB Docket Nos. 03-185 and 22-261

Adopted April 17, 2023

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 revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although the Commission has attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then 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 reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

TTY: 1-888-TELL-FCC (1-888-835-5322)

Videophone: 1-844-4-FCC-ASL (1-844-432-2275)

Fax: 1-866-418-0232

TABLE OF CONTENTS

- I. OBJECTIVES OF THE PROCEEDING1
- II. COMPLIANCE REQUIREMENTS2
 - A. Rules Applicable to LPTV/Translator Digital Operations2
 - 1. Channel Assignments2
 - 2. Antenna Location2
 - 3. Transmission System Facilities2
 - 4. Frequency Measurements2
 - 5. Licensing2
 - 6. LPTV and TV Translator Transmission System Facilities3
 - B. LPTV/Translator Protection of Land Mobile Radio Service3
 - C. Station Identification and Call Signs3
 - 1. Station Identification3
 - 2. Call Signs3
 - D. Technical Modifications3
 - 1. Power Limitations3
 - 2. Modification of Transmission Systems4
 - 3. Permissible Service of TV Translator and LPTV Stations4
 - 4. Electronic Filing and Submissions4
- III. RECORDKEEPING AND REPORTING REQUIREMENTS4
- IV. IMPLEMENTATION DATE4
- V. INTERNET LINKS5

I. OBJECTIVES OF THE PROCEEDING

The *Report and Order*¹ reflects the Commission's effort to update its Part 74 rules following the termination of analog operations in the low power television (LPTV) and TV translator services (collectively "LPTV/translator"). Largely consistent with the proposals set forth in the *Notice of Proposed Rulemaking (NPRM)* adopted in July 2022,² the *Report and Order* adopts rules to reflect the all-digital nature of these services since the LPTV/translator stations were required to terminate all analog television operations by July 13, 2021, and makes other updates.

In the *Report and Order*, the Commission retains the rule requiring LPTV stations that avail themselves of the provisions set forth in the LPTV Pilot Project Digital Data Services Act (DDSA) digital data service pilot project to comply with the Commission's rule implementing the DDSA. The *Report and Order* amends the Commission's rules for LPTV/translator alphanumeric call signs to account for exhaustion of all two letter call sign combinations for some channel numbers, and consistent with the Commission's policy that all stations have a unique call sign, the *Report and Order* codifies the current practice of assigning a call sign ending in three letters beginning with "AAA" and continuing sequentially through the alphabet ("AAB", "AAC", etc.) in such cases. The *Report and Order* also requires digital LPTV stations to comply with the station identification provisions in section 74.783 applicable to analog operations, updated to reflect digital operations. Additionally, the Commission adopts its proposal to include an option for LPTV stations to use the Program and System Information Protocol (PSIP) to transmit the station's call sign as the "short channel name" on at least one stream of programming that the LPTV station transmits, and mandates the broadcast of the station's assigned transport stream ID (TSID) (or bit stream ID (BSID)), which is the Advanced Television Systems Committee (ATSC) 3.0 functional equivalent), assuming one is assigned.

The *Report and Order* adopts a modified version of the Commission's proposal to require a minor modification application on FCC Form 2100, Schedule C for all station relocations, including those under 500 feet, but allows for coordinate corrections of under three seconds latitude and/or longitude without paying a filing fee. The *Report and Order* also codifies the staff's practice of requiring LPTV stations to transmit with a virtual channel that avoids conflicts with any full power or Class A station's virtual channel in cases where a contour overlap would arise, or with virtual channels chosen by other LPTV stations. Further, the *Report and Order* updates various filing requirements that currently specify submission by letter or other means to the FCC to instead require submission in the Commission's Licensing and Management System (LMS), or otherwise through electronic submission, and clarifies what documentation is required when applications are submitted with various kinds of directional patterns. In addition, the *Report and Order* removes references in the rules to the use of antennas with solely vertical polarization, and requires that the design of broadcast antennas is such that horizontal power is intended to be higher than or equal to the vertical power in all directions.

The *Report and Order* also adopts updates to the coordinates found throughout section 74.709 from NAD 27 to NAD 83 and otherwise conforms the values in section 74.709(a) with those found in section 90.303. These coordinates are used only to determine where the Commission will or will not grant applications. Section 74.703(e) still requires the resolution of actual interference, so the adjustments to section 74.709(a) will not change the required amount of interference protection between LPTV/translator stations and land mobile operations. Finally, the *Report and Order* adopts updates to the

¹ *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, Update of Parts 74 of the Commission's Rules Related to Low Power Television and Television Translator Stations*, MB Docket No. 03-185, MB Docket No. 22-261, Report and Order, FCC 23-25 (Apr. 17, 2023) (*Report and Order*).

² *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, Update of Parts 74 of the Commission's Rules Related to Low Power Television and Television Translator Stations*, Order and Sixth Notice of Proposed Rulemaking, FCC 22-58 (July 13, 2022) (*NPRM*); Erratum, FCC 22-58 (Sept. 9, 2022).

quality standard set forth in section 74.790(g)(3) to reflect that 480i video resolution is “comparable in resolution to analog television programming,” consistent with the update the Commission made to its full power television station rules.

The decisions made in this *Report and Order* update the Commission’s Part 74 rules to reflect the current operating environment. Also, these decisions will further the Commission’s goal of ensuring that its rules clearly reflect the Commission’s requirements, and are understandable to all stakeholders.

II. COMPLIANCE REQUIREMENTS

A. Rules Applicable to LPTV/Translator Digital Operations

In the *Report and Order*, the Commission eliminates the analog versions of the Commission’s rules and updates the Part 74 rules as necessary for digital operations. All rules in Part 74 will apply to digital operations.

1. Channel Assignments, 47 CFR § 74.702

The amended rules retain the requirements in section 74.702(a) and delete section 74.786. Revised section 74.702(b), which describes LPTV/translator stations’ secondary status with respect to a primary station’s proposal to change the Table of TV Allotments, applies to digital LPTV/translator stations. Digital Channel Assignments, section 74.786, is deleted to streamline the Commission’s rules, because it reflects the same information pertaining to channel assignments found in section 74.702(a). Similarly, the amended rules delete section 74.789 (Broadcast regulations applicable to low power television and television translator stations) and section 74.787(a)(5)(viii) (Licensing) because there is no need to have rules specifying which Part 74 rules apply to digital LPTV/translators following the elimination of the analog rules.

2. Antenna Location, 47 CFR § 74.737

The amended rules apply to digital LPTV/translator stations regarding antenna location, which track and replace a corresponding rule that previously applied to analog LPTV/translator stations.

3. Transmission System Facilities, 47 CFR § 74.750

This section revises the certification of equipment, which continues to apply to digital LPTV/translator stations. Section 74.750(c)(5) is moved to new section 74.795(b)(6), discussed below. In addition, the rules retain other aspects of technical requirements contained in section 74.750(c) (subsections (c)(5) and (c)(8)) and moves them to digital rule section 74.795(b)(6)-(7).

4. Frequency Measurements, 47 CFR § 74.762

The amended rules require LPTV/translator stations to measure the frequency of their output channel as often as necessary to ensure operation consistent with the Advanced Television Systems Committee (ATSC) standard in section 73.682 of the rules. Section 74.762 replaces a reference to section 73.682 with references to section 73.682(d), A/53 Part 2 (for ATSC 1.0), and section 73.682(f)(2) (for ATSC 3.0). Consistent with the existing requirement, these measurements would be required to be made during specified intervals not exceeding 14 months. In the event a station was found to be operating in a manner inconsistent with the standard, it would be required to promptly suspend operation and not resume operation until the transmitter is restored to its assigned frequency. The Commission also identifies the specific portions of section 73.682 that contain the information needed to conduct frequency measurements, rather than citing to the entire broadcast standard (section 73.682 as a whole), which includes audio and video transmission standards irrelevant to frequency measurements, as well as the PSIP standard, which does not apply to LPTV/translators.

5. Licensing, 47 CFR § 74.787

Section 74.787(c) retains the Bureau’s practice that if two applications are filed on different days and otherwise have equal processing priority, the filing earlier in time will receive priority. Other rules

reflecting this practice are removed, including section 74.708(b) (Class A TV and digital Class A TV station protection) and section 74.710(a) (Digital low power TV and TV translator station protection).

6. LPTV and TV Translator Transmission System Facilities, 47 CFR § 74.795

New section 74.795(b)(6) requires that an LPTV/translator station's transmission equipment be capable of automatically placing the station in a non-radiating condition if the station's input channel is lost, either due to the absence of a transmitting signal or failure of the receiving portion of the facilities used for rebroadcasting the signal of another station. New section 74.795(b)(7) requires that system facilities' wiring, shielding, and construction comply with good engineering practices.

B. LPTV/Translator Protection of Land Mobile Radio Service, 47 CFR § 74.709

Revised section 74.709 replaces geographic coordinates that use the 1927 North American Datum with the current 1983 North American Datum and otherwise conform the values with those found in Part 90 of the Commission's rules. These updates will not change the required amount of interference protection between LPTV/translator stations and land mobile operations. Absent any actual interference, the Commission does not anticipate requiring an LPTV/translator station to make any relocation or other technical changes solely due to these coordinate updates.

C. Station Identification and Call Signs

1. Station Identification, 47 CFR 74.783(a)(1)

Revisions to Section 74.783 update the rule to reflect digital operations for station identification. Section 74.783(a)(1) is amended to provide an alternative identification method for LPTV stations to replace the outdated option to insert the call sign via International Morse Code at least once every hour. Specifically, the rules now include an option for LPTV stations to use the PSIP to transmit the station's call sign as the "short channel name" on at least one stream of programming that the LPTV station transmits. Any station with an eight character call sign that seeks to identify with this method may opt to drop the "-D" when placing it in the "short channel name" field.

To identify a station using the PSIP "short channel name," a station must request and be assigned a TSID. Stations assigned a TSID must transmit that TSID, and the TSID requirement is in addition to, and not in place of, one of the other station identification requirements. The same requirement applies with respect to a station's BSID, which has the same functions as the TSID, but in the ATSC 3.0 context.

2. Call signs, 47 CFR § 74.791(d)

New section 74.791(d) reflects the Media Bureau's current call sign assignment protocol for LPTV and TV translator stations. Accordingly, since all two letter call sign combinations for certain channels have been exhausted for several years, stations will continue to be assigned a three letter call sign beginning with "AAA," continuing sequentially through the alphabet for the third letter ("AAB", "AAC", etc.) in such cases.

D. Technical Modifications

1. Power limitations, 47 CFR § 74.735

The amended section 74.735(c) requires that an antenna should be designed such that the horizontal power is intended to be higher than or equal to the vertical power in all directions. Revised section 74.735(c)(2) requires the submission of documentation that the antenna is designed such that horizontal power is intended to be higher than or equal to the vertical power in all directions. Sections containing references to antennas with solely vertical polarization are removed. This includes sections 74.735(c) (Power limitations) and 74.750(f) (Transmission system facilities) as LMS does not and has not allowed stations to specify a vertical polarized antenna.

Section 74.735(c)(4) updates the Commission's requirements for submitting antenna pattern plots in applications. The Commission revises this rule to require licensees to submit all azimuth plane patterns

in the form of a .pdf attachment to an application filed in LMS in a size sufficient to be easily viewed, instead of on letter-size paper. The Commission also clarifies that similar azimuth plane patterns are required for elevation patterns (section 74.735(c)(6)), and matrix patterns should be submitted as spreadsheets (section 74.735(c)(7)), in exhibits in the LMS form.

2. Modification of transmission systems 47 CFR § 74.751

Section 74.751(b)(4) is updated to require a minor modification application for all antenna relocations on FCC Form 2100, Schedule C. Section 74.751(c) is also amended to permit LPTV and TV translator stations to correct station coordinates in the absence of any physical change in location or other licensed parameters where such change is not more than three seconds latitude and/or three seconds longitude. An exhibit should be attached to the application(s) specifying it is a coordinate correction. Stations seeking to correct coordinates by less than three seconds of latitude and/or longitude may do so without paying a filing fee.

Two subsections of section 74.751 are deleted as irrelevant and unnecessary. Section 74.751(b)(6) is deleted entirely regarding the transmitter's location, as it is not relevant in an analysis of interference, service, and loss. The prior section 74.751(c), which required LPTV and TV translator stations to notify the Commission in writing of certain other equipment changes, is also deleted as this information is not relevant to the Commission's application decision-making process.

3. Permissible service of TV translator and LPTV stations, 47 USC §§ 74.790(g)(3), (n)

Section 74.790(g)(3) updates the video quality standard set forth in the rule to reflect that 480i video resolution is "comparable in resolution to analog television programming," which is consistent with the update the Commission made to its full power station rules in section 73.624(b). The Commission also adopts its proposal that the desired-to-undesired (D/U) ratios for ATSC 3.0 into TV and vice versa for predicting interference to stations are assumed to be similar and need not be differentiated in the rules beyond TV service.

New section 74.790(n) adopts the Media Bureau's practice of requiring LPTV stations to transmit with a virtual channel that avoids conflicts with any full power or Class A station's virtual channel in cases where a contour overlap would arise, or with virtual channels chosen by other LPTV stations.

4. Electronic Filing and Submissions

The Commission also updates certain rules to require electronic filing that currently specify the filing of a letter or similar submission for relief with the Commission. The following rules will instead require submission in LMS: 47 CFR §§ 74.703(h) (Interference); 74.734(a)(4) (Attended and unattended operation); and 74.763(b) (Time of operation). Section 74.784(b) (Rebroadcasts) now requires e-mail submission of rebroadcast consent to TVRebroadcast@fcc.gov, the Media Bureau, Video Division's e-mail box, instead of by letter.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The amended and revised rules contain new information collection requirements for LPTV/translator stations. The details and specifics of the reporting and recordkeeping requirements adopted in the *Report and Order* are discussed in Section II of this guide under the Compliance Requirements.

IV. IMPLEMENTATION DATE

The rules in the *Report and Order* will become effective June 12, 2023, except for the following rules in the *Report and Order* that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act: 47 CFR §§ 74.703, 74.734, 74.735, 74.751, 74.763, and 74.784. These rules will become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

V. INTERNET LINKS

A copy of the *Part 74 Report and Order* is available at: <https://www.fcc.gov/document/fcc-adopts-amendments-lptv-and-tv-translator-rules>.

A copy of the Federal Register Summary of the *Part 74 Report and Order* is available at: <https://www.govinfo.gov/content/pkg/FR-2023-05-12/pdf/2023-09843.pdf>.