



Federal Communications Commission
Washington, D.C. 20554

April 30, 2024

DA 24-406

SMALL ENTITY COMPLIANCE GUIDE

**Amendment of Part 73 of the Commission's Rules Related to
Full Power Television and Class A Television Stations**

FCC 23-72

MB Docket Nos 40. 22-227

Released September 18, 2023

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) 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 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)

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

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TABLE OF CONTENTS

- I. OBJECTIVES OF THE PROCEEDING1
- II. COMPLIANCE REQUIREMENTS1
 - A. Clarifications Made as Part of the Reorganization of the Commission’s Broadcast Television Rules1
 - B. Protection of Land Mobile Radio Service3
 - C. Technical Modifications3
 - 1. Coverage Area3
 - 2. Antenna Patterns3
 - 3. Distributed Transmission System Rule3
 - 4. Transport Stream ID3
 - 5. Class A Television U.S.-Mexico Border Zone4
 - 6. Minimum Video Program Requirements4
 - 7. Electronic Filing and Submissions4
- III. RECORDKEEPING AND REPORTING REQUIREMENTS5
- IV. IMPLEMENTATION DATE5
- V. INTERNET LINKS5

I. OBJECTIVES OF THE PROCEEDING

The *Report and Order*¹ reflects the Commission's effort to update its rules for full power and Class A television stations to reflect the current operating environment following the transition from analog to digital-only operations and the post-incentive auction transition to a smaller television band with fewer channels. Largely consistent with the proposals set forth in the *Notice of Proposed Rulemaking (NPRM)* adopted in September 2022,² the *Report and Order* adopts rules to simplify, streamline, and modernize existing rules and procedures, which should reduce compliance costs, and make compliance with the Commission's licensing requirements easier for full power and Class A television stations. The *Report and Order* seeks to further the Commission's goal of ensuring that its rules clearly reflect the Commission's requirements, and are understandable to all stakeholders.

The *Report and Order* deletes outdated rules that are no longer valid given changes in Commission-adopted policy, such as the elimination of the comparative hearing process to award and renew broadcast licenses. Other non-substantive, technical revisions the *Report and Order* makes include updating previously-adopted station license periods, deleting obsolete rules governing the post-incentive auction transition period, and correcting or updating section headings, spelling, contact information, and rule cross-references, or language inadvertently omitted from a rule. As part of this comprehensive update, the *Report and Order* also restructures a portion of the Commission's rules primarily consisting of the technical licensing, operating, and interference rules for television, and makes some minor clarifications and amendments.

The *Report and Order* also adopts updates to the coordinates previously found throughout section 73.623(e) (which the *Report and Order* reorganizes into section 73.617(a)), from NAD 27 to NAD 83 and otherwise conforms the values previously found in section 73.623(e) with those found in section 90.303. These coordinates are used only to determine where the Commission will or will not grant applications.

Finally, the *Report and Order* updates the Commission's rules to reference the current designation for form numbers (e.g., FCC Form 2100), and to require electronic filing in the Commission's Licensing and Management System (LMS) where applicable, or otherwise through electronic submission, and clarifies what documentation is required when applications are submitted with various kinds of directional patterns.

II. COMPLIANCE REQUIREMENTS

A. Clarifications Made as Part of the Reorganization of the Commission's Broadcast Television Rules

The *Report and Order* reorganizes a portion of the Commission's television rules and also offers some clarifications and amendments. With respect to the rule clarifications, the *Report and Order* clarifies in section 73.614(b) that all applications for new full power television stations, applications for changes in authorized full power television stations, and petitions for changes to the Table of TV Allotments must comply with the digital power limits that were previously found in section 73.622(f)(5)-(8). For stations requesting distributed transmissions system (DTS) operation pursuant to section 73.626, the *Report and Order* clarifies that the 100 watt minimum effective radiated power (ERP) requirement applies to at least one site in the DTS.

The amended rules also include a new paragraph 73.617(e) to codify a long-standing Commission practice to place a condition on all television broadcast station authorizations that result in a change in

¹ *Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Report and Order, FCC 23-72 (Sept. 19, 2023) (*Report and Order*).

² *Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Notice of Proposed Rulemaking, FCC 22-73 (Sept. 29, 2022) (*NPRM*).

coverage area, including all authorizations for new stations, which requires TV broadcasters to identify and notify hospital and other health care facilities within the station’s coverage area to avoid interference to medical telemetry devices.

In addition, in section 73.622(a), the *Report and Order* modifies the language to clarify the rule sections specific to petitions to modify the Table of TV Allotments. The *Report and Order* redesignates the language in section 73.622(d)(2) as section 73.622(d), clarifies the rule text to indicate this subsection applies to all allotments, and clarifies that the “reference coordinates” for each allotment are those of the authorized facility (or for new allotments, the coordinates given in the order amending the Table of TV Allotments). The *Report and Order* relocates text relating to the minimum distance separations for new TV allotments from section 73.623(d) to a new section 73.622(k). In section 73.623(a), the *Report and Order* modifies the language to clarify the rule sections specific to application processing and removes discussion of modifications to the Table of TV Allotments.

With respect to the reorganization of the television rules, the *Report and Order* includes a table of cross-references so that users of our rules can more easily locate the new location of rules. A copy of the table found in the *Report and Order* is included below for ease of reference.

Table 1: Cross-references	
Instead of referencing...	Reference...
§ 73.614(b)(7) . . .	. . . § 73.625(c)(1).
§ 73.616(a) . . .	. . . § 73.622(a).
§ 73.616(b) . . .	. . . § 73.622(d).
§ 73.616(c) . . .	. . . § 73.619(d).
§ 73.616(d) . . .	. . . § 73.620(c).
§ 73.616(d)(2) . . .	. . . § 73.620(a).
§ 73.616(e) . . .	. . . § 73.620(d).
§ 73.616(g) . . .	. . . § 73.620(f).
§ 73.622(b) . . .	. . . § 73.622(j).
§ 73.622(c) . . .	. . . § 73.623(b).
§ 73.622(e) . . .	. . . § 73.619(c).
§ 73.622(f)(5) . . .	. . . § 73.614(b)(6).
§ 73.622(f)(6) . . .	. . . § 73.614(b)(1).
§ 73.622(f)(7) . . .	. . . § 73.614(b)(2).
§ 73.622(f)(8) . . .	. . . § 73.614(b)(3).
§ 73.622(h) . . .	. . . § 73.611.
§ 73.622(i) . . .	. . . § 73.622(j).
§ 73.623(c)(1) . . .	. . . § 73.618(a).
§ 73.623(c)(2) . . .	. . . § 73.620.
§ 73.623(c)(3) . . .	. . . § 73.620(b).
§ 73.623(c)(4) . . .	. . . § 73.620(a).
§ 73.623(c)(5) . . .	. . . § 73.620(d).
§ 73.623(d) . . .	. . . § 73.622(k).
§ 73.623(e) . . .	. . . § 73.617(a).
§ 73.623(f) . . .	. . . § 73.617(c).
§ 73.623(g) . . .	. . . § 73.620(e).
§ 73.625(a) . . .	. . . § 73.618.
§ 73.625(b) . . .	. . . § 73.619(b).
§ 73.683(c) . . .	. . . § 73.619(a).
§ 73.685(b) . . .	. . . § 73.618(b).
§ 73.685(d) . . .	. . . § 73.617(d).
§ 73.685(f) . . .	. . . § 73.625(c).
§ 73.687(e) . . .	. . . § 73.617(b).

B. Protection of Land Mobile Radio Service (47 CFR § 73.617(a))

New section 73.617(a), which supersedes section 73.623(e), replaces geographic coordinates that use the 1927 North American Datum with the current 1983 North American Datum and otherwise conforms the values with those found in part 90 of the Commission's rules. These updates do not change the required amount of interference protection between full power and land mobile operations. Absent any actual interference, the Commission will not require existing full power television stations to make any relocation or other technical changes solely due to these coordinate updates.

C. Technical Modifications

1. Coverage Area – Determining Coverage (47 CFR § 73.625)

In determining how coverage and height above average terrain (HAAT) are to be calculated or determined in full power and Class A television licensing, the amended rules remove the second sentence of section 73.625(b)(2), which indicates that when the relative field strength at a depression angle is 90% or greater, the 100% value should be used. In addition, the amended rules remove references in section 73.625 to outmoded paper maps, and replace them with a reference to the National Elevation Dataset and other similar bald earth terrain datasets that are currently used by the Commission and industry. In section 73.625(b)(6), the Commission clarifies that such calculations are to be done by computer rather than by paper calculation, and that to the extent a submission to the Commission uses sources different from those reflected in the Commission's rules, those sources should be clearly identified in the submission. The Commission provides its *TVStudy* software free of charge for this purpose.³ The Commission also clarifies that it will allow stations to continue to use a historic HAAT calculation for a given location if one was previously used to comply with the rules regarding power limits.

2. Antenna Patterns (47 CFR § 73.625)

Regarding antenna patterns, the amended rules clarify in section 73.625(c)(3)(ii) that the horizontal power is to be higher than or equal to the vertical power in all directions, and require documentation that the antenna meets this requirement. Commission staff can ask a station for additional documentation for the purpose of coordination with Mexico or Canada should it be requested. In addition, revised section 73.625(c)(3)(v) now requires licensees to submit antenna patterns in the form of a .pdf attachment to an application filed in LMS, and clarifies that similar plots are required for elevation or matrix patterns submitted in the LMS form. With respect to matrix antenna patterns described in revised section 73.625(c)(3)(viii), the Commission will now require only one or two representative azimuth and elevation patterns be supplied in a .pdf attachment and if additional visualizations are needed, the tabular spreadsheet data can be used in spreadsheet software to produce them.

3. Distributed Transmission System Rule (47 CFR § 73.626)

The Commission amended its DTS rule, section 73.626, to make the intent and application of the rule less ambiguous by defining the term “authorized facility,” replacing all uses of the term “reference facility” with the term “authorized facility” in the appropriate locations, and replacing the term “reference point” with “site of its authorized facility” in places where the term “reference point” was improperly used. The amended rule also makes clear when the Table of Distances values should be applied.

4. Transport Stream ID (47 CFR § 73.1201)

The Commission's amended rules require that all full-power and Class A television stations broadcast with their assigned transport stream ID (TSID) or bit stream ID (BSID) in the ATSC 3.0

³ See <https://www.fcc.gov/oet/tvstudy> to obtain the software and documentation.

context. All stations must broadcast with their assigned TSID, or BSID as applicable, during their hours of operation.

5. Class A Television U.S.-Mexico Border Zone (47 CFR § 73.6024)

Revised section 73.6024(d) requires Class A television stations within 275 kilometers of the U.S.-Mexico border to specify a full-service emission mask in any modification application.

6. Minimum Video Program Requirements (47 CFR § 73.624(b))

The *Report and Order* updates a Class A television rule to conform the rule with requirements for full power and low power and television translator stations. Specifically, Class A stations must use a minimum 480i video resolution.

7. Electronic Filing and Submissions⁴

The Commission also updates its rules to provide full power and Class A licensees and permittees with accurate information about current Commission forms and filing procedures, including the removal of obsolete forms. The following rules update application LMS form numbers, or will now require submission in LMS:

- 47 CFR § 73.1350(h) (Transmission system operation);
- 47 CFR § 73.1560(a)(1) and (d) (Operating power and mode tolerances);
- 47 CFR § 73.1615(c) (Operating during modification of facilities);
- 47 CFR § 73.1620(a)(1)-(3) (Program tests);
- 47 CFR § 73.1635(a)(2) (Special temporary authorizations (STA));
- 47 CFR § 73.1675(b) (Auxiliary antennas);
- 47 CFR § 73.1690(b) and (c)(3) (Modification of transmission systems);
- 47 CFR § 73.1740(a)(4) (Minimum operating schedule);
- 47 CFR § 73.1750 (Discontinuance of operation);
- 47 CFR § 73.2080(c)(6) and (f) (Equal employment opportunities (EEO));
- 47 CFR § 73.3500 (Application and report forms);
- 47 CFR § 73.3533(a)(1) and (a)(4)-(8) (Application for construction permit or modification of construction permit);
- 47 CFR § 73.3536(b)-(c) (Application for license to cover construction permit);
- 47 CFR § 73.3540(c)-(f) (Application for voluntary assignment or transfer of control);
- 47 CFR § 73.3541(b) (Application for involuntary assignment of license or transfer of control);
- 47 CFR § 73.3544(b)-(c) (Application to obtain a modified station license);

⁴ 47 CFR §§ 73.1250(e); 73.1350(h); 73.1560(a)(1) and (d); 73.1615(c); 73.1620(a)(1)-(3); 73.1635(a)(2); 73.1675(b); 73.1690(b) and (c)(3); 73.1740(a)(4); 73.1750; 73.2080(c)(6) and (f); 73.3500; 73.3533(a)(1) and (a)(4)-(8); 73.3536(b)-(c); 73.3540(c)-(f); 73.3541(b); 73.3544(b)-(c); 73.3549; 73.3550(a) and (j); 73.3578(b); 73.3587; 73.3598(c); 73.5005(a); and 73.5006(b).

47 CFR § 73.3549 (Requests for extension of time to operate without required monitors, indicating instruments, and EAS encoders and decoders);

47 CFR § 73.3550(a) and (j) (Requests for new or modified call sign assignments);

47 CFR § 73.3578(b) (Amendments to applications for renewal, assignment or transfer of control);

47 CFR § 73.3587 (Procedure for filing informal objections);

47 CFR § 73.3598(c) (Period of construction);

47 CFR § 73.5005(a) (Filing of long-form applications); and

47 CFR § 73.5006(b) (Filing of petitions to deny against long-form applications).

In addition, 47 CFR § 73.1250(e) (Broadcasting emergency information) now requires a report in letter form to the Commission's main office indicated in section 0.401(a) of the Commission's rules.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The amended and revised rules contain new information collection requirements for full power television and Class A stations. The details 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 amendments to the rules in the *Report and Order* became effective March 4, 2024, including the following rules that required approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act: sections 73.619; 73.625; 73.1250; 73.1350; 73.1560; 73.1615; 73.1620; 73.1635; 73.1675; 73.1690; 73.1740; 73.1750; 73.2080; 73.3540; 73.3544; 73.3549; 73.3550; 73.3598; 73.5006; 73.6024; and 73.6025.

V. INTERNET LINKS

A copy of the *Report and Order* is available at: <https://www.fcc.gov/document/fcc-updates-rules-television-and-class-television-stations>.

A copy of the Federal Register publications are available at:

<https://www.federalregister.gov/documents/2024/02/01/2023-24626/establishing-rules-for-full-power-television-and-class-a-television-stations>,

<https://www.federalregister.gov/documents/2024/02/29/2024-03956/establishing-rules-for-full-power-television-and-class-a-television-stations>.