



Federal Communications Commission
Washington, D.C. 20554

May 10, 2024

DA 24-444

SMALL ENTITY COMPLIANCE GUIDE

Amendment of Section 74.1231(i) of the Commission's Rules on FM Broadcast Booster Stations

FCC 24-35

MB Docket Nos. 20-401, 17-105

Released April 2, 2024

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 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 we have 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 in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments and recommendations, or requests 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)

Fax: 1-866-418-0232

TABLE OF CONTENTS

I. OBJECTIVES OF THE PROCEEDING 1

II. COMPLIANCE REQUIREMENTS 1

 A. Definition of Program Originating Booster Station1

 B. Emergency Alert System (EAS).....2

 C. Eligibility and Licensing Requirements...2

 D. Interference..... 2

III. RECORDKEEPING AND REPORTING REQUIREMENTS 2

IV. IMPLEMENTATION DATE 3

V. INTERNET LINKS 3

I. OBJECTIVES OF THE PROCEEDING

FM booster stations are low power, secondary stations that operate in the FM broadcast band. Historically, the purpose of FM boosters has been to improve the signal strength of primary FM stations in areas where reception is poor due to terrain or distance from the transmitter. Thus, the Commission's rules have defined an FM booster station as a station operated for the sole purpose of retransmitting the signals of an FM broadcast station, by amplifying and reradiating such signals without altering the characteristics of the incoming signal other than its amplitude. The rules also prohibit FM boosters from originating content. The *Report and Order (R&O)* in MB Docket Nos. 20-401 and 17-105¹ amends the Commission's rules to allow FM and Low Power FM (LPFM) broadcasters to employ FM booster stations to originate programming on a limited basis. Specifically, such broadcasters could use FM booster stations to provide booster-originated content for up to three minutes per hour on a voluntary basis, subject to certain restrictions described in the *R&O*, and further subject to the adoption of licensing, interference and service rules as proposed in a concurrently adopted *Further Notice of Proposed Rulemaking (FNPRM)*.² The ability to originate content will enable licensees of primary FM and LPFM broadcast stations to "geo-target" a portion of their programming by using FM boosters to originate different content for different parts of their service areas. This new ability could open up more affordable advertising to smaller and minority-owned businesses, and will generally provide broadcasters and listeners options for more targeted and varied advertising and content that FM stations are not able to provide today.

Prior to adopting the rules, the *R&O* considered supporting and opposing comments that fell into two broad categories: (1) non-technical matters such as the advantages and disadvantages of program originating boosters from an economic and public interest perspective; and (2) technical issues such as whether program originating boosters, if properly engineered, would cause harmful interference to their primary FM station or adjacent channel FM stations. The *R&O* determined that program originating boosters limited to originating programming for three minutes per hour would serve the public interest and that concerns raised about the technology's impact on advertising revenue of other broadcasters and harmful interference are speculative. The *R&O* also concludes that properly engineered program originating boosters will not cause interference to the primary station or adjacent channel stations.

As of the effective date of the *R&O*, broadcasters will immediately be able to seek experimental authorizations to operate program originating boosters pursuant to the procedures in part 5 of the Commission's rules.³ The Commission deferred licensure of program originating boosters on a permanent basis pending receipt of additional public comments requested in the *FNPRM* on various administrative matters, including processing, licensing, and service rules.

II. COMPLIANCE REQUIREMENTS

A. Definition of Program Originating Booster Station

The *R&O* modifies 47 CFR § 74.1201(f) to define a program originating booster station as "an FM broadcast booster station that retransmits the signals of an FM radio broadcast station or a low-power FM broadcast station, and that may replace the content of the incoming signal by originating

¹ *Amendment of Section 74.1231(i) of the Commission's Rules on FM Broadcast Booster Stations; Modernization of Media Initiative*; MB Docket Nos. 20-401 and 17-105, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-35 (released April 2, 2024) (*R&O*).

² *Amendment of Section 74.1231(i) of the Commission's Rules on FM Broadcast Booster Stations; Modernization of Media Initiative*; MB Docket Nos. 20-401 and 17-105, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-35 (released April 2, 2024) (*FNPRM*).

³ 47 CFR § 5.203.

programming for a period not to exceed three minutes of each broadcast hour.”⁴ The definition also specifies that “this is a strict hourly limit that may not be exceeded by aggregating unused minutes of program origination. A program originating FM booster station is subject to the same technical and interference protection requirements as are all FM broadcast booster stations.”⁵

B. Emergency Alert System (EAS).

The EAS is a national public warning system, through which TV and radio broadcasters deliver alerts to the public to warn of impending emergencies and dangers to life and property. To ensure that listeners to program originating boosters receive timely emergency alerts, the *R&O* requires that program originating boosters receive and broadcast all emergency alerts in the same manner as their primary FM station. The Commission codifies this requirement by amending 47 CFR § 11.11, which sets forth EAS responsibilities of broadcast stations. FM booster stations which entirely rebroadcast the programming of other local FM broadcast stations are not required to comply with EAS requirements. However, under amended 47 CFR § 11.11, program originating FM booster stations are included as EAS Participants, and are therefore subject to EAS requirements as set forth in Table 1 to paragraph (a) of section 11.11. Specifically, a program originating FM booster station associated with an analog or digital FM station must have:

- An EAS Encoder
- An EAS Decoder, and
- Ability to Transmit an Audio EAS Message

A program originating booster station associated with an analog or digital LPFM station must have:

- An EAS Decoder, and
- The *R&O* modifies 47 CFR § 11.11 and now requires the ability to transmit an Audio EAS message

C. Eligibility and Licensing Requirements.

The *R&O* modifies 47 CFR § 74.1232 to specify that a program originating FM broadcast booster station will be authorized only to the licensee or permittee of the FM radio broadcast station whose signals the booster station will retransmit, to serve areas within the protected contour of the primary station.

D. Interference.

The *R&O* modifies 47 CFR § 74.1203 to provide that a program originating FM booster station may cause limited interference to its primary station’s signal. A properly synchronized program originating FM booster station transmitting programming different than that broadcast by the primary station, subject to the limits set forth in § 74.1201(f)(2), is not considered to cause interference to its primary station solely because such originated programming differs from that transmitted by the primary station.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The *R&O* adopts rules requiring compatibility between program originating boosters and the EAS, as well as rules establishing a limitation on program origination to three minutes per hour. Pending adoption of final service rules in response to the *FNPRM*, FM stations that wish to immediately originate programming on an existing booster station may request experimental authorization pursuant to section

⁴ 47 CFR § 74.1201(f)(2).

⁵ *Id.*

5.203 of the Commission's rules, which would require an application describing the nature, purpose and duration of the experimental authorization, and require the station to file any supplemental reports that stem from this authorization. The use of program originating boosters will be voluntary.

IV. IMPLEMENTATION DATE

The amended rules in the *R&O* became effective May 16, 2024.

V. INTERNET LINKS

A copy of the *Report and Order*, FCC 24-35, MB Docket Nos. 20-401, 17-105, is available at: <https://docs.fcc.gov/public/attachments/FCC-24-35A1.pdf>.

A copy of the Federal Register Summary of the *Report and Order* is available at: <https://www.govinfo.gov/content/pkg/FR-2024-04-16/pdf/2024-07910.pdf>.