



**Federal Communications Commission
Washington, DC 20554**

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SMALL ENTITY COMPLIANCE GUIDE

Modifying Rules for FM Terrestrial Digital Audio Broadcasting Systems

FCC 24-105

MB Docket No. 22-405

Released: September 25, 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)

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I. OBJECTIVES OF THE PROCEEDING

In the *Modifying Rules for FM Terrestrial Digital Audio Broadcasting Systems* First Report and Order (*Order*),¹ the Federal Communications Commission (Commission or FCC) amended its rules to allow digital FM radio broadcast stations to initiate asymmetric sideband operation by straightforward notification to the Commission on FCC Form 2100, Schedule 335-FM – FM Digital Notification (Schedule 335-FM). This represents a change from the current practice, under which a digital FM station wishing to employ asymmetric sideband operation must apply for an experimental authorization for said operation, receive such authorization, and renew the experimental authorization on an annual basis.

Specifically, in the *Order* the Commission added rules to require a digital FM station to use Schedule 335-FM to provide the Commission with all notifications relating to digital operations. This schedule will serve as a replacement for the current method of requesting experimental authorization and informally requesting to increase digital effective radiated power (ERP). Licensees will be required to use Schedule 335-FM to notify the Commission of the commencement or discontinuance of asymmetric sideband operation, rather than filing an application for experimental authorization. A station adopting asymmetric sideband operation must notify the Commission upon commencement of such operation by filing Schedule 335-FM. The Media Bureau (Bureau) must inform the digital FM station within 30 days of filing Schedule 335-FM if its asymmetric sideband operation is non-rule compliant. The station may commence asymmetric sideband operation upon submitting Schedule 335-FM and may continue such asymmetric sideband operation unless it receives notice of noncompliance during that 30-day period. Similarly, a digital FM station must notify the Bureau on Schedule 335-FM within 30 days of discontinuing asymmetric sideband operation.

The Commission also made an administrative change to the procedures used by digital FM station licensees seeking to increase digital power above -14 dBc. Those requests, previously submitted by “an application . . . in the form of an informal request,” will also now be submitted using Schedule 335-FM.² This minor administrative change will help streamline processing of these requests and will further the Commission’s efforts to transition all broadcast filings to the Bureau’s Licensing and Management System (LMS).

Thus, after the effective date of the *Order* and after Office of Management and Budget (OMB) approval of the revised Schedule 335-FM, a digital FM station will report the following actions (or request authority in the case of an increase of total digital ERP above -14 dBc) by submitting Schedule 335-FM: the initiation of hybrid digital operation; the initiation of asymmetric sideband operation at any power level, as well as the discontinuance of asymmetric sideband operation; an increase of total digital ERP above -14 dBc; or a decrease in total digital ERP from a level above -14 dBc to a level at or below -14 dBc.³ A station choosing to operate with total digital ERP between -14 dBc and -10 dBc must still attach to its Schedule 335-FM submission an exhibit demonstrating that the proposed FM digital ERP is permitted for each digital sideband,⁴ using Table 1 to 47 CFR § 73.404(f), adopted in Appendix B to the *Order* and shown below in section II. As is the case with the current informal request process, a digital FM station choosing to operate with total digital ERP above -14 dBc may initiate such increase of total digital ERP above -14 dBc upon approval from the Bureau.

¹ *Modifying Rules for FM Terrestrial Digital Audio Broadcasting Systems*, MB Docket No. 22-405, First Report and Order, FCC 24-105 (Sept. 25, 2024) (*Order*).

² *Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, Order, 25 FCC Rcd 1182, 1189, para. 19 (MB 2010) (*2010 MB DAB Order*). This informal request typically comes in the form of a letter to the Commission.

³ In other words, an FM digital station not currently operating with total digital ERP above -14 dBc need not report further digital power reductions.

⁴ *2010 MB DAB Order*, 25 FCC Rcd at 1190, para. 20.

The rule changes in the *Order* will enable digital FM licensees to make certain operational changes by simple notification to the Commission. This has the benefit of regulatory certainty, insofar as the digital station need not seek annual renewal of experimental authorization, as well as the benefit to the public and other broadcasters of being able to find operational information regarding digital stations in the LMS-filed Schedule 335-FM.

II. COMPLIANCE REQUIREMENTS

An FM broadcast station initiating hybrid digital operation must complete FCC Form 2100, Schedule 335-FM, including completing the fields indicating the digital ERP on each sideband.

A. Notification, 47 CFR § 73.406(d)

1. Generally. To implement asymmetric sideband operation at any power level, as adopted in the *Order*, an FM broadcast station must:
 - Complete and file FCC Form 2100, Schedule 335-FM, and submit upon commencement of asymmetric sideband operation, with information to include:
 - the digital ERP on each sideband; and
 - a certification that the proposed digital sideband power on each sideband conforms to the Maximum Permissible FM Digital ERP set forth in Table 1 to 47 CFR § 73.404(f) (see below), and that the total digital sideband power will not exceed the total power if the digital sideband operation were symmetric.
 - The notifying station may commence asymmetric sideband operation upon filing Form 2100, Schedule 335-FM, and may continue such operation unless notified by the Bureau that such operation is not rule-compliant. The Bureau must advise the notifying station within 30 days of notification if the asymmetric sideband operation is not rule-compliant.⁵
2. Digital Power Above or Below -14 dBc. To initiate an increase of total digital ERP above -14 dBc, or a decrease in total digital ERP from a level above -14 dBc to a level at or below -14 dBc, as adopted in the *Order*, an FM broadcast station must:
 - Complete and file FCC Form 2100, Schedule 335-FM, with information to include:
 - the digital ERP on each sideband;
 - a certification that the proposed FM digital sideband power on each sideband conforms to the Maximum Permissible FM Digital ERP set forth in Table 1 to 47 CFR § 73.404(f) (see below), and that the total digital sideband power does not exceed the total power if the digital sideband operation were symmetric. Certifications must be based on the most restrictive analog field strength of the proponent at any nearby first-adjacent channel station's 60 dBμ contour; and
 - an exhibit, which must include a plot of the relevant most restrictive interfering contour(s) of the digital station and the protected contour(s) of the most restrictive upper/lower first-adjacent-channel station(s).
 - A digital FM station choosing to operate with total digital ERP above -14 dBc may initiate such increase in total digital ERP upon approval from the Commission.
3. A digital FM station discontinuing asymmetric sideband operation and reverting to symmetric sideband operation, or decreasing total digital ERP from a level above -14 dBc to a level at or below -14 dBc, must complete and file FCC Form 2100, Schedule 335-FM, within 30 days of discontinuing asymmetric sideband operation or decreasing power.

⁵ *Order* para. 11.

B. IBOC DAB Operation, 47 CFR 73.404(e)-(f)

FM stations may transmit hybrid In-Band On-Channel (IBOC) signals with asymmetric power on the digital sidebands, except stations operating on Channels 296 - 300 (107.1 - 107.9 MHz), which must continue to seek an experimental authorization to transmit hybrid IBOC signals with asymmetric power on the digital sidebands.

Table 1 to 47 CFR § 73.404(f) —Maximum Permissible FM Digital ERP per Sideband

IBOC Station's F(50,10) Field Strength at the Upper or Lower First-Adjacent Station's Analog 60 dBμ F(50,50) Contour	Maximum Permissible FM Digital ERP for the Respective (Upper or Lower) Sideband
51.2 dBμ and above	-17 dBc
50.7 dBμ to 51.1 dBμ	-16 dBc
50.3 dBμ to 50.6 dBμ	-15 dBc
49.6 dBμ to 50.2 dBμ	-14 dBc
49.5 dBμ or less	-13 dBc

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The *Order* adopted rules with new recordkeeping and reporting requirements allowing for digital FM stations to initiate hybrid digital operation by notifying the Commission through filing Schedule 335-FM. Details on this notification process are noted above in section II.

IV. IMPLEMENTATION DATE

The *Order* and the amendments to two of the rules adopted therein became effective on November 20, 2024. Amendments to rule sections 73.404 and 73.406 and corresponding changes to Form 2100, Schedule 335-FM, which contain new or modified information collection requirements, became effective on May 23, 2025, following review and approval by the Office of Management and Budget (OMB).

V. INTERNET LINKS

A copy of the *Order* is available via this website at: <https://docs.fcc.gov/public/attachments/FCC-24-105A1.pdf>

A copy of the *Federal Register* Summary of the *Order* is available at: <https://www.federalregister.gov/documents/2024/10/21/2024-24105/rules-for-fm-terrestrial-digital-audio-broadcasting-systems>

A copy of the Notice of Effective Date of the modified rules is available at: <https://docs.fcc.gov/public/attachments/DA-24-1087A1.pdf>

A copy of the 60-day *Federal Register* notice seeking comment on the information collection is available at: <https://www.federalregister.gov/documents/2024/12/02/2024-28185/information-collection-being-reviewed-by-the-federal-communications-commission>

A copy of the 30-day *Federal Register* notice seeking comment on the information collection is available at: <https://www.federalregister.gov/documents/2025/02/26/2025-03124/information-collection-being-submitted-for-review-and-approval-to-office-of-management-and-budget>

A copy of the *Federal Register* notice announcing the final rules and the effective date is available at:
<https://www.federalregister.gov/documents/2025/05/23/2025-09278/fm-terrestrial-digital-audio-broadcasting-systems>

A copy of the Public Notice of Effective Date of sections 73.404 and 73.406 of the Commission's rules is available at: <https://docs.fcc.gov/public/attachments/DA-25-441A1.pdf>