



# PUBLIC NOTICE

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## **FCC's MEDIA BUREAU ANNOUNCES DATES, PROCEDURES, AND REQUIREMENTS FOR THE FILING WINDOW FOR NEW NONCOMMERCIAL EDUCATIONAL RESERVED BAND FM TRANSLATOR STATION APPLICATIONS**

**WINDOW OPEN FROM AUGUST 11, 2026 TO AUGUST 25, 2026**

**LIMITED APPLICATION FILING FREEZE TO COMMENCE ON JULY 10, 2026**

**MB Docket No. 26-20**

This Public Notice (Notice) announces a filing window for new noncommercial educational (NCE) reserved band FM translator station construction permit applications (Translator Applications), and provides an overview of the procedures, filing requirements, and comparative selection process that will apply to the window. The filing window will open at 12:01 a.m. ET on Tuesday, August 11, 2026, and close at 6:00 p.m. ET on Tuesday, August 25, 2026. The Bureau will only accept Translator Applications for channels in the band reserved for NCE FM broadcasting (Channel Nos. 201-220; 88.1 – 91.9 MHz) (reserved band) during the window.<sup>1</sup>

This will be the first-ever filing window for NCE reserved band FM translator station construction permit applications, and we encourage potential applicants to begin familiarizing themselves with the processes described herein. Interested applicants may monitor the Audio Division Web Page for information and developments: <https://www.fcc.gov/media/radio/fm-translators-and-boosters>.

In conjunction with this filing window, the Commission will not accept reserved band and non-reserved band low power FM (LPFM) station, FM translator station, and FM booster station minor modification applications after 11:59 p.m. ET, July 10, 2026. The freeze will continue in effect until the close of the window.

**Electronic LMS Filing Instructions – Schedule 349.** Applications must be filed electronically on FCC Form 2100, Schedule 349, FM Translator or FM Booster Station Construction Permit Application (Schedule 349), in the Bureau's Licensing Management System (LMS). Applicants must complete *all* sections of the Schedule 349. The Bureau will dismiss any Translator Applications filed

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<sup>1</sup> See 47 CFR § 73.501; see also 47 CFR § 74.1201(c) (defining a “noncommercial FM translator” as an FM broadcast translator station which rebroadcasts the signals of a noncommercial FM or AM radio broadcast station). Only applications for new NCE reserved band FM translator stations may be filed in the upcoming filing window.

outside the LMS system. There is no filing fee required for the application.

Schedule 349 will be available for data entry in LMS on July 1, 2026. Applicants may begin preparing their applications at their earliest convenience.

Applications must be filed between August 11, 2026, and August 26, 2026. The filing deadline will be strictly enforced. Applications submitted before August 11, 2026, or after the 6:00 p.m. ET on August 26, 2026, application deadline (Application Deadline) will be dismissed by public notice without further consideration. We therefore encourage applicants to file early in the window. We will not make Translator Applications filed during the window available to the public until after the close of the filing window.

*LMS Help Center.*

Instructions on using the LMS electronic filing system are available on the Media Bureau's LMS Help Center page, which can be found at <https://www.fcc.gov/media/radio/lms-help-center>.

*Schedule 349 Instructions.*

Instructions on completing each section of the Schedule 349 are available at [https://www.fcc.gov/sites/default/files/lms\\_fccform\\_349\\_instructions.pdf](https://www.fcc.gov/sites/default/files/lms_fccform_349_instructions.pdf).

*LMS Data Entry Login.*

Applicants can access the LMS applicant data entry home page here: <https://enterpriseefiling.fcc.gov/dataentry/login.html>, and login using the FCC Registration Number (FRN) associated with the applicant.

For questions regarding basic filing requirements, or assistance logging into LMS or accessing Schedule 349, please contact the Commission at (877) 480-3201 (Option 2), Monday-Friday, 8:00 a.m.-6:00 p.m. ET, or submit a request online at <https://fccprod.servicenowservices.com/auls?id=esupport>.

**Eligibility Restrictions.** Each applicant must be the licensee or permittee of an existing NCE FM or noncommercial AM radio broadcast station or LPFM station (primary station) that the proposed FM translator station will rebroadcast.<sup>2</sup>

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<sup>2</sup> See *FCC Adopts Application Limit and Eligibility Restrictions for New Noncommercial Educational Reserved Band FM Translator Station Applications in Upcoming 2026 Window*, MB Docket No. 26-20, Public Notice, FCC 26-37 (May 28, 2026) (*Cap Adoption Notice*); *FCC Seeks Comment on Proposed Application Limit for New Noncommercial Educational Reserved Band FM Translator Station Applications in Upcoming 2026 Filing Window*, MB Docket No. 26-20, Public Notice, FCC 26-10 (Feb. 19, 2026) (*Cap Comment Notice*); see also 47 CFR § 74.1233(b)(5); see also 47 CFR § 74.1233(b)(6) (providing that each “station authorization granted in the 2026 new NCE reserved band FM translator station construction permit filing window shall be subject to a holding period. From grant of the construction permit until the time when the facility has achieved four years of on-air operations rebroadcasting the primary station identified on the authorization, the permittee/licensee: (1) must maintain, and cannot change, the primary station to be rebroadcast by the FM translator, and (2) cannot assign or transfer the FM translator authorization to a different entity unless it is in conjunction with the assignment or transfer of the primary station to that same entity.”).

**10-Application Limit.** Each applicant entity may file no more than a total of ten applications nationally in this window,<sup>3</sup> except that (i) each Tribal LPFM applicant entity subject to section 73.860(c) of the Commission’s rules (rules) may file no more than a total of four applications nationally,<sup>4</sup> and (ii) each other LPFM applicant entity subject to section 73.860(b) of the rules may file no more than a total of two applications nationally.<sup>5</sup> A party to an application filed in the filing window may hold attributable interests<sup>6</sup> in no more than the permitted number of applications filed in the window (*e.g.*, 10 applications for a non-LPFM applicant). If it is determined that any applicant entity filed more than the maximum applications permitted, or any party to an application has an attributable interest in more than the maximum permitted, the Media Bureau will retain the applications that were filed first—based on application receipt data—and dismiss all other applications that exceed the limit.<sup>7</sup>

**Protection of Other Authorizations.** Section 74.1204 of the rules sets forth contour overlap and interference protection requirements between FM translator stations and FM full-service broadcast stations, other FM translator stations, and LPFM stations.<sup>8</sup> Section 74.1205 of the rules sets forth contour overlap and interference protection requirements between FM translator stations proposed in the reserved band and all TV Channel 6 stations, including full-service TV Channel 6 stations, low power TV Channel 6

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<sup>3</sup> See *Cap Adoption Notice* at paras. 11-12 (finding that a 10-application cap will best deter speculative filings, permit the expeditious processing of the applications filed in the window, and provide interested parties with a meaningful opportunity to file for and obtain new NCE reserved band FM translator station licenses).

<sup>4</sup> 47 CFR § 73.860(c).

<sup>5</sup> *Id.* § 73.860(b). Tribal LPFM licensees and permittees may hold attributable interests in no more than four FM translator stations; all other LPFM licensees and permittees may hold attributable interests in no more than two FM translator stations. See 47 CFR § 73.860(b), (c). We will dismiss any additional applications if/when the FM translator ownership limit is reached. We will, however, permit an LPFM applicant who currently holds the maximum number of FM translator stations permitted under our rules to participate in the upcoming window, so long as it includes a divestiture statement in its Schedule 349, pledging to surrender or cancel an existing FM translator station authorization prior to commencing program test authorizations on any new station granted in this window. Accordingly, with the exception of a situation where a window-filed application requests grant of an application contingent on the surrender or cancellation of an existing FM translator station permit or license currently held by the LPFM applicant, we will neither grant any applications nor issue any FM translator authorizations which result in the LPFM licensee or permittee holding more than the maximum FM translator authorizations permitted under section 73.860 of our rules. Rather, any such application, whose grant would cause the LPFM licensee or permittee to exceed the section 73.860 ownership limit, will be automatically dismissed.

<sup>6</sup> See 47 CFR § 73.7000 (defining “attributable interest” as “an interest of an applicant, its parent, subsidiaries, their officers, and members of their governing boards that would be cognizable under the standards in the notes to § 73.3555. Also, an interest of an entity providing more than 33% of an applicant’s equity and/or debt that also either (1) supplies more than 15% of the station’s weekly programming, or (2) has an attributable interest pursuant to § 73.3555 in media in the same market”); see also Schedule 349 Instructions at page 7 (explaining parties to the application and attributable interests).

<sup>7</sup> See 47 CFR § 74.1233(b)(5).

<sup>8</sup> 47 CFR § 74.1204. Translator Applications must protect granted applications, tentatively-selected applications, and pending applications from the 2023 LPFM filing window. A Translator Application does not need to protect a dismissed LPFM application if no petition for reconsideration has been filed and the dismissal becomes final prior to the August 25, 2026, Application Deadline. See 47 CFR § 1.106(f) (providing for 30 days after public notice of final Commission action for petitioners to file petitions for reconsideration); 47 CFR § 1.117(a) (providing for 40 days after public notice of the Bureau’s decision for the Commission on its own motion to order the record before it for review).

stations, Class A TV Channel 6 stations, and TV Channel 6 translator stations.<sup>9</sup> Applicants are encouraged to retain a broadcast engineering consultant to determine the technical acceptability of its application.

**Major Modification Applications.** Only applications for new NCE reserved band FM translator stations may be filed in the upcoming filing window. The Bureau will *not* accept applications proposing major modifications to existing NCE reserved band FM translator stations. An applicant seeking a major modification to an existing NCE reserved band FM translator station authorization may apply for a new station and, upon commencement of operations with its newly authorized facilities, surrender its old station license. Any such application must include an exhibit indicating the proponent's desire to treat the application as a major modification, and also include the facility ID number of the existing station. Any Construction Permit granted in this situation will include a condition requiring the permittee to cancel the related station license before program tests are authorized with the facilities authorized in that Construction Permit.

**General Schedule 349 Application Certifications.** The FM translator new construction permit application, Schedule 349, is certification-based, but requires applicants to document certain of their claims by submitting supporting information.<sup>10</sup> Each applicant should carefully read the instructions to the Schedule 349 to ensure that all the required information is included within its application.<sup>11</sup> Each applicant bears full responsibility for submitting an accurate, complete, and timely application.

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<sup>9</sup> 47 CFR § 74.1205. In the Schedule 349, each applicant must demonstrate that it provides protection from interference to reception of TV Channel 6, as required by section 74.1205. We decline to uniformly waive this rule, as suggested in the recent *Advocates Ex Parte*. See Letter from “Advocates Assisting Community, College, and Low Power FM Radio” to FCC (filed April 29, 2026) (*Advocates Ex Parte*). Applicants may, however, request a waiver of section 74.1205 in the Schedule 349. See *Amendments of Parts 73 and 74 to Improve the Low Power Radio Service Technical Rules*, MB Docket Nos. 19-193 and 17-105, Report and Order, 35 FCC Rcd 4115, 4128, para. 35 (2020) (providing that “FM translator stations that operate on the reserved band but that do not meet the TV6 protection requirements of ... section 74.1205 can submit waiver requests with demonstrations of no interference caused to a TV6 station that they are required at that time to protect.”). Alternatively, in lieu of demonstrating compliance with the rule or requesting an individual waiver, the applicant may submit a letter from an officer of the TV Channel 6 station, stating that the TV Channel 6 station does not object to the FM translator application.

<sup>10</sup> We note that in completing Schedule 349, each applicant is required to certify that it is in compliance with the foreign ownership provisions. See 47 U.S.C. §§ 310(a), (b) (requiring the Commission to review foreign investment in radio station licenses and impose specific restrictions on who may hold certain types of radio); see also *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket 15-236, Report and Order, 31 FCC Rcd 11272 (2016); *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket 25-149, Report and Order (Jan. 30, 2026) (*Section 310 Order*). Entities with foreign interest holders above the section 310(b)(4) statutory benchmarks are eligible to submit applications in the upcoming filing window so long as they either have an existing declaratory ruling approving such ownership or else file a section 310(b)(4) petition seeking approval of the foreign ownership *at the same time* they file the Schedule 349 application. We will apply the same processing guidelines we use in the commercial context for applications that involve a section 310(b)(4) declaratory ruling. See *Section 310 Order* at para. 35.

<sup>11</sup> We note that there are currently four previously-filed, pending applications for new NCE reserved band FM translator stations. See BNPFT-20000327AAH, 20000327AAI, and 20000327AAJ (all filed by Smile FM), and BNPFT-20000418AAH (filed by Four Rivers Community Broadcasting Corporation). These applications were originally paper-filed, using a previous version of the Schedule 349. The applications, including any exhibits, can be viewed in their entirety in LMS. To view them, first query the file number in the LMS Application Search. To see a scanned version of the original paper-filed application, scroll down to the “Attachments” section of the form in (continued....)

**Technical Parameters – Channel and Antenna Location Data.** The technical parameters (including, but not limited to the channel and the antenna location coordinates) specified in the “Channel and Facility Information” and the “Antenna Location Data” sections of the Translator Application represent crucial technical components of the application because they determine the proposed facility’s compliance with general technical rules, such as contour overlap and interference protection.<sup>12</sup> We, therefore, remind applicants to carefully review the channel and antenna location coordinates, and all data specified in these sections, to ensure the information is accurate and contains no typographical errors. Bureau staff will make technical evaluations based on the channel specified in the “Channel and Facility Information” section and the antenna location coordinates specified in the “Antenna Location Data” section and will *not* review attachments or information specified elsewhere in the application to resolve discrepancies caused by typographical or other applicant errors.<sup>13</sup>

**Comparative Consideration of Applications.** Given the finite nature of and high demand for spectrum, the Commission cannot authorize an NCE reserved band FM translator station to every qualified applicant in the upcoming window. Conflicting NCE reserved band FM translator applications, which cannot all be granted consistent with the Commission’s technical rules, are considered mutually exclusive. A mutually exclusive (MX) group consists of all applications which are MX to at least one other application in the group.

The Commission’s analysis of MX NCE reserved band FM translator applications generally consists of two main components: (1) a point system analysis;<sup>14</sup> and (2) if necessary, a tie-breaker determination, based on applicant-provided data and certifications.<sup>15</sup>

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LMS, and click on the attachment. These applications will be considered and counted toward these applicants’ application limit, but only if the applicants submit amendments during the filing window to include all of the data required by the current version of the form. In order to amend the applications and provide all of the data required by the current LMS Schedule 349, once logged into LMS, these applicants should: 1. Click on the “Submitted” tab, under the “Applications” tab; 2. Click on the relevant application File Number; 3. Click on “File an Application,” and select “Amend Application”; 4. Complete all sections of the amendment, paying particular attention to the sections: “Noncommercial Educational FM Translator Point System Factors/Tie Breakers,” “Channel and Facility Information,” “Antenna Location Data,” and “Antenna Technical Data”; and 5. Submit the updated amendment. Please note that if these applications are not amended during the filing window, they will be dismissed without opportunity to file a curative amendment.

<sup>12</sup> For LPFM applicants, we will not waive the section 73.860(b)(1) contour overlap restrictions, the section 73.860(b)(2) 10-mile/20-mile siting restriction, or the section 73.860(b)(3) direct off-air input rule. See 47 CFR § 73.860(b)(1) – (3). Each LPFM applicant’s proposal must comply with these restrictions.

<sup>13</sup> See *Roman Catholic Diocese of Portland*, Memorandum Opinion and Order, 29 FCC Rcd 15068 (2014) (directing staff to “make any technical and legal evaluations of, and take any actions regarding, such applications based upon the stated antenna location coordinates specified in the Tech Box, without resort to any other data in the Tech Box or elsewhere in the application or attachments. Such staff actions may include, but are not limited to, dismissal of such defective applications and refusal to accept amendments where such amendments would conflict with accurate and rule-compliant window-filed applications.”).

<sup>14</sup> See 47 CFR §§ 74.1233(b)(3)-(4), 74.1233(e).

<sup>15</sup> Before proceeding to a comparative analysis, MX applicants will have an opportunity to resolve conflicts through settlements or technical amendments. The Bureau will release a Public Notice to announce a time period for MX NCE reserved band FM translator applicants to enter into and file settlement agreements and to submit technical amendments to expedite the grant of applications filed in the NCE reserved band FM translator window. See, e.g., *Window Opened to Expedite Grant of New NCE FM Station Construction Permits; Bureau Will Accept Settlements and Technical Amendments*, Public Notice, 22 FCC Rcd 19438 (MB 2007) (allowing applicants to resolve their mutual exclusivity through settlement prior to point selection orders); 47 CFR § 73.7003(d).

**Priority of Fill-in Applications.**<sup>16</sup> On channels reserved for noncommercial use, the Commission will grant the application of a translator providing fill-in service over one that extends the area of the primary station.<sup>17</sup> In the event of conflicting MX applications of the same type (fill-in or non-fill-in), the Commission applies the NCE reserved band FM translator point system to select one application for grant.<sup>18</sup>

**Point System Selection Criteria.** Each NCE reserved band FM translator applicant must complete the “Point System Factors/Tie Breakers” Section of Schedule 349 by the Application Deadline. If MX NCE reserved band FM translator applications proceed to a point system analysis, the Commission will review the point submissions to compare the MX applications and tentatively select the application with the highest point total from each MX group for grant.<sup>19</sup> Because fill-in translators receive priority over non-fill-in translators, only MX applicants of the same type (fill-in or non-fill-in) will be compared against each other under the point system.<sup>20</sup> The NCE point system awards a maximum of seven merit points, based on four distinct criteria: (1) established local applicant; (2) diversity of ownership; (3) state-wide network; and (4) technical parameters.<sup>21</sup> These criteria, including documentation which must be submitted to support point claims, are described in more detail below.

**Established local applicant.** To qualify for the three points as an “established local applicant,”<sup>22</sup> an applicant must certify that it has been local and established in the community to be served continuously for at least two years immediately prior to the application filing.<sup>23</sup> To be considered local, a non-governmental applicant must have a physical headquarters, campus, or 75% of its governing board

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<sup>16</sup> A fill-in translator is a translator whose predicted signal coverage area is located completely within the established, legally protected service area of the primary radio station it is rebroadcasting. See 47 CFR § 74.1201(g).

<sup>17</sup> See 47 CFR § 74.1233(e)(1). We note that some commenters from the *Cap Comment Notice* requested that the Commission waive the comparative selection priority for fill-in translators in the upcoming window. See, e.g., Letter from Michelle Bradley, REC Networks, to Marlene H. Dortch, Secretary, FCC (filed Jan. 30, 2026) (REC *Ex Parte*); Comments of Low Power FM Advocacy Group (filed March 16, 2026) at 4-5; Advocates *Ex Parte* at 2. We decline to waive the fill-in priority in this window.

<sup>18</sup> See *id.* §§ 74.1233(b)(4), 74.1233(e)(3).

<sup>19</sup> See *Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, MB Docket No. 19-3, Report and Order, 34 FCC Rcd 12519, 12528, para. 19 n.68 (2019) (reaffirming the Commission’s longstanding one-grant policy) (2020 NCE LPFM Order), *aff’d* Order on Reconsideration, Order on Reconsideration, 35 FCC Rcd 10180 (2020).

<sup>20</sup> See 47 CFR § 74.1233(e)(1).

<sup>21</sup> See 47 CFR § 73.7003(b).

<sup>22</sup> *Id.* § 73.7000.

<sup>23</sup> See *id.* § 73.7003(b)(1).

members residing within 25 miles of the reference coordinates of the proposed community of license.<sup>24</sup> A governmental unit is considered local within its jurisdictional boundaries.<sup>25</sup>

If an applicant certifies that it is an “established local applicant” it must submit substantiating documentation with its application to illustrate how it qualifies as local and established.<sup>26</sup> Examples of acceptable documentation include corporate material from the secretary of state, lists of names, addresses, and length of residence of board members and copies of governing documents requiring a 75% local governing board, or course brochures indicating that classes have been offered at a local campus for the preceding two years.

Diversity of Ownership. To qualify for the two points for “diversity of ownership,” an applicant must certify that the 60 dBu contour of the proposed NCE FM translator station does not overlap with (1) the principal community contour<sup>27</sup> of any full-service or LPFM radio station, or (2) the 60 dBu contour of any non-fill-in FM translator station,<sup>28</sup> in which the applicant, or any party to the application, holds an attributable interest.<sup>29</sup>

To qualify for the diversity of ownership points, an applicant must submit either a contour map showing no overlap with the proposed NCE reserved band FM translator station, or a statement that the applicant holds no attributable interests in any nearby radio stations.<sup>30</sup>

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<sup>24</sup> A local headquarters or residence must be a primary place of business or residence and not, for example, a post office box, lawyer’s office, branch office, or vacation home, which are more easily feigned and/or present less of an opportunity for meaningful contact with the community. *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, MM Docket No. 95-31, Report and Order, 15 FCC Rcd 7386, 7410, para. 54 (2000) (*NCE Report and Order*), vacated in part on other grounds sub nom., *National Public Radio v. FCC*, 254 F.2d 226 (D.C. Cir. 2001), clarified, Memorandum Opinion and Order, 16 FCC Rcd 5074 (2001) (*NCE MO&O*).

<sup>25</sup> REC Networks recently recommended that the Bureau “clarify the location where the qualification for the *Established Local Applicant* selection points will be measured from if the translator is serving a community that is not a Census Designated Place or has a local post office where official reference coordinates can be derived from.” See REC *Ex Parte* at 2. In such situations, the applicant will be considered “local” if its headquarters, or at least 75% of its governing board members’ residences, are within 25 miles of the reference coordinates of the proposed transmitting antenna location.

<sup>26</sup> An applicant claiming points as an established local applicant, and awarded a permit based on the point system, must also maintain localism characteristics during the period from grant of the construction permit until the station has achieved at least four years of on-air operations. See 47 CFR § 73.7003(c).

<sup>27</sup> The principal community (city grade) contour is the 3.16 mV/m for full service commercial FM stations calculated in accordance with section 73.313(c) of the rules. See 47 CFR § 73.7003(b)(2). The principal community contour for NCE FM stations is the 1 mV/m (60 dBu) contour, per section 73.515 of the rules.

<sup>28</sup> The NCE FM translator applicant must count commercial and noncommercial AM, FM, LPFM and non-fill-in FM translator stations. The applicant should count both licensed facilities and unbuilt construction permits. The applicant does not need to consider any attributable TV stations for purposes of claiming this point. In applying the NCE point system in the reserved band FM translator context, we recognize that the AM fill-in area coverage contour requirements of sections 74.1201 (g) and (j) will preclude an AM licensee applicant from claiming points for diversity of ownership, and that the LPFM-FM translator station cross-ownership requirements of section 73.860(b)(1) will preclude an LPFM licensee applicant from claiming points for diversity of ownership.

<sup>29</sup> See 47 CFR § 73.7003(b)(2). Parties with attributable interests are defined as the applicant, its parent, subsidiaries, their officers, and members of their governing boards. See 47 CFR § 73.7000.

<sup>30</sup> An applicant claiming points for diversity of ownership, and selected based on the point system, must also comply with the restrictions on station modifications and acquisitions during the period from grant of the construction (continued....)

*Divestiture Pledges.* We will permit an NCE reserved band FM translator applicant with an overlapping attributable interest to qualify for diversity of ownership points if it commits to divest the broadcast interest or resign from the attributable positional interest.<sup>31</sup> The divestiture pledge must be submitted with the application by the close of the filing window. The applicant, however, will not be required to complete the pledged action by the close of the filing window. Rather, if the permit is awarded based on points, the actual divestiture or resignation must be completed by the time the new NCE reserved band FM translator station commences program test operations.<sup>32</sup>

*State-wide Network.* The Commission awards two points for certain state-wide networks providing programming to accredited schools. These points are available only to applicants that cannot claim a credit for local diversity of ownership.<sup>33</sup> The state-wide network credit is an alternative for applicants that use multiple stations to serve large numbers of schools and, therefore, do not qualify for the local diversity of ownership credit. Applicants claiming points as a state-wide network must submit supporting documentation as an application exhibit.<sup>34</sup>

*Technical Parameters.* The Commission awards up to two points to an applicant that proposes the best technical proposal in an MX group (*i.e.*, proposes service to the largest population and area, excluding substantial areas of water). An applicant will receive one point if its proposed service area *and* population are 10% greater than those of the next best area and population proposals, or two points if both are 25% greater than those of the next best area and population proposals, as measured by each proposed station's predicted 60 dBu signal strength contour.<sup>35</sup> If the best technical proposal does not meet the 10% threshold, no applicant will be awarded points under this criterion.

Each applicant must include an application exhibit explaining how it calculated the technical parameters. The applicant should specify the year and blocks of census information used and the method used to determine area. Area must be measured in square kilometers and exclude significant areas of water, *e.g.*, ocean and lakes. Population should be measured using the 2020 Census Block Data available from the Census Bureau.<sup>36</sup>

**Tiebreakers.** In the event MX applicants are tied with the highest number of points, the tied applicants will proceed to a tie-breaker round.<sup>37</sup> The first tie-breaker for NCE FM translator applicants is

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permit until the station has achieved at least four years of on-air operations. *See* 47 CFR § 73.7005(c); *see also* 2020 NCE LPFM Order, 34 FCC Rcd at 12524, para. 12.

<sup>31</sup> *See Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, MB Docket No.19-3, Notice of Proposed Rulemaking, 34 FCC Rcd 851, 864, para. 34 (2019) (the Commission “will accept contingent Divestiture Pledges for: (1) non-fill-in translator stations if the applicant pledges to request the cancellation of the translator authorization upon the new NCE FM station’s commencement of operations.”).

<sup>32</sup> *Id.*

<sup>33</sup> *See* 47 CFR § 73.7003(b)(3).

<sup>34</sup> *See* Schedule 349 Instructions at page 11 (detailing preferred documentation to support this point claim).

<sup>35</sup> *See* 47 CFR § 73.7003(b)(4).

<sup>36</sup> *See* Schedule 349 Instructions at page 12.

<sup>37</sup> 47 CFR §§ 73.7003(c), 74.1233(e)(3).

the number of radio station authorizations attributable to each applicant.<sup>38</sup> The applicant must count all attributable full-service commercial and NCE radio authorizations (licenses and construction permits) and any FM translator stations providing non-fill-in service (*i.e.*, those extending a station's service area).<sup>39</sup> The applicant with the fewest attributable authorizations prevails. Fill-in applicants must also separately provide the number of attributable fill-in FM translator authorizations, which the Commission will consider in the event the total number of attributable radio authorizations is not dispositive. In such cases, the fill-in applicant with the fewest fill-in authorizations will be the tentative selectee.<sup>40</sup>

If the tie is not broken by this first factor, the Commission will apply a second tie-breaker: the number of pending radio station applications attributable to each applicant.<sup>41</sup> When reporting pending applications, applicants must include new and major change radio applications, including the subject application and all other applications filed in this window by the Application Deadline. Applicants should *not* include any requests to participate in an auction filed on Schedule 175 and other applications such as voluntary assignment of license, license renewal, and minor change in existing facilities. The tentative selectee will be the applicant with the fewest pending new and major change applications in the same service at the time of filing.<sup>42</sup> Fill-in applicants must also separately provide the number of attributable fill-in FM translator applications, including the subject application, which the Commission will consider in the event of a tie between applicants seeking fill-in service. In such cases, the fill-in applicant with the fewest fill-in FM translator applications will be the tentative selectee.<sup>43</sup>

If a tie remains after the second tie-breaker, applicants will be considered under a third and final tie-breaker: the application filed first after the filing window opens.<sup>44</sup>

**Timely Documentation of Comparative Qualifications.** The Schedule 349 is certification-based, but requires applicants to document certain of their claims by submitting supporting information. We caution applicants that the basis for applicant point claims must be readily ascertainable from timely-filed application exhibits. Applicants, therefore, should review their supporting documentation thoroughly before filing.

Certifications which require the applicant to submit documentation, but which are not supported with any such timely documentation, will not be credited. For example, every applicant claiming points for diversity of ownership must certify that the proposed station's service area would not overlap that of an attributable existing station. With respect to the diversity certification, the preferred supporting documentation is a map showing no overlap, or a statement that none of the parties to the application holds an attributable interest in any other station. While there is some flexibility in the type of documentation an applicant may provide, an applicant submitting no timely documentation at all cannot

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<sup>38</sup> *Id.* §§ 73.7003(c)(1), 74.1233(e)(3)(i); *Comparative Consideration of Five Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational Reserved Band FM Translator Stations*, Memorandum Opinion and Order, 29 FCC Rcd 9070, 9073 para. 6 (2014).

<sup>39</sup> *See NCE MO&O*, 16 FCC Rcd at 5102-03, para. 85; *see also* Schedule 349 Instructions at page 12.

<sup>40</sup> 47 CFR § 74.1233(e)(3)(i).

<sup>41</sup> *Id.* §§ 73.7003(c)(2), 74.1233(e)(3)(ii).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* § 74.1233(e)(3)(ii).

<sup>44</sup> 47 CFR § 74.1233(e)(3)(iii); *NCE Report and Order*, 15 FCC Rcd at 7427, para. 100 ("As a tie breaker of last resort . . . we will retain the first come, first served method currently in our rules for NCE-FM translator tie breakers").

be found to have made a valid certification and will not receive the claimed points.<sup>45</sup> The Commission will not consider documentation to support a claimed comparative point if it is submitted in an amendment after the Application Deadline.

**“Snapshot” Date for Establishing Points and Comparing Applications.** The NCE reserved band FM translator applicant’s qualifications for points will be initially determined “as of the closing of the filing window,” *i.e.*, the August 25, 2026, Application Deadline.<sup>46</sup> For example, NCE organizations will be considered “established” if they have operated as local entities since August 25, 2024, *i.e.*, for at least two years prior to the August 25, 2026, Application Deadline. These “snapshot” applicant characteristics establish an applicant’s maximum point total and determine its relative position in any tie-breaker, except for the third tie-breaker, which is based on the earliest-filed application after the window opens. Using a common snapshot date ensures a level playing field by comparing all applicants’ qualifications as they existed at the same moment in time.<sup>47</sup>

Any changes made after the Application Deadline may potentially diminish, but cannot enhance, an applicant’s comparative position and point total. Therefore, the Commission will take into account any amendments that adversely affect an applicant’s point total and comparative position. The Commission will *not* consider any amendments, filed after the Application Deadline, which improve an applicant’s comparative position.<sup>48</sup> For example, an applicant may lose claimed points, such as the diversity of ownership points, as a result of acquiring an overlapping station after the Application Deadline. In contrast, if an applicant certifies that it does not qualify for one of the point factors, it cannot later amend its application to claim such points. This is the case even if the applicant actually would have qualified for the point it is seeking at the time it filed the application.<sup>49</sup>

**Acceptability of Applications.** Following the Application Deadline, the Bureau will review all applications for compliance with the relevant technical and legal rules<sup>50</sup> and dismiss any application that is unacceptable for filing. A dismissed applicant will have *one* opportunity to file a minor curative amendment to its application and a petition for reconsideration, requesting reinstatement of the application *nunc pro tunc*.<sup>51</sup> The amendment and petition for reconsideration must be filed within 30 days of the dismissal of the application. Please note that any such amendment must propose minor changes

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<sup>45</sup> See, e.g., *Comparative Consideration of 32 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations Filed in the October 2007 Filing Window*, Memorandum Opinion and Order, 25 FCC Rcd 5013, 5017, para. 11 (2010) (“applicant submitting no timely documentation at all cannot be found to have made a valid certification”).

<sup>46</sup> See 47 CFR § 73.7003(e).

<sup>47</sup> See, e.g., *NCE MO&O*, 16 FCC Rcd at 5082-83, paras. 23-26; see also *id.* at 5083, para. 26 (“Of overall concern to us in this area is that we are comparing applications that use the same data. Reliance on information as of the close of the window will ensure that applicants have essentially a common reference date. With a common reference date and a common method of calculating population, the staff will analyze applicants on a similar basis.”).

<sup>48</sup> See 47 CFR § 73.7003(e).

<sup>49</sup> Another example of this principle is in the first tie-breaker criterion, which selects the applicant with the fewest number of broadcast authorizations at the time of filing. An applicant cannot enhance its position by selling one of its existing stations, but can diminish its position by acquiring an additional station.

<sup>50</sup> See, e.g., 47 CFR §§ 74.1204, 74.1205, 74.1232, 74.1234.

<sup>51</sup> See *Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*, Public Notice, 56 RR 2d 776 (1984); 47 CFR § 1.106.

and comply with all relevant rules.<sup>52</sup> The Bureau staff will not reinstate the application of an applicant that is unable to cure *all* the defects (including any defects not previously identified by the Bureau staff).

**Local Public Notice Requirements.** If and when a Translator Application is accepted for filing, the applicant must provide a public notice to inform its local community about its proposal.<sup>53</sup> The initial filing of a Translator Application in the window does not trigger the local public notice requirements. Rather, the Commission or Bureau's subsequent acceptance for filing of a Translator Application starts an applicant's local public notice obligations.<sup>54</sup> Specifically, once a Translator Application is accepted for filing, the applicant must give local notice by posting notice online, either (1) on the station website or a website affiliated with the primary station, the applicant, or its parent entity, or (2) on a publicly accessible, locally targeted website.<sup>55</sup> The notice must be posted for 30 consecutive days following the acceptance of the Translator Application for filing.<sup>56</sup>

**Amendments to Applications.** Following the Application Deadline, each applicant must continue to maintain the accuracy and completeness of the information in its application. Each applicant must notify the Commission, by electronically filing an amendment, of any substantial change that may be of decisional significance to the application.<sup>57</sup> For example, an applicant will be required, pursuant to section 1.65 of the rules, to update its number of authorizations (Tiebreaker Section) if/when one of its pending applications is granted.<sup>58</sup>

**Filing Freeze.** A limited application filing freeze will commence on July 10, 2026, and continue until the close of the window. The freeze will include all LPFM station, FM translator station, and FM booster station minor modification applications on both the reserved band and the non-reserved band. This freeze is necessary to promote transparency and predictability for window filers. It also is designed to provide sufficient time for applicants and consulting engineers to verify the availability of spectrum and perfect applications, while minimizing expenditures on facility proposals that otherwise could be blocked by minor change filings immediately prior to the opening of the window.

For additional information on the filing window, contact James Bradshaw, [James.Bradshaw@fcc.gov](mailto:James.Bradshaw@fcc.gov); Joseph Cohen, [Joseph.Cohen@fcc.gov](mailto:Joseph.Cohen@fcc.gov); Lisa Scanlan, [Lisa.Scanlan@fcc.gov](mailto:Lisa.Scanlan@fcc.gov); or Amy Van de Kerckhove, [Amy.Vandekerckhove@fcc.gov](mailto:Amy.Vandekerckhove@fcc.gov), of the Media Bureau, Audio Division, (202)

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<sup>52</sup> Applicants may not amend their applications to increase their comparative position.

<sup>53</sup> See 47 CFR § 73.3580; see also *Amendment of Parts 1, 73, 74, and 76 of the Commission's Rules to Update Rules Applicable to Broadcast Stations*, MB Docket No. 24-626, GN Docket No. 25-133, Report and Order, FCC 26-14 (March 25, 2026) at paras. 27-32 (clarifying the local public notice requirements).

<sup>54</sup> Once the Bureau determines that a singleton Translator Application is legally and technically acceptable, it will accept the application for filing by an LMS Public Notice. When the Commission designates an MX Translator Application as a tentative selectee, it will simultaneously release an "Acceptance Public Notice," which is a Commission or Bureau public notice, or an equivalent Order, accepting for filing applications from a filing window. See 47 CFR § 73.3580(a)(1).

<sup>55</sup> See 47 CFR §§ 73.3580(a), (b)(2).

<sup>56</sup> *Id.* The applicant must post the online notice no earlier than the date of release of the acceptance for filing public notice, and not later than five business days following release of the acceptance public notice. *Id.* at § 73.3580(b)(2)(iv).

<sup>57</sup> See 47 CFR § 1.65.

<sup>58</sup> See, e.g., *NCE MO&O*, 16 FCC Rcd at 5083, para. 25.

418-2700. Press inquiries should be directed to Nancy Murphy, [Nancy.Murphy@fcc.gov](mailto:Nancy.Murphy@fcc.gov), (202) 418-1043.

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