

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Parts 1, 73, 74 and 76 of the	)	MB Docket No. 24-626
Commission’s Rules to Update Rules Applicable to	)	
Broadcast Stations	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133

**REPORT AND ORDER**

**Adopted: March 25, 2026**

**Released: March 25, 2026**

By the Commission:

**I. INTRODUCTION**

1. This Report and Order updates the Commission’s rules (Rules) by revising various broadcast radio and television regulations in Parts 1, 73, 74, and 76 of the Code of Federal Regulations (CFR). The proposals adopted herein revise rules to best reflect current application processing requirements, codify existing Media Bureau (Bureau) practices, and remove references to outdated licensing procedures. These revisions further the Commission’s continued effort to remove rules and processes that are no longer necessary, and ensure that our rules are clear and functional for licensees and the public.<sup>1</sup>

**II. BACKGROUND**

2. The Commission initiated this proceeding proposing to update several of the Part 1, 73, 74, and 76 rules to better reflect current application processing procedures, clarify and harmonize rule provisions, and remove references to outdated practices and legacy filing systems.<sup>2</sup> Specifically, in the *NPRM*, the Commission proposed the following rule changes: (1) replacing references to the Bureau’s legacy Consolidated Database System (CDBS) electronic filing system with references to the new Licensing and Management System (LMS) electronic filing system;<sup>3</sup> (2) updating rules to correspond to the form naming conventions used in LMS;<sup>4</sup> (3) changing table of assignments/allotments references to conform to current standard language;<sup>5</sup> (4) removing a ten application cap adopted for the 2021 Noncommercial Educational (NCE) FM new station application filing window;<sup>6</sup> (5) updating the AM

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<sup>1</sup> The National Association of Broadcasters (NAB) and REC Networks (REC) submitted comments in both MB Docket No. 24-626 and GN Docket No. 25-133, encouraging the Commission to adopt new streamlining and efficiency initiatives. This *Report and Order* will consider their comments on the issues raised in MB Docket No. 24-626.

<sup>2</sup> See *Amendment of Parts 1, 73, 74 and 76 of the Commission’s Rules to Update Rules Applicable to Broadcast Stations*, Notice of Proposed Rulemaking, 39 FCC Rcd 13954 (2024) (*NPRM*), available at <https://docs.fcc.gov/public/attachments/FCC-24-126A1.pdf> (last visited Feb. 25, 2026).

<sup>3</sup> 47 CFR §§ 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii).

<sup>4</sup> 47 CFR §§ 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b).

<sup>5</sup> 47 CFR §§ 1.401, 1.403, 1.420, and 73.3573.

<sup>6</sup> 47 CFR § 73.503(g).

station power increase rules to eliminate the requirement that stations seeking facility modifications request at least a 20% increase in power and to reflect current AM station classifications and other administrative updates;<sup>7</sup> (6) updating the TV rules to remove obsolete language concerning the now-completed incentive auction;<sup>8</sup> (7) harmonizing the processing procedures for minor change low power FM (LPFM) applications with the current processing procedures for minor change full service FM and FM translator applications;<sup>9</sup> (8) codifying in section 73.807 of the rules the existing interpretation of the term “authorized” stations to include both licensed stations and/or granted construction permits;<sup>10</sup> (9) modifying sections 73.807(a)(1) and 73.807(c) of the rules to clarify that an LPFM applicant submitting an application in a filing window for a new construction permit or modification of an existing LPFM authorization must protect FM, LPFM, and FM translator applications submitted prior to a public notice announcing the procedures for an LPFM filing window;<sup>11</sup> (10) modifying the Signature Rule, which currently states that only officers can sign applications, to allow a “duly authorized employee” to sign, and codifying the existing rule interpretation that directors may sign applications;<sup>12</sup> (11) clarifying the rules concerning when an applicant for a new NCE FM, NCE TV, or LPFM construction permit must give local public notice of its application;<sup>13</sup> (12) removing language limiting grant of certain Special Temporary Authority (STA) submissions to 90 days, rather than the full 180-day period permitted for other reasons;<sup>14</sup> (13) modifying the application processing rules to remove and revise references to various procedures that are now obsolete;<sup>15</sup> (14) consolidating the rules for petitions to deny license renewal applications under a single rule section;<sup>16</sup> and (15) revising the informal objection rule to require service of pleadings upon the relevant applicant and objector, limit the number of responsive pleadings, and impose filing deadlines.<sup>17</sup>

3. In response to the *NPRM*, we received comments and replies from broadcast industry stakeholders who overwhelmingly support the majority of the proposed changes.<sup>18</sup> We received mixed

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<sup>7</sup> 47 CFR § 73.3571(e)(1)-(4).

<sup>8</sup> 47 CFR §§ 73.3700(c), 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i).

<sup>9</sup> 47 CFR § 73.870(e).

<sup>10</sup> 47 CFR § 73.807(a)(1) and (c).

<sup>11</sup> *Id.*

<sup>12</sup> 47 CFR § 73.3513.

<sup>13</sup> 47 CFR §§ 73.3580(a)(1), 73.7002(b), 73.7003(a), and 73.872(a).

<sup>14</sup> 47 CFR § 73.1635(a)(4).

<sup>15</sup> 47 CFR §§ 73.37(c), 73.3516(e), 73.3526, 73.3527, 73.3573(f)(1), 73.3578(a), 73.3591(b), 73.3597(b)(2), 73.3564(a) and (c), and Note 1 to 73.3522.

<sup>16</sup> 47 CFR §§ 73.3516(e) and 73.3584.

<sup>17</sup> 47 CFR § 73.3587.

<sup>18</sup> *See* Comments of Prometheus Radio Project, MB Docket No. 24-626 (filed Jan. 13, 2025) (Prometheus Comments); Comments of Electron Benders, MB Docket No. 24-626 (filed Mar. 25, 2025) (EB Comments); Comments of REC Networks, MB Docket No. 25-133 (filed Apr. 14, 2025) (REC 25-133 Comments); Comments of REC Networks, MB Docket No. 24-626 (filed Apr. 21, 2025) (REC Comments); Comments of National Association of Broadcasters, MB Docket No. 24-626 (filed Apr. 23, 2025) (NAB Comments); Comments of Ten Public Broadcast Licensees, MB Docket No. 24-626 (filed Apr. 23, 2025) (Public Broadcasters Comments); Reply Comments of REC Networks, MB Docket No. 25-133 (filed Apr. 29, 2025) (REC 25-133 Reply Comments); Reply Comments of REC Networks, MB Docket No. 24-626 (filed May 5, 2025) (REC Reply Comments); Reply Comments of Broadcast Warning Working Group, MB Docket No. 24-626 (filed May 8, 2025) (BWWG Reply Comments); Comments of Kelly Moore, MB Docket No. 24-626 (filed May 8, 2025) (Moore Comments); and Letter from Todd Urick, President, Common Frequency, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 24-626 (filed June 16, 2025) (Common Frequency *Ex Parte* Comments).

comments in response to our proposal to harmonize processing procedures for minor change LPFM applications with the current processing procedures for minor change full service FM and FM translator applications, and in response to our proposal to revise the informal objection rule to require service of pleadings upon the relevant applicant and objector, limit the number of responsive pleadings, and impose filing deadlines. As detailed below, we adopt 13 of the proposals set out in the *NPRM* and decline to adopt the remaining proposals.

**A. Replace References to CDBS with References to LMS**

4. We adopt the *NPRM* proposal to amend sections 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii) of the Rules to replace references to the Bureau's legacy CDBS electronic filing system with references to the Bureau's new LMS electronic filing system.<sup>19</sup> The Bureau no longer updates CDBS, and users are instead required to use LMS to search for and file applications and pleadings.<sup>20</sup> Two commenters support this proposal as noncontroversial.<sup>21</sup> While NAB also suggests that we omit the specific database names in the Rules because the databases will inevitably change,<sup>22</sup> we reject this proposal and conclude that specificity prevents confusion, particularly in the wake of a transition from one database to the next. Accordingly, we amend sections 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), and 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii), by replacing references to CDBS with references to LMS.

**B. Update Form Names**

5. We adopt our proposal in the *NPRM*, to update sections 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b) of the Rules, to conform to the current form designation conventions currently used in LMS.<sup>23</sup> CDBS previously used unique form numbers for each application, while LMS now designates applications using both a form number and a separate schedule number, i.e., "FCC Form 2100, Schedule 301."<sup>24</sup> REC supports this proposal as noncontroversial.<sup>25</sup> Although NAB generally supports eliminating

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<sup>19</sup> *NPRM*, 39 FCC Rcd at 13955, para. 3; 47 CFR §§ 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii). See *Mass Media Bureau Implements Consolidated Database System (CDBS) Public Access*, Public Notice, 15 FCC Rcd 15754 (MMB 2000) (announcing implementation of CDBS) (CDBS Implementation Public Notice); *Media Bureau Implements Licensing and Management System (LMS) Electronic Filing for Radio Stations*, Public Notice, 34 FCC Rcd 2302 (MB 2019) (announcing implementation of LMS).

<sup>20</sup> See *Media Bureau Announces Transition of Additional Filings to Licensing and Management System*, Public Notice, 38 FCC Rcd 6138 (MB 2023); see also Federal Communications Commission, Media Bureau Filing Systems and Databases, <https://www.fcc.gov/media/filing-systems-and-databases> (last visited Feb. 3, 2026).

<sup>21</sup> REC Comments at 22-23, NAB Comments at 2.

<sup>22</sup> NAB Comments at 2. NAB also proposes that we ensure access to AM station records that predate electronic filing systems. NAB Comments at 4. We note that the Commission maintains all station records at FCC Headquarters or its off-site facility and makes them available to the public upon request through the FCC Reference Information Center. See FCC Reference Information Center, <https://www.fcc.gov/ric> (last visited Feb. 27, 2026). BWVG also submits a number of comments that primarily relate to off-topic emergency alert system (EAS) concerns and complaints regarding the FCC's main website. BWVG Reply Comments at 1-5. These comments are not responsive to the *NPRM* proposals, are therefore beyond the scope of this proceeding, and we decline to address them further.

<sup>23</sup> *NPRM*, 39 FCC Rcd at 13955, para. 4; 47 CFR §§ 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b). Specifically, in these rules we update references to FCC Forms 301, 302, 316, 318, 319, 340, 346, and 349.

<sup>24</sup> See generally 47 CFR § 73.3500.

<sup>25</sup> REC Reply Comments at 22-23. BWVG also submits comments primarily related to off-topic EAS concerns. BWVG Reply Comments at 1-5. As noted above, these comments are unrelated to our specific *NPRM* proposal, and we therefore decline to address them further.

the references to CDBS and updating the Commission's rules and forms, it suggests that we omit the specific form names in favor of generic references to forms in the Rules because the form conventions will likely change again.<sup>26</sup> As with references to filing databases, we find that using specific form designations provides clarity to applicants and avoids the potential for confusion while transitioning from retired form names to currently used form names.<sup>27</sup> Therefore, we amend sections 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b), to conform to the LMS form designations.

**C. Change Table of Assignments/Allotments References to Conform to Existing Language**

6. We adopt the *NPRM* proposal to update inconsistent terminology in Rule references to the tables governing FM and TV allotments, by changing references in sections 1.401, 1.403, 1.420, and 73.3573 to correspond with the standard language used in sections 73.202, 73.606, and 73.622.<sup>28</sup> REC supports this proposal as noncontroversial.<sup>29</sup> NAB also supports this proposal, and emphasizes that consistent terminology is critical, noting the important distinctions between the terms “allocation,” “allotment,” and “assignment.”<sup>30</sup> We agree that these terms do not have the same meaning. Accordingly we amend sections 1.401,<sup>31</sup> 1.403, 1.420, and 73.3573 to change references in these sections from “FM Table of Allotments” to “Table of FM Allotments;” from “TV Table of Allotments” to “Table of TV Allotments;” from “FM Table of Assignments” to “Table of FM Allotments;” and from “TV Table of Assignments” to “Table of TV Allotments.”

**D. Eliminate Section 73.503(g), the 2021 NCE FM Window Application Cap**

7. In the *NPRM*, the Commission proposed to eliminate language concerning the 10 application cap on the number of applications each applicant could submit in the 2021 NCE FM filing window, as mandated in section 73.503(g) of the Rules.<sup>32</sup> Prometheus, REC and NAB all support this

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<sup>26</sup> NAB Comments at 2.

<sup>27</sup> Prometheus requests that the Commission use “plain language, straightforward instructions” to make it easier for small organizations to navigate FCC processes and systems in a more affordable manner. Prometheus Comments at 8. The Commission agrees and notes that it purposefully strives to employ clear, straightforward language in drafting and updating its rules. Prometheus also requests that the Commission make application and regulatory materials available in languages other than English. *Id.* at 9. While application forms are presented in English, Commission staff is available to assist non-native English speakers to the extent possible. *See, e.g.*, regulatory guides and services offered by the Consumer and Governmental Affairs Bureau, *available at* <https://www.fcc.gov/consumer-guides> (last visited Feb. 24, 2026).

<sup>28</sup> *NPRM*, 39 FCC Rcd at 13955-56, para. 5; 47 CFR §§ 1.401, 1.403, 1.420, and 73.3573.

<sup>29</sup> REC Comments at 22-23.

<sup>30</sup> NAB Comments at 5-6.

<sup>31</sup> We also update the cross-reference contained in 47 CFR § 1.401(d) from 47 CFR § 73.606 (the analog television table of allotments) to 47 CFR § 73.622 (the digital television table of allotments). . This change is necessary to reflect revisions to our Rules previously adopted by the Commission. *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auction*, GN Docket No. 12-268, Order, 36 FCC Rcd 15891, 15896, para. 11 (2021) (deleting cross-references to “§ 73.606(b)” and replacing them with “§ 73.622(j).” While this update was not proposed in the *NPRM*, we find that notice and comment procedures are unnecessary under the “good cause” exception of the Administrative Procedure Act (APA) because the changes constitute routine “clean-up” matters that entail no substantive decisions of any consequence or significance to industry or the general public. *See* 5 U.S.C. § 553(b)(3)(B) (notice and comment is not necessary “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”).

<sup>32</sup> *NPRM*, 39 FCC Rcd at 13956, para. 6; 47 CFR § 73.503(g).

rule removal as noncontroversial.<sup>33</sup> In the *NPRM*, the Commission observed that, while the filing window has passed, several applications remain pending from the 2021 NCE FM window. Therefore, the Commission proposed to delegate authority to the Bureau to effectuate this change and remove section 73.503(g) from the rules “upon resolution and finality of the remaining NCE FM applications.”<sup>34</sup> Because these applications are still pending, we adopt our proposal to delegate authority to the Bureau to remove section 73.503(g) from the Rules once the applications are final and therefore no longer subject to reconsideration or administrative or judicial review.<sup>35</sup>

#### **E. Eliminate AM Station Power Increase Restrictions**

8. We adopt the *NPRM* proposal to update the Rules for AM station power increases to eliminate the requirement that stations request at least a 20% increase in nominal power; and update AM station classifications to conform to current classifications used in the Class B and Class D definitions in section 73.21(a)(2) and (3) of our Rules and international agreements.<sup>36</sup> We also adopt as proposed a minor administrative change to move the Note to section 73.3571 into the text of paragraph (h)(1)(ii).<sup>37</sup> Prometheus, REC and NAB support these changes and agree they would offer increased flexibility to AM broadcasters.<sup>38</sup> NAB also maintains that eliminating the 20% minimum increase in power requirement will help AM stations achieve required community of license coverage, and contributes to the elimination of minimum efficiency requirements for AM stations.<sup>39</sup> Therefore, we amend section 73.3571(e)(1) through (4), to eliminate the requirement that AM stations request at least a 20% increase in nominal power, and to reflect current AM station classifications. We also relocate the Note to the text of section 73.3571, to conform with publishing conventions of the National Archives and Records Administration’s Office of the Federal Register.

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<sup>33</sup> Prometheus Comments at 1; REC Comments at 22-23; NAB Comments at 6. Prometheus also suggests we use caps for future windows to promote new entrants and local ownership. The Commission agrees with Prometheus concerning the utility of application caps, and in this regard has recently proposed a 10-application cap in the context of an upcoming new NCE reserved band FM translator application filing window. *See FCC Seeks Comment on Proposed Application Limit for New Noncommercial Educational Reserved Band FM Translator Station Applications in Upcoming 2026 Filing Window*, Public Notice, MB Docket No. 26-20, FCC 26-10 (Feb. 18, 2026). While NAB agrees with removal of the rule, it also contends that filings windows referenced in the Commission’s rules are “often” out-of-date and “can cause significant confusion to the public” and proposes that the Commission should develop a “flexible mechanism for publicizing its specific-filing windows.” NAB Comments at 6. We disagree with NAB because even if out of date, the rules are clear as to which filing window they pertain to. *See, e.g.,* 47 CFR § 73.503(g) (“An applicant may file no more than a total of 10 applications in the 2021 NCE FM filing window.”) (emphasis added). In addition, the Media Bureau informs the public of filing windows by issuing Public Notices. *Media Bureau Announces LPFM New Station Application Filing Window; Window Open from November 1, 2023, to November 8, 2023*, Public Notice, 38 FCC Rcd 5763 (MB 2023); *Media Bureau Announces Filing Procedures and Requirements for November 1 - November 8, 2023, Low Power FM Filing Window; Limited Application Filing Freeze to Commence on September 1, 2023*, Public Notice, 38 FCC Rcd 6660 (MB 2023).

<sup>34</sup> *NPRM*, 39 FCC Rcd at 13955, para. 3.

<sup>35</sup> *See* 47 CFR §§ 1.106, 1.115, and 1.117.

<sup>36</sup> *NPRM*, 39 FCC Rcd at 13956-58, paras. 7-11; 47 CFR § 73.3571(e)(1), (2), (3), and (4). As explained in the *NPRM*, in 1991, the Commission updated station classifications to conform to international agreements, however, paragraph (e)(4) was not updated at the time the stations were reclassified, and the current rule still reflects the old classifications.

<sup>37</sup> *See* 47 CFR § 73.3571, Note to § 73.3571.

<sup>38</sup> Prometheus Comments at 2; REC Comments at 22-23; NAB Comments at 7.

<sup>39</sup> NAB Comments at 7.

## F. Post-incentive Auction Viewer and MVPD Notification Requirements

9. We adopt the *NPRM* proposal to remove obsolete rule language and notice requirements that had been adopted to implement the broadcast television spectrum incentive auction. Because the post-incentive auction transition period concluded on July 3, 2020, these post-incentive auction notice provisions are now outdated. Specifically, the Commission proposed deleting section 73.3700(c) and revising sections 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i).<sup>40</sup> REC supports these changes as noncontroversial, and NAB agrees that broadcast incentive auction-related notice requirements concerning now-completed transitions and notice to MVPDs should be eliminated.<sup>41</sup> Accordingly, we delete the post-incentive auction transition consumer notification requirements in section 73.3700(c) and revise the MVPD notice provisions for ATSC 3.0 stations in sections 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i) by eliminating the extended notice period for repacked stations and removing the reference to the post-incentive auction transition period. In addition, we delete section 73.3700(i) of our rules which relates to TV broadcast station operations above channel 37 (614-698 MHz, the so-called “600 MHz Band”). All TV broadcast stations have ceased operating and are no longer permitted to operate in the 600 MHz band, which is now allocated for wireless broadband services.<sup>42</sup> While this rule deletion was not proposed in the *NPRM*, we find that notice and comment procedures are unnecessary under the “good cause” exception of the Administrative Procedure Act because the revisions merely remove obsolete requirements from our rules and thus will not result in any change in current Commission procedures.<sup>43</sup>

## G. Update Section 73.870, Processing LPFM Minor Modification Applications

10. The Commission proposed in the *NPRM* to codify the existing interpretation of section 73.870(e) that LPFM minor modification applications received on the same day will be treated as simultaneously filed and, if mutually exclusive, directed to use engineering solutions and good-faith negotiation to resolve the mutual exclusivity.<sup>44</sup> Unlike the rules for full service FM<sup>45</sup> and FM translator

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<sup>40</sup> *NPRM*, 39 FCC Rcd at 13958-59, paras. 12-14; 47 CFR § 73.3700(c), 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i).

<sup>41</sup> REC Comments at 22-23, NAB Comments at 6.

<sup>42</sup> See *Amendment of the Commission’s Rules to Advance the Low Power Television, TV Translator and Class A TV Service*, MB Docket No. 24-148, Report and Order, FCC 25-84, paras. 52-55 (rel. Dec. 19, 2025) (concluding that no TV stations are operating above channel 37 and prohibiting operations in the 600 MHz band for LPTV and TV translators); *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, 38 FCC Rcd 8706, 8719, paras. 22-23 (2023) (deleting as obsolete outdated rules relating to the post-incentive auction transition period, which among other things required full power and Class A TV stations to vacate their pre-auction channels (including those above TV channel 37) by July 13, 2020).

<sup>43</sup> See 5 U.S.C. § 553(b)(3)(B) (notice and comment is not necessary “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”); see also *Amendment of Part 95, Subpart E, Technical Regulations in the Personal Radio Services Rules*, Order on Reconsideration and Second Report and Order, 31 FCC Rcd 5032 para. 11 (1988) (notice and comment unnecessary when revisions in an order “merely...delete redundant or obsolete rules,” the actions will not result in any change in Commission procedures and, thus, there will be no impact upon regulated entities).

<sup>44</sup> *NPRM*, 39 FCC Rcd at 13959-61, paras. 15-18; 47 CFR § 73.870(e).

<sup>45</sup> Generally, applications for minor modifications of full service FM broadcast and FM translator stations “may be filed at any time, unless restricted by the FCC, and will be processed on a ‘first come/first served’ basis.” 47 CFR §§ 73.3573 (full service), 74.1233 (translators). Section 73.3573 outlines the processing procedures for full service FM broadcast station applications. Section 73.3573(e)(1), which governs reserved channel FM broadcast stations, states that “[c]onflicting minor change FM applications received on the same day are treated as simultaneously filed and mutually exclusive.” With respect to non-reserved band FM broadcast stations, section 73.3573(f)(1) states that

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station<sup>46</sup> minor modification applications, there is no language in section 73.870 indicating the processing standard for LPFM minor modification applications received on the same day.<sup>47</sup> In a recent case, the Bureau rejected the applicant's argument that its LPFM modification application should receive first-in-time priority based on the time of day the application was filed, and concluded that first-come, first-served processing for LPFM minor modification applications should follow the same general procedures used in the NCE and commercial FM services, under which conflicting minor modification applications filed on the same day are treated as simultaneously filed and thus mutually exclusive.<sup>48</sup> In the *NPRM*, we proposed to codify in the Rules this existing interpretation of section 73.870(e) that, where LPFM minor modification applications are received on the same day, they will be treated as simultaneously filed and, if mutually exclusive, the applicants will be directed to use engineering solutions and good-faith negotiation to resolve their mutual exclusivity.<sup>49</sup> The proposed LPFM rule change aimed to mirror the language for minor modifications of full service FM and FM translator stations.<sup>50</sup> Upon consideration of the comments filed on this issue, we decline to adopt this proposal.

11. We received conflicting comments in response to the *NPRM*. While NAB agrees with the *NPRM*'s proposed approach, pointing out that it would make the processing rules consistent with treatment of applications in other similar services, three other commenters oppose the proposal.<sup>51</sup> Several commenters suggest that we should move to a true first-come, first-served approach based on the exact time of day an application is received, since application submission order can be determined using receipt time stamps, a technical capability not previously available in CDBS but now available in LMS.<sup>52</sup> REC also suggests that we broaden the scope of commenters' alternative proposal to apply a receipt time stamp approach to all other services, rather than just LPFM minor modification applications received on the same day.<sup>53</sup>

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“[a]ll applications received on the same day will be treated as simultaneously tendered and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment.”

<sup>46</sup> The same processing procedures apply to conflicting minor change FM translator applications received on the same day pursuant to section 74.1233. See 47 CFR §§ 74.1233(b)(1) (Processing booster and reserved band FM translator applications. “Conflicting applications received on the same day will be treated as simultaneously filed and mutually exclusive.”) and 74.1233(d)(1) (Processing non-reserved band FM translator applications. “Applications received on the same day will be treated as simultaneously filed and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment.”).

<sup>47</sup> The current text of section 73.870(e) simply states: “Minor change LPFM applications may be filed at any time, unless restricted by the staff, and generally, will be processed in the order in which they are tendered. Such applications must meet all technical and legal requirements applicable to new LPFM station applications.” 47 CFR § 73.870(e).

<sup>48</sup> *Electron Benders*, Letter Order, 38 FCC Rcd 12125 (MB 2023) (*Electron Benders*).

<sup>49</sup> *NPRM*, 39 FCC Rcd at 13960-61, para. 18.

<sup>50</sup> See 47 CFR §§ 73.3573(e)(1), (f)(1) and 74.1233(b)(1), (d)(1).

<sup>51</sup> Prometheus Comments at 2; Electron Benders Comments at 1; REC Comments at 7-8; NAB Comments at 6; REC Reply Comments at 8.

<sup>52</sup> Prometheus Comments at 2; Electron Benders Comments at 1; REC Comments at 6-7; and REC Reply Comments at 8. Electron Benders maintains that the Commission should simply delete the term “and generally” from the current rule to clarify a first come, first served approach. Electron Benders Comments at 1-2. We decline to modify the rule in order to preserve the Bureau's flexibility to process minor change LPFM applications based on the particular circumstances presented.

<sup>53</sup> REC Comments at 7-8. REC also cites its survey of small broadcast stations in both the commercial and noncommercial educational sectors, particularly LPFM, which indicated that 97.6% believe regulations should reflect current electronic filing system technology. *Id.* at 6-7. REC also proposes that, for applications requiring filing fees, we apply a “first paid” determination using LMS. *Id.* at 8. As an additional alternative option, some

(continued...)

12. The *NPRM* proposal narrowly addressed the specific scenario where minor modification applications in the LPFM service were received on the same day and thus treated as simultaneously filed (and, if mutually exclusive, directed to use engineering solutions and good-faith negotiation to resolve their mutual exclusivity).<sup>54</sup> However, REC's proposal to apply a "first in time" receipt time stamp approach not only to LPFM minor modification applications received on the same day, but to extend it to other services may warrant consideration in a future proceeding that takes into account not just LPFM but other broadcast services as well. While this alternative proposal goes beyond the scope of the specific rule revisions posed here, we may consider the proposal in a separate future proceeding in which we can fully assess implementing time stamp receipt technology in the context of first-come, first-served procedures for minor modification applications, not just for the LPFM service, but for all services going forward. Therefore, we decline to codify in the Rules the Bureau's existing interpretation of section 73.870(e) at this time,<sup>55</sup> and the Bureau should continue to rely on existing precedent, as appropriate, whereby LPFM minor modification applications received on the same day will be treated as simultaneously filed and, if mutually exclusive, directed to use engineering solutions and good-faith negotiation to resolve the mutual exclusivity.<sup>56</sup>

## **H. Revisions to Section 73.807, Minimum Distance Separation Between Stations**

### **1. Codification of Definition of the Term "Authorized" Station**

13. In the *NPRM*, the Commission proposed to codify the long-standing interpretation of the term "authorized" stations in section 73.807 as including both licensed stations and/or granted construction permits for FM, LPFM, and FM translator stations.<sup>57</sup> Commenters support this codification. REC commented that according to its survey of small broadcast stations conducted after release of the *NPRM*, 90.2% of REC's constituents perceived this to be the interpretation of the term "authorized," and 93% agree with the Commission's position.<sup>58</sup> NAB also agrees that construction permits, as well as licenses, are deemed "authorizations" for LPFM applicants to protect.<sup>59</sup> Therefore, we codify in sections 73.807(a) and (c) of the Rules the existing interpretation of the term "authorized" stations as including both licensed stations and/or granted construction permits for FM, LPFM, and FM translator stations.

### **2. Prior-filed Application Protections**

14. The *NPRM* proposed to modify sections 73.807(a)(1) and 73.807(c) of the Rules to clarify that an LPFM applicant submitting an application in a filing window for a new construction permit or modification of an existing LPFM authorization must protect FM, LPFM, and FM translator applications submitted prior to the public notice announcing the procedures for the LPFM filing

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commenters suggest that if we codify processing LPFM minor modification applications received on the same day as simultaneously filed, as proposed in the *NPRM*, we "hold" the application, or prevent LMS from publicly displaying the application until the next day to avoid gamesmanship or blocking. Prometheus Comments at 3; NAB Comments at 7. REC opposes this suggestion because it fails to modernize processing policies to reflect current technology. REC Comments at 8; REC Reply Comments at 8-9. Despite some support for this delayed display suggestion, commenter response was limited. As with the receipt time stamp proposal, we anticipate considering this additional suggestion as part of our continued effort to improve our processes and assess the efficacy of new technical solutions for our filing systems.

<sup>54</sup> *NPRM*, 39 FCC Rcd at 13960-61, para. 18.

<sup>55</sup> In our ongoing pursuit of ways to modernize our processes and improve government efficiency, we anticipate exploring the utility of utilizing electronic filing system time stamp technology for purposes of processing priority. If it is found by the Bureau to be technically and practically feasible, we will evaluate such an approach at that time.

<sup>56</sup> See Electron Benders *supra* note 48.

<sup>57</sup> *Id.* at 13961-62, paras. 19-20; 47 CFR § 73.807.

<sup>58</sup> REC Comments at 8.

<sup>59</sup> NAB Comments at 7.

window.<sup>60</sup> The *NPRM* also proposed to remove the reference to “cutoff FM translator applications” as redundant and potentially confusing.<sup>61</sup>

15. Commenters generally support this proposal, with certain modifications. REC states that to avoid confusion in future application windows, there should only be one public notice released prior to the filing window.<sup>62</sup> In the case of the 2023 LPFM filing window, two public notices were released prior to the window. The first June 22, 2023 public notice simply announced the dates of the filing window,<sup>63</sup> and the second more detailed July 31, 2023 public notice announced all of the procedures and requirements for filing applications in the window.<sup>64</sup> REC maintains that a single public notice should announce all relevant window information and filing procedures.<sup>65</sup> NAB agrees that FM, LPFM, and FM translator applications filed prior to the public notice detailing the LPFM application filing window procedures must be protected, but a public notice that announces only an upcoming filing window should not trigger that protection.<sup>66</sup>

16. In order to safeguard the integrity of the filing window and the application filing process, the Bureau must retain flexibility and discretion to issue multiple public notices, should circumstances require. More than one public notice may be necessary given the particularities of future application filing windows. Accordingly, we modify sections 73.807(a)(1) and 73.807(c) to state that FM, LPFM, and FM translator applications filed prior to the release of the public notice announcing the filing procedures that will apply to any upcoming LPFM application filing window must be protected under these rule sections. We clarify that a public notice which simply announces an upcoming filing window would not terminate protection requirements for prior-filed applications under sections 73.807(a)(1) and 73.807(c). We also remove the potentially confusing reference to “cutoff FM translator applications” in 73.807(c), as commenters did not oppose this proposed change.<sup>67</sup>

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<sup>60</sup> *NPRM*, 39 FCC Rcd at 13962-63, paras. 21-24.

<sup>61</sup> *Id.*

<sup>62</sup> REC Comments at 10. REC also maintains that a filing freeze for all LPFM and FM translator minor change applications should begin the first business day following the date of this notice.

<sup>63</sup> *Media Bureau Announces LPFM New Station Application Filing Window; Window Open from November 1, 2023, to November 8, 2023*, Public Notice, 38 FCC Rcd 5763 (MB 2023).

<sup>64</sup> *Media Bureau Announces Filing Procedures and Requirements for November 1 - November 8, 2023, Low Power FM Filing Window; Limited Application Filing Freeze to Commence on September 1, 2023*, Public Notice, 38 FCC Rcd 6660 (MB 2023) (LPFM Procedures Public Notice); *NPRM*, 39 FCC Rcd at 13962-63, para. 23.

<sup>65</sup> *Id.*

<sup>66</sup> NAB Comments at 8.

<sup>67</sup> We decline to adopt REC’s additional suggestion that the filing freeze for modifications to existing FM translator and LPFM stations *must* begin the first day after issuance of a single public notice announcing both the window dates and filing procedures. As with the need for flexibility governing the number of public notices preceding a filing window, the Bureau must also have the discretion to determine specific filing freeze dates in order to best accommodate any database or processing conditions unique to each particular filing window. *See, e.g.*, notes 63 and 64 *supra*. For example, in the case of the 2023 LPFM window, the LPFM window Procedures Public Notice was released July 31, 2023, and the filing freeze began September 1, 2023. The freeze continued in effect until the close of the application filing window, December 15, 2023. *LPFM Procedures Public Notice*, 38 FCC Rcd at 6660. Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 9589 (MB 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 11882 (MB 2023).

## I. Revise the Signature Rule

17. In the *NPRM*, the Commission proposed to: (1) codify the existing interpretation of the Signature Rule (section 73.3513), applicable to all broadcast services, that “directors” of corporations may sign applications; (2) expand the definition of who may sign an application on behalf of a corporation, a partnership, and an unincorporated association, to include a “duly authorized employee;” and (3) clarify that the term “signed,” for applications submitted in LMS, includes an electronic signature.<sup>68</sup>

18. First, we amend section 73.3513 to codify the existing interpretation of the Signature Rule that directors of corporations may sign applications. Prometheus, REC, and Common Frequency all support this addition, and no commenter opposes it.<sup>69</sup> Accordingly, we adopt the change as proposed in the *NPRM*. Next, we clarify that the term “signed,” for applications submitted in LMS, includes an electronic signature. No commenter opposed this proposal, and we therefore adopt this additional modification to section 73.3513.

19. The *NPRM* also proposed to expand the Signature Rule to permit a corporation, partnership, or unincorporated association to designate a “duly authorized employee,” to sign applications or amendments on its behalf rather than continuing to require a signature from an officer. Prometheus, Public Broadcasters, and Common Frequency support the proposal.<sup>70</sup> Prometheus and Public Broadcasters also make additional suggestions to expand flexibility.<sup>71</sup> REC supports the change only in a limited circumstance.<sup>72</sup>

20. Prometheus agrees that the current rule leads to far too many otherwise qualified organizations having applications dismissed without an opportunity to amend.<sup>73</sup> In conjunction with its endorsement of expanding the Signature Rule and allowing “duly authorized employees” to sign applications, Prometheus encourages the Commission to define the term broadly to “include the part-time, contract, and volunteer roles often held by nonprofit professionals in corporations, associations, and other civic and religious organizations.”<sup>74</sup> Prometheus advises that cooperatively-owned businesses may not have “employees;” membership nonprofit corporations, for example, may have tens or hundreds of members with duties and rights. Given the extensive variation of corporate structures and the “murky meaning of ‘employee,’” Prometheus suggests that a more appropriate term may be “duly authorized representative,” in order to cover a broader range of employees.<sup>75</sup> Common Frequency also agrees with the option to designate a “duly authorized employee” to sign applications or amendments, and contends that any employee of the organization, or in the case of volunteer nonprofits, any person at the nonprofit

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<sup>68</sup> *NPRM*, 39 FCC Rcd at 13963-65, paras. 25-28.

<sup>69</sup> Prometheus Comments at 4, REC Comments at 12, REC Reply Comments at 2, Common Frequency *Ex Parte* Comments at 2.

<sup>70</sup> Prometheus Comments at 3-6, Public Broadcasters Comments at 2-5, Common Frequency *Ex Parte* Comments at 1-2.

<sup>71</sup> Prometheus Comments at 3-6. Public Broadcasters Comments at 2-5.

<sup>72</sup> REC Comments at 14, REC Reply Comments at 7.

<sup>73</sup> Prometheus Comments at 3.

<sup>74</sup> *Id.* at 4-5.

<sup>75</sup> *Id.* Since the goal of the Signature Rule is to assure that the application is not fraudulent, Prometheus submits that the issue is not which signature appears as the certifier, but whether the application represents the “will of the organization.” Therefore, Prometheus suggests that certification signatures from parties in interest listed in the application should generally be assumed to represent the “will of the organization;” signatures from non-parties in interest may prompt a request from the Commission for proof that the application represents the legal will of the organization, in a manner similar to how missing corporate-status documents are currently handled. *Id.*

with a position title, i.e. “Executive Director” or “Pastor,” should have authority to sign and file an application.<sup>76</sup>

21. Public Broadcasters likewise supports the proposal to allow duly authorized employee signatures and certifications, but requests extension of this flexibility to allow duly authorized employees of governmental entities to sign Commission applications.<sup>77</sup> Public Broadcasters argues that a literal reading of the Signature Rule regarding governmental entity applicants limits signatories to elected or appointed government “officials”—positions held at the highest levels of large organizations, which makes compliance with the Signature Rule burdensome.<sup>78</sup> According to Public Broadcasters, the Commission has never “articulated the parameters of a governmental entity’s ability to ‘duly appoint’ FCC signatories. Thus it is not clear whether there are any restrictions on which employee(s) can be given FCC signature authority . . . .”<sup>79</sup> Public Broadcasters therefore requests that the Signature Rule also be revised to allow signature by a duly authorized employee for a governmental entity.<sup>80</sup> REC counters that governmental entities are not the intended subject of this proceeding, and in any event, the term “official” in the current Signature Rule is broad enough to include employees appointed as application signatories.<sup>81</sup>

22. REC also does not generally support expanding the definition of who may sign an application. It states that the Commission must approach this issue from a public interest standpoint that maintains the integrity of the meaning of the signature on the application and the accountability that goes with it, in order to prevent abuse of process, which “we saw a lot of during the 2013 LPFM Window.”<sup>82</sup> REC counters that, for the integrity of the application, the applicant’s organization and the LPFM and NCE broadcast services in general, in the case of corporations, the application signatory must be a person with an attributable interest in the applicant entity, such as an officer or director.<sup>83</sup> REC acknowledges

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<sup>76</sup> Common Frequency *Ex Parte* Comments at 2.

<sup>77</sup> Public Broadcasters Comments at 2. Section 73.3513(a)(5) specifically applies to Governmental Entities: “(a) Applications, amendments thereto, and related statements of fact required by the FCC must be signed by the following persons: . . . (5) **Governmental Entity**. Such duly elected or appointed officials as may be competent to do so under the law of the applicable jurisdiction, if the applicant is an eligible governmental entity, such as a State or Territory of the United States and political subdivisions thereof, the District of Columbia, and a unit of local government, including an unincorporated municipality.”

<sup>78</sup> Public Broadcasters Comments at 3-4. Public Broadcasters notes that many public broadcasters are state or local governmental entities, including state colleges and universities. Some public broadcaster licensees are part of large public university systems or large research universities; some are state authorities that hold broadcast licenses for entire statewide public broadcast networks; some are smaller universities that rely on duly authorized employees to manage their broadcast operations. *Id.* at 3.

<sup>79</sup> *Id.* at 3. Public Broadcasters states that Commission case law offers limited guidance regarding the ability of governmental entities to authorize “duly appointed” signatories, but the Commission has accepted such appointments in practice, citing *Bloomfield Hills School District*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 14055, 14058-59 (MB 2007) (the signatory’s position as “general manager” did not automatically confer authority to sign the application, however, because the applicant granted the signatory full authority to carry out acts on behalf of the station, the signatory was qualified to sign as an appointed official of a governmental entity); and *David T. Murray*, Memorandum Opinion and Order, 5 FCC Rcd 5770, 5771 at para. 9 (MB 1990) (holding that signatory was qualified to sign the application because section 73.3513(a)(5) does not specify acceptable titles for certifying officials, and the signatory was the board-appointed “general manager and operating head” of the governmental entity).

<sup>80</sup> *Id.* at 4.

<sup>81</sup> REC Reply Comments at 2-3.

<sup>82</sup> *Id.* at 5. REC cites to past occurrences in the 2013 LPFM Window where board members or officers, those with the ultimate responsibility, were unaware that an application had been filed. *Id.* at 4-6.

<sup>83</sup> REC Comments at 12-13; REC Reply Comments at 2.

that during the 2021 NCE and 2023 LPFM filing windows, there were a number of instances where someone other than an officer or director signed an application on behalf of a corporation applicant, resulting in informal objections being filed. In those cases, the application was dismissed with no opportunity to amend.<sup>84</sup> REC maintains, however, that because the applications dismissed during the 2021 NCE and 2023 LPFM filing windows were a “*de minimis*” number, the potential for application dismissal does not outweigh the significance of the abuse of process situations that were seen in the 2013 LPFM Window.<sup>85</sup> REC states that the signature rule for corporations must remain only with the leadership, but the underlying policy implementation must address beginner’s mistakes.<sup>86</sup> However, REC does support allowing a “duly authorized employee” to sign on behalf of a physically disabled board member.<sup>87</sup>

23. We adopt the proposal to expand the definition of who may sign an application on behalf of a corporation, a partnership, and an unincorporated association, to include a “duly authorized employee,” and we adopt the proposed changes to section 73.3513(a). We also revise the Signature Rule to allow a “duly authorized employee” of a governmental entity to sign an application.<sup>88</sup> Additionally, in light of commenters’ requests, while we codify the term “duly authorized employee,” we direct the Bureau to interpret the term “employee” broadly, as circumstances may require, to take account of all types of employees (whether paid or unpaid) and the varied roles and positions that each organization and entity may utilize. The Bureau should construe “employee” so as to capture the wide-ranging positions brought to our attention by commenters, including members and volunteers that are under the direct control of the organization and are authorized by the organization to sign and file an application.<sup>89</sup> We anticipate that the term “employee” will cover representatives from applicant entities that typically do not have traditional employees, but which instead enlist volunteers or similar personnel to perform the duties required by the organization, who are also under the direct control of the organization and authorized by the organization to sign an application. This may include various workforce titles at the numerous organizational entities from which the Commission receives broadcast applications. As such, the Bureau should consider and assess this broad array of potential positions based on each applicant’s unique organizational structure under the principles we have articulated here. We also recognize that there will likely be many different types of employees who are now eligible to sign an application if duly authorized by their organization. At the same time, we recognize that not every employee of an organization will be duly authorized to sign an application. Thus, while we direct the Bureau to interpret “employee” broadly, we emphasize that a necessary element of this term is “duly authorized.” Despite the Bureau’s broad interpretation of “employee,” such employee must nonetheless be duly authorized by that organization to sign an application.

24. To address REC’s observation that the majority of the applications with Signature Rule defects in the 2023 LPFM window were signed by consultants and technicians that were not under the “direct employ of the organization,”<sup>90</sup> we clarify that the term “duly authorized employee” will therefore not include independent consultants or other third party professionals outside of the applicant

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<sup>84</sup> REC Comments at 11. REC notes that, in the 2023 LPFM window, of the 12 applications it identified with signature violations, eight (75%) of those applications did not involve “duly authorized employees,” but instead involved consultants and technicians that were not under the direct employ of the organization. *Id.* at 12.

<sup>85</sup> REC Reply Comments at 5-6.

<sup>86</sup> To that point, REC contends that the Commission needs to end the policy whereby a signature violation is fatal and non-curable. Instead, the Commission should permit applicants to make a one-time amendment to their application *nunc pro tunc* to fix the signature rule defect. *See infra* para. 25.

<sup>87</sup> REC Comments at 14.

<sup>88</sup> *See* 47 CFR § 73.3513(a)(5).

<sup>89</sup> *See, e.g. supra* para. 20. We note that this list is not exhaustive.

<sup>90</sup> REC Comments at 12.

organization.<sup>91</sup> While many types of employees may be eligible to sign an application, they must still be under the direct control of the applicant organization to sign an application. We believe this requirement is necessary to ensure that our broad definition of employee has no adverse effect upon licensee responsibility and accountability.<sup>92</sup> Accordingly, we revise section 73.3513(a)(2), (3), (4), and (5), to include a “duly authorized employee.”

25. In response to the *NPRM*'s proposal, commenters also seek an opportunity to amend or correct Signature Rule violations. Specifically, Prometheus requests a “procedural mechanism” to correct signature rule violations.<sup>93</sup> REC argues that if an application is dismissed due to a Signature Rule violation, that the application should be eligible for *nunc pro tunc* reinstatement,<sup>94</sup> contending that the Commission should change its strict adherence to the Signature Rule, under which violation is a fatal, non-amendable application defect.<sup>95</sup> Whether dismissed by the Commission or challenged by pleading, Prometheus argues that applicants should be able to supply by amendment, such as minutes or a notarized party in interest signature, that the application was the will of the applicant, contrary to the current *Rackley* restriction.<sup>96</sup> REC asserts that if a curable *nunc pro tunc* amendment is allowed, the application amendment should include a notarized statement that the original signatory is employed by the applicant and authorized to sign on behalf of the applicant entity.<sup>97</sup> Common Frequency proposes that if a signature is contested, the board of directors could provide proof of the signatory's authority, for example a sworn statement from a director.<sup>98</sup>

26. While several commenters suggest that we allow curative amendments and *nunc pro tunc* reinstatement of applications dismissed for Signature Rule defects, we decline to adopt this proposal. We note that the Commission has found that strict adherence to signature requirements is critical in holding applicants accountable for the truthfulness and accuracy of their applications.<sup>99</sup> We anticipate that our broadening of the definition of who can certify and sign an application to include a “duly authorized employee” will significantly decrease the number of Signature Rule violations and application dismissals. Moreover, we are directing the Bureau to interpret the term “employee” broadly. We expect that this expanded processing policy will reduce prospective Signature Rule violations and application signature defects, while at the same time will safeguard the integrity of the Commission's processes that the Signature Rule was designed to protect. In light of our expanded definition of who may sign an

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<sup>91</sup> For example, in broadening the definition of who may sign an application to include a duly authorized employee, this definition does not include an engineering or technical consultant, as these consultants are not under the direct control of the applicant organization. REC Comments at 12.

<sup>92</sup> See Amendment of Parts 1, 81, 83, 87, 89, 91, 93, 94 and 95 of the Commission's Rules to Permit Corporate Officers or Duly Authorized Employees of Corporations to Sign Applications, Amendments thereto, and Related Statements of Fact Required by the Commission, Memorandum Opinion and Order, 69 FCC 2d 934 (1978).

<sup>93</sup> Prometheus Comments at 4.

<sup>94</sup> REC Comments at 12-13.

<sup>95</sup> REC Reply Comments at 4 and 7.

<sup>96</sup> Prometheus Comments at 6. See *Frank Rackley, Jr.*, Memorandum Opinion and Order, 35 FCC Rcd 681, 684 para. 10 (2020) (*Rackley*) (citing *Hardrock Concrete Placement Company*, Memorandum Opinion and Order, 16 FCC Rcd 2593, 2595-96, para. 8 (2001) (*Hardrock Concrete Placement Company*) (“The potential for abuse and uncertainty would be too great were we to accept applications that were not signed by the applicant. An applicant could easily deny making such signatures, and there would be no accountability in such a system.”)). See also *Rackley*, 35 FCC Rcd at 684, para. 10 (“the Commission expressly overruled prior cases that allowed applications not signed in accordance with the Commission's Rules to be amended *nunc pro tunc* to comply with the Rules based on equitable considerations”).

<sup>97</sup> REC Comments at 13; REC Reply Comments at 6.

<sup>98</sup> Common Frequency *Ex Parte* Comments at 2.

<sup>99</sup> *Hardrock Concrete Placement Company*, 16 FCC Rcd at 2595, para. 8.

application, and our broad interpretation of the term “employee,” we decline to modify the current curative amendment or *nunc pro tunc* reinstatement procedures for application dismissals for Signature Rule violations.

#### **J. Local Public Notice Requirement After Acceptance for Filing**

27. The *NPRM* proposed to codify the established practice concerning when applicants for new NCE FM, NCE TV, or LPFM construction permits must give local public notice of their applications.<sup>100</sup> Section 73.3580 of our Rules sets out what types of applicants and licensees are required to provide local public notice, what applications trigger the requirement, the timing of the notice, and the content of the notice.<sup>101</sup> The current rule provides that the Commission’s release of an “acceptance public notice” of a newly filed application triggers the applicant’s local public notice obligation.<sup>102</sup> Section 73.3580(a)(1) defines an acceptance public notice as: “A Commission public notice announcing that an application has been accepted for filing.”<sup>103</sup>

28. However, the current rule does not specify all of the ways that the Commission announces tentative selectees for new NCE FM, NCE TV, and LPFM construction permits, and accepts the tentative selectees’ application for filing, which can take various forms. The Bureau routinely releases with the ‘FCC Daily Digest’ its LMS-generated “Applications” public notice that singleton NCE and LPFM new station construction permit applications have been accepted for filing.<sup>104</sup> However, the LMS-generated Applications public notices announcing that applications have been accepted for filing, are not the only means by which the local public notice obligation may be triggered. In the context of MX NCE FM and LPFM new station construction permit applications, the “accepted for filing” notice, which triggers the section 73.3580 local notice obligation, occurs via other procedural means, most often contained within an omnibus, multi-application, Commission-level or Bureau-level Order or Public Notice. A Threshold Fair Distribution of Service Order,<sup>105</sup> an NCE Comparative Points Order,<sup>106</sup> an LPFM Tentative Selectee Order or Public Notice,<sup>107</sup> or a Bureau decision issued under delegated authority

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<sup>100</sup> *NPRM*, 39 FCC Rcd at 13965-67, paras. 29-31.

<sup>101</sup> 47 CFR § 73.3580. The rule was revised in 2020, to modernize the local public notice requirements, which previously required local notice using newspapers. *See generally Amendment of Section 73.3580 of the Commission’s Rules Regarding Public Notice of the Filing of Applications, Modernization of Media Regulation Initiative, Revision of the Public Notice Requirements of Section 73.3580*, MB Docket Nos. 17-264, 17-105, and 05-6, Second Report and Order, 35 FCC Rcd 5094, 5105, para. 21 (2020).

<sup>102</sup> 47 CFR § 73.3580.

<sup>103</sup> 47 CFR § 73.3580(a)(1).

<sup>104</sup> Singleton refers to both an application not in conflict with any other application at the time of filing and formerly mutually exclusive (MX) applications that became singletons upon the filing of a settlement agreement or technical amendment. *See e.g.*, Applications, Public Notice, Report No. PN-1-240102-01 (MB Jan. 2, 2024) (accepting for filing new LPFM singleton applications). The Bureau also uses the Applications public notice in the same manner for television applications.

<sup>105</sup> A Threshold Fair Distribution of Service Order, issued under delegated authority, designates a tentative selectee for a full service NCE FM construction permit pursuant to section 307(b) of the Act. (Section 307(b) Order) *See e.g.*, *Threshold Fair Distribution Analysis of 15 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 37 FCC Rcd 2981 (MB 2022).

<sup>106</sup> An NCE Comparative Points Order designates a tentative selectee pursuant to section 73.7003. *See e.g.*, *Comparative Consideration of 27 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 37 FCC Rcd 9869 (2022).

<sup>107</sup> An LPFM MX Tentative Selectee Order or Public Notice identifies tentative selectees pursuant to section 73.872. *See, e.g.*, *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, FCC 24-113 (2024); *LPFM MX Group 198*, Memorandum

(continued....)

announcing a new tentative selectee following dismissal of a prior tentative selectee,<sup>108</sup> may all include an “accepted for filing” finding, which triggers that tentatively selected applicant’s local notice obligation.

29. Therefore, the *NPRM* proposed to amend sections 73.3580(a)(1), 73.7002(b), 73.7003(a), and 73.872(a) to indicate that the “acceptance for filing” of tentative selectee(s) in a 307(b) Order, NCE Comparative Points Order, or LPFM MX Tentative Selectee Order, triggers the applicant’s local public notice obligation in section 73.3580.<sup>109</sup> The *NPRM* also proposed to revise section 73.3580(a)(1) to define “an acceptance public notice” as a Commission or Bureau public notice announcing that an application has been accepted for filing, or an equivalent Order accepting for filing applications from a filing window under section 73.7002, 73.7003 or 73.872.<sup>110</sup>

30. Prometheus, REC, and Public Broadcasters generally support the proposed updates.<sup>111</sup> In addition, in response to our proposal, Prometheus and REC request that we modify LMS to display an “accepted for filing” application status field because the current set of status fields do not include that particular status. Prometheus argues that the proposal does not solve the confusion created by LMS’ current use of a “pending” status rather than an “accepted for filing” status, and concludes the general public is not savvy enough to make its own determination on whether an application has been “accepted for filing,” thus triggering the local notice obligation.<sup>112</sup> REC similarly suggests we implement an “accepted for filing” status in LMS instead of the current use of a “pending” status, and make the status date correspond to the date the application was accepted for filing.<sup>113</sup> REC maintains that tracking an application’s “accepted for filing” status in LMS is overly burdensome because LMS does not currently list an “accepted for filing” status nor display the date that the application was accepted for filing.<sup>114</sup>

31. The *NPRM* proposal sought to codify the various scenarios under which certain applications are accepted for filing, for purposes of triggering an applicant’s local public notice obligation. We agree with commenters that implementing fields in LMS that would display an application’s “accepted for filing” status and date would bring clarity and help to fulfill our goal intended by this proposal. We direct the Bureau to update LMS to display the date an application is “accepted for filing.”<sup>115</sup>

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Opinion and Order, 30 FCC Rcd 10540 (2015) (Commission announces new tentative selectees in LPFM mutually exclusive group).

<sup>108</sup> See, e.g., *NCE MX Group 59A*, Letter Order, 38 FCC Rcd 6810 (MB 2023) (Bureau grants petition to deny, announces new tentative selectee in MX group); *NCE MX Group 158*, Letter Order, 38 FCC Rcd 6147 (MB 2023) (Bureau announces new tentative selectee pursuant to delegated authority, based on Commission’s prior point analysis, following voluntary dismissal of prior tentative selectee).

<sup>109</sup> *NPRM*, 39 FCC Rcd at 13966-67, para. 31.

<sup>110</sup> *Id.*

<sup>111</sup> Prometheus Comments at 6-7, REC Comments at 14-15, Public Broadcasters Comments at 5. Prometheus, however, contends that our proposed list of scenarios may be incomplete, and will likely change, so leaving the term as “public notice” in the rule may be “simpler” in the long run. Prometheus Comments at 6.

<sup>112</sup> Prometheus Comments at 7.

<sup>113</sup> REC Comments at 15.

<sup>114</sup> *Id.* at 14-15.

<sup>115</sup> In addition to the public notice obligations for radio stations that are triggered once an application is “accepted for filing,” there are similar public notice requirements for new and modified TV stations. See, e.g., 47 CFR § 73.3580(c). See also *infra* para. 35 and note 122 (discussing changes to Commission rules and LMS, as necessary, to reflect accurate application statuses).

32. Lastly, we clarify that the *NPRM* did not propose any new or additional local public notice obligations on parties.<sup>116</sup> The proposal was meant to merely codify the longstanding practice concerning when certain applicants must give local public notice of applications. Accordingly, we: (1) amend section 73.7002(b) to indicate that the “acceptance for filing” of the various tentative selectee(s) in a Section 307(b) Order triggers the applicant’s local public notice obligation; (2) amend section 73.7003(a) to indicate that the “acceptance for filing” of the various tentative selectee(s) in an NCE Comparative Points Order triggers the applicant’s local public notice obligation; (3) amend section 73.872(a) to indicate that the “acceptance for filing” of the various tentative selectee(s) in an LPFM MX Tentative Selectee Order or Public Notice, triggers the applicant’s local public notice obligation; and (4) revise section 73.3580(a)(1) to define “an acceptance public notice” as a Commission or Bureau public notice announcing that an application has been accepted for filing, or an equivalent Order accepting for filing applications from a filing window under section 73.7002, 73.7003 or 73.872.

#### **K. Remove 90-Day STA Restriction Necessitated by Technical or Equipment Problems**

33. In the *NPRM*, the Commission proposed to amend section 73.1635(a)(4) of the Rules to remove language providing that an initial special temporary authorization (STA) necessitated by technical or equipment problems may only be granted for 90 days, with a limited number of 90-day extensions, rather than the full 180-day period permitted for STAs for other reasons.<sup>117</sup> Commenters support this proposal without change. REC agrees that this change is noncontroversial,<sup>118</sup> and NAB agrees that the change reduces burdens on both applicants and FCC staff.<sup>119</sup> Public Broadcasters also confirm that public broadcasters would greatly benefit from the extension of this STA term, and asserts that the period is more realistic given the time it takes to procure and replace technical equipment.<sup>120</sup> Accordingly, we amend section 73.1635(a)(4) to remove language providing that an initial STA necessitated by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period permitted for STAs for other reasons. We will also correct a typo in the fourth sentence of paragraph (a)(4) by replacing “expeditions” with “expeditious.” No commenters objected to this change.

#### **L. Remove Obsolete Application Processing Language**

34. The *NPRM* proposed to modify various application processing rules to remove and/or revise references to application processing procedures that are no longer used, including, for example, replacing “tendered for filing” terminology with “filed,” and removing obsolete paper-filing references. Many of these terms relate to legacy paper filing procedures, which have since been replaced by electronic filing. REC supports these changes as noncontroversial, and NAB agrees with replacing terms and procedures related to paper filing.<sup>121</sup>

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<sup>116</sup> NAB contends that LMS’s accepted for filing Applications public notices are sufficient to capture local notice obligations for new NCE FM and LPFM construction permit applicants. However, as fully discussed in *supra* para. 28, routinely released LMS-generated Applications public notices announcing that NCE FM and LPFM construction permit applications have been accepted for filing, are only issued for singleton applications or former MX applications that became singletons upon the filing of a settlement. As explained, these are not the only means by which NCE FM and LPFM local public notice obligations may be triggered. There are various other procedural means -- multi-application, published Commission and Bureau-level Orders or Public Notices for example, wherein MX NCE FM and LPFM applicants are tentatively selected and accepted for filing in the order or notice itself. In these instances, no subsequent LMS-generated accepted for filing public notice is released. *See generally supra* paras 27-29.

<sup>117</sup> *NPRM*, 39 FCC Rcd at 13967, para. 32; 47 CFR § 73.1635(a)(4).

<sup>118</sup> REC Comments at 22-23.

<sup>119</sup> NAB Comments at 8-9.

<sup>120</sup> Public Broadcasters Comments at 5.

<sup>121</sup> REC Comments at 22-23, NAB Comments at 4.

35. Since these practices are antiquated based on current LMS processing practices, and because commenters support the proposals, we first remove references to applications and pleadings as being “tendered” with the Commission and instead refer to applications as being “filed” with the Commission in multiple rules sections. These include: section 73.37(c), which addresses application requirements for new AM stations; section 73.3516(e), which sets forth the process for filing a petition to deny during a license renewal proceeding; sections 73.3526 and 73.3527, which describe required online public inspection file documents; section 73.3573(f)(1), which outlines the processing of FM applications; section 73.3578(a), which concerns amendments to applications; section 73.3591(b), which explains the processing of applications without a hearing; and section 73.3597(b)(2), which addresses the processing of transfer and assignment applications. We also delete all obsolete paper-filing procedure references from section 73.3564(a), and replace the term “tendered for filing” with “filed” throughout section 73.3564. We further delete section 73.3564(c) references to cut-off procedures for reserved band FM NCE applications that have since been eliminated by the Commission in favor of a filing window approach. Lastly, we remove Note 1 to section 73.3522, which reflects amendment processing procedures that have been eliminated with the implementation of electronic filing.<sup>122</sup> We delegate authority to the Bureau to update LMS to display application statuses based on our Rules, including the changes adopted herein. The Bureau is instructed to issue a Public Notice once the LMS updates have been completed and explain the system revisions.

#### **M. Redesignate Renewal Application Petition to Deny Rule**

36. In the *NPRM*, the Commission proposed to consolidate the rules for filing petitions to deny against license renewal applications into one rule section.<sup>123</sup> The general rules related to petitions to deny are found in section 73.3584.<sup>124</sup> However, paragraph (e) of section 73.3516 deals with petitions to deny license renewal applications.<sup>125</sup> Moving all of the petition to deny rules into section 73.3584 will assist licensees and members of the public in complying with our Rules. REC supports this proposal as noncontroversial.<sup>126</sup> We did not receive any other comments on these changes. Accordingly, we adopt these changes as proposed and redesignate the revised section 73.3516(e) as a new paragraph (f) to rule section 73.3584. We also replace cross-references to current section 73.3516(e) with references to redesignated section 73.3584(f).

#### **N. Revise the Informal Objection Rule**

37. In the *NPRM*, we noted that under the current rule, informal objections are not required to be served upon the applicant, which often leads to considerable inefficiencies in the resolution of contested proceedings.<sup>127</sup> Additionally, our current rule contains no restriction on the number or type of pleadings that can be filed in response to an informal objection, and provides no pleading deadlines.<sup>128</sup> Accordingly, the Commission proposed to revise the informal objection rule to: (1) require that informal objections and responsive pleadings be served upon the relevant applicant or objector; (2) limit the type of

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<sup>122</sup> This change in terminology does not change an applicant’s obligation to pay an application fee at the time of filing. In the case of applications that are subject to an application fee, 47 CFR § 1.1104, the status in LMS will display as “Submitted” until the fee is paid. It will then move to either “pending” or “accepted for filing” status based on the type of application and whether additional Commission review is required prior to the application being placed on public notice. Failure to pay a required application fee will result in the application being dismissed and returned to the applicant. 47 CFR §§ 1.1111(c) and 1.1114(a)(1).

<sup>123</sup> *NPRM*, 39 FCC Rcd at 13969, para. 38.

<sup>124</sup> 47 CFR § 73.3584.

<sup>125</sup> 47 CFR § 73.3516(e).

<sup>126</sup> REC Comments at 22-23.

<sup>127</sup> *NPRM*, 39 FCC Rcd at 13969-70, para. 40; 47 CFR § 73.3587.

<sup>128</sup> *Id.*

responsive pleadings that may be filed; and (3) impose filing deadlines for responsive pleadings that aligned with the limitations set for responsive pleadings to petitions to deny.<sup>129</sup>

38. Four commenters support requiring service on the applicant.<sup>130</sup> NAB argues that a service requirement for informal objections will afford opportunity for the applicant to respond and will improve staff processing efficiency without needing to act as an intermediary.<sup>131</sup> Prometheus agrees that informal objectors should notify the applicant and every contact representative by email or surface mail.<sup>132</sup> Public Broadcasters observes that these common-sense updates will provide clarity and improve organization regarding the procedures.<sup>133</sup> Two commenters also propose that service be implemented using LMS, via automatic email notifications to the applicant of any pleadings filed.<sup>134</sup>

39. REC opposes adding any restrictions to the informal objection process, arguing that: (1) informal objections are a critical tool to combat gamesmanship; (2) LPFM and NCE community “watchdogs” use the mechanism to maintain application and service integrity; (3) informal objections allow unsophisticated members of the public to participate without an attorney; and (4) the service requirement is not in the public interest because it would create a barrier to stations’ obligation to allow for participation from local listeners.<sup>135</sup> REC also expresses concern that applicants could exploit procedural requirements to get informal objections dismissed.<sup>136</sup>

40. We also received mixed comments regarding the proposal to limit responsive pleading types to one opposition and one reply. REC opposes limiting responsive pleadings to one opposition and one reply because new information may occur outside of the proposed deadlines, and objectors require flexibility with respect to supplemental pleadings.<sup>137</sup> NAB, Public Broadcasters, and Common Frequency, however, agree with limiting the type of responsive pleadings allowed to one opposition and one reply.<sup>138</sup> Similarly, we received mixed support regarding the proposal to implement filing deadlines for responsive pleadings. For example, REC supports use of time limits for responsive pleadings, and NAB supports “appropriate response timelines,” but proposes relaxation of the deadlines for “*bona fide*” objections filed by inexperienced parties.<sup>139</sup> Common Frequency maintains that pleading time restrictions should only apply to renewal applications, and opposes deadlines for informal objections filed against non-renewal applications.<sup>140</sup> We are persuaded by the concerns REC raises regarding imposing new requirements and restrictions on the informal objection process. We conclude that the current rule strikes an appropriate balance to promote critical participation from members of the public in our application filing and licensing proceedings. We therefore decline to adopt these specific changes at this time.

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<sup>129</sup> *Id.* at 13970-71, paras. 41-42; 47 CFR § 73.3587.

<sup>130</sup> Prometheus Comments at 7; NAB Comments at 9; Public Broadcasters Comments at 5; Common Frequency *Ex Parte* Comments at 1.

<sup>131</sup> NAB Comments at 9.

<sup>132</sup> Prometheus Comments at 7.

<sup>133</sup> Public Broadcasters Comments at 5.

<sup>134</sup> REC Comments at 18-20; Common Frequency *Ex Parte* Comments at 1. REC also notes that 77.8% of its surveyed constituents support email instead of standard mail as the service mechanism. REC Comments at 21.

<sup>135</sup> REC Comments at 16-18.

<sup>136</sup> *Id.* at 18. But REC also noted that a survey of its constituents indicated that 69.2% feel a service requirement is needed. *Id.* at 19.

<sup>137</sup> REC Comments at 21.

<sup>138</sup> NAB Comments at 9; Public Broadcasters Comments at 5; Common Frequency *Ex Parte* Comments at 1.

<sup>139</sup> REC Comments at 22; NAB Comments at 9.

<sup>140</sup> Common Frequency *Ex Parte* Comments at 1.

### III. PROCEDURAL MATTERS

41. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),<sup>141</sup> requires that an agency prepare a regulatory flexibility analysis for notice—and—comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”<sup>142</sup> Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule and policy changes contained in this *Report and Order* on small entities. The FRFA is set forth in Appendix B.

42. *Paperwork Reduction Act.* This document does not contain new or substantively modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. §§ 3501-3521. Therefore it also does not contain any new or modified information collection burdens for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. § 3506(c)(4).

43. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).

44. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

45. *Additional Information.* For additional information on this proceeding, contact Ariane Rangel, Audio Division, Media Bureau at [Ariane.Rangel@fcc.gov](mailto:Ariane.Rangel@fcc.gov) or (202) 418-4036, or Lisa Scanlan, Audio Division, Media Bureau at [Lisa.Scanlan@fcc.gov](mailto:Lisa.Scanlan@fcc.gov) or (202) 418-2704.

### IV. ORDERING CLAUSES

46. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 157, 301, 302a, 303, 307, 308, 309, 310, 316, 319, 324, and 336, this *Report and Order* **IS ADOPTED** and **SHALL BECOME EFFECTIVE** 30 days after publication in the Federal Register.<sup>143</sup>

47. **IT IS FURTHER ORDERED** that, pursuant to the authority found in sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 157, 301, 302a, 303, 307, 308, 309, 310, 316, 319, 324, and 336, the Commission’s rules **ARE AMENDED** as set forth in Appendix A and such amendments shall be effective 30 days after publication in the *Federal Register*.

48. **IT IS FURTHER ORDERED** that the Media Bureau is **DELEGATED** authority to remove section 73.503(g) in accordance with the terms set forth herein.

49. **IT IS FURTHER ORDERED** that the Commission’s Office of the Secretary, **SHALL SEND** a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

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<sup>141</sup> 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

<sup>142</sup> *Id.* § 605(b).

<sup>143</sup> Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

50. **IT IS FURTHER ORDERED** that the Office of the Managing Director, Performance Program Management **SHALL SEND** a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

51. **IT IS FURTHER ORDERED** that should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 24-626 **SHALL BE TERMINATED**, and the docket closed.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**APPENDIX A**  
**FINAL RULES**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 73, 74, and 76 as follows:

**PART 1 – PRACTICE AND PROCEDURE**

1. The authority citation for part 1 continues to read as follows:

**Authority:** 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

2. Amend § 1.401 by revising paragraph (d) to read as follows:

**§ 1.401 Petitions for rulemaking.**

\* \* \* \* \*

(d) Petitions for amendment of the Table of FM Allotments (§ 73.202 of this chapter) or the Table of TV Allotments (§ 73.622) shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees. Petitions to amend the Table of FM Allotments must be accompanied by the appropriate construction permit application and payment of the appropriate application filing fee.

\* \* \* \* \*

3. Revise § 1.403 to read as follows:

**§ 1.403 Notice and availability.**

All petitions for rulemaking (other than petitions to amend the Table of FM Allotments, Table of TV Allotments, and Air-Ground Table of Assignments) meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a “Public Notice” will be issued (by means of a Commission release entitled “Petitions for Rule Making Filed”) as to the petition, file number, nature of the proposal, and date of filing. Petitions for rulemaking are available through the Commission's Reference Information Center at the FCC's main office, and electronically at <https://www.fcc.gov>.

4. Amend § 1.420 by:
  - a. Revising the section heading, and paragraphs (a), and (b);
  - b. Redesignating the Note to paragraph (g) as Note 1 to paragraph (g);
  - c. Redesignating Note 1 to paragraph (h) as Note 2 to paragraph (h);
  - d. Revising paragraph (j) introductory text, and the note at the end of the section.

The revisions read as follows:

**§ 1.420 Additional procedures in proceedings for amendment of the Table of FM Allotments, the Table of TV Allotments, or for amendment of certain FM assignments.**

(a) Comments filed in proceedings for amendment of the Table of FM Allotments (§ 73.202 of this chapter) or the Table of TV Allotments (§ 73.622(j) of this chapter) which are initiated on a petition for rule making shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the Table of FM Allotments or the Table of TV Allotments shall be served on the person(s) who filed the comments to which the reply is directed.

\* \* \* \* \*

(j) Whenever an expression of interest in applying for, constructing, and operating a station has been filed in a proceeding to amend the Table of FM Allotments or the Table of TV Allotments, and the filing party seeks to dismiss or withdraw the expression of interest, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal, a copy of any written agreement related to the dismissal or withdrawal, and an affidavit setting forth:

\* \* \* \* \*

Note 3 to § 1.420: The reclassification of a Class C station in accordance with the procedure set forth in Note 4 to § 73.3573 may be initiated through the filing of an original petition for amendment of the Table of FM Allotments. The Commission will notify the affected Class C station licensee of the proposed reclassification by issuing a notice of proposed rulemaking, except that where a triggering

petition proposes an amendment or amendments to the Table of FM Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to § 73.3573, and a notice of proposed rulemaking will be issued only after the reclassification issue is resolved. Triggering petitions will be dismissed upon the filing, rather than the grant, of an acceptable construction permit application to increase antenna height to at least 451 meters HAAT by a subject Class C station.

5. Amend § 1.5000 by revising the third sentence of paragraph (b) to read as follows:

**§ 1.5000 Citizenship and filing requirements under section 310(b) of the Communications Act of 1934, as amended.**

\* \* \* \* \*

(b) \* \* \* Petitions for declaratory ruling required by paragraph (a) of this section involving broadcast stations only shall be filed electronically on the Internet through the Media Bureau's Licensing and Management System (LMS) or any successor system thereto when submitted to the Commission as part of an application for a construction permit, assignment, or transfer of control of a broadcast license; if there is no associated construction permit, assignment or transfer of control application, petitions for declaratory ruling should be filed with the Office of the Secretary via the Commission's Electronic Comment Filing System (ECFS).

\* \* \* \* \*

6. Amend § 1.5004 by revising the third sentence of paragraph (d)(2) to read as follows:

**§ 1.5004 Routine terms and conditions.**

\* \* \* \* \*

(d) \* \* \*

(2) \* \* \* The letter must also reference the licensee's foreign ownership ruling(s) by ICFS File No. and FCC Record citation, if available; or, if a broadcast licensee, the letter must reference the licensee's foreign ownership ruling(s) by LMS File No., Docket No., call sign(s), facility identification number(s), and FCC Record citation, if available. \* \* \*

\* \* \* \* \*

7. Amend § 1.30001 by revising paragraph (d) to read as follows:

**§ 1.30001 Definitions.**

\* \* \* \* \*

(d) *Distance from the AM station.* The distance shall be calculated from the tower coordinates in the case of a nondirectional AM station, or from the array center coordinates given in LMS or any successor database for a directional AM station.

8. Amend § 1.30004 by revising the second sentence of paragraph (a) to read as follows:

**§ 1.30004 Notice of tower construction or modification near AM stations.**

(a) \* \* \* Notice shall be provided to any AM station that is licensed or operating under Program Test Authority using the official licensee information and address listed in LMS or any successor database. \* \* \*

\* \* \* \* \*

**PART 73 – RADIO BROADCAST SERVICES**

9. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

10. Amend § 73.30 by revising paragraph (c) and redesignating notes 1 through 5 as notes 1 through 5 to § 73.30.

The revision reads as follows:

**§ 73.30 Petition for authorization of an allotment in the 1605-1705 kHz band.**

\* \* \* \* \*

(c) If awarded an allotment, a petitioner will have sixty (60) days from the date of public notice of selection to file an application for construction permit on FCC Form 2100, Schedule 301. (See §§ 73.24 and 73.37(e) for filing requirements). Unless instructed by the Commission to do otherwise, the application shall specify Model I facilities. (See § 73.14). Upon grant of the application and subsequent construction of the authorized facility, the applicant must file a license application on FCC Form 2100,

Schedule 302.

\* \* \* \* \*

11. Amend § 73.37 by revising paragraph (c) to read as follows:

**§ 73.37 Applications for broadcast facilities, showing required.**

\* \* \* \* \*

(c) If otherwise consistent with the public interest, an application requesting an increase in the daytime power of an existing Class C station on a local channel from 250 watts to a maximum of 1kW, or from 100 watts to a maximum of 500 watts, may be granted notwithstanding overlap prohibited by paragraph (a) of this section. In the case of a 100 watt Class C station increasing daytime power, the provisions of this paragraph shall not be construed to permit an increase in power to more than 500 watts, if prohibited overlap would be involved, even if successive applications should be filed.

\* \* \* \* \*

12. Amend § 73.45 by revising paragraph (d)(1) to read as follows:

**§ 73.45 AM antenna systems.**

\* \* \* \* \*

(d) \* \* \*

(1) Whenever the measurements show that the antenna or common point resistance differs from that shown on the station authorization by more than 2%, FCC Form 2100, Schedule 302 must be filed with the information and measurement data specified in § 73.54(d).

\* \* \* \* \*

13. Amend § 73.51 by revising paragraph (c) introductory text to read as follows:

**§ 73.51 Determining operating power.**

\* \* \* \* \*

(c) Applications for authority to operate with antenna input power which is less than nominal power and/or to employ a dissipative network in the antenna system shall be made on FCC Form 2100, Schedule 302. The technical information supplied on this form shall be that applying to the proposed

conditions of operation. In addition, the following information shall be furnished, as pertinent:

\* \* \* \* \*

14. Amend § 73.202 by revising the third sentence of paragraph (a) introductory text to read as follows:

**§ 73.202 Table of Allotments.**

(a) \* \* \* Channels to which licensed, permitted, and “reserved” facilities have been assigned are reflected in the Media Bureau's publicly available Licensing and Management System.

\* \* \* \* \*

15. Amend § 73.311 by revising paragraph (a) to read as follows:

**§ 73.311 Field strength contours.**

(a) Applications for FM broadcast authorizations must show the field strength contours required by FCC Form 2100, Schedule 301 or 340, as appropriate.

\* \* \* \* \*

16. Amend § 73.512 by revising paragraph (a) introductory text to read as follows:

**§ 73.512 Special procedures applicable to Class D noncommercial educational stations.**

(a) All Class D stations seeking renewal of license for any term expiring June 1, 1980, or thereafter shall comply with the requirements set forth below and shall simultaneously file an application on FCC Form 2100, Schedule 340, containing full information regarding such compliance with the provisions set forth in paragraphs (a)(1) through (3) of this section.

\* \* \* \* \*

17. Amend § 73.625 by revising the second sentence of paragraph (c)(4)(i) to read as follows:

**§ 73.625 TV antenna system.**

\* \* \* \* \*

(c) \* \* \*

(4) \* \* \*

(i) \* \* \* A formal application (FCC Form 2100, Schedule 301, or FCC Form 2100, Schedule 340

for a noncommercial educational station) will be required if the proposal involves substantial change in the physical height or radiation characteristics of the AM broadcast antennas; otherwise an informal application will be acceptable.

\* \* \* \* \*

18. Amend § 73.807 by:

- a. Revising paragraph (a)(1) introductory text and designating the table as Table 1 to paragraph (a)(1);
- b. Designating the table in paragraph (b) as Table 2 to paragraph (b);
- c. Revising (c) introductory text and designating the table as Table 3 to paragraph (c); and
- d. Designating the table in paragraph (g)(1) as Table 4 to paragraph (g)(1) and the table in paragraph (g)(2) as Table 5 to paragraph (g)(2).

The revisions read as follows:

**§ 73.807 Minimum distance separation between stations.**

\* \* \* \* \*

(a) \* \* \*

(1) An LPFM station will not be authorized initially unless the minimum distance separations in the following table are met with respect to authorized FM stations, applications for new and existing FM stations filed prior to the release of the public notice announcing the filing procedures for the LPFM window period, authorized LPFM stations, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments. The term authorized [FM or LPFM] station means the FM or LPFM station currently holds a granted construction permit and/or a granted license. LPFM modification applications must either meet the distance separations in the following table or, if short-spaced, not lessen the spacing to subsequently authorized stations.

\* \* \* \* \*

(c) In addition to meeting the separations specified in paragraphs (a) and (b) of this section, LPFM applications must meet the minimum separation requirements in the following table with respect to

authorized FM translator stations, and FM translator applications filed prior to the release of the Public Notice announcing the filing procedures for the LPFM window period. The term authorized FM translator station means the FM translator station currently holds a granted construction permit and/or a granted license.

\* \* \* \* \*

19. Amend § 73.872 by revising paragraphs (a) and (b)(1) to read as follows:

**§ 73.872 Selection procedure for mutually exclusive LPFM applications.**

(a) Following the close of each window for new LPFM stations and for modifications in the facilities of authorized LPFM stations, the Commission will issue a public notice identifying all groups of mutually exclusive applications. Such applications will be awarded points to determine the tentative selectee. Unless resolved by settlement pursuant to paragraph (e) of this section, the tentative selectee will be the applicant within each group with the highest point total under the procedure set forth in this section, except as provided in paragraphs (c) and (d) of this section. Acceptance for filing of a tentative selectee's application in the LPFM Mutually Exclusive Tentative Selectee Order or Public Notice, or an equivalent Order, triggers the applicant's local public notice obligation under § 73.3580.

\* \* \* \* \*

(b) \* \* \*

(1) *Established community presence.* An applicant must, for a period of at least two years prior to application and at all times thereafter, have qualified as local pursuant to § 73.853(b). Applicants claiming a point for this criterion must submit any documentation specified in FCC Form 2100, Schedule 318 at the time of filing their applications.

\* \* \* \* \*

20. Amend § 73.875 by revising paragraph (b) introductory text and the second sentence of paragraph (c) introductory text to read as follows:

**§ 73.875 Modification of transmission systems.**

\* \* \* \* \*

(b) The following changes may be made only after the grant of a construction permit application on FCC Form 2100, Schedule 318.

\* \* \* \* \*

(c) \* \* \* A modification of license application (FCC Form 2100, Schedule 319) must be submitted to the Commission within 10 days of commencing program test operations pursuant to § 73.1620. \* \* \*

\* \* \* \* \*

21. Amend § 73.1020 by revising paragraph (b) to read as follows:

**§ 73.1020 Station license period.**

\* \* \* \* \*

(b) For the deadline for filing petitions to deny renewal applications, see § 73.3584(f).

\* \* \* \* \*

22. Amend § 73.1635 by revising paragraph (a)(4) to read as follows:

**§ 73.1635 Special temporary authorizations (STA).**

(a) \* \* \*

(4) An STA may be granted for an initial period not to exceed 180 days. A limited number of extensions of such authorizations may be granted for additional periods not exceeding 180 days per extension. The permittee or licensee must demonstrate that any further extensions requested are necessary and that all steps to resume normal operation are being undertaken in an expeditious and timely fashion. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any STA or provision, term, or condition of the license to the contrary.

\* \* \* \* \*

23. Amend § 73.1670 by revising paragraph (b) to read as follows:

**§ 73.1670 Auxiliary transmitters.**

\* \* \* \* \*

(b) Authorization to install an auxiliary transmitter for use with other than the main antenna or authorized auxiliary antenna must be obtained by filing an application for a construction permit on FCC Form 2100, Schedule 301 (FCC Form 2100, Schedule 340 for noncommercial educational stations).

\* \* \* \* \*

24. Amend § 73.1690 by revising the first sentence of paragraph (c)(9) to read as follows:

**§ 73.1690 Modification of transmission systems.**

\* \* \* \* \*

(c) \* \* \*

(9) The licensee of an AM, FM, or TV commercial station may propose to change from commercial to noncommercial educational on a modification of license application, provided that the application contains the completed Eligibility Certifications and Financial sections from FCC Form 2100, Schedule 340. \* \* \*

\* \* \* \* \*

25. Amend § 73.3513 by revising paragraphs (a)(2) through (a)(5), and adding paragraph (e) to read as follows:

**§ 73.3513 Signing of applications.**

(a) \* \* \*

(1) \* \* \*

(2) *Partnership.* One of the partners, or a duly authorized employee, if the applicant is a partnership.

(3) *Corporation.* An officer, director, or duly authorized employee, if the applicant is a corporation.

(4) *Unincorporated Association.* A member who is an officer, or a duly authorized employee, if the applicant is an unincorporated association.

(5) *Governmental Entity.* Such duly elected or appointed officials as may be competent to do so under the law of the applicable jurisdiction, or a duly authorized employee, if the applicant is an eligible

governmental entity, such as a State or Territory of the United States and political subdivisions thereof, the District of Columbia, and a unit of local government, including an unincorporated municipality.

\* \* \* \* \*

(e) The Commission only accepts electronic applications. An electronic application is “signed” when there is an electronic signature. An electronic signature is the typed name of the person “signing” the application, which is then electronically transmitted via LMS.

**§ 73.3516 [Amended]**

26. Amend § 73.3516 by removing paragraph (e).

**§ 73.3522 [Amended]**

27. Amend § 73.3522 by removing the note 1:

28. Amend § 73.3526 by revising paragraphs (e)(2) and (4), redesignating paragraphs (e)(18)(1) and (2) as paragraphs (e)(18)(i) and (ii), and revising paragraphs (f)(1) and (2).

The revisions read as follows:

**§ 73.3526 Online public inspection file of commercial stations.**

\* \* \* \* \*

(e) \* \* \*

(2) *Applications and related materials.* A copy of any application filed with the FCC, together with all related material, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition. Applications shall be retained in the public inspection file until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.

\* \* \* \* \*

(4) *Contour maps.* A copy of any service contour maps, submitted with any application filed with the FCC, together with any other information in the application showing service contours and/or transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

\* \* \* \* \*

(f) \* \* \*

(1) For purposes of this section, action taken on an application filed with the FCC becomes final when that action is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

(2) For purposes of this section, the term “all related material” includes all exhibits, letters, and other documents filed with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of this chapter are open for public inspection at the offices of the FCC.

29. Amend § 73.3527 by revising paragraphs (e)(2) and (3) and (f)(1) and (2) to read as follows:

**§ 73.3527 Online public inspection file of noncommercial educational stations.**

\* \* \* \* \*

(e) \* \* \*

(2) *Applications and related materials.* A copy of any application filed with the FCC, together with all related material, including supporting documentation of any points claimed in the application pursuant to § 73.7003, and copies of FCC decisions pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition. Applications shall be retained in the public inspection file until final action has been taken on the

application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.

(3) *Contour maps.* A copy of any service contour maps, submitted with any application filed with the FCC, together with any other information in the application showing service contours and/or transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

\* \* \* \* \*

(f) \* \* \*

(1) For purposes of this section, a decision made with respect to an application filed with the FCC becomes final when that decision is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

(2) For purposes of this section, the term “all related material” includes all exhibits, letters, and other documents filed with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of this chapter are open for public inspection at the offices of the FCC.

30. Amend § 73.3564 by revising paragraphs (a)(1) and (3), (c), and (e) to read as follows:

**§ 73.3564 Acceptance of applications.**

(a)(1) Applications are dated upon filing in LMS. Except for applications for minor modifications of facilities in the non-reserved FM band, as defined in § 73.3573(a)(2), long form applications subject to the provisions of § 73.5005 found to be complete or substantially complete are accepted for filing and are given file numbers. In the case of minor defects as to completeness, a deficiency letter will be issued and

the applicant will be required to supply the missing or corrective information. Applications that are not substantially complete will not be considered and will be returned to the applicant.

\* \* \* \* \*

(3) Applications found not to meet minimum filing requirements will be returned to the applicant. Applications found to meet minimum filing requirements, but that contain deficiencies, shall be given an opportunity for corrective amendment pursuant to 73.3522. Applications found to be substantially complete and in accordance with the Commission's core legal and technical requirements will be accepted for filing. Applications with uncorrected defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment.

\* \* \* \* \*

(c) At regular intervals, the FCC will issue a Public Notice listing all long form applications which have been accepted for filing. Pursuant to §§ 73.3571(h), 73.3572, and 73.3573(f), such notice shall establish a cut-off date for the filing of petitions to deny. However, no application will be accepted for filing unless certification of compliance with the local notice requirements of § 73.3580(h) has been made in the tendered application.

\* \* \* \* \*

(e) Applications for minor modification of facilities may be filed at any time, unless restricted by the FCC. These applications will be processed on a “first come/first served” basis and will be treated as simultaneously filed if filed on the same day. Any applications received after the filing of a lead application will be grouped according to filing date, and placed in a queue behind the lead applicant. The FCC will periodically release a Public Notice listing those minor modification of facilities applications accepted for filing.

\* \* \* \* \*

31. Amend § 73.3571 by:
  - a. Revising paragraph (e);
  - b. Adding paragraph (h)(1)(ii)(D); and

c. Removing the note to § 73.3571.

The revision and addition read as follows:

**§ 73.3571 Processing of AM broadcast station applications.**

\* \* \* \* \*

(e) The following special procedures will be followed in authorizing Class D daytime-only stations on 940 and 1550 kHz, and Class D daytime-only stations on the 41 regional channels listed in § 73.26(a), to operate unlimited-time.

(1) Each eligible daytime-only station in the foregoing categories will receive an Order to Show Cause why its license should not be modified to specify operation during nighttime hours with the facilities it is licensed to start using at local sunrise, using the power stated in the Order to Show Cause, that the Commission finds is the highest nighttime level—not exceeding 0.5 kW—at which the station could operate without causing prohibited interference to other domestic or foreign stations, or to co-channel or adjacent channel stations for which pending applications were filed before December 1, 1987.

(2) Stations accepting such modification shall be reclassified. Those authorized in such Show Cause Orders to operate during nighttime hours with a power of 0.25 kW or more, or with a power that, although less than 0.25 kW, is sufficient to enable them to attain an equivalent RMS field strength of at least 107.5 mV/m at 1 kilometer, shall be redesignated as Class B stations if they are assigned to 940 or 1550 kHz, and as unlimited-time Class B stations if they are assigned to regional channels.

(3) Stations accepting such modification that are authorized to operate during nighttime hours at powers less than 0.25 kW, and that cannot with such powers attain an equivalent RMS field strength of less than 107.5 mV/m at 1 kilometer, shall be redesignated as Class D stations if they are assigned to 940 or 1550 kHz, and as Class D stations if they are assigned to regional channels.

(4) Applications for new stations may be filed at any time on 940 and 1550 kHz and on the regional channels. Also, stations assigned to 940 or 1550 kHz, or to the regional channels, may at any time, regardless of their classifications, apply for power increases up to the maximum generally permitted. Such applications for new or changed facilities will be granted without taking into account

interference caused to Class D stations, but will be required to show interference protection to other classes of stations, including stations that were previously classified as Class D, but were later reclassified as Class B unlimited-time stations.

\* \* \* \* \*

(h) \* \* \*

(1) \* \* \*

(ii) \* \* \*

(D) For purposes of this paragraph (h)(1)(ii), § 73.182(k) interference standards apply when determining nighttime mutual exclusivity between applications to provide AM service that are filed in the same window. Two applications would be deemed to be mutually exclusive if either application would be subject to dismissal because it would enter into, i.e., raise, the twenty-five percent exclusion RSS nighttime limit of the other.

\* \* \* \* \*

32. Amend § 73.3573 by revising paragraph (f)(1) and note 4 to read as follows:

**§ 73.3573 Processing FM broadcast station applications.**

\* \* \* \* \*

(f) \* \* \*

(1) Applications for minor modifications for non-reserved FM broadcast stations, as defined in paragraph (a)(2) of this section, may be filed at any time, unless restricted by the FCC, and, generally, will be processed in the order in which they are tendered. The FCC will periodically release a Public Notice listing those applications accepted for filing. Processing of these applications will be on a “first come/first serve” basis with the first acceptable application cutting off the filing rights of subsequent applicants. All applications received on the same day will be treated as simultaneously filed and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment. Applications received after the filing of a lead application will be grouped, according to filing date, behind the lead application in a queue. The priority rights of the lead applicant, as against all other

applicants, are determined by the date of filing, but the filing date for subsequent applicants for that channel and community only reserves a place in the queue. The rights of an applicant in a queue ripen only upon a final determination that the lead applicant is unacceptable and if the queue member is reached and found acceptable. The queue will remain behind the lead applicant until a construction permit is finally granted, at which time the queue dissolves.

\* \* \* \* \*

Note 4 to § 73.3573: A Class C station operating with antenna height above average terrain (“HAAT”) of less than 451 meters is subject to reclassification as a Class C0 station upon the filing of a triggering application for construction permit that is short-spaced to such a Class C station under § 73.207 but would be fully spaced to such a station considered as a Class C0 assignment. Triggering applications may utilize § 73.215. Triggering applications must certify that no alternative channel is available for the proposed service. Available alternative frequencies are limited to frequencies that the proposed service could use at the specified antenna location in full compliance with the distance separation requirements of § 73.207, without any other changes to the Table of FM Allotments. Copies of a triggering application and related pleadings must be served on the licensee of the affected Class C station. If the staff concludes that a triggering application is acceptable for filing, it will issue an order to show cause why the affected station should not be reclassified as a Class C0 station. The order to show cause will provide the licensee 30 days to express in writing an intention to seek authority to modify the subject station's technical facilities to minimum Class C HAAT or to otherwise challenge the triggering application. If no such intention is expressed and the triggering application is not challenged, the subject station will be reclassified as a Class C0 station, and processing of the triggering application will be completed. If an intention to modify is expressed, an additional 180-day period will be provided during which the Class C station licensee must file an acceptable construction permit application to increase antenna height to at least 451 meters HAAT. Upon grant of such a construction permit application, the triggering application will be dismissed. Class C station licensees must serve on triggering applicants copies of any FAA submissions related to the application grant process. If the construction is not completed as authorized,

the subject Class C station will be reclassified automatically as a Class C0 station. The reclassification procedure also may be initiated through the filing of an original petition for rulemaking to amend the Table of FM Allotments as set forth in the Note to § 1.420(g).

\* \* \* \* \*

33. Amend § 73.3578 by revising paragraph (a) to read as follows:

**§ 73.3578 Amendments to applications for renewal, assignment or transfer of control.**

(a) Any amendments to an application for renewal of any instrument of authorization shall be considered to be a minor amendment. However, the FCC may, within 15 days after filing of any amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 73.3580.

\* \* \* \* \*

34. Amend § 73.3580 by revising paragraphs (a)(1) and (d)(2) to read as follows:

**§ 73.3580 Local public notice of filing of broadcast applications.**

(a) \* \* \*

(1) *Acceptance public notice.* A Commission or Bureau public notice announcing that an application has been accepted for filing, or an equivalent Order accepting for filing applications from a filing window under § 73.7002, § 73.7003 or § 73.872.

\* \* \* \* \*

(d) \* \* \*

(2) Consent to an involuntary assignment or transfer or to a voluntary assignment or transfer which does not result in a change of control and which may be applied for on FCC Form 2100, Schedule 316, or any successor form released in the future, pursuant to the provisions of § 73.3540(b).

\* \* \* \* \*

35. Amend § 73.3584 by revising paragraphs (a) and (c) and adding paragraph (f) to read as follows:

**§ 73.3584 Procedure for filing petitions to deny.**

(a) For mutually exclusive applications subject to selection by competitive bidding (non-reserved channels) or fair distribution/point system (reserved channels), petitions to deny may be filed only against the winning bidders or tentative selectee(s), and such petitions will be governed by §§ 73.5006 and 73.7004, respectively. For all other applications the following rules will govern. Except in the case of applications for new low power TV and TV translator stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the Commission a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3571(j), § 73.3572(b), § 73.3573(b), § 73.3574(b) or § 73.3578) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed prior to the day such applications are granted or designated for hearing; but where the FCC issues a public notice pursuant to the provisions of § 73.3571(c), § 73.3572(c) or § 73.3573(d), establishing a “cut-off” date, such petitions must be filed by the date specified. In the case of applications for transfers and assignments of construction permits or station licenses, Petitions to Deny must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the applications. In the case of applications for renewal of license, Petitions to Deny may be filed at any time up to the deadline established in paragraph (f) of this section. Requests for extension of time to file Petitions to Deny applications for new broadcast stations or major changes in the facilities of existing stations or applications for renewal of license will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

\* \* \* \* \*

(c) In the case of applications for new low power TV and TV translator stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the FCC a Petition to Deny any application (whether as originally filed or if

amended so as to require a new file number pursuant to § 73.3572(b)) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed within 30 days of the FCC Public Notice proposing the application for grant (applicants may file oppositions within 15 days after the Petition to Deny is filed); but where the FCC selects a tentative permittee pursuant to Section 1.1601 et seq. of this chapter, Petitions to Deny shall be accepted only if directed against the tentative selectee and filed after issuance of and within 15 days of FCC Public Notice announcing the tentative selectee. The applicant may file an opposition within 15 days after the Petition to Deny is filed. In cases in which the minimum diversity preference provided for in § 1.1623(f)(1) of this chapter has been applied, an “objection to diversity claim” and opposition thereto, may be filed against any applicant receiving a diversity preference, within the same time period provided herein for Petitions and Oppositions. In all pleadings, allegations of fact or denials thereof shall be supported by appropriate certification. However, the FCC may announce, by the Public Notice announcing the acceptance of the last-filed mutually exclusive application, that a notice of Petition to Deny will be required to be filed no later than 30 days after issuance of the Public Notice.

\* \* \* \* \*

(f) A petition to deny an application for renewal of license of an existing broadcast station will be considered as timely filed if it is filed by the end of the first day of the last full calendar month of the expiring license term.

(1) If the license renewal application is not timely filed as prescribed in § 73.3539, the deadline for filing petitions to deny thereto is the 90th day after the FCC gives public notice that it has accepted the late-filed renewal application for filing.

(2) If any deadline falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

(3) The dates when the licenses of all broadcast and broadcast auxiliary services regularly expire are listed in §§ 73.733, 73.1020 and 74.15.

36. Amend § 73.3591 by revising paragraphs (b) introductory text and (b)(2) to read as follows:

**§ 73.3591 Grants without hearing.**

\* \* \* \* \*

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the FCC will not consider any other application, or any application if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete, and filed by:

\* \* \* \* \*

(2) The date prescribed in § 73.3584(f) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations; or

\* \* \* \* \*

37. Amend § 73.3597 by revising paragraph (b)(2) to read as follows:

**§ 73.3597 Procedures on transfer and assignment applications.**

\* \* \* \* \*

(b) \* \* \*

(2) In determining whether the station has been operating on-air for one year, the FCC will calculate the period between the date of initiation of program tests (as specified in paragraph (b)(1) of this section) and the date the application for transfer or assignment is filed with the FCC.

\* \* \* \* \*

38. Amend § 73.3700 by revising paragraph (b)(5)(iv), and removing and reserving paragraph (c), and removing paragraph (i).

The revision reads as follows:

**§ 73.3700 Post-incentive auction licensing and operation.**

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(iv) Applications for additional time to complete construction must be filed electronically in LMS using FCC Form 337 no less than 90 days before the expiration of the construction permit.

\* \* \* \* \*

39. Amend § 73.3801 by revising paragraph (h)(4)(i) to read as follows:

**§ 73.3801 Full power television simulcasting during the ATSC 3.0 (Next Gen TV) transition.**

\* \* \* \* \*

(h) \* \* \*

(4) \* \* \*

(i) Next Gen TV stations must provide notice at least 90 days in advance of relocating their ATSC 1.0 signals.

\* \* \* \* \*

40. Amend § 73.5002 by revising the second sentence of paragraph (b) to read as follows:

**§ 73.5002 Application and certification procedures; return of mutually exclusive applications not subject to competitive bidding procedures; prohibition of collusion.**

\* \* \* \* \*

(b) \* \* \* So determinations of mutual exclusivity for auction purposes can be made, applicants for non-table broadcast services must also submit the engineering data contained in the appropriate FCC application FCC Form 2100, Schedule 301, 346, or 349.

\* \* \* \* \*

41. Amend § 73.6029 by revising paragraph (h)(4)(i) to read as follows:

**§ 73.6029 Class A television simulcasting during the ATSC 3.0 (Next Gen TV) transition.**

\* \* \* \* \*

(h) \* \* \*

(4) \* \* \*

(i) Next Gen TV stations must provide notice at least 90 days in advance of relocating their ATSC 1.0 signals.

\* \* \* \* \*

42. Amend § 73.7002 by revising paragraph (b) to read as follows:

**§ 73.7002 Fair distribution of service on reserved band FM channels.**

\* \* \* \* \*

(b) In an analysis performed pursuant to paragraph (a) of this section, a full-service FM applicant that identifies itself as a Tribal Applicant, that proposes Tribal Coverage, and that proposes the first reserved channel NCE service owned by any Tribal Applicant at a community of license located on Tribal Lands, will be awarded a construction permit. If two or more full-service FM applicants identify themselves as Tribal Applicants and meet the above criteria, the applicant providing the most people with reserved channel NCE service to Tribal Lands will be awarded a construction permit, regardless of the magnitude of the superior service or the populations of the communities of license proposed, if different. If two or more full-service FM applicants identifying themselves as Tribal Applicants each meet the above criteria and propose identical levels of NCE aural service to Tribal Lands, only those applicants shall proceed to be considered together in a point system analysis. In an analysis performed pursuant to paragraph (a) of this section that does not include a Tribal Applicant, a full service FM applicant that will provide the first or second reserved channel noncommercial educational (NCE) aural signal received by at least 10% of the population within the station's 60dBu (1mV/m) service contours will be considered to substantially further fair distribution of service goals and to be superior to mutually exclusive applicants not proposing that level of service, provided that such service to fewer than 2,000 people will be considered insignificant. First service to 2,000 or more people will be considered superior to second service to a population of any size. If only one applicant will provide such first or second service, that applicant will be selected as a threshold matter. If more than one applicant will provide an equivalent level (first or second) of NCE aural service, the size of the population to receive such service from the mutually exclusive applicants will be compared. The applicant providing the most people with the highest level of service will be awarded a construction permit, if it will provide such service to 5,000 or more people than the next best applicant. If none of the applicants in a mutually exclusive group would substantially further fair distribution goals, all applicants will proceed to examination under a point system. If two or more applicants will provide the same level of service to an equivalent number of

people (differing by less than 5,000), only those equivalent applicants will be considered together in a point system. Acceptance for filing of a tentative selectee's application in a Threshold Fair Distribution of Service Order, or an equivalent Order, triggers the applicant's local public notice obligation under § 73.3580.

\* \* \* \* \*

43. Amend § 73.7003 by revising paragraph (a) to read as follows:

**§ 73.7003 Point system selection procedures.**

(a) If timely filed applications for reserved FM channels or reserved TV channels are determined to be mutually exclusive, applications will be processed and assessed points to determine the tentative selectee for the particular channels. The tentative selectee will be the applicant with the highest point total under the procedure set forth in this section and will be awarded the requested permit if the Commission determines that an award will serve the public interest, convenience, and necessity. Acceptance for filing of a tentative selectee's application in an NCE Comparative Points Order, or an equivalent Order, determined under this section triggers the applicant's local public notice obligation under § 73.3580.

\* \* \* \* \*

**PART 74 – EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

44. The authority citation for part 74 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

45. Amend § 74.782 by revising paragraph (i)(4)(i) to read as follows:

**§ 74.782 Low power television and TV translator simulcasting during the ATSC 3.0 (Next Gen TV) transition.**

\* \* \* \* \*

(i) \* \* \*

(4) \* \* \*

(i) Next Gen TV stations must provide notice at least 90 days in advance of relocating their

ATSC 1.0 signals.

\* \* \* \* \*

**PART 76 – MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

46. The authority citation for part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 335, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 562, 571, 572, 573.

47. Amend § 76.66 by revising paragraph (d)(2)(ii) to read as follows:

**§ 76.66 Satellite broadcast signal carriage.**

\* \* \* \* \*

(d) \* \* \*

(2) \* \* \*

(ii) Except as provided in this paragraph (d)(2)(ii), satellite carriers shall transmit the notices required by paragraph (d)(2)(i) of this section via certified mail to the address for such television station licensee listed in the Licensing and Management System maintained by the Commission. After July 31, 2020, the written notices required by paragraphs (d)(1)(vi), (d)(2)(i), (v), and (vi), (d)(3)(iv), (d)(5)(i), (f)(3) and (4), and (h)(5) of this section shall be delivered electronically via email to the email address for carriage-related questions that the station lists in its public file in accordance with §§ 73.3526 and 73.3527 of this subchapter.

\* \* \* \* \*

## APPENDIX B

## Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>1</sup> the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Amendment of Parts 1, 73, 74 and 76 of the Commission's Rules to Update Rules Applicable to Broadcast Stations, Notice of Proposed Rulemaking (NPRM)*, released in December 2024.<sup>2</sup> The Commission sought written public comment on the proposals in the *NPRM*, including comment on the IRFA. No comments were filed addressing the IRFA, however, we discuss relevant comments and related proposals that may impact small entities below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.<sup>3</sup>

**A. Need for, and Objectives of, the Rules**

2. The *Report and Order* updates the Commission's rules by revising various broadcast radio and television regulations in Parts 1, 73, 74, and 76 of the Code of Federal Regulations (CFR).<sup>4</sup> The proposals adopted therein revise rules to best reflect current application processing requirements, codify existing Media Bureau (Bureau) practices, and remove references to outdated licensing procedures. These revisions further the Commission's continued effort to remove rules and processes that are no longer necessary, and ensure that our rules are clear and functional for licensees and the public.

3. Specifically, the *Report and Order*: (1) replaces references to the Bureau's legacy Consolidated Database System (CDBS) electronic filing system with references to the new Licensing and Management System (LMS) electronic filing system;<sup>5</sup> (2) updates rules to correspond to the form naming conventions used in LMS;<sup>6</sup> (3) changes table of assignments/allotments references to conform to current standard language;<sup>7</sup> (4) delegates authority to the Bureau to remove a ten application cap adopted for the 2021 Noncommercial (NCE) FM new station application window, upon finality of the remaining NCE FM applications;<sup>8</sup> (5) updates the AM station power increase rules to eliminate the requirement that stations seeking facility modifications request at least a 20% increase in power and to reflect current AM station classifications and other administrative updates;<sup>9</sup> (6) updates the TV rules to remove obsolete language concerning the now-completed incentive auction;<sup>10</sup> (7) codifies in section 73.807 of the Commission's rules the existing interpretation of the term "authorized" stations to include both licensed

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<sup>1</sup> 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

<sup>2</sup> See Amendment of Parts 1, 73, 74 and 76 of the Commission's Rules to Update Rules Applicable to Broadcast Stations, Notice of Proposed Rulemaking, 39 FCC Rcd 13954, Appendix B (2024) (NPRM), available at <https://docs.fcc.gov/public/attachments/FCC-24-126A1.pdf> (last visited Feb. 2, 2026).

<sup>3</sup> 5 U.S.C. § 604.

<sup>4</sup> 47 CFR pts. 1, 73, 74, and 76.

<sup>5</sup> See 47 CFR §§ 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii).

<sup>6</sup> See 47 CFR §§ 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b).

<sup>7</sup> See 47 CFR §§ 1.401, 1.403, 1.420, and 73.3573.

<sup>8</sup> See 47 CFR § 73.503(g).

<sup>9</sup> See 47 CFR § 73.3571(e)(1)-(4).

<sup>10</sup> See 47 CFR §§ 73.3700(c) and (i), 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i).

stations and/or granted construction permits;<sup>11</sup> (8) modifies sections 73.807(a)(1) and 73.807(c) of the Commission's rules to clarify that a low power FM (LPFM) applicant submitting an application in a filing window for a new construction permit or modification of an existing LPFM authorization must protect FM, LPFM, and FM translator applications submitted prior to a public notice announcing the procedures for an LPFM filing window;<sup>12</sup> (9) modifies the Signature Rule, which currently states that only officers can sign applications, to allow a "duly authorized employee" to sign, and codifies the existing rule interpretation that directors may sign applications;<sup>13</sup> (10) clarifies the rules concerning when an applicant for a new Noncommercial Educational (NCE) FM, NCE TV, or LPFM construction permit must give local public notice of its application;<sup>14</sup> (11) removes language limiting grant of certain Special Temporary Authority (STA) submissions to 90 days, rather than the full 180-day period permitted for other reasons;<sup>15</sup> (12) modifies the application processing rules to remove and revise references to various procedures that are now obsolete;<sup>16</sup> and (13) consolidates the rules for petitions to deny license renewal applications under a single rule section.<sup>17</sup>

4. In response to the *NPRM*, we received comments and replies from broadcast industry stakeholders who overwhelmingly support the majority of the proposed changes.<sup>18</sup> We received mixed comments in response to our proposal to harmonize processing procedures for minor change LPFM applications with the current processing procedures for minor change full service FM and FM translator applications, and in response to our proposal to revise the informal objection rule to require service of pleadings upon the relevant applicant and objector, limit the number of responsive pleadings, and impose filing deadlines. While these two proposals were significant, the record on these proposals is mixed and lacks clear support from commenters. Therefore we decline to adopt these two specific changes in the *Report and Order*.

#### **B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

5. Though no comments were filed directly addressing the IRFA, a number of comments were submitted regarding proposals that may impact small entities. We received substantive comments for the following five proposals: (1) updating the AM station power increase rules to eliminate the

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<sup>11</sup> See 47 CFR § 73.807(a)(1) and (c).

<sup>12</sup> *Id.*

<sup>13</sup> See 47 CFR § 73.3513.

<sup>14</sup> See 47 CFR §§ 73.3580(a)(1), 73.7002(b), 73.7003(a), and 73.872(a).

<sup>15</sup> See 47 CFR § 73.1635(a)(4).

<sup>16</sup> See 47 CFR §§ 73.37(c), 73.3516(e), 73.3526, 73.3527, 73.3573(f)(1), 73.3578(a), 73.3591(b), 73.3597(b)(2), 73.3564(a) and (c), and Note 1 to 73.3522.

<sup>17</sup> See 47 CFR §§ 73.3516(e) and 73.3584.

<sup>18</sup> See Comments of Prometheus Radio Project, MB Docket No. 24-626 (filed Jan. 13, 2025) (Prometheus Comments); Comments of Electron Benders, MB Docket No. 24-626 (filed Mar. 25, 2025) (EB Comments); Comments of REC Networks, MB Docket No. 25-133 (filed Apr. 14, 2025) (REC 25-133 Comments); Comments of REC Networks, MB Docket No. 24-626 (filed Apr. 21, 2025) (REC Comments); Comments of National Association of Broadcasters, MB Docket No. 24-626 (filed Apr. 23, 2025) (NAB Comments); Comments of Ten Public Broadcast Licensees, MB Docket No. 24-626 (filed Apr. 23, 2025) (Public Broadcasters Comments); Reply Comments of REC Networks, MB Docket No. 25-133 (filed Apr. 29, 2025) (REC 25-133 Reply Comments); Reply Comments of REC Networks, MB Docket No. 24-626 (filed May 5, 2025) (REC Reply Comments); Reply Comments of Broadcast Warning Working Group, MB Docket No. 24-626 (filed May 8, 2025) (BWWG Reply Comments); Comments of Kelly Moore, MB Docket No. 24-626 (filed May 8, 2025) (Moore Comments); and Letter from Todd Urick, President, Common Frequency, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 24-626 (filed June 16, 2025) (Common Frequency *Ex Parte* Comments).

requirement that stations seeking facility modifications request at least a 20% increase in power, and to reflect current AM station classifications; (2) modifying sections 73.807(a)(1) and 73.807(c) to clarify that an LPFM applicant submitting an application in a filing window for a new construction permit or modification of an existing LPFM authorization must protect FM, LPFM, and FM translator applications submitted prior to a public notice announcing the procedures for the LPFM filing window; (3) modifying the Signature Rule to allow a “duly authorized employee” to sign, and codifying the existing rule interpretation that directors may sign applications; (4) clarifying the rules concerning when an applicant for a new NCE FM, NCE TV, or LPFM construction permit must give local public notice of its application; and (5) removing language limiting grant of certain Special Temporary Authority (STA) submissions to 90 days, rather than the full 180-day period permitted for other reasons.

6. We received a robust record on these five significant proposals. For example, Prometheus, REC, and NAB support the AM power increase rule revisions and agree that the changes would offer increased flexibility to AM broadcasters. NAB also maintains that eliminating the 20% minimum increase in power requirement will help AM stations achieve required community of license coverage, and contribute to the elimination of minimum efficiency requirements for AM stations.<sup>19</sup> Commenters largely support codifying the term “authorized” to include both licensed stations and/or granted construction permits as proposed.<sup>20</sup> REC argued there should only be one public notice released prior to an LPFM filing window, and that it should contain all of the relevant window information and filing procedures.<sup>21</sup> NAB argued that a public notice that only announces future filing window dates should not trigger the rule’s protections.<sup>22</sup> We also received varied responses regarding our proposed changes to the Signature Rule. Prometheus and Public Broadcasters support the changes, and feel the term “duly authorized employee” should be interpreted broadly. Public Broadcasters also requested that it be extended to government entities, in order to alleviate the burdensome requirement that a high-level government official must be the signatory.<sup>23</sup> REC opposed our proposed changes, arguing that the signatory must be a person with a presumed attributable interest in the application, such as an officer or director.<sup>24</sup> Prometheus and REC both proposed allowing *nunc pro tunc* reinstatement and curative amendments for signature rule violations.<sup>25</sup> Regarding when an NCE applicant must give local public notice of its application, REC and Public Broadcasters supported the proposed rule updates. In addition, Prometheus and REC requested that we update LMS to display an “accepted for filing” application status.<sup>26</sup> Lastly, commenters support removing the 90-day grant restriction on technical STAs; NAB agreed that this reduces burdens on both applicants and FCC staff.<sup>27</sup> Public Broadcasters also agreed it would greatly benefit from this extension of the STA term, which is more realistic, given the time it takes to procure and replace technical equipment.<sup>28</sup> We discuss these proposals and other alternatives that minimize the impact on small broadcasters in section F.

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<sup>19</sup> NAB Comments at 7.

<sup>20</sup> REC Comments at 8; NAB Comments at 7.

<sup>21</sup> REC Comments at 9-11.

<sup>22</sup> NAB Comments at 8.

<sup>23</sup> Prometheus Comments at 4-5; Public Broadcasters Comments at 4.

<sup>24</sup> REC Comments at 12; REC Reply Comments at 2.

<sup>25</sup> Prometheus Comments at 4; REC Comments at 12-14; REC Reply Comments at 6.

<sup>26</sup> Prometheus Comments at 7; REC Comments at 15.

<sup>27</sup> NAB Comments at 8-9.

<sup>28</sup> Public Broadcasters Comments at 5.

**C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy**

7. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,<sup>29</sup> the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments.<sup>30</sup> The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

**D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply**

8. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules.<sup>31</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>32</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>33</sup> A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>34</sup> The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.<sup>35</sup>

9. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.<sup>36</sup> In general, a small business is an independent business having fewer than 500 employees.<sup>37</sup> These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.<sup>38</sup> Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and are not dominant in their field.<sup>39</sup> While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500

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<sup>29</sup> Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

<sup>30</sup> 5 U.S.C. § 604 (a)(3).

<sup>31</sup> 5 U.S.C. § 604.

<sup>32</sup> *Id.* § 601(6).

<sup>33</sup> *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>34</sup> 15 U.S.C. § 632.

<sup>35</sup> 13 CFR § 121.903.

<sup>36</sup> 5 U.S.C. § 601(3)-(6).

<sup>37</sup> See SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), [https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business\\_2024-508.pdf](https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf).

<sup>38</sup> *Id.*

<sup>39</sup> 5 U.S.C. § 601(4).

employees.<sup>40</sup> Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.<sup>41</sup> Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.<sup>42</sup>

10. The rules adopted in the *Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)<sup>43</sup> codes and corresponding SBA size standard.<sup>44</sup> Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the adopted rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

**Table 1. 2022 U.S. Census Bureau Data by NAICS Code**

<b>Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)</b>	<b>NAICS Code</b>	<b>SBA Size Standard</b>	<b>Total Firms<sup>45</sup></b>	<b>Total Small Firms<sup>46</sup></b>	<b>% Small Firms</b>
Radio Broadcasting Stations <sup>47</sup>	516110	\$47 million	2,616	2,136	81.65%
Television Broadcasting Stations <sup>48</sup>	516120	\$47 million	413	316	76.51%

**Table 2. Broadcast Entity Data**

<b>Broadcast Station Owners (as of August 8, 2025)<sup>49</sup></b>	<b>SBA Size Standard (\$47 Million)</b>

<sup>40</sup> See SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), <https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/>.

<sup>41</sup> 5 U.S.C. § 601(5).

<sup>42</sup> See U.S. Census Bureau, 2022 Census of Governments –Organization, <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>, tables 1-11.

<sup>43</sup> The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. See [www.census.gov/NAICS](http://www.census.gov/NAICS) for further details regarding the NAICS codes identified in this chart.

<sup>44</sup> The size standards in this chart are set forth in 13 CFR § 121.201, by six digit NAICS code.

<sup>45</sup> U.S. Census Bureau, “Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022.” Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVFIRM, 2025.

<sup>46</sup> Id.

<sup>47</sup> Affected Entities in this industry include FM Translator Stations and Low Power FM Stations, Educational Broadcasting Services (Radio), and NCE and Public Broadcast Stations (Radio).

<sup>48</sup> Affected Entities in this industry include Educational Broadcasting Services (TV) and NCE and Public Broadcast Stations (TV).

<sup>49</sup> Data as of 2024, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on August 8, 2025.

Affected Entity	# Commercial Licensed <sup>50 51</sup>	Small Firms	% Small Entities
Radio Stations (AM & FM) Groups	2,881	2,863	99.38
Television Stations	171	142	83.04

**E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities**

11. The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.<sup>52</sup>

12. As discussed above, the *Report and Order* updates various broadcast radio and television regulations in Parts 1, 73, 74, and 76 of the CFR. The proposals adopted in the *Report and Order* amend existing rules to better reflect current application processing requirements, codify existing Media Bureau practices, clarify and harmonize rule provisions, and remove references to outdated procedures and legacy filing systems. These included, for example, replacing references to the legacy database system; changing table of allotment references to conform to current language; updating rules to correspond to the application form naming conventions used in the new LMS electronic filing system; updating the TV rules to remove obsolete language concerning the no-completed incentive auction; codifying the existing interpretation of the term “authorized stations” to include both licensed stations and granted construction permits; and consolidating the rules for petitions to deny license renewal applications under a single rule section.

13. The other rule revisions do not impose additional reporting requirements or compliance requirements for small entities, but rather, reduce and/or clarify compliance burdens. For example, the *Report and Order* eliminates the requirement that an AM station requesting to increase power must propose at least a 20% increase in the station’s nominal power. Elimination of this requirement will provide AM broadcasters with greater flexibility and thus allow for new opportunities for stations to optimize their technical operations. The *Report and Order* also revises the minimum distance separation rule for new and modified LPFM applications to clarify which prior-filed applications must be protected; defines an “authorized station” that must be protected; and clarifies that a public notice that just announces the filing window dates will not serve to terminate protection requirements for prior-filed applications. These clarifications will help small entities understand their compliance obligations, thus reducing the amount of time and financial resources broadcast applicants incur.

14. The *Report and Order* further defines the term “acceptance public notice,” which triggers the local public notice obligations for applicants for new NCE FM, NCE TV, or LPFM construction

<sup>50</sup> *Id.*

<sup>51</sup> As of December 31, 2025, there were 4,342 licensed commercial AM radio stations and 6,589 licensed commercial FM radio stations, for a combined total of 10,931 commercial radio stations. There were 4,755 licensed noncommercial (NCE) FM radio stations, 1,994 low power FM (LPFM) stations, and 8,867 FM translators and boosters. Additionally, there were 1,389 licensed commercial television stations, 388 licensed noncommercial educational (NCE) television stations, 397 Class A TV stations, 1,760 LPTV stations and 3,092 TV translator stations. *Broadcast Station Totals as of December 31, 2025*, Public Notice, DA 26-49 (rel. Jan. 13, 2026) (*January 2026 Broadcast Station Totals PN*), <https://docs.fcc.gov/public/attachments/DA-26-49A1.pdf>.

<sup>52</sup> 5 U.S.C. § 604(a)(5).

permits, many of whom are small entities. The rule currently only addresses an application's acceptance for filing vis-a-vis a routinely released LMS Public Notice, but the rule revisions in the *Report and Order* clarify that certain types of NCE construction permit applications are "accepted for filing" by Orders and documents other than a standard LMS-issued Acceptance public notice. While this change simply codifies an existing interpretation, it will help applicants understand and thus better comply with their local notice obligations.

15. The *Report and Order* also removes language providing that an initial STA required by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period permitted for STAs for other reasons, which will ease the regulatory burden on small entities. Applicants seeking a technical STA currently have to file STA requests twice as often as applicants for other STAs – 90 days instead of 180 days. However, as commenters note, station technical problems often require at least 180 days to order equipment and complete the repairs. Therefore, this revision allows stations to reduce their STA filing requirements in half.

16. In addition, the *Report and Order* expands the definition of who may sign a certification beyond an officer of the corporation, a partner in the partnership, a member who is an officer of the unincorporated association, or a governmental entity to include a "duly authorized employee," similar to rules used by other bureaus and offices that allow for directors and authorized employees to sign applications and amendments for the organization. This revision will help small entities avoid signature rule violations, reduce the number of application dismissals, and avoid excessive costs associated with responding to petitions to deny.

17. All of the above changes will promote application efficiency and shorter application processing times. In determining the economic impact and projected compliance requirements for small and other entities, in the *NPRM*, the Commission sought comment on the costs and benefits associated with the proposals made in the *NPRM*. However, no commenters directly addressed this inquiry.

#### **F. Discussion of Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

18. The RFA requires an agency to provide, "a description of the steps the agency has taken to minimize the significant economic impact on small entities...including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."<sup>53</sup>

19. In the *NPRM*, the Commission considered alternatives such as retaining the existing rules, while taking steps to amend other related rules to further improve the accuracy of the CFR, many of which may minimize the impact of the regulations on small broadcasters. For example, in proposing to revise the Signature Rule, we considered whether to permit a "duly authorized employee" to sign for the corporation, partnership or unincorporated association, or, in the alternative, to maintain our current rules requiring officers, partners, or members who are officers to sign, which often results in application dismissals. Public Broadcasters noted that, for governmental organizations, the current rule is burdensome and requires signatures from high-level officials in large organizations, which are often difficult to obtain.<sup>54</sup> We therefore considered adding "duly authorized employee" to the rule defining who may sign on behalf of a governmental entity applicant. We also considered whether we should limit "duly authorized employee" to specific employees, and how this decision, if adopted, might impact small broadcasters that may not be represented by counsel. In the *Report and Order*, to minimize the impact on

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<sup>53</sup> 5 U.S.C. § 604(a)(6).

<sup>54</sup> Public Broadcasters Comments at 4.

small and other entities, and to prevent dismissal of applications for signature rule violations, the Commission now allows duly authorized employees to sign applications on behalf of partnerships, corporations, unincorporated associations, and governmental entities. We also considered updating our processing procedures to allow for curative amendments or *nunc pro tunc* reinstatement procedures to remedy signature rule violations, but ultimately declined to do so because strict adherence to signature requirements is critical in holding applicants accountable for the truthfulness and accuracy of their applications. We anticipate that the increased processing flexibility for signature rule compliance will ease compliance burdens for small entities and result in a significant reduction of rule violations.

20. We similarly considered leaving the technical STA filing requirement at 90 days, but based on comments, decided that revising the rule, to allow for the full 180-day period permitted for STAs for other reasons, would result in fewer burdens and application processing obligations. NAB agreed with this approach, noting that it reduces burdens on both applicants and staff.<sup>55</sup> Public Broadcasters also noted that applicants will greatly benefit from this revision because the longer term more realistically reflects the time it takes to procure and replace defective technical equipment.<sup>56</sup> Commenters generally agreed with our proposal to update the AM station power increase rules to eliminate the requirement that stations seeking facility modifications request at least a 20% increase in power, which will reduce compliance burdens for these small entities.

21. As discussed in section B, REC and NAB proposed certain modifications to the prior-filed application protections found in sections 73.807(a)(1) and 73.807(c) of the Commission's rules. We did not adopt those alternatives because the modifications in the *Report and Order* clarify that a public notice, which simply announces an upcoming filing window, would not terminate protection requirements for prior-filed applications under the applicable rules.

22. Lastly, we declined to adopt the proposal in the *NPRM* to codify the existing interpretation of section 73.870(e) that LPFM minor modification applications received on the same day will be treated as simultaneously filed and, if mutually exclusive, directed to use engineering solutions and good-faith negotiation to resolve the mutual exclusivity. There was a general lack of support from commenters, with some alternatively proposing that the Commission move to a true first-come, first-served approach based on the exact time of day an application is received.<sup>57</sup> This alternative goes beyond the scope of the rule revisions posed in this proceeding, and will not be adopted at this time.

### G. Report to Congress

23. The Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.<sup>58</sup> In addition, the Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis, to the Chief Counsel for the SBA Office of Advocacy and will publish a copy of the *Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.<sup>59</sup>

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<sup>55</sup> NAB Comments at 8-9.

<sup>56</sup> Public Broadcasters at 5.

<sup>57</sup> Prometheus Comments at 2; Electron Benders Comments at 1; REC Comments at 6-7; and REC Reply Comments at 8.

<sup>58</sup> 5 U.S.C. § 801(a)(1)(A).

<sup>59</sup> *Id.* § 604(b).