



# PUBLIC NOTICE

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DA 1491  
Released: December 23, 2015

**MEDIA BUREAU ANNOUNCES FILING DATES AND PROCEDURES  
FOR AM STATION FILING WINDOW FOR FM TRANSLATOR MODIFICATIONS  
AND  
AVAILABILITY OF FM TRANSLATOR TECHNICAL TOOLS**

**First Window to Be Held January 29 – July 28, 2016;  
Second Window to Be Held July 29, 2016 – October 31, 2016**

As directed by the Commission,<sup>1</sup> this Public Notice (Notice) announces the filing dates for the translator modification application filing windows for AM stations. In the *AMR Order*, the Commission directed the Media Bureau (Bureau) to open two FM translator modification application windows for AM stations to modify and/or relocate FM translator stations (Modification Windows).<sup>2</sup> The first window will open on January 29, 2016, and close at 11:59 pm EDT on July 28, 2016 (First Modification Window). The second window (Second Modification Window) will open on July 29, 2016, and close at 5:59 pm EDT on October 31, 2016.

**Scope.** The Modification Windows will provide AM licensees or permittees<sup>3</sup> seeking to rebroadcast on an FM translator an opportunity to acquire and relocate one authorized non-reserved band (channels 221-300) FM translator station up to 250 miles. Modification applications for translators currently authorized to operate in the reserved band (channels 201-220) will not be accepted.

**Participation.** The First Modification Window is available for proposals by Class C and D AM licensees seeking to modify and/or relocate FM translator stations within the non-reserved FM band. The Second Modification Window is available for proposals by AM licensees of any class seeking to modify and/or relocate FM translator stations within the non-reserved FM band. Only one application may be filed by/on behalf of each AM station, *i.e.*, an AM station may be listed as the primary station on only one application filed in one (but not both) of the Modification Windows. To participate in either of the Modification Windows, applicants will be required to electronically file FCC Form 349 as “minor modification” applications.<sup>4</sup> To distinguish Modification Window applications from typical minor modification applications, Modification Window applicants must indicate in Exhibit 1 that the proposal is

<sup>1</sup> See *Revitalization of the AM Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, FCC 15-142, para 13 (rel. October 23, 2015) (*AMR Order*).

<sup>2</sup> *Id.*

<sup>3</sup> Unless otherwise specified in this Notice, “licensee” includes both licensees and permittees, “license” includes both license and construction permit authorizations, and “station” includes both licensed and permitted facilities.

<sup>4</sup> Applicants do not need to seek a waiver of 47 C.F.R. § 74.1233(a)(1) to file Form 349 as a minor modification application. See *AMR Order* at ¶ 15.



a “250-mile window application.” In addition, a Modification Window applicant that is not currently the licensee of the AM station must affirmatively state that it has entered into a rebroadcast agreement with the primary station licensee.

We will dismiss as premature any application proposing a major site change before the Modification Windows open. We will also dismiss any application filed during the First Modification Window proposing to rebroadcast a Class A or Class B AM station. Furthermore, we will dismiss any Modification Window application that proposes to rebroadcast an AM station that has already been listed in a prior Modification Window application as the primary station. Finally, we will dismiss any Modification Window application that seeks to modify an FM translator station currently authorized in the reserved band.

**Identifying Eligible Translator Stations and Available Frequencies.** Applicants may use two newly created tools to locate eligible translator stations and identify rule-compliant FM translator channels. These internet-based tools are available on the FCC web site at: [www.fcc.gov/media/radio/am-revitalization](http://www.fcc.gov/media/radio/am-revitalization). The translator search tool allows an AM licensee to input preferred relocation sites at or near its AM transmitter site. The tool then identifies all translator stations authorized at locations up to 250 miles away. The second tool, the translator channel finder, identifies channels that are tentatively available for use by FM translators at any location. Detailed information about the tools is available at the website specified above. Please note that the translator tools are intended solely to assist applicants in tentatively identifying translators and channels. An applicant should consider using a consulting engineer or an otherwise qualified party to determine the technical acceptability of its application.

**Eligibility, Application Processing, and FAQs.** Applicants should refer to the Bureau’s October 26, 2015, Public Notice for additional information regarding eligibility requirements, application processing standards, construction recruitments, and operational requirements.<sup>5</sup> In addition, in response to the October Public Notice, staff received additional questions regarding the Modification Windows. Below are answers to some frequently asked questions that may help applicants with the filing process.

*Q: Is an AM station that already owns or leases one or more translators eligible to file an application in a Modification Window?*

*A: Yes. AM stations that currently rebroadcast on one or more FM translators are permitted to participate in one of the Modification Windows.*

*Q: The Modification Windows allow AM licensees to relocate one non-reserved band FM translator station up to 250 miles. How is the 250-mile limit measured?*

*A: The 250-mile limit will be measured from the existing translator transmitter site to the proposed translator site; the 250-mile limit is not measured from the translator site to the AM station’s transmitter site.*

*Q: Can an AM Station relocate a translator during the Modification Windows to any channel or must the translator stay on the original or adjacent channel?*

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<sup>5</sup> Media Bureau Initiates AM Revitalization Outreach Efforts; Modification Window Procedures and Requirements Announced, Public Notice, DA 15-1215 (Oct. 26, 2015) (October Public Notice), available at [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-15-1215A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-15-1215A1.pdf).

A: The FM translator modification application may specify any non-reserved band FM channel (221-300). However, the proposed facilities must comply with the Commission's translators technical rules, 47 C.F.R. §§ 74.1201 - 74.1290.

*Q: Can a translator, once obtained and relocated, be changed to rebroadcast another AM or FM station?*

A: Not for the first four years of operation. Any FM translator station modified and/or relocated under the Modification Windows must rebroadcast the specified primary AM station for at least four years, not counting any periods of silence by the primary station.

*Q: Can an AM station file an application in one of the Modification Windows while the AM station itself has a modification application pending, and subsequently use the translator at the AM station's future site?*

A: The proposed FM translator facilities must satisfy the "fill-in" restrictions applicable to AM/FM translator rebroadcasting. The AM station may rely on either its licensed or permitted facilities to satisfy these restrictions. However, a relocated FM translator may be modified subsequently to use an AM station's future authorized transmitter site.

*Q: If a reserved-band translator has an application pending to move to the non-reserved band, can it participate in the Modification Windows?*

A: Only translators authorized to operate in the non-reserved band as of the date of modification application filing are eligible for the modification windows. New unbuilt translator stations are eligible for the Modification Windows, *i.e.*, eligibility is not limited to translator stations that are licensed and operating.

*Q: What if two or more applicants file for the same channel on the same day?*

A: Pursuant to 47 C.F.R. §74.1233, applications filed for the same channel on the same day are considered mutually exclusive.

*Q: How will the Bureau resolve applications that are mutually exclusive?*

A: Pursuant to 47 C.F.R. §74.1233(d)(1), mutually exclusive applications must be resolved through settlement or technical amendments.

*Q: Can a mutually exclusive applicant file an amendment to move to a different non-reserved band channel to resolve a conflict with a mutually exclusive proposal?*

A: Yes. Amendments to move to any rule-compliant channel will be accepted.

*Q: If an AM station files a modification application and the transaction to acquire the proposed FM translator fails for any reason, can the AM station dismiss the original application and re-file a second modification application specifying a different translator station, provided the modification window has not closed? Similarly, if the staff dismisses or rejects an application for any reason, can the AM station re-file its application?*

A: No. Only one application may be filed by/on behalf of each AM station in either of the Modification Windows; applicants will not be given an opportunity to re-file under any circumstance.

*Q: In the AMR Order, the Commission has proposed that an AM station may use a FM cross-service fill-in translator where the FM translator's coverage contour is contained within the greater of the 2 mV/m daytime contour of the AM station or a 25-mile radius centered at the AM transmitter site. May applicants rely on the proposed "fill-in" rule change in selecting an FM transmitter site?*

*A:* No. As stated in the October Public Notice, to participate in the Modification Windows, the FM translator station's proposed 60 dBu contour must be contained within the AM station's 2 mV/m daytime contour **and** may not extend more than 25 miles from the AM transmitter site.

*Q. In the AMR Order, the Commission modified the minimum efficiency rules and redefined Class D stations as those operating with a nighttime RMS less than 107.5 mV/m at 1 kilometer. Based on the change, are existing Class D stations, which did not meet the former minimum of 141.0 mV/m/km, but which exceed the new minimum of 107.5 mV/m at 1 kilometer, automatically reclassified as Class B stations?*

*A:* No. The newly adopted rules will not be applied retroactively to existing stations. Thus, an AM station currently classified as a Class D station, including those that operate with a nighttime RMS exceeding 107.5 mV/m at 1 kilometer, may file an application in the First Modification Window. A station seeking re-classification as a Class B station must file a minor change application demonstrating compliance with all applicable rules.

For additional information, contact:

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- Engineering inquiries: James Bradshaw or Robert Gates, (202) 418-2700
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