

APPENDIX A

Low Power FM Service Rules

Part 11 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

Part 11 – Emergency Alert System (EAS)

1. The authority citation for Part 11 continues to read as follows:

Authority 47 U.S.C. 151, 154(i) and (o), 303(r), 544(g) and 606.

2. Section 11.11 is amended to read as follows:

§11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of broadcast networks; cable networks and program suppliers; AM, FM, Low Power FM (LPFM) and TV broadcast stations; Low Power TV (LPTV) stations; cable systems; wireless cable systems which may consist of Multipoint Distribution Service (MDS), Multichannel Multipoint Distribution Service (MMDS), or Instructional Television Fixed Service (ITFS) stations; and other entities and industries operating on an organized basis during emergencies at the National, State and local levels. It requires that at a minimum all participants use a common EAS protocol, as defined in § 11.31, to send and receive emergency alerts in accordance with the effective dates in the following tables:

A new column is inserted into the “Timetable – Broadcast Stations” table in §11.11 as follows:

Requirement	AM & FM	TV	FM Class D	LPTV	LPFM
* * *	* * *	* * *	* * *	* * *	N Y Y N Y

(b) Class D noncommercial educational FM stations as defined in § 73.506, LPFM stations as defined in §§ 73.811 and 73.853, and LPTV stations as defined in § 74.701(f) are not required to

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3. Section 11.51 is amended to read as follows:

§11.51 EAS code and Attention Signal Transmission requirements.

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(e) Class D non-commercial educational FM stations as defined in §73.506 of this chapter, Low Power FM (LPFM) stations as defined in §§ 73.811 and 73.853 of this chapter, and low power TV (LPTV) stations as defined in §74.701(f) of this chapter are not required to have equipment capable of generating the EAS codes and Attention Signal specified in § 11.31. * * *

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4. Section 11.53 is amended to read as follows:

§11.53 Dissemination of Emergency Action Notification.

(a) * * *

(1) * * *

(2) * * *

(3) Wire services to all subscribers (AM, FM, low power FM (LPFM), TV, LPTV and other stations.)

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5. Section 11.61 is amended to read as follows:

§11.61 Tests of EAS procedures.

(a)(1)(i) * * *

(a)(1)(v) * * * Class D non-commercial educational FM, LPFM and LPTV stations are required to transmit only the test script. * * *

(a)(2) * * *

(a)(2)(ii)(E)(iii) Class D non-commercial educational FM, LPFM and LPTV stations are not required to transmit this test but must log receipt. * * *

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Part 73 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

Part 73 – Radio Broadcast Services

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336

2. Section 73.209 is amended to include a new section (c), as follows

§ 73.209 Protection from interference.

* * * * *

(c) Permittees and licensees of FM stations are not protected from interference which may be created by the grant of a new LPFM station or of authority to modify an existing LPFM station, except in instances where the FM station would receive predicted interference from an LPFM station within the FM station's 3.16 mV/m (70 dBu) contour.

3. Section 73.508 is modified, as follows:

§ 73.508 Standards of good engineering practice.

(a) All noncommercial educational stations and LPFM stations operating with more than 10 watts transmitter power output shall be subject to all of the provisions of the FM Technical Standards contained in Subpart B of this part. Class D educational stations and LPFM stations operating with 10 watts or less transmitter output power shall be subject to the definitions contained in § 73.310 of Subpart B of this part, and also to those other provisions of the FM Technical Standards which are specifically made applicable to them by the provisions of this subpart.

(b) The transmitter and associated transmitting equipment of each noncommercial educational FM station and LPFM station licensed for transmitter power output above 10 watts must be designed, constructed and operated in accordance with § 73.317.

(c) The transmitter and associated transmitting equipment of each noncommercial educational FM station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of § 73.317, must be constructed with the safety provisions of the current national electrical code as approved by the American National Standards Institute. These stations must be operated, tuned, and adjusted so that emissions are not radiated outside the authorized band causing or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, must be at all times capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

4. A new Section 73.514 is added, as follows

§ 73.514 Protection from interference.

Permittees and licensees of NCE FM stations are not protected from interference which may be created by the grant of a new LPFM station or of authority to modify an existing LPFM station, except in instances where the NCE FM station would receive interference from an LPFM station within the 3.16 mV/m (70 dBu) contour.

5. “Subpart G – Emergency Broadcast System” is deleted in its entirety (including Section 73.900).

6. A new “Subpart G – Low Power FM Broadcast Stations” is added as follows:

Subpart G – Low Power FM Broadcast Stations (LPFM)

7. A new Section 73.801 is added, as follows:

§ 73.801 Broadcast regulations applicable to LPFM stations.

The following rules are applicable to LPFM stations:

Section 73.201-Numerical definition of FM broadcast channels.

Section 73.220-Restrictions on use of channels.

Section 73.267-Determining operating power.

Section 73.277-Permissible transmissions.

Section 73.297-FM stereophonic sound broadcasting.

Section 73.310-FM technical definitions.

Section 73.312-Topographic data.

Section 73.318-FM blanketing interference.

Section 73.322-FM stereophonic sound transmission standards.

Section 73.333-Engineering charts.

Section 73.503-Licensing requirements and service.

Section 73.508-Standards of good engineering practice.

Section 73.593-Subsidiary communications services.

Section 73.1015-Truthful written statements and responses to Commission inquiries and correspondence.

Section 73.1030-Notifications concerning interference to radio astronomy, research and receiving installations.

Section 73.1201-Station identification.

Section 73.1206-Broadcast of telephone conversations.

Section 73.1207-Rebroadcasts.

Section 73.1208-Broadcast of taped, filmed, or recorded material.

Section 73.1210-TV/FM dual-language broadcasting in Puerto Rico.

Section 73.1211-Broadcast of lottery information.

Section 73.1212-Sponsorship identification; list retention; related requirements.

Section 73.1213-Antenna structure, marking and lighting.

Section 73.1216-Licensee-conducted contests.

Section 73.1217-Broadcast hoaxes.

Section 73.1230-Posting of station license.

Section 73.1250-Broadcasting emergency information.

Section 73.1300-Unattended station operation.

Section 73.1400-Transmission system monitoring and control.

Section 73.1520-Operation for tests and maintenance.

Section 73.1540-Carrier frequency measurements.

Section 73.1545-Carrier frequency departure tolerances.

Section 73.1570-Modulation levels: AM, FM, and TV aural.
Section 73.1580-Transmission system inspections.
Section 73.1610-Equipment tests.
Section 73.1620-Program tests.
Section 73.1650-International agreements.
Section 73.1660-Acceptability of broadcast transmitters.
Section 73.1665-Main transmitters.
Section 73.1692-Broadcast station construction near or installation on an AM broadcast tower.
Section 73.1745-Unauthorized operation.
Section 73.1750-Discontinuance of operation.
Section 73.1920-Personal attacks.
Section 73.1940-Legally qualified candidates for public office.
Section 73.1941-Equal opportunities.
Section 73.1943-Political file.
Section 73.1944-Reasonable access.
Section 73.3511-Applications required.
Section 73.3512-Where to file; number of copies.
Section 73.3513-Signing of applications.
Section 73.3514-Content of applications.
Section 73.3516-Specification of facilities.
Section 73.3517-Contingent applications.
Section 73.3518-Inconsistent or conflicting applications.
Section 73.3519-Repetitious applications.
Section 73.3520-Multiple applications.
Section 73.3525-Agreements for removing application conflicts.
Section 73.3539-Application for renewal of license.
Section 73.3542-Application for emergency authorization.
Section 73.3545-Application for permit to deliver programs to foreign stations.
Section 73.3550-Requests for new or modified call sign assignments.
Section 73.3561-Staff consideration of applications requiring Commission consideration.
Section 73.3562-Staff consideration of applications not requiring action by the Commission.
Section 73.3566-Defective applications.
Section 73.3568-Dismissal of applications.
Section 73.3584-Procedure for filing petitions to deny.
Section 73.3587-Procedure for filing informal objections.
Section 73.3588-Dismissal of petitions to deny or withdrawal of informal objections.
Section 73.3589-Threats to file petitions to deny or informal objections.
Section 73.3591-Grants without hearing.
Section 73.3593-Designation for hearing.
Section 73.3598-Period of construction.
Section 73.3599-Forfeiture of construction permit.
Section 73.3999-Enforcement of 18 U.S.C. 1464-restrictions on the transmission of obscene and indecent material.

8. A New Section 73.805 is added, as follows:

§ 73.805 Availability of channels.

Except as provided in Section 73.220 of this Chapter, all of the frequencies listed in Section 73.201 of this Chapter are available for LPFM stations.

9. A new Section 73.807 is added, as follows:

§73.807 Minimum distance separation between stations.

Minimum separation requirements for LP100 and LP10 stations, as defined in Section 73.811 and Section 73.853 of this Part, are listed in the following subsections. An LPFM station will not be authorized unless these separations are met. Minimum distances for co-channel and first-adjacent channel are separated into two columns. The left-hand column lists the required minimum separation to protect other stations and the right-hand column lists (for informational purposes only) the minimum distance necessary for the LPFM station to receive no interference from other stations. For second-adjacent channels and IF channels, the required minimum distance separation is sufficient to avoid interference received from other stations.

(a) An LP100 station will not be authorized initially unless the minimum distance separations in the following table are met with respect to authorized FM stations, timely-filed applications for new and existing FM stations, authorized LP100 stations, LP100 station applications that were timely-filed within a previous window, and vacant FM allotments. LP100 stations are not required to protect LP10 stations. 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.

Station Class Protected by LP100	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second-adjacent Channel Minimum Separation (km)	I.F . Channel minimum separations 10.6 or 10.8 MHz
	Required	For No Interference Received	Required	For No Interference Received	Required	
LP100	24	24	14	14	None	None
D	24	24	13	13	6	4
A	67	92	56	56	29	7
B1	87	119	74	74	46	9
B	112	143	97	97	67	12
C3	78	119	67	67	40	9
C2	91	143	80	84	53	12
C1	111	178	100	111	73	20
C	130	203	120	142	93	28

(b) An LP10 station will not be authorized unless the minimum distance separations in the following table are met with respect to authorized FM stations, timely-filed applications for new and existing FM stations, vacant FM allotments, or LPFM stations.

Station Class Protected by LP10	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second-adjacent Channel Minimum Separation (km)	I.F . Channel minimum separations 10.6 or 10.8 MHz
	Required	For No Interference Received	Required	For No Interference Received	Required	
LP100	16	22	10	11	None	None
LP10	13	13	8	8	None	None
D	16	21	10	11	6	2
A	59	90	53	53	29	5
B1	77	117	70	70	45	8
B	99	141	91	91	66	11
C3	69	117	64	64	39	8
C2	82	141	77	81	52	11
C1	103	175	97	108	73	18
C	122	201	116	140	92	26

(c) In addition to meeting or exceeding the minimum separations for Class LP100 and Class LP10 stations in subsections (a) and (b) of this rule section above, new LP100 and LP10 stations will not be authorized in Puerto Rico or the Virgin Islands unless the minimum distance separations in the following tables are met with respect to authorized or proposed FM stations:

(1) LP100 stations in Puerto Rico and the Virgin Islands:

Station Class Protected by LP100	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second-adjacent Channel Minimum Separation (km)	I.F . Channel minimum separations 10.6 or 10.8 MHz
	Required	For No Interference Received	Required	For No Interference Received	Required	
A	80	111	70	70	42	9
B1	95	128	82	82	53	11
B	138	179	123	123	92	20

(2) LP10 stations in Puerto Rico and the Virgin Islands:

Station Class Protected by LP10	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second-adjacent Channel Minimum Separation (km)	I.F . Channel minimum separations 10.6 or 10.8 MHz
	Required	For No Interference Received	Required	For No Interference Received	Required	
A	72	108	66	66	42	8
B1	84	125	78	78	53	9
B	126	177	118	118	92	18

Note: Minimum distance separations towards “grandfathered” superpowered Reserved Band stations, subsections (a), (b), and (c) above :

Full service FM stations operating within the reserved band (Channels 201-220) with facilities in excess of those permitted in § 73.211(b)(1) or § 73.211(b)(3) shall be protected by LPFM stations in accordance with the minimum distance separations for the nearest class as determined under § 73.211. For example, a Class B1 station operating with facilities that result in a 60 dBu contour that exceeds 39 kilometers but is less than 52 kilometers would be protected by the Class B minimum distance separations. Class D stations with 60 dBu contours that exceed 5 kilometers will be protected by the Class A minimum distance separations. Class B stations with 60 dBu contours that exceed 52 kilometers will be protected as Class C1 or Class C stations depending upon the distance to the 60 dBu contour. No stations will be protected beyond Class C separations.

(d) In addition to meeting the separations in subsections (a) through (c) above, LPFM applications must meet the minimum separation requirements in the following tables with respect to authorized FM translator stations, cutoff FM translator applications, and FM translator applications filed prior to the release of the Public Notice announcing the LPFM window period:

(1) LP100 stations:

Distance to FM Translator 60 dBu Contour	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second-adjacent Channel Minimum Separation (km)	I.F . Channel Minimum Separation (km)
	For No Interference Required	For No Interference Received	For No Interference Required	For No Interference Received	Required	
13.3 km or greater	39	67	28	35	21	5
Greater than 7.3 km, but less than 13.3 km	32	51	21	26	14	5
Less than 7.3 km	26	30	15	16	8	5

(2) LP10 stations:

Distance to FM Translator 60 dBu Contour	Co-channel Minimum Separation (km)		First-adjacent Channel Minimum Separation (km)		Second-adjacent Channel Minimum Separation (km)	I.F . Channel Minimum Separation (km)
	For No Interference Required	For No Interference Received	For No Interference Required	For No Interference Received	Required	
13.3 km or greater	30	65	25	33	20	3
Greater than 7.3 km, but less than 13.3 km	24	49	18	23	14	3
Less than 7.3 km	18	28	12	14	8	3

- (f) Existing Class LP100 and LP10 stations which do not meet the separations in the tables in subsections (a) through (e) above may be relocated provided that the separation to any short-

spaced station is not reduced.

(g) Commercial and noncommercial educational stations authorized under Subparts B and C of this Part, as well as new or modified commercial FM allotments, are not required to adhere to the separations specified in this rule section, even where new or increased interference would be created.

(h) *International considerations within the border zones*

(1) Within 320 km of the Canadian border, LP100 stations must meet the following minimum separations with respect to any Canadian stations:

Canadian Station Class	Co-channel (km)	First-Adjacent Channel (km)	Second-Adjacent Channel (km)	Third-Adjacent Channel (km)	Intermediate Frequency (IF) Channel (km)
A1	45	30	21	20	4
A	66	50	41	40	7
B1	78	62	53	52	9
B	92	76	68	66	12
C1	113	98	89	88	19
C	118	106	99	98	28

(2) Within 320 km of the Mexican border, LP100 stations must meet the following separations with respect to any Mexican stations:

Mexican Station Class	Co-channel (km)	First-Adjacent Channel (km)	Second- /Third-Adjacent Channel (km)	Intermediate Frequency (IF) Channel (km)
A	43	32	25	5
AA	47	36	29	6
B1	67	54	45	8
B	91	76	66	11
C1	91	80	73	19
C	110	100	92	27

(3) Within 320 km of the Canadian border, LP10 stations must meet the following minimum separations with respect to any Canadian stations:

Canadian Station Class	Co-channel (km)	First-Adjacent Channel (km)	Second-Adjacent Channel (km)	Third-Adjacent Channel (km)	Intermediate Frequency (IF) Channel (km)
A1	33	25	23	19	3

A	53	45	43	39	5
B1	65	57	55	51	8
B	79	71	70	66	11
C1	101	93	91	87	18
C	108	102	100	97	26

- (4) Within 320 km of the Mexican border, LP10 stations must meet the following separations with respect to any Mexican stations:

Mexican Station Class	Co-channel (km)	First-Adjacent Channel (km)	Second- /Third- Adjacent Channel (km)	Intermediate Frequency (IF) Channel (km)
A	34	29	24	5
AA	39	33	29	5
B1	57	50	45	8
B	79	71	66	11
C1	83	77	73	18
C	102	96	92	26

- (5) The Commission will notify the International Telecommunications Union (ITU) of any LPFM authorizations in the US Virgin Islands. Any authorization issued for a US Virgin Islands LPFM station will include a condition that permits the Commission to modify, suspend or terminate without right to a hearing if found by the Commission to be necessary to conform to any international regulations or agreements.
- (6) The Commission may, at its option, initiate international coordination of a LPFM proposal even where the above Canadian and Mexican spacing tables are met, if it appears that such coordination is necessary to maintain compliance with international agreements.

10. A new Section 73.808 is added, as follows;

§ 73.808 Distance computations.

For the purposes of determining compliance with any LPFM distance requirements, distances shall be calculated in accordance with § 73.208(c) of this Part.

11. A new Section 73.809 is added as follows:

§ 73.809 Interference protection to full service FM stations.

- (a) It shall be the responsibility of the licensee of an LPFM station to correct at its expense any condition of interference to the direct reception of the signal of any subsequently authorized commercial or NCE FM station that operates on the same channel, first-adjacent channel, second-adjacent channel or intermediate frequency (IF) channels as the LPFM station, where interference is predicted to occur and actually occurs within the 3.16 mV/m (70 dBu) contour of such stations. Predicted interference within this contour shall be calculated in accordance with the ratios set forth in Section 73.215(a)(1) and (2) of this Part. Actual

interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the LPFM station.

- (b) An LPFM station will be provided an opportunity to demonstrate in connection with the procession of the commercial or NCE FM application that interference with the 3.16 mV/m contour of such station is unlikely. If the LPFM station fails to so demonstrate, it will be required to cease operations upon the commencement of program tests by the commercial or NCE FM station.
- (c) Complaints of actual interference by an LPFM station subject to subsection (b) within the 3.16 mV/m contour of a commercial or NCE FM station must be served on the LPFM licensee and the Federal Communications Commission, attention Audio Services Division. The LPFM station must suspend operations within twenty-four hours of the receipt of such complaint unless the interference has been resolved to the satisfaction of the complainant on the basis of suitable techniques. An LPFM station may only resume operations at the direction of the Federal Communications Commission. If the Commission determines that the complainant has refused to permit the LPFM station to apply remedial techniques that demonstrably will eliminate the interference without impairment of the original reception, the licensee of the LPFM station is absolved of further responsibility.
- (d) It shall be the responsibility of the licensee of an LPFM station to correct any condition of interference that results from the radiation of radio frequency energy outside its assigned channel. Upon notice by the FCC to the station licensee or operator that such interference is caused by spurious emissions of the station, operation of the station shall be immediately suspended and not resumed until the interference has been eliminated. However, short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.
- (e) In each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, D.C., after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

12. A new section 73.811 is added as follows:

§ 73.811 LPFM Power and antenna height requirements.

a) LP100 Stations:

- 1) *Maximum Facilities.* LP100 stations will be authorized to operate with maximum facilities of 100 watts effective radiated power (ERP) at 30 meters antenna height above average terrain (HAAT). An LP100 station with a HAAT that exceeds 30 meters will not be permitted to operate with an ERP greater than that which would result in a 60 dBu contour of 5.6 kilometers. In no event will an ERP less than one watt be authorized. No facility will be authorized in excess of one watt ERP at 450 meters HAAT.
- 2) *Minimum facilities.* LP100 stations may not operate with facilities less than 50 watts ERP at 30 meters HAAT or the equivalent necessary to produce a 60 dBu contour that extends at least 4.7 kilometers.

b) LP10 Stations:

- 1) *Maximum Facilities.* LP10 stations will be authorized to operate with maximum facilities of

10 watts ERP at 30 meters HAAT. An LP10 station with a HAAT that exceeds 30 meters will not be permitted to operate with an ERP greater than that which would result in a 60 dBu contour of 3.2 kilometers. In no event will an ERP less than one watt be authorized. No facility will be authorized in excess of one watt ERP at 100 meters HAAT.

2) *Minimum Facilities.* LP10 stations may not operate with less than one watt ERP.

13. A new Section 73.812 is added, as follows:

§73.812 Rounding of power and antenna heights.

- (a) Effective radiated power (ERP) will be rounded to the nearest watt on LPFM authorizations.
- (b) Antenna radiation center, antenna height above average terrain (HAAT), and antenna supporting structure height will all be rounded to the nearest meter on LPFM authorizations.

14. A new section 73.813 is added, as follows:

§ 73.813 Determination of antenna height above average terrain (HAAT).

HAAT determinations for LPFM stations will be made in accordance with the procedure detailed in § 73.313(d) of this Part.

15. A new Section 73.816 is added, as follows:

§73.816 Antennas.

- (a) Directional antennas will not be authorized in the LPFM service.
- (b) Permittees and licensees may employ nondirectional antennas with horizontal only polarization, vertical only polarization, circular polarization or elliptical polarization.

16. A new Section 73.825 is added, as follows:

§73.825 Protection to Reception of TV Channel 6

LPFM stations will be authorized on Channels 201 through 220 only if the pertinent minimum separation distances in the following table are met with respect to all TV Channel 6 stations.

FM Channel Number	Class LP100 to TV Channel 6 (km)	Class LP10 to TV Channel 6 (km)
201	219	171
202	204	162
203	188	156
204	179	153
205	167	149
206	156	143
207	151	141
208	151	141
209	151	141
210	151	141
211	151	141
212	149	140
213	147	139
214	145	138
215	143	137
216	142	136
217	142	136
218	139	134
219	137	134
220	136	133

17. A new Section 73.840 is added, as follows:

§ 73.840 Operating power and mode tolerances.

The transmitter power output (TPO) of an LPFM station must be determined by the procedures set forth in Section 73.267 of this Part. The operating TPO of an LPFM station with an authorized TPO of more than ten watts must be maintained as near as practicable to its authorized TPO and may not be less than 90% of the minimum TPO nor greater than 105% of the maximum authorized TPO. An LPFM station with an authorized TPO of ten watts or less may operate with less than the authorized power, but not more than 105% of the authorized power.

18. A new Section 73.845 is added, as follows

§ 73.845 Transmission system operation.

Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this Part and in accordance

with the terms of the station authorization. In the event that an LPFM station is operating in a manner that is not in compliance with the technical rules set forth elsewhere in this part or the terms of the station authorization, broadcast operation must be terminated within three hours.

19. A new Section 73.850 is added, as follows:

§ 73.850 Operating schedule.

(a) All LPFM stations will be licensed for unlimited time operation, except those stations operating under a time sharing agreement pursuant to Section 73.872 of this subpart.

(b) All LPFM stations are required to operate at least 36 hours per week, consisting of at least 5 hours of operation per day on at least 6 days of the week; however, stations licensed to educational institutions are not required to operate on Saturday or Sunday or to observe the minimum operating requirements during those days designated on the official school calendar as vacation or recess periods.

20. A new Section 73.853 is added, as follows:

§73.853 Licensing requirements and service.

(a) An LPFM station may be licensed only to:

- (i) nonprofit educational organizations and upon a showing that the proposed station will be used for the advancement of an educational program; and
- (ii) state and local governments and non-government entities that will provide noncommercial public safety radio services.

(b) Only local applicants will be permitted to submit applications for a period of two years from the date that LP100 and LP10 stations, respectively, are first made available for application. For the purposes of this subsection, an applicant will be deemed local if it can certify that:

- (i) the applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna;
- (ii) it has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna; or
- (iii) in the case of any applicant proposing a public safety radio service, the applicant has jurisdiction within the service area of the proposed LPFM station.

21. A new Section 73.854 is added, as follows:

§ 73.854 Unlicensed operations.

No application for an LPFM station may be granted unless the applicant certifies, under penalty

of perjury, to one of the following statements:

(a) Neither the applicant, nor any party to the application, has engaged in any manner including individually or with persons, groups, organizations or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.

(b) To the extent the applicant or any party to the application has engaged in any manner, individually or with other persons, groups, organizations or other entities, in the unlicensed operation of a station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301, such an engagement:

(1) ceased voluntarily no later than February 26, 1999, without direction from the FCC to do so; or

(2) ceased operation within 24 hours of being directed by the FCC to terminate unlicensed operation of any station.

22. A new Section 73.855 is added, as follows:

§73.855 Ownership limits.

(a) No authorization for an LPFM station shall be granted to any party if the grant of that authorization will result in any such party holding an attributable interest in two LPFM stations separated by less than 12 km (7 miles).

(b) Nationwide ownership limits will be phased in according to the following schedule:

(1) For a period of two years from the date that the LPFM stations are first made available for application, a party may hold an attributable interest in no more than one LPFM station.

(2) For the period between two and three years from the date that the initial filing window opens for LPFM applications, a party may hold an attributable interest in no more than five LPFM stations.

(3) After three years from the date that the initial filing window opens for LPFM stations, a party may hold an attributable interest in no more than ten stations.

23. A new Section 73.858 is added, as follows:

§73.858 Attribution of LPFM station interests.

Ownership and other interests in LPFM station permittees and licensees will be attributed to their holders and deemed cognizable for the purposes of §§ 73.855 and 73.860 of this Subpart, in accordance with the provisions of §73.3555, subject to the following exceptions:

(a) A director of an entity that holds an LPFM license will not have such interest treated

as attributable if such director also holds an attributable interest in a broadcast licensee or other media entity but recuses himself or herself from any matters affecting the LPFM station.

(b) A local chapter of a national or other large organization shall not have the attributable interests of the national organization attributed to it provided that the local chapter maintains a local business office and has a distinct local presence and mission.

(c) A parent or subsidiary of a LPFM licensee or permittee that is a non-stock corporation will be treated as having an attributable interest in such corporation. The officers, directors, and members of a non-stock corporation's governing body and of any parent or subsidiary entity will have such positional interests attributed to them.

24. A new Section 73.860 is added, as follows:

§73.860 Cross-ownership.

(a) No license for an LPFM station shall be granted to any party if the grant of such authorization will result in the same party holding an attributable interest in any other non-LPFM broadcast station, including any FM translator or low power television station, or any other media subject to broadcast ownership restrictions.

(b) A party with an attributable interest in a broadcast radio station must divest such interest prior to the commencement of operations of an LPFM station in which the party also holds an interest.

(c) No LPFM licensee may enter into an operating agreement of any type, including a time brokerage or management agreement, with either a full power broadcast station or another LPFM station.

25. A new Section 73.865 is added, as follows:

§73.865 Assignment and transfer of LPFM authorizations.

(a) An LPFM authorization may not be transferred or assigned except for a transfer or assignment that involves:

- (1) less than a substantial change in ownership and control; or
- (2) an involuntary assignment of license or transfer of control.

(b) A change in the name of an LPFM licensee where no change in ownership or control is involved may be accomplished by written notification by the licensee to the Commission

26. A new Section 73.870 is added, as follows:

§73.870 Processing of LPFM Broadcast Station applications.

- (a) A minor change for an LP100 station authorized under this Subpart is limited to transmitter relocations of less than two kilometers. A minor change for an LP10 station authorized under this Subpart cannot be limited to transmitter site relocations of less than one kilometer. Minor changes of LPFM stations may include changes in frequency to adjacent or IF frequencies, or, upon a technical showing of reduced interference, to any frequency.
- (b) The Commission will specify by Public Notice a window filing period for applications for new LPFM stations and major modifications in the facilities of authorized LPFM stations. LPFM applications for new facilities and for major modifications in authorized LPFM stations will be accepted only during the appropriate window. Applications submitted prior to the window opening date identified in the Public Notice will be returned as premature. Applications submitted after the deadline will be dismissed with prejudice as untimely.
- (c) Applications subject to subsection (b) that fail to meet the Section 73.807 minimum distance separations, other than to LPFM station facilities proposed in applications filed in the same window, will be dismissed without any opportunity to amend such applications.
- (d) Following the close of the window, the Commission will issue a Public Notice of acceptance for filing of applications submitted pursuant to subsection (b) that meet technical and legal requirements and that are not in conflict with any other application filed during the window. Following the close of the window, the Commission also will issue a Public Notice of the acceptance for filing of all applications tentatively selected pursuant to the procedures for mutually exclusive LPFM applications set forth at Section 73.872. Petitions to deny such applications may be filed within 30 days of such public notice and in accordance with the procedures set forth at Section 73.3584 of this Part. A copy of any petition to deny must be served on the applicant.
- (e) 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.

27. A new section 73.872 is added, 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 subsection (e), 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).
- (b) Each mutually exclusive application will be awarded one point for each of the following criteria, based on application certification that the qualifying conditions are met:
- (1) Established community presence. An applicant must, for a period of at least two years prior to application, have been physically headquartered, have had a campus, or have had seventy-five percent of its board members residing within 10 miles of the coordinates of the proposed transmitting antenna. Applicants claiming a point for this criterion must submit the documentation set forth in the application form at the time of filing their applications.
 - (2) Proposed operating hours. The applicant must pledge to operate at least 12 hours per day.

- (3) Local program origination. The applicant must pledge to originate locally at least eight hours of programming per day. For purposes of this criterion, local origination is the production of programming within 10 miles of the coordinates of the proposed transmitting antenna.
- (c) *Voluntary Time-Sharing*. If mutually exclusive applications have the same point total, any two or more of the tied applicants may propose to share use of the frequency by submitting, within 30 days of the release of a public notice announcing the tie, a time-share proposal. Such proposals shall be treated as amendments to the time-share proponents' applications, and shall become part of the terms of the station license. Where such proposals include all of the tied applications, all of the tied applications will be treated as tentative selectees; otherwise, time-share proponents' points will be aggregated to determine the tentative selectees.
- (1) Time-share proposals shall be in writing and signed by each time-share proponent, and shall satisfy the following requirements: (i) the proposal must specify the proposed hours of operation of each time-share proponent; (ii) the proposal must not include simultaneous operation of the time-share proponents; and (iii) each time-share proponent must propose to operate for at least 10 hours per week.
- (2) Where a station is licensed pursuant to a time-sharing proposal, a change of the regular schedule set forth therein will be permitted only where an written agreement signed by each time-sharing licensee and complying with requirements (i) through (iii) above is filed with the Commission, Attention: Audio Services Division, Mass Media Bureau, prior to the date of the change.
- (d) *Successive License Terms*.

(1) If a tie among mutually exclusive applications is not resolved through time-sharing in accordance with paragraph (c) of this section, the tied applications will be reviewed for acceptability and applicants with tied, grantable applications will be eligible for equal, successive, non-renewable license terms of no less than one year each for a total combined term of eight years, in accordance with Section 73.873. Eligible applications will be granted simultaneously, and the sequence of the applicants' license terms will be determined by the sequence in which they file applications for licenses to cover their construction permits based on the day of filing, except that eligible applicants proposing same-site facilities will be required, within 30 days of written notification by the Commission staff, to submit a written settlement agreement as to construction and license term sequence. Failure to submit such an agreement will result in the dismissal of the applications proposing same-site facilities and the grant of the remaining, eligible applications.

(2) Groups of more than eight tied, grantable applications will not be eligible for successive license terms under this section. Where such groups exist, the staff will dismiss all but the applications of the eight entities with the longest established community presences, as provided in paragraph (b)(1) of this section. If more than eight tied, grantable applications remain, the applicants must submit, within 30 days of written notification by the Commission staff, a written settlement agreement limiting the group to eight. Failure to do so will result in dismissal of the entire application group.

(e) Mutually exclusive applicants may propose a settlement at any time during the selection process after the release of a public notice announcing the mutually exclusive groups. Settlement proposals must include all of the applicants in a group and must comply with the Commission's rules and policies regarding settlements, including the requirements of Sections 73.3525, 73.3588, and 73.3589 of this Part. Settlement proposals may include time-share agreements that comply with the requirements of subsection(c), provided that such agreements may not be filed

for the purpose of point aggregation outside of the thirty-day period set forth in subsection (c).

28. A new Section 73.873 is added, as follows:

§73.873 LPFM license period.

(a) Initial licenses for LPFM stations not subject to successive license terms will be issued for a period running until the date specified in §73.1020 for full service stations operating in the LPFM station's state or territory, or if issued after such date, determined in accordance with

(b) The station license period issued under the successive license term tiebreaker procedures will be determined pursuant to Section 73.872(d) of this Subpart and shall be for the period specified in the station license.

(c) The license of an LPFM 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 provision, term, or condition of the license to the contrary.

29. A new Section 73.875 is added, as follows

§ 73.875 Modification of transmission systems.

The following procedures and restrictions apply to licensee modifications of authorized broadcast transmission system facilities.

(a) The following changes are prohibited:

(1) Those that would result in the emission of signals outside of the authorized channel exceeding limits prescribed for the class of service.

(2) Those that would cause the transmission system to exceed the equipment performance measurements prescribed in Section 73.508 of this Part.

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

(1) Any construction of a new tower structure for broadcast purposes, except for replacement of an existing tower with a new tower of identical height and geographic coordinates.

(2) Any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure located at the same coordinates.

(3) Any change in antenna height more than 2 meters above or 4 meters below the authorized value.

(4) Any change in channel.

(c) The following LPFM modifications may be made without prior authorization from the Commission. A modification of license application (FCC Form 319) must be submitted to the Commission within 10 days of commencing program test operations pursuant to § 73.1620. For applications filed pursuant to subsection (c)(1), the modification of license application must contain an exhibit demonstrating compliance with the Commission's radiofrequency radiation guidelines. In addition, applications solely filed pursuant to subsections (c)(1) or (c)(2), where the installation is located within 3.2 km of an AM tower or is located on an AM tower, an exhibit demonstrating compliance with § 73.1692 is also required.

(1) Replacement of an antenna with one of the same or different number of antenna bays, provided that the height of the antenna radiation center is not more than 2 meters above or 4 meters below the authorized values. Program test operations at the full authorized ERP may commence immediately upon installation pursuant to § 73.1620(a)(1).

(2) Replacement of a transmission line with one of a different type or length which changes the transmitter operating power (TPO) from the authorized value, but not the ERP, must be reported in a license modification application to the Commission.

(3) Changes in the hours of operation of stations authorized pursuant to time-share agreements in accordance with Section 73.872 of this Part.

30. A new Section 73.877 is added, as follows:

§73.877 Station logs for LPFM stations.

(a) The licensee of each LPFM station must maintain a station log. Each log entry must include the time and date of observation and the name of the person making the entry. The following information must be entered in the station log:

(1) Any extinguishment or malfunction of the antenna structure obstruction lighting, adjustments, repairs, or replacement to the lighting system, or related notification to the FAA.

See Sections 17.48 and 73.49 of this Part.

(2) Brief explanation of station outages due to equipment malfunction, servicing, or replacement;

(3) Operations not in accordance with the station license; and

(4) EAS weekly log requirements set forth in Section 11.61(a)(1)(v) of this Chapter.

31. A new Section 73.878 is added, as follows:

§ 73.878 Station inspections by FCC; availability to FCC of station logs and records.

(a) The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the station's business hours, and at any time it is in operation. In the course of an inspection or investigation, an FCC representative may require special equipment or program tests.

(b) Station records and logs shall be made available for inspection or duplication at the request of the FCC or its representatives. Such logs or records may be removed from the licensee's possession by an FCC representative or, upon request, shall be mailed by the licensee to the FCC by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee's possession by an FCC representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. When the FCC has no further need for such records or logs, they shall be returned to the licensee. The provisions of this rule shall apply solely to those station logs and records that are required to be maintained by the provisions of this part.

(1) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the FCC that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the FCC.

32. A new Section 73.879 is added, as follows:

§ 73.879 Signal retransmission.

An LPFM licensee may not retransmit, either terrestrially or via satellite, the signal of a full-power radio broadcast station.

33. A new Section 73.881 is added, as follows:

§73.881 Equal employment opportunities.

General EEO policy. Equal employment opportunity shall be afforded by all LPFM licensees and permittees to all qualified persons, and no person shall be discriminated against because of race, color, religion, national origin, or sex.

34. Section 73.1001 in Subpart H is modified as follows:

§73.1001 Scope.

(a) * * *

(b) Rules in part 73 applying exclusively to a particular broadcast service are contained in the following: AM, subpart A; FM, subpart B; Noncommercial Educational FM, subpart C; TV, subpart E; and LPFM, subpart G.

(c) Certain provisions of this subpart apply to International Broadcast Stations (subpart F, part 73), LPFM (subpart G, part 73), and Low Power TV, TV Translator and TV Booster Stations (subpart G, part 74) where the rules for those services so provide.

(d) * * *

35. Section 73.1620 is modified as follows:

§73.1620 Program tests.

(a) Upon the completion of construction of an AM, FM, LPFM, or TV station in accordance with the terms of the construction permit, the technical provisions of the application, the rules and regulations and the applicable engineering standards, program tests may be conducted in accordance with the following:

(1) * * *

(5) Except for permits subject to successive license terms, the permittee of an LPFM station may begin program tests upon notification to the FCC in Washington, D.C. provided that within 10 days thereafter, an application for license is filed. Program tests may be conducted by a licensee subject to mandatory license terms only during the term specified on such licensee’s authorization.

* * * * *

36. Section 73.1660 is modified as follows:

§73.1660 Acceptability of broadcast transmitters.

(a) An AM, FM, LPFM, or TV transmitter shall be verified for compliance with the requirements of this part following the procedures described in Part 2 of the FCC rules.

(b) * * * * *

37. Section 73.3533 is modified as follows:

§ 73.3533 Application for construction permit or modification of construction permit.

* * * * *

(a)(8) FCC Form 318, “Application for Construction Permit for a Low Power FM Broadcast

* * * * *

38. Section 73.3536 is modified as follows:

§ 73.3536 Application for license to cover construction permit.

* * * * *

(b)(6) FCC Form 319, "Application for a Low Power FM Broadcast Station License."

* * * * *

39. Section 73.3550 is modified as follows:

* * * * *

(f) Only four-letter call signs (plus LP, FM, or TV, if used) will be assigned. The four letter call sign for LPFM stations will be followed by the suffix "-LP". However, subject to the provisions of this section, a call sign of a station may be conformed to a commonly-owned station holding a three-letter call sign (plus FM, TV, or LP suffixes, if used).

* * * * *

40. Section 73.3598 is modified as follows:

§73.3598 Period of construction.

* * * * *

(a) Each original construction permit for the construction of a new TV, AM, FM or International Broadcast; low power TV; TV translator; TV booster; FM translator; FM booster; or broadcast auxiliary station, or to make changes in such existing stations, shall specify a period of three years from the date of issuance of the original construction permit within which construction shall be completed and application for license filed. Each original construction permit for the construction of a new LPFM station shall specify a period of eighteen months from the date of issuance of the construction permit within which construction shall be completed and application for license filed

41. The informational Section 73.3617 is modified to eliminate the reference to the Enforcement Division:

§73.3617 Broadcast information available on the Internet.

The Mass Media Bureau and each of its Divisions provide information on the Internet regarding broadcast rules and policies, pending and completed rulemakings, and pending applications. These sites also include copies of public notices and texts of recent decisions. The Mass Media Bureau's address is <http://www.fcc.gov/mmb/>; the Audio Services Division address is <http://www.fcc.gov/mmb/asd/>; the Video Services Division is located at <http://www.fcc.gov/mmb/vsd/>; and the Policy and Rules Division's address is <http://www.fcc.gov/mmb/prd/>.

Part 74 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

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

1. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336

2. Section 74.432, Subpart D in Part 74 is modified, as follows:

§ 74.432 Licensing requirements and procedures.

(a) A license for a remote pickup station will be issued to: the licensee of an AM, FM, noncommercial FM, low power FM, TV, international broadcast or low power TV station; broadcast network-entity; or cable network-entity.

* * * * *

3. Section 73.532, Subpart E in Part 74, is modified, as follows:

§ 74.532 Licensing requirements.

(a) An aural broadcast STL or an aural broadcast intercity relay station will be licensed only to the licensee or licensees of broadcast stations, including low power FM stations, other than international broadcast stations, and for use with broadcast stations owned entirely by or under common control of the licensee or licensees. An aural broadcast intercity relay station also will be licensed for use by low power FM stations, noncommercial educational FM translator stations assigned to reserved channels (Channels 201-220) and owned and operated by their primary station, by FM translator stations operating within the coverage contour of their primary stations, and by FM booster stations. Aural auxiliary stations licensed to low power FM stations will be assigned on a secondary basis; i.e., subject to the condition that no harmful interference is caused to other aural auxiliary stations assigned to radio broadcast stations. Auxiliary stations licensed to low power FM stations must accept any interference caused by stations having primary use of aural auxiliary frequencies.

4. Section 74.1204 Subpart L in Part 74, is renamed and amended as follows:

§74.1204 Protection of FM broadcast, FM Translator and LP100 stations.

(a) An application for an FM translator station will not be accepted for filing if the proposed operation would involve overlap of predicted field contours with any other authorized commercial or noncommercial educational FM broadcast stations, FM translators, and Class D (secondary) noncommercial educational FM stations; or if it would result in new or increased overlap with an LP100 station, as set forth below:

(1) * * *

(2) * * *

(3) * * *

(4) LP100 stations (Protected Contour: 1 mV/m)

Frequency separation	Interference contour of proposed translator station	Protected contour of LP100 LPFM station
Cochannel 200 kHz	0.1 mV/m (40 dBu) 0.5 mV/m (54 dBu)	1 mV/m (60 dBu) 1 mV/m (60 dBu)

* * * * *