

Federal Communications Commission

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

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|---------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| Creation of Low |) | MM Docket No. 99-25 |
| Power Radio Service |) | |
| |) | RM-9208 |
| |) | RM-9242 |
| |) | |

ERRATA

Released: February 10, 2000

By the Chief, Mass Media Bureau:

1. This *Errata* makes corrections to the *Report and Order* in MM Docket No. 99-25, FCC No. 00-19, released January 27, 2000. This *Errata* makes no substantive change to the *Report and Order* or the rules. The revised texts of the paragraphs and rules appear below and will be printed as corrected in the *Federal Register*.

2. First, it corrects paragraph 24, by changing the second sentence to specify a two year, rather than a one year, community-based eligibility requirement. The rest of the document refers to the two year period enacted by the rules. The corrected paragraph appears below.

24. In order to further our diversity goals and foster local, community-based service, we will not allow any broadcaster or any other media entity subject to our ownership rules to control or hold an attributable ownership interest in an LPFM station or enter broadcast related operating agreements with an LPFM license. Additionally, to foster the local nature of LPFM service, we are limiting eligibility to local entities during the first two years that LPFM licenses are available. We are also adopting a significant local ownership preference to be applied in resolving mutually exclusive applications. After local entities have had an opportunity to apply for construction permits, we will permit applications by qualified non-local applicants. After the first two years, we will permit multiple ownership of LPFM stations nationally, but only up to a maximum of 10 LPFM stations over a phased-in period.

3. Second, the table in Section 11.11(a), providing information regarding the Emergency Alert System, is corrected and printed in its entirety. The completed table follows:

Federal Communications Commission

| Requirement | AM & FM | TV | FM Class D | LPTV | LPFM ¹ |
|------------------------------------|----------|----------|------------|----------|-------------------|
| Two-tone encoder ^{2 3} .. | Y | Y | N | N | N |
| Two-tone decoder ^{4 5} .. | Y | Y | Y | Y | N |
| EAS decoder | Y 1/1/97 | Y 1/1/97 | Y 1/1/97 | Y 1/1/97 | Y |
| EAS encoder | Y 1/1/97 | Y 1/1/97 | N | N | N |
| Audio message | Y 1/1/97 | Y 1/1/97 | Y 1/1/97 | Y 1/1/97 | Y |
| Video message | N/A | Y 1/1/97 | N/A | Y 1/1/97 | N/A |

¹ LPTV stations that operate as television broadcast translator stations are exempt from the requirement to have EAS equipment.

² Effective July 1, 1995, the two-tone signal must be 8-25 seconds.

³ Effective January 1, 1998, the two-tone signal may only be used to provide audio alerts to audiences before EAS emergency messages and the required monthly tests .

⁴ Effective July 1, 1995, the two-tone decoder must respond to two-tone signals of 3-4 seconds duration.

⁵ Effective January 1, 1998, the two-tone decoder will no longer be used.

4. Third, Section 73.3536 incorrectly referred to adding paragraph (b)(6) instead of (b)(7). It is corrected as shown below.

10. Section 73.3536 is amended by adding paragraph (b)(7) to read as follows:

§ 73.3536 Application for license to cover construction permit.

* * * * *

(b)(7) FCC Form 319, "Application for a Low Power FM Broadcast Station License."

5. Fourth, footnote 123 is corrected to change the word "correct" to "current." The corrected footnote appears below:

¹²³ Superpowered stations will be protected under the distance separations for the class of station that most closely approximates its facilities. This determination will be made based upon the stations 1 m V/m reference contour and the procedures for determining class listed in §73.211. A listing of current reserved band superpowered stations is included in Appendix B.

6. Fifth, Rule 73.807 is corrected in two ways. First, the charts are corrected to read "7.3 km or less" instead of "Less than 7.3 km." Second, the sub-paragraph numbers are corrected to read (e) instead of (f), (f) instead of (g) and (g) instead of (h). The corrected Rule

Federal Communications Commission

appears below:

§ 73.807 Minimum distance separation between stations.

Minimum separation requirements for LP100 and LP10 stations, as defined in § 73.811 and § 73.853 of this part, are listed in the following paragraphs. 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.

| 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 are met with respect to authorized FM stations, timely-filed applications for new and existing FM stations, vacant FM allotments, or LPFM stations.

Federal Communications Commission

| 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 paragraphs (a) and (b) of this section, new LP100 and LP10 stations will not be authorized in Puerto Rico or the Virgin Islands unless the minimum distance separations 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 |

Federal Communications Commission

(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 to paragraphs (a), (b), and (c): The minimum distance separations towards “grandfathered” superpowered Reserved Band stations are as specified. 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 (a) through (c), LPFM applications must meet the minimum separation requirements 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:

Federal Communications Commission

| Distance to FM Translator 60 dBu Contour | Co-channel Minimum Separation (km) | | First-adjacent Channel Minimum Separation (km) | | Second-adjacent Channel Minimum Separation (km) Required | I.F. Channel Minimum Separation (km) 10.6 or 10.8 MHz |
|--|------------------------------------|------------------------------|--|------------------------------|---|--|
| | For No Interference Required | For No Interference Received | For No Interference Required | For No Interference Received | | |
| 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 |
| 7.3 km or less | 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) Required | I.F. Channel Minimum Separation (km) 10.6 or 10.8 MHz |
|--|------------------------------------|------------------------------|--|------------------------------|---|--|
| | For No Interference Required | For No Interference Received | For No Interference Required | For No Interference Received | | |
| 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 |
| 7.3 km or less | 18 | 28 | 12 | 14 | 8 | 3 |

(e) Existing Class LP100 and LP10 stations which do not meet the separations in paragraphs (a) through (e) may be relocated provided that the separation to any short-spaced station is not reduced.

(f) 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

Federal Communications Commission

increased interference would be created.

(g) 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

Federal Communications Commission

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.

7. Sixth, Rule 73.858(b) should read that a local chapter must be “separately incorporated” rather than that it “maintains a local business office.” The corrected Rule appears below:

(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 is separately incorporated and has a distinct local presence and mission.

FEDERAL COMMUNICATIONS COMMISSION


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