

FCC Seeks to Revitalize AM Broadcasting

November 4, 2013

On October 31, 2013, the Federal Communications Commission (FCC or Commission) released a Notice of Proposed Rule Making (NPRM) advancing six specific proposals to address the "well-documented" decline of AM broadcasting. Until 1978, more than half of radio listening was spent on the AM dial. By 2010, that listenership declined to just 17 percent (and only 4 percent of younger Americans between the ages of 12 and 24). The causes of AM radio's decline, the NPRM notes, include higher fidelity alternatives, such as FM and satellite radio and audio streams, increased interference due to (among other concerns) reinforced structures in ever-more urbanized communities, and the nature of AM signal propagation itself.

With this as background, the NPRM seeks comment on six proposals (summarized further below):

- Opening an FM translator filing window exclusively for AM licensees and permittees;
- Modifying the daytime community coverage standards for existing AM stations;
- Modifying the nighttime community coverage standards for existing AM stations;
- Eliminating the AM "ratchet rule";
- Permitting wider implementation of modulation dependent carrier level (MDCL) control technologies; and
- Modifying AM antenna efficiency standards.

In addition, the Commission is asking for suggestions for other proposals aimed at promoting the long-term viability of AM radio.

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Exclusive AM Licensee/Permittee Filing Window for FM Translators

The NPRM seeks comment on a proposal to open a one-time filing window during which AM licensees and permittees could apply for one new FM translator station (located in the non-reserved FM band). The FM translator could be used solely to rebroadcast the licensee's or permittee's AM signal in order to provide fill-in and/or nighttime service. The NPRM specifies that applications filed in the proposed window would have to strictly comply with the Commission's existing fill-in coverage area technical restrictions. In addition, FM translator stations authorized pursuant to the proposed window would be permanently linked to the AM primary station acquiring it, could only be used to rebroadcast the signal of that AM station, and could not be assigned or transferred except in conjunction with the primary AM station to which it is linked. Comments are also requested as to whether this proposal meets the *Ashbacker* rights of potential applicants and whether the Mattoon waiver policy should be eliminated.

Modifying Daytime Coverage Standards

Acknowledging both the import of its principal community coverage requirement to furthering its goal of broadcast localism, and the fact that "the space-intensive nature of AM transmitting facilities" has made AM tower siting increasingly difficult, the Commission proposes modifying its daytime community coverage standards. Specifically, the NPRM asks for comment on whether Section 73.24(i) of the Commission's rules should be amended to require licensed AM facilities to "cover either 50 percent of the population or 50 percent of the area of the community of license with a daytime 5 mV/m principal community signal." The NPRM does not propose loosening the existing coverage requirements for applicants for new AM stations, which "should be able to evaluate whether [they are] able to secure transmission facilities that will enable [them] to provide adequate community coverage; if [they] cannot do so, [they] should not propose a new station."

Modifying Nighttime Coverage Standards

The NPRM also addresses issues raised by the Minority Media Telecommunications Council (MMTC) in a 2009 petition for rule making regarding the challenges faced by AM broadcasters in complying with the Commission's nighttime coverage requirements. After discussing those challenges, the Commission tentatively concludes that "the nighttime coverage requirement should be eliminated for existing licensed AM stations." In addition, the NPRM asks whether the nighttime coverage requirement "should be modified to require that new AM stations and AM stations seeking a change to their communities of license cover either 50 percent of the population or 50 percent of the area of the community of license with a nighttime 5 mV/m signal or a nighttime interference-free contour, whichever value is higher."

Eliminating the AM "Ratchet Rule"

The Commission's current rules oblige AM radio station licensees to comply with certain interference reduction requirements. One of these requirements, commonly known as the "ratchet rule," requires an AM broadcaster seeking certain facilities modifications to "ratchet back" its radiation at the pertinent vertical angle in the direction of certain other AM stations in order to reduce interference. In the NPRM, the Commission tentatively

concludes that the ratchet rule should be deleted, stating that “[t]here is no dispute that the reduction in radiation required by the ratchet rule causes harm due to loss of nighttime coverage area to licensed stations that must relocate their transmitting facilities.”

Permitting Wider Implementation of MDCL Control Technologies

In September 2011, the Media Bureau released a Public Notice permitting AM stations to seek either a waiver or an experimental authorization to use certain transmitter power level control techniques (known as MDCL control technologies or algorithms) to reduce power consumption while maintaining audio quality and coverage areas. AM station licensees using MDCL control technologies “have reported significant savings on electrical power costs and few, if any, perceptible effects on station coverage area and audio quality.” Based on that success, the Commission proposes amending Section 73.1560(a) of its Rules to provide that an AM station may commence operation using MDCL control technology without prior Commission authority, provided that the AM station licensee notifies the Commission of the station’s MDCL control operation within 10 days of commencement of such operation. The Commission further proposes to require an AM station using MDCL control technology to disable it before field strength measurements on the station are taken by the licensee or others.

Modifying AM Antenna Efficiency Standards

Under the Commission’s current rules, “[a]ll applicants for new, additional, or different AM station facilities and all licensees requesting authority to change the transmitting system site of an existing station must specify an antenna system, the efficiency of which complies with the requirements for the class and power of station.” According to the petition for rule making filed by MMTC, the scarcity of land and height restrictions may restrict some AM broadcasters, especially those at lower frequencies and thus longer wavelengths, from installing antenna systems capable of meeting the Commission’s current standards for AM transmissions. The Commission “accepts” this claim, and states that “reducing the existing minimum effective field strength values ... would offer AM broadcasters some relief by enabling them to propose shorter antennas.” The NPRM therefore asks for comment as to whether the Commission should reduce the minimum field strength values set forth in Sections 73.182(m) and 73.189(b)(2)(i) – (iii) of its Rules by approximately 25 percent.

Finally, the Commission states that “[t]he foregoing proposals are not intended to be an exhaustive recitation of all the possible means of revitalizing the AM service” and encourages parties to submit proposal to “improve the long-term future of the AM service.”

Comments are due 60 days after publication in the *Federal Register*. Reply Comments are due 90 days after publication.