

ALERT

Radio Duplication Rule for Commercial FM Stations Goes Into Effect on August 2, 2024

July 8, 2024

On July 3, 2024, the Federal Register published a summary of the Federal Communications Commission (FCC or Commission) Order on Reconsideration (Order) that reinstated section 73.3556 of the Commission's rules (the radio duplication rule) for commercial FM stations. The rule becomes effective on Friday, August 2, 2024.

As we explained previously, the Order reimposes requirements that the Commission lifted in August 2020. Specifically, the reinstated rule requires commercial FM stations to devote no more than 25% of a station's total hours in an average broadcast week to programs that duplicate those of another FM station that:

- Is commonly owned or with which it holds a time brokerage agreement, and
- Shares overlapping principal community contours (predicted 3.16 mV/m) and that overlap constitutes over 50% of the total principal community contour service area of either station.

FM stations currently exceeding the duplication allowance under the reinstated rule will have a six-month grace period, from August 2, 2024, to February 3, 2025, to come into compliance, as announced in the FCC's Public Notice. Additionally, stations may seek a waiver of the reinstated rule. The Commission strongly encourages licensees to submit waiver requests by October 31, 2024, 90 days after the reinstated rule becomes effective.

Wiley's Media Practice has a deep bench of attorneys with extensive experience counseling commercial FM radio stations on FCC compliance. If you have any questions or would like more information about the reinstated rule, please contact one of the attorneys listed

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