

Federal Communications Commission

§ 73.807

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.

§ 73.805 Availability of channels.

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

§ 73.807 Minimum distance separation between stations.

Minimum separation requirements for LPFM stations are listed in the following paragraphs. Except as noted below, an LPFM station will not be authorized unless the co-channel, and first- and second-adjacent channel separations are met. An LPFM station need not satisfy the third-adjacent channel separations listed in paragraphs (a) through (c) of this section in order to be authorized. The third-adjacent channel separations are included for use in determining for purposes of § 73.810 which third-adjacent channel interference regime applies to an LPFM station. 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 assumed to be operating at the maximum permitted facilities for the station class. For second-adjacent channel, the required minimum distance separation is sufficient to avoid interference received from other stations.

(a)(1) An LPFM station will not be authorized initially unless the minimum distance separations in the following table are met with respect to authorized FM stations, applications for new and existing FM stations filed prior to the release of the public notice announcing an LPFM window period, authorized LPFM stations, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments. 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 LPFM | Co-channel minimum separation (km) | | First-adjacent channel minimum separation (km) | | Second and third adjacent channel minimum separation (km) |
|---------------------------------|------------------------------------|---|--|---|---|
| | Required | For no interference received from max. class facility | Required | For no interference received from max. class facility | Required |
| | | | | | Required |
| LPFM | 24 | 24 | 14 | 14 | None |
| D | 24 | 24 | 13 | 13 | 6 |
| A | 67 | 92 | 56 | 56 | 29 |
| B1 | 87 | 119 | 74 | 74 | 46 |
| B | 112 | 143 | 97 | 97 | 67 |
| C3 | 78 | 119 | 67 | 67 | 40 |
| C2 | 91 | 143 | 80 | 84 | 53 |
| C1 | 111 | 178 | 100 | 111 | 73 |
| C0 | 122 | 193 | 111 | 130 | 84 |
| C | 130 | 203 | 120 | 142 | 93 |

(2) LPFM stations must satisfy the second-adjacent channel minimum distance separation requirements of paragraph (a)(1) of this section with respect to any third-adjacent channel FM station that, as of September 20, 2000, broadcasts a radio reading service via a subcarrier frequency.

(b) In addition to meeting or exceeding the minimum separations in paragraph (a) of this section, new LPFM 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:

| Station class protected by LPFM | Co-channel minimum separation (km) | | First-adjacent channel minimum separation (km) | | Second and third adjacent channel minimum separation (km)—required |
|---------------------------------|------------------------------------|---|--|---|--|
| | Required | For no interference received from max. class facility | Required | For no interference received from max. class facility | |
| | | | | | |
| A | 80 | 111 | 70 | 70 | 42 |
| B1 | 95 | 128 | 82 | 82 | 53 |
| B | 138 | 179 | 123 | 123 | 92 |

NOTE TO PARAGRAPHS (a) AND (b): 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 (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.

(c) In addition to meeting the separations specified in paragraphs (a) and (b), LPFM applications must meet the minimum separation requirements in the following table 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.

| Distance to FM translator 60 dBu contour | Co-channel minimum separation (km) | | First-adjacent channel minimum separation (km) | | Second and third adjacent channel minimum separation (km)—required |
|--|------------------------------------|------------------------------|--|------------------------------|--|
| | Required | For no interference received | Required | For no interference received | |
| 13.3 km or greater | 39 | 67 | 28 | 35 | 21 |
| Greater than 7.3 km, but less than 13.3 km | 32 | 51 | 21 | 26 | 14 |
| 7.3 km or less | 26 | 30 | 15 | 16 | 8 |

(d) Existing LPFM stations which do not meet the separations in paragraphs (a) through (c) of this section may be relocated provided that the separation to any short-spaced station is not reduced.

(e)(1) *Waiver of the second-adjacent channel separations.* The Commission will entertain requests to waive the second-adjacent channel separations in paragraphs (a) through (c) of this section on a case-by-case basis. In each case, the LPFM station must establish, using methods of predicting interference taking into account all relevant factors, including terrain-sensitive propagation models, that its proposed operations will not result in interference to any authorized radio service. The LPFM station may do so by demonstrating that no actual interference will occur due to intervening terrain or lack of population. The LPFM station may use an undesired/desired signal strength ratio methodology to define areas of potential interference.

(2) *Interference.* (i) Upon receipt of a complaint of interference from an LPFM station operating pursuant to a waiver granted under paragraph (e)(1) of this section, the Commission shall notify the identified LPFM station by

telephone or other electronic communication within one business day.

(ii) An LPFM station that receives a waiver under paragraph (e)(1) of this section shall suspend operation immediately upon notification by the Commission that it is causing interference to the reception of an existing or modified full-service FM station without regard to the location of the station receiving interference. The LPFM station shall not resume operation until such interference has been eliminated or it can demonstrate to the Commission that the interference was not due to emissions from the LPFM station. Short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(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 increased interference would be created.

(g) *International considerations within the border zones.* (1) Within 320 km of the Canadian border, LPFM 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 & Low Power | 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 | 124 | 108 | 99 | 98 | 28 |

(2) Within 320 km of the Mexican border, LPFM stations must meet the fol-

lowing separations with respect to any Mexican stations:

| Mexican station class | Co-channel (km) | First-adjacent channel (km) | Second- and third-adjacent channel (km) | Intermediate frequency (IF) channel (km) |
|-----------------------|-----------------|-----------------------------|---|--|
| Low Power | 27 | 17 | 9 | 3 |
| 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) 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.

(4) The Commission will 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.

[78 FR 2102, Jan. 9, 2013]

§ 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.

§ 73.809 Interference protection to full service FM stations.

(a) If a full service commercial or NCE FM facility application is filed subsequent to the filing of an LPFM station facility application, such full service station is protected against any condition of interference to the direct reception of its signal that is caused by such LPFM station operating on the same channel or first-adjacent channel provided that the interference is predicted to occur and actually occurs within:

- (1) The 3.16 mV/m (70 dBu) contour of such full service station;
- (2) The community of license of such full service station; or

(3) Any area of the community of license of such full service station that is predicted to receive at least a 1 mV/m (60 dBu) signal. Predicted interference shall be calculated in accordance with the ratios set forth in § 73.215 paragraphs (a)(1) and (a)(2). Intermediate frequency (IF) channel interference overlap will be determined based upon overlap of the 91 dBu F(50,50) contours of the FM and LPFM stations. Actual interference will be considered to occur whenever reception of a regularly used signal is impaired by the signal radiated by the LPFM station.

(b) An LPFM station will be provided an opportunity to demonstrate in connection with the processing of the commercial or NCE FM application that interference as described in paragraph (a) of this section 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 paragraphs (a) and (b) of this section 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