

§ 74.1202

owned by an LPFM station for the purpose of retransmitting the signals of the commonly-owned LPFM station.

[35 FR 15388, Oct. 2, 1970, as amended at 45 FR 37842, June 5, 1980; 52 FR 31405, Aug. 20, 1987; 55 FR 50693, Dec. 10, 1990; 74 FR 45129, Sept. 1, 2009; 82 FR 13072, Mar. 9, 2017; 84 FR 27740, June 14, 2019; 85 FR 35574, June 11, 2020]

EFFECTIVE DATE NOTE: At 82 FR 13072, Mar. 9, 2017, § 74.1201 was amended by revising the last two sentences of paragraph (g), effective Apr. 10, 2017. At 82 FR 13069, Mar. 9, 2017, the effective date was delayed indefinitely pending Office of Management and Budget approval of a nonsubstantive change in the rule as originally proposed.

§ 74.1202 Frequency assignment.

(a) An applicant for a new FM broadcast translator station or for changes in the facilities of an authorized translator station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one output channel will be assigned to each translator station.

(b) Subject to compliance with all the requirements of this subpart, FM broadcast translators may be authorized to operate on the following FM channels, regardless of whether they are assigned for local use in the FM Table of Allotments (§ 73.202(b) of this chapter):

(1) *Commercial FM translators*: Channels 221–300 as identified in § 73.201 of this chapter.

(2) *Noncommercial FM translators*: Channels 201–300 as identified in § 73.201 of this chapter. Use of reserved channels 201–220 is subject to the restrictions specified in § 73.501 of this chapter.

(3) In Alaska, FM translators operating on Channels 201–260 (88.1–99.9 MHz) shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

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(c) An FM broadcast booster station will be assigned the channel assigned to its primary station.

[35 FR 15388, Oct. 2, 1970, as amended at 39 FR 12990, Apr. 10, 1974; 47 FR 30068, July 12, 1982; 52 FR 8260, Mar. 17, 1987; 55 FR 50693, Dec. 10, 1990]

§ 74.1203 Interference.

(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:

(1) The transmission of any authorized broadcast station; or

(2) The reception of the input signal of any TV translator, TV booster, FM translator or FM booster station; or

(3) The direct reception by the public of the off-the-air signals of any full-service station or previously authorized secondary station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the channel on which the protected signal is transmitted; except that no listener complaint will be considered actionable if the alleged interference occurs outside the desired station's 45 dBu contour. Interference is demonstrated by:

(i) The required minimum number of valid listener complaints as determined using Table 1 of this section and defined in § 74.1201(k) of the part;

(ii) A map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour;

(iii) A statement that the complaining station is operating within its licensed parameters;

(iv) A statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and

(v) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds –20 dB for co-channel situations, –6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in § 73.313.

TABLE 1 TO § 74.1203(a)(3)

| Population within protected contour | Minimum listener complaints required for interference claim |
|---|---|
| 1-199,999 | 6 |
| 200,000-299,999 | 7 |
| 300,000-399,999 | 8 |
| 400,000-499,999 | 9 |
| 500,000-999,999 | 10 |
| 1,000,000-1,499,999 | 15 |
| 1,500,000-1,999,999 | 20 |
| 2,000,000 or more | 25 |
| LPFM stations with fewer than 5,000 | 3 |

(b) If interference cannot be properly eliminated by the application of suitable techniques, operation of the offending FM translator or booster station shall be suspended and shall not be resumed until the interference has been eliminated. Short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(c) An FM booster station will be exempted from the provisions of paragraphs (a) and (b) of this section to the extent that it may cause limited interference to its primary station's signal, *provided* it does not disrupt the existing service of its primary station or cause such interference within the boundaries of the principal community of its primary station.

(d) A fill-in FM translator operating on the first, second or third adjacent channel to its primary station's channel will be exempt from the provisions of paragraphs (a) and (b) of this section to the extent that it may cause limited interference to its primary station's signal, *provided* it does not disrupt the existing service of its primary station or cause such interference within the boundaries of the principal community of its primary station.

(e) It shall be the responsibility of the licensee of an FM translator or FM booster station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee that such interference is being caused, the operation of the FM translator or FM booster station shall be suspended within three minutes and shall not be resumed until the inter-

ference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the FM translator or FM booster station; *provided, however*, that short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

[55 FR 50693, Dec. 10, 1990, as amended at 60 FR 55484, Nov. 1, 1995; 84 FR 27740, June 14, 2019]

§ 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:

(1) Commercial Class B FM Stations (Protected Contour: 0.5 mV/m)

| Frequency separation | Interference contour of proposed translator station | Protected contour of commercial Class B station |
|----------------------|---|---|
| Co-channel. | 0.05 mV/m (34 dBu) | 0.5 mV/m (54 dBu) |
| 200 kHz | 0.25 mV/m (48 dBu) | 0.5 mV/m (54 dBu) |
| 400 kHz/600 kHz. | 50.0 mV/m (94 dBu) | 0.5 mV/m (54 dBu) |

(2) Commercial Class B1 FM Stations (Protected Contour: 0.7 mV/m)

| Frequency separation | Interference contour of proposed translator station | Protected contour of commercial Class B1 station |
|----------------------|---|--|
| Co-channel. | 0.07 mV/m (37 dBu) | 0.7 mV/m (57 dBu) |
| 200 kHz | 0.35 mV/m (51 dBu) | 0.5 mV/m (57 dBu) |
| 400 kHz/600 kHz. | 70.0 mV/m (97 dBu) | 0.7 mV/m (57 dBu) |

(3) All Other Classes of FM Stations (Protected Contour: 1 mV/m)

| Frequency separation | Interference contour of proposed translator | Protected contour of any other station |
|----------------------|---|--|
| Co-channel. | 0.1 mV/m (40 dBu) | 1 mV/m (60 dBu) |