



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

FCC Announces 2018 FM Translator Filing Window for AM Stations; Freeze on Certain Applications Also Announced

The FCC released a [Public Notice](#) (“Notice”) on December 4 announcing the details and filing instructions for the FM translator auction filing window that it will open from January 25 to January 31, 2018, for certain AM stations to apply for new FM translator station construction permits. The window is open to any AM station that did not participate in either of the 2016 FM translator modification windows or the 2017 FM translator filing window (discussed below). Important details about this upcoming window for AM stations are below.

Background. Broadcasters will recall that the FCC opened two filing windows in 2016 for AM stations seeking to acquire and/or modify existing FM translators (the “2016 Windows”), and the FCC also opened a filing window in 2017 (from July 26 to August 2, 2017) for AM stations to propose new FM translator facilities (the “2017 Window”). All three of those windows have now closed. The filing window that will open from January 25 to January 31, 2018, is the second of two auction filing windows (the 2017 Window was the first) that the FCC is opening for AM stations seeking to establish *new* FM translator stations in order to retransmit their signals on a full-time basis.

When is the Filing Window Open? The auction filing window will open on January 25, 2018, and will close at 6 p.m. Eastern Time on January 31, 2018.

Stations Eligible to File. Any AM station licensee or permittee (including but not limited to a Class A or B AM station licensee or permittee) wishing to file an application to establish a new FM translator to retransmit its AM station signal full time is eligible to file in this upcoming window, provided it has not already applied for a cross-service FM translator in either of the 2016 Windows or in the 2017 Window. So, if a station filed during one of the 2016 Windows or the 2017 Window, it cannot file during the January 2018 window. During the filing window, a

licensee or permittee may propose only one FM translator for each AM primary station to be rebroadcast. An applicant may designate any non-reserved FM channel (channels 221 through 300, 92.1 to 107.9 MHz) for its proposed cross-service FM translator.

Mutually Exclusive Applications. In the event that FM translator proposals filed during this window are determined to be mutually exclusive (MX) and the MX situation is not resolved through a future opportunity for settlement or technical amendments, the FCC will resolve those proposals through competitive bidding. This auction will be designated as Auction 100. (The 2017 Window was designated as Auction 99.)

Freeze on LPFM, FM Translator and FM Booster Applications. In connection with the filing window, the Media Bureau will institute a freeze on and will not accept Low Power FM and FM translator minor change applications and FM booster construction permit applications between January 18 and January 31, 2018. Any such applications filed during this freeze will be dismissed.

Two FCC Forms Required. Each AM station applicant proposing a new FM translator station must file electronically for each proposed FM translator an FCC Form 349. Only Section I, the Tech Box of Section III-A, and the Section VI certification of FCC Form 349 must be completed during the filing window. An applicant must also file one FCC Form 175 listing all proposed FM translator stations(s) for which it files an FCC Form 349 proposal.

Online Tutorial. On January 10, 2018, the FCC will make available an online tutorial to provide an overview of the application filing requirements for AM stations seeking to file for a new FM translator in the upcoming window. The online tutorial will be available on the FCC's Auction 100 website at www.fcc.gov/auction/100 under the "Tutorial" section.

We strongly recommend that stations interested in participating in this auction consult immediately with legal counsel and/or a consulting engineer.

If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

Stephen Hartzell, Editor

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