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AM On FM Translator Rules Become Effective October 1, 2009

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At long last, the Commission's Report and Order amending its FM translator rules to permit carriage of AM stations has been published in the Federal Register. So what? Well, that means that those rules now have an effective date, and that effective date is (the envelope, please – drum roll – hushed silence) – **October 1, 2009**. As we reported last June (when the R&O was initially released), as of that effective date all outstanding special temporary authorizations (STAs) permitting AM-on-FM-translator operation will be automatically cancelled (and any still-pending requests for such STAs will be dismissed).

Anyone who is currently engaged in cross-service translator operations will have to file a notification, pursuant to Section 74.1251(c) of the Commission's rules, formally specifying their AM primary stations. (Yes, we know that Section 74.1251(c) technically refers to changes in the "primary FM station being retransmitted" and makes no reference to any primary **AM** station. But the R&O specifically referenced Section 74.1251(c) when it specifically – that would be in Paragraph 19 – instructed folks to file notifications about their "AM primary stations", so the fact that 74.1251 doesn't mention AM's is probably not a matter of consequence.) While the R&O does not specify a deadline for those notifications, logically they would appear to be due no later than the new effective date, *i.e.*, October 1.

If you happened to read the fine print of the Federal Register item, you may have noted that the notice said that the October 1 effective date technically did not apply to one of the rule changes (relating to Section 74.1284) effected by the R&O. That's because that particular section involves an "information collection" requirement that had to be approved by OMB pursuant to our old friend, the Paperwork Reduction Act. As of the date the notice made it into the Federal Register, OMB approval still hadn't been issued – or so the FCC thought. As it turned out, OMB had concluded its review on August 31, an OMB control number was duly assigned to the FCC's information collection requirement, and any potential snag was thus avoided. (The FCC was apparently not aware of OMB's action when the FCC sent the item over to be published in the Federal Register several days earlier. A follow-up notice was issued about a week later.)

The lack of effectiveness of Section 74.1284 had also meant that revised Forms 303-S (for license renewal) and 345 (for assignments or transfers of control of translators) were themselves technically not effective, either. But now that OMB is on board with the 74.1284 changes, it has also signed off on the revised 303-S and 345. Those, too, are good to go as of October 1.

But there's still one remaining loose end: Form 349 (for new and modified FM translator/booster CP's) is still lost in OMB limbo. (It looks like the FCC didn't get around to asking for OMB approval of that revised form until September 4.) Keep your eyes out for a further notice advising of the effectiveness of revised Form 349.