

Commission Unanimously Approves All-Digital AM Radio Broadcasting

October 30, 2020

On October 27, 2020, the Federal Communications Commission (FCC or Commission), by a 5-0 vote, adopted a Report and Order authorizing AM radio stations to voluntarily commence broadcasting an all-digital signal. In the Order, the Commission expressed its belief that the voluntary conversion will “benefit many AM stations and their listeners by improving reception quality and listenable coverage” and help ensure the future of AM radio.

The Report and Order provides the details under which AM radio stations, “at their discretion,” may convert to all-digital using the HD Radio MA3 mode, including certain notification, operational, and interference mitigation requirements.

Notification to Commission of All-Digital Transition. Broadcasters must file a notification using the existing FCC Form 335-AM Digital Notification for: (1) the transition to a new all-digital operation; (2) an increase in the nominal power of an AM all-digital station; and (3) a transition from the all-digital core-only mode (reduced bandwidth) to the enhanced operating mode (wider bandwidth). The Commission will place the all-digital notifications on public notice, and stations may not begin their new operations until at least 30 days following the date of the public notice. Broadcasters must also notify the FCC within 10 days of: (1) reductions in nominal power; (2) transitioning from all-digital enhanced to core operating mode; and (3) converting from all-digital MA3 operation to MA1 hybrid or analog-only operation.

Listener Notice. AM broadcasters commencing all-digital operation must provide “reasonable notice” to listeners regarding the station conversion during the 30-day Commission notification period

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described above. The Report and Order allows AM broadcasters the “flexibility to use reasonable methods intended to reach their audience, including on-air and website announcements.” The Report and Order states that the FCC will consider notice to be “presumptively sufficient” if the broadcaster provides “at least the same amount of notice” specified in Section 73.3580 of the Commission’s rules.

Free Over-the-Air Stream. Each all-digital station must provide at least one free over-the-air (OTA) digital programming stream. The free OTA signal must be “comparable to or better in audio quality than a standard analog broadcast.” Aside from this requirement, MA3 AM broadcasters may use additional signal capacity for either broadcast or non-broadcast services.

Interference Remediation. All-digital AM broadcasters will be required to comply with the Commission’s existing rules against causing prohibited interference with other broadcast stations. All-digital AM broadcasters must follow certain interference remediation procedures if prohibited interference with another station occurs. Specifically, the Report and Order amends Section 73.404(b) to allow up to a 6 dB reduction of all-digital secondary and tertiary sidebands to resolve prohibited interference levels. To reduce power for all-digital AM primary sidebands, however, broadcasters must either apply for special temporary authorization with the Commission or seek a waiver of Section 73.404(b) of the Commission’s rules. If the parties involved in an interference dispute regarding an all-digital AM signal cannot reach an agreement, the affected broadcaster may file an interference complaint with the Commission. To avoid interference issues, the Report and Order “strongly recommend[s]” that all-digital AM station engineers configure station systems in compliance with the voluntary NRSC-5-D standard.

The Report and Order will take effect 30 days after publication in the Federal Register.

If you have questions about the Report and Order, please contact the Wiley attorney who regularly assists you with your FCC matters or one of the attorneys listed on this alert.