

ALERT

FCC Proposes Rule Changes to Allow “Zoncasting” by FM Booster Stations

December 3, 2020

On December 1, 2020, the Federal Communications Commission (FCC or Commission) released a Notice of Proposed Rulemaking (NPRM) seeking comment on changes to its retransmission rules for FM booster stations that would allow these stations to “zonecast” or geotarget content within a parent FM station’s primary service contour. Geotargeting would allow an FM booster station to air content that is different from the content broadcast by its primary FM station, including news, weather, and advertisements that are unique to the community served by the FM booster station. The NPRM was prompted by a petition for rulemaking (Petition) filed by GeoBroadcast Solutions LLC (GeoBroadcast), which contends that an FM booster station can air different content than its primary FM station “for a limited period of time” during a broadcast hour on the same frequency without causing detrimental adjacent- or co-channel interference. The FCC’s current rules only permit FM booster stations to retransmit the signal of their primary station. Finding that GeoBroadcast’s Petition presented “novel technical and public interest issues that would benefit from additional consideration,” the Commission issued the NPRM to address technical, substantive programming, and public interest issues. Each of these are briefly addressed below. Comments on the NPRM are due 30 days after publication in the Federal Register and reply comments are due 30 days thereafter.

Technical Operation. The NPRM seeks comment on whether permitting FM booster stations to transmit original geotargeted content will result in additional interference to either the booster’s primary FM station or to other FM stations serving the same area. The NPRM also asks whether, to deter harmful interference, the

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Commission should limit the number of geotargeting FM booster stations affiliated with a single primary station. Additionally, the NPRM seeks input on identifying the specific Commission rules that need to be modified to accommodate geotargeting by FM booster stations. Finally, because geotargeting technology is currently only compatible with analog broadcasts, the NPRM seeks information regarding how such technology might impact HD Radio operations and services.

Substantially Similar Programming. The NPRM also seeks comment on whether to require FM booster stations to air content that is “substantially similar” to the content provided on the primary channel, and, if so, whether “substantially similar” should mean “the programming must be the same except for advertisements, promotions for upcoming programs, and enhanced capabilities including hyper-localized content (e.g., geotargeted weather, targeted emergency alerts, and hyper-local news).”

Public Interest. Finally, the NPRM seeks comment on whether revising the FM booster station rules to allow geotargeted content would serve the public interest by benefitting listeners and broadcasters. Specifically, the NPRM requests input on whether such a rule change would benefit localism and diversity, and whether it might have any negative effects on listeners.

If you have questions about the NPRM or are interested in filing comments, please contact the Wiley attorney who regularly assists you with your FCC matters or one of the authors listed on this alert.