

ALERT

FCC Proposes to Allow AM Stations to Voluntarily Transition to All-Digital Broadcasting

December 3, 2019

On November 22, 2019, the Federal Communications Commission (Commission or FCC) adopted a Notice of Proposed Rulemaking (NPRM) requesting comments on a number of tentative conclusions reached by the agency in support of a proposal to authorize AM radio stations to voluntarily begin broadcasting an all-digital signal. Comments are due 60 days after publication of the NPRM in the Federal Register and Reply comments are due 90 days after Federal Register publication.

The NPRM is based on a Petition for Rulemaking filed by Bryan Broadcasting Corporation and presented in the context of the Commission's broader efforts to revitalize the AM radio service. Under the FCC's existing rules, AM stations desiring to transmit a digital signal must use the MA1 hybrid service mode, which involves transmitting digital carriers beside and underneath a 5 kHz analog signal. The FCC's proposal would allow (but not require) AM stations to instead broadcast in the MA3 all-digital mode, which eliminates the modulated analog carrier signal, allowing the digital carriers to move toward center frequency with increased power. Broadcasts in all-digital MA3 mode are not backwards-compatible, meaning they cannot be received by an analog receiver. However, the NPRM identifies several potential benefits of all-digital transmissions, including spectrum efficiency, improved audio quality, reduced interference and the ability to transmit song and title information for audio programming.

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Much of the discussion in the NPRM involves the experience of Hubbard Broadcasting's WWFD(AM), Frederick, Maryland, which has been transmitting a music format using the all-digital MA3 mode pursuant to an experimental license since July 16, 2018. In a technical paper submitted at the 2019 National Association of Broadcasters' (NAB) Broadcast Engineering and Information Technology Conference (which the FCC has adopted as part of the record), Hubbard reported improved audio quality and signal strength. However, the NPRM also highlights certain upgrades the station had to undertake and transmission issues that have limited its MA3 capabilities.

The NPRM seeks comment on a variety of issues related to a voluntary transition to all-digital AM broadcasting, including the technical performance of stations operating in the MA3 mode, the potential benefits of all-digital broadcasting, whether allowing some stations to transmit all-digital signals raises any interference concerns, what operating rules the Commission should adopt for stations operating in the MA3 mode, and issues relating to station conversion and receiver availability.

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

Stephen Conley, a Law Clerk in Wiley Rein's Telecom, Media & Technology practice, contributed to this alert.