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OTA
Rules
AM
stations

Before the
Federal Communications Commission
Washington, D. C. 20554

5815

In the Matter of

Oversight of the Broadcast)
Rules in Regard to)
Temporary and Emergency)
Operation)

O R D E R

Adopted: July 11, 1985 ; Released: July 18, 1985

By the Chief, Mass Media Bureau

1. This Order is part of our continuing effort to review and update our broadcast rules. In this Order, we are focusing on the rules pertaining to Special Temporary Authorizations (STA's) and emergency authorizations. We are, in some cases, eliminating the requirement that prior authority be obtained for certain categories of STA's. In other cases, we are adding clarifying language and cross-references to related or pertinent rules.

Directional Antenna System Tolerances

2. Section 73.62 of the Rules provides that an AM station utilizing a directional antenna may operate with the antenna base currents, monitor currents, and relative antenna phase currents at variance from the tolerances specified in this section for a maximum of 10 consecutive days, without authority from the FCC, during periods of inclement weather or severe climatic conditions. If normal operation is not resumed within the 10-day period, special temporary authority (STA) to operate with parameters at variance from these tolerances must be requested from the FCC. We are adding language to this rule to cross-reference such a request to Section 73.1635 of the Rules - the rule which outlines the procedures for obtaining an STA. Moreover, we are also adding language to clearly state that in situations where the variance is not necessitated by inclement weather or severe climatic conditions, an STA must first be obtained in accordance with Section 73.1635 of the Rules.

Antenna Testing During Daytime

3. Section 73.157 of the Rules allows the licensee of an AM station using a directional antenna during nighttime hours to request a special antenna test authorization to operate with the nighttime facilities during the daytime when taking monitoring point field strength measurements or when conducting an antenna proof of performance. Because it is often desirable to conduct a nondirectional proof of performance contemporaneously with a directional proof of performance, we believe the scope of this rule should be

expanded to allow a station which uses directional facilities during daytime to also operate in a nondirectional mode during daytime hours in order to conduct a nondirectional proof of performance. The revised rule will specify that the operating power for such nondirectional operation shall be adjusted to the same power as was utilized for the most recent nondirectional proof of performance covering the licensed facilities.

In addition, we believe that no significant regulatory purpose is served by requiring a licensee to specifically request authority for such routine antenna measurements. Therefore, we are eliminating the requirement that the licensee of an AM station seek specific authority to conduct either a directional or nondirectional proof of performance during daytime hours. Under the revised rule, such operation may be undertaken without further FCC authority, subject to the conditions and guidelines set forth in the revised rule.

Because we are eliminating the need for a special antenna test authorization in these circumstances, the rule is being retitled "Antenna Testing During Daytime".

Broadcasting Emergency Information

4. Section 73.1250 of the Rules provides for the broadcasting of emergency information during certain situations such as severe weather, widespread power failures, industrial explosions, civil disorders, school closings or activation of the Emergency Broadcast System. Stations may broadcast this information without further authority from the FCC so long as the particular requirements regarding such operation and follow-up reports to the FCC specified in this section are followed. We are adding a specific cross-reference to Section 73.3542 of the Rules which pertains to emergencies not within the ambit of Section 73.1250 for which prior emergency operation authority must be obtained.

Equipment Tests

5. Section 73.1610 of the Rules allows a permittee to conduct equipment tests during the construction of new broadcast facilities upon notification to the FCC. Under the present rule, permittees of new FM and TV facilities may conduct such tests at any time during the day or night. Permittees of new AM facilities, however, must conduct such tests during the experimental period, midnight to local sunrise. If the AM permittee desires to conduct equipment tests during other periods (e.g. during daytime hours), specific authority must first be requested and obtained from the FCC. In practice, virtually all affected AM permittees request and are routinely granted authority to conduct equipment tests during daytime hours because of the difficulty in performing such tests during the experimental period when skywave interference is present.

Because such requests are freely granted and because equipment tests are routinely required of AM permittees, we believe that no significant regulatory purpose is served by requiring AM permittees to request specific authority to conduct such tests. Therefore, we are eliminating the requirement that the permittee of a new AM facility must request authority to conduct equipment tests during daytime hours. Under the revised rule, the permittee of a new AM station may, after notifying the FCC in Washington, D. C., and without further authority, conduct required equipment tests during daytime hours provided, however, that the antenna system is first substantially tuned during the experimental period.

Operation During Modification of Facilities

6. Section 73.1615 of the Rules concerns the operation of a licensed station while it is undergoing modification of existing facilities. Under the present rule, licensees of all FM, TV and nondirectional AM stations holding a construction permit for modification of existing facilities may operate with temporary facilities, upon notification to the FCC, for 30 days without specific FCC authority. Only those licensees of AM stations holding a construction permit which involves directional facilities are presently excluded from taking advantage of this convenience and must request and obtain specific authority before using temporary facilities.

Upon careful examination, we have concluded that such an exclusion is, in most cases, no longer necessary and serves no regulatory purpose. Our concern in the past has been that the complexity of constructing and testing an AM directional array is such that an AM licensee might, inadvertently, undertake modes of operation which are inappropriate and could result in harmful interference to other stations. This concern was based on the fact that the present rules provide no guidance as to what modes of temporary operation are permissible. We believe that simply spelling out the permissible modes of operation in the rule itself will suffice to obviate this concern. Generally, these modes of operation include operating nondirectionally and/or with the authorized construction permit pattern(s) to continue service while the modified facilities are under construction or while taking required proof of performance measurements.

The scope of the revised rule, therefore, will be expanded to give most AM licensees holding a construction permit for directional facilities a similar degree of flexibility as is presently enjoyed by FM, TV and nondirectional AM licensees. In particular, the revised rule will allow the licensee of an AM station holding a construction permit which involves directional facilities and which does not involve a change in operating frequency to utilize the temporary facilities and modes of operation specified in the revised rule, upon notification to the FCC in Washington, D. C., and without specific FCC authority, for a period of 30 days in order to continue service and to facilitate taking required proof of performance measurements. Any extension of this authority must be requested in writing. We are not

extending the revised rule to cover the particular situation which involves a change in operating frequency because our experience has shown that the various modes and sequences of temporary operation often must be tailored to suit each specific situation. Therefore, AM licensees holding a construction permit which involves directional facilities and a change in operating frequency must, as under the present rule, continue to request and obtain a special temporary authority (STA) before using any temporary facilities or modes of operation.

Special Temporary Authorizations (STA)

7. Section 73.1635 of the Rules defines a Special Temporary Authority (STA) and provides cross-references to other rules which permit temporary operation without prior authorization. The procedures for obtaining an STA are specified in Section 73.3542(a) of the Rules. We believe that the basic definitions and requirements pertaining to STA's should be consolidated in one rule. Accordingly, we are deleting paragraph (a) from Section 73.3542 as revised herein, and are transferring it, in substance, to section 73.1635. We are also including additional cross-references to other relevant rules (e.g. §73.62 Directional Antenna System Tolerances; §73.157 Antenna Testing During Daytime; §73.1250 Broadcasting Emergency Information; §73.1560 Operating Power Tolerance; and §73.1680 Emergency Antennas.)

Emergency Antennas

8. Section 73.1680 of the Rules addresses the use of emergency antennas in situations where the main and auxiliary antennas are damaged and cannot be used. In effect, this rule permits a licensee to use an emergency antenna to restore program service for 24 hours before requesting authority from the FCC for any period beyond the initial 24 hours. In regard to AM Stations, subsection (b)(1) provides that an AM licensee may use a horizontal or vertical wire or a nondirectional element of a directional antenna as an emergency antenna. We feel that clarifying language is necessary to prevent the possible abuse of an emergency nondirectional antenna. Accordingly, the revised rule will clearly state that the licensee must reduce operating power to 25% or less of the nominal licensed power, or, alternatively, a higher power, but not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized at any given azimuth or null in the licensed pattern. This latter provision should mitigate the potential for objectionable interference resulting from the use of such an emergency antenna. In any event, the licensee must request authority from the FCC to continue use of an emergency antenna beyond the initial 24 hour period specified in this section.

Application for Emergency Authorization

9. Section 73.3542 is currently titled "Application for temporary or emergency authorization." Paragraph (a) refers to the basic requirements

for obtaining an STA. In essence, the provisions of paragraph (a) are being transferred to section 73.1635, Special Temporary Authorizations (STA), as revised herein. As a result we are deleting paragraph (a) from this section as unnecessary. Therefore, Section 73.3542 is being limited to what is now contained in subsection (b) which sets forth informal application procedures for certain specific emergency conditions. Finally, the revised rule will make cross-references to Section 73.1250, Broadcasting Emergency Information, for situations in which emergency operation may be conducted without prior authority, and Section 73.1635, Special Temporary Authorization (STA), for temporary authorizations necessitated by circumstances not within the ambit of this section.

10. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

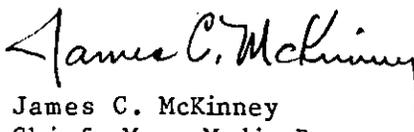
11. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act. See 5 U.S.C. 553(b)(3)(B).

12. Since a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

13. Therefore, IT IS ORDERED, That pursuant to Sections 4(i), 5(c)(1) and 303(r) of the Communications Act of 1934, as amended, and Sections 0.61 and 0.283 of the Commission's Rules, Part 73 of the Rules IS AMENDED as set forth in the attached Appendix, effective on the date of publication in the Federal Register.

14. For further information on this Order, contact Gary Thayer (202) 632-7010.

FEDERAL COMMUNICATIONS COMMISSION


James C. McKinney
Chief, Mass Media Bureau

Attachment: Appendix

APPENDIX

1. The authority citation for Part 73 continues to read as follows: 47 U.S.C. 154 and 303.

2. 47 CFR 73.62 is revised in its entirety to read as follows:

§73.62 Directional antenna system tolerances.

(a) Each AM station operating a directional antenna must maintain the indicated relative amplitudes of the antenna base currents and antenna monitor currents within 5% of the values specified on the instrument of authorization, unless other tolerances are specified therein. Directional antenna relative phase currents must be maintained to within $\pm 3^\circ$ of the values specified on the instrument of authorization, unless other tolerances are specified therein.

(b) When periods of inclement weather or severe climatic conditions make it impossible to maintain the operating parameters within the tolerances specified in paragraph (a), a licensee may operate with parameters at variance from such tolerances for a period up to 10 consecutive days, providing the monitoring point values specified in the station authorization are maintained within authorized limits. If, at the end of this 10 day period, normal operation is not restored, the licensee must request from the FCC in Washington, D. C., special temporary authority (STA) to continue operation of the station at variance from the provisions of this section. Any request for such authority shall be made in accordance with §73.1635 of the Rules, Special Temporary Authorizations (STA), except that the prior notice requirement of §73.1635(a)(1) is waived. Instead, such a request shall be made immediately at the end of the 10 day period of operation allowed by this paragraph.

(c) All other requests for authority to operate with parameters at variance not necessitated by inclement weather or severe climatic conditions must be made in accordance with §73.1635 of the Rules.

3. 47 CFR 73.157 is revised in its entirety to read as follows:

§73.157 Antenna testing during daytime.

(a) The licensee of a station using a directional antenna during daytime or nighttime hours may, without further authority, operate during daytime hours with the licensed nighttime directional facilities or with a nondirectional antenna when conducting monitoring point field strength measurements or antenna proof of performance measurements.

(b) Operation pursuant to this section is subject to the following conditions:

(1) No harmful interference will be caused to any other station.

(2) The FCC may notify the licensee to modify or cease such operation to resolve interference complaints or when such action may appear to be in the public interest, convenience and necessity.

(3) Such operation shall be undertaken only for the purpose of taking monitoring point field strength measurements or antenna proof of performance measurements, and shall be restricted to the minimum time required to accomplish the measurements.

(4) Operating power in the nondirectional mode shall be adjusted to the same power as was utilized for the most recent nondirectional proof of performance covering the licensed facilities.

4. 47 CFR 73.1250 is amended by revising paragraph (a) to read as follows:

§73.1250 Broadcasting emergency information.

(a) Emergency situations in which the broadcasting of information is considered as furthering the safety of life and property include, but are not limited to the following: Tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gasses, widespread power failures, industrial explosions, civil disorders and school closing and changes in school bus schedules resulting from such conditions. See also §73.3542, Application for Emergency Authorization, for requirements involving emergency situations not covered by this section for which prior operating authority must be requested.

* * * * *

5. 47 CFR 73.1610 is amended by revising paragraphs (a) and (b) to read as follows:

§73.1610 Equipment tests.

(a) During the process of construction of a new broadcast station, the permittee, after notifying the FCC in Washington, D. C. may, without further authority from the FCC, conduct equipment tests for the purpose of making such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards. For AM stations, equipment tests, including either a

directional or nondirectional proof of performance required by the construction permit, may be conducted during daytime hours provided that the antenna system is first substantially tuned during the experimental period. The nondirectional proof shall be conducted with power adjusted to 25% of that specified in the permit for the authorized directional facilities or, if applicable, to such higher power as is specified in the same permit for authorized nondirectional facilities. For licensed stations, see §73.1615, Operation During Modification of Facilities; and §73.157, Antenna Testing During Daytime.

(b) The FCC may notify the permittee not to conduct equipment tests or may modify, cancel, suspend, or change the modes of testing or the dates and times for such tests in order to resolve interference complaints or when such action may appear to be in the public interest, convenience, and necessity.

* * * * *

6. 47 CFR 73.1615 is revised in its entirety to read as follows:

§73.1615 Operation during modification of facilities.

When the licensee of an existing AM, FM or TV station is in the process of modifying existing facilities as authorized by a construction permit and determines it is necessary to either discontinue operation or to operate with temporary facilities to continue program service, the following procedures apply:

(a) Licensees holding a construction permit for modification of directional or nondirectional FM and TV or nondirectional AM station facilities may, without specific FCC authority, for a period not exceeding 30 days:

- (1) Discontinue operation, or
- (2) Operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the presently licensed coverage area.

(b) Licensees of an AM station holding a construction permit which involves directional facilities and which does not involve a change in operating frequency may, without specific FCC authority, for a period not exceeding 30 days:

- (1) Discontinue operation, or
- (2) Operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitoring point field strengths within licensed limits during the period subsequent to the commencement of

modifications authorized by the construction permit, or

(3) Operate in a nondirectional mode during the presently licensed hours of directional operation with power reduced to 25% or less of the nominal licensed power, or whatever higher power, not exceeding licensed power, will insure that the radiated field strength specified by the license is not exceeded at any given azimuth for the corresponding hours of directional operation, or

(4) Operate in a nondirectional mode during daytime hours, if not already so licensed, only as necessary to conduct a required nondirectional proof of performance with a power not to exceed 25% of the maximum power authorized by the construction permit for directional operation, or

(5) Operate during daytime hours with either the daytime or nighttime directional pattern and with the power authorized by the construction permit only as necessary to take proof of performance measurements. Operating power shall be promptly reduced to presently licensed level during any significant period of time that these measurements are not being taken. No daytime operation of construction permit directional patterns authorized by this paragraph shall be conducted before such patterns have been substantially tuned during the experimental period.

(6) In the event the directional pattern authorized by the construction permit replaces a licensed directional pattern, the licensee may operate with the substantially adjusted construction permit pattern during the corresponding licensed hours of directional operation with power not exceeding that specified for the licensed pattern.

(c) Such operation or discontinuance of operation in accordance with the provisions of paragraph (a) or (b) of this section may begin upon notification to the FCC in Washington, D. C.

(1) Should it be necessary to continue the procedures in either paragraph (a) or (b) of this section beyond 30 days, an informal letter request signed by the licensee or the licensee's representative must be sent to the FCC in Washington, D. C. prior to the 30th day.

(d) Licensees of an AM station holding a construction permit which authorizes both a change in frequency and directional facilities must request and obtain authority from the FCC in Washington, D. C. prior to using any new installation authorized by the permit, or using temporary facilities.

(1) The request is to be made at least 10 days prior to the date on which the temporary operation is to commence. The request is to be made by letter which shall describe the operating modes and facilities to be used. Such letter requests shall be signed by the licensee or the licensee's

representative.

(2) Discontinuance of operation is permitted upon notification to the FCC in Washington, D. C. Should it be necessary to discontinue operation longer than 30 days, an informal letter request, signed by the licensee or the licensee's representatives, must be sent to the FCC in Washington, D. C. prior to the 30th day.

(e) The FCC may modify or cancel the temporary operation permitted under the provisions of paragraph (a), (b), (c) or (d) of this section without prior notice or right to hearing.

7. 47 CFR 73.1635 is revised in its entirety to read as follows:

§73.1635 Special temporary authorizations (STA).

(a) A special temporary authorization (STA) is the authority granted to a permittee or licensee to permit the operation a broadcast facility for a limited period at a specified variance from the terms of the station authorization or requirements of the FCC rules applicable to the particular class of station.

(1) A request for an STA should be filed with FCC in Washington, D. C. at least 10 days prior to the date of the proposed operation.

(2) The request is to be made by letter and shall fully describe the proposed operation and the necessity for the requested STA. Such letter requests shall be signed by the licensee or the licensee's representative.

(3) A request for an STA necessitated by unforeseen equipment damage or failure may be made without regard to the procedural requirements of this section (e.g. via telegram or telephone). Any request made pursuant to this paragraph shall be followed by a written confirmation request conforming to the requirements of paragraph (a)(2) above. Confirmation requests shall be submitted within 24 hours. (See also §73.1680 Emergency Antennas).

(4) An STA may be granted for an initial period not to exceed 180 days. A limited number of extensions of such authorizations may be granted for additional periods not exceeding 180 days per extension. An STA necessitated by technical or equipment problems, however, may, in practice, be granted for an initial period not to exceed 90 days with a limited number of extensions not to exceed 90 days per extension. The permittee or licensee must demonstrate that any further extensions requested are necessary and that all steps to resume normal operation are being undertaken in an expeditious and timely fashion.

(5) Certain rules permit temporary operation at variance without prior authorization from the FCC when notification is filed as prescribed in the

particular rules. See §73.62, Directional Antenna System Tolerances; §73.157, Antenna Testing During Daytime; §73.1250, Broadcasting Emergency Information; §73.1615, Operation During Modification of Facilities; and §73.1680, Emergency Antennas.

(b) An STA may be modified or cancelled by the FCC without prior notice or right to hearing.

(c) No request by an AM station for temporary authority to extend its hours of operation beyond those authorized by its regular authorization will be accepted or granted by the FCC except in emergency situations conforming with the requirements of Section 73.3542, Application for Emergency Authorization. See also §73.1250, Broadcasting Emergency Information.

8. 47 CFR 73.1680 is amended by revising paragraph (b)(1) to read as follows:

§73.1680 Emergency Antennas

* * * * *

(b) * * *

(1) AM stations. AM stations may use a horizontal or vertical wire or a nondirectional vertical element of a directional antenna as an emergency antenna. AM stations using an emergency nondirectional antenna or a horizontal or vertical wire pursuant to this section, in lieu of authorized directional facilities, shall operate with power reduced to 25% or less of the nominal licensed power, or, a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth for the corresponding hours of directional operation.

* * * * *

9. 47 CFR 73.3542 is revised to read as follows:

§73.3542 Application for emergency authorization.

(a) Authority may be granted, on a temporary basis, in extraordinary circumstances requiring emergency operation to serve the public interest. Such situations include: emergencies involving danger to life and property; a national emergency proclaimed by the President or the Congress of the U.S.A. and; the continuance of any war in which the United States is engaged, and where such action is necessary for the national defense or security or otherwise in furtherance of the war effort.

(1) An informal application may be used. The FCC may grant such construction permits, station licenses, modifications or renewals thereof, without the filing of a formal application.

(2) No authorization so granted shall continue to be effective beyond the period of the emergency or war requiring it.

(3) Each individual request submitted under the provisions of this paragraph shall contain, as a minimum requirement, the following information:

(i) Name and address of applicant.

(ii) Location of proposed installation or operation.

(iii) Official call letters of any valid station authorization already held by applicant and the station location.

(iv) Type of service desired (not required for renewal or modification unless class of station is to be modified).

(v) Frequency assignment, authorized transmitter power(s), authorized class(es) of emission desired (not required for renewal; required for modification only to the extent such information may be involved).

(vi) Equipment to be used, specifying the manufacturer and type or model number (not required for renewal; required for modification only to the extent such information may be involved).

(vii) Statements to the extent necessary for the FCC to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of Section 310 of the Communications Act.

(viii) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the FCC for the purpose of this section. This statement must also include the estimated duration of the emergency and if during an emergency or war declared by the President or Congress, why such action, without formal application, is necessary for the national defense or security or in furtherance of the war effort.

(b) Emergency operating authority issued under this section may be cancelled or modified by the FCC without prior notice or right to hearing. See also §73.1250, Broadcasting Emergency Information, for situations in which emergency operation may be conducted without prior authorization, and §73.1635, Special Temporary Authorization (STA), for temporary operating authorizations necessitated by circumstances not within the ambit of this section.