

The FCC has adopted rules for a new “replacement” digital translator service to enable a full-power television station to continue to provide service to viewers within its analog service area who will lose over-the-air service due to the station’s digital transition.

The following requirements will apply to replacement digital translator stations:

- In-Core Channel Only. Replacement digital translator stations may operate only on channels 2-51.
- Associated with a Full-Power Station. Eligibility for replacement digital translator stations will be limited to licensees of full-power television stations that can demonstrate that a portion of their full-power television stations’ analog service area will not be served by the stations’ full, post-transition digital facilities. Replacement digital translator licenses will be associated with the full-power stations’ main license. A replacement digital translator license may not be separately assigned or transferred, and will be renewed, assigned or transferred along with the associated full-power station’s license. Replacement digital translators will be assigned the same call sign as the associated full-power station.
- Limited Service Area. The service area of a replacement digital translator will be limited to the full-power station’s analog loss area; however, the FCC will permit a *de minimis* expansion of that service area on a case-by-case basis where such expansion is necessary to provide replacement service to the analog loss area.
- “Secondary” Frequency Use Status. Replacement digital translator stations will not be permitted to cause interference to, and must accept interference from, full-service television stations, certain land mobile radio operations and other primary services.
- Translator Rules Apply. Replacement digital translator stations will operate under the same rules as television translator stations, including rules relating to power limits, out-of-channel emission limits, unattended operation and time of operation.
- Three-Year Construction Period. Construction permits for replacement digital translator stations will be issued with a three-year construction period.
- Processing Priority. Applications for replacement digital television translators will have priority over applications filed by other low power television and TV translator stations, except displacement applications, which

will have co-equal priority. However, applications for full-service television and Class A television stations will have priority over applications for replacement digital television translator stations.

Although the new rules are not yet effective, the FCC has been accepting applications for replacement digital translators pursuant to its interim filing procedures.

An application for a replacement digital translator must be filed electronically on FCC Form 346, will be treated as a minor change application, and will not be subject to a filing fee. Applicants must submit an engineering study demonstrating that a portion of the full-power television station's analog service area will not be served by the station's post-transition digital facility, and that the proposed replacement digital translator station will be used to provide service to that loss area.

Applications will be processed on a first-come, first-served basis. Mutually-exclusive applications will be resolved through the FCC's competitive bidding (auction) procedures following a limited window for resolving those mutual exclusivities through settlements or engineering solutions.

Should you have any questions concerning the new replacement digital translator service, or if you would like to apply for a replacement digital translator, please contact any attorney in our office.

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired.

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