

To: All Radio Clients

November 7, 2007

**FCC SEEKS COMMENT ON PROPOSED RULES THAT WOULD ALLOW AM STATIONS TO USE FM TRANSLATORS
COMMENTS DUE JANUARY 7, 2008
REPLY COMMENTS DUE FEBRUARY 4, 2008**

The FCC issued a *Notice of Proposed Rulemaking* (based upon a *Petition for Rulemaking* filed by the NAB) seeking comment on proposed new rules that would allow AM stations to use FM translators to provide “fill in” service. Under the proposed new rules, no portion of the 60 dBu contour of any such FM translator may extend beyond the *smaller* of a 25-mile radius from the AM transmitter site or the 2 mV/m daytime contour of the AM station. The FCC is requesting comment on the proposed new rules and their impact on AM, FM, FM translator and LPFM radio services.

The FCC has also tentatively concluded that daytime-only AM licensees should be permitted to originate programming on their fill-in FM translators during the nighttime hours when their AM stations are not authorized to operate. The FCC seeks comment on whether such a proposal would make AM stations more competitive and viable, and whether potential abuses could arise from allowing operation in this manner.

Some of the specific issues on which the FCC seeks comment are:

➤ Whether the changes should be made effective immediately for all AM stations, or whether, and if so how, they should be phased in over time for different

classes of AM stations, based on specific needs or priorities;

➤ Whether it would be appropriate to limit an AM licensee’s ability to use FM translators as a fill-in service by considering the licensee’s ownership of FM stations in the same market as the AM station;

➤ Is there an appropriate limit on the number of fill-in translators allowed for a single AM station, and whether that limit should vary depending on the class of the AM station;

➤ Whether AM licensees should be permitted to broker time over an FM translator operating in the non-reserved band, and whether the eligibility to own and broker time over FM translators in the reserved band should be limited to AM licensees providing a non-commercial/educational programming service and otherwise satisfy the FM reserved band eligibility requirements;

➤ Whether to allow licensees of AM daytime-only and Class C stations to simulcast and/or originate programming over an LPFM station as a fill-in service during periods which the AM station is not authorized to operate at its authorized daytime power; and

➤ Whether the FCC should allow the transmission of the AM service on an FM

station where the FM translator creates *de minimus* extension of the AM signal beyond the 2mV/m daytime contour of the AM station.

Comments are due January 7, 2008 and Reply Comments are due February 4, 2008.

Should you wish to file comments in this proceeding, or if you have questions regarding the proposed rule changes, please contact any attorney in our office.

Leventhal Senter & Lerman PLLC

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. To discuss any of the issues presented here, please contact any attorney in our office.