

FCC Authorizes HD Radio Digital FM Power Increase

The FCC has amended its HD Radio rules to permit FM stations to increase their digital effective radiated power (ERP). The amended rules seek to enable digital stations to come closer to replicating their analog coverage and to overcome reception problems in mobile and indoor locations where most radio listening occurs, which the existing limitation of 1% of analog power often failed to achieve. They are also intended to minimize interference to the protected contours of analog FM stations.

The power increase rules reflect the results of experimental operation and are modeled upon the terms of an agreement between iBiquity (the licensor of HD technology) and National Public Radio, which had performed extensive field testing to evaluate its concerns over potential interference. Here is a summary of the new provisions:

- All but super-powered FM stations will be able to increase their digital ERP by 6 dB as of the effective date of the rule changes (30 days after publication in the *Federal Register*), but subject to approval by the Office of Management and Budget. Following the effective date, HD power may be increased, but within ten days of commencement the FCC must be notified through its electronic filing system.
- The approximately 2% of FM stations that are super-powered will have their maximum digital ERPs calculated through a program that is to be available on the Media Bureau's web page.
- Special relief will be required for any FM station seeking to commence increased power digital operation before the effective date of the new rules.
- The NPR/iBiquity agreement contains a formula to determine if power may be increased beyond 6 dB up to a maximum of 10 dB, based upon protection to first adjacent channel 60 dBu analog signals. Other methodologies may be used and evaluated on a case-by-case basis in situations where the simplified formula method is claimed to be inapplicable due to terrain, environmental or technical factors.
- AM stations and Low Power FM Stations are not eligible for the power increase.
- In the event that any power increase causes interference to the protected service contour of a full-service analog FM station, remediation will be required after the analog station contacts the digital licensee. If an agreement cannot be reached for power reduction or other remediation measures, then a complaint may be filed with the Media Bureau. A complaint must present at least six reports of on-going objectionable interference within the analog station's protected contour. The complaint also must include maps and detailed descriptions of tests to identify the interference and unsuccessful efforts to resolve it. If the Bureau has not acted within 90 days, then digital ERP must be reduced in 3 dB increments down to 1% of analog power.
- The Commission reserves the right to revisit the new standards should implementation of these power increases result in wide-spread instances of non-resolvable cases of objectionable interference.

The National Association of Broadcasters supported the power increase as a key to improving digital coverage, insuring reliable reception of new multicast signals and increasing consumer enthusiasm for HD radio. However, other broadcasters have expressed reservations. In a filing shortly before release of the FCC decision, the New Jersey Broadcasters Association predicted “devastating effects” including the disruption of established listening patterns that often fall outside protected contours and a resultant diminution in local public service, especially for Class A and short-spaced stations.

A copy of the *Order* is available on the FCC website at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-208A1.pdf.

If you have any questions or would like us to assist you with the required notification or application, contact [Peter Gutmann \(pgutmann@wcsr.com\)](mailto:pgutmann@wcsr.com), or any member of the firm’s [Communications Law Group](#).

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