
Beginning January 5, 2009, the FCC Will Accept Applications for Fill-in Digital Television Translator Stations and Requests for Special Temporary Authority to Avoid Loss of Service in Connection With the Digital Transition

by Richard Zaragoza and Emily J. H. Daniels

On December 23, 2008, the Federal Communications Commission (“FCC”) issued a Notice of Proposed Rulemaking (“NPRM”) proposing creation of a new replacement digital television translator service. This service will permit full-power television stations to continue to provide service to viewers who have lost or will lose service as a result of a station’s digital transition. In the NPRM, the FCC announced that it will begin accepting applications in the coming days, although processing of these applications will be withheld pending the outcome of the proceeding. In the interim, the FCC proposed that stations could request Special Temporary Authority (“STA”) to operate replacement television translator facilities during the pendency of the rule-making proceeding.

On December 30, 2008, the FCC’s Media Bureau announced that applications and requests for STA may be filed as soon as **January 5, 2009**. Applications for a replacement translator station must be submitted via FCC Form 346 through the FCC’s Consolidated Database System (“CDBS”). Requests for STA may also be submitted as an informal filing through CDBS. Stations seeking an STA must simultaneously file an application for a replacement digital translator. Standard filing fees will apply to both filings. Both applications and requests for STA must include a technical showing demonstrating that a portion of the station’s analog service area will not be served by the station’s post-transition digital facilities (the “loss area”). Sta-

tions must further demonstrate that the digital translator will serve only this loss area. If the station proposes to expand service beyond the loss area, the station must demonstrate that a translator cannot be sited without expansion of the full-power station's digital service area.

Note that replacement translators are not permitted to operate on channels 60-69. Furthermore, applications proposing channels 52-59 must certify that no in-core channels are available for use by the digital translator. At the time the application is filed, applicants are also "required to notify all potentially affected 700 MHz commercial wireless licensees of the spectrum comprising the proposed TV channel and the spectrum in the first adjacent channels thereto. They are also required to provide notification to co-channel and first adjacent channel licensees whose geographic service area boundaries lie within 75 miles and 50 miles, respectively, of the proposed digital translator station location."

It appears that the FCC will process these types of applications/requests on a first-come, first-served basis; accordingly, potential filers should factor that into their decision-making. Please contact any member of the Communications Group for assistance in preparing and filing an application and/or STA request.

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