

Federal Communications Commission

§ 74.782

Section 73.3568—Dismissal of applications.
Section 73.3572—Processing of TV broadcast, low power TV, and TV translator station applications.
Section 73.3580—Local public notice of filing of broadcast applications.
Section 73.3584—Petitions to deny.
Section 73.3587—Informal objections.
Section 73.3591—Grants without hearing.
Section 73.3593—Designation for hearing.
Section 73.3594—Local public notice of designation for hearing.
Section 73.3597—Procedures on transfer and assignment applications.
Section 73.3598—Period of construction.
Section 73.3599—Forfeiture of construction permit.
Section 73.3601—Simultaneous modification and renewal of license.
Section 73.3603—Special waiver procedure relative to applications.
Section 73.3612—Annual employment report (for low power TV stations only).
Section 73.3613—Availability to FCC of station contracts (network affiliation contracts for low power TV stations only)”.

[52 FR 7423, Mar. 11, 1987, as amended at 52 FR 25867, July 9, 1987; 52 FR 31405, Aug. 20, 1987; 56 FR 28099, June 19, 1991; 59 FR 31557, June 20, 1994; 62 FR 51063, Sept. 30, 1997; 78 FR 25175, Apr. 29, 2013; 83 FR 65559, Dec. 21, 2018]

§ 74.781 Station records.

(a) The licensee of a low power TV, TV translator, or TV booster station shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Entries required by §17.49 of this Chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) The nature of such extinguishment or improper functioning.

(2) The date and time the extinguishment or improper operation was observed or otherwise noted.

(3) The date, time and nature of adjustments, repairs or replacements made.

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same

place where the primary station records are kept. The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station logs and records shall be retained for a period of two years.

[48 FR 44806, Sept. 30, 1983, as amended at 52 FR 31405, Aug. 20, 1987; 84 FR 2759, Feb. 8, 2019]

§ 74.782 Low power television and TV translator simulcasting during the ATSC 3.0 (Next Gen TV) transition.

(a) *Simulcasting arrangements.* While broadcasters are voluntarily deploying ATSC 3.0, a low power television (LPTV) or TV translator station may partner with one or more other LPTV or TV translator stations or with one or more full power or Class A stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.*, a station whose facilities are being used to transmit programming originated by another station) facilities.

(1) An LPTV or TV translator station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a full power host station must comply with the rules of part 73 of this chapter governing power levels and interference, and must comply in all other respects with the rules and policies applicable to low power television or TV translator stations set forth in this part.

(2) An LPTV or TV translator station airing an ATSC 1.0 or ATSC 3.0 signal on the facilities of a Class A host station must comply with the rules governing power levels and interference applicable to Class A television stations, and must comply in all other respects with the rules and policies applicable to LPTV or TV translator stations as set forth in Part 74 of this chapter.

(b) *Simulcasting requirement.* An LPTV or TV translator station that elects voluntarily to simulcast while broadcasters are voluntarily deploying ATSC 3.0 must simulcast the primary video programming stream of their ATSC 3.0 signal in an ATSC 1.0 format. This requirement does not apply to any multicast streams aired on the ATSC 3.0 channel.

(1) The programming aired on the ATSC 1.0 simulcast signal must be “substantially similar” to that aired on the ATSC 3.0 primary video programming stream. For purposes of this section, “substantially similar” means that the programming must be the same except for advertisements, promotions for upcoming programs, and programming features that are based on the enhanced capabilities of ATSC 3.0. These enhanced capabilities include:

(i) Hyper-localized content (e.g., geo-targeted weather, targeted emergency alerts, and hyper-local news);

(ii) Programming features or improvements created for the ATSC 3.0 service (e.g., emergency alert “wake up” ability and interactive program features);

(iii) Enhanced formats made possible by ATSC 3.0 technology (e.g., 4K or HDR); and

(iv) Personalization of programming performed by the viewer and at the viewer’s discretion.

(2) For purposes of paragraph (b)(1) of this section, programming that airs at a different time on the ATSC 1.0 simulcast signal than on the primary video programming stream of the ATSC 3.0 signal is not considered “substantially similar.”

(c) *Transitioning directly to ATSC 3.0.* LPTV and TV translator stations may transition directly from ATSC 1.0 to ATSC 3.0 operation without simulcasting.

(d) *Coverage requirements for the ATSC 1.0 simulcast channel.* For LPTV and TV translator stations that elect voluntarily to simulcast and temporarily to relocate their ATSC 1.0 signal to the facilities of a host station for purposes of deploying ATSC 3.0 service (and that convert their existing facilities to ATSC 3.0), the station:

(1) Must maintain overlap between the protected contour of its existing facilities and its ATSC 1.0 simulcast signal;

(2) May not relocate its ATSC 1.0 simulcast signal more than 30 miles from the reference coordinates of the relocating station’s existing antenna location; and

(3) Must select a host station assigned to the same Designated Market

Area as the originating station (*i.e.*, the station whose programming is being transmitted on the host station).

(e) *Coverage requirements for ATSC 3.0 signals.* For LPTV and TV translator stations that elect voluntarily to simulcast and to continue broadcasting in ATSC 1.0 from the station’s existing facilities and transmit an ATSC 3.0 signal from a host location, the ATSC 3.0 signal must be established on a host station assigned to the same DMA as the originating station.

(f) *Simulcasting agreements.* (1) Simulcasting agreements must contain provisions outlining each licensee’s rights and responsibilities regarding:

(i) Access to facilities, including whether each licensee will have unrestrained access to the host station’s transmission facilities;

(ii) Allocation of bandwidth within the host station’s channel;

(iii) Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party’s financial obligations, and any relevant notice provisions;

(iv) Conditions under which the simulcast agreement may be terminated, assigned or transferred; and

(v) How a guest’s station’s (*i.e.*, a station originating programming that is being transmitted using the facilities of a host station) signal may be transitioned off the host station.

(2) LPTV and TV translators must maintain a written copy of any simulcasting agreement and provide it to the Commission upon request.

(g) *Licensing of simulcasting stations and stations converting to ATSC 3.0 operation.* (1) Each station participating in a simulcasting arrangement pursuant to this section shall continue to be licensed and operated separately, have its own call sign, and be separately subject to all applicable Commission obligations, rules, and policies. ATSC 1.0 and ATSC 3.0 signals aired on the facilities of a host station will be licensed as temporary second channels of the originating station. The Commission will include a note on the originating station’s license identifying any ATSC 1.0 or ATSC 3.0 signal being aired on the facilities of a host station. The Commission will also include a note on

a host station's license identifying any ATSC 1.0 or ATSC 3.0 guest signal(s) being aired on the facilities of the host station.

(2) *Application required.* An LPTV or TV translator broadcaster must file an application (FCC Form 2100) with the Commission, and receive Commission approval, before:

(i) Moving its ATSC 1.0 signal to the facilities of a host station, moving that signal from the facilities of an existing host station to the facilities of a different host station, or discontinuing an ATSC 1.0 guest signal;

(ii) Commencing the airing of an ATSC 3.0 signal on the facilities of a host station (that has already converted to ATSC 3.0 operation), moving its ATSC 3.0 signal to the facilities of a different host station, or discontinuing an ATSC 3.0 guest signal; or

(iii) Converting its existing station to transmit an ATSC 3.0 signal or converting the station from ATSC 3.0 back to ATSC 1.0 transmissions.

(3) *Streamlined process.* With respect to an application in paragraph (g)(2) of this section, an LPTV or TV translator broadcaster may file only an application for modification of license provided no other changes are being requested in such application that would require the filing of an application for a construction permit as otherwise required by the rules (*see, e.g.*, §§74.751 and 74.787).

(4) *Host station.* A host station must first make any necessary changes to its facilities before a guest station may file an application to air a 1.0 or 3.0 signal on such host.

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (g)(3) of this section will receive expedited processing provided, for LPTV and TV translator stations seeking voluntarily to simulcast and to air an ATSC 1.0 signal on the facilities of a host station, the station will provide ATSC 1.0 service to at least 95 percent of the predicted population within the protected contour of its original ATSC 1.0 facility.

(6) *Required information.* (i) An application in paragraph (g)(2) of this section must include the following information:

(A) The station serving as the host, if applicable;

(B) The technical facilities of the host station, if applicable;

(C) The DMA of the originating broadcaster's facility and the DMA of the host station, if applicable; and

(D) Any other information deemed necessary by the Commission to process the application.

(ii) If an application in paragraph (g)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station, the LPTV or TV translator broadcaster must also indicate on the application:

(A) The predicted population within the protected contour served by the station's original ATSC 1.0 signal;

(B) The predicted population within the protected contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting arrangement, including identifying areas of service loss by providing a contour overlap map; and

(C) Whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population in paragraph (g)(6)(ii)(A) of this section.

(iii) If an application in paragraph (g)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard in paragraph (g)(6)(ii) of this section, the application must contain, in addition to the information in paragraphs (g)(6)(i) and (ii) of this section, the following information:

(A) Whether there is another possible host station(s) in the market that would result in less service loss to existing viewers and, if so, why the Next Gen TV broadcaster chose to partner with a host station creating a larger service loss;

(B) What steps, if any, the station plans to take to minimize the impact of the service loss (*e.g.*, providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and

(C) The public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the

harm(s). These applications will be considered on a case-by-case basis.

(h) *Consumer education for Next Gen TV stations.* (1) LPTV and TV translator stations that elect voluntarily to simulcast and that relocate their ATSC 1.0 signals (e.g., moving to a host station's facilities, subsequently moving to a different host, or returning to its original facility) will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. LPTV and TV translator stations that transition directly to ATSC 3.0 will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

(2) *PSAs.* Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station and be closed-captioned.

(3) *Crawls.* Each crawl must be provided in the same language as a majority of the programming carried by the transitioning station.

(4) *Content of PSAs or crawls.* For stations relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(i) *Notice to MVPDs.* (1) Next Gen TV stations relocating their ATSC 1.0 simulcast signals (e.g., moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the relocation; or

(ii) Carry and will continue to be obligated to carry the station's ATSC 1.0 signal from the new location.

(2) The notice required by this section must contain the following information:

(i) Date and time of any ATSC 1.0 channel changes;

(ii) The ATSC 1.0 channel occupied by the station before and after commencement of local simulcasting;

(iii) Modification, if any, to antenna position, location, or power levels;

(iv) Stream identification information; and

(v) Engineering staff contact information.

(3) If any of the information in paragraph (f)(2) of this section changes, an amended notification must be sent.

(4)(i) Next Gen TV stations must provide notice as required by this section:

(A) At least 120 days in advance of relocating their ATSC 1.0 simulcast signals if the relocation occurs during the post-incentive auction transition period; or

(B) At least 90 days in advance of relocating their 1.0 simulcast signals if the relocation occurs after the post-incentive auction transition period.

(ii) If the anticipated date of the ATSC 1.0 service relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

(5) Next Gen TV stations may choose whether to provide notice as required by this section either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email. Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file. For cable systems that do not have an online file, notices must be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS). For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

[83 FR 5026, Feb. 2, 2018]

§ 74.783 Station identification.

(a) Each low power TV and TV translator station not originating local programming as defined by § 74.701(h) operating over 0.001 kw peak visual power (0.002 kw when using circularly polarized antennas) must transmit its station identification as follows:

(1) By transmitting the call sign in International Morse Code at least once each hour. This transmission may be