

[The Battle Over TV Channel 6 and LPTVs Used for FM Radio Broadcasts](#)

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A controversy has bubbled up in connection with the FCC proceeding to set **the date by which Low Power Television stations will be required to convert to digital operations**. While the analog operations of full-power TV stations were mandatorily terminated in 2009, Low Power television stations and TV translators have not yet faced any end date for their analog operations - though the [FCC recently suggested that the final date for analog broadcasting by these stations be set](#) - perhaps as soon as next year. In comments filed in the proceeding to set the end date, the question of when to terminate analog broadcasting became tangled in another issue - whether Channel 6 LPTV stations should be allowed to continue to be used to broadcast FM programming. NPR suggested that the practice be terminated now, while Channel 6 licensees argued that this use was perfectly permissible under FCC rules, and that it provides a public interest benefit that should be preserved.

Channel 6 is immediately adjacent to the FM band. Analog television stations used an audio transmission standard that was very similar to that used by FM stations, and the audio from analog Channel 6 stations could be picked up by FM radio receivers. In many major television markets across the country, LPTV operators have taken their stations, optimized the audio for FM reception, and started broadcasts intended to be treated like radio stations - programming music or talk like a radio station, with the video programming being secondary to the audio output. Some have called these "Franken FMs", and many listeners don't even realize that they are listening to a station licensed for video operation - just assuming that radio on 87.7 or 87.9 is a normal extension of the FM band. But this proceeding to end analog television broadcasting has brought the issue to the forefront.

Why would anyone care about these stations? Several reasons present themselves. First, NPR has suggested that some of these stations may be creating interference to noncommercial FM stations low on the FM dial, and adjacent to these channel 6 stations. In addition, the existence of these stations have posed issues about increasing the facilities of noncommercial stations low on the FM band. And, finally, there have even been proposals, about which [we have written before](#), to take television channels 5 and 6 and use them for radio. Some of these proposals include suggestions about reserving some of the spectrum for noncommercial stations. Obviously, the more "television" stations operating on these channels, the less likely that the channels will be reallocated to radio.

The question of whether using LPTV stations to provide an audio service is permissible centers around the interpretation of Section 73.653 of the FCC rules, which permit television stations to operate separate audio and video transmitters "used with different and unrelated program

material." While objections were raised as to whether this rule was meant to allow audio-only programming during all hours of station operations, proponents of these radio-type uses of LPTV stations claim that the rule, by its terms, does not prohibit these operations, so the FCC should not interfere.

Where will this go? While, when we've written about this issue in the past, we have had readers tell us that they believe that the FCC will find a way to grandfather these radio-like broadcasts even when LPTV stations go fully digital. Given the FCC's interest in clearing the TV band and repurposing part of it for broadband, this should be an interesting argument to watch develop.

There were other interesting proposals made in the LPTV digital conversion proceeding, and debate about whether that transition should be mandated quickly or whether it should take place on a more gradual basis. And there are even suggestions that LPTV itself could be used to provide a broadband service. We hope that we have a chance to write about those issues in the coming days.

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