

## [The Bumpy Road of Using FM Translators to Rebroadcast AM Stations or HD-2 Channels](#)

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In recent years, **FM translators** have become more and more important to broadcasters, as they are being used to rebroadcast **AM stations** and **HD-2 channels**, giving the programming broadcast on these over-the-air signals new outlets in many markets. However, there have been some bumps in the road to the introduction of these new outlets. These bumps have arisen both from attempts to move these translators significant distances without observing all the obligations of FCC rules and policies, and in connection with translator stations that have started operations only to find that there were interference complaints from a broadcaster on an adjacent channel in some nearby market. So, while translator stations have provided many opportunities to broadcasters, those looking at translators to rebroadcast one of their signals should be aware of these potential pitfalls that have arisen in a few cases.

Perhaps the worst case involved an translator licensee in Florida, who was attempting to move translators from the Florida Keys into the Miami area. Under current rules, an FM translator licensee can only move a translator from one location to another if the current coverage of the translator overlaps with the proposed coverage area of that station, unless the applicant waits for an infrequent translator window (the last was held in 2003) where the application can file a "major change" and would be subject to competing applications. . Because of this requirement, it sometimes it takes multiple "hops" to move a translator from one location to another where someone might want to use it to rebroadcast an AM station or an HD-2 signal. At each hop, the translator licensee must build the station, get it licensed, and then file to move to the next location until it is ultimately located at its desired location. Each hop can take months to process by the FCC, to build and operate. The recent case shows the problems that can arise in connection with these hops if an applicant attempts to cut corners.

In this recent case, a broadcaster entered into a [consent decree](#) with the FCC, **forfeiting several existing translator licenses to the FCC**, dismissing a number of pending applications, and agreeing to sell a remaining translator within one year. The licensee was also forbidden from doing business in Florida, and agreed to abide by FCC rules in the future. What led to this harsh punishment? Two other broadcast companies complained to the FCC about the moves, and the FCC concluded that the translator licensee had allegedly "constructed" some of his intermediate hops not on broadcast towers, but at roadside pull-offs. At most, according to the FCC, many of

these "constructed" sites involved nothing more than driving a truck with an antenna on it to the location of the transmitter site specified in a construction permit, pulling off the road, operating for a few hours, then packing it all up and driving away. Yet the translator operator filed a license application claiming to have constructed the station (never mentioning that the station soon went off the air when the truck drove away). Compounding the problems were that at least one of the construction sites was off the air for over 30 days without notifying the FCC, and there were questions of site assurance as many of the transmitter site locations were in public parks and parking lots, where it was very unlikely that there could have been permission to use the site for a broadcast transmitter, even had the truck stayed put. The FCC found that these actions did not provide "dependable service" and "avoid unwarranted interruptions" to service from the translators, and was thus in violation of Section 74.1263(a). Based on [this decision](#), broadcasters should be sure that each step in any translator move be fully executed and operated as set out in the FCC authorizations for the particular site.

There have also been numerous other challenges to FM translators trying to rebroadcast AM or HD-2 channels. In several markets, such stations have been put on the air, only to be faced with objections from full power stations attempting to show that the translators are creating interference to these stations. Under Section 74.1203 of the FCC rules, translators that create interference to the regularly used signal of an FM station must either resolve the interference or cease operations. Full-power stations are protected even beyond their protected contour - making for some interesting debates about whether or not such interference to "regularly used" signals really exists. The objecting party must specifically identify the persons who are receiving interference, so that the translator operator can try to resolve the interference. Even though these battles only sometimes lead to a properly engineered translator discontinuing operation, they can be costly to resolve and result in uncertainty over station operations.

These situations demonstrate that building and operating an FM translator, particularly in a competitive market, may not be as easy as it seems. Watch for more information about how these cases play out in coming months.

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