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VIA ELECTRONIC FILING

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission's Rules to Eliminate the Analog Tuner Requirement*
MB Dkt. No. 03-185; GN Docket No. 12-268; ET Docket No. 14-165

Dear Ms. Dortch:

The Preserve Community Programming Coalition ("PCPC"), an ad hoc group of broadcasters who utilize the unique video and audio capabilities of analog channel 6 to broadcast programming that can be received both on televisions tuned to channel 6 and on radios tuned to 87.7 FM, hereby submit these informal comments pursuant to Section 1.1206 of the Commission's rules.¹ The members of the PCPC encourage the Commission to promptly resolve an open issue in its 2014 rulemaking by allowing LPTV stations currently operating on analog channel 6 to continue transmitting an analog audio signal that can be received by FM radios following the LPTV digital transition.

I. Background

Analog television stations operating on channel 6 utilize the frequency band between 82 MHz and 88 MHz.² Because of their proximity to the FM radio band, which in the United States begins at 88.1 MHz, the audio from an analog television station operating on channel 6 can be heard on many FM radios at channel 87.7.³ Although "TV on the radio" provided a unique opportunity for listeners to hear local news, sports, and entertainment programming for many decades, the full power digital transition greatly reduced the number of television stations that could be heard using an FM receiver. No full power television station has been authorized to

¹ The members of the Preserve Local Radio Coalition are Guadalupe Radio, Murray Hill Broadcasting, LLC, Prism TV, Signal Above LLC, Venture Technologies Group, Inc., and Weigel Broadcasting Co.

² 47 C.F.R. § 73.603.

³ Although the FM Band does not officially begin until 88.1 MHz in the United States, it begins at 87.7 MHz in Europe. In order to produce radios for the worldwide market, most manufacturers of FM radios start the FM dial at 87.7 MHz.

broadcast an analog signal on channel 6 since the June 2009 full power digital transition, and according to the FCC's LMS database, only 53 low power television and TV translator stations are currently authorized to broadcast an analog signal on channel 6.

A number of existing analog LPTV stations have harnessed the unique dual capabilities of channel 6 to supplement their video signals with important audio services. Based on data from Nielsen Audio (formerly Arbitron), the PCPC believes that more than two million listeners tune to audio programming on 87.7 FM each week⁴ to listen to content that includes:

- **Multilingual programming**, including Spanish-language religious programming in Southern California and Washington, D.C., Spanish-language professional sports in Cleveland, Denver, and Washington, D.C. (where stations available on 87.7 FM are the Spanish language homes of the Cleveland Browns, Cleveland Cavaliers, Colorado Rapids, and Baltimore Ravens), and Spanish-language music programming in Atlanta and Washington, D.C.
- **Multiethnic programming**, including Bosnian, Polish, and Spanish programming in Syracuse, Korean programming in New York City, and programming targeting a number of Hispanic constituencies in Washington, D.C.
- **Locally-produced programming**, including award-winning community service programming in Chicago, community-oriented Spanish-language programming in Denver, and local Spanish-language talk radio programming in Washington, D.C.
- **Unique programming**, including MeTVfm in Chicago, which is rated among Chicago's top-rated radio stations with its innovative Baby Boomer-targeted format.⁵

As the Commission has recognized, "[w]hen these LPTV stations convert to digital" they will be "unable to continue providing such radio service because the digital audio portion of their signal can no longer be received by standard FM receivers."⁶

⁴ According to Nielsen Audio, WRMP-LP alone receives approximately one million listeners each week.

⁵ See, e.g., Exhibit A to Letter from Ari Meltzer to Marlene H. Dortch, Secretary, MB 03-185, GN 12-268, ET 14-175 at 10-11, 19-27 (June 10, 2019).

⁶ *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission's Rules to Eliminate the Analog Tuner Requirement*, Third Notice of Proposed Rulemaking, 29 FCC Rcd. 12536 ¶ 47 (2014) ("LPTV Third FNPRM").

In October 2014, the FCC released its *LPTV Third NPRM* that, among other things, asked “whether to allow LPTV stations on digital television channel 6 (82- 88 MHz) to operate analog FM radio-type services on an ancillary or supplementary basis pursuant to section 73.624(c) of the rules.”⁷ The Commission asked a number of legal and technical questions about this proposal, including whether a digital LPTV station can provide an analog FM radio-type service as an ancillary or supplemental service under the Communications Act and the FCC’s rules, the likelihood that an FM radio-type service would interfere with or disrupt the LPTV station’s digital TV service, and the potential for interference to other primary licensees.⁸

The record developed in response to the *LPTV Third NPRM* overwhelmingly favors allowing LPTV stations operating on channel 6 to continue to provide analog FM radio services after they have converted to digital. Supporters of the FCC’s proposal to allow dual digital LPTV/analog FM operations on channel 6 explained how permitting continued analog audio operations on channel 6 would promote diversity and service to underserved ethnic communities.⁹ At least two separate submissions also demonstrated that ATSC receivers can continue to receive digital television signals with the addition of an analog audio carrier.¹⁰ Meanwhile, only two commenters opposed permitting dual digital LPTV/analog FM operations on channel 6 – raising concerns that are either moot, easily dismissed, or that can be addressed through rules and conditions.¹¹

⁷ *Id.*

⁸ See generally *id.* ¶¶ 47-53.

⁹ See, e.g., Comments of Educational Media Foundation, MB 03-185, GN 12-268, ET 14-175 at 2 (Jan. 12, 2015) (recognizing that “FM stations have been operating on channel 6 television stations for years to provide diverse, niche radio programming to underserved audiences throughout the country”); Comments of One Ministries, Inc., MB 03-185 (Jan. 12, 2015); Comments of Venture Technologies Group, LLC, MB 03-185, GN 12-268, ET 14-175 at 4 (Jan. 11, 2015) (“VTG Comments”); Comments of Murray Hill Broadcasting, LLC and WLFM, LLC, MB 03-185, GN 12-268, ET 14-175 at 2 (Jan. 9, 2015); Comments of Signal Above, LLC, MB 03-185, GN 12-268, ET 14-175 at 4-6 (Sept. 12, 2015).

¹⁰ See Comments of Linley Gumm and Charles Rhodes, MB 03-185, GN 12-268, ET 14-175 (Nov. 12, 2014) (“Gumm/Rhodes Comments”); Joint Comments of Island Broadcasting LLC and Richard D. Bogner, MB 03-185, GN 12-268, ET 14-175 (Jan. 9, 2015) (“Island Broadcasting/Bogner Comments”); see also VTG Comments at 2-3.

¹¹ See generally Comments of National Public Radio, Inc., MB 03-185, GN 12-268, ET 14-175 at 3-13 (Jan. 12, 2015) (“NPR Comments”); Reply Comments of National Public Radio, Inc., MB 03-185, GN 12-268, ET 14-175 (Feb. 2, 2015) (“NPR Reply Comments”); see also Reply Comments of Cohen Dippell and Everist, P.C., MB 03-185, GN 12-268, ET 14-175 at 2 (Feb. 2, 2015) (claiming, without explanation, that providing channel 6 aural services “skirts the current FCC rules”). A third commenter raised concerns about the FCC’s proposal, but did not oppose it outright. See Reply Comments of REC Networks, MB 03-185, GN 12-268, ET 14-175 at 3-13 (Feb. 2, 2015) (“REC Reply Comments”).

Nevertheless, when the Commission released its *Third Report and Order and Fourth Notice of Proposed Rulemaking* in the digital LPTV proceeding in December 2015, although it addressed many of the other issues raised in the *LPTV Third NPRM*, it declared in a footnote: “We intend to issue a decision on whether to permit digital LPTV stations to operate analog FM radio type services on an ancillary or supplementary basis at a later date.”¹² With the LPTV digital transition deadline fast approaching, the time has come for the FCC to act.

II. The FCC Should Allow LPTV Stations Currently Operating on Analog Channel 6 to Operate in Dual Digital LPTV/Analog FM Mode After the Digital Transition.

The Commission should ensure that the unique and valuable services currently offered by analog LPTV stations broadcasting on channel 6 remain available following the July 13, 2021 digital transition deadline for LPTV and TV translator stations. Specifically, the FCC should modify its rules to allow those LPTV stations currently licensed and operating in analog on channel 6 to continue transmitting an analog audio carrier when they transition to digital operations on channel 6 consistent with the draft rule changes attached hereto as Exhibit A. The record clearly demonstrates that permitting such service to continue without interruption is in the public interest and will preserve the free availability of unique aural services directed to underserved communities, including multilingual, multiethnic and local programming that reaches more than two million weekly listeners.

Allowing existing analog LPTV stations broadcasting on channel 6 to continue offering analog audio services following the digital transition is consistent with the Communications Act and the FCC’s rules and regulations. Indeed, the only barrier to the continued offering of such services is the Commission’s general rule prohibiting the operation by LPTV and TV translator stations of “any facility in analog (NTSC) mode” after July 13, 2021.¹³ The FCC has already developed a substantial record to justify modifying this rule and allowing LPTV stations to continue broadcasting an analog audio carrier consistent with other applicable rules, including but not limited to the requirement that LPTV and TV translator stations can be “satisfactorily viewed” on consumer receivers based on the ATSC standard.¹⁴

The record also demonstrates that the concerns raised by a small fringe of commenters are misplaced and, to the extent the Commission desires, easily can be addressed through minor

¹² *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement*, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd. 14927 ¶ 4 n. 12 (2015).

¹³ 47 C.F.R. § 74.731(m).

¹⁴ *Id.* § 74.795(b).

rule changes. None of these concerns justify discontinuing the unique and valuable audio services on analog channel 6 and 87.7 FM upon which that millions of Americans have come to rely.

The FCC should act now to close this open issue from the 2014 rulemaking and provide LPTV stations currently operating on analog channel 6 with sufficient time to transition to digital LPTV operations without disruption for the more than two million largely minority listeners who have come to rely on these important multilingual, multiethnic and unique local analog audio services.

A. Preventing a Disruption in the Unique Audio Services Offered on LPTV Channel 6 is in the Public Interest.

The record is replete with examples of the innovative audio services that LPTV broadcasters operating on analog channel 6 currently offer to millions of listeners who tune their radios to 87.7 FM. These services, which frequently target underserved communities, are typically not available on any other station in the market and would not be available but for the provision of an analog audio service on these channel 6 stations. As the Commission stated in the 1997 DTV Order, “There is no public interest harm in permitting ancillary and supplementary services; indeed, to the contrary, allowing such services contributes to efficient spectrum use and can expand and enhance use of existing spectrum.”¹⁵

Notably, these stations continue to offer a free, over-the-air video service that can provide valuable information to viewers who still watch analog television, including live traffic and weather radar, information about events in the home country of large ethnic communities, and information about community events near the station.¹⁶ As these stations prepare to transition to a digital television service, many are investing in new capabilities that will allow them to provide locally-produced television content in addition to their coveted analog audio programming.

¹⁵ *Advanced Television Sys. & Their Impact Upon the Existing Television Broad. Serv.*, Report and Order, 12 FCC Rcd. 12809 ¶ 32 (1997).

¹⁶ Although some commenters have suggested that the video services transmitted by these stations is not their “primary” service, NPR Comments at 5-6, it would be improper for the FCC to substitute its judgment about what constitutes a station’s primary service based on the content broadcast. See, e.g., *Leflore Broad. Co. v. FCC*, 636 F.2d 454, 460 (D.C. Cir. 1980) (recognizing that First Amendment requires that “[l]icensees must be permitted to exercise discretion in programming”); *License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia, Pennsylvania*, Memorandum Opinion and Order, 8 FCC Rcd. 6400, 6401 (1993) (citing *Time-Life Broadcast, Inc.*, Memorandum Opinion and Order, 33 FCC 2d 1081, 1082 (1972); *Office of Communications of United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983)).

Allowing these stations to continue offering an audio service available to listeners on 87.7 FM will serve the public interest by ensuring the ongoing availability of important and diverse programming without interruption with no deleterious effect on digital LPTV television service.

B. Allowing Existing Analog Channel 6 LPTV Stations to Continue Transmitting an Analog Audio Carrier is Consistent with the Communications Act and the FCC's Rules.

There is nothing in the Communications Act or the Commission's rules that should serve as a barrier to authorizing existing analog LPTV channel 6 stations to conduct dual digital LPTV/analog audio operations after the LPTV digital transaction. Indeed, several existing rules appear to permit if not contemplate exactly such an offering.

From a technical standpoint, the FCC's rules permit broadcasters to transmit separate aural and visual program material as long as, in the case of digital LPTV stations, the visual signal can be viewed on a receiver based on the ATSC standard. Specifically:

- Section 73.653, which the FCC adopted more than three decades ago, provides that: "The aural and visual transmitters [of a television station] may be operated independently of each other or, if operated simultaneously, may be used with different and unrelated program material."¹⁷
- Section 74.795(b) states: "The following requirements must be met before digital low power TV and TV translator transmitter will be certificated by the FCC: (1) The transmitter shall be designed to produce digital television signals that can be **satisfactorily viewed** on consumer receiving equipment **based on** the digital broadcast television transmission standard in § 73.682(d) of this chapter"¹⁸
- Section 73.682(d) incorporates several ATSC standards by deference, including the ATSC Digital Television Standard.¹⁹

Taken together, these rules permit an LPTV station to transmit a separate digital LPTV signal and an analog FM signal as long as consumer receivers designed to receive ATSC digital television signals can satisfactorily view the digital LPTV signal. This is consistent with the FCC's

¹⁷ *Id.* § 73.653.

¹⁸ *Id.* § 74.795(b) (emphasis added). In its comments, NPR incorrectly argued that a dual LPTV/analog audio transmission would fail to comply with Section 73.682(d), misapplying the standard for full power television stations rather than the "satisfactorily viewed" standard for LPTV stations.

¹⁹ *Id.* § 73.682(d).

expectation when it adopted the ATSC DTV standard that broadcasters would use their assigned broadcast television spectrum not only for high definition and standard definition television programs, but also “audio signals,” recognizing that broadcasters could “send, video, voice and data simultaneously and to provide a range of services dynamically, switching easily and quickly from one type of service to another.”²⁰

The only limitation in the Commission’s rules on the operation a dual digital LPTV/analog audio transmission is the general prohibition, in the context of the LPTV digital transition, on the operation of “any facility in analog (NTSC) mode” after July 13, 2021.²¹ Consistent with its proposal in the *LPTV Third NPRM*, the FCC should amend Section 74.731 to clarify that LPTV stations currently operating on LPTV channel 6 may transmit a dual digital LPTV/analog audio signal as long as the transmission complies with the technical requirements of Section 74.795(b).

C. The Limited Concerns Raised in the Record About Dual Digital LPTV/Analog Audio Operations are Unjustified and Should Not Interfere with the Continued Provision of these Important Services.

It is clear from the record that the minimal objections to the FCC’s proposal to permit dual digital LPTV/analog audio operations are either unfounded or can be addressed through rules and conditions. Every substantive objection in the record comes from a single commenter, National Public Radio, that is not a station licensee nor a station owner. On the other hand, the country’s largest licensee of non-commercial educational FM radio stations supports the proposal.²² Although the record already includes extensive responses to NPR’s arguments from PCPC members Venture Technologies Group, LLC and Signal Above LLC,²³ PCPC briefly addresses each of NPR’s arguments below.

²⁰ *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fourth Report and Order, 11 FCC Rcd. 17771 ¶ 5 (1996). Although NPR cites to legislative history to suggest that Congress only intended to allow ancillary or supplemental services that are transmitted digitally, there is no such statutory restriction nor does anything in the legislative history suggest that Congress intended to limit the use of analog services that will not interfere with digital primary or multicast services. See NPR Reply Comments at 7.

²¹ 47 C.F.R. § 74.731(m).

²² See EMF Comments at 2-5 (supporting “proposals to allow LPTV stations operating on Channel 6 to transmit a separate analog audio service to provide an FM radio service to the residents of their service areas provided that such services do not interfere with established FM NCE operations”).

²³ See Reply Comments of Venture Technologies Group, LLC, MB 03-185, GN 12-268, ET 14-175 at 2-6 (Feb. 2, 2015) (“VTG Reply Comments”); Reply Comments of Signal Above LLC, MB 03-185, GN 12-268, ET 14-175 at 2-7 (Feb. 2, 2015) (“Signal Above Reply Comments”).

As NPR explained, at the time of the *LPTV Third NPRM*, it was unclear how much of the 82-88 MHz spectrum would be utilized by full power television stations, TV translator stations, and LPTV stations.²⁴ NPR was among those supporting proposals to extend the FM band to encompass DTV channels 5 and 6 if those channels were not needed for post-auction DTV operations.²⁵ Now that the Incentive Auction is over and the repacking process is well underway, by NPR's own admission, the Commission is well-positioned "to determine how the 82-88 MHz spectrum can best be used to promote the public interest."²⁶

Nevertheless, the specific reasons that NPR provided to oppose dual digital LPTV/analog audio operations lacked merit when they were filed and remain meritless today:

- As explained above, permitting a dual digital LPTV/analog audio transmission is consistent with the Communications Act and the FCC's rules.
- Providing a dual digital LPTV/analog audio transmission is an efficient use of spectrum. Contrary to NPR's comments,²⁷ an ancillary FM analog audio signal can coexist in the same 6 MHz channel with a full 19.4 mbps DTV signal. If anything, permitting dual television and aural operations will allow channel 6 LPTV stations to make more efficient use of their spectrum.
- The record evidence demonstrates that a supplementary FM radio service will not compromise any part of the ATSC signal.²⁸ Notably, NPR has never introduced its own technical study regarding the effect of a supplementary aural carrier on either the primary ATSC signal or adjacent FM stations. As Island Broadcasting and Bogner explained in their reply comments, NPR both misinterpreted the Gumm/Rhodes test results and simply ignored the independent testing conducted by Island Broadcasting and Bogner that confirmed the efficacy of primary television and supplemental FM transmissions within a single 6 MHz channel.²⁹

²⁴ NPR Comments at 4, 13.

²⁵ See NPR Comments at 13 (encouraging the FCC to "consider permitting traditional FM radio stations to use the spectrum in areas unserved by DTV stations"); Reply Comments of National Public Radio, Inc., GN Docket No. 12-268 at 3 n.5 (Mar. 12, 2013).

²⁶ NPR Comments at 13.

²⁷ See *id.* at 5, 10-13.

²⁸ See VTG Reply Comments at 5-6; Gumm/Rhodes Comments; Island Broadcasting/Bogner Comments.

²⁹ See Reply Comments of Island Broadcasting LLC and Richard D. Bogner, MB 03-185, GN 12-268, ET 14-175 at 2-6 (Feb. 2, 2015).

- Any claims of interference between analog operations on channel 6 and adjacent FM stations are merely speculative and are belied by real-world experience. Television stations have been broadcasting analog signals between 82 MHz and 88 MHz for almost a century without causing interference to adjacent FM stations. Nevertheless, the PCPC and its members agree with NPR that “if the operation of the LPTV station causes any actual interference to the transmission of any authorized FM broadcast station, the LPTV station should be required to eliminate the interference or immediately suspend operations.”³⁰ By treating the supplemental aural transmission of a digital LPTV station as a secondary service (just as a LPTV television signal is to a primary television service), the Commission can further ensure that dual digital LPTV/analog audio transmissions will not adversely affect FM stations.

The PCPC and its members take no position at this time on the request by REC Networks for the FCC to modify the standards for LPFM stations operating on reserved band channels 201 through 220 to protect television station operating on channel 6.³¹ Because the instant request is limited to LPTV stations already operating on channel 6, the REC Networks petition should have no effect on the instant request and the FCC’s authorization of dual digital LPTV/analog audio operations would not prejudice the REC Networks petition.

Finally, with regard to the issue of what rules should apply to LPTV stations transmitting both a digital LPTV signal and a supplemental FM audio signal,³² because these stations would be licensed as digital LPTV stations and, in fact, transmitting a digital LPTV signal would be a precondition to transmitting a supplemental FM audio signal, these stations should be subject, primarily, to the FCC’s rules for digital low power television stations.³³ The record establishes, however, that it would be reasonable for the FCC to require that stations operating in dual mode comply with the public interest obligations of Part 73 that apply to FM radio multicast streams, including:

- political broadcasting;
- payment disclosure;
- prohibited contest practices;
- sponsorship identification;
- cigarette advertising;

³⁰ NPR Comments at 9-10; *see also* EMF Comments at 2-3.

³¹ *See* REC Networks, *Amendment of Parts 73 and 74 to Further Implement the Local Community Radio Act of 2010 and Make Other Improvements to the Low Power Radio Service*, Petition for Rulemaking at 26-28 (June 13, 2018).

³² *See* Reply Comments of REC Networks, MB 03-185, GN 12-268, ET 14-175 at 2 (Feb. 2, 2015).

³³ *See* VTG Comments at 6-8.


- broadcast of taped or recorded material;
- station log and public file requirements;
- station identification announcements; and
- emergency alert system requirements.³⁴

Put simply, none of the concerns identified in the record should serve as an obstacle to extending the public interest benefits of aural programming available on 87.7 FM after the LPTV digital transition. The Commission can adopt practical rules for dual digital LPTV/analog audio operations that will facilitate the continuation of this valuable service while addressing any valid technical or regulatory concerns.

III. CONCLUSION.

With just two years remaining before the LPTV digital transition, the time to act is now to ensure that millions of listeners across the country do not lose unique and diverse programming available at 87.7 FM. As described above, the Commission should amend 47 C.F.R. § 74.731 to allow LPTV stations currently broadcasting an analog signal on channel 6 to broadcast a dual digital LPTV signal and supplemental analog carrier following the digital transition, consistent with the FCC's rules for transmission of a digital LPTV signal. To address concerns about interference with FM stations, the Commission should clarify that LPTV is a secondary service not only to primary television stations, but also to all authorized FM broadcast stations. Finally, the Commission should clarify that an LPTV station's supplemental FM carrier shall be subject to the rules applicable to FM radio multicast streams.

Respectfully Submitted,



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³⁴ *Id.*; see also Numerous Comments filed by the Law Office of Dan J. Alpert; *Digital Audio Broadcasting Systems*, Second Report and Order First Order on Reconsideration and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd. 10344, ¶¶ 65-66, 73, 78 (2007).

APPENDIX A:
Proposed Rules

Amend 47 CFR Part 74 as follows:

PART 74: EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. Amend Section 74.731 by adding a new paragraph (n) to read as follows:

§ 74.731 Purpose and permissible service.

(n) Notwithstanding the general prohibition set forth in paragraph (m) of this section, a low power television or TV translator station that maintained a license to operate on analog channel 6 as of [the date the Order is adopted] may, without further authorization from the Commission, utilize a portion of its assigned frequency in analog mode under the following conditions:

- (1) The station must simultaneously transmit in digital (ATSC) mode consistent with the requirements of section 74.795 of this subpart G; and
- (2) The station will not be permitted to continue to operate in analog mode pursuant to paragraph (n) if it causes any actual interference to the direct reception by the public of the off-the-air signals of any previously authorized and operating broadcast station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the analog signals radiated by the low power television or TV translator station, regardless of the channel on which the protected signal is transmitted. Interference is demonstrated by: (1) the required minimum number of valid listener complaints as determined using Table 1 of this section and defined in § 74.1201(k) of the part; (2) a map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBu contour, (3) a statement that the complaining station is operating within its licensed parameters, (4) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant low power television or TV translator licensee of the claimed interference and attempted private resolution; and (5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-

adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in § 73.313.

Table 1.

Population within Protected Contour	Minimum Listener Interference Complaints Required for Interference Claim
1-199,999	6
200,000-299,999	7
300,000-399,999	8
400,000-499,999	9
500,000-999,999	10
1,000,000-1,499,999	15
1,500,000-1,999,999	20
2,000,000 or more	25
LPFM stations with fewer than 5,000	3