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FCC Invites Comments On Proposal To Allow FM Translators To Originate Programming

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In an era when established over-the-air radio stations are facing competition from internet streaming, pod-casts, satellite radio, low-power FM, and multi-channel HD programming, at least one radio station owner wants the FCC to allow a new mode of competition. Last month, Miller Media Group (MMG) headquartered in Taylorville, Illinois, filed a petition with the FCC seeking rule amendments to allow FM translator stations to originate local programming.

MMG already operates a commercial full power FM station (WTIM-FM, 97.3 MHz) that serves the community of Taylorville. Last year MMG acquired a construction permit to build FM translator Station W228BH, also to serve Taylorville, on 93.5 MHz. In its petition for rulemaking, filed with the FCC on April 27th, MMG argues that the FCC's rules should be changed to allow all FM translator stations to originate local programming instead of just rebroadcasting a signal from another station. Given the opportunity, MMG says it could broadcast live Taylorville town council meetings or additional high school sporting events on the new translator.

The main thrust of MMG's argument in favor of a rule change is the FCC's long standing goal of promoting "localism" in broadcasting. The current rules merely protect incumbent FM radio stations from competition, according to MMG. It also points to the FCC's rewrite of the TV translator rules in 1982, which allowed the owners of TV translators to broadcast original programming on their stations.

What is not clear in MMG's petition, however, is whether anything has changed since 1990 – the last time the FCC substantially revised its FM translator rules. In 1990, the FCC decided that it was in the public interest to protect current FM radio stations from unwarranted competition from translator operations. Recognizing the principle that commercial stations can stay on the air and serve the public only if they are profitable businesses, the FCC concluded that competition for advertising dollars from translator stations could undermine the economics of existing stations. This principle has been reiterated more recently in the fight between terrestrial radio broadcasters and satellite

radio operators over whether satellite radio should be permitted to provide “local” content such as traffic and weather reports. The principle was also upheld in the FCC’s decision to allow only non-commercial operation of low-power FM stations.

So at first blush the outlook isn’t brilliant for this proposal. This is especially so in view of the fact that as recently as March, 2005, the Commission seemed determined to maintain the FM translator service’s position as low man on the radio service totem pole, particularly relative to LPFM. The freeze on FM translator applications which was imposed at that point, and which was by its own express terms supposed to last only six months, remains in effect (*de facto* if not *de jure*) more than a year later. The clear implication there is that the FCC does not feel motivated to advance the FM translator service for the time being.

And even if the Commission were open to removing the reins on FM translators, opponents from the LPFM universe would likely find allies among full-service licensees as well. Many full service broadcasters likely don’t fancy the idea of even more competition for local audiences (and, possibly, revenues), and would therefore be expected to dislike the idea of a raft of new low-power stations originating local programming.

But notwithstanding these dark clouds on the proposal’s horizons, the fact remains that the Commission has invited public comment on the proposal. That fact alone may give MMG some hope that its proposal may gain some traction. We shall see.