

§ 73.501

(1) A certification that the IBOC DAB facilities conform to the HD Radio emissions mask limits;

(2) FM digital effective radiated power used and certification that the FM analog effective radiated power remains as authorized;

(3) If applicable, the geographic coordinates, elevation data, and license file number of the auxiliary antenna employed by an FM station as a separate digital antenna; and

(4) If applicable, for FM systems employing interleaved antenna bays, a certification that adequate filtering and/or isolation equipment has been installed to prevent spurious emissions in excess of the limits specified in § 73.317.

[85 FR 78027, Dec. 3, 2020]

Subpart D—Noncommercial Educational FM Broadcast Stations

SOURCE: 28 FR 13651, Dec. 14, 1963, unless otherwise noted. Redesignated at 72 FR 45692, Aug. 15, 2007.

§ 73.501 Channels available for assignment.

(a) The following frequencies, except as provided in paragraph (b) of this section, are available for noncommercial educational FM broadcasting:

Frequency (MHz)	Channel No.
87.9	1200
88.1	201
88.3	202
88.5	203
88.7	204
88.9	205
89.1	² 206
89.3	207
89.5	208
89.7	209
89.9	210
90.1	211
90.3	212
90.5	213
90.7	214
90.9	215
91.1	216
91.3	217
91.5	218
91.7	219

47 CFR Ch. I (10–1–24 Edition)

Frequency (MHz)	Channel No.
91.9	220

¹The frequency 87.9 MHz, Channel 200, is available only for use of existing Class D stations required to change frequency. It is available only on a noninterference basis with respect to TV Channel 6 stations and adjacent channel noncommercial educational FM stations. It is not available at all within 402 kilometers (250 miles) of Canada and 320 kilometers (199 miles) of Mexico. The specific standards governing its use are contained in § 73.512.

²The frequency 89.1 MHz, Channel 206, in the New York City metropolitan area, is reserved for the use of the United Nations with the equivalent of an antenna height of 150 meters (492 feet) above average terrain and effective radiated power of 20 kW and the Commission will make no assignments which would cause objectionable interference with such use.

(b) [Reserved]

[43 FR 39715, Sept. 6, 1978, as amended at 47 FR 30068, July 12, 1982; 52 FR 43765, Nov. 16, 1987; 58 FR 44950, Aug. 25, 1993; 87 FR 15343, Mar. 18, 2022]

§ 73.503 Licensing requirements and service.

The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public.

(c) A noncommercial educational FM broadcast station may broadcast programs produced by, or at the expense of, or furnished by persons other than the licensee, if no other consideration than the furnishing of the program and

the costs incidental to its production and broadcast are received by the licensee. The payment of line charges by another station network, or someone other than the licensee of a noncommercial educational FM broadcast station, or general contributions to the operating costs of a station, shall not be considered as being prohibited by this paragraph.

(d) Each station shall furnish a non-profit and noncommercial broadcast service. Noncommercial educational FM broadcast stations are subject to the provisions of § 73.1212 to the extent they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by others. No *promotional announcement on behalf of for profit entities* shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgements of contributions can be made. *The scheduling of any announcements and acknowledgements may not interrupt regular programming*, except as permitted under paragraph (e) of this section.

(e) A noncommercial educational FM broadcast station may interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization, provided that all such fundraising activities conducted during any given year do not exceed one percent of the station's total annual airtime. A station may use the prior year's total airtime for purposes of determining how many hours constitute one percent of its total annual airtime. With respect to stations that multicast programming on two or more separate channels, the one-percent annual limit will apply separately to each individual programming stream. For purposes of this paragraph, a non-profit organization is an entity that qualifies as a non-profit organization under 26 U.S.C. 501(c)(3).

(1) *Audience disclosure.* A noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity

for which it is fundraising. The station must air the audience disclosure at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

(2) *Reimbursement.* A noncommercial educational FM broadcast station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization may accept reimbursement of expenses incurred in conducting third-party fundraising activities or airing third-party fundraising programs.

(3) *Exemption.* No noncommercial educational FM broadcast station that receives funding from the Corporation for Public Broadcasting shall have the authority to interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization.

(f) Mutually exclusive applications for noncommercial educational radio stations operating on reserved channels will be resolved pursuant to the point system in subpart K.

(g) *Application limit.* An applicant may file no more than a total of 10 applications in the 2021 NCE FM filing window. A party to an application filed in the 2021 NCE FM filing window may hold attributable interests, as defined in § 73.7000, in no more than a total of 10 applications filed in the window. If it is determined that any party to an application has an attributable interest in more than 10 applications, the Media Bureau will retain the 10 applications that were filed first—based on the date of application receipt—and dismiss all other applications.

NOTE TO § 73.503: Commission interpretation on this rule, including the acceptable form of acknowledgements, may be found in the *Second Report and Order* in Docket No. 21136 (Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations), 86 FCC 2d 141 (1981); the *Memorandum Opinion and Order* in Docket No. 21136, 90 FCC 2d 895 (1982); the *Memorandum Opinion and Order* in Docket 21136, 97 FCC 2d 255 (1984); and the *Report and Order* in Docket No. 12-106 (Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations), FCC 17-41, April 20, 2017. See also *Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations*, Public Notice, 7 FCC Red 827 (1992), which can be retrieved

§ 73.504

through the Internet at <http://www.fcc.gov/mmb/asd/nature.html>.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

[28 FR 13651, Dec. 14, 1963, as amended at 35 FR 7558, May 15, 1970; 47 FR 36178, Aug. 19, 1982; 49 FR 29069, July 18, 1984; 63 FR 33877, June 22, 1998; 65 FR 36378, June 8, 2000; 82 FR 21135, May 5, 2017; 86 FR 26838, May 5, 2021]

§ 73.504 Channel assignments in the Mexican border area.

(a) NCE-FM stations within 199 miles (320 km) of the United States-Mexican border shall comply with the separation requirements and other provisions of the "Agreement between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band" as amended.

(b) Applicants for noncommercial educational FM stations within 199 miles (320 km) of the United States-Mexican border shall propose at least Class A minimum facilities (see § 73.211(a)). However, existing Class D noncommercial educational stations may apply to change frequency within the educational portion of the FM band in accordance with the requirements set forth in § 73.512.

(c) Section 73.208 of this chapter shall be complied with as to the determination of reference points and distance computations used in applications for new or changed facilities. However, if it is necessary to consider a Mexican channel assignment or authorization, the computation of distance will be determined as follows: if a transmitter site has been established, on the basis of the coordinates of the site; if a transmitter site has not been established, on the basis of the reference coordinates of the community, town, or city.

[52 FR 43765, Nov. 16, 1987]

§ 73.505 Zones.

For the purpose of assignment of noncommercial educational FM stations, the United States is divided into three zones, Zone I, Zone I-A, and Zone II, having the boundaries specified in § 73.205.

[42 FR 36828, July 18, 1977]

47 CFR Ch. I (10–1–24 Edition)

§ 73.506 Classes of noncommercial educational FM stations and channels.

(a) Noncommercial educational stations operating on the channels specified in § 73.501 are divided into the following classes:

(1) A Class D educational station is one operating with no more than 10 watts transmitter power output.

(2) A Class D educational (secondary) station is one operating with no more than 10 watts transmitter power output in accordance with the terms of § 73.512 or which has elected to follow these requirements before they become applicable under the terms of § 73.512.

(3) Noncommercial educational FM (NCE-FM) stations with more than 10 watts transmitter power output are classified as Class A, B1, B, C3, C2, C1, or C depending on the station's effective radiated power and antenna height above average terrain, and on the zone in which the station's transmitter is located, on the same basis as set forth in §§ 73.210 and 73.211 for commercial stations.

(b) Any noncommercial educational station except Class D may be assigned to any of the channels listed in § 73.501. Class D noncommercial educational FM stations applied for or authorized prior to June 1, 1980, may continue to operate on their authorized channels subject to the provisions of § 73.512.

[43 FR 39715, Sept. 6, 1978, as amended at 49 FR 10264, Mar. 20, 1984; 52 FR 47569, Dec. 15, 1987; 54 FR 16367, Apr. 24, 1989; 54 FR 19374, May 5, 1989]

§ 73.507 Minimum distance separations between stations.

(a) *Minimum distance separations.* No application for a new station, or change in channel or transmitter site or increase in facilities of an existing station, will be granted unless the proposed facilities will be located so as to meet the adjacent channel distance separations specified in § 73.207(a) for the class of station involved with respect to assignment on Channels 221, 222, and 223 listed in § 73.201 (except where in the case of an existing station the proposed facilities fall within the provisions of § 73.207(b)), or where a Class D station is changing frequency to comply with the requirements of § 73.512.