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CLARIFICATION OF THE COMMISSION'S RULES PERTAINING TO BROADCAST STATION TRANSMITTER REMOTE CONTROL OPERATION

This Notice is issued in response to the many questions received concerning use of the public switched telephone network for the remote control of broadcast transmitters, and to clarify the Emergency Broadcast System (EBS) equipment and operating requirements when off-premises remote control points are used.

A number of licensees have expressed uncertainty concerning the application of the Commission's remote control rules to telephone "dial-up" systems. The remote control rules are contained in Sections 73.1400 and 73.1410 of our Rules, and were established in MM Docket 84-110. (See Report and Order, 49 Fed. Reg. 47608, published Dec. 6, 1984.) In formulating the new remote control rules, we recognized that transmitters had become more reliable, and that advancing technology had created very reliable remote control systems as well. Thus, we intended to lessen the equipment burden on licensees considerably and to provide for the maximum flexibility permitted under the Communications Act of 1934, as amended ("Act").

However, flexibility is somewhat limited by the statutory requirement of Section 318 of the Act, which states that a licensed person must be on duty and in charge of the broadcast transmitter apparatus during periods of operation. This obligation is expressed in Section 73.1860 of the Rules, and must apply to all remote control systems. In addition, broadcasters must comply with EBS requirements contained in Sections 73.926 through 73.937, regardless of the transmitter monitoring and control system used. Specific guidelines regarding remote control operation are contained in Section 73.1410. These rules were designed to be general enough so that they would cover all broadcast station transmitter remote control systems, regardless of the method used in performing monitoring and control functions, and to provide a regulatory framework within which broadcasters could design their remote control systems. We do not contemplate specifying all permissible remote control techniques. However, recognizing that it would be beneficial to clarify certain aspects of the remote control rules, particularly with regard to telephone dial-up systems, we believe the public interest would be served through publication of the following twelve guidelines.

1. The FCC does not specify the parameters that must be monitored or adjusted by remote control systems because these can vary from station to

station depending on the nature of the facilities. A licensee bears full responsibility both to operate within the terms of the station authorization and all applicable rules. Thus, remote control and monitoring capability must be appropriate to the particular circumstances.

2. Dial-up telephone circuits, dedicated telephone circuits, special remote pickup unit (RPU) cue and control or microwave channels, and other systems are acceptable for metering, adjustments and control of broadcast station operations.

3. Authorized personnel (including the Chief Operator) may obtain technical data and adjust the transmission system by telephone from any location. However, this does not negate the requirement that stations have a designated operator on duty at a fixed position.

4. When a dial-up telephone circuit is used for transmitter remote control, the station licensee must either:

- (a) ensure that the dial-up circuit remains available at all times for the exclusive use of the duty operator; or,
- (b) provide a means for the operator to interrupt or preempt any other telephone access to the remote control equipment at the transmitter. Alternatively, the station licensee may employ a method, independent of the basic dial-up circuit, which enables the duty operator to turn the transmitter off. Possible methods include, but are not limited to use of interruptions to program audio, a second dial-up circuit, microwave studio-to-transmitter links (STLs), or continuous radio frequency cueing and control circuits.

The duty operator must be in control of the transmitter at all times and the station must be able to meet its EBS responsibilities without delay.

5. Remote control systems that rely, either wholly or in part, on portable paging receivers or mobile telephones to contact the duty operator do not excuse the duty operator from the requirement to be continually present at the fixed remote control location, to have a positive means to interrogate the transmitter, to turn the transmitter off, and to monitor EBS alerts and to carry out EBS functions (if assigned to the duty operator). See Sections 73.1860(a) and 73.1410(a).

6. The duty operator can be located at any fixed location and employed in other duties that do not detract from continuous attendance and the ability to respond to operational requirements. For example, a disc jockey can be designated as the duty operator, provided that there is sufficient transmitter monitoring and control equipment in the studio. See Section 73.1860(d). Also, EBS responsibilities may limit operator locations. See Section 73.932.

7. Duty operators may be employed to supervise more than one station concurrently, provided such additional employment does not hamper their ability to respond to the transmission system operating requirements and the EBS requirements of each station.

8. Automatic alarms and warnings of out-of-tolerance conditions that may result in interference must be directed to the duty operator first. If a corrective response is not received by the remote control master equipment from the duty operator within five minutes, the remote control system must turn the transmitter off automatically. See Section 73.1410(e).

9. Automatic alarms, warnings and indications must be unambiguous and of sufficient precision to enable the operator to properly assess an out-of-tolerance condition.

10. The licensee is responsible for ensuring that the remote control system is tested and calibrated as often as is necessary to ensure its proper operation. The test cycle will depend, in part, on the reliability and stability of the equipment used.

11. The licensee has three hours to restore remote monitoring of its operating parameters if its monitoring system fails. If monitoring has not been restored within three hours, either the station must have a duty operator in control of the transmitter at the transmitter site, or the station must shut down. The rules do not specify a certain time by which a licensee must be able to restore remote control capability if such capability is lost, provided that the monitoring system is functioning properly. However, if an out-of-tolerance condition having an interference potential develops and the licensee cannot adjust the transmitter parameters to within the tolerances prescribed in the rules, the station is required to shut down immediately. The ability to turn the transmitter off must be available to the operator at all times, without exception.

12. Regardless of the remote control point in use, each station must comply with EBS requirements, which include the requirement that a staff member monitor the EBS receiver and have the capability to activate the EBS encoder promptly and broadcast EBS tests and emergency action announcements. The transmitter duty operator at a location other than the main studio (off premises) can also be responsible for the station's EBS obligations. That operator must have the monitoring receivers and the facilities needed to transmit the attention signal and make appropriate announcements and programming changes. Additionally, participating stations must have the capability to broadcast national emergency and presidential messages live as they are originated. (Nonparticipating stations are required to leave the air after transmitting the attention signal and the EBS sign-off message.) See Sections 73.932 and 73.933 in particular.

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