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[50 FR 38536, Sept. 23, 1985; 50 FR 39114, Sept. 27, 1985, as amended at 51 FR 34622, Sept. 30, 1986; 52 FR 37316, Oct. 6, 1987]

PART 78—CABLE TELEVISION RELAY SERVICE

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SOURCE: 37 FR 3292, Feb. 12, 1972, unless otherwise noted.

Subpart A—General

§ 78.1 Purpose.

The rules and regulations set forth in this part provide for the licensing and operation of fixed or mobile cable television relay service stations (CARS) used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of BRS/EBS fixed stations, and cablecasting from the point of reception to a terminal point from which the signals are distributed to the public by cable. In addition CARS stations may be used to transmit television and related audio signals to TV translator and low-power TV stations.

[69 FR 72046, Dec. 10, 2004]

§ 78.3 Other pertinent rules.

Other pertinent provisions of the Commission’s rules and regulations relating to the cable television relay service (CARS) are included in the following parts of this chapter:

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Part 0—Commission Organization.
Part 1—Practice and Procedure.
Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.
Part 17—Construction Marking and Lighting of Antenna Structures.
Part 21—Domestic Public Fixed Radio Services.
Part 74—Experimental, Auxiliary, and Special Broadcast, and Other Program Distribution Services.
Part 76—Cable Television Service.
Part 101—Fixed Microwave Services.

[55 FR 46014, Oct. 31, 1990, as amended at 65 FR 38326, June 20, 2000]

§ 78.5 Definitions.

For purposes of this part, the following definitions are applicable. For other definitions, see part 76 (Cable Television Service) of this chapter.

(a) *Cable television relay service (CARS) station.* A fixed or mobile station used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from the point of reception to a terminal point from which the signals are distributed to the public.

NOTE: Except where the rules contained in this part make separate provision, the term "Cable Television Relay service" or "CARS" includes the term "Local Distribution Service" or "LDS," the term "Cable Television Relay service Studio to Headend Link" or "SHL," and the term "Cable Television Relay PICKUP," as defined in paragraphs (b), (c), and (d) of this section.

(b) *Local distribution service (LDS) station.* A fixed CARS station used within a cable television system or systems for the transmission of television signals and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from a local transmission point to one or more receiving points, from which the communications are distributed to the public. LDS stations may also engage in repeated operation.

(c) *Cable Television Relay Service Studio to Headend Link (SHL) station.* A fixed CARS station used for the transmission of television program material and related communications from a

cable television studio to the headend of a cable television system.

(d) *Cable Television Relay Service PICKUP station.* A land mobile CARS station used for the transmission of television signals and related communications from the scenes of events occurring at points removed from cable television studios to cable television studios or headends.

(e) *Remote control operation.* Operation of a station by a qualified operator on duty at a control position from which the transmitter is not visible but which control position is equipped with suitable control and telemetering circuits so that the essential functions that could be performed at the transmitter can also be performed from the control point.

(f) *Attended operation.* Operation of a station by a qualified operator on duty at the place where the transmitting apparatus is located with the transmitter in plain view of the operator.

(g) *Unattended operation.* Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without attention by a qualified operator.

(h) *Authorized bandwidth.* The maximum bandwidth authorized to be used by a station as specified in the station license. (See §§ 2.202 and 78.104.)

(i) *Cable network-entity.* A cable network-entity is an organization which produces programs available for simultaneous transmission by cable systems serving a combined total of at least 5,000,000 subscribers and having distribution facilities or circuits available to such affiliated stations or cable systems.

(j) *Other eligible system.* A system comprised of microwave radio channels in the BRS/EBS spectrum (as defined in subpart M of part 27 of this chapter) that delivers multichannel television service over the air to subscribers.

[37 FR 3292, Feb. 12, 1972, as amended at 38 FR 16647, June 25, 1973; 39 FR 26025, July 16, 1974; 43 FR 1953, Jan. 13, 1978; 52 FR 7143, Mar. 9, 1987; 55 FR 46015, Oct. 31, 1990; 69 FR 72046, Dec. 10, 2004]

Subpart B—Applications and Licenses

§ 78.11 Permissible service.

(a) CARS stations are authorized to relay TV broadcast and low-power TV and related audio signals, the signals of AM and FM broadcast stations, signals of BRS/EBS fixed stations, and cablecasting intended for use by one or more cable television systems or other eligible systems. LDS stations are authorized to relay television broadcast and related audio signals, the signals of AM and FM broadcast stations, signals of BRS/EBS fixed stations, cablecasting, and such other communications as may be authorized by the Commission. Relaying includes retransmission of signals by intermediate relay stations in the system. CARS licensees may interconnect their facilities with those of other CARS, common carrier, or television auxiliary licensees, and may also retransmit the signals of such CARS, common carrier, or television auxiliary stations, provided that the program material retransmitted meets the requirements of this paragraph.

(b) The transmitter of a CARS station using FM transmission may be multiplexed to provide additional communication channels for the transmission of standard and FM broadcast station programs and operational communications directly related to the technical operation of the relay system (including voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals). A CARS station will be authorized only where the principal use is the transmission of television broadcast program material or cablecasting: *Provided, however*, That this requirement shall not apply to LDS stations.

(c) CARS station licenses may be issued to cable television owners or operators or other eligible system owners or operators, and to cooperative enterprises owned by cable television owners or operators or other eligible system owners or operators. Television translator licensees may be members of such cooperative enterprises.

(d) CARS systems shall supply program material to cable television systems, other eligible systems, and trans-

lator stations only in the following circumstances.

(1) Where the licensee of the CARS station or system is owner or operator of the cable television systems or other eligible systems supplied with program material; or

(2) Where the licensee of the CARS station or system supplies program material to cable television systems, other eligible systems, or television translator stations either without charge or on a non-profit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the CARS licensee shall have exclusive control over the operation of the CARS stations licensed to him and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated on an equitable basis among all cable television systems or other eligible systems being supplied with program material in whole or in part. Charges for the programming material are not subject to this restriction and cable network-entities may fully charge for their services. Records showing the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the CARS licensee and held available for inspection by the Commission.

(e) The license of a CARS pickup station authorizes the transmission of program material, and related communications necessary to the accomplishment of such transmission, from the scenes of events occurring in places other than a cable television studio or the studio of another eligible system, to the studio, headend, or transmitter of its associated cable television system or other eligible system, or to such other cable television or other eligible systems as are carrying the same program material. CARS pickup stations may be used to provide temporary CARS studio-to-headend links, studio-to-transmitter links, or CARS circuits consistent with this part without further authority of the Commission: *Provided, however*, That prior Commission authority shall be obtained if the transmitting antenna to be installed will increase the height of any natural formation or manmade structure by more than 6.1 meters (20 feet) and will

be in existence for a period of more than 2 consecutive days: *And provided, further,* That if the transmitting equipment is to be operated for more than 1 day outside of the area to which the CARS station has been licensed, the Commission, the Engineer in charge of the district in which the station is licensed to operate, and the Engineer in charge of the district in which the equipment will be temporarily operated shall be notified at least 1 day prior to such operation. If the decision to continue operation for more than 1 day is not made until the operation has begun, notice shall be given to the Commission and the relevant Engineers in charge within 1 day after such decision. In all instances, the Commission and the relevant Engineers in charge shall be notified when the transmitting equipment has been returned to its licensed area.

(f) A cable network-entity may use CARS stations to transmit their own television program materials to cable television systems, other eligible systems, other cable network-entities, broadcast stations, and broadcast network-entities: *Provided, however,* That the bands 2025–2110 MHz, 6425–6526 MHz and 6875–7125 MHz may be used by cable network-entities only for CARS pick-up stations.

(g) The provisions of paragraph (d) of this section and § 78.13 shall not apply to a licensee who has been licensed in the CARS service pursuant to § 101.705 of this chapter, except that paragraph (d) of this section shall apply with respect to facilities added or cable television and other eligible systems first served after February 1, 1966.

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15926, Aug. 8, 1972; 43 FR 1953, Jan. 13, 1978; 43 FR 25127, June 9, 1978; 44 FR 32382, June 6, 1979; 47 FR 21503, May 18, 1982; 50 FR 23421, June 4, 1985; 52 FR 7144, Mar. 9, 1987; 55 FR 46015, Oct. 31, 1990; 58 FR 44952, Aug. 25, 1993; 65 FR 38326, June 20, 2000; 65 FR 48181, Aug. 7, 2000; 69 FR 72046, Dec. 10, 2004]

§ 78.13 Eligibility for license.

A license for CARS station will be issued only:

(a) To the owner or one who is responsible for the management and operation of a cable television system,

(b) To a cooperative enterprise wholly owned by cable television owners or operators, or

(c) A cable network-entity upon showing that the applicant is qualified under the Communications Act of 1934, that frequencies are available for the proposed operation, and that the public interest, convenience, and necessity will be served by a grant thereof.

(d) Licensees and conditional licensees of channels in the BRS/EBS band as defined in § 27.5(i) of this chapter, or entities that hold an executed lease agreement with a BRS/EBS licensee or conditional licensee.

(e) To private cable operators and other multichannel video programming distributors not specifically identified in this section.

[52 FR 7144, Mar. 9, 1987, as amended at 55 FR 46015, Oct. 31, 1990; 56 FR 57601, Nov. 13, 1991; 67 FR 43259, June 27, 2002; 69 FR 72047, Dec. 10, 2004]

§ 78.15 Contents of applications.

(a) Applications for authorization in the Cable Television Relay Service shall be submitted on FCC Form 327, and shall contain the information requested therein. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(b) An application for a CARS studio to headend link or LDS station license shall contain a statement that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable.

NOTE: Each applicant filing pursuant to § 78.15 is responsible for the continuing accuracy and completeness of all information in such applications. The provisions of § 1.65 are wholly applicable to applications pursuant to § 78.15, as well as to amendments filed pursuant to § 78.17, and objections filed pursuant to § 78.22, except that where the specific provisions of §§ 78.15, 78.17, 78.22 conflict with the provisions of § 1.65, the specific provisions are controlling, e.g., where requirements for service on specified parties of certain information may vary.

(c) CARS applicants must follow the procedures prescribed in subpart 1 of part 1 of this chapter (§§ 1.1301 through 1.1319) regarding the filing of environmental assessments unless Commission

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action authorizing construction of a CARS station would be categorically excluded from the environmental processing requirements under § 1.1306 of this chapter.

[41 FR 3719, Jan. 23, 1976, as amended at 41 FR 32429, Aug. 3, 1976; 42 FR 61864, Dec. 7, 1977; 50 FR 23421, June 4, 1985; 52 FR 10231, Mar. 31, 1987; 55 FR 20398, May 16, 1990]

§ 78.16 Who may sign applications.

(a) Applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of government entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, United States Code, title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

[37 FR 15926, Aug. 8, 1972]

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§ 78.17 Amendment of applications.

Any application may be amended as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. If a petition to deny has been filed, the amendment shall be served on the petitioner.

[68 FR 27004, May 19, 2003]

§ 78.18 Frequency assignments.

(a) The Cable Television Relay Service is assigned the band of frequencies from 12.70 to 13.20 GHz. This band is shared with the Fixed-Satellite Service (earth-to-space) from 12.70 to 12.75 GHz and Television Auxiliary Broadcast Stations from 12.70 to 13.20 GHz. The following channels may be assigned to CARS stations for the propagation of radio waves with the indicated polarization:

(1) For CARS stations using FM transmission:

GROUP A CHANNELS

Designation	Channel boundaries (GHz)
A01 ¹	12.700-12.725
A02 ¹	12.725-12.750
A03 ¹	12.750-12.775
A04 ¹	12.775-12.800
A05 ¹	12.800-12.825
A06 ¹	12.825-12.850
A07 ¹	12.850-12.875
A08 ¹	12.875-12.900
A09 ¹	12.900-12.925
A10 ¹	12.925-12.950
A11 ¹	12.950-12.975
A12 ¹	12.975-13.000
A13 ¹	13.000-13.025
A14 ¹	13.025-13.050
A15 ¹	13.050-13.075
A16 ¹	13.075-13.100
A17 ¹	13.100-13.125
A18 ¹	13.125-13.150
A19 ¹	² 13.150-13.175
A20 ¹	² 13.170-13.200

¹ Appropriate polarization designation:
H=Horizontally polarized propagated radio wave.
V=Vertically polarized propagated radio wave.
R=Right-handed (clockwise) elliptically polarized propagated radio wave.
L=Left-handed (counter-clockwise) elliptically polarized propagated radio wave.
² See paragraph (l) of this section.
NOTE: Polarization designations shall be in accordance with IEEE standard 100-1972 as amended.

GROUP B CHANNELS

Designation	Channel boundaries (GHz)
B01 ¹	12.7125-12.7375
B02 ¹	12.7375-12.7625

GROUP B CHANNELS—Continued

Designation	Channel boundaries (GHz)
B03 ¹	12.7625–12.7875
B04 ¹	12.7875–12.8125
B05 ¹	12.8125–12.8375
B06 ¹	12.8375–12.8625
B07 ¹	12.8625–12.8875
B08 ¹	12.8875–12.9125
B09 ¹	12.9125–12.9375
B10 ¹	12.9375–12.9625
B11 ¹	12.9625–12.9875
B12 ¹	12.9875–13.0125
B13 ¹	13.0125–13.0375
B14 ¹	13.0375–13.0625
B15 ¹	13.0625–13.0875
B16 ¹	13.0875–13.1125
B17 ¹	13.1125–13.1375
B18 ¹	² 13.1375–13.1625
B19 ¹	² 13.1625–13.1875

¹ See footnote 1 following GROUP A CHANNELS.
² See paragraph (l) of this section.
 NOTE: Polarization designations shall be in accordance with IEEE standard 100–1972 as amended.

(2) CARS stations using vestigial side-band AM transmission and FM transmission requiring a necessary bandwidth of no more than 6 MHz.

GROUP C CHANNELS

Designation	Channel boundaries (GHz) [C channels]	Alternate change boundaries (GHz) [Ca channels]
C01 ¹	12.7005–12.7065	12.7005–12.7065
C02 ¹	12.7065–12.7125	12.7065–12.7125
C03 ¹	12.7125–12.7185	12.7125–12.7185
C04 ¹	12.7185–12.7225 ²	12.7185–12.7245
C05 ¹	12.7225–12.7285	12.7245–12.7305
C06 ¹	12.7285–12.7345	12.7305–12.7365
C07 ¹	12.7345–12.7405	12.7365–12.7425

GROUP C CHANNELS—Continued

Designation	Channel boundaries (GHz) [C channels]	Alternate change boundaries (GHz) [Ca channels]
C08 ¹	12.7405–12.7465	12.7425–12.7485
C09 ¹	12.7465–12.7525	12.7485–12.7545
C10 ¹	12.7525–12.7545 ²	
C11 ¹	12.7545–12.7605	12.7545–12.7605
C12 ¹	12.7605–12.7665	12.7605–12.7665
C13 ¹	12.7665–12.7725	12.7665–12.7725
C14 ¹	12.7725–12.7785	12.7725–12.7785
C15 ¹	12.7785–12.7845	12.7785–12.7845
C16 ¹	12.7845–12.7905	12.7845–12.7905
C17 ¹	12.7905–12.7965	12.7905–12.7965
C18 ¹	12.7965–12.8025	12.7965–12.8025
C19 ¹	12.8025–12.8085	12.8025–12.8085
C20 ¹	12.8085–12.8145	12.8085–12.8145
C21 ¹	12.8145–12.8205	12.8145–12.8205
C22 ¹	12.8205–12.8265	12.8205–12.8265
C23 ¹	12.8265–12.8325	12.8265–12.8325
C24 ¹	12.8325–12.8385	12.8325–12.8385
C25 ¹	12.8385–12.8445	12.8385–12.8445
C26 ¹	12.8445–12.8505	12.8445–12.8505
C27 ¹	12.8505–12.8565	12.8505–12.8565
C28 ¹	12.8565–12.8625	12.8565–12.8625
C29 ¹	12.8625–12.8685	12.8625–12.8685
C30 ¹	12.8685–12.8745	12.8685–12.8745
C31 ¹	12.8745–12.8805	12.8745–12.8805
C32 ¹	12.8805–12.8865	12.8805–12.8865
C33 ¹	12.8865–12.8925	12.8865–12.8925
C34 ¹	12.8925–12.8985	12.8925–12.8985
C35 ¹	12.8985–12.9045	12.8985–12.9045
C36 ¹	12.9045–12.9105	12.9045–12.9105
C37 ¹	12.9105–12.9165	12.9105–12.9165
C38 ¹	12.9165–12.9225	12.9165–12.9225
C39 ¹	12.9225–12.9285	12.9225–12.9285
C40 ¹	12.9285–12.9345	12.9285–12.9345
C41 ¹	12.9345–12.9405	12.9345–12.9405
C42 ¹	12.9405–12.9465	12.9405–12.9465
C43 ¹	12.9465–12.9525	12.9465–12.9525

¹ See footnote 1 following GROUP A CHANNELS.
² For transmission of pilot subcarriers or other authorized narrow band signals.

GROUP D CHANNELS

Designation	Channel boundaries (GHz) [D channels]	Alternate channel boundaries (GHz) [Da channels]
D01 ¹	12.7597–12.7657	12.7597–12.7657
D02 ¹	12.7657–12.7717	12.7657–12.7717
D03 ¹	12.7717–12.7777	12.7717–12.7777
D04 ¹	12.7777–12.7817 ²	12.7777–12.7837
D05 ¹	12.7817–12.7877	12.7837–12.7897
D06 ¹	12.7877–12.7937	12.7897–12.7957
D07 ¹	12.7937–12.7997	12.7957–12.8017
D08 ¹	12.7997–12.8057	12.8017–12.8077
D09 ¹	12.8057–12.8117	12.8077–12.8137
D10 ¹	12.8117–12.8137 ²	N/A
D11 ¹	12.8137–12.8197	12.8137–12.8197
D12 ¹	12.8197–12.8257	12.8197–12.8257
D13 ¹	12.8257–12.8317	12.8257–12.8317
D14 ¹	12.8317–12.8377	12.8317–12.8377
D15 ¹	12.8377–12.8437	12.8377–12.8437
D16 ¹	12.8437–12.8497	12.8437–12.8497
D17 ¹	12.8497–12.8557	12.8497–12.8557
D18 ¹	12.8557–12.8617	12.8557–12.8617
D19 ¹	12.8617–12.8677	12.8617–12.8677
D20 ¹	12.8677–12.8737	12.8677–12.8737
D21 ¹	12.8737–12.8797	12.8737–12.8797
D22 ¹	12.8797–12.8857	12.8797–12.8857
D23 ¹	12.8857–12.8917	12.8857–12.8917
D24 ¹	12.8917–12.8977	12.8917–12.8977

GROUP D CHANNELS—Continued

Designation	Channel boundaries (GHz) [D channels]	Alternate channel boundaries (GHz) [Da channels]
D25 ¹	12.8977–12.9037	12.8977–12.9037
D26 ¹	12.9037–12.9097	12.9037–12.9097
D27 ¹	12.9097–12.9157	12.9097–12.9157
D28 ¹	12.9157–12.9217	12.9157–12.9217
D29 ¹	12.9217–12.9277	12.9217–12.9277
D30 ¹	12.9277–12.9337	12.9277–12.9337
D31 ¹	12.9337–12.9397	12.9337–12.9397
D32 ¹	12.9397–12.9457	12.9397–12.9457
D33 ¹	12.9457–12.9517	12.9457–12.9517
D34 ¹	12.9517–12.9577	12.9517–12.9577
D35 ¹	12.9577–12.9637	12.9577–12.9637
D36 ¹	12.9637–12.9697	12.9637–12.9697
D37 ¹	12.9697–12.9757	12.9697–12.9757
D38 ¹	12.9757–12.9817	12.9757–12.9817
D39 ¹	12.9817–12.9877	12.9817–12.9877
D40 ¹	12.9877–12.9937	12.9877–12.9937
D41 ¹	12.9937–12.9997	12.9937–12.9997
D42 ¹	12.9997–13.0057	12.9997–13.0057
D43 ¹	13.0057–13.0117	13.0057–13.0117

¹ See footnote 1 following GROUP A CHANNELS.
² For transmission of pilot subcarriers or other authorized narrow band signals.

GROUP E CHANNELS

Designation	Channel boundaries (GHz) [E channels]	Alternate channel boundaries (GHz) [Ea channels]
E01 ¹	12.9525–12.9585	12.9525–12.9585
E02 ¹	12.9585–12.9645	12.9585–12.9645
E03 ¹	12.9645–12.9705	12.9645–12.9705
E04 ¹	12.9705–12.9745 ²	12.9705–12.9765
E05 ¹	12.9745–12.9805	12.9765–12.9825
E06 ¹	12.9805–12.9865	12.9825–12.9885
E07 ¹	12.9865–12.9925	12.9885–12.9945
E08 ¹	12.9925–12.9985	12.9945–13.0005
E09 ¹	12.9985–13.0045	13.0005–13.0065
E10 ¹	13.0045–13.0065 ²	N/A
E11 ¹	13.0065–13.0125	13.0065–13.0125
E12 ¹	13.0125–13.0185	13.0125–13.0185
E13 ¹	13.0185–13.0245	13.0185–13.0245
E14 ¹	13.0245–13.0305	13.0245–13.0305
E15 ¹	13.0305–13.0365	13.0305–13.0365
E16 ¹	13.0365–13.0425	13.0365–13.0425
E17 ¹	13.0425–13.0485	13.0425–13.0485
E18 ¹	13.0485–13.0545	13.0485–13.0545
E19 ¹	13.0545–13.0605	13.0545–13.0605
E20 ¹	13.0605–13.0665	13.0605–13.0665
E21 ¹	13.0665–13.0725	13.0665–13.0725
E22 ¹	13.0725–13.0785	13.0725–13.0785
E23 ¹	13.0785–13.0845	13.0785–13.0845
E24 ¹	13.0845–13.0905	13.0845–13.0905
E25 ¹	13.0905–13.0965	13.0905–13.0965
E26 ¹	13.0965–13.1025	13.0965–13.1025
E27 ¹	13.1025–13.1085	13.1025–13.1085
E28 ¹	13.1085–13.1145	13.1085–13.1145
E29 ¹	13.1145–13.1205	13.1145–13.1205
E30 ¹	13.1205–13.1265	13.1205–13.1265
E31 ¹	13.1265–13.1325	13.1265–13.1325
E32 ¹	13.1325–13.1385	13.1325–13.1385
E33 ¹	13.1385–13.1445	13.1385–13.1445
E34 ¹	13.1445–13.1505 ³	13.1445–13.1505 ³
E35 ¹	13.1505–13.1565 ³	13.1505–13.1565 ³
E36 ¹	13.1565–13.1625 ³	13.1565–13.1625 ³
E37 ¹	13.1625–13.1685 ³	13.1625–13.1685 ³
E38 ¹	13.1685–13.1745 ³	13.1685–13.1745 ³
E39 ¹	13.1745–13.1805 ³	13.1745–13.1805 ³
E40 ¹	13.1805–13.1865 ³	13.1805–13.1865 ³
E41 ¹	13.1865–13.1925 ³	13.1865–13.1925 ³
E42 ¹	13.1925–13.1985 ³	13.1925–13.1985 ³

¹ See footnote 1 following GROUP A CHANNELS.

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²For transmission of pilot subcarriers or other authorized narrow band signals.
³See paragraph (l) of this section.

GROUP F CHANNELS

Designation	Channel boundaries (GHz) [F channels]	Alternate channel boundaries (GHz) [Fa channels]
F01 ¹	13.0125–13.0185	13.0125–13.0185
F02 ¹	13.0185–13.0245	13.0185–13.0245
F03 ¹	13.0245–13.0305	13.0245–13.0305
F04 ¹	13.0305–13.0345 ²	13.0305–13.0365
F05 ¹	13.0345–13.0405	13.0365–13.0425
F06 ¹	13.0405–13.0465	13.0425–13.0485
F07 ¹	13.0465–13.0525	13.0485–13.0545
F08 ¹	13.0525–13.0585	13.0545–13.0605
F09 ¹	13.0585–13.0645	13.0605–13.0665
F10 ¹	13.0645–13.0665 ²	N/A
F11 ¹	13.0665–13.0725	13.0665–13.0725
F12 ¹	13.0725–13.0785	13.0725–13.0785
F13 ¹	13.0785–13.0845	13.0785–13.0845
F14 ¹	13.0845–13.0905	13.0845–13.0905
F15 ¹	13.0905–13.0965	13.0905–13.0965
F16 ¹	13.0965–13.1025	13.0965–13.1025
F17 ¹	13.1025–13.1085	13.1025–13.1085
F18 ¹	13.1085–13.1145	13.1085–13.1145
F19 ¹	13.1145–13.1205	13.1145–13.1205
F20 ¹	13.1205–13.1265	13.1205–13.1265
F21 ¹	13.1265–13.1325	13.1265–13.1325
F22 ¹	13.1325–13.1385	13.1325–13.1385
F23 ¹	13.1385–13.1445	13.1385–13.1445
F24 ¹	13.1445–13.1505 ³	13.1445–13.1505 ³
F25 ¹	13.1505–13.1565 ³	13.1505–13.1565 ³
F26 ¹	13.1565–13.1625 ³	13.1565–13.1625 ³
F27 ¹	13.1625–13.1685 ³	13.1625–13.1685 ³
F28 ¹	13.1685–13.1745 ³	13.1685–13.1745 ³
F29 ¹	13.1745–13.1805 ³	13.1745–13.1805 ³
F30 ¹	13.1805–13.1865 ³	13.1805–13.1865 ³
F31 ¹	13.1865–13.1925 ³	13.1865–13.1925 ³
F32 ¹	13.1925–13.1985 ³	13.1925–13.1985 ³

¹ See footnote 1 following GROUP A CHANNELS.
²For transmission of pilot subcarriers or other authorized narrow band signals.
³See paragraph (l) of this section.

(3) For CARS stations using AM and FM transmission requiring a necessary bandwidth of no more than 12.5 MHz.

GROUP K CHANNEL

Designation	Channel boundaries (GHz)
K01 ¹	12.7000–12.7125
K02 ¹	12.7125–12.7250
K03 ¹	12.7250–12.7375
K04 ¹	12.7375–12.7500
K05 ¹	12.7500–12.7625
K06 ¹	12.7625–12.7750
K07 ¹	12.7750–12.7875
K08 ¹	12.7875–12.8000
K09 ¹	12.8000–12.8125
K10 ¹	12.8125–12.8250
K11 ¹	12.8250–12.8375
K12 ¹	12.8375–12.8500
K13 ¹	12.8500–12.8625
K14 ¹	12.8625–12.8750
K15 ¹	12.8750–12.8875
K16 ¹	12.8875–12.9000
K17 ¹	12.9000–12.9125
K18 ¹	12.9125–12.9250
K19 ¹	12.9250–12.9375
K20 ¹	12.9375–12.9500

GROUP K CHANNEL—Continued

Designation	Channel boundaries (GHz)
K21 ¹	12.9500–12.9625
K22 ¹	12.9625–12.9750
K23 ¹	12.9750–12.9875
K24 ¹	12.9875–13.0000
K25 ¹	13.0000–13.0125
K26 ¹	13.0125–13.0250
K27 ¹	13.0250–13.0375
K28 ¹	13.0375–13.0500
K29 ¹	13.0500–13.0625
K30 ¹	13.0625–13.0750
K31 ¹	13.0750–13.0875
K32 ¹	13.0875–13.1000
K33 ¹	13.1000–13.1125
K34 ¹	13.1125–13.1250
K35 ¹	13.1250–13.1375
K36 ¹	13.1375–13.1500
K37 ^{1,2}	13.1500–13.1625
K38 ^{1,2}	13.1625–13.1750
K39 ^{1,2}	13.1750–13.1875
K40 ^{1,2}	13.1875–13.2000

¹ See footnote 1 following GROUP A CHANNELS.
² See paragraph (l) of this section.

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(4) The Cable Television Relay Service is also assigned the following frequencies in the 17,700-19,700 MHz band. These frequencies are co-equally shared with stations in other services under parts 25, 74, and 101 of this chapter. Cable Television Relay Service stations operating on frequencies in the sub-bands 18.3-18.58 GHz and 19.26-19.3 GHz that were licensed or had applications pending before the Commission as of September 18, 1998 may continue those operations on a shared co-primary basis with other services under parts 25, 74, and 101 of this chapter. Such stations, however, are subject to relocation by licensees in the fixed-satellite service. Such relocation is subject to the provisions of §§101.85 through 101.97 of this chapter. No new applications for part 78 licenses will be accepted in the 19.26-19.3 GHz band after June 8, 2000, and no new applications for part 78 licenses will be accepted in the 18.3-18.58 GHz band after November 19, 2002.

(i) 2 MHz maximum authorized bandwidth channel:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
18141.0	n/a

(ii) 6 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
216 MHz Separation	
18145.0	n/a
18151.0	18367.0
18157.0	18373.0
18163.0	18379.0
18169.0	18385.0
18175.0	18391.0
18181.0	18397.0
18187.0	18403.0
18193.0	18409.0
18199.0	18415.0
18205.0	18421.0
18211.0	18427.0
18217.0	18433.0
18223.0	18439.0
18229.0	18445.0
18235.0	18451.0
18241.0	18457.0
18247.0	18463.0
18253.0	18469.0
18259.0	18475.0
18265.0	18481.0
18271.0	18487.0
18277.0	18493.0
18283.0	18499.0

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
18289.0	18505.0
18295.0	18511.0
18301.0	18517.0
18307.0	18523.0
18313.0	18529.0
18319.0	18535.0
18325.0	18541.0
18331.0	18547.0
18337.0	18553.0
18343.0	18559.0
18349.0	18565.0
18355.0	18571.0
18361.0	18577.0

(iii) 10 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17705.0	19265.0
17715.0	19275.0
17725.0	19285.0
17735.0	19295.0
17745.0	19305.0
17755.0	19315.0
17765.0	19325.0
17775.0	19335.0
17785.0	19345.0
17795.0	19355.0
17805.0	19365.0
17815.0	19375.0
17825.0	19385.0
17835.0	19395.0
17845.0	19405.0
17855.0	19415.0
17865.0	19425.0
17875.0	19435.0
17885.0	19445.0
17895.0	19455.0
17905.0	19465.0
17915.0	19475.0
17925.0	19485.0
17935.0	19495.0
17945.0	19505.0
17955.0	19515.0
17965.0	19525.0
17975.0	19535.0
17985.0	19545.0
17995.0	19555.0
18005.0	19565.0
18015.0	19575.0
18025.0	19585.0
18035.0	19595.0
18045.0	19605.0
18055.0	19615.0
18065.0	19625.0
18075.0	19635.0
18085.0	19645.0
18095.0	19655.0
18105.0	19665.0
18115.0	19675.0
18125.0	19685.0
18135.0	19695.0

(iv) 20 MHz maximum authorized bandwidth channels:

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17710.0	19270.0
17730.0	19290.0
17750.0	19310.0
17770.0	19330.0
17790.0	19350.0
17810.0	19370.0
17830.0	19390.0
17850.0	19410.0
17870.0	19430.0
17890.0	19450.0
17910.0	19470.0
17930.0	19490.0
17950.0	19510.0
17970.0	19530.0
17990.0	19550.0
18010.0	19570.0
18030.0	19590.0
18050.0	19610.0
18070.0	19630.0
18090.0	19650.0
18110.0	19670.0
18130.0	19690.0

(v) 40 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17720.0	19280.0
17760.0	19320.0
17800.0	19360.0
17840.0	19400.0
17880.0	19440.0
17920.0	19480.0
17960.0	19520.0
18000.0	19560.0
18040.0	19600.0
18080.0	19640.0
18120.0	19680.0

(vi) 80 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17740.0	19300.0
17820.0	19380.0
17900.0	19460.0
17980.0	19540.0
18060.0	19620.0

(5) 6425 to 6525 MHz—*Mobile only*. Paired and unpaired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with mobile stations

licensed pursuant to Parts 74 and 101 of the Commission's Rules. The following channel plans apply.

(i) 1 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6425.5	6475.5
6450.5	6500.5

(ii) 8 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6430.0	6480.0
6438.0	6488.0
6446.0	6596.0
6455.0	6505.0
6463.0	6513.0
6471.0	6521.0

(iii) 25 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6437.5	6487.5
6462.5	6512.5

(6) 1990–2110 MHz—*Mobile only*. (i) Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to parts 74 and 101 of the Commission's Rules. (Common carriers may use this band pursuant to provisions of § 101.803(b)). The following channeling plan applies subject to the provisions of § 74.604.

Frequency Band (MHz)

- 1990–2008
- 2008–2025
- 2025–2042
- 2042–2059
- 2059–2076
- 2076–2093
- 2093–2110

(ii) After a licensee has been relocated in accordance with the provisions of § 78.40, operations will be in the band 2025–2110 MHz. The following channel plan will apply, subject to the provisions of § 74.604 of this part:

Frequency Band (MHz)

- 2025.5–2037.5
- 2037.5–2049.5
- 2049.5–2061.5
- 2061.5–2073.5

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2073.5-2085.5
2085.5-2097.5
2097.5-2109.5

(7) *6875-7125 MHz—Mobile only.* Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to parts 74 and 101 of the Commission's Rules. (Common carriers may use this band pursuant to provisions of § 101.803(b)). The following channeling plan applies subject to the provisions of § 74.604.

Frequency Band (MHz)

6875—6900
6900—6925
6925—6950
6950—6975
6975—7000
7000—7025
7025—7050
7050—7075
7075—7100
7100—7125

(b) Television Auxiliary Broadcast Service stations may be assigned channels in the band 12.70-13.20 GHz subject to the condition that no harmful interference is caused to fixed CARS stations authorized at the time of such grants. Translator Relay stations are assigned on a secondary basis. New CARS stations shall not cause harmful interference to television STL and intercity relay stations authorized at the time of such grants. Television pickup stations and CARS pickup stations will be assigned channels in the band on a co-equal basis subject to the conditions that they accept interference from and cause no interference to existing or subsequently authorized television STL, television intercity relay, or fixed CARS stations. Channels in the 13.150-13.200 GHz band will be assigned exclusively to television pickup and CARS pickup stations on a co-equal basis. A cable television system operator will normally be limited in any one area to the assignment of not more than three channels for CARS pickup use: *Provided, however,* That additional channels may be assigned upon a satisfactory showing that additional channels are necessary and are available.

(c) An application for a CARS station shall be specific with regard to the channel or channels requested. Channels shall be identified by the appropriate designations set forth in paragraph (a) of this section.

(d) For CARS Fixed stations using FM transmission with an authorized bandwidth per channel of 25 MHz, to conserve spectrum applicants are encouraged to use alternate A and B channels such that adjacent R.F. carriers are spaced 12.5 MHz. As example, a fixed station in the CARS, relaying several channels, would use A01, B01, A02, B02, A03, etc.

(e) For CARS stations using vestigial sideband AM transmissions, channels from only the Groups C, D, E or F and those frequencies listed in paragraph (a)(4)(ii) of this section normally will be assigned a station, although upon adequate showing variations in the use of channels in Groups C, D, E or F and those frequencies listed in paragraph (a)(4)(ii) of this section may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use. In situations where the number or the arrangement of channels available in these groups is not adequate, or in order to avoid potential interference, or in order to achieve the required VHF channelization arrangement on the cable television system or for repeated operations, or for two way transmission, or upon the showing of other good cause, the use of channels in the Groups C, D, E or F and those frequencies listed in paragraph (a)(4)(ii) of this section may be authorized. Applicants are encouraged to apply for adjacent channels within each group of channels, except that different channel arrangements may be authorized when required to conform to the required channelization arrangement at VHF on the cable television system, when it is necessary to transmit non-adjacent off-the-air channels or signals intended to fill non-adjacent slots in the spectrum, or to avoid potential interference, or upon other showing of good cause.

(f) For vestigial sideband AM transmission, the assigned visual carrier frequency for each channel listed in Groups C, D, E or F and those frequencies listed in paragraph (a)(4)(ii) of

this section shall be 1.25 MHz above the lower channel-edge frequency. The center frequency for the accompanying FM aural carrier in each channel shall be 4.5 MHz above the corresponding visual carrier frequency.

(g) For CARS stations using double sideband AM transmission or FM transmission with authorized bandwidth of no more than 12.5 MHz, Group K channels normally will be assigned to a station, although upon adequate showing variations in the use of channels in Group K may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use.

(h) For double sideband AM transmission, the assigned carrier frequency for each channel listed in Group K shall be 6.25 MHz above the lower boundary frequency for each channel, and the sideband frequencies corresponding to the carrier frequency of the accompanying FM aural signal shall be 4.5 MHz above and below the visual carrier frequency.

(i) All stations shall employ no more than a 12.5 MHz authorized bandwidth per channel except in any one or more of the following circumstances:

(1) The station is a CARS pickup station;

(2) The transmission path is more than 16.1 km (10 miles) in length;

(3) The station was authorized or an application was on file therefor prior to July 26, 1973.

(4) Other good cause has been shown that use of a bandwidth of 12.5 MHz or less per channel would be inefficient, impractical, or otherwise contrary to the public interest.

(j) Should any conflict arise among applications for stations in this band, priority will be based on the filing date of an application completed in accordance with the instructions thereon.

(k) Applicants for Group K channels shall apply for adjacent channels and the requested channels shall overlap the least possible number of Group A channels, except that different channel arrangements may be authorized upon an adequate showing that the foregoing arrangement cannot be used or would be contrary to the public interest, or in order to avoid potential interference or to permit a more efficient use.

(l) The band 13.15–13.20 GHz is reserved for television pickup and CARS pickup stations inside a 50 km radius of the 100 television markets delineated in § 76.51 of this chapter. Outside a 50 km radius of the 100 television markets delineated in § 76.51 of this chapter, television pickup stations, CARS stations and NGSO FSS gateway earth stations shall operate on a primary co-equal basis. The band 13.20–13.2125 GHz is reserved for television pickup stations on a primary basis and CARS pickup stations on a secondary basis inside a 50 km radius of the 100 television markets delineated in § 76.51 of this chapter. Outside a 50 km radius of the 100 markets delineated in § 76.51 of this chapter, television pickup stations and NGSO FSS gateway earth stations shall operate on a co-primary basis, CARS stations shall operate on a secondary basis. Fixed television auxiliary stations licensed pursuant to applications accepted for filing before September 1, 1979, may continue operation on channels in the 13.15–13.25 GHz band, subject to periodic license renewals. NGSO FSS gateway uplink transmissions in the 13.15–13.2125 GHz segment shall be limited to a maximum EIRP of 3.2 dBW towards 0 degrees on the radio horizon. These provisions shall not apply to GSO FSS operations in the 12.75–13.25 GHz band.

(m) CARS stations may be authorized for use of the band from 13.20 to 13.25 GHz on a secondary basis to Television Broadcast Auxiliary Stations. CARS stations are also secondary to NGSO FSS gateway earth station uplink operations. Any CARS application seeking authorization for use of the 13.20 to 13.25 GHz band must demonstrate that the applicant has exhausted all spectrum available to it in the 12.70 to 13.20 GHz band. Applications for use of this band must specify whether the channels are 6 MHz, 12.5 MHz, or 25 MHz wide and give the upper and lower boundaries and the polarization for each channel.

[37 FR 3292, Feb. 12, 1972. Redesignated at 37 FR 15926, Aug. 8, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 78.18, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 78.19 Interference.

(a) Applications for CARS stations shall endeavor to select an assignable frequency or frequencies which will be least likely to result in interference to other licensees in the same area since the FCC itself does not undertake frequency coordination.

(b) Applicants for CARS stations shall take full advantage of all known techniques, such as the geometric arrangement of transmitters and receivers, the use of minimum power required to provide the needed service, and the use of highly directive transmitting and receiving antenna systems, to prevent interference to the reception of television STL, television intercity relay, and other CARS stations.

(c)(1) *Radio Astronomy and Radio Research Installations.* In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, W.Va., an applicant for authority to construct a CARS station, except a CARS pickup station, or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, WV 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such application, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of

the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(2) Any applicant for a new permanent base or fixed station authorization to be located on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra, or for a modification of an existing authorization which would change the frequency, power, antenna height, directivity, or location of a station on these islands and would increase the likelihood of the authorized facility causing interference, shall notify the Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612, in writing or electronically, of the technical parameters of the proposal. Applicants may wish to consult interference guidelines, which will be provided by Cornell University. Applicants who choose to transmit information electronically should e-mail to: prcz@naic.edu.

(i) The notification to the Interference Office, Arecibo Observatory shall be made prior to, or simultaneously with, the filing of the application with the Commission. The notification shall state the geographical coordinates of the transmit antenna (NAD-83 datum), antenna height above ground, ground elevation at the antenna, antenna directivity and gain, proposed frequency and FCC Rule Part, type of emission, effective isotropic radiated power, and whether the proposed use is itinerant. Generally, submission of the information in the technical portion of the FCC license application is adequate notification. In addition, the applicant shall indicate in its application to the Commission the date notification was made to the Arecibo Observatory.

(ii) After receipt of such applications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections in response to the notification indicated. The applicant will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory and to file either an amendment to the application or a modification application,

as appropriate. If the Commission determines that an applicant has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, its application may be granted.

(iii) The provisions of this paragraph do not apply to operations that transmit on frequencies above 15 GHz.

(d) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colorado: Applicants for a station authorization to operate in the vicinity of Boulder County, Colorado under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the research laboratories of the Department of Commerce, Boulder County, Colorado. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 1800 acre site (in the vicinity of coordinates 40°07'50" N Latitude, 105°14'40" W Longitude) resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

Frequency range	In authorized bandwidth of service	
	Field strength (mV/m)	Power flux density ¹ (dBW/m ²)
Below 540 kHz	10	-65.8
540 to 1600 kHz	20	-59.8
1.6 to 470 MHz	10	² -65.8
470 to 890 MHz	30	² -56.2
Above 890 MHz	1	² -85.8

¹ Equivalent values of power flux density are calculated assuming free space characteristic impedance of $376.7=120\pi$ ohms.

² Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested

guide for determining whether coordination is recommended:

(i) All stations within 2.4 km (1.5 statute miles);

(ii) Stations within 4.8 km (3 statute miles) with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 16 km (10 statute miles) with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iv) Stations within 80 km (50 statute miles) with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone.

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Services, NOAA R/E5X2, Boulder Laboratories, Boulder, CO 80303; telephone (303) 497-6548, in advance of filing their applications with the Commission.

(3) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the site in excess of the field strength specified herein.

(e) Protection for Federal Communications Commission monitoring stations:

(1) Applicants in the vicinity of an FCC monitoring station for a radio station authorization to operate new transmitting facilities or changed transmitting facilities which would increase the field strength produced over the monitoring station over that previously authorized are advised to give consideration, prior to filing applications, to the possible need to protect the FCC stations from harmful interference. Geographical coordinates of the facilities which require protection are listed in §0.121(c) of the Commission's Rules. Applications for stations (except mobile stations) which will

produce on any frequency a direct wave fundamental field strength of *greater than 10 mV/m* in the authorized bandwidth of service (-65.8 dBW/m² power flux density assuming a free space characteristic impedance of 120 ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sum-square or other ambient radio field signal levels at the indicated coordinates, a clause protecting the monitoring station may be added to the station authorization.

(2) In the event that calculated value of expected field exceeds 10 mV/m (-65.8 dBW/m²) at the reference coordinates, or if there is any question whether field strength levels might exceed the threshold value, advance consultation with the FCC to discuss any protection necessary should be considered. Prospective applicants may communicate with: Chief, Compliance and Information Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone (202) 632-6980.

(3) Advance consultation is suggested particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figure indicated would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether an applicant should coordinate:

(i) All stations within 2.4 kilometers (1.5 statute miles);

(ii) Stations within 4.8 kilometers (3 statute miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Monitoring Stations.

(iii) Stations within 16 kilometers (10 statute miles) with 1 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(iv) Stations within 80 kilometers (50 statute miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(4) Advance coordination for stations operating above 1000 MHz is recommended only where the proposed

station is in the vicinity of a monitoring station designated as a satellite monitoring facility in section 0.121(c) of the Commission's Rules and also meets the criteria outlined in paragraphs (f) (2) and (3) of this section.

(5) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Federal Communications Commission or modification of any authorization which will cause harmful interference.

(f) Protection to the Federal Government's receive earth station operations in the Denver, Colorado and Washington D.C. areas in the 17,700 to 19,700 MHz band.

(1) With the exception of applicants for a station authorization to operate within a 5 km radius of 39°40'23" N Lat. and 105°13'03" W Long (Morrison, CO), applicants will not be authorized to operate within a 50 km radius of 39°43'00" N Lat. and 104°46'00" W Long. (Denver, CO) and within a 50 km radius of 38°48'00" N Lat. and 76°52'00" W Long. (Washington, DC).

(2) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, DC areas, any application for a new station license for MVPD operations in the 17.7-17.8 GHz band or to operate in the 17.8-19.7 GHz band for any service, or for modification of an existing station license in these bands which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

(i) A circular area within a 5 km radius of 39°40'23" N Lat. and 105°13'03" W Long. (Morrison, CO)

(ii) Within the rectangular areas defined as follows (vicinity of Denver, CO):

Rectangle 1:
41°30'00" N. Lat. on the north
103°10'00" W. Long. on the east

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38°30'00" N. Lat. on the south
106°30'00" W. Long. on the west
Rectangle 2:

38°30'00" N. Lat. on the north
105°00'00" W. Long. on the east
37°30'00" N. Lat. on the south
105°50'00" W. Long. on the west
Rectangle 3:

40°08'00" N. Lat. on the north
107°00'00" W. Long. on the east
39°56'00" N. Lat. on the south
107°15'00" W. Long. on the west

(iii) Within the rectangle and circle areas as follows (vicinity of Washington, DC):

Rectangle

38°40'00" N. Lat. on the north
78°50'00" W. Long. on the east
38°10'00" N. Lat. on the south
79°20'00" W. Long. on the west or

or

(iv) Within a radius of 178 km of 38°48'00" N. Lat. / 76°52'00" W. Long.

NOTE TO §78.19: The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of -30 meters with respect to the "National Spatial Reference System."

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15926, Aug. 8, 1972; 37 FR 26733, Dec. 15, 1972; 38 FR 1920, Jan. 19, 1973; 42 FR 33037, June 29, 1977; 44 FR 77167, Dec. 31, 1979; 45 FR 78694, Nov. 26, 1980; 50 FR 32418, Aug. 12, 1985; 50 FR 40863, Oct. 7, 1985; 50 FR 45406, Oct. 31, 1985; 58 FR 44952, Aug. 25, 1993; 61 FR 8478, Mar. 5, 1996; 62 FR 55533, 55538, Oct. 27, 1997; 69 FR 57862, Sept. 28, 2004; 70 FR 31373, June 1, 2005; 71 FR 69048, Nov. 29, 2006]

§ 78.20 Acceptance of applications; public notice.

(a) Applications which are tendered for filing are dated upon receipt and then forwarded to the Media Bureau where an examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete, are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications which are not substantially complete will be returned to the applicant. Applications requiring fees as set forth at part I, subpart G, of this chapter must be filed in accordance with §0.401(b) of this chapter.

(b) Acceptance of an application for filing means only that it has been the

subject of a preliminary review by the Commission's administrative staff as to completeness. Applications which are determined to be clearly not in accordance with the Commission's rules or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing, or if inadvertently accepted for filing, will be dismissed. Requests for waiver shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

(c) The Commission will give public notice of all applications and major amendments thereto which have been accepted for filing. No application shall be acted on less than thirty (30) days from the date of public notice.

[37 FR 15926, Aug. 8, 1972, as amended at 52 FR 10231, Mar. 31, 1987; 67 FR 13235, Mar. 21, 2002; 68 FR 27004, May 19, 2003]

§ 78.21 Dismissal of applications.

(a) Any application may, on request of the applicant, be dismissed without prejudice as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. An applicant's request for the return of an application will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the application.

[37 FR 15927, Aug. 8, 1972]

§ 78.22 Objections to applications.

(a) Any party in interest may file a petition to deny any application (whether as originally filed or as amended) no later than thirty (30) days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto. Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the

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public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(b) The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter), in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof.

(c) Notwithstanding the provisions of paragraph (a) of this section, before Commission action on any application for an instrument of authorization, any person may file informal objections to the grant. Such objections may be submitted in letter form (without extra copies) and shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.45 of this chapter shall not be applicable to any objections duly filed pursuant to this paragraph.

[37 FR 15927, Aug. 8, 1972, as amended at 50 FR 23421, June 4, 1985]

§ 78.23 Equipment tests.

(a) Following the grant of a CARS license, the licensee, during the process of construction of the station, may, without further authority from the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the authorization, the technical provisions of the application therefore, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the licensee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) The test authorized in this section shall be conducted only as a necessary part of construction.

[50 FR 23421, June 4, 1985]

§ 78.27 License conditions.

(a) Authorizations (including initial grants, modifications, assignments or

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transfers of control, and renewals) in the Cable Television Relay Service to serve cable television systems and other eligible systems, shall contain the condition that cable television systems shall operate in compliance with the provisions of part 76 (Cable Television Service) of this chapter and that other eligible systems shall operate in compliance with the provisions of part 21 and part 74 of this chapter.

(b) CARS stations licensed under this subpart are required to commence operation within one year of the date of the license grant.

(1) The licensee of a CARS station shall notify the Commission in writing when the station commences operation. Such notification shall be submitted on or before the last day of the authorized one year construction period; otherwise, the station license shall be automatically forfeited.

(2) CARS licensees needing additional time to complete construction of the station and commence operation shall request an extension of time 30 days before the expiration of the one year construction period. Exceptions to the 30-day advance filing requirement may be granted where unanticipated delays occur.

[50 FR 23421, June 4, 1985, as amended at 55 FR 46015, Oct. 31, 1990; 69 FR 57862, Sept. 28, 2004]

§ 78.29 License period.

Licenses for CARS stations will be issued for a period not to exceed five (5) years. On and after February 1, 1966, licenses for CARS stations ordinarily will be issued for a period expiring on February 1, 1971, and, when regularly renewed, at 5-year intervals thereafter. When a license is granted subsequent to the last renewal date for CARS stations, the license will be issued only for the unexpired period of the current license term of such stations. The license renewal date applicable to CARS stations may be varied as necessary to permit the orderly processing of renewal applications, and individual station licenses may be granted or renewed for a shorter period of time than that generally prescribed for CARS stations, if the Commission finds that the public interest, convenience, and necessity would be served by such action.

§ 78.30 Forfeiture and termination of station authorizations.

(a) A CARS license will be automatically forfeited in whole or in part without further notice to the licensee upon the voluntary removal or alteration of the facilities, so as to render the station not operational for a period of 30 days or more.

(b) If a station licensed under this part discontinues operation on a permanent basis, the licensee must cancel the license. For purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

[69 FR 57862, Sept. 28, 2004]

§ 78.31 Temporary extension of license.

Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of or the refusal to renew an existing cable television relay station license, the Commission will grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any CARS station thereunder will serve the public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided, further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 78.33 Special temporary authority.

(a) Notwithstanding the requirements of §§ 78.15 and 78.20, in circumstances requiring immediate or temporary use of facilities, a request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different from that authorized in a station license. Any such request may be in letter form, and shall be submitted in duplicate: *Provided, however,* That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone

or telegraph with the understanding that a written request shall be submitted within ten (10) days thereafter.

(b) Special temporary authority may also be requested to conduct a field survey to determine necessary data in connection with the preparation of a formal application for installation of a radio system under this part. Such authority may be granted to equipment suppliers and others who are not operators of cable television systems or other eligible systems, as well as to cable operators or other eligible system operators, to conduct equipment, program, service, and path tests.

(c) Any request for special temporary authority shall be clear and complete within itself as to the authority requested. In addition, such requests shall contain the following information:

- (1) Name, address, and citizenship of applicant;
- (2) Grounds for special action, including a description of any emergency or damage to equipment;
- (3) Type of operation to be conducted;
- (4) Purpose of operation;
- (5) Time and date of proposed operation;
- (6) Class of station and nature of service;
- (7) Location of station;
- (8) Equipment to be used, specifying manufacturer, model number, and number of units;
- (9) Frequency or frequencies desired, consistent with § 78.18: *Provided, however,* That in the case of events of widespread interest and importance that cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested on a showing that operation thereon will not cause interference to established stations: *And provided, further,* That in no case will a cable television relay service operation be authorized on frequencies employed for the safety of life and property;
- (10) Plate power input to final radio frequency stage;
- (11) Type of emission;
- (12) Description of antenna to be used, including height. In the event that the proposed antenna installations will increase the height of any

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natural formation, or existing man-made structure, by more than 6.1 meters (20 feet), a vertical plan sketch showing the height of the structures proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed sites shall be submitted with the application.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, a request for special temporary authority shall be filed at least ten (10) days prior to the date of proposed operation, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(e) If the Commission finds that special temporary authority is in the public interest, it may grant such authority for a period not exceeding ninety (90) days, and, on a like finding, may extend such authority for one additional period not to exceed ninety (90) days.

[37 FR 15927, Aug. 8, 1972, as amended at 55 FR 46015, Oct. 31, 1990; 58 FR 44952, Aug. 25, 1993]

§ 78.35 Assignment or transfer of control.

(a) No assignment of the license of a cable television relay station or transfer of control of a CARS licensee shall occur without prior FCC authorization.

(b) If an assignment or transfer of control does not involve a substantial change of interests, the provisions of §§ 78.20(c) and 78.22, concerning public notice and objections, shall be waived.

(c) Licensees of CARS stations are not required to submit applications for assignment or transfer of control or otherwise notify the FCC in cases where the change in ownership does not affect the identity or controlling interest of the licensee.

(d) If an assignment or transfer of control involves a substantial change of interest, and requires prior FCC approval, the CARS licensee is required to file FCC Form 327 with the Commission.

(e) Licensees are required to notify the Commission of consummation of an approved transfer or assignment. The assignee or transferee is responsible for

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providing this notification, including the date the transaction was consummated. The transaction must be consummated and notification provided to the Commission within 60 days of public notice of approval, and notification of consummation must occur no later than 30 days after actual consummation, unless a request for an extension of time to consummate is filed.

[37 FR 15927, Aug. 8, 1972, as amended at 50 FR 23421, June 4, 1985; 68 FR 27004, May 19, 2003]

§ 78.36 Frequency coordination.

(a) Coordination of all frequency assignments for fixed stations in all bands above 2110 MHz, and for mobile (temporary fixed) stations in the bands 6425–6525 MHz and 17.7–19.7 GHz, will be in accordance with the procedure established in paragraph (b) of this section, except that the prior coordination process for mobile (temporary fixed) assignments may be completed orally and the period allowed for response to a coordination notification may be less than 30 days if the parties agree. Coordination of all frequency assignments for all mobile (temporary fixed) stations in all bands above 2110 MHz, except the bands 6425–6525 MHz and 17.7–19.7 GHz, will be conducted in accordance with the procedure established in paragraph (b) of this section or with the procedure in paragraph (d) of this section. Coordination of all frequency assignments for all fixed stations in the band 1990–2110 MHz will be in accordance with the procedure established in paragraph (c) of this section. Coordination of all frequency assignments for all mobile (temporary fixed) stations in the band 1990–2110 MHz will be conducted in accordance with the procedure in paragraph (d) of this section.

(b) *Frequency coordination for all fixed stations in all bands above 2110 MHz, and for all mobile (temporary fixed) stations in the bands 6425–6525 MHz and 17.7–19.7 GHz.* For each frequency authorized under this part, the interference protection criteria in § 101.105(a), (b), and (c) of this chapter and the following frequency usage coordination procedures will apply:

(1) *General requirements.* Proposed frequency usage must be prior coordinated with existing licensees, permittees, and applicants in the area, and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference on active channels, applied-for channels, or channels coordinated for future growth. Coordination must be completed prior to filing an application for regular authorization, or a major amendment to a pending application, or any major modification to a license. In coordinating frequency usage with stations in the fixed satellite service, applicants for stations in the bands 6425-6525 MHz and 17.7-19.7 GHz must also comply with the requirements of § 101.21(f). In engineering a system or modification thereto, the applicant must, by appropriate studies and analyses, select sites, transmitters, antennas and frequencies that will avoid interference in excess of permissible levels to other users. All applicants and licensees must cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum; however, the party being coordinated with is not obligated to suggest changes or re-engineer a proposal in cases involving conflicts. Applicants should make every reasonable effort to avoid blocking the growth of systems as prior coordinated. The applicant must identify in the application all entities with which the technical proposal was coordinated. In the event that technical problems are not resolved, an explanation must be submitted with the application. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of interference in excess of permissible levels (such as the use of artificial site shielding) or would result in a reduction of quality or capacity of either system, the details thereof may be contained in the application.

(2) Coordination procedure guidelines are as follows:

(i) Coordination involves two separate elements: Notification and response. Both or either may be oral or

in written form. To be acceptable for filing, all applications and major technical amendments must certify that coordination, including response, has been completed. The names of the licensees, permittees and applicants with which coordination was accomplished must be specified. If such notice and/or response is oral, the party providing such notice or response must supply written documentation of the communication upon request;

(ii) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

- (A) Applicant's name and address,
- (B) Transmitting station name,
- (C) Transmitting station coordinates,
- (D) Frequencies and polarizations to be added, changed or deleted,
- (E) Transmitting equipment type, its stability, actual output power, emission designator, and type of modulation (loading),
- (F) Transmitting antenna type(s), model, gain and, if required, a radiation pattern provided or certified by the manufacturer,
- (G) Transmitting antenna center line height(s) above ground level and ground elevation above mean sea level,
- (H) Receiving station name,
- (I) Receiving station coordinates,
- (J) Receiving antenna type(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer,
- (K) Receiving antenna center line height(s) above ground level and ground elevation above mean sea level,
- (L) Path azimuth and distance,
- (M) Estimated transmitter transmission line loss expressed in dB,
- (N) Estimated receiver transmission line loss expressed in dB,
- (O) For a system utilizing ATPC, maximum transmit power, coordinated transmit power, and nominal transmit power.

NOTE TO PARAGRAPH (b)(2)(ii): The position location of antenna sites shall be determined to an accuracy of no less than ± 1 second in the horizontal dimensions (latitude and longitude) and ± 1 meter in the vertical dimension (ground elevation) with respect to the National Spatial Reference System.

(iii) For transmitters employing digital modulation techniques, the notification should clearly identify the type of modulation. Upon request, additional details of the operating characteristics of the equipment must also be furnished;

(iv) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Any response to notification indicating potential interference must specify the technical details and must be provided to the applicant, in writing, within the 30-day notification period. Every reasonable effort should be made by all applicants, permittees and licensees to eliminate all problems and conflicts. If no response to notification is received within 30 days, the applicant will be deemed to have made reasonable efforts to coordinate and may file its application without a response;

(v) The 30-day notification period is calculated from the date of receipt by the applicant, permittee, or licensee being notified. If notification is by mail, this date may be ascertained by:

(A) The return receipt on certified mail;

(B) The enclosure of a card to be dated and returned by the recipient; or

(C) A conservative estimate of the time required for the mail to reach its destination. In the last case, the estimated date when the 30-day period would expire should be stated in the notification.

(vi) An expedited prior coordination period (less than 30 days) may be requested when deemed necessary by a notifying party. The coordination notice should be identified as "expedited" and the requested response date should be clearly indicated. However, circumstances preventing a timely response from the receiving party should be accommodated accordingly. It is the responsibility of the notifying party to receive written concurrence (or verbal, with written to follow) from affected parties or their coordination representatives.

(vii) All technical problems that come to light during coordination must be resolved unless a statement is included with the application to the effect that the applicant is unable or un-

willing to resolve the conflict and briefly the reason therefore;

(viii) Where a number of technical changes become necessary for a system during the course of coordination, an attempt should be made to minimize the number of separate notifications for these changes. Where the changes are incorporated into a completely revised notice, the items that were changed from the previous notice should be identified. When changes are not numerous or complex, the party receiving the changed notification should make an effort to respond in less than 30 days. When the notifying party believes a shorter response time is reasonable and appropriate, it may be helpful for that party to so indicate in the notice and perhaps suggest a response date;

(ix) If, after coordination is successfully completed, it is determined that a subsequent change could have no impact on some parties receiving the original notification, these parties must be notified of the change and of the coordinator's opinion that no response is required;

(x) Applicants, permittees and licensees should supply to all other applicants, permittees and licensees within their areas of operations, the name, address and telephone number of their coordination representatives. Upon request from coordinating applicants, permittees and licensees, data and information concerning existing or proposed facilities and future growth plans in the area of interest should be furnished unless such request is unreasonable or would impose a significant burden in compilation;

(xi) Parties should keep other parties with whom they are coordinating advised of changes in plans for facilities previously coordinated. If applications have not been filed 6 months after coordination was initiated, parties may assume that such frequency use is no longer desired unless a second notification has been received within 10 days of the end of the 6 month period. Renewal notifications are to be sent to all originally notified parties, even if coordination has not been successfully completed with those parties; and

(xii) Any frequency reserved by a licensee for future use in the bands subject to this part must be released for use by another licensee, permittee, or applicant upon a showing by the latter that it requires an additional frequency and cannot coordinate one that is not reserved for future use.

(c) *Frequency coordination for all fixed stations in the band 1990–2110 MHz.* For each frequency authorized under this part, the following frequency usage coordination procedures will apply:

(1) *General requirements.* Applicants are responsible for selecting the frequency assignments that are least likely to result in mutual interference with other licensees in the same area. Applicants may consult local frequency coordination committees, where they exist, for information on frequencies available in the area. Proposed frequency usage must be coordinated with existing licensees and applicants in the area whose facilities could affect or be affected by the new proposal in terms of frequency interference on active channels, applied-for channels, or channels coordinated for future growth. Coordination must be completed prior to filing an application for regular authorization, for major amendment to a pending application, or for major modification to a license.

(2) To be acceptable for filing, all applications for regular authorization, or major amendment to a pending application, or major modification to a license, must include a certification attesting that all co-channel and adjacent-channel licensees and applicants potentially affected by the proposed fixed use of the frequency(ies) have been notified and are in agreement that the proposed facilities can be installed without causing harmful interference to those other licensees and applicants.

(d) *Frequency coordination for all mobile (temporary fixed) stations in all bands above 1990 MHz, except the bands 6425–6525 MHz and 17.7–19.7 GHz.* For each frequency authorized under this part, applicants are responsible for selecting the frequency assignments that are least likely to result in mutual interference with other licensees in the same area. Applicants may consult local frequency coordination commit-

tees, where they exist, for information on frequencies available in the area. In selecting frequencies, consideration should be given to the relative location of receive points, normal transmission paths, and the nature of the contemplated operation.

[68 FR 12774, Mar. 17, 2003]

§ 78.40 Transition of the 1990–2025 MHz band from the Cable Television Relay Service to emerging technologies.

(a) New Entrants are collectively defined as those licensees proposing to use emerging technologies to implement Mobile Satellite Services in the 2000–2020 MHz band (MSS licensees), those licensees authorized after July 1, 2004 to implement new Fixed and Mobile services in the 1990–1995 MHz band, and those licensees authorized after September 9, 2004 in the 1995–2000 MHz and 2020–2025 MHz bands. New entrants may negotiate with Cable Television Relay Service licensees operating on a primary basis and fixed service licensees operating on a primary basis in the 1990–2025 MHz band (Existing Licensees) for the purpose of agreeing to terms under which the Existing Licensees would relocate their operations to the 2025–2110 MHz band, to other authorized bands, or to other media; or, alternatively, would accept a sharing arrangement with the New Entrants that may result in an otherwise impermissible level of interference to the Existing Licensee's operations. New licensees in the 1995–2000 MHz and 2020–2025 MHz bands are subject to the specific relocation procedures adopted in WT Docket 04–356.

(b) Existing Licensees in the 1990–2025 MHz band allocated for licensed emerging technology services will maintain primary status in the band until a New Entrant completes relocation of the Existing Licensee's operations or the Existing Licensee indicates to a New Entrant that it declines to be relocated.

(c) The Commission will amend the operating license of the Existing Licensee to secondary status only if the following requirements are met:

(1) The service applicant, provider, licensee, or representative using an

emerging technology guarantees payment of all relocation costs, including all engineering, equipment, site and FCC fees, as well as any reasonable additional costs that the relocated Existing Licensee might incur as a result of operation in another authorized band or migration to another medium;

(2) The New Entrant completes all activities necessary for implementing the replacement facilities, including engineering and cost analysis of the relocation procedure and, if radio facilities are used, identifying and obtaining, on the incumbents' behalf, new microwave or Cable Television Relay Service frequencies and frequency coordination.

(3) The New Entrant builds the replacement system and tests it for comparability with the existing system.

(d) The Existing Licensee is not required to relocate until the alternative facilities are available to it for a reasonable time to make adjustments, determine comparability, and ensure a seamless handoff.

(e) If, within one year after the relocation to new facilities the Existing Licensee demonstrates that the new facilities are not comparable to the former facilities, the New Entrant must remedy the defect.

(f) Subject to the terms of this paragraph (f), the relocation of Existing Licensees will be carried out by MSS licensees in the following manner:

(1) Existing Licensees and MSS licensees may negotiate individually or collectively for relocation of Existing Licensees to one of the channel plans specified in § 74.602(a)(3) of this part. Parties may not decline to negotiate, though Existing Licensees may decline to be relocated.

(i) MSS licensees must relocate all Existing Licensees in Nielsen Designated Market Areas (DMAs) 1–30, as such DMAs existed on September 6, 2000, prior to beginning operations, except those Existing Licensees that decline relocation. Such relocation negotiations shall be conducted as “mandatory negotiations,” as that term is used in § 101.73 of this chapter. If these parties are unable to reach a negotiated agreement, MSS Licensees may involuntarily relocate such Existing Licensees after December 8, 2004.

(ii) [Reserved]

(iii) On the date that the first MSS licensee begins operations in the 2000–2020 MHz band, a one-year mandatory negotiation period begins between MSS licensees and Existing Licensees in DMAs 31–210, as such DMAs existed on September 6, 2000. After the end of the mandatory negotiation period, MSS licensees may involuntarily relocate any Existing Licensees with which they have been unable to reach a negotiated agreement. As described elsewhere in this paragraph (f), MSS Licensees are obligated to relocate these Existing Licensees within the specified three- and five-year time periods.

(2) Before negotiating with MSS licensees, Existing Licensees in Nielsen Designated Market Areas where there is a BAS frequency coordinator must coordinate and select a band plan for the market area. If an Existing Licensee wishes to operate in the 2025–2110 MHz band using the channel plan specified in § 78.18(a)(6)(i) of this part, then all licensees within that Existing Licensee's market must agree to such operation and all must operate on a secondary basis to any licensee operating on the channel plan specified in § 78.18(a)(6)(ii). All negotiations must produce solutions that adhere to the market area's band plan.

(3)–(4) [Reserved]

(5) As of the date the first MSS Licensee begins operations in the 1990–2025 MHz band, MSS Licensees must relocate Existing Licensees in DMAs 31–100, as they existed as of September 6, 2000, within three years, and in the remaining DMAs, as they existed as of September 6, 2000, within five years.

(6) On December 9, 2013, all Existing Licensees will become secondary in the 1990–2025 MHz band. Upon written demand by any MSS Licensee, Existing Licensees must cease operations in the 1990–2025 MHz band within six months.

[65 FR 48181, Aug. 7, 2000, as amended at 67 FR 53756, Aug. 19, 2002; 68 FR 68253, Dec. 8, 2003; 69 FR 62622, Oct. 27, 2004; 69 FR 67836, Nov. 22, 2004]

Subpart C—General Operating Requirements**§ 78.51 Remote control operation.**

(a) A CARS station may be operated by remote control: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission, in Washington, DC, is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description showing the manner of compliance with the following conditions:

(1) The transmitter and associated control system shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) An operator shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position shall also be equipped with suitable devices for observing the overall characteristics of the transmissions and a carrier operated device which will give a continuous visual indication whenever the transmitting antenna is radiating a signal. The transmitting apparatus shall be inspected as often as may be necessary to insure proper operation.

(4) The control circuits shall be so designed and installed that short circuits, open circuits, other line faults, or any other cause which would result in loss of control of the transmitter will automatically cause the transmitter to cease radiating.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes operation by remote control shall include an adequate showing of the manner of compliance with the requirements of this section.

(c) The Commission may notify the licensee not to commence remote control operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action

may appear to be in the public interest, convenience, or necessity.

[37 FR 3292, Feb. 12, 1972, as amended at 41 FR 29695, July 19, 1976; 49 FR 20671, May 16, 1984; 50 FR 23421, June 4, 1985]

§ 78.53 Unattended operation.

(a) A CARS station may be operated unattended: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission, in Washington, DC, is notified at least 10 days prior to the beginning of unattended operation if such operation is not indicated on the station authorization.

(1) The transmitter and associated control circuits shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) If the transmitting apparatus is located at a site which is not readily accessible at all hours and in all seasons, means shall be provided for turning the transmitter on and off at will from a location which can be reached promptly at all hours and in all seasons.

(3) Personnel responsible for the maintenance of the station shall be available on call at a location which will assure expeditious performance of such technical servicing and maintenance as may be necessary whenever the station is operating. In lieu thereof, arrangements may be made to have a person or persons available at all times when the transmitter is operating, to turn the transmitter off in the event that it is operating improperly. The transmitter may not be restored to operation until the malfunction has been corrected by a technically qualified person.

(4) The station licensee shall be responsible for the proper operation of the station at all times and is expected to provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation. All adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its operation shall be performed by or under the immediate supervision of a technically qualified person.

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(b) The Commission may notify the licensee not to commence unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience, or necessity.

(Secs. 1, 2, 301, 307, 48 Stat., as amended 1064, 1081, 1083; (47 U.S.C. 151, 152, 301, 307))

[37 FR 3292, Feb. 12, 1972, as amended at 41 FR 29695, July 19, 1976; 42 FR 61864, Dec. 7, 1977; 43 FR 4617, Feb. 3, 1978; 43 FR 25127, June 9, 1978; 49 FR 20671, May 16, 1984; 50 FR 23422, June 4, 1985; 50 FR 32418, Aug. 12, 1985]

§ 78.55 Time of operation.

A CARS station is not expected to adhere to any prescribed schedule of operation. Continuous radiation of the carrier without modulation is permitted provided harmful interference is not caused to other authorized stations.

[43 FR 25127, June 9, 1978]

§ 78.57 Station inspection.

The station and all records required to be kept by the licensee shall be made available for inspection upon request by any authorized representative of the Commission.

§ 78.59 Posting of station and operator licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction or the equipment or manner of operation shall be posted at the place where the transmitter is located, so that all terms thereof are visible except as otherwise provided in paragraphs (b) and (c) of this section.

(b) In cases where the transmitter is operated by remote control, the documents referred to in paragraph (a) of this section shall be posted in the manner described at the control point of the transmitter.

(c) In cases where the transmitter is operated unattended, the name of the licensee and the call sign of the unattended station shall be displayed at the transmitter site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to with-

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stand normal weathering for a reasonable period of time and shall be maintained in a legible condition at all times by the licensee. The station license and other documents referred to in paragraph (a) of this section shall be kept at the nearest attended station or, in cases where the licensee of the unattended station does not operate attended stations, at the point of destination of the signals relayed by the unattended station.

[37 FR 3292, Feb. 12, 1972, as amended at 49 FR 20671, May 16, 1984]

§ 78.61 Operator requirements.

(a) Except in cases where a CARS station is operated unattended in accordance with § 78.53 or except as provided in other paragraphs of this section, a person shall be on duty at the place where the transmitting apparatus is located, in plain view and in actual charge of its operation or at a remote control point established pursuant to the provision of § 78.51, at all times when the station is in operation. Control and monitoring equipment at a remote control point shall be readily accessible and clearly visible to the operator at that position.

(b) Any transmitter tests, adjustments, or repairs during or coincident with the installation, servicing, operation or maintenance of a CARS station which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person responsible for proper functioning of the station equipment.

(c) The operator on duty and in charge of a CARS station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the rules governing such stations. However, such duties shall in no way impair or impede the required supervision of the CARS station.

(d) CARS stations operating with nominal transmitter power of 250 milliwatts or less may be operated by any person whom the licensee shall designate. Pursuant to this provision, the designated person shall perform as the licensee's agent and proper operation of the station shall remain the licensee's responsibility.

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(e) Mobile CARS stations operating with nominal transmitter power in excess of 250 milliwatts may be operated by any person whom the licensee shall designate: Provided that a person is on duty at a receiving end of the circuit to supervise operation and to immediately institute measures sufficient to assure prompt correction of any condition of improper operation that may be observed.

(Secs. 1, 2, 301, 307, 48 Stat., as amended, 1064, 1081, 1083; (47 U.S.C. 151, 152, 301, 307))

[43 FR 4617, Feb. 3, 1978, as amended at 49 FR 20671, May 16, 1984; 50 FR 32418, Aug. 12, 1985]

§ 78.63 Antenna structure marking and lighting.

The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with part 17 of this chapter. In the event of default by the owner, each licensee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

[61 FR 4368, Feb. 6, 1996]

§ 78.65 Additional orders.

In case the rules of this part do not cover all phases of operation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 78.67 Copies of rules.

The licensee of a CARS station shall have a current copy of this part 78, and, in cases where aeronautical obstruction marking of antennas is required, part 17 of this chapter shall be available for use by the operator in charge. Both the licensee and the operator or operators responsible for the proper operation of the station are expected to be familiar with the rules governing CARS stations. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at nominal cost.

§ 78.69 Station records.

Each licensee of a CARS station shall maintain records showing the following:

(a) For all attended or remotely controlled stations, the date and time of the beginning and end of each period of transmission of each channel;

(b) For all stations, the date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof;

(c) For all stations, the results and dates of the frequency measurements made pursuant to § 78.113 and the name of the person or persons making the measurements;

(d) For all stations, when service or maintenance duties are performed, which may affect a station's proper operation, the responsible operator shall sign and date an entry in the station's records, giving:

(1) Pertinent details of all transmitter adjustments performed by the operator or under the operator's supervision.

(e) When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not employed.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(4) Upon completion of the 3-month periodic inspection required by § 78.63(c):

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(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(f) For all stations, station record entries shall be made in an orderly and legible manner by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the station record when starting duty and again when going off duty.

(g) For all stations, no station record or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.

(h) For all stations, station records shall be retained for a period of not less than 2 years. The Commission reserves the right to order retention of station

records for a longer period of time. In cases where the licensee or permittee has notice of any claim or complaint, the station record shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

[41 FR 29695, July 19, 1976, as amended at 49 FR 20672, May 16, 1984; 50 FR 23422, June 4, 1985]

§ 78.75 Equal employment opportunities.

See Subpart E, Part 76 of this chapter.

[51 FR 9966, Mar. 24, 1986]

Subpart D—Technical Regulations

§ 78.101 Power limitations.

(a) On any authorized frequency, the average power delivered to an antenna shall be the minimum amount of power necessary to carry out the communications desired. In no event shall the average transmitter power or equivalent isotropically radiated power (EIRP) exceed the values specified below.

Frequency band (MHz)	Maximum allowable transmitter power—mobile (W)	Maximum allowable EIRP ^{1,2}	
		Fixed (dBW)	Mobile (dBW)
2,025 to 2,110	20.0 .....	.....	+35
6,425 to 6,525	20.0 .....	.....	+35
6,875 to 7,125	20.0 .....	.....	+35
12,700 to 13,250	1.5	+55	+45
17,700 to 18,600 .....	.....	+55	.....
18,600 to 18,800 ¹ .....	.....	+35	.....
18,800 to 19,700 .....	.....	+55	.....

¹ The power delivered to the antenna is limited to -3 dBW.
² Stations licensed based on an application filed before April 16, 2003, for EIRP values exceeding those specified above, may continue to operate indefinitely in accordance with the terms of their current authorizations, subject to periodic renewal.

(b) LDS stations shall use for the visual signal-vestigial sideband AM transmission. When vestigial sideband AM transmission is used the peak power of the visual signal on all channels shall be maintained within 2 dB of equality. The mean power of the aural signal on each channel shall not exceed a level of 7 dB below the peak power of the visual signal.

(c) The EIRP of transmitters that use Automatic Transmitter Power Control (ATPC) shall not exceed the EIRP spec-

ified on the station authorization. The EIRP of non-ATPC transmitters shall be maintained as near as practicable to the EIRP specified on the station authorization.

[45 FR 78694, Nov. 26, 1980, as amended at 52 FR 7144, Mar. 9, 1987; 65 FR 48182, Aug. 7, 2000; 68 FR 12776, Mar. 17, 2003]

§ 78.103 Emissions and emission limitations.

(a) A CARS station may be authorized to employ any type of emission,

for which there are technical standards incorporated in Subpart D of this part, suitable for the simultaneous transmission of visual and aural television signals.

(b) Any emission appearing on a frequency outside of the channel authorized for a transmitter shall be attenuated below the power of the emission in accordance with the following schedule:

(1) For stations using FM or double sideband AM transmission:

(i) On any frequency above the upper channel limit or below the lower channel limit by between zero and 50 percent of the authorized channel width: At least 25 decibels below the mean power of the emission;

(ii) On any frequency above the upper channel limit or below the lower channel limit by more than 50 percent and up to 150 percent of the authorized channel width: At least 35 decibels below the mean power of the emission; and

(iii) On any frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the authorized channel width: At least $43+10 \log_{10}$ (power in watts) decibels below the mean power of the emission.

(2) For CARS stations using vestigial sideband AM transmission: At least 50 decibels below the peak power of the emission.

(c) For operation in the 17.7-19.7 GHz band:

The mean power of any emission shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) When using frequency modulation:

(i) On any frequency removed from the assigned (center) frequency by more than 50% up to and including 100% of the authorized bandwidth: At least 25 dB;

(ii) On any frequency removed from the assigned (center) frequency by more than 100% up to and including 250% of the authorized bandwidth: At least 35 dB;

(iii) On any frequency removed from the assigned (center) frequency by more than 250% of the authorized bandwidth: At least $43+10 \log_{10}$ (mean out-

put power in watts) dB, or 80 dB, whichever is the lesser attenuation.

(2) When using digital modulation:

(i) In any 1 MHz band, the center frequency of which is removed from the assigned frequency by more than 50% up to and including 250% of the authorized bandwidth: As specified by the following equation but in no event less than 11 dB.

$$A = 11 + 0.4 (P - 50) + 10 \log_{10} B$$

where:

A=Attenuation (in dB) below the mean output power level.

P=Percent removed from the carrier frequency.

B=Authorized bandwidth in MHz.

[Attenuation greater than 56 decibels is not required.]

(ii) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 250% of the authorized bandwidth: At least $43=10 \log_{10}$ (mean output power in watts) dB, or 80 dB, whichever is the lesser attenuation.

(3) Amplitude Modulation:

For vestigial sideband AM video: On any frequency removed from the center frequency of the authorized band by more than 50%: at least 50 dB below peak power of the emission.

(d) In the event that interference to other stations is caused by emissions outside the authorized channel, the Commission may require greater attenuation than that specified in paragraph (b) of this section.

(e) The maximum bandwidth that will be authorized per frequency assignment is set out in the table that follows. Regardless of the maximum authorized bandwidth specified for each frequency band, the Commission reserves the right to issue a license for less than the maximum bandwidth if it appears that a bandwidth less than the maximum would be sufficient to support an applicant's intended communications.

Frequency band (MHz)	Maximum authorized band-width (MHz)
1,990 to 2,110	17 or 18. ¹
6,425 to 6,525	8 or 25.
6,875 to 7,125	25.
12,700 to 13,250	25.

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Frequency band (MHz)	Maximum authorized band-width (MHz)
17,700 to 19,700	80.

¹ After a licensee has been relocated in accordance with § 78.40, the maximum authorized bandwidth in the frequency band 2025 to 2010 MHz will be 12 megahertz.

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15927, Aug. 8, 1972; 38 FR 16648, June 25, 1973; 39 FR 26025, July 16, 1974; 48 FR 50736, Nov. 3, 1983; 49 FR 37779, Sept. 26, 1984; 52 FR 7145, Mar. 9, 1987; 65 FR 48182, Aug. 7, 2000; 68 FR 12776, Mar. 17, 2003; 68 FR 68253, Dec. 8, 2003]

§ 78.104 Authorized bandwidth and emission designator.

(a) The authorized bandwidth permitted to be used by a CARS station and specified in the station license shall be the occupied or necessary bandwidth, whichever is greater, except when otherwise authorized by the Commission in accordance with paragraph (b) of this section.

(b) As an exception to the provision of paragraph (a) of this section, the Commission may approve requests to base the authorized bandwidth for the station on the lesser of the occupied or necessary bandwidth where a persuasive showing is made that:

(1) The frequency stability of the transmitting equipment to be used will permit compliance with § 78.103(b)(1) and, additionally, will permit 99 percent of the total radiated power to be kept within the frequency limits of the assigned channel.

(c) The emission designator shall be specified in terms of the necessary

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bandwidth. (See § 2.201(a) of this chapter.)

[39 FR 26025, July 16, 1974, as amended at 45 FR 78694, Nov. 26, 1980]

§ 78.105 Antenna systems.

(a) For fixed stations operating in the 12.7-13.2 GHz and 17.7-19.7 GHz bands, the following standards apply:

(1) Fixed CARS stations shall use directional antennas that meet the performance standards indicated in the following table.

(i) Stations must employ an antenna that meets the performance standards for Category B. In areas subject to frequency congestion, where proposed facilities would be precluded by continued use of a Category B antenna, a Category A antenna must be employed. The Commission may require the use of a high performance antenna where interference problems can be resolved by the use of such antennas.

(ii) Upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized. Applicants shall request and authorization for stations in this service will specify the polarization of each transmitted signal.

(iii) Licensees shall comply with the antenna standards table shown in this paragraph in the following manner:

(A) With either the maximum beamwidth to 3 dB points requirement or with the minimum antenna gain requirement; and

(B) With the minimum radiation suppression to angle requirement.

ANTENNA STANDARDS

Frequency (MHz)	Category	Maximum beamwidth to 3 dB points ¹ (included angle in degrees)	Minimum antenna gain (dbi)	Minimum radiation suppression to angle in degrees from centerline of main beam in decibels						
				5° to 10°	10° to 15°	15° to 20°	20° to 30°	30° to 100°	100° to 140°	140° to 180°
12,700 to 13,250	A	1.0	n/a	23	28	35	39	41	42	50
	B	2.0	n/a	20	25	28	30	32	37	47
17,700 to 19,700	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36

¹ If a licensee chooses to show compliance using maximum beamwidth to 3 dB points, the beamwidth limit shall apply in both the azimuth and the elevation planes.

(2) New periscope antenna systems that the radiation, in a horizontal plane, from an illuminating antenna will be authorized upon a certification

and reflector combination meets or exceeds the antenna standards of this section. This provision similarly applies to passive repeaters employed to redirect or repeat the signal from a station's directional antenna system.

(3) The choice of receiving antennas is left to the discretion of the licensee. However, licensees will not be protected from interference which results from the use of antennas with poorer performance than defined in paragraph (a) of this section.

(4) Pickup stations are not subject to the performance standards herein stated. The provisions of this paragraph are effective for all new applications accepted for filing after October 1, 1981.

(b) Any fixed station licensed pursuant to an application accepted for filing prior to October 1, 1981, may continue to use its existing antenna system, subject to periodic renewal until April 1, 1992. After April 1, 1992, all licensees are to use antenna systems in conformance with the standards of this section. TV auxiliary broadcast stations are considered to be located in an area subject to frequency congestion and must employ a Category A antenna when:

(1) A showing by an applicant of a new CAR service or TV auxiliary broadcast, which shares the 12.7-13.20 GHz band with CARS, indicates that use of a category B antenna limits a proposed project because of interference, and

(2) That use of a category A antenna will remedy the interference thus allowing the project to be realized.

(c) As an exception to the provisions of this section, the FCC may approve requests for use of periscope antenna systems where a persuasive showing is made that no frequency conflicts exist in the area of proposed use. Such approvals shall be conditioned to require conversion to a standard antenna as required in paragraph (a) of this section when an applicant of a new TV auxiliary broadcast or Cable Television Relay station indicates that the use of the existing antenna system will cause interference and the use of a category A or B antenna will remedy the interference.

(d) As a further exception to the provision of paragraph (a) of this section

the Commission may approve antenna systems not conforming to the technical standards where a persuasive showing is made that:

(1) Indicates in detail why an antenna system complying with the requirements of paragraph (a) of this section cannot be installed, and

(2) Includes a statement indicating that frequency coordination as required in § 78.18a was accomplished.

[45 FR 78694, Nov. 26, 1980, as amended at 49 FR 37779, Sept. 26, 1984; 50 FR 7343, Feb. 22, 1985; 51 FR 19841, June 3, 1986; 56 FR 50664, Oct. 8, 1991; 62 FR 4923, Feb. 3, 1997; 68 FR 12776, Mar. 17, 2003]

§ 78.106 Interference to geostationary-satellites.

Applicants and licensees must comply with § 101.145 of this chapter to minimize the potential of interference to geostationary-satellites.

[68 FR 12776, Mar. 17, 2003]

§ 78.107 Equipment and installation.

(a) Applications for new cable television relay stations, other than fixed stations, will not be accepted unless the equipment specified therein has been certificated. In the case of fixed stations, the equipment must be authorized under the verification procedure for use pursuant to the provisions of this subpart. Transmitters designed for use in the 31.0 to 31.3 GHz band shall be authorized under the verification procedure.

(1) All transmitters first licensed or marketed shall comply with technical standards of this subpart. This paragraph (b)(1) of this section is effective October 1, 1981.

(2) Neither certification nor verification is required for the following transmitters:

(i) Those which have an output power not greater than 250 mW and which are used in a CARS pickup station operating in the 12.7-13.2 GHz band; and

(ii) Those used under a developmental authorization.

(b) Cable television relay station transmitting equipment authorized to be used pursuant to an application accepted for filing prior to October 1, 1981, may continue to be used, provided, that if operation of such equipment causes harmful interference due

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to its failure to comply with the technical standards set forth in this subpart the Commission may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(c) The installation of a CARS station shall be made by or under the immediate supervision of a qualified engineer. Any tests or adjustments requiring the radiation of signals and which could result in improper operation shall be conducted by or under the immediate supervision of a person with required knowledge and skill to perform such tasks.

(d) Simple repairs such as the replacement of tubes, fuses, or other plug-in components which require no particular skill may be made by an unskilled person. Repairs requiring replacement of attached components or the adjustment of critical circuits or corroborative measurements shall be made only by a person with required knowledge and skill to perform such tasks.

[37 FR 3292, Feb. 12, 1972, as amended at 45 FR 78695, Nov. 26, 1980; 49 FR 4001, Feb. 1, 1984; 49 FR 20672, May 16, 1984; 50 FR 7343, Feb. 22, 1985; 63 FR 36606, July 7, 1998; 63 FR 49870, Sept. 18, 1998]

§ 78.108 Minimum path lengths for fixed links.

(a) The distance between end points of a fixed link must equal or exceed the value set forth in the table below or the EIRP must be reduced in accordance with the equation set forth below.

Frequency band (MHz)	Minimum path length (km)
12,200 to 13,250	5
Above 17,700	N/A

(b) For paths shorter than those specified in the Table, the EIRP shall not exceed the value derived from the following equation.

$$\text{EIRP} = \text{MAXEIRP} - 40 \log(A/B) \text{ dBW}$$

Where:

EIRP = The new maximum EIRP (equivalent isotropically radiated power) in dBW.

MAXEIRP = Maximum EIRP as set forth in the Table in § 74.636 of this part.

A = Minimum path length from the Table above for the frequency band in kilometers.

B = The actual path length in kilometers.

NOTE TO PARAGRAPH (b): For transmitters using Automatic Transmitter Power Control, EIRP corresponds to the maximum transmitter power available, not the coordinated transmit power or the nominal transmit power.

(c) Upon an appropriate technical showing, applicants and licensees unable to meet the minimum path length requirement may be granted an exception to these requirements.

NOTE: Links authorized prior to April 1, 1987, are excluded from this requirement, except that, effective April 1, 1992, the Commission will require compliance with the criteria where an existing link would otherwise preclude establishment of a new link.

[52 FR 7145, Mar. 9, 1987, as amended at 68 FR 12776, Mar. 17, 2003]

§ 78.109 Major and minor modifications to stations.

(a) Amendments to applications and modifications to stations are classified as major or minor. A major modification requires a formal application. A major amendment to an application is treated as a new application.

(b) Major modifications to a station or amendments to an application include, but are not limited to:

- (1) Any increase in bandwidth;
- (2) Any change in the transmitting antenna system of a station, other than a CARS pickup station, including the direction of the main radiation lobe, directive pattern, antenna gain or transmission line, antenna height or location;
- (3) Any change in the type of modulation;

(4) Any change in the location of a station transmitter, other than a CARS pickup station transmitter, except a move within the same building or upon the tower or mast or a change in the area of operation of a CARS pickup station;

- (5) Any change in frequency assignment, including polarization;
- (6) Any increase in authorized operating power;
- (7) Any substantial change in ownership or control;
- (8) Any addition or change in frequency, excluding removing a frequency;
- (9) Any modification or amendment requiring an environmental assessment (as governed by §§ 1.1301 through 1319 of

this chapter, including changes affecting historic preservation under §1.1307(a)(4) of this chapter and 16 U.S.C. 470 (National Historic Preservation Act));

(10) Any request requiring frequency coordination; or

(11) Any modification or amendment requiring notification to the Federal Aviation Administration as defined in 47 CFR 17, subpart B.

(c) Minor changes may be made at the discretion of the licensee, provided proper notice is given to the Commission within 30 days of implementing the change and provided further, that the changes are appropriately reflected in the next application for renewal of the license for the station.

(d) For applications and modifications, the following changes are considered minor:

(1) Any name change not involving change in ownership or control of the license;

(2) Any change to administrative information, e.g., address, telephone number, or contact person;

(3) Any change in ownership that does not affect the identity or controlling interest of the licensee;

(4) Lowering power;

(5) Removing one or more channels; or

(6) Deleting a path.

[68 FR 27004, May 19, 2003]

§ 78.111 Frequency tolerance.

Stations in this service shall maintain the carrier frequency of each authorized transmitter to within the following percentage of the assigned frequency.

Frequency band (MHz)	Frequency tolerance	
	Fixed (percent)	Mobile (percent)
1,990 to 2,110 .....	.....	0.005
6,425 to 6,525 .....	.....	0.005
6,875 to 7,125 .....	.....	0.005
12,700 to 13,250 ¹	0.005	0.005
17,700 to 18,820	0.003	.....
18,820 to 18,920	0.001	.....
18,920 to 19,700	0.003	.....

¹ Stations that employing vestigial sideband AM transmissions shall maintain their operating frequency within 0.0005% the visual carrier, and the aural carrier shall be 4.5 MHz ±1 kHz above the visual carrier frequency.

[52 FR 7145, Mar. 9, 1987, as amended at 68 FR 12776, Mar. 17, 2003]

§ 78.113 Frequency monitors and measurements.

(a) The licensee of each CARS station shall employ a suitable procedure to determine that the carrier frequency of each transmitter is maintained within the tolerance prescribed in §78.111 at all times. The determination shall be made, and the results thereof entered in the station records; when a transmitter is initially installed; when any change is made in a transmitter which may affect the carrier frequency or the stability thereof; or in any case at intervals not exceeding one year.

(b) The choice of apparatus to measure the operating frequency is left to the discretion of the licensee. However, failure of the apparatus to detect departures of the operating frequency in excess of the prescribed tolerance will not be deemed an acceptable excuse for the violation.

[37 FR 3292, Feb. 12, 1972, as amended at 41 FR 29696, July 19, 1976; 50 FR 23422, June 4, 1985]

§ 78.115 Modulation limits.

(a) If amplitude modulation is employed, negative modulation peaks shall not exceed 100 percent modulation.

[37 FR 3292, Feb. 12, 1972, as amended at 45 FR 78696, Nov. 26, 1980]

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[50 FR 38537, Sept. 23, 1985, as amended at 63 FR 36606, July 7, 1998]

PART 79—CLOSED CAPTIONING AND VIDEO DESCRIPTION OF VIDEO PROGRAMMING

- Sec.
 79.1 Closed captioning of video programming.
 79.2 Accessibility of programming providing emergency information.
 79.3 Video description of video programming.
- AUTHORITY: 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 613.
 SOURCE: 62 FR 48493, Sept. 16, 1997, unless otherwise noted.

§ 79.1 Closed captioning of video programming.

(a) *Definitions.* For purposes of this section the following definitions shall apply:

(1) *Video programming.* Programming provided by, or generally considered comparable to programming provided by, a television broadcast station that is distributed and exhibited for residential use. Video programming includes advertisements of more than five minutes in duration but does not include advertisements of five minutes' duration or less.

(2) *Video programming distributor.* Any television broadcast station licensed by the Commission and any multi-channel video programming distributor as defined in § 76.1000(e) of this chapter, and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. An entity contracting for program distribution over a video programming distributor that is itself exempt from captioning that programming pursuant to paragraph (e)(9) of this section shall itself be treated as a video programming distributor for purposes of this section To the extent such video programming is not otherwise exempt