

§ 74.23

be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

[61 FR 4368, Feb. 6, 1996]

§ 74.23 Interference jeopardizing safety of life or protection of property.

(a) The licensee of any station authorized under this part that causes harmful interference, as defined in § 2.1 of the Commission's rules, to radio communications involving the safety of life or protection of property shall promptly eliminate the interference.

(b) If harmful interference to radio communications involving the safety of life or protection of property cannot be promptly eliminated and the Commission finds that there exists an imminent danger to safety of life or protection of property, pursuant to 47 U.S.C. 312 (b) and (e) and 5 U.S.C. 558, operation of the offending equipment shall temporarily be suspended and shall not be resumed until the harmful interference has been eliminated or the threat to the safety of life or property has passed. In situations where the protection of property alone is jeopardized, before taking any action under this paragraph, the Commission shall balance the nature and extent of the possible property damage against the potential harm to a licensee or the public caused by suspending part 74 operations. When specifically authorized, short test operations may be made during the period of suspended operation to check the efficacy of remedial measures.

[47 FR 1395, Jan. 13, 1982]

§ 74.24 Short-term operation.

All classes of broadcast auxiliary stations provided for in subparts D, E, F and H of this part, except wireless video assist devices, may be operated on a short-term basis under the authority conveyed by a part 73 license or a broadcast auxiliary license without prior authorization from the FCC, subject to the following conditions:

(a) Licensees operating under this provision must be eligible to operate the particular class of broadcast auxiliary station.

(b) The short-term broadcast auxiliary station shall be operated in con-

47 CFR Ch. I (10–1–08 Edition)

formance with all normally applicable regulations to the extent they are not superseded by specific provisions of this section.

(c) Short-term operation is on a secondary, non-interference basis to regularly authorized stations and shall be discontinued immediately upon notification that perceptible interference is being caused to the operation of a regularly authorized station. Short-term station operators shall, to the extent practicable, use only the effective radiated power and antenna height necessary for satisfactory system performance.

(d) Short-term operation under this section shall not exceed 720 hours annually per frequency.

NOTE TO PARAGRAPH (d): Certain frequencies shared with other services which are normally available for permanent broadcast auxiliary station assignment may not be available for short-term operation. Refer to any note(s) which may be applicable to the use of a specific frequency prior to initiating operation.

(e) The antenna height of a station operated pursuant to this section shall not increase the height of any man-made antenna supporting structure, or increase by more than 6.1 meters (20 feet) the height of any other type of man-made structure or natural formation. However, the facilities of an authorized broadcast auxiliary station belonging to another licensee may be operated in accordance with the terms of its outstanding authorization.

(f) Stations operated pursuant to this section shall be identified by the transmission of the call sign of the associated part 73 broadcast station or broadcast auxiliary station, or, in the case of stations operated by broadcast network and cable network entities, by the network or cable entity's name and base of operations city.

(g) Prior to operating pursuant to the provisions of this section, licensees shall, for the intended location or area-of-operation, notify the appropriate frequency coordination committee or any licensee(s) assigned the use of the proposed operating frequency, concerning the particulars of the intended operation and shall provide the name and telephone number of a person who

may be contacted in the event of interference. Except as provided herein, this notification provision shall not apply where an unanticipated need for immediate short-term mobile station operation would render compliance with the provisions of this paragraph impractical.

(1) A CARS licensee shall always be given advance notification prior to the commencement of short-term operation on or adjacent to an assigned frequency.

(2) The Commission may designate a frequency coordinator as the single point of contact under this section for advance coordination of major national and international events. Once designated, all short-term auxiliary broadcast use under this section must be coordinated in advance through the designated coordinator.

(i) Coordinators under this provision will not be designated unless the Commission receives an initial request, in writing, to designate a coordinator.

(ii) The Commission will issue a Public Notice with information regarding the designation of such a coordinator.

(iii) All coordination must be done on a non-discriminatory basis.

(iv) All licensees must abide by the decision of the coordinator. The Commission will be the final arbiter of any disputes.

(3) An unanticipated need will never be deemed to exist for a scheduled event, such as a convention, sporting event, etc.

(h) Short-term operation is limited to areas south or west of the United States-Canada border as follows:

(1) Use of broadcast auxiliary service frequencies below 470 MHz is limited to areas of the United States south of Line A or west of Line C unless the effective radiated power of the station is 5 watts or less. See §1.928(e) of this chapter for a definition of Line A and Line C.

(2) A broadcast auxiliary service station operating on frequencies between 470 MHz and 1 GHz must be at least 56.3 kilometers (35 miles) south (or west, as appropriate) of the United States-Canada border if the antenna looks within a 200° sector toward the border; or, the station must be at least 8.1 kilometers (5 miles) south (or west, as appropriate)

if the antenna looks within a 160° sector away from the border. However, operation is not permitted in either of these two situations if the station would be within the coordination distance of a receiving earth station in Canada which uses the same frequency band. (The coordination distance is the distance, calculated for any station, according to Appendix 28 of the International Radio Regulations.)

(3) A broadcast auxiliary service station operating on frequencies above 1 GHz shall not be located within the coordination distance of a receiving earth station in Canada which uses the same frequency band. (The coordination distance is the distance, calculated for any station, according to Appendix 28 of the international Radio Regulations.)

(i) Short-term operation of a remote pickup broadcast base station, a remote pickup automatic relay station, an aural broadcast STL station, an aural broadcast intercity relay station, a TV STL station, a TV intercity relay station or a TV translator relay station in the National Radio Quiet Zone, the Table Mountain Radio Receiving Zone, or near FCC monitoring stations is subject to the same advance notification procedures applicable to regular applications as provided for in §§ 73.1030 and 74.12, except that inasmuch as short-term operation does not involve an application process, the provisions relating to agency objection procedures shall not apply. It shall simply be necessary for the licensee to contact the potentially affected agency and obtain advance approval for the proposed short-term operation. Where protection to FCC monitoring stations is concerned, approval for short-term operation may be given by the District Director of a Commission field facility.

(j)(1) This paragraph applies only to operations which will transmit on frequencies under 15 GHz. Prior to commencing short-term operation of a remote pickup broadcast station, a remote pickup automatic relay station, an aural broadcast STL station, an aural broadcast intercity relay station, a TV STL station, a TV intercity relay station, a TV translator relay station, a TV pickup station, or a TV microwave booster station within the 4-mile

§ 74.25

(6.4 kilometer) radius Commonwealth of Puerto Rico Protection Zone (centered on NAD-83 Geographical Coordinates North Latitude 18°20'38.28", West Longitude 66°45'09.42"), an applicant must notify the Arecibo Observatory, located near Arecibo, Puerto Rico. Operations within the Puerto Rico Coordination Zone (*i.e.*, on the islands of Puerto Rico, Desecheo, Mona, Vieques, or Culebra), but outside the Protection Zone, whether short term or long term, shall provide notification to the Arecibo Observatory prior to commencing operation. Notification should be directed to the following: Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612, Tel. (809) 878-2612, Fax (809) 878-1861, E-mail prcz@naic.edu.

(2) Notification of short-term operations may be provided by telephone, fax, or electronic mail. The notification for long-term operations shall be written or electronic, and shall set forth the technical parameters of the proposed station, including the geographical coordinates of the 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 radiated power, and whether the proposed use is itinerant. Applicants may wish to consult interference guidelines, which will be provided by Cornell University. In addition, the applicant shall indicate in its application to the Commission the date notification was made to the Observatory. Generally, submission of the information in the technical portion of the FCC license application is adequate notification. After receipt of such applications in non-emergency situations, 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

47 CFR Ch. I (10-1-08 Edition)

from interference, its application may be granted. In emergency situations in which prior notification or approval is not practicable, notification or approval must be accomplished as soon as possible after operations begin.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1032; 47 U.S.C. 158, 303)

[47 FR 9219, Mar. 4, 1982, as amended at 49 FR 34356, Aug. 30, 1984; 50 FR 23709, June 5, 1985; 62 FR 55532, Oct. 27, 1997; 68 FR 12762, Mar. 17, 2003; 70 FR 31373, June 1, 2005]

§ 74.25 Temporary conditional operating authority.

An applicant for a new broadcast auxiliary radio service station or a modification of an existing station under subparts D, E, F, or H of this part may operate the proposed station during the pendency of its applications upon the filing of a properly completed formal application that complies with the rules for the particular class of station, provided that the conditions set forth are satisfied.

(a) *Conditions applicable to all broadcast auxiliary stations.* (1) Stations operated pursuant to this section shall be identified by the transmission of the call sign of the associated part 73 of this chapter broadcast station, if one exists, or the prefix "WT" followed by the applicant's local business telephone number for broadcast or cable network entities.

(2) The antenna structure(s) has been previously studied by the Federal Aviation Administration and determined to pose no hazard to aviation safety as required by subpart B of part 17 of this chapter; or the antenna or tower structure does not exceed 6.1 meters above ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has not been previously studied by the Federal Aviation Administration and cleared by the FCC;

(3) The grant of the application(s) does not require a waiver of the Commission's rules;

(4) The applicant has determined that the facility(ies) will not significantly affect the environment as defined in § 1.1307 of this chapter;

(5) The station site does not lie within an area identified in § 1.924 of this chapter.