

§ 78.3

47 CFR Ch. I (10–1–09 Edition)

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:

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 repeatered 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 translator 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