

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.

(b) *Conditions applicable to remote pickup broadcast auxiliary stations.* (1) The auxiliary station must be located

within 80 km (50 mi) of the broadcast studio or broadcast transmitter.

(2) The applicant must coordinate the operation with all affected co-channel and adjacent channel licensees in the area of operation. This requirement can be satisfied by coordination with the local frequency committee if one exists.

(3) Operation under this provision is not permitted between 152.87 MHz and 153.35 MHz.

(c) *Conditions applicable to aural and television broadcast auxiliary stations.* (1) The applicable frequency coordination procedures have been successfully completed and the filed application is consistent with that coordination.

(2) The station site does not lie within an area requiring international coordination.

(3) If operated on frequencies in the 17.8–19.7 GHz band for any services or on frequencies in the 17.7–17.8 GHz band for MVPD operations, the station site does not lie within any of the areas identified in § 1.924 of this chapter.

(d) Operation under this section shall be suspended immediately upon notification from the Commission or by the District Director of a Commission field facility, and shall not be resumed until specific authority is given by the Commission or District Director. When authorized by the District Director, short test operations may be made.

(e) Conditional authority ceases immediately if the application(s) is returned by the Commission because it is not acceptable for filing.

(f) Conditional authorization does not prejudice any action the Commission may take on the subject application(s). Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission’s discretion, the need for such action arises. An applicant operating pursuant to this conditional authority assumes all risks associated with such operation, the termination or modification of the conditional authority, or the subsequent dismissal or denial of its application(s).

[68 FR 12762, Mar. 17, 2003, as amended at 69 FR 17958, Apr. 6, 2004; 71 FR 69048, Nov. 29, 2006]