

Federal Communications Commission

§ 78.33

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 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 li-

cense 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

§ 78.35

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

47 CFR Ch. I (10–1–10 Edition)

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 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.