

### § 73.558

### 47 CFR Ch. I (10–1–11 Edition)

vertically polarized ERP will be the maximum horizontally polarized ERP permissible at the same proposed antenna height, calculated without the adjustment for television receiving antenna directivity specified in paragraph (e)(1)(iii) of this section, multiplied by either: 40 if the predicted interference area lies entirely outside the limits of a city of 50,000 persons or more; or 10 if it does not.

(ii) If the applicant chooses to use mixed polarity, the permissible ERP is as follows:

$[H+(V/A)]$  is no greater than P

Where:

H is the horizontally polarized ERP in kilowatts for mixed polarity;

V is the vertically polarized ERP in kilowatts for mixed polarity;

A is 40 if the predicted interference area lies entirely outside the limits of a city of 50,000 persons or more, or 10 if it does not; and

P is the maximum permitted horizontally polarized-only power in kilowatts.

(f) *Channel 200 Applications.* No application for use of NCE-FM Channel 200 will be accepted if the requested facility would cause objectionable interference to TV Channel 6 operations. Such objectionable interference will be considered to exist whenever the 15 dBu contour based on the F(50,10) curves in § 73.333 Figure 1a would overlap the 40 dBu contour based on the F(50,50) curves in § 73.699, Figure 9.

[50 FR 27963, July 9, 1985; 50 FR 30187, July 24, 1985; 50 FR 31379, Aug. 2, 1985, as amended at 51 FR 26250, July 22, 1986; 52 FR 25867, July 9, 1987; 62 FR 51059, Sept. 30, 1997]

### § 73.558 Indicating instruments.

The requirements for indicating instruments described in § 73.258 are applicable to all educational FM broadcast stations licensed with a transmitter power greater than 0.01 kw.

[51 FR 17029, May 8, 1986]

### § 73.561 Operating schedule; time sharing.

(a) All noncommercial educational FM stations will be licensed for unlimited time operation except those stations operating under a time sharing arrangement. All noncommercial educational FM stations are required to

operate at least 36 hours per week, consisting of at least 5 hours of operation per day on at least 6 days of the week; however, stations licensed to educational institutions are not required to operate on Saturday or Sunday or to observe the minimum operating requirements during those days designated on the official school calendar as vacation or recess periods.

(b) All stations, including those meeting the requirements of paragraph (a) of this section, but which do not operate 12 hours per day each day of the year, will be required to share use of the frequency upon the grant of an appropriate application proposing such share time arrangement. Such applications shall set forth the intent to share time and shall be filed in the same manner as are applications for new stations. They may be filed at any time, but in cases where the parties are unable to agree on time sharing, action on the application will be taken only in connection with the renewal of application for the existing station. In order to be considered for this purpose, such an application to share time must be filed no later than the deadline for filing petitions to deny the renewal application of the existing licensee, or, in the case of renewal applications filed by the existing licensee on or before May 1, 1995, no later than the deadline for filing applications in conflict with the such renewal applications.

(1) The licensee and the prospective licensee(s) shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and shall set forth which licensee is to operate on each of the hours of the day throughout the year. Such agreement shall not include simultaneous operation of the stations. Each licensee shall file the same in triplicate with each application to the Commission for initial construction permit or renewal of license. Such written agreements shall become part of the terms of each station's license.

(2) The Commission desires to facilitate the reaching of agreements on time sharing. However, if the licensees of stations authorized to share time are unable to agree on a division of

time, the Commission shall be so notified by statement to that effect filed with the application proposing time sharing. Thereafter the Commission will designate the application for hearing on any qualification issues arising regarding the renewal or new applicants. If no such issues pertain, the Commission will set the matter for expedited hearing limited solely to the issue of the sharing of time. In the event the stations have been operating under a time sharing agreement but cannot agree on its continuation, a hearing will be held, and pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

(c) A departure from the regular schedule set forth in a time-sharing agreement will be permitted only in cases where a written agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby, and is filed in triplicate by each licensee with the Commission, Attention: Audio Division, Media Bureau, prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of the written agreement, provided that appropriate notice is sent to the Commission in Washington, DC, Attention: Audio Division, Media Bureau.

(d) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) or (b) of this section or to continue operating, the station may limit or discontinue operation for a period not exceeding 30 days without further authority from the Commission provided that notification is sent to the Commission in Washington, DC, Attention: Audio Division, Media Bureau, no later than the 10th day of limited or discontinued operation. During such period, the permittee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will notify the FCC, Attention: Audio Division of the date that normal operations resumed. If causes beyond

the control of the permittee or licensee make it impossible to comply within the allowed period, Special Temporary Authority (see § 73.1635) must be requested to remain silent for such additional time as deemed necessary. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of license to the contrary.

NOTE 1 TO § 73.561: For allocations purposes, both (all) stations sharing time will be treated as unlimited time stations.

NOTE 2 TO § 73.561: See §§ 73.1705, 73.1715, and 73.1740.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

[43 FR 39717, Sept. 6, 1978, as amended at 43 FR 45845, Oct. 4, 1978; 44 FR 3416, Jan. 19, 1979; 44 FR 65764, Nov. 15, 1979; 47 FR 54448, Dec. 3, 1982; 50 FR 13974, Apr. 9, 1985; 61 FR 18291, Apr. 25, 1996; 61 FR 28767, June 6, 1996; 63 FR 33877, June 22, 1998; 67 FR 13231, Mar. 21, 2002]

#### § 73.567 Determining operating power.

The procedures for determining operating power described in § 73.267 are applicable to noncommercial education FM stations.

[44 FR 58732, Oct. 11, 1979]

#### § 73.593 Subsidiary communications services.

The licensee of a noncommercial educational FM station is not required to use its subcarrier capacity, but if it chooses to do so, it is governed by §§ 73.293 through 73.295 of the Commission's Rules regarding the types of permissible subcarrier uses and the manner in which subcarrier operations shall be conducted; *Provided*, however, that remunerative use of a station's subcarrier capacity shall not be detrimental to the provision of existing or potential radio reading services for the blind or otherwise inconsistent with its public broadcasting responsibilities.

[48 FR 26615, June 9, 1983]

#### § 73.597 FM stereophonic sound broadcasting.

A noncommercial educational FM broadcast station may, without specific authority from the FCC, transmit