

that it also pays a late fee equal to five (5) percent of the amount due in accordance with § 1.2109(a) of this chapter. Construction of the FM translator station shall not commence until the grant of such permit to the winning bidder and only after full and timely payment of winning bids and any applicable late fees.

(iii) All long-form applications will be cut-off as of the date of filing with the FCC and will be protected from subsequently filed long-form translator applications. Applications will be required to protect all previously filed applications. Winning bidders filing long-form applications may change the technical proposals specified in their previously submitted short-form applications, but such change may not constitute a major change. If the submitted long-form application would constitute a major change from the proposal submitted in the short-form application or the allotment, the long-form application will be returned pursuant to paragraph (d)(2)(i) of this section.

(e) Selection of mutually exclusive reserved band FM translator applications.

(1) Applications for FM translator stations proposing to provide fill-in service (within the primary station's protected contour) of the commonly owned primary station will be given priority over all other applications.

(2) Where applications for FM translator stations are mutually exclusive and do not involve a proposal to provide fill-in service of commonly owned primary stations, the FCC may stipulate different frequencies as necessary for the applicants.

(3) Where there are no available frequencies to substitute for a mutually exclusive application, the FCC will apply the same point system identified for full service reserved band FM stations in § 73.7003(b) of this chapter. In the event of a tie, the FCC will consider:

(i) *Existing authorizations.* Each applicant's number of existing radio authorizations (licenses and construction permits for AM, FM, and FM-translators but excluding fill-in translators) as of the time of application shall be compared, and the applicant with the few-

est authorizations will be chosen as tentative selectee. If each applicant is applying for a fill-in translator only, and consideration of its other radio stations is not dispositive, its number of existing fill-in translator authorizations will also be considered, and the fill-in applicant with the fewest fill-in authorizations will be chosen as tentative selectee.

(ii) *Existing applications.* If a tie remains, after the tie breaker in paragraph (e)(3)(i) of this section, the remaining applicant with the fewest pending radio new and major change applications (AM, FM, and non fill-in FM translators) will be chosen as tentative selectee. If each applicant is applying for a fill-in translator only, and consideration of its other radio stations is not dispositive, its number of existing fill-in translator applications will also be considered, and the fill-in applicant with the fewest fill-in authorizations will be chosen as tentative selectee.

(iii) Where the procedures in paragraphs (e)(1), (e)(2) and (e)(3)(i) and (e)(3)(ii) of this section fail to resolve the mutual exclusivity, the applications will be processed on a first-come-first-served basis.

[63 FR 48632, Sept. 11, 1998, as amended at 64 FR 19502, Apr. 21, 1999; 65 FR 36382, June 8, 2000; 66 FR 15357, Mar. 19, 2001; 67 FR 45375, July 9, 2002; 68 FR 26229, May 15, 2003; 71 FR 6229, Feb. 7, 2006; 76 FR 18953, Apr. 6, 2011]

#### § 74.1234 Unattended operation.

(a) A station authorized under this subpart may be operated without a designated person in attendance if the following requirements are met:

(1) If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons.

(2) The transmitter shall also be equipped with suitable automatic circuits which will place it in a nonradiating condition in the absence of a signal on the input channel.

(3) The on-and-off control (if at a location other than the transmitter site) and the transmitting apparatus, shall

be adequately protected against tampering by unauthorized persons.

(4) The FCC in Washington, DC, Attention: Audio Division, Media Bureau, shall be supplied by letter with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator promptly should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

(5) Where the antenna and supporting structure are required to be painted and lighted under the provisions of Part 17 of this chapter, the licensee shall make suitable arrangements for the daily inspection and logging of the obstruction lighting and associated control equipment as required by §§ 17.47, 17.48, and 17.49 of this chapter.

(b) An application for authority to construct a new station pursuant to this subpart or to make changes in the facilities of such a station, which proposes unattended operation shall include an adequate showing as to the manner of compliance with this section.

[35 FR 15388, Oct. 2, 1970, as amended at 37 FR 18540, Sept. 13, 1972; 38 FR 25992, Sept. 17, 1973; 60 FR 55484, Nov. 1, 1995; 63 FR 33879, June 22, 1998; 67 FR 13234, Mar. 21, 2002]

**§ 74.1235 Power limitations and antenna systems.**

(a) An application for an FM translator station filed by the licensee or permittee of the primary station to provide fill-in service within the primary station's coverage area will not be accepted for filing if it specifies an effective radiated power (ERP) which exceeds 250 watts.

(b) An application for an FM translator station, other than one for fill-in service which is covered in paragraph (a) of this section, will not be accepted for filing if it specifies an effective radiated power (ERP) which exceeds the maximum ERP (MERP) value determined in accordance with this paragraph. The antenna height above average terrain (HAAT) shall be determined in accordance with § 73.313(d) of this chapter for each of 12 distinct radials, with each radial spaced 30 degrees apart and with the bearing of the first radial bearing true north. Each radial

HAAT value shall be rounded to the nearest meter. For each of the 12 radial directions, the MERP is the value corresponding to the calculated HAAT in the following tables that is appropriate for the location of the translator. For an application specifying a nondirectional transmitting antenna, the specified ERP must not exceed the smallest of the 12 MERP's. For an application specifying a directional transmitting antenna, the ERP in each azimuthal direction must not exceed the MERP for the closest of the 12 radial directions.

(1) For FM translators located east of the Mississippi River or in Zone I-A as described in § 73.205(b) of this chapter:

Radial HAAT (meters)	Maximum ERP (MERP in watts)
Less than or equal to 32 .....	250
33 to 39 .....	170
40 to 47 .....	120
48 to 57 .....	80
58 to 68 .....	55
69 to 82 .....	38
83 to 96 .....	27
97 to 115 .....	19
116 to 140 .....	13
Greater than or equal to 141 .....	10

(2) For FM translators located in all other areas:

Radial HAAT (meters)	Maximum ERP (MERP in watts)
Less than or equal to 107 .....	250
108 to 118 .....	205
119 to 130 .....	170
131 to 144 .....	140
145 to 157 .....	115
158 to 173 .....	92
174 to 192 .....	75
193 to 212 .....	62
213 to 235 .....	50
236 to 260 .....	41
261 to 285 .....	34
286 to 310 .....	28
311 to 345 .....	23
346 to 380 .....	19
381 to 425 .....	15.5
426 to 480 .....	13
481 to 540 .....	11
Greater than or equal to 541 .....	10

(c) The effective radiated power of FM booster stations shall be limited such that the predicted service contour of the booster station, computed in accordance with § 73.313 paragraphs (a) through (d) of this chapter, may not extend beyond the corresponding service contour of the primary FM station that the booster rebroadcasts. In no