

## § 78.31

(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 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

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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 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.

(d) If an assignment or transfer of control involves a substantial change of interest, and requires prior FCC approval, the CARS licensee is required to file FCC Form 327 with the Commission.

(e) Licensees are required to notify the Commission of consummation of an approved transfer or assignment. The assignee or transferee is responsible for providing this notification, including the date the transaction was consummated. The transaction must be consummated and notification provided to the Commission within 60 days of public notice of approval, and notification of consummation must occur no later than 30 days after actual con-

summation, unless a request for an extension of time to consummate is filed.

[37 FR 15927, Aug. 8, 1972, as amended at 50 FR 23421, June 4, 1985; 68 FR 27004, May 19, 2003]

#### § 78.36 Frequency coordination.

(a) Coordination of all frequency assignments for fixed stations in all bands above 2110 MHz, and for mobile (temporary fixed) stations in the bands 6425–6525 MHz and 17.7–19.7 GHz, will be in accordance with the procedure established in paragraph (b) of this section, except that the prior coordination process for mobile (temporary fixed) assignments may be completed orally and the period allowed for response to a coordination notification may be less than 30 days if the parties agree. Coordination of all frequency assignments for all mobile (temporary fixed) stations in all bands above 2110 MHz, except the bands 6425–6525 MHz and 17.7–19.7 GHz, will be conducted in accordance with the procedure established in paragraph (b) of this section or with the procedure in paragraph (d) of this section. Coordination of all frequency assignments for all fixed stations in the band 1990–2110 MHz will be in accordance with the procedure established in paragraph (c) of this section. Coordination of all frequency assignments for all mobile (temporary fixed) stations in the band 1990–2110 MHz will be conducted in accordance with the procedure in paragraph (d) of this section.

(b) For each frequency coordinated under this part, the interference protection criteria in 47 CFR 101.105(a), (b), and (c) and the following frequency usage coordination procedures will apply:

(1) *General requirements.* Proposed frequency usage must be prior coordinated with existing licensees, permittees, and applicants in the area, and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference on active channels, applied-for channels, or channels coordinated for future growth. Coordination must be completed prior to filing an application for regular authorization, or a major amendment to a pending application,