

§ 78.11

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that could be performed at the transmitter can also be performed from the control point.

(f) *Attended operation.* Operation of a station by a qualified operator on duty at the place where the transmitting apparatus is located with the transmitter in plain view of the operator.

(g) *Unattended operation.* Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without attention by a qualified operator.

(h) *Authorized bandwidth.* The maximum bandwidth authorized to be used by a station as specified in the station license. (See §§ 2.202 and 78.104.)

(i) *Cable network-entity.* A cable network-entity is an organization which produces programs available for simultaneous transmission by cable systems serving a combined total of at least 5,000,000 subscribers and having distribution facilities or circuits available to such affiliated stations or cable systems.

(j) *Other eligible system.* A system comprised of microwave radio channels in the BRS/EBS spectrum (as defined in subpart M of part 27 of this chapter) that delivers multichannel television service over the air to subscribers.

[37 FR 3292, Feb. 12, 1972, as amended at 38 FR 16647, June 25, 1973; 39 FR 26025, July 16, 1974; 43 FR 1953, Jan. 13, 1978; 52 FR 7143, Mar. 9, 1987; 55 FR 46015, Oct. 31, 1990; 69 FR 72046, Dec. 10, 2004]

Subpart B—Applications and Licenses

§ 78.11 Permissible service.

(a) CARS stations are authorized to relay TV broadcast and low-power TV and related audio signals, the signals of AM and FM broadcast stations, signals of BRS/EBS fixed stations, and cablecasting intended for use by one or more cable television systems or other eligible systems. LDS stations are authorized to relay television broadcast and related audio signals, the signals of AM and FM broadcast stations, signals of BRS/EBS fixed stations, cablecasting, and such other communications as may be authorized by the Commission. Relaying includes retransmission of signals by intermediate relay stations in the system.

CARS licensees may interconnect their facilities with those of other CARS, common carrier, or television auxiliary licensees, and may also retransmit the signals of such CARS, common carrier, or television auxiliary stations, provided that the program material retransmitted meets the requirements of this paragraph.

(b) The transmitter of a CARS station using FM transmission may be multiplexed to provide additional communication channels for the transmission of standard and FM broadcast station programs and operational communications directly related to the technical operation of the relay system (including voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals). A CARS station will be authorized only where the principal use is the transmission of television broadcast program material or cablecasting: *Provided, however,* That this requirement shall not apply to LDS stations.

(c) CARS station licenses may be issued to cable television owners or operators or other eligible system owners or operators, and to cooperative enterprises owned by cable television owners or operators or other eligible system owners or operators. Television translator licensees may be members of such cooperative enterprises.

(d) CARS systems shall supply program material to cable television systems, other eligible systems, and translator stations only in the following circumstances.

(1) Where the licensee of the CARS station or system is owner or operator of the cable television systems or other eligible systems supplied with program material; or

(2) Where the licensee of the CARS station or system supplies program material to cable television systems, other eligible systems, or television translator stations either without charge or on a non-profit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the CARS licensee shall have exclusive control over the operation of the CARS stations licensed to him and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis,

prorated on an equitable basis among all cable television systems or other eligible systems being supplied with program material in whole or in part. Charges for the programming material are not subject to this restriction and cable network-entities may fully charge for their services. Records showing the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the CARS licensee and held available for inspection by the Commission.

(e) The license of a CARS pickup station authorizes the transmission of program material, and related communications necessary to the accomplishment of such transmission, from the scenes of events occurring in places other than a cable television studio or the studio of another eligible system, to the studio, headend, or transmitter of its associated cable television system or other eligible system, or to such other cable television or other eligible systems as are carrying the same program material. CARS pickup stations may be used to provide temporary CARS studio-to-headend links, studio-to-transmitter links, or CARS circuits consistent with this part without further authority of the Commission: *Provided, however*, That prior Commission authority shall be obtained if the transmitting antenna to be installed will increase the height of any natural formation or manmade structure by more than 6.1 meters (20 feet) and will be in existence for a period of more than 2 consecutive days: *And provided, further*, That if the transmitting equipment is to be operated for more than 1 day outside of the area to which the CARS station has been licensed, the Commission, the Engineer in charge of the district in which the station is licensed to operate, and the Engineer in charge of the district in which the equipment will be temporarily operated shall be notified at least 1 day prior to such operation. If the decision to continue operation for more than 1 day is not made until the operation has begun, notice shall be given to the Commission and the relevant Engineers in charge within 1 day after such decision. In all instances, the Commission and the relevant Engineers in charge shall be notified when the

transmitting equipment has been returned to its licensed area.

(f) A cable network-entity may use CARS stations to transmit their own television program materials to cable television systems, other eligible systems, other cable network-entities, broadcast stations, and broadcast network-entities: *Provided, however*, That the bands 2025–2110 MHz, 6425–6526 MHz and 6875–7125 MHz may be used by cable network-entities only for CARS pickup stations.

(g) The provisions of paragraph (d) of this section and § 78.13 shall not apply to a licensee who has been licensed in the CARS service pursuant to § 101.705 of this chapter, except that paragraph (d) of this section shall apply with respect to facilities added or cable television and other eligible systems first served after February 1, 1966.

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15926, Aug. 8, 1972; 43 FR 1953, Jan. 13, 1978; 43 FR 25127, June 9, 1978; 44 FR 32382, June 6, 1979; 47 FR 21503, May 18, 1982; 50 FR 23421, June 4, 1985; 52 FR 7144, Mar. 9, 1987; 55 FR 46015, Oct. 31, 1990; 58 FR 44952, Aug. 25, 1993; 65 FR 38326, June 20, 2000; 65 FR 48181, Aug. 7, 2000; 69 FR 72046, Dec. 10, 2004]

§ 78.13 Eligibility for license.

A license for CARS station will be issued only:

(a) To the owner or one who is responsible for the management and operation of a cable television system,

(b) To a cooperative enterprise wholly owned by cable television owners or operators, or

(c) A cable network-entity upon showing that the applicant is qualified under the Communications Act of 1934, that frequencies are available for the proposed operation, and that the public interest, convenience, and necessity will be served by a grant thereof.

(d) Licensees and conditional licensees of channels in the BRS/EBS band as defined in § 27.5(i) of this chapter, or entities that hold an executed lease agreement with a BRS/EBS licensee or conditional licensee.

(e) To private cable operators and other multichannel video programming