

Federal Communications Commission

§ 73.3540

Television Broadcast Station Construction Permit Or License.”

[44 FR 38495, July 2, 1979, as amended at 49 FR 32582, Aug. 15, 1984; 50 FR 40016, Oct. 1, 1985; 51 FR 18451, May 20, 1986; 51 FR 32088, Sept. 9, 1986; 52 FR 31400, Aug. 20, 1987; 53 FR 36788, Sept. 22, 1988; 62 FR 51063, Sept. 30, 1997; 65 FR 7648, Feb. 15, 2000; 65 FR 30007, May 10, 2000; 68 FR 12761, Mar. 17, 2003; 69 FR 72043, Dec. 10, 2004]

§ 73.3537 Application for license to use former main antenna as an auxiliary.

See § 73.1675, *Auxiliary facility*.

[62 FR 51063, Sept. 30, 1997]

§ 73.3538 Application to make changes in an existing station.

Where prior authority is required from the FCC to make changes in an existing station, the following procedures shall be used to request that authority:

(a) An application for construction permit using the forms listed in § 73.3533 must be filed for authority to:

(1) Make any of the changes listed in § 73.1690(b).

(2) Change the hours of operation of an AM station, where the hours of operation are specified on the license or permit.

(3) Install a transmitter which has not been approved (type accepted) by the FCC for use by licensed broadcast stations.

(4) Any change in the location, height, or directional radiating characteristics of the antenna or antenna system.

(b) An informal application filed in accordance with § 73.3511 is to be used to obtain authority to make the following changes in the station authorization:

(1) To modify or discontinue the obstruction marking or lighting of the antenna supporting structure where that specified on the station authorization either differs from that specified in 47 CFR 17, or is not appropriate for other reasons.

(2) Relocation of a main studio outside the principal community contour may require the filing and approval of a letter request for authority to make

this change prior to implementation. See § 73.1125.

[44 FR 38495, July 2, 1979, as amended at 44 FR 69935, Dec. 5, 1979; 49 FR 4000, Feb. 1, 1984; 52 FR 21685, June 9, 1987; 62 FR 51063, Sept. 30, 1997; 66 FR 20758, Apr. 25, 2001]

§ 73.3539 Application for renewal of license.

(a) Unless otherwise directed by the FCC, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the FCC the information currently required by §§ 73.3612 through 73.3615, inclusive, for the particular class of station.

(c) Whenever the FCC regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(d) Renewal application forms titles and numbers are listed in § 73.3500, Application and Report Forms.

[44 FR 38495, July 2, 1979, as amended at 47 FR 28388, June 30, 1982; 49 FR 32582, Aug. 15, 1984]

§ 73.3540 Application for voluntary assignment or transfer of control.

(a) Prior consent of the FCC must be obtained for a voluntary assignment or transfer of control.

(b) Application should be filed with the FCC at least 45 days prior to the

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contemplated effective date of assignment or transfer of control.

(c) Application for consent to the assignment of construction permit or license must be filed on FCC Form 314 "Assignment of license" or FCC Form 316 "Short form" (See paragraph (f) of this section).

(d) Application for consent to the transfer of control of a corporation holding a construction permit or license must be filed on FCC Form 315 "Transfer of Control" or FCC Form 316 "Short form" (see paragraph (f) of this section).

(e) Application for consent to the assignment of construction permit or license or to the transfer of control of a corporate licensee or permittee for an FM or TV translator station, a low power TV station and any associated auxiliary station, such as translator microwave relay stations and UHF translator booster stations, only must be filed on FCC Form 345 "Application for Transfer of Control of Corporate Licensee or Permittee, or Assignment of License or Permit for an FM or TV Translator Station, or a Low Power TV Station."

(f) The following assignment or transfer applications may be filed on FCC "Short form" 316:

(1) Assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) Assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) Assignment or transfer by which certain stockholders retire and the interest transferred is not a controlling one;

(4) Corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests; or

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(6) Assignment of less than a controlling interest in a partnership.

[44 FR 38496, July 2, 1979, as amended at 48 FR 21486, May 12, 1983; 49 FR 47843, Dec. 7, 1984; 50 FR 32416, Aug. 12, 1985]

§ 73.3541 Application for involuntary assignment of license or transfer of control.

(a) The FCC shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

(b) Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

[44 FR 38496, July 2, 1979]

§ 73.3542 Application for emergency authorization.

(a) Authority may be granted, on a temporary basis, in extraordinary circumstances requiring emergency operation to serve the public interest. such situations include: emergencies involving danger to life and property; a national emergency proclaimed by the President or the Congress of the U.S.A and; the continuance of any war in which the United States is engaged, and where such action is necessary for the national defense or security or otherwise in furtherance of the war effort.

(1) An informal application may be used. The FCC may grant such construction permits, station licenses, modifications or renewals thereof, without the filing of a formal application.

(2) No authorization so granted shall continue to be effective beyond the period of the emergency or war requiring it.

(3) Each individual request submitted under the provisions of this paragraph shall contain, as a minimum requirement, the following information:

(i) Name and address of applicant.