

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 Regional Director for the area in which the station is licensed to operate, and the Regional Director for the area 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 Regional Directors within 1 day after such decision. In all instances, the Commission and the relevant Regional Directors 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; 80 FR 53751, Sept. 8, 2015]

§ 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

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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 distributors not specifically identified in this section.

[52 FR 7144, Mar. 9, 1987, as amended at 55 FR 46015, Oct. 31, 1990; 56 FR 57601, Nov. 13, 1991; 67 FR 43259, June 27, 2002; 69 FR 72047, Dec. 10, 2004]

§ 78.15 Contents of applications.

(a) Applications for authorization in the Cable Television Relay Service shall be submitted on FCC Form 327, and shall contain the information requested therein. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(b) An application for a CARS studio to headend link or LDS station license shall contain a statement that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable.

NOTE: Each applicant filing pursuant to § 78.15 is responsible for the continuing accuracy and completeness of all information in such applications. The provisions of § 1.65 are wholly applicable to applications pursuant to § 78.15, as well as to amendments filed pursuant to § 78.17, and objections filed pursuant to § 78.22, except that where the specific provisions of §§ 78.15, 78.17, 78.22 conflict with the provisions of § 1.65, the specific provisions are controlling, e.g., where requirements for service on specified parties of certain information may vary.

(c) CARS applicants must follow the procedures prescribed in subpart 1 of part 1 of this chapter (§§ 1.1301 through 1.1319) regarding the filing of environmental assessments unless Commission action authorizing construction of a CARS station would be categorically excluded from the environmental processing requirements under § 1.1306 of this chapter.

[41 FR 3719, Jan. 23, 1976, as amended at 41 FR 32429, Aug. 3, 1976; 42 FR 61864, Dec. 7, 1977; 50 FR 23421, June 4, 1985; 52 FR 10231, Mar. 31, 1987; 55 FR 20398, May 16, 1990]

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§ 78.16 Who may sign applications.

(a) Applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of government entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, United States Code, title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

[37 FR 15926, Aug. 8, 1972]

§ 78.17 Amendment of applications.

Any application may be amended as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. If a petition to deny has been filed, the amendment shall be served on the petitioner.

[68 FR 27004, May 19, 2003]