

Federal Communications Commission

§ 78.21

Commission or modification of any authorization which will cause harmful interference.

(f) *17.7–19.7 GHz band.* The following exclusion areas and coordination areas are established to minimize or avoid harmful interference to Federal Government earth stations receiving in the 17.7–19.7 GHz band:

(1) No application seeking authority to operate in the 17.7–19.7 GHz band will be accepted for filing if the proposed station is located within 50 km of Denver, CO (39°43' N., 104°46' W.) or Washington, DC (38°48' N., 76°52' W.).

(2) Any application seeking authority for a new fixed station license supporting the operations of Multichannel Video Programming Distributors (MVPD) in the 17.7–17.8 GHz band or to operate in the 17.8–19.7 GHz band for any service, or for modification of an existing station license in these bands which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the following areas:

(i) *Denver, CO area:*

(A) Between latitudes 41°30' N. and 38°30' N. and between longitudes 103°10' W. and 106°30' W.

(B) Between latitudes 38°30' N. and 37°30' N. and between longitudes 105°00' W. and 105°50' W.

(C) Between latitudes 40°08' N. and 39°56' N. and between longitudes 107°00' W. and 107°15' W.

(ii) *Washington, DC area:*

(A) Between latitudes 38°40' N. and 38°10' N. and between longitudes 78°50' W. and 79°20' W.

(B) Within 178 km of 38°48' N, 76°52' W.

(iii) *San Miguel, CA area:*

(A) Between latitudes 34°39' N. and 34°00' N. and between longitudes 118°52' W. and 119°24' W.

(B) Within 200 km of 35°44' N., 120°45' W.

(iv) *Guam area:* Within 100 km of 13°35' N., 144°51' E.

NOTE TO §78.19(f): The coordinates cited in this section are specified in terms of the “North American Datum of 1983 (NAD 83).

[37 FR 3292, Feb. 12, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 78.19, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 78.20 Acceptance of applications; public notice.

(a) Applications which are tendered for filing are dated upon receipt and then forwarded to the Media Bureau where an examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete, are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications which are not substantially complete will be returned to the applicant. Applications requiring fees as set forth at part 1, subpart G, of this chapter must be filed in accordance with § 0.401(b) of this chapter.

(b) Acceptance of an application for filing means only that it has been the subject of a preliminary review by the Commission's administrative staff as to completeness. Applications which are determined to be clearly not in accordance with the Commission's rules or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing, or if inadvertently accepted for filing, will be dismissed. Requests for waiver shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

(c) The Commission will give public notice of all applications and major amendments thereto which have been accepted for filing. No application shall be acted on less than thirty (30) days from the date of public notice.

[37 FR 15926, Aug. 8, 1972, as amended at 52 FR 10231, Mar. 31, 1987; 67 FR 13235, Mar. 21, 2002; 68 FR 27004, May 19, 2003]

§ 78.21 Dismissal of applications.

(a) Any application may, on request of the applicant, be dismissed without prejudice as a matter of right prior to

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the adoption date of any final action taken by the Commission with respect to the application. An applicant's request for the return of an application will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the application.

[37 FR 15927, Aug. 8, 1972]

§ 78.22 Objections to applications.

(a) Any party in interest may file a petition to deny any application (whether as originally filed or as amended) no later than thirty (30) days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto. Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(b) The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter), in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof.

(c) Notwithstanding the provisions of paragraph (a) of this section, before Commission action on any application for an instrument of authorization, any person may file informal objections to the grant. Such objections may be submitted in letter form (without extra copies) and shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.45 of this chapter shall not be appli-

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cable to any objections duly filed pursuant to this paragraph.

[37 FR 15927, Aug. 8, 1972, as amended at 50 FR 23421, June 4, 1985]

§ 78.23 Equipment tests.

(a) Following the grant of a CARS license, the licensee, during the process of construction of the station, may, without further authority from the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the authorization, the technical provisions of the application therefore, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the licensee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) The test authorized in this section shall be conducted only as a necessary part of construction.

[50 FR 23421, June 4, 1985]

§ 78.27 License conditions.

(a) Authorizations (including initial grants, modifications, assignments or transfers of control, and renewals) in the Cable Television Relay Service to serve cable television systems and other eligible systems, shall contain the condition that cable television systems shall operate in compliance with the provisions of part 76 (Cable Television Service) of this chapter and that other eligible systems shall operate in compliance with the provisions of part 21 and part 74 of this chapter.

(b) CARS stations licensed under this subpart are required to commence operation within one year of the date of the license grant.

(1) The licensee of a CARS station shall notify the Commission in writing when the station commences operation. Such notification shall be submitted on or before the last day of the authorized one year construction period; otherwise, the station license shall be automatically forfeited.

(2) CARS licensees needing additional time to complete construction of the