

ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has not been previously studied by the Federal Aviation Administration and cleared by the FCC;

(3) The grant of the application(s) does not require a waiver of the Commission's rules;

(4) The applicant has determined that the auxiliary (ies) will not significantly affect the environment as defined in § 1.1307 of this chapter;

(5) The station site does not lie within an area identified in § 1.924 of this chapter.

(b) *Conditions applicable to remote pickup broadcast auxiliary stations.* (1) The auxiliary station must be located within 80 km (50 mi) of the broadcast studio or broadcast transmitter.

(2) The applicant must coordinate the operation with all affected co-channel and adjacent channel licensees in the area of operation. This requirement can be satisfied by coordination with the local frequency committee if one exists.

(3) Operation under this provision is not permitted between 152.87 MHz and 153.35 MHz.

(c) *Conditions applicable to aural and television broadcast auxiliary stations.* (1) The applicable frequency coordination procedures have been successfully completed and the filed application is consistent with that coordination.

(2) The station site does not lie within an area requiring international coordination.

(3) If operated on frequencies in the 17.8–19.7 GHz band for any services or on frequencies in the 17.7–17.8 GHz band for MVPD operations, the station site does not lie within any of the areas identified in § 1.924 of this chapter.

(d) Operation under this section shall be suspended immediately upon notification from the Commission or by the Regional Director of a Commission field facility, and shall not be resumed until specific authority is given by the Commission or Regional Director. When authorized by the Regional Director, short test operations may be made.

(e) Conditional authority ceases immediately if the application(s) is re-

turned by the Commission because it is not acceptable for filing.

(f) Conditional authorization does not prejudice any action the Commission may take on the subject application(s). Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. An applicant operating pursuant to this conditional authority assumes all risks associated with such operation, the termination or modification of the conditional authority, or the subsequent dismissal or denial of its application(s).

[68 FR 12762, Mar. 17, 2003, as amended at 69 FR 17958, Apr. 6, 2004; 71 FR 69048, Nov. 29, 2006; 80 FR 53751, Sept. 8, 2015]

#### § 74.28 Additional orders.

In case the rules contained in this part do not cover all phases of operation with respect to external effects, the FCC may make supplemental or additional orders in each case as may be deemed necessary.

[78 FR 25175, Apr. 29, 2013]

#### § 74.30 Antenna structure, marking and lighting.

The provisions of part 17 of the FCC rules (Construction, Marking, and Lighting of Antenna Structures) require certain antenna structures to be painted and/or lighted in accordance with the provisions of §§ 17.47 through 17.56 of the FCC rules.

[47 FR 53022, Nov. 24, 1982]

#### § 74.32 Operation in the 17.7–17.8 GHz and 17.8–19.7 GHz bands.

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:

(a) No application seeking authority for fixed stations 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 will be accepted for filing if the proposed station is located within 20 km of Denver,

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CO (39°43' N., 104°46' W.) or Washington, DC (38°48' N., 76°52' W.).

(b) Any application for a new station license to provide MVPD operations 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:

(1) *Denver, CO area:*

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

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

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

(2) *Washington, DC area:*

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

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

(3) *San Miguel, CA area:*

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

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

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

Note to §74.32: The coordinates cited in this section are specified in terms of the “North American Datum of 1983 (NAD 83).”

[80 FR 38908, July 7, 2015]

### § 74.34 Period of construction; certification of completion of construction.

(a) Each aural and television broadcast auxiliary station authorized under subparts E and F of this part must be in operation within 18 months from the initial date of grant.

(b) Each remote pickup broadcast auxiliary station authorized under subpart D of this part must be in operation within 12 months from the initial date of grant.

(c) Failure to timely begin operation means the authorization terminates automatically.

(d) Requests for extension of time may be granted upon a showing of good cause pursuant to §1.946(e) of this chapter.

(e) Construction of any authorized facility or frequency must be completed by the date specified in the license and the Commission must be notified pursuant to §1.946 of this chapter.

[68 FR 12763, Mar. 17, 2003]

## Subparts A–C [Reserved]

### Subpart D—Remote Pickup Broadcast Stations

#### § 74.401 Definitions.

*Associated broadcasting station(s).* The broadcasting station or stations with which a remote pickup broadcast station or system is licensed as an auxiliary and with which it is principally used.

*Authorized bandwidth.* The occupied or necessary bandwidth, whichever is greater, authorized to be used by a station.

*Automatic relay station.* A remote pickup broadcast base station which is actuated by automatic means and is used to relay transmissions between remote pickup broadcast base and mobile stations, between remote pickup broadcast mobile stations and from remote pickup broadcast mobile stations to broadcasting stations. (Automatic operation is not operation by remote control.)

*Carrier power.* The average power at the output terminals of a transmitter (other than a transmitter having a suppressed, reduced or controlled carrier) during one radio frequency cycle under conditions of no modulation.

*Mean power.* The power at the output terminals of a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of  $\frac{1}{10}$  second during which the mean power is greatest will be selected normally.

*Necessary bandwidth.* For a given class of emission, the minimum value of the occupied bandwidth sufficient to