

preclude their use with other broadcast stations of the same or a different licensee at any location. Operation of low power auxiliary stations outside the area of operation specified in the authorization, or in other bands is permitted without further authority of the Commission. However, operation of low power auxiliary stations shall, at all times, be in accordance with the requirements of § 74.882 of this subpart. Also, a low power auxiliary station that is being used with a broadcast station or network other than one with which it is licensed, must, in addition to meeting the requirements of § 74.861 of this subpart, not cause harmful interference to another low power auxiliary station which is being used with the broadcast station(s) or network with which it is licensed.

(i) In case of permanent discontinuance of operations of a station licensed under this subpart, the licensee shall cancel the station license using FCC Form 601. For purposes of this section, a station which is not operated for a period of one year is considered to have been permanently discontinued.

(j) The license shall be retained in the licensee's files at the address shown on the authorization.

[42 FR 14729, Mar. 16, 1977, as amended at 47 FR 9221, Mar. 4, 1982; 47 FR 21503, May 18, 1982; 47 FR 55938, Dec. 14, 1982; 51 FR 4603, Feb. 6, 1986; 51 FR 9966, Mar. 24, 1986; 52 FR 2535, Jan. 23, 1987; 55 FR 46012, Oct. 31, 1990; 58 FR 19776, Apr. 16, 1993; 68 FR 12772, Mar. 17, 2003; 69 FR 72045, Dec. 10, 2004; 79 FR 40689, July 14, 2014; 80 FR 71729, Nov. 17, 2015; 82 FR 41560, Sept. 1, 2017; 84 FR 2759, Feb. 8, 2019]

§ 74.833 Temporary authorizations.

(a) Special temporary authority may be granted for low power auxiliary station operation which cannot be conducted in accordance with § 74.24. Such authority will normally be granted only for operations of a temporary nature. Where operation is seen as likely on a continuing annual basis, an application for a regular authorization should be submitted.

(b) A request for special temporary authority for the operation of a remote pickup broadcast station must be made in accordance with the procedures of § 1.931(b) of this chapter.

(c) All requests for special temporary authority of a low power auxiliary sta-

tion must include full particulars including: licensee's name and address, statement of eligibility, facility identification number of the associated broadcast station (if any), type and manufacturer of equipment, power output, emission, frequency or frequencies proposed to be used, commencement and termination date, location of proposed operation, and purpose for which request is made including any particular justification.

(d) A request for special temporary authority shall specify a frequency band consistent with the provisions of § 74.802: *Provided*, That, in the case of events of wide-spread interest and importance which cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And provided further*, In no case will operation of a low power auxiliary broadcast station be authorized on frequencies employed for the safety of life and property.

(e) The user shall have full control over the transmitting equipment during the period it is operated.

(f) Special temporary authority to permit operation of low power auxiliary stations pending Commission action on an application for regular authority will not normally be granted.

[42 FR 14729, Mar. 16, 1977, as amended at 47 FR 9221, Mar. 4, 1982; 47 FR 55939, Dec. 14, 1982; 58 FR 19776, Apr. 16, 1993; 68 FR 12772, Mar. 17, 2003]

§ 74.851 Certification of equipment; prohibition on manufacture, import, sale, lease, offer for sale or lease, or shipment of devices that operate in the 700 MHz Band or the 600 MHz Band; labeling for 700 MHz or 600 MHz band equipment destined for non-U.S. markets; disclosures.

(a) Applications for new low power auxiliary stations will not be accepted unless the transmitting equipment specified therein has been certificated for use pursuant to provisions of this subpart.

(b) Any manufacturer of a transmitter to be used in this service may

apply for certification for such transmitter following the certification procedure set forth in part 2 of the Commission's Rules and Regulations. Attention is also directed to part 1 of the Commission's Rules and Regulations which specifies the fees required when filing an application for certification.

(c) An applicant for a low power auxiliary station may also apply for certification for an individual transmitter by following the certification procedure set forth in part 2 of the Commission's Rules and Regulations. The application for certification must be accompanied by the proper fees as prescribed in part 1 of the Commission's Rules and Regulations.

(d) Low power auxiliary station equipment authorized to be used pursuant to an application accepted for filing prior to December 1, 1977 may continue to be used by the licensee or its successors or assignees: *Provided, however*, If operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart, the Commission may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(e) Each instrument of authority which permits operation of a low power auxiliary station using equipment which has not been certificated will specify the particular transmitting equipment which the licensee is authorized to use.

(f) All transmitters marketed for use under this subpart shall be certificated by the Federal Communications Commission for this purpose. (Refer to subpart I of part 2 of the Commission's rules and regulations.)

(g) No person shall manufacture, import, sell, lease, offer for sale or lease, or ship low power auxiliary stations that are capable of operating in the 700 MHz band (698–806 MHz). This prohibition does not apply to devices manufactured solely for export.

(h) Any person who manufactures, sells, leases, or offers for sale or lease low power auxiliary stations, including wireless microphones, that are destined for non-U.S. markets and that are capable of operating in the 700 MHz band shall include labeling and make clear

in all sales, marketing, and packaging materials, including online materials, relating to such devices that the devices cannot be operated in the U.S.

(i) As of January 13, 2018, applications for certification shall no longer be accepted for low power auxiliary stations or wireless video assist devices that are capable of operating in the 600 MHz service band or the 600 MHz guard band, or for low power auxiliary stations that are capable of operating in the 600 MHz duplex gap unless the operations are limited to the 653–657 MHz segment.

(j) As of October 13, 2018, no person shall manufacture, import, sell, lease, offer for sale or lease, or ship low power auxiliary stations or wireless video assist devices that are capable of operating in the 600 MHz service band or the 600 MHz guard bands, or low power auxiliary stations that are capable of operating in the 600 MHz duplex gap unless the operations are limited to the 653–657 MHz segment. This prohibition does not apply to devices manufactured solely for export.

(k) As of October 13, 2018, any person who manufactures, sells, leases, or offer for sale or lease low power auxiliary stations or wireless video assist devices that are destined for non-U.S. markets and that are capable of operating in the 600 MHz service band or the 600 MHz guard bands, or low power auxiliary stations that are capable of operating in the 600 MHz duplex gap unless such operations are limited to the 653–657 MHz segment, shall include labeling and make clear in all sales, marketing, and packaging materials, including online materials, relating to such devices that the devices cannot be operated in the United States.

(l) Disclosure requirements for low power auxiliary stations and wireless video assist devices capable of operating in the 600 MHz service band. Any person who manufactures, sells, leases, or offers for sale or lease low power auxiliary stations or wireless video devices that are capable of operating in the 600 MHz service band on or after July 13, 2017, is subject to the following disclosure requirements:

(1) Such persons must display the consumer disclosure text, as specified

by the Consumer and Governmental Affairs Bureau, at the point of sale or lease of each such low power auxiliary station or wireless video assist device. The text must be displayed in a clear, conspicuous, and readily legible manner. One way to fulfill the requirement in this section is to display the consumer disclosure text in a prominent manner on the product box by using a label (either printed onto the box or otherwise affixed to the box), a sticker, or other means. Another way to fulfill this requirement is to display the text immediately adjacent to each low power auxiliary station or wireless video assist device offered for sale or lease and clearly associated with the model to which it pertains.

(2) If such persons offer such low power auxiliary stations or wireless video assist device via direct mail, catalog, or electronic means, they shall

prominently display the consumer disclosure text in close proximity to the images and descriptions of each such low power auxiliary station or wireless video assist device. The text should be in a size large enough to be clear, conspicuous, and readily legible, consistent with the dimensions of the advertisement or description.

(3) If such persons have Web sites pertaining to these low power auxiliary stations or wireless video assist devices, the consumer disclosure text must be displayed there in a clear, conspicuous, and readily legible manner (even in the event such persons do not sell low power auxiliary stations or wireless video assist devices directly to the public).

(4) The consumer disclosure text described in paragraph (1)(1) of this section is set forth as Figure 1 to this paragraph.

Figure 1 to § 74.851(l) – Consumer Disclosure Text

CONSUMER ALERT

This particular wireless microphone device operates in portions of the 617-652 MHz or 663-698 MHz frequencies. Beginning in 2017, these frequencies are being transitioned by the Federal Communications Commission (FCC) to the 600 MHz service to meet increasing demand for wireless broadband services. Users of this device must cease operating on these frequencies no later than July 13, 2020. In addition, users of this device may be required to cease operations earlier than that date if their operations could cause harmful interference to a 600 MHz service licensee's wireless operations on these frequencies. For more information, visit the FCC's wireless microphone website at www.fcc.gov/wireless-microphones-guide or call the FCC at 1-888-CALL-FCC (TTY: 1-888-TELL-FCC).

(Sec. 5, 48 Stat. 1068; 47 U.S.C. 155)

[42 FR 14729, Mar. 16, 1977, as amended at 42 FR 43637, Aug. 22, 1977; 43 FR 13576, Mar. 31, 1978; 63 FR 36605, July 7, 1998; 75 FR 3639, Jan. 22, 2010; 80 FR 71729, Nov. 17, 2015; 82 FR 41561, Sept. 1, 2017; 83 FR 10640, 10643, Mar. 12, 2018]

§ 74.852 Equipment changes.

(a) The licensee of a low power auxiliary station may make any changes in the equipment that are deemed desirable or necessary, including replacement with certificated equipment,

without prior Commission approval: *Provided*, The proposed changes will not depart from any of the terms of the station authorization or the Commission's technical rules governing this service: *And provided further*, That any changes made to certificated transmitted equipment shall be in compliance with the provisions of part 2 of the Commission's rules and regulations concerning modification of certificated equipment.