

## § 76.29

a lockbox as provided for in Title VI of the Communications Act may petition the Commission for relief in accordance with the provisions and procedures set forth in § 76.7 for petitions for special relief.

[50 FR 18661, May 2, 1985]

### Subpart B—Registration Statements

#### § 76.29 Special temporary authority.

(a) In circumstances requiring the temporary use of community units for operations not authorized by the Commission's rules, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.

(b) Requests for special temporary authority may be submitted informally, by letter, and shall contain the following:

- (1) Name and address of the applicant cable system.
- (2) Community in which the community unit is located.
- (3) Type of operation to be conducted.
- (4) Date of commencement of proposed operations.
- (5) Duration of time for which temporary authority is required.
- (6) All pertinent facts and considerations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.
- (7) A certificate of service on all interested parties.
- (c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(d) A grant of special temporary authority may be rescinded by the Com-

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mission at any time upon a finding of facts which warrant such action.

[39 FR 35166, Sept. 30, 1974; 42 FR 19346, Apr. 13, 1977, as amended at 43 FR 49008, Oct. 20, 1978]

### Subpart C—Cable Franchising

#### § 76.41 Franchise application process.

(a) Definition. *Competitive franchise applicant.* For the purpose of this section, an applicant for a cable franchise in an area currently served by another cable operator or cable operators in accordance with 47 U.S.C. 541(a)(1).

(b) A competitive franchise applicant must include the following information in writing in its franchise application, in addition to any information required by applicable State and local laws:

- (1) The applicant's name;
- (2) The names of the applicant's officers and directors;
- (3) The business address of the applicant;
- (4) The name and contact information of a designated contact for the applicant;
- (5) A description of the geographic area that the applicant proposes to serve;
- (6) The PEG channel capacity and capital support proposed by the applicant;
- (7) The term of the agreement proposed by the applicant;
- (8) Whether the applicant holds an existing authorization to access the public rights-of-way in the subject franchise service area as described under paragraph (b)(5) of this section;
- (9) The amount of the franchise fee the applicant offers to pay; and
- (10) Any additional information required by applicable State or local laws.

(c) A franchising authority may not require a competitive franchise applicant to negotiate or engage in any regulatory or administrative processes prior to the filing of the application.

(d) When a competitive franchise applicant files a franchise application with a franchising authority and the applicant has existing authority to access public rights-of-way in the geographic area that the applicant proposes to serve, the franchising authority must grant or deny the application

within 90 days of the date the application is received by the franchising authority. If a competitive franchise applicant does not have existing authority to access public rights-of-way in the geographic area that the applicant proposes to serve, the franchising authority must grant or deny the application within 180 days of the date the application is received by the franchising authority. A franchising authority and a competitive franchise applicant may agree in writing to extend the 90-day or 180-day deadline, whichever is applicable.

(e) If a franchising authority does not grant or deny an application within the time limit specified in paragraph (d) of this section, the competitive franchise applicant will be authorized to offer service pursuant to an interim franchise in accordance with the terms of the application submitted under paragraph (b) of this section.

(f) If after expiration of the time limit specified in paragraph (d) of this section a franchising authority denies an application, the competitive franchise applicant must discontinue operating under the interim franchise specified in paragraph (e) of this section unless the franchising authority provides consent for the interim franchise to continue for a limited period of time, such as during the period when judicial review of the franchising authority's decision is pending. The competitive franchise applicant may seek judicial review of the denial under 47 U.S.C. 555.

(g) If after expiration of the time limit specified in paragraph (d) of this section a franchising authority and a competitive franchise applicant agree on the terms of a franchise, upon the effective date of that franchise, that franchise will govern and the interim franchise will expire.

[72 FR 13215, Mar. 21, 2007]

#### § 76.42 In-kind contributions.

(a) In-kind, cable-related contributions are "franchise fees" subject to the five percent cap set forth in 47 U.S.C. 542(b). Such contributions, which count toward the five percent cap at their fair market value, include any non-monetary contributions related to the provision of cable service

by a cable operator as a condition or requirement of a local franchise, including but not limited to:

(1) Costs attributable to the provision of free or discounted cable service to public buildings, including buildings leased by or under control of the franchising authority;

(2) Costs in support of public, educational, or governmental access facilities, with the exception of capital costs; and

(3) Costs attributable to the construction of institutional networks.

(b) In-kind, cable-related contributions do not include the costs of complying with build-out and customer service requirements.

[84 FR 44750, Aug. 27, 2019]

#### § 76.43 Mixed-use rule.

A franchising authority may not regulate the provision of any services other than cable services offered over the cable system of a cable operator, with the exception of channel capacity on institutional networks.

[84 FR 44750, Aug. 27, 2019]

### Subpart D—Carriage of Television Broadcast Signals

#### § 76.51 Major television markets.

For purposes of the cable television rules, the following is a list of the major television markets and their designated communities:

- (a) First 50 major television markets:
- (1) New York, New York-Linden-Paterson-Newark, New Jersey.
  - (2) Los Angeles-San Bernardino-Corona-Riverside-Anaheim, Calif.
  - (3) Chicago, Ill.
  - (4) Philadelphia, Pa.-Burlington, N.J.
  - (5) Detroit, Mich.
  - (6) Boston-Cambridge-Worcester-Lawrence, Mass.
  - (7) San Francisco-Oakland-San Jose, Calif.
  - (8) Cleveland-Lorain-Akron, Ohio.
  - (9) Washington, DC.
  - (10) Pittsburgh, Pa.
  - (11) St. Louis, Mo.
  - (12) Dallas-Fort Worth, Tex.
  - (13) Minneapolis-St. Paul, Minn.
  - (14) Baltimore, Md.
  - (15) Houston, Tex.
  - (16) Indianapolis-Bloomington, Ind.