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only if such action is consistent with the public interest.

[52 FR 37789, Oct. 9, 1987, as amended at 54 FR 14964, Apr. 14, 1989; 54 FR 35339, Aug. 25, 1989; 56 FR 27426, June 14, 1991; 62 FR 50521, Sept. 26, 1997; 63 FR 33876, June 22, 1998]

§ 73.215 Contour protection for short-spaced assignments.

The Commission will accept applications that specify short-spaced antenna locations (locations that do not meet the domestic co-channel and adjacent channel minimum distance separation requirements of § 73.207); Provided That, such applications propose contour protection, as defined in paragraph (a) of this section, with all short-spaced assignments, applications and allotments, and meet the other applicable requirements of this section. Each application to be processed pursuant to this section must specifically request such processing on its face, and must include the necessary exhibit to demonstrate that the requisite contour protection will be provided. Such applications may be granted when the Commission determines that such action would serve the public interest, convenience, and necessity.

(a) *Contour protection.* Contour protection, for the purpose of this section, means that on the same channel and on the first, second and third adjacent channels, the predicted interfering contours of the proposed station do not overlap the predicted protected contours of other short-spaced assignments, applications and allotments, and the predicted interfering contours of other short-spaced assignments, applications and allotments do not overlap the predicted protected contour of the proposed station.

(1) The protected contours, for the purpose of this section, are defined as follows. For all Class B and B1 stations on Channels 221 through 300 inclusive, the F(50,50) field strengths along the protected contours are 0.5 mV/m (54 dBμ) and 0.7 mV/m (57 dBμ), respectively. For all other stations, the F(50,50) field strength along the protected contour is 1.0 mV/m (60 dBμ).

(2) The interfering contours, for the purpose of this section, are defined as follows. For co-channel stations, the F(50,10) field strength along the interfering contour is 20 dB lower than the F(50,50) field strength along the protected contour for which overlap is prohibited. For first adjacent channel stations (±200 kHz), the F(50,10) field strength along the interfering contour is 6 dB lower than the F(50,50) field strength along the protected contour for which overlap is prohibited. For both second and third adjacent channel stations (±400 kHz and ±600 kHz), the F(50,10) field strength along the interfering contour is 40 dB higher than the F(50,50) field strength along the protected contour for which overlap is prohibited.

(3) The locations of the protected and interfering contours of the proposed station and the other short-spaced assignments, applications and allotments must be determined in accordance with the procedures of paragraphs (c), (d)(2) and (d)(3) of § 73.313, using data for as many radials as necessary to accurately locate the contours.

(4) Protected and interfering contours (in dBu) for stations in Puerto Rico and the U.S. Virgin Islands are as follows:

Station with interfering contour	Station with protected contour					
	Class A		Class B1		Class B	
	Interfering	Protected	Interfering	Protected	Interfering	Protected
Co-Channel:						
Class A	46	66	41	61	40	60
Class B1	43	63	39	59	38	58
Class B	45	65	41	61	41	61
1st Adj. Channel:						
Class A	61	67	56	62	59	65
Class B1	57	63	54	60	54	60
Class B	62	68	56	62	57	63
2nd-3rd Adj. Channel:						
Class A	107	67	100	60	104	64
Class B1	99	59	100	60	104	64

Station with interfering contour	Station with protected contour					
	Class A		Class B1		Class B	
	Interfering	Protected	Interfering	Protected	Interfering	Protected
Class B	94	54	94	54	104	64

Maximum permitted facilities assumed for each station pursuant to 47 CFR 73.211(b)(3):
 6 kW ERP/240 meters HAAT—Class A
 25 kW ERP/150 meters HAAT—Class B1
 50 kW ERP/472 meters HAAT—Class B

(b) Applicants requesting short-spaced assignments pursuant to this section must take into account the following factors in demonstrating that contour protection is achieved:

(1) The ERP and antenna HAAT of the proposed station in the direction of the contours of other short-spaced assignments, applications and allotments. If a directional antenna is proposed, the pattern of that antenna must be used to calculate the ERP in particular directions. See §73.316 for additional requirements for directional antennas.

(2) The ERP and antenna HAAT of other short-spaced assignments, applications and allotments in the direction of the contours of the proposed station. The ERP and antenna HAATs in the directions of concern must be determined as follows:

(i) For vacant allotments, contours are based on the presumed use, at the allotment's reference point, of the maximum ERP that could be authorized for the station class of the allotment, and antenna HAATs in the directions of concern that would result from a non-directional antenna mounted at a standard eight-radial antenna HAAT equal to the reference HAAT for the station class of the allotment.

(ii) For existing stations that were not authorized pursuant to this section, including stations with authorized ERP that exceeds the maximum ERP permitted by §73.211 for the standard eight-radial antenna HAAT employed, and for applications not requesting authorization pursuant to this section, contours are based on the presumed use of the maximum ERP for the applicable station class (as specified in §73.211), and the antenna HAATs in the directions of concern that would result from a non-directional antenna mounted at a standard eight-radial antenna HAAT equal to the reference

HAAT for the applicable station class, without regard to any other restrictions that may apply (e.g. zoning laws, FAA constraints, application of §73.213).

(iii) For stations authorized pursuant to this section, except stations with authorized ERP that exceeds the maximum ERP permitted by §73.211 for the standard eight-radial antenna HAAT employed, contours are based on the use of the authorized ERP in the directions of concern, and HAATs in the directions of concern derived from the authorized standard eight-radial antenna HAAT. For stations with authorized ERP that exceeds the maximum ERP permitted by §73.211 for the standard eight-radial antenna HAAT employed, authorized under this section, contours are based on the presumed use of the maximum ERP for the applicable station class (as specified in §73.211), and antenna HAATs in the directions of concern that would result from a non-directional antenna mounted at a standard eight-radial antenna HAAT equal to the reference HAAT for the applicable station class, without regard to any other restrictions that may apply.

(iv) For applications containing a request for authorization pursuant to this section, except for applications to continue operation with authorized ERP that exceeds the maximum ERP permitted by §73.211 for the standard eight-radial antenna HAAT employed, contours are based on the use of the proposed ERP in the directions of concern, and antenna HAATs in the directions of concern derived from the proposed standard eight-radial antenna HAAT. For applications to continue operation with an ERP that exceeds the maximum ERP permitted by §73.211 for the standard eight-radial antenna HAAT employed, if processing is requested under this section, contours

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are based on the presumed use of the maximum ERP for the applicable station class (as specified in §73.211), and antenna HAATs in the directions of concern that would result from a non-directional antenna mounted at a standard eight-radial antenna HAAT equal to the reference HAAT for the applicable station class, without regard to any other restrictions that may apply.

NOTE TO PARAGRAPH (b): Applicants are cautioned that the antenna HAAT in any particular direction of concern will not usually be the same as the standard eight-radial antenna HAAT or the reference HAAT for the station class.

(c) Applications submitted for processing pursuant to this section are not required to propose contour protection of any assignment, application or allotment for which the minimum distance separation requirements of §73.207 are met, and may, in the directions of those assignments, applications and allotments, employ the maximum ERP permitted by §73.211 for the standard eight-radial antenna HAAT employed.

(d) Stations authorized pursuant to this section may be subsequently authorized on the basis of compliance with the domestic minimum separation distance requirements of §73.207, upon filing of an FCC Form 301 or FCC Form 340 (as appropriate) requesting a modification of authorization.

(e) The Commission will not accept applications that specify a short-spaced antenna location for which the following minimum distance separation requirements, in kilometers (miles), are not met:

Relation	Co-Channel	200 kHz	400/600 kHz
A to A	92 (57)	49 (30)	25 (16)
A to B1	119 (74)	72 (45)	42 (26)
A to B	143 (89)	96 (60)	63 (39)
A to C3	119 (74)	72 (45)	36 (22)
A to C2	143 (89)	89 (55)	49 (30)
A to C1	178 (111)	111 (69)	69 (43)
A to C0	193 (120)	130 (81)	80 (50)
A to C	203 (126)	142 (88)	89 (55)
B1 to B1	143 (89)	96 (60)	44 (27)
B1 to B	178 (111)	114 (71)	65 (40)
B1 to C3	143 (89)	96 (60)	44 (27)
B1 to C2	175 (109)	114 (71)	50 (31)
B1 to C1	200 (124)	134 (83)	71 (44)
B1 to C0	0215 (134)	153 (95)	81 (50)
B1 to C	233 (145)	165 (103)	99 (61)
B to B	211 (131)	145 (90)	68 (42)
B to C3	178 (111)	114 (70)	65 (40)
B to C2	211 (131)	145 (90)	68 (42)

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Relation	Co-Channel	200 kHz	400/600 kHz
B to C1	241 (150)	169 (105)	73 (45)
B to C0	266 (165)	195 (121)	83 (52)
B to C	268 (163)	195 (121)	99 (61)
C3 to C3	142 (88)	89 (55)	37 (23)
C3 to C2	166 (103)	106 (66)	50 (31)
C3 to C1	200 (124)	133 (83)	70 (43)
C3to C0	215 (134)	152 (94)	81 (50)
C3 to C	226 (140)	165 (103)	90 (56)
C2 to C2	177 (110)	117 (73)	52 (32)
C2 to C1	211 (131)	144 (90)	73 (45)
C2 to C0	227 (141)	163 (101)	83 (52)
C2 to C	237 (147)	176 (109)	96 (61)
C1 to C1	224 (139)	158 (98)	76 (47)
C1 to C0	239 (148)	176 (109)	88 (55)
C1 to C	249 (155)	188 (117)	99 (61)
C0 to C0	259 (161)	196 (122)	90 (56)
C0 to C	270 (168)	207 (129)	99 (61)
C to C	270 (168)	209 (130)	99 (61)

[54 FR 9802, Mar. 8, 1989, as amended at 54 FR 35340, Aug. 25, 1989; 56 FR 57294, Nov. 8, 1991; 57 FR 46325, Oct. 8, 1992; 65 FR 79777, Dec. 20, 2000; 66 FR 8149, Jan. 29, 2001]

§ 73.220 Restrictions on use of channels.

(a) The frequency 89.1 MHz (channel 206) is revised in the New York City metropolitan area for the use of the United Nations with the equivalent of an antenna height of 150 meters (492 feet) above average terrain and effective radiated power of 20 kW, and the FCC will make no assignments which would cause objectionable interference with such use.

(b) In Alaska, FM broadcast stations operating on Channels 221-300 (92.1-107.9 MHz) shall not cause harmful interference to and must accept interference from non-Government fixed operations authorized prior to January 1, 1982.

[43 FR 45845, Oct. 4, 1978, as amended at 46 FR 50376, Oct. 13, 1981, 47 FR 30068, July 12, 1982; 48 FR 29507, June 27, 1983]

§ 73.232 Territorial exclusivity.

No licensee of an FM broadcast station shall have any arrangement with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization: *Provided, however,* That this section does not prohibit arrangements under which the