

include an analysis of potential interference to all existing and previously-proposed stations in accordance with paragraph (a) of this section. An applicant for a new instructional television fixed station must include the following technical information with the application:

(1) An analysis of the potential for harmful interference with the receive sites registered as of September 17, 1998, and with the protected service area, of any authorized or previously-proposed cochannel station if:

(i) The proposed transmitting antenna has an unobstructed electrical path to receive site(s) and/or the protected service area of any other station that utilizes, or would utilize, the same frequency; or

(ii) The proposed transmitter is within 80.5 km (50 miles) of the coordinates of any such station.

(2) An analysis of the potential for harmful adjacent channel interference with the receive sites registered as of September 17, 1998, and with the protected service area, of any authorized or previously-proposed station if the proposed transmitter is within 80.5 km (50 miles) of the coordinates of any station that utilizes, or would utilize, an adjacent channel frequency.

(3) An analysis concerning possible adverse impact upon Mexican and Canadian communications if the station's transmitting antenna is to be located within 80.5 km (50 miles) of the border.

(4) In lieu of the interference analyses required by paragraphs (b)(1) and (2) of this section, an applicant may submit (a) statement(s) from the affected cochannel or adjacent channel licensee(s) that any resulting interference is acceptable.

(5) Specific rules relating to response station hubs, booster stations, and 125 kHz channels are set forth in §§21.909, 21.913, 21.949, 74.939, 74.949 and 74.985. To the extent those specific rules are inconsistent with any rules set forth above, those specific rules shall control.

(c) Existing licensees and prospective applicants, including those who lease or propose to lease excess capacity pursuant to §74.931(c) or (d), are expected to cooperate fully and in good faith in attempting to resolve problems of po-

tential interference before bringing the matter to the attention of the Commission.

(d) Each authorized or previously-proposed applicant, or licensee must be protected from harmful electrical interference at each of its receive sites registered previously as of September 17, 1998, and within a protected service area as defined at §21.902(d) of this chapter and in accordance with the reference receive antenna characteristics specified at §21.902(f) of this chapter. An ITFS entity which did not receive protected service area protection prior to September 17, 1998 shall be accorded such protection by a cochannel or adjacent channel applicant for a new station or station modification, including a booster station, response station or response station hub, where the applicant is required to prepare an analysis, study or demonstration of the potential for harmful interference. An ITFS entity receiving interference protection provided by this section will continue to receive such protection if it elects to swap channels with another ITFS or MDS station as specified in §74.902(f).

[28 FR 13731, Dec. 14, 1963, as amended at 50 FR 26758, June 28, 1985; 51 FR 9799, Mar. 21, 1986; 58 FR 44951, Aug. 25, 1993; 60 FR 20246, Apr. 25, 1995; 60 FR 57368, Nov. 15, 1995; 63 FR 65114, Nov. 25, 1998; 64 FR 63737, Nov. 22, 1999; 65 FR 46620, July 31, 2000]

#### §74.910 Part 73 application requirements pertaining to ITFS stations.

The following rules are applicable to ITFS stations.

##### Sec.

- 73.3500 Application and report forms.
- 73.3511 Applications required.
- 73.3512 Where to file; number of copies.
- 73.3513 Signing in applications.
- 73.3514 Content of applications.
- 73.3517 Contingent applications.
- 73.3519 Repetitious applications.
- 73.3522(a) Amendment of applications.
- 73.3533 Application for construction permit or modification of construction permit.
- 73.3534 Application for extension of construction permit or for construction permit to replace expired construction permit.
- 73.3536 Application for license to cover construction permit.
- 73.3542 Application for temporary or emergency authorization.

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- 73.3561 Staff consideration of applications requiring Commission action.
- 73.3562 Staff consideration of applications not requiring action by the Commission.
- 73.3597(c)(2) Procedures on transfer and assignment applications.
- 73.3566 Defective applications.
- 73.3568 Dismissal of applications.
- 73.3587 Procedure for filing objections.
- 73.3598 Period of construction.
- 73.3599 Forfeiture of construction permit.
- 73.5000-73.5006 Competitive Bidding Procedures.

The applicability of other rules in part 73, where appropriate, is not precluded by this section.

[50 FR 26759, June 28, 1985, as amended at 60 FR 20247, Apr. 25, 1995; 63 FR 48632, Sept. 11, 1998]

### § 74.911 Processing of ITFS station applications.

(a) Applications for ITFS stations are divided into three groups:

(1) In the first group are applications for new stations. These applications are subject to the provisions of paragraph (c) of this section.

(2) In the second group are applications for major changes in the facilities of authorized stations. A major change for an ITFS station will be any proposal to add new channels, change from one channel (or channel group) to another, except as provided for in § 74.902(f), change polarization, increase the EIRP in any direction by more than 1.5 dB, increase the transmitting antenna height by 25 feet or more, or relocate a facility's transmitter site by 10 miles or more. Major change applications are subject to paragraphs (d) and (e) of this section.

(3) The third group consists of applications for all other licenses and all other changes in the facilities of authorized stations.

(b) A new file number will be assigned to an application for a new station or for major changes in the facilities of an authorized station, when it is amended so as to effect a major change, as defined in paragraph (a)(2) of this section, or results in a situation where the original party or parties to the application do not retain control of the applicant as originally filed. An application for change in the facilities of any existing station will continue to carry the same file number even

though (pursuant to Commission approval) an assignment of license or transfer of control of such licensee has taken place if, upon consummation, the application is amended to reflect the new ownership.

(c)(1) The FCC will specify by Public Notice, pursuant to § 73.5002, a period for filing ITFS applications for a new station. Such ITFS applicants shall be subject to the provisions of § 1.2105 and the ITFS competitive bidding procedures. *See* 47 CFR 73.5000, *et. seq.*

(2) The requirements of this section apply to a wireless cable entity requesting to be licensed on ITFS frequencies pursuant to § 74.990.

(d) Notwithstanding any other provisions of this part, effective as of September 17, 1998, there shall be a one-week window, at such time as the Commission shall announce by public notice, for the filing of applications for all major changes, high-power signal booster station, response station hub, and I channels point-to-multipoint transmissions licenses, during which all applications shall be deemed to have been filed as of the same day for purposes of 74.939 and 74.985. Following the publication of a public notice announcing the tendering for filing of applications submitted during that window, applicants shall have a period of sixty (60) days to amend their applications, provided such amendments do not result in any increase in interference to any previously-proposed or authorized station, or to facilities proposed during the window, absent consent of the applicant for or licensee of the station that would receive such additional interference. At the conclusion of that sixty (60) day period, the Commission shall publish a public notice announcing the acceptance for filing of all applications submitted during the initial window, as amended during the sixty (60) day period. All petitions to deny such applications must be filed within sixty (60) days of such second public notice. On the sixty-first (61st) day after the publication of such second public notice, applications for major changes, new or modified response station hub, high powered signal booster and booster station licenses may be filed and will be processed in accordance with the provisions of 74.939