

#### § 74.984

hour. Visual or aural transmissions shall be employed.

(c) The hourly station identification announcement during operation may be deferred if it would interrupt a single consecutive demonstration, lecture, or other similar discourse or otherwise impair the continuity of a program in progress. In such cases the station identification announcement shall be made at the first normal break in the continuity of the program.

(d) In cases where an instructional television fixed station is operating as a relay for signals originating at some other station operated by the same licensee, its call sign shall be announced by the originating station at the times and in the manner prescribed in paragraph (b) of this section.

(e) Where an instructional television fixed station is operating as a relay for signals originating at a station operated by some other licensee, its call sign may be transmitted by the originating station, if suitable arrangements can be made with the other licensee, or means shall be provided for the transmission of the call sign by the relay transmitter itself. Low power relay stations, authorized by § 74.950(f)(4) will not be assigned individual call signs. Station identification will be accomplished by the retransmission of the call sign of the primary station.

(f) Temporary fixed ITFS stations shall identify with the call sign of the primary station and a temporary fixed identifier.

(g) The provisions of paragraphs (b) through (e) of this section shall not apply to any ITFS licensee's station or transmissions where digital transmissions are utilized by the ITFS licensee on any of its licensed or shifted channels.

[28 FR 13731, Dec. 14, 1963, as amended at 36 FR 8873, May 4, 1971; 38 FR 25991, Sept. 17, 1973; 49 FR 32596, Aug. 15, 1984; 63 FR 65125, Nov. 25, 1998]

#### § 74.984 Retransmissions.

An instructional television fixed station may not retransmit the signals of any class of station without consent of the station originating the signals to be retransmitted.

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#### § 74.985 Signal booster stations.

(a) An ITFS booster station may reuse channels to repeat the signals of ITFS stations or to originate signals on ITFS channels. The aggregate power flux density generated by an ITFS station and all associated signal booster stations and all simultaneously operating cochannel response stations licensed to or applied for by the applicant may not exceed  $-73$  dBW/m<sup>2</sup> (or the appropriately adjusted value based on the actual bandwidth used if other than 6 MHz, see § 74.903(a)(6)(i)) at or beyond the boundary of the protected service area, as defined by § 21.902(d) of this chapter, of the main ITFS station whose channels are being reused, as measured at locations for which there is an unobstructed signal path, unless the consent of the cochannel licensee is obtained.

(b) A licensee or the capacity lessee of such ITFS station upon the written consent of the licensee, may secure a license for a high power signal booster station that has a maximum EIRP in excess of  $-9$  dBW +  $10 \log(X/6)$  dBW where X is the channel width in MHz, if it complies with the out-of-band emission requirements of § 21.908. Any licensee of a high-power booster station that is a capacity lessee shall, upon termination or expiration of the capacity lease, automatically assign the booster station license to the licensee of the ITFS station by and upon written notice to the Commission signed by the lessee and such. If upon termination or expiration of the capacity lease the licensee no longer desires or needs the high-power booster station license, such a license must be returned to the Commission. Furthermore, such capacity lessee must reserve 20 hours per week per channel for ITFS use, or reserve for recapture by the ITFS licensee for its ITFS educational usage, subject to one year's advance, written notification by the ITFS licensee to its lessee and accounting for all recapture already exercised, with no economic or operational detriment to the licensee, for a lessor using analog transmissions. Alternatively, the capacity lessee must reserve a minimum of 5% of the capacity of its channels for instructional purposes only and provide at least 20 hours

per licensed channel per week of ITFS educational usage for the lessor using digital transmissions. The applicant for a high-power station, or for modification thereto, shall file FCC Form 331 with the Commission Reference Room in Washington, DC, and certify on that form that the applicant has complied with the additional requirements of this paragraph (b), and that the interference data submitted under this paragraph is complete and accurate. Failure to certify compliance and to comply completely with the following requirements of this paragraph (b) shall result in dismissal of the application or revocation of the high-power ITFS signal booster station license, and may result in imposition of a monetary forfeiture. The applicant is additionally required to submit (see § 21.902(m) for permissible format(s) and media) to the Commission's Reference Room the following information:

(1) A demonstration that the proposed signal booster station site is within the protected service area, as defined in § 21.902(d)(1) of this chapter, of the main ITFS station whose channels are to be reused; and

(2) A demonstration that the booster service area is entirely within the protected service area of the ITFS station whose channels are being reused, or in the alternative, that the licensee entitled to any cochannel protected service area which is overlapped by the proposed booster service area has consented to such overlap; and

(3) A demonstration that the proposed booster service area can be served by the proposed booster without interference; and

(4) A study which demonstrates that the aggregate power flux density of the ITFS station and all associated booster stations and simultaneously operating cochannel response stations licensed to or applied for by the applicant does not exceed  $-73$  dBW/m<sup>2</sup> (or the appropriately adjusted value based on the actual bandwidth used if other than 6 MHz, see § 74.903(a)(6)(i)) at or beyond the boundary of the protected service area of the main ITFS station whose channels are to be reused, as measured at locations for which there is an unobstructed signal path, unless the con-

sent of affected licensees has been obtained; and

(5) In lieu of the requirements of § 74.903, a study which demonstrates that the proposed signal booster station will cause no harmful interference (as defined in § 74.903(a)(1) and (2)) to cochannel and adjacent channel, authorized or previously-proposed ITFS and MDS stations with protected service area center coordinates as specified in § 21.902(d) of this chapter, to any authorized or previously-proposed response station hubs, booster service areas, or I channel stations associated with such ITFS and MDS stations, or to any ITFS receive sites registered as of September 17, 1998, within 160.94 kilometers (100 miles) of the proposed booster station's transmitter site. Such study shall consider the undesired signal levels generated by the proposed signal booster station, the main station, all other licensed or previously-proposed associated booster stations, and all simultaneously operating cochannel response stations licensed to or applied for by the applicant. In the alternative, a statement from the affected MDS or ITFS licensee stating that it does not object to operation of the high-power ITFS signal booster station may be submitted; and

(6) A description of the booster service area; and

(7) A certification that copies of the materials set forth in paragraph (b) of this section have been served upon the licensee of each station (including each response station hub and booster station) required to be studied pursuant to paragraph (b)(5) of this section, and upon any affected holder of a BTA or PSA authorization pursuant to paragraph (b)(4) of this section.

(8) If the applicant is a capacity lessee, a certification that:

(i) The licensee has provided its written consent to permit the capacity lessee to apply for the booster station license; and

(ii) The applicant and the licensee have entered into a lease that is in effect at the time of such filing.

(c) Applications for high-power ITFS signal booster station licenses shall be deemed minor change applications and, except as provided in § 74.911(e), may be

filed at any time. Notwithstanding any other provision of part 74, applications for high-power ITFS signal booster station licenses meeting the requirements of paragraph (b) of this section shall cut-off applications that are filed on a subsequent day for facilities that would cause harmful electromagnetic interference to the proposed booster stations.

(d) Notwithstanding the provisions of § 74.912 and except as provided in § 74.911(e), any petition to deny an application for a high-power ITFS signal booster station license shall be filed no later than the sixtieth (60th) day after the date of public notice announcing the filing of such application or major amendment thereto. Except as provided in § 74.911(e), an application for a high-power ITFS signal booster station license that meets the requirements of paragraph (b) of this section shall be granted on the sixty-first (61st) day after the Commission shall have given public notice of the acceptance for filing of it, or of a major amendment to it if such major amendment has been filed, unless prior to such date either a party in interest timely files a formal petition to deny or for other relief pursuant to § 74.912, or the Commission notifies the applicant that its application will not be granted. Where an application is granted pursuant to the provisions of this paragraph, the licensee shall maintain a copy of the application at the ITFS booster station until such time as the Commission issues a high-power ITFS signal booster station license.

(e) A licensee or the capacity lessee of such ITFS station upon the written consent of the licensee, shall be eligible to install and operate a low power signal booster station that has a maximum EIRP of  $-9 \text{ dBW} + \log_{10}(X/6)$  dBW, where X is the channel width in MHz. A low-power ITFS signal booster station may operate only on one or more ITFS channels that are licensed to the licensee of the ITFS booster station, but may be operated by a third party with a fully-executed lease or consent agreement with the ITFS licensee. Any licensee of a low-power booster station that is a capacity lessee shall, upon termination or expiration of the capacity lease, automati-

cally assign the booster station license to the licensee of the ITFS station by and upon written notice to the Commission signed by the lessee and such licensee. If upon termination or expiration of the capacity lease the licensee no longer desires or needs the low-power booster station license, such a license must be returned to the Commission. An ITFS licensee or capacity lessee thereof may install and commence operation of a low-power ITFS signal booster station for the purpose of retransmitting the signals of the ITFS station or for originating signals. Such installation and operation shall be subject to the condition that for sixty (60) days after installation and commencement of operation, no objection or petition to deny is filed by the licensee of a, or applicant for a previously-proposed, cochannel or adjacent channel ITFS or MDS station with a transmitter within 8.0 kilometers (5 miles) of the coordinates of the low-power ITFS signal booster station. An ITFS licensee or capacity lessee thereof seeking to install a low-power ITFS signal booster station under this rule must submit a FCC Form 331 to the Commission within 48 hours after installation. In addition, the ITFS licensee, or capacity lessee must submit the following information (see § 21.902(m) for permissible format(s) and media) to the Commission's Reference Room:

(1) A description of the signal booster technical specifications (including an antenna envelope plot or, if the envelope plot is on file with the Commission, the make and model of the antenna, antenna gain and azimuth), the coordinates of the booster, the height of the center of radiation above mean sea level, the street address of the signal booster, and a description of the booster service area; and

(2) A demonstration that the booster service area is entirely within the protected service area of the station whose channels are being reused, or, in the alternative, that the licensee entitled to any protected service area which is overlapped by the proposed booster service area has consented to such overlap; and

(3) A demonstration that the proposed booster service area can be

served by the proposed booster without interference; and

(4) A certification that

(i) The maximum power level of the signal booster transmitter does not exceed  $-9 \text{ dBW} + 10 \log(X/6) \text{ dBW}$ , where  $X$  is the channel width in MHz; and

(ii) Where the booster is operating on channel D4, E1, F1, E2, F2, E3, F3, E4, F4 and/or G1, no registered receiver of an ITFS E or F channel station, constructed prior to May 26, 1983, is located within a 1 mile (1.61 km) radius of the coordinates of the booster, or in the alternative, that a consent statement has been obtained from the affected ITFS licensee; and

(iii) The applicant has complied with § 1.1307 of this chapter; and

(iv) Each MDS and/or ITFS station licensee (including the licensees of booster stations and response station hubs) with protected service areas and/or registered receivers within a 8 km (5 mile) radius of the coordinates of the booster has been given notice of its installation; and

(v) The signal booster site is within the protected service area of the ITFS station whose channels are to be reused; and

(vi) The aggregate power flux density of the ITFS station and all associated booster stations and simultaneously operating cochannel response stations licensed to or applied for by the applicant does not exceed  $-73 \text{ dBW/m}^2$  (or the appropriately adjusted value based on the actual bandwidth used if other than 6 MHz, see § 74.903(a)(6)(i)) at or beyond the boundary of the protected service area of the main ITFS station whose channels are to be reused, as measured at locations for which there is an unobstructed signal path, unless the consent of affected licensees has been obtained; and

(vii) The antenna structure will extend less than 6.10 meters (20 feet) above the ground or natural formation or less than 6.10 meters (20 feet) above an existing manmade structure (other than an antenna structure); and

(viii) The applicant understands and agrees that in the event harmful interference is claimed by the filing of an objection or petition to deny, it must terminate operation within two (2) hours of notification by the Commis-

sion, and must not recommence operation until receipt of written authorization to do so by the Commission; and

(ix) If the applicant is a capacity lessee, a certification that:

(A) The licensee has provided its written consent to permit the capacity lessee to apply for the booster station license; and

(B) The applicant and the licensee have entered into a lease that is in effect at the time of such filing.

(f) Commencing upon the filing of an application for a high-power ITFS signal booster station license and until such time as the application is dismissed or denied or, if the application is granted, a certification of completion of construction on FCC Form 330A is submitted, an applicant for any new or modified MDS or ITFS station (including any response station hub, high-power booster station, or I channels station) shall demonstrate compliance with the interference protection requirements set forth in §§ 21.902(i) and 21.938(b)(3) of this chapter or § 74.903 with respect to any previously-proposed or authorized booster service area both using the transmission parameters of the high-power ITFS signal booster station (*e.g.*, EIRP, polarization(s) and antenna height) and the transmission parameters of the ITFS station whose channels are to be reused by the high-power ITFS signal booster station. Upon the submission of a certification of completion of construction on FCC Form 330A of an ITFS booster station applied for pursuant to paragraph (b) of this section, or upon the submission of an ITFS booster station notification pursuant to paragraph (e) of this section, the ITFS station whose channels are being reused by the ITFS signal booster shall no longer be entitled to interference protection pursuant to §§ 21.902(i) and 21.938(b)(3) of this chapter and § 74.903 within the booster service area based on the transmission parameters of the ITFS station whose channels are being reused. A booster station shall not be entitled to protection from interference caused by facilities proposed on or prior to the day the application or notification for the booster station is

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filed. A booster station shall not be required to protect from interference facilities proposed on or after the day the application or notification for the booster station is filed.

(g) Where an application is granted under paragraph (d) of this section, if a facility operated pursuant to that grant causes harmful, unauthorized interference to any cochannel or adjacent channel facility, it must promptly remedy the interference or immediately cease operations of the interfering facility, regardless of whether any petitions to deny or for other relief were filed against the application during the application process. The burden of proving that a high-power ITFS signal booster station is not causing harmful, unauthorized interference lies on the licensee of the alleged interfering facility, following the filing of a documented complaint of interference by an affected party.

(h) In the event any MDS or ITFS receive site suffers interference due to block downconverter overload, the licensee of each non-co/adjacent channel signal booster station within five miles of such receive site shall cooperate in good faith to expeditiously identify the source of the interference. Each licensee of a signal booster station contributing to such interference shall bear the joint and several obligation to remedy promptly all interference resulting from block downconverter overload at any ITFS registered receive site or at any receive site within an MDS or ITFS protected service area applied for prior to the submission of the application or notification for the signal booster station, regardless of whether the receive site suffering the interference was constructed prior to or after the construction of the signal booster station(s) causing the downconverter overload; provided, however, that the licensee of the registered ITFS receive site or the MDS or ITFS protected service area must cooperate fully and in good faith with efforts by signal booster station licensees to prevent interference before constructing the signal booster station and/or to remedy interference that may occur. In the event that more than one signal booster station licensee contributes to block downconverter overload

interference at an MDS or ITFS receive site, such licensees shall cooperate in good faith to remedy promptly the interference.

[63 FR 65125, Nov. 25, 1998, as amended at 64 FR 63743, Nov. 22, 1999; 65 FR 46624, July 31, 2000]

EFFECTIVE DATE NOTE: At 65 FR 46624, July 31, 2000, § 74.985 was amended by adding (b)(8) and (e)(4)(ix). These paragraphs contain information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

**§ 74.986 Involuntary ITFS station modifications.**

(a) Parties specified in paragraph (b) of this section may, subject to Commission approval, involuntarily modify the facilities of an existing ITFS licensee in the following situations:

(1) If the initiating party is prevented from invoking the 0 dB interference protection standard (see § 21.902(f)(2) of this chapter and § 74.903(a)(2) of this part) for projecting its impact on an existing ITFS licensee because of that licensee's pre-May 26, 1983, facilities, the applicant, permittee or licensee may modify the facilities of the pre-existing ITFS station with equipment adequate to perform at that level of interference;

(2) If the initiating party is prevented from operating at a higher transmitter output power or EIRP because such power level will cause harmful interference to an ITFS station and modifying the ITFS station will avoid such harmful interference;

(3) If the initiating party is prevented from installing a signal booster because such installation will cause harmful interference to an ITFS station and modifying the ITFS station will avoid harmful interference;

(4) If an ITFS licensee uses equipment incapable of meeting the aural power standard specified in § 74.935(d) and that equipment becomes a source of harmful adjacent-channel interference, and other equipment would avoid such harmful interference.

(5) If an ITFS licensee uses equipment incapable of meeting the transmitter tolerance standard specified in § 74.961 of this part and that equipment