under this subpart, authority to operate is forfeited and the licensee shall forward the station license to the Commission for cancellation. For the purposes of this section, a station which is not operated for a period of one year is considered to have been permanently discontinued. If use of a channel(s) is discontinued, authority to operate on such channel(s) is forfeited and an application for modification shall be filed to delete such channel(s).

(e) No receive site more than 35 miles from the transmitter site shall be used to establish basic eligibility.

NOTE 1: A "local" licensee (or applicant) is an institution or organization that is physically located in the community, or metropolitan area, where service is proposed. For a college or university, this would include any area where it has a campus. An educational organization will generally be regarded as "local" if the address of the organization's headquarters is located within the area where the facility is sought. An entity created by a state or local government for the purpose of serving formal educational needs will be considered "local" throughout the area within the government's jurisdiction over which its authority is intended to extend. An educational entity located within a state and created by affiliated educational institutions within that state, including hospitals, will be considered "local" in those areas where the member institutions are located.

NOTE 2: Documentation from proposed receive sites which are to establish the eligibility of an entity not serving its own enrolled students for credit should be in letter form, written and signed by an administrator or authority who is responsible for the receive site's curriculum planning. The administrator must indicate that the applicant's program offerings have been viewed and that such programming will be incorporated in the site's curriculum. The letter should discuss the types of programming and hours per week of formal and informal programming expected to be used and the site's involvement in the planning, scheduling and production of programming. If other levels of authority must be obtained before a firm commitment to utilize the service can be made, the nature and extent of such additional authorization(s) must be provided.

NOTE 3: Letters submitted on behalf of a nonlocal entity must confirm that a member of the receive site's staff will serve on the local program committee and demonstrate a recognition of the composition and power of the committee. The letter should show that the staff member will aid in the selection, scheduling and production of the programming received over the system.

[28 FR 13731, Dec. 14, 1963, as amended at 36 FR 8873, May 14, 1971; 49 FR 32596, Aug. 15, 1984; 50 FR 26760, June 28, 1985; 51 FR 9800, Mar. 21, 1986; 56 FR 57819, Nov. 14, 1991; 58 FR 44951, Aug. 25, 1993; 60 FR 20247, Apr. 25, 1995; 64 FR 63739, Nov. 22. 1999]

§ 74.933 Remote control operation.

Licensed ITFS stations may be operated by remote control without further authority.

[52 FR 3806, Feb. 6, 1987]

§ 74.934 Unattended operation.

Unattended operation of licensed ITFS stations is permitted without further authority.

(a) An unattended relay station may be employed to receive and retransmit signals of another station provided that the transmitter is equipped with circuits which permit it to radiate only when the signal intended to be retransmitted is present at the receiver input terminals.

[52 FR 3806, Feb. 6, 1987]

§ 74.935 EIRP limitations.

(a) The maximum EIRP of a main or booster station shall not exceed 33 dBW + 10log(X/6) dBW, where X is the actual bandwidth if other than 6 MHz, except as provided in paragraph (b) of this section.

(b) If a main or booster station sectorizes or otherwise uses one or more transmitting antennas with a non-omnidirectional horizontal plane radiation pattern, the maximum EIRP over a 6 MHz channel in dBW in a given direction shall be determined by the following formula:

EIRP = 33 dBW + 10 log(X/6) dBW + 10 log(360/beamwidth) dBW, where X is the channel width in MHz and 10 log(360/beamwidth) ≤ 6 dB.

Beamwidth is the total horizontal plane beamwidth of the individual transmitting antenna for the station or any sector measured at the half-power points.

(c) An increase in station EIRP, above currently-authorized or previously-proposed values, to the maximum values provided in paragraphs (a)

and (b) of this section may be authorized, if an applicant demonstrates that the requested EIRP increase would not cause harmful interference to any authorized or previously-proposed, cochannel or adjacent channel station entitled to interference protection under the Commission's rules, or if an applicant demonstrates that:

(1) A station that must be protected from interference could compensate for interference by increasing its EIRP; and

(2) The interfered-with station may increase its own EIRP consistent with the rules and without causing harmful interference to any cochannel or adjacent channel main or booster station protected service area, response station hub or BTA/PSA, for which consent for the increased interference has not been obtained ; and

(3) The applicant requesting authorization of an EIRP increase agrees to pay all expenses associated with the increase in EIRP by the interfered-with station.

(d) For television transmission, the peak power of the accompanying aural signal must not exceed 10 percent of the peak visual power of the transmitter. The Commission may order a reduction in aural signal power to diminish the potential for harmful interference.

(e) For main, booster and response stations utilizing digital emissions with non-uniform power spectral density (e.g. unfiltered QPSK), the power measured within any 100 kHz resolution bandwidth within the 6 MHz channel occupied by the non-uniform emission cannot exceed the power permitted within any 100 kHz resolution bandwidth within the 6 MHz channel if it were occupied by an emission with uniform power spectral density, *i.e.*, if the maximum permissible power of a station utilizing a perfectly uniform power spectral density across a 6 MHz channel were 2000 watts EIRP, this would result in a maximum permissible power flux density for the station of 2000/60 = 33.3 watts EIRP per 100 kHz bandwidth. If a non-uniform emission were substituted at the station, station power would still be limited to a maximum of 33.3 watts EIRP within any 100 kHz segment of the 6 MHz channel, irrespective of the fact that this would result in a total 6 MHz channel power of less than 2000 watts EIRP.

[55 FR 46013, Oct. 31, 1990, as amended at 58 FR 44951, Aug. 25, 1993; 63 FR 65117, Nov. 25, 1998; 64 FR 63739, Nov. 22, 1999]

§ 74.936 Emissions and bandwidth.

(a) An ITFS station may employ amplitude modulation (C3F) for the transmission of the visual signal and frequency modulation (F3E) or (G3E) for the transmission of the aural signal when transmitting a standard analog television signal. Quadrature amplitude modulation (QAM), digital vestigial sideband modulation (VSB), quadrature phase shift key modulation (QPSK), code division multiple access (CDMA) and orthogonal frequency division multiplex (OFDM) emissions may be employed, subject to compliance with the policies set forth in the *Declaratory Ruling and Order*, 11 FCC Rcd 18839 (1996). Use of OFDM also is subject to the subsequently *Digital Declaratory Ruling and Order*, DA 99–554 (Mass Med. Bur. rel. Mar. 19, 1999). Other digital emissions may be added to those authorized above, including emissions with non-uniform power spectral density, if the applicant provides information in accordance with the guidelines and procedures set forth in the *Declaratory Ruling and Order* which clearly demonstrates the spectral occupancy and interference characteristics of the emission. The licensee may subchannelize its authorized bandwidth, provided that digital modulation is employed and the aggregate power does not exceed the authorized power for the channel, and may utilize all or a portion of its authorized bandwidth for ITFS response stations authorized pursuant to §74.939. The licensee may also, jointly with affected adjacent channel licensees, transmit utilizing bandwidth in excess of its authorized frequencies, provided that digital modulation is employed, all power spectral density requirements set forth in this part are met and the out-of-band emissions restrictions set forth in §74.936 are met at the edges of the channels employed. The wider channels thus created may be redivided to create narrower channels.