

§ 78.20

47 CFR Ch. I (10-1-04 Edition)

Commission or modification of any authorization which will cause harmful interference.

(f) Protection to the Federal Government's receive earth station operations in the Denver, Colorado and Washington D.C. areas in the 17,800 to 19,700 MHz band.

(1) With the exception of applicants for a station authorization to operate within a 5 km radius of 39°40'23" N Lat. and 105°13'03" W Long (Morrison, CO), applicants will not be authorized to operate within a 50 km radius of 39°43'00" N Lat. and 104°46'00" W Long. (Denver, CO) and within a 50 km radius of 38°48'00" N Lat. and 76°52'00" W Long. (Washington, DC).

(2) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, DC areas, any application for a new station license to operate in the 17.8-19.7 GHz band, or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

(i) A circular area within a 5 km radius of 39°40'23" N Lat. and 105°13'03" W Long. (Morrison, CO)

(ii) Within the rectangular areas defined as follows (vicinity of Denver, CO):

- Rectangle 1: 414°30'00" N. Lat. on the north 103°10'00" W. Long. on the east 38°30'00" N. Lat. on the south 106°30'00" W. Long. on the west
Rectangle 2: 38°30'00" N. Lat. on the north 105°00'00" W. Long. on the east 37°30'00" N. Lat. on the south 105°50'00" W. Long. on the west
Rectangle 3: 40°08'00" N. Lat. on the north 107°00'00" W. Long. on the east 39°56'00" N. Lat. on the south 107°15'00" W. Long. on the west

(iii) Within the rectangle and circle areas as follows (vicinity of Washington, DC):

- Rectangle 38°40'00" N. Lat. on the north 78°50'00" W. Long. on the east 38°10'00" N. Lat. on the south 79°20'00" W. Long. on the west or

(iv) Within a radius of 178 km of 38°48'00" N. Lat. / 76°52'00" W. Long.

NOTE TO §78.19: The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of -30 meters with respect to the "National Spatial Reference System."

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15926, Aug. 8, 1972; 37 FR 26733, Dec. 15, 1972; 38 FR 1920, Jan. 19, 1973; 42 FR 33037, June 29, 1977; 44 FR 77167, Dec. 31, 1979; 45 FR 78694, Nov. 26, 1980; 50 FR 32418, Aug. 12, 1985; 50 FR 40863, Oct. 7, 1985; 50 FR 45406, Oct. 31, 1985; 58 FR 44952, Aug. 25, 1993; 61 FR 8478, Mar. 5, 1996; 62 FR 55533, 55538, Oct. 27, 1997]

EFFECTIVE DATE NOTE: At 69 FR 57862, Sept. 28, 2004, §78.19 was amended by revising paragraph (f)(2)(ii), effective Oct. 28, 2004. For the convenience of the user, the revised text is set forth as follows:

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- (f) * * * * * (ii) Within the rectangular areas defined as follows (vicinity of Denver, CO):

- Rectangle 1: 41°30'00" N. Lat. on the north 103°10'00" W. Long. on the east 38°30'00" N. Lat. on the south 106°30'00" W. Long. on the west
Rectangle 2: 38°30'00" N. Lat. on the north 105°00'00" W. Long. on the east 37°30'00" N. Lat. on the south 105°50'00" W. Long. on the west
Rectangle 3: 40°08'00" N. Lat. on the north 107°00'00" W. Long. on the east 39°56'00" N. Lat. on the south 107°15'00" W. Long. on the west

§ 78.20 Acceptance of applications; public notice.

(a) Applications which are tendered for filing are dated upon receipt and then forwarded to the Media Bureau

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where an examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete, are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications which are not substantially complete will be returned to the applicant. Applications requiring fees as set forth at part 1, subpart G, of this chapter must be filed in accordance with § 0.401(b) of this chapter.

(b) Acceptance of an application for filing means only that it has been the subject of a preliminary review by the Commission's administrative staff as to completeness. Applications which are determined to be clearly not in accordance with the Commission's rules or other requirements, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing, or if inadvertently accepted for filing, will be dismissed. Requests for waiver shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

(c) The Commission will give public notice of all applications and major amendments thereto which have been accepted for filing. No application shall be acted on less than thirty (30) days from the date of public notice.

[37 FR 15926, Aug. 8, 1972, as amended at 52 FR 10231, Mar. 31, 1987; 67 FR 13235, Mar. 21, 2002; 68 FR 27004, May 19, 2003]

§ 78.21 Dismissal of applications.

(a) Any application may, on request of the applicant, be dismissed without prejudice as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. An applicant's request for the return of an application will be regarded as a request for dismissal.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken

by the Commission with respect to the application.

[37 FR 15927, Aug. 8, 1972]

§ 78.22 Objections to applications.

(a) Any party in interest may file a petition to deny any application (whether as originally filed or as amended) no later than thirty (30) days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto. Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

(b) The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter), in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof.

(c) Notwithstanding the provisions of paragraph (a) of this section, before Commission action on any application for an instrument of authorization, any person may file informal objections to the grant. Such objections may be submitted in letter form (without extra copies) and shall be signed by the objector. The limitation on pleadings and time for filing pleadings provided for in § 1.45 of this chapter shall not be applicable to any objections duly filed pursuant to this paragraph.

[37 FR 15927, Aug. 8, 1972, as amended at 50 FR 23421, June 4, 1985]

§ 78.23 Equipment tests.

(a) Following the grant of a CARS license, the licensee, during the process of construction of the station, may, without further authority from the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the authorization, the technical provisions of the application therefore, the