

**BAS Service Rules (Part 74)***Temporary Conditional Authority*

25. The Commission proposed in the *NPRM* to allow BAS applicants who apply for new or modified stations to operate under temporary conditional authority after an application has been properly filed with the Commission. This type of operating authority is permitted in other coordinated services, such as those authorized under parts 90 and 101 and Remote Pickup BAS. The Commission proposed to make such temporary conditional authority subject to the following conditions:

- The applicant must be eligible to operate the particular class of broadcast auxiliary station.
- The station must be operating in conformance with the rules for that particular class of station and in accordance with the terms of the frequency coordination.
- The application does not propose operation in an area that requires international coordination.
- The application does not request a waiver of the Commission's rules.
- The proposed station will not significantly affect the environment as defined in part 1, subpart I of the Commission's rules.
- The antenna structure either has a FCC Registration Number or is determined to not need one.
- The proposed station affords protection to radio "quiet" zones and monitoring stations.

The Commission also proposed to allow temporary conditional authority for low power auxiliary stations authorized under part 74, subpart H. To effectuate these changes, the Commission proposed to remove § 74.431(g) and to adopt new § 74.25 to allow temporary conditional authorizations for all broadcast auxiliary services. We find that providing BAS applicants with the ability to operate under temporary conditional authority is appropriate. We are removing § 74.431(g) and adopting a new § 74.25 to allow temporary conditional authorizations for all broadcast auxiliary services.

*Short Term Operation*

26. Section 74.24 provides broadcast licensees regulated under part 73 of our rules (*i.e.*, AM, FM, and TV broadcast stations, including Class A stations) with the authority to operate a broadcast auxiliary station on a short-term secondary basis, for up to 720 hours per year, without prior authorization from the Commission, subject to providing notification to the local frequency coordinator, and to co-channel and

adjacent channel CARS licensees. This rule section provides broadcasters with flexibility to respond to short term situations that occur outside of a station's normal operating area without coming to the Commission with requests for STA. However, the same flexibility is not afforded to broadcast network entities, cable network entities, or LPTV stations, even though these entities are eligible to hold BAS licenses. To promote consistent treatment of licensees with similar operations, we adopted our proposal to extend the short-term operation rules to broadcast network entities, cable network entities, and LPTV stations. This action will simplify the process for these entities when it is necessary to provide coverage of events outside of its normal coverage area. In addition, our proposal to codify rules and procedures for designating a coordinator for major special events was supported by commenters and is adopted as proposed with one clarification; we will specify in § 74.24(g)(2)(i) that the initial request for such designation be made in writing. Such designations will be made by public notice which will include all necessary contact information. We will maintain the current limitation of 720 hours per year per frequency for short-term operation.

27. Extending this rule to cover additional entities raises questions regarding compliance with the various station identification rules. Therefore, because broadcast network and cable network entities do not have individual station call signs for identification purpose, we will require them to use their network or cable entity name along with their base of operations city for compliance with the station identification rules. Using such a scheme will make it easy to identify the proper point of contact should a problem arise.

*Use of UHF-TV Channels for TV STLs and TV Relay Stations*

28. We adopt, with some modification, our proposals with respect to the future use of UHF-TV channels by TV STLs, TV relay stations, and TV translator relay stations. We will permit these stations to obtain authorizations without submitting an engineering analysis so long as they meet the specified technical parameters—maximum EIRP of 35 dBW, maximum transmitting antenna beamwidth of 25 degrees, and use of vertical polarization. In addition, we will limit future licensing, beginning as of the effective date of the rules of the *Report and Order*, of TV STLs and TV relay stations to channels 14–51; current stations on

channels 52–69 will be grandfathered under the terms of their current authorization until the end of the DTV transition or until new primary licensees require the removal of such operations. Finally, we will permit future licensing of TV translator relay stations on all UHF-TV channels 52–69 through the end of the DTV transition as long as harmful interference is not caused to new primary services.

29. We decline to adopt any additional restrictions or review procedures which would unnecessarily burden licensees or the licensing process. We will however make a slight wording change to § 74.602(h)(1) to clarify that if any of the specified parameters are exceeded, an engineering analysis must accompany the application. We also point out that stations licensed under § 74.602(h) are secondary and regardless of their operating parameters, must protect all primary stations using the UHF-TV spectrum, including land mobile stations.

*TV BAS Sound Channels*

30. In the *NPRM*, the Commission stated that its understanding of current industry practice is for broadcasters to use multiplexing techniques, rather than separate sound channels, to transmit the aural portion and video portion of their programming over a single TV BAS channel. Therefore, the Commission proposed to eliminate § 74.603(b). Additionally, the Commission proposed to eliminate the corresponding provision of § 74.502(b) that provides TV BAS licensees' authorization to use the aural BAS channels. The Commission also sought comment on whether it should remove § 74.603(c), which provides grandfathering rights so that TV BAS stations could continue operating aural STL or relay stations that were in service prior to July 10, 1970. SBE, the only commenter on this issue, confirms the Commission's understanding of current industry practice and concurs with the proposals. Accordingly, we adopted the proposals to eliminate §§ 74.603(b), 74.502(b), and 74.603(c).

*Remote Pickup Broadcast Auxiliary Frequency Assignment*

31. The Commission amends the channel plan for 150 MHz and 160 MHz Remote Pickup stations to list channels every 7.5 kilohertz and allow licensees to stack up to four channels for a total of 30 megahertz. In addition, we will modify the Group N1 and N2 450 MHz channels to list channels every 6.25 kilohertz and allow licensees to stack up to eight channels for a total of 50