may enter into a contract, arrangement, or understanding with a producer, supplier, or distributor of a nonnetwork program if that contract, arrangement, or understanding provides that the broadcast station has exclusive national rights such that no other television station in the United States may broadcast the program.

NOTE 1: Contracts, arrangements, or understandings that are complete under the practices of the industry prior to August 7, 1973, will not be disturbed. Extensions or renewals of such agreements are not permitted because they would in effect be new agreements without competitive bidding. However, such agreements that were based on the broadcaster's advancing ''seed money'' for the production of a specific program or series that specify two time periods—a tryout period and period thereafter for general exhibition—may be extended or renewed as contemplated in the basic agreement.

NOTE 2: It is intended that the top 100 major television markets listed in §76.51 of this chapter shall be used for the purposes of this rule and that the listing of the top 100 television markets appearing in the ARB Television Market Analysis shall not be used. The reference in this rule to the listing of markets in the ARB Television Market Analysis refers to hyphenated markets below the top-100 markets contained in the ARB Television Market Analysis. If a community is listed in a hyphenated market in §76.51 and is also listed in one of the markets in the ARB listing, the listing in §76.51 shall govern.

NOTE 3: The provisions of this paragraph apply only to U.S. commercial television broadcast stations in the 50 states, and not to stations in Puerto Rico or the Virgin Islands, foreign stations or noncommercial educational television or ''public'' television stations (either by way of restrictions on their exclusivity or on exclusivity against them).

NOTE 4: New stations authorized in any community of a hyphenated market listed in §76.51 of this chapter or in any community of a hyphenated market listed in the ARB Television Market Analysis (for markets below the top-100 markets) are subject to the same rules as previously existing stations therein. New stations authorized in other communities are considered stations in separate markets unless and until §76.51 is amended by Commission action, or the ARB listing is changed.

(Sec. 5, 48 Stat. 1068 (47 U.S.C. 155))

[28 FR 13660, Dec. 14, 1963]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §73.658, see the List of CFR Sections Affected in the Finding Aids section of this volume.

### §§ 73.659—73.663 [Reserved]

### § 73.664 Determining operating power.

(a) The operating power of each TV visual transmitter shall normally be determined by the direct method.

(b) *Direct method, visual transmitter.* The direct method of power determination for a TV visual transmitter uses the indications of a calibrated transmission line meter (responsive to peak power) located at the RF output terminals of the transmitter. The indications of the calibrated meter are used to observe and maintain the authorized operating power of the visual transmitter. This meter must be calibrated whenever any component in the metering circuit is repaired or replaced and as often as necessary to ensure operation in accordance with the provisions of §73.1560 of this part. The following calibration procedures are to be used:

(1) The transmission line meter is calibrated by measuring the average power at the output terminals of the transmitter, including any vestigial sideband and harmonic filters which may be used in normal operation. For this determination the average power output is measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. During this measurement the transmitter is to be modulated only by a standard synchronizing signal with blanking level set at 75% of peak amplitude as observed in an output waveform monitor, and with this blanketing level amplitude maintained throughout the time interval between synchronizing pulses.

(2) If electrical devices are used to determine the output power, such devices must permit determination of this power to within an accuracy of ±5% of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices must permit determination of this power to within an accuracy of ±4% of measured

average power output. The peak power output is the power so measured in the dummy load multiplied by the factor 1.68. During this measurement the input voltage and current to the final radio frequency amplifier stage and the transmission line meter are to be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings must be in substantial agreement.

(3) The meter must be calibrated with the transmitter operating at 80%, 100%, and 110% of the authorized power as often as may be necessary to maintain its accuracy and ensure correct transmitter operating power. In cases where the transmitter is incapable of operating at 110% of the authorized power output, the calibration may be made at a power output between 100% and 110% of the authorized power output. However, where this is done, the output meter must be marked at the point of calibration of maximum power output, and the station will be deemed to be in violation of this rule if that power is exceeded. The upper and lower limits of permissible power deviation as determined by the prescribed calibration, must be shown upon the meter either by means of adjustable red markers incorporated in the meter or by red marks placed upon the meter scale or glass face. These markings must be checked and changed, if necessary, each time the meter is calibrated.

(c) *Indirect method, visual transmitter.* The operating power is determined by the indirect method by applying an appropriate factor to the input power to the final radio-frequency amplifier stage of the transmitter using the following formula:

Transmitter output power=Ep x Ip x *F*

Where:

Ep=DC input voltage of the final radio-frequency amplifier stage.
Ip=DC input current of the final radio-frequency amplifier stage.
*F*=Efficiency factor.

(1) If the above formula is not appropriate for the design of the transmitter final amplifier, use a formula specified by the transmitter manufacturer with other appropriate operating parameters.

(2) The value of the efficiency factor, *F* established for the authorized transmitter output power is to be used for maintaining the operating power, even though there may be some variation in *F* over the power operating range of the transmitter.

(3) The value of *F* is to be determined and a record kept thereof by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (b) of this section or the most recent measurements made by the licensee establishing the value of F. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC and also retain with the station records the measurement data used as a basis for determining the value of F.

(ii) Using measurement data shown on the transmitter manufacturer's test data supplied to the licensee, provided that measurements were made at the authorized carrier frequency and transmitter output power.

(iii) Using the transmitter manufacturer's measurement data submitted to the FCC for type acceptance as shown in the instruction book supplied to the licensee.

NOTE: Refer to §73.1560 for aural transmitter output power levels.

[44 FR 58732, Oct. 11, 1979, as amended at 48 FR 44805, Sept. 30, 1983; 49 FR 4210, Feb. 3, 1984; 49 FR 22092, May 25, 1984; 49 FR 49851, Dec. 24, 1984; 50 FR 26568, June 27, 1985; 54 FR 9806, Mar. 8, 1989. Redesignated at 58 FR 62555, Nov. 29, 1993]

### § 73.665 Use of TV aural baseband subcarriers.

Licensees of TV broadcast stations may transmit, without further authorization from the FCC, subcarriers and signals within the composite baseband for the following purposes:

(a) Stereophonic (biphonic, quadraphonic, etc.) sound programs under the provisions of §§73.667 and 73.669.

(b) Transmission of signals relating to the operation of TV stations, such as relaying broadcast materials to other