

(c) The public notice required by paragraph (b) of this section shall contain, where applicable, the following information:

(1) The name of the applicant if the applicant is an individual, the names of all partners if the applicant is a partnership, or the names of all officers and directors and of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association;

(2) The purpose for which the application will be filed (*i.e.*, for a construction permit for a wireless cable system);

(3) A statement that the channels applied for are ITFS channels normally reserved for educational use, and a list of the specific frequencies or channels on which the proposed station will operate;

(4) The date the application was tendered for filing with the FCC;

(5) The facilities sought, including type and class of station, power, location of studios, transmitter site and antenna height; and

(6) A statement that a copy of the application and related material are on file for public inspection at a stated address in the community in which the station is located or is proposed to be located.

[56 FR 57821, Nov. 14, 1991, as amended at 60 FR 20247, Apr. 25, 1995]

§ 74.992 Access to channels licensed to wireless cable entities.

(a) An educational institution or entity that would be eligible for ITFS channels that are licensed to a wireless cable entity may be entitled to access to those channels. Requests for access may be made by application to the Commission on FCC Form 330 with a copy simultaneously served on the wireless cable licensee. An applicant for access must fill out sections I, II, III and IV of the ITFS application Form 330. Section I, question 1 should be answered by spelling out, "For access to existing facilities." Section I, question 2b should include the name of the wireless cable licensee or applicant. A cover letter must clearly indicate that the application is for ITFS

access to a wireless cable entity's facilities on ITFS channels.

(b) An ITFS entity determined by the Commission to have right of access to wireless cable licensed facilities may have access to a maximum of 40 hours per channel per week. The ITFS entity has the right to designate 20 of those hours as follows:

(1) 3 hours of the ITFS entity's choice each day, Monday through Friday, between 8 a.m. and 10 p.m., excluding weekends, holidays and school vacations; and

(2) The remaining five hours any time of the ITFS entity's choice between 8 a.m. and 10 p.m., Monday through Saturday.

(c) No time-of-day and day-of-week obligations will be imposed on either party with respect to the other 20 hours of access time.

(d) The ITFS user must provide the wireless cable licensee with its planned scheduled of use four months in advance. No minimum amount of programming will be required of an ITFS operator seeking access to one channel; for access to a second channel, the ITFS user must use at least 20 hours per week on the first channel from 8 a.m. to 10 p.m., Monday through Saturday; for access to a third channel, the ITFS entity must use at least 20 hours per week on the first channel and on the second channel during the hours prescribed above, and so on. Only one educational institution or entity per wireless cable licensed channel will be entitled to access from the wireless cable entity. Access will not be granted to a single entity for more than four channels, unless it can satisfy the waiver provisions of § 74.902(d) of this part.

(e) When an ITFS entity is granted access to an ITFS channel of a wireless cable licensee, the wireless cable licensee will be required to pay half of the cost of five standard receive sites on that channel. The wireless cable entity may, at its option, pay the costs of an application and facility construction for such ITFS entity on other available ITFS channels, including half of the cost of five receive sites per channel.

§ 74.996

(f) An instructional television fixed service entity granted access to instructional television fixed service channels licensed to a wireless cable entity will have the interference protection afforded ITFS licensees (see § 74.903 of this part).

(g) After three years of operation, a wireless cable entity licensed to use ITFS channels will not be required to grant new or additional access to such ITFS channels, or provide any alternative facilities to any ITFS entity seeking access to its facilities, if there are suitable ITFS frequencies available for the ITFS entity to build its own system.

(h) The parties may mutually agree to modify any requirements or obligations imposed by these provisions, except for the requirement that an educational entity use at least 20 hours per week on a channel of a wireless cable licensee before requesting access to an additional channel.

[56 FR 57821, Nov. 14, 1991]

§ 74.996 Applicability of cable EEO requirements to ITFS facilities.

Notwithstanding other EEO provisions within §§ 1.815 and 21.307 of this chapter, an entity that uses an owned or leased MDS, MMDS and/or ITFS facility to provide more than one channel of video programming directly to the public must comply with the equal employment opportunity requirements set forth in part 76, subparts E and U of this chapter, if such entity exercises control (as defined in part 76, subparts E and U of this chapter) over the video programming it distributes. With respect to the use of an ITFS facility, the EEO provisions set forth in part 76, subparts E and U do not apply to an accredited institution or government organization engaged in the formal education of enrolled students or to a non-profit organization whose purposes are educational and include providing educational and instructional television material to such accredited institutions and governmental organizations.

[58 FR 42250, Aug. 9, 1993, as amended at 65 FR 53614, Sept. 5, 2000]

EFFECTIVE DATE NOTE: At 65 FR 53614, Sept. 5, 2000 § 74.996 was amended by removing each time it appears "part 76, subpart E"

47 CFR Ch. I (10-1-00 Edition)

and adding "part 76, subparts E and U", effective Oct. 5, 2000.

Subparts J—K [Reserved]

Subpart L—FM Broadcast Translator Stations and FM Broadcast Booster Stations

SOURCE: 35 FR 15388, Oct. 2, 1970, unless otherwise noted.

§ 74.1201 Definitions.

(a) *FM translator.* A station in the broadcasting service operated for the purpose of retransmitting the signals of an FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, in order to provide FM broadcast service to the general public.

(b) *Commercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a commercial FM radio broadcast station.

(c) *Noncommercial FM translator.* An FM broadcast translator station which rebroadcasts the signals of a non-commercial educational FM radio broadcast station.

(d) *Primary station.* The FM radio broadcast station radiating the signals which are retransmitted by an FM broadcast translator station or an FM broadcast booster station.

(e) *FM radio broadcast station.* When used in this Subpart L, the term FM broadcast station or FM radio broadcast station refers to commercial and noncommercial educational FM radio broadcast stations as defined in § 2.1 of this chapter, unless the context indicates otherwise.

(f) *FM broadcast booster station.* A station in the broadcasting service operated for the sole purpose of retransmitting the signals of an FM radio broadcast station, by amplifying and reradiating such signals, without significantly altering any characteristic of the incoming signal other than its amplitude.

(g) *Translator coverage contour.* The coverage contour for an FM translator providing "fill-in" service is congruent with its parent station: For a fill-in translator for a commercial Class B