applicable to the service. Responsibility for making the initial determinations of whether a particular activity is common carriage rests with the FM station licensee. Initial determinations by licensees are subject to FCC examination and may be reviewed at the FCC’s discretion.

(c) Subsidiary communications services are of a secondary nature under the authority of the FM station authorization, and the authority to provide such communications services may not be retained or transferred in any manner separate from the station’s authorization. The grant or renewal of an FM station permit or license is not furthered or promoted by proposed or past services. The permittee or licensee must establish that the broadcast operation is in the public interest wholly apart from the subsidiary communications services provided.

(d) The station identification, delayed recording and sponsor identification announcements required by §§ 73.1201, 73.1208, and 73.1212 are not applicable to material transmitted under an SCA.

(e) The licensee or permittee must retain control over all material transmitted in a broadcast mode via the station’s facilities, with the right to reject any material that it deems inappropriate or undesirable.

§ 73.297 FM stereophonic sound broadcasting.

(a) An FM broadcast station may, without specific authority from the FCC, transmit stereophonic (biphonic, quadraphonic, etc.) sound programs upon installation of stereophonic sound transmitting equipment under the provisions of §§ 2.1001, 73.322, and 73.1590 of the Rules. Prior to commencement of stereophonic sound broadcasting, equipment performance measurements must be made to ensure that the transmitted signal complies with all applicable rules and standards.

(b) Each licensee or permittee engaging in multichannel broadcasting must measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency.

§ 73.310 FM technical definitions.

(a) Frequency modulation. Antenna height above average terrain (HAAT). HAAT is calculated by: determining the average of the antenna heights above the terrain from 3 to 16 kilometers (2 to 10 miles) from the antenna for the eight directions evenly spaced in any manner separate from the station’s authorization. The grant or renewal of an FM station permit or license is not furthered or promoted by proposed or past services. The permittee or licensee must establish that the broadcast operation is in the public interest wholly apart from the subsidiary communications services provided.

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