facilities are available to it for a reasonable time to make adjustments, determine comparability, and ensure a seamless handoff.

(e) If, within one year after the relocation to new facilities the Existing Licensee demonstrates that the new facilities are not comparable to the former facilities, the New Entrant must remedy the defect.

(f) Subject to the terms of this paragraph (f), the relocation of Existing Licensees will be carried out by MSS licensees in the following manner:

(1) Existing Licensees and MSS licensees may negotiate individually or collectively for relocation of Existing Licensees to one of the channel plans specified in §74.602(a)(3) of this part. Parties may not decline to negotiate, though Existing Licensees may decline to be relocated.

(i) MSS licensees may relocate all Existing Licensees in Nielsen Designated Market Areas (DMAs) 1–30, as such DMAs existed on September 6, 2000, except those Existing Licensees that decline relocation. Such relocation negotiations shall be conducted as “mandatory negotiations,” as that term is used in §101.73 of this chapter. If these parties are unable to reach a negotiated agreement, MSS Licensees are obligated to relocate these Existing Licensees after December 8, 2004.

[(3)–(4) [Reserved]]

(ii) On the date that the first MSS Licensee begins operations in the 2000–2025 MHz band, MSS Licensees must relocate Existing Licensees in DMAs 31–100, as they existed as of September 6, 2000, within three years, and in the remaining DMAs, as they existed as of September 6, 2000, within five years.

(6) On December 9, 2013, all Existing Licensees will become secondary in the 1990–2025 MHz band. Upon written demand by any MSS Licensee, Existing Licensees must cease operations in the 1990–2025 MHz band within six months.


Subpart C—General Operating Requirements

§78.51 Remote control operation.

(a) A CARS station may be operated by remote control: Provided, That such operation is conducted in accordance with the conditions listed below: And provided further, That the Commission, in Washington, DC, is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description showing the manner of compliance with the following conditions:

(1) The transmitter and associated control system shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) An operator shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position
shall also be equipped with suitable de-

vices for observing the overall charac-

teristics of the transmissions and a

carrier operated device which will give

a continuous visual indication when-

ever the transmitting antenna is radi-

ating a signal. The transmitting appa-
ratus shall be inspected as often as

may be necessary to insure proper op-
eration.

(4) The control circuits shall be so de-

dsigned and installed that short cir-
cuits, open circuits, other line faults,
or any other cause which would result

in loss of control of the transmitter

will automatically cause the trans-
mitter to cease radiating.

(b) An application for authority to

construct a new station or to make

changes in the facilities of an existing

station and which proposes operation

by remote control shall include an ade-
quate showing of the manner of compli-
ance with the requirements of this sec-

tion.

(c) The Commission may notify the

licensee not to commence remote con-

trol operation, or to cancel, suspend, or

change the date of the beginning of

such operation as and when such action

may appear to be in the public interest,

convenience, or necessity.

[37 FR 3292, Feb. 12, 1972, as amended at 41

FR 29695, July 19, 1976; 49 FR 20671, May 16,

1984; 50 FR 23421, June 4, 1985]

§ 78.53 Unattended operation.

(a) A CARS station may be operated
unattended: Provided, That such oper-
ation is conducted in accordance with
the conditions listed below: And pro-
vided further, That the Commission, in
Washington, DC, is notified at least 10
days prior to the beginning of unat-
tended operation if such operation is
not indicated on the station authoriza-
tion.

(1) The transmitter and associated
control circuits shall be installed and
protected in a manner designed to pre-
vent tampering or operation by unau-
thorized persons.

(2) If the transmitting apparatus is
located at a site which is not readily
accessable at all hours and in all sea-
sons, means shall be provided for turn-
ing the transmitter on and off at will
from a location which can be reached
promptly at all hours and in all sea-
sons.

(3) Personel responsible for the
maintenance of the station shall be
available on call at a location which
will assure expeditious performance of
such technical servicing and mainte-
nance as may be necessary whenever
the station is operating. In lieu there-
of, arrangements may be made to have
a person or persons available at all
times when the transmitter is oper-
ating, to turn the transmitter off in
the event that it is operating improp-
erly. The transmitter may not be re-
stored to operation until the malfunc-
tion has been corrected by a tech-
nically qualified person.

(4) The station licensee shall be re-
sponsible for the proper operation of
the station at all times and is expected
to provide for observations, servicing
and maintenance as often as may be
necessary to ensure proper operation.

All adjustments or tests during or co-
cident with the installation, serv-
icing, or maintenance of the station
which may affect its operation shall be
performed by or under the immediate
supervision of a technically qualified
person.

(b) The Commission may notify the
licensee not to commence unattended
operation, or to cancel, suspend, or
change the date of the beginning of
such operation as and when such action
may appear to be in the public interest,
convenience, or necessity.

(Sees. 1, 2, 301, 307, 48 Stat., as amended 1064,
1081, 1083; (47 U.S.C. 151, 152, 301, 307))

[37 FR 3292, Feb. 12, 1972, as amended at 41
FR 29695, July 19, 1976; 42 FR 61864, Dec. 7,
1977; 43 FR 4617, Feb. 3, 1978; 43 FR 25127,
June 9, 1978; 49 FR 20671, May 16, 1984; 50 FR
29422, June 4, 1985; 50 FR 32418, Aug. 12, 1985]

§ 78.55 Time of operation.

A CARS station is not expected to
adhere to any prescribed schedule of
operation. Continuous radiation of the
carrier without modulation is per-
mitted provided harmful interference
is not caused to other authorized sta-
tions.

(43 FR 25127, June 9, 1978)