

the time of application shall be compared, and the applicant with the fewest authorizations will be chosen as tentative selectee. If each applicant is applying for a fill-in translator only, and consideration of its other radio stations is not dispositive, its number of existing fill-in translator authorizations will also be considered, and the fill-in applicant with the fewest fill-in authorizations will be chosen as tentative selectee.

(ii) *Existing applications.* If a tie remains, after the tie breaker in paragraph (e)(3)(i) of this section, the remaining applicant with the fewest pending radio new and major change applications (AM, FM, and non fill-in FM translators) will be chosen as tentative selectee. If each applicant is applying for a fill-in translator only, and consideration of its other radio stations is not dispositive, its number of existing fill-in translator applications will also be considered, and the fill-in applicant with the fewest fill-in authorizations will be chosen as tentative selectee.

(iii) Where the procedures in paragraphs (e)(1), (e)(2) and (e)(3)(i) and (e)(3)(ii) of this section fail to resolve the mutual exclusivity, the applications will be processed on a first-come-first-served basis.

[63 FR 48632, Sept. 11, 1998, as amended at 64 FR 19502, Apr. 21, 1999; 65 FR 36382, June 8, 2000; 66 FR 15357, Mar. 19, 2001; 67 FR 45375, July 9, 2002; 68 FR 26229, May 15, 2003]

#### § 74.1234 Unattended operation.

(a) A station authorized under this subpart may be operated without a designated person in attendance if the following requirements are met:

(1) If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons.

(2) The transmitter shall also be equipped with suitable automatic circuits which will place it in a nonradiating condition in the absence of a signal on the input channel.

(3) The on-and-off control (if at a location other than the transmitter site) and the transmitting apparatus, shall

be adequately protected against tampering by unauthorized persons.

(4) The FCC in Washington, DC, Attention: Audio Division, Media Bureau, shall be supplied by letter with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator promptly should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

(5) Where the antenna and supporting structure are required to be painted and lighted under the provisions of Part 17 of this chapter, the licensee shall make suitable arrangements for the daily inspection and logging of the obstruction lighting and associated control equipment as required by §§ 17.47, 17.48, and 17.49 of this chapter.

(b) An application for authority to construct a new station pursuant to this subpart or to make changes in the facilities of such a station, which proposes unattended operation shall include an adequate showing as to the manner of compliance with this section.

[35 FR 15388, Oct. 2, 1970, as amended at 37 FR 18540, Sept. 13, 1972; 38 FR 25992, Sept. 17, 1973; 60 FR 55484, Nov. 1, 1995; 63 FR 33879, June 22, 1998; 67 FR 13234, Mar. 21, 2002]

#### § 74.1235 Power limitations and antenna systems.

(a) An application for an FM translator station filed by the licensee or permittee of the primary station to provide fill-in service within the primary station's coverage area will not be accepted for filing if it specifies an effective radiated power (ERP) which exceeds 250 watts.

(b) An application for an FM translator station, other than one for fill-in service which is covered in paragraph (a) of this section, will not be accepted for filing if it specifies an effective radiated power (ERP) which exceeds the maximum ERP (MERP) value determined in accordance with this paragraph. The antenna height above average terrain (HAAT) shall be determined in accordance with § 73.313(d) of this chapter for each of 12 distinct radials, with each radial spaced 30 degrees apart and with the bearing of the first radial bearing true north. Each radial