

§ 73.3518

changes in the facilities to be assigned or transferred contingent upon approval and consummation of the assignment or transfer. Any application filed pursuant to this paragraph must be accompanied by a written statement from the existing licensee which specifically grants permission to the assignee or permittee to file such application. The processing fee will not be refundable should the assignment or transfer not be approved. The existing licensee or permittee may also file a contingent application in its own name, but fees in such cases also not refundable.

(b) Whenever the FCC determines that processing of any application filed pursuant to paragraph (a) of this section, would be contrary to sound administrative practice or would impose an unwarranted burden on its staff and resources, the FCC may defer processing of such application until the assignment or transfer has been granted and consummated.

(c) Upon payment of the filing fees prescribed in § 1.1111 of this chapter, the Commission will accept two or more applications filed by existing AM licensees for modification of facilities that are contingent upon granting of both, if granting such contingent applications will reduce interference to one or more AM stations or will otherwise increase the area of interference-free service. The applications must state that they are filed pursuant to an interference reduction arrangement and must cross-reference all other contingent applications.

(d) Modified proposals curing conflicts between mutually exclusive clusters of applications filed in accordance with paragraphs (c) of this section will be accepted for 60 days following issuance of a public notice identifying such conflicts.

(e) The Commission will accept up to four contingently related applications filed by FM licensees and/or permittees for minor modification of facilities. Two applications are related if the grant of one is necessary to permit the grant of the second application. Each application must state that it is filed as part of a related group of applications to make changes in facilities, must cross-reference each of the re-

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lated applications, and must include a copy of the agreement to undertake the coordinated facility modifications. All applications must be filed on the same date. Any coordinated facility modification filing that proposes the cancellation of a community's sole noncommercial educational FM station license also must include a public interest justification. Dismissal of any one of the related applications as unacceptable will result in the dismissal of all the related applications.

NOTE 1: No application to move to a frequency in the 1605–1705 kHz band may be part of any package of contingent applications associated with a voluntary agreement.

NOTE 2: In cases where no modified proposal is filed pursuant to paragraph (d) of this section, the Commission will grant the application resulting in the greatest net interference reduction.

[44 FR 38487, July 2, 1979, as amended at 45 FR 41152, June 18, 1980; 52 FR 5294, Feb. 20, 1987; 53 FR 36787, Sept. 22, 1988; 56 FR 64873, Dec. 12, 1991; 64 FR 19501, Apr. 21, 1999]

§ 73.3518 Inconsistent or conflicting applications.

While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by or on behalf of or for the benefit of the same applicant, successor or assignee.

[44 FR 38487, July 2, 1979]

§ 73.3519 Repetitious applications.

(a) Where the FCC has denied an application for a new station or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind for substantially the same area by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the FCC's action. However, applicants whose applications have been denied in a comparative hearing may apply immediately for another available facility.

(b) Where an appeal has been taken from the action of the FCC in denying a particular application, another application for the same class of broadcast station and for the same area, in whole