

## § 76.29

a lockbox as provided for in Title VI of the Communications Act may petition the Commission for relief in accordance with the provisions and procedures set forth in § 76.7 for petitions for special relief.

[50 FR 18661, May 2, 1985]

### Subpart B—Registration Statements

#### § 76.29 Special temporary authority.

(a) In circumstances requiring the temporary use of community units for operations not authorized by the Commission's rules, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.

(b) Requests for special temporary authority may be submitted informally, by letter, and shall contain the following:

- (1) Name and address of the applicant cable system.
- (2) Community in which the community unit is located.
- (3) Type of operation to be conducted.
- (4) Date of commencement of proposed operations.
- (5) Duration of time for which temporary authority is required.
- (6) All pertinent facts and considerations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.
- (7) A certificate of service on all interested parties.
- (c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(d) A grant of special temporary authority may be rescinded by the Com-

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mission at any time upon a finding of facts which warrant such action.

[39 FR 35166, Sept. 30, 1974; 42 FR 19346, Apr. 13, 1977, as amended at 43 FR 49008, Oct. 20, 1978]

### Subpart C—Cable Franchising

#### § 76.41 Franchise application process.

(a) Definition. *Competitive franchise applicant.* For the purpose of this section, an applicant for a cable franchise in an area currently served by another cable operator or cable operators in accordance with 47 U.S.C. 541(a)(1).

(b) A competitive franchise applicant must include the following information in writing in its franchise application, in addition to any information required by applicable State and local laws:

- (1) The applicant's name;
- (2) The names of the applicant's officers and directors;
- (3) The business address of the applicant;
- (4) The name and contact information of a designated contact for the applicant;
- (5) A description of the geographic area that the applicant proposes to serve;
- (6) The PEG channel capacity and capital support proposed by the applicant;
- (7) The term of the agreement proposed by the applicant;
- (8) Whether the applicant holds an existing authorization to access the public rights-of-way in the subject franchise service area as described under paragraph (b)(5) of this section;
- (9) The amount of the franchise fee the applicant offers to pay; and
- (10) Any additional information required by applicable State or local laws.

(c) A franchising authority may not require a competitive franchise applicant to negotiate or engage in any regulatory or administrative processes prior to the filing of the application.

(d) When a competitive franchise applicant files a franchise application with a franchising authority and the applicant has existing authority to access public rights-of-way in the geographic area that the applicant proposes to serve, the franchising authority must grant or deny the application