

**FEDERAL COMMUNICATIONS COMMISSION**

47 CFR Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101

[WT Docket No. 98-20; WT Docket No. 96-188; RM-8677; FCC 98-234]

**Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Commission consolidates its licensing rules into a single set of rules for all wireless radio services. The Commission establishes a streamlined set of rules that minimizes filing requirements; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data. The intended effect is to facilitate the development and use of the universal licensing system in the wireless telecommunications services.

**DATES:** Effective February 12, 1999, except for §§ 90.683, 90.763, 101.61, 87.347, 101.701, 22.709(b)(2), 22.803(b)(2), 22.929(b)(2), 22.875(d)(5), 80.511, 80.21, 80.513, 80.605, 80.533, 87.215, 90.625, 80.33, 80.53, 80.469, and 22.105 which contain modified information collection requirements and will not become effective until approved by the Office of Management and Budget. The FCC will publish a document announcing the effective date of these sections in the **Federal Register**.

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**SUPPLEMENTARY INFORMATION:** This Report and Order in WT Docket No. 98-20, WT Docket No. 96-188, and RM-8677 adopted September 17, 1998 and released October 21, 1998, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington DC 20036 (202) 857-3800. The document is also available via the

internet at <http://www.fcc.gov/Bureaus/Wireless/Orders/1998/index.html>.

**Synopsis of Report and Order**

**I. Introduction**

In this Report and Order (*R&O*), the Commission consolidates, revises, and streamlines the rules governing application procedures for radio services licensed by the Wireless Telecommunications Bureau (WTB or Bureau). This *R&O* will facilitate the Commission's ongoing development of Universal Licensing System (ULS), an integrated database and automated processing system to support electronic filing of applications, collection of licensing information, and public access to such information for all wireless services licensed by the Bureau. The Commission is replacing eleven separate WTB licensing databases with a new integrated licensing system and database. ULS will support full electronic filing of all licensing-related applications and other filings associated with such applications (e.g., amendments and modifications, waiver requests, and applications for transfer and assignment of licenses). The Commission consolidates the wireless radio services licensing rules in a single section of part 1, to the extent practicable.

In addition, ULS will make licensing information both more accessible and more usable by Commission staff in carrying out our regulatory responsibilities. Similarly, ULS will enhance the availability of licensing information to the public, which will have on-line access to ULS by dialing into the Commission's wide area network (WAN) and using any World Wide Web (WWW) browser. License applicants will be charged normal filing fees for filing applications under ULS, but will save time and resources by filing electronically. For other uses of ULS, e.g., persons performing research, the Commission will charge for on-line access. These charges will be limited to the amount necessary solely to recover the Commission's costs of maintaining ULS, including the cost of protecting the security of the system from outside tampering.

ULS will provide greater access to persons with disabilities. ULS will incorporate several features that will enable persons with disabilities to use the electronic filing and public access functions. The technical support hotline will have Text Telephone capabilities for the hearing impaired. ULS will allow sight impaired individuals access to Interactive Voice Response Technology, which will allow applicants to

determine the status of pending license applications through a touch tone telephone.

**II. Discussion**

*A. Electronic Filing and New Forms*

**1. Consolidation of Application Forms**

*Background.* Presently there are over 40 different forms used in the WTB application and licensing process. The Commission replaces them with four new forms that have been developed specifically for ULS: FCC Forms 601, 602, 603, and 605.

*Discussion.* These forms are: (1) FCC Form 601 (Long-form Application for Authorization) will replace the Form 600, and will be used by the majority of applicants to file initial license applications, as well as filings for modification, renewal, special temporary authority, or other routine applications. (2) FCC Form 602 (Wireless Telecommunications Bureau Ownership Form) will be used to submit initial and updated ownership information for those wireless radio services that require the submission of such information. (3) FCC Form 603 (Application for Assignment of Authorization) will be used for requesting approval of assignment of licenses and transfers of control of licensees, including partitioning and disaggregation requests. (4) FCC Short Form 605 (Short-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted, and General Mobile Radio Services, as well as for Commercial Radio Operator Licenses) will be used as a short-form application for applicants who are not presently required to submit extensive technical data to receive a license.

The Commission eliminates the separate long-form filing requirement for winning bidders after the completion of an auction. Parties can routinely file a single application to authorize all licenses won at auction. The Commission will continue to use the auction short-form application (FCC Form 175) and the antenna registration form (FCC Form 854).

**2. Mandatory Electronic Filing**

*Background.* ULS has the capability to accept electronically filed applications in all wireless radio services. The Commission's has consistently encouraged electronic filing. With the advent of ULS, the Commission will have the ability to accept electronic filing of all forms used for wireless radio services.

*Discussion.* The Commission will require mandatory electronic filing for all services that are licensed by auction.

This approach is consistent with our prior decision in the *Part 1 Third Report and Order* to require electronic filing for FCC Form 175 applications filed prior to auction and for FCC Form 601 applications filed after the auction by winning bidders. This decision will expand mandatory electronic filing to include other types of applications in auctionable wireless services, including transfer and assignment applications, renewals, license modifications, waiver requests, and notifications. Mandatory electronic filing will apply to licensees in services subject to auction even if the particular license was not acquired by auction, e.g., cellular and paging licensees who obtained their licenses by lottery must file license-related applications and notifications electronically when these mandatory filing requirements take effect. Mandatory electronic filing also applies to common carrier services which are not subject to auction because they operate on shared spectrum (e.g., CMRS licenses operating on shared 929 MHz paging channels or Business Radio frequencies below 800 MHz). Common carriers generally have the resources and technical capacity to support electronic filing.

We will not impose the mandatory filing requirements adopted in this order for services that are subject to licensing by auction and for common carrier services subject to auction until (1) July 1, 1999, or (2) six months after application processing in ULS begins for that service, whichever is later. The Wireless Bureau will continue to release service-specific public notices announcing the relevant commencement date for the processing of applications in ULS. This transition period will provide a reasonable time for wireless services applicants and licensees to make the transition to electronic filing.

Manual filing will continue to be an option for applicants and licensees in the following categories: (1) The Part 90 Private Land Mobile Radio services for shared spectrum, spectrum in the public safety pool below 746 MHz, and spectrum in the public safety allocation above 746 MHz (however, Commission-certified frequency coordinators must file electronically; see the following paragraph); (2) the Part 97 Amateur Radio Service (however, Volunteer Examination Coordinators must file electronically; see the following paragraph); (3) the Part 95 General Mobile Radio Service and Personal Radio Service (excluding 218–219 MHz Service licenses); (4) the Part 80 Maritime Services (excluding the VHF 156–162 MHz Public Coast Stations); (5)

the Part 87 Aviation Services; (6) Part 13 Commercial Radio Operators; and (7) Part 101 licensees who are also members of any of the foregoing classes. This decision could be subject to future modification. We may extend mandatory electronic filing to any wireless service where we find that electronic filing is both operationally feasible and cost-effective for licensees and applicants in that service. Adoption of mandatory electronic filing requirements for such services will not require further notice and comment, but we will provide at least six months public notice before such a requirement will take effect.

The Commission also notes that in a number of the above services, wireless applications must be coordinated prior to being filed and are often filed by the frequency coordinator on the applicant's behalf. Therefore, where frequency coordinators or other Commission-certified entities such as Amateur Radio volunteer examiner-coordinators (VECs) must file such applications must be filed electronically. Electronic filing by coordinators will also provide an alternative for wireless services applicants and licensees who are reluctant to file electronically themselves, and will increase the Commission's processing efficiency because a large percentage of applications will be filed by frequency coordinators.

The Commission recognizes that some applicants may not have access to computers with the hardware and capability to use the software necessary to submit their applications electronically, particularly since electronic filing will be accomplished by dial-in procedures and not over the Internet. We will maintain computers at our Washington, D.C., offices for the public to use to perform research and file forms or pleadings electronically.

### 3. Copy and Microfiche Requirements

*Discussion.* The Commission eliminates the current copy and microfiche requirements. Whether applications or pleadings are filed electronically or manually, all information will be available online to interested parties. After implementation of ULS, any data that is filed manually will be entered or scanned as necessary.

### 4. Filing of Pleadings Associated with Applications

*Discussion.* The Commission will allow electronic filing of pleadings regarding wireless radio service applications. ULS has the ability to allow interested parties to file pleadings electronically, including petitions to

deny, petitions for reconsideration, applications for review, comments and subsequently filed pleadings related to such filings. ULS allows waiver requests to be filed electronically on FCC Forms 601, 603 or 605. Parties submitting pleadings via ULS must serve paper copies on all interested parties.

### 5. Letter Requests

*Background.* The Commission's rules currently permit licensees in some wireless services to request certain actions by letter instead of with a formal application filing. Each year WTB receives thousands of letter requests which must be processed manually. In addition, section 308(a) of the Communications Act of 1934, as amended (Communications Act) states that formal applications are not required during national emergencies or under other exceptional circumstances (Special Situations), 47 U.S.C. 308(a). This provision is not to be confused with the filing of requests for special temporary authority under section 309(f) of the Communications Act, 47 U.S.C. 309(f).

*Discussion.* The Commission eliminates letter filings for applications, modifications, renewals, amendments, extensions, cancellations, special temporary authorizations, and name and address changes, except for the Special Situations set forth in section 308(a) of the Communications Act. The forms are widely available to the public on the FCC's web page, via toll free telephone number, and through a fax-on-demand service, and their use will be far less burdensome for the public than drafting a letter request. Using a form instead of a letter will also enable Commission staff to handle requests more quickly and accurately. The Commission also notes that even if manually filed the ULS form is more likely than a letter to be sent directly to the appropriate Bureau and division for processing. Licensees may still request special temporary authority by telephone or FAX for emergencies or natural disasters. There will be no fees for use of the forms for non-feeable requests, such as an address change.

### B. Standardization of Practices and Procedures for WTB Applications and Authorizations

#### 1. Overview—Consolidation of Procedural Rules in Part 1

*Background.* In the past, the Commission has adopted service-specific rules and procedures for processing applications in each wireless service, which are for the most part set

forth in separate rule parts pertaining to each service.

**Discussion.** The Commission consolidates the existing procedural rules for the wireless radio services into unified rules, located in part 1, that will be tailored to the new ULS database. Moreover, the Commission proposes to eliminate unnecessary or outdated procedural rules and conform inconsistent procedures to the extent feasible. The Commission notes that adopting a single set of procedural rules tailored to ULS will also make the licensing process more efficient and user-friendly. For example, applicants seeking multiple licenses in the same service or in more than one service will be able to submit basic licensee information (e.g., name, address, ownership information) only once, and ULS can automatically incorporate this information into all subsequent applications associated with the same applicant.

## 2. Standardization of Major and Minor Filing Rules

**Background.** Under current WTB rules, the standards for distinguishing between major and minor filings, particularly amendments to applications and modifications of licenses, have been addressed on a service-specific basis. The distinction between major and minor filings has significant procedural consequences in the application process, because a major amendment to an application causes the application to be considered newly filed, while a minor amendment generally has no impact on the filing date. A major amendment may be subject to an additional public notice period (where public notice is required) or deemed untimely filed if the new filing date falls outside a filing window. Major modifications are subject to the same public notice requirements as initial applications, and typically require prior Commission approval even where public notice is not required. Minor modifications, by contrast, do not trigger public notice obligations and often do not require prior Commission approval.

**Discussion.** The Commission hereby adopts a single rule in part 1 that defines categories of major and minor changes for purposes of defining whether an amendment to an application or a request for license modification is major or minor. The Commission does not revise the types of applications which require public notice or frequency coordination. Some differentiation between services remains necessary based on whether they are licensed on a geographic area basis or a site-specific basis, provided it complies

with the basic operational and technical rules applicable to the service. Therefore, the Commission has adopted a rule that accounts for the differences in geographic licensing and site-by-site licensing.

We define certain actions as major changes for all wireless services, regardless of whether the service is licensed geographically or on a site-specific basis. We also clarify our consolidated rule to maintain consistency with our current service-specific rules for major and minor changes. Such major changes include initial and renewal applications, *non-pro forma* transfers and assignments (include partitioning and disaggregation requests), applications that have significant environmental effect, applications requiring frequency coordination, and applications requesting an additional frequency or a frequency block that is not currently licensed to the applicant. Most site-based mobile services (e.g., paging, SMR) licensees may make changes to internal sites without Commission notice or approval provided that they do not expand the service area or interference contour of the system as a whole. Any request requiring frequency coordination will be considered a major modification including both CMRS and PMRS systems.

With respect to fixed point-to-point, point-to-multipoint, and multipoint-to-multipoint services licensed on a site-specific basis, we adopt additional criteria for distinguishing major and minor changes that are based on the distinctive technical characteristics of these wireless services. We will treat multiple minor modifications as major if the cumulative effect of these modifications would be a major change to the system. We will require microwave licensees filing minor modifications to certify on Form 601 that the minor modifications do not give rise to a cumulative major modification.

We will allow licensees to implement all minor changes, as defined in the consolidated rule, without prior Commission approval. Licensees must notify the Commission within thirty days of implementing the change. We define as minor changes all amendments to applications and license modifications that are not specifically defined in our rule as major. These minor changes include but are not limited to: (1) Any *pro forma* transfer or assignment; (2) any name change not involving a change in ownership or control of the license; (3) changes to administrative information, e.g., address, telephone number, or contact person; or (4) conversion of multiple

site-specific licenses into a single wide-area license, where there is no change in the licensee's composite interference contour or service area. Prior approval continues to be required for *pro forma* assignments and transfers that are not subject to the Commission's forbearance policy, and for conversion of multiple site-specific licenses into a single wide-area license.

## 3. Submission of Ownership Information

**Background.** The existing service-specific rules contain varying requirements for submission of ownership information by wireless applicants and licensees. In the *Part 1 Third Report and Order*, the Commission required all applicants for licenses or for consent to assignment or transfer of licenses in auctionable services to provide specific ownership information with either their short-form (FCC Form 175) or long-form application (FCC Form 601). See 47 CFR 1.2112(a).

**Discussion.** ULS provides an opportunity to streamline the Commission's ownership disclosure requirements. The Commission adopts a consolidated rule governing all submissions of ownership information by wireless applicants and licensees. The Commission will use the new Form 602 as the common form on which all wireless applicants and licensees, subject to competitive bidding, submit required ownership information. Common carrier licenses are subject to auction under section 309(j) of the Act where mutual exclusivity exists. Common carrier licensees, including CMRS licensees operating on shared spectrum, who acquired their licenses by lottery or by other means besides auction are subject to these ownership reporting requirements when they apply for assignment, transfer, or renewal of a license. Entities applying for an initial license, renewal of license, and *non-pro forma* assignment or transfer of control, would file FCC Form 602 simultaneously with the relevant license application (FCC Form 175, 601, and 603). An applicant would need to submit only a single FCC Form 602 in connection with multiple applications and could reference the same information in all future applications without refiling the form. Licensees would also use FCC Form 602 to provide amended or updated ownership information when they reported the consummation of a *pro forma* assignment of license or transfer of control on FCC Form 603.

The Commission eliminates all duplicative and inconsistent reporting

requirements in service-specific rule parts that deal with auctionable services, e.g., the reporting requirements in part 22. The Commission may require different or more specific ownership information where circumstances warrant; e.g., applicants seeking small business eligibility for auction purposes must typically file more detailed information regarding ownership and financial structure.

The Commission concludes that there is no need to extend ownership reporting requirements (FCC Form 602) to applicants and licensees of governmental entities or to applicants and licensees in private, non-auctionable services. The completion of FCC Form 602 is also deemed unnecessary for the Amateur or General Mobile Radio Services or for Commercial Radio Operators, because these services are essentially personal in nature.

#### 4. Frequency Coordination of Amendment and Modification Applications

**Background.** In services requiring frequency coordination in parts 90 and 101 there are differing rules pertaining to coordination for amendments and modifications that involve substantial engineering changes to applications. Section 90.175 of the Commission's rules identifies numerous changes that do not require frequency coordination. However, section 101.103(d) of the rules requires all applicants seeking to amend applications or modify their authorizations to obtain a new frequency coordination.

**Discussion.** The Commission amends section 101.103 by requiring frequency coordination only for those applicants and licensees filing amendments and modifications that involve changes to technical parameters that are classified as major. Licensees making minor changes to technical parameters would only be required to notify the Commission, as well as its frequency coordinator of the minor change.

#### 5. Returns and Dismissals of Incomplete or Defective Applications

**Background.** Currently, incomplete or incorrectly filed applications are returned and/or dismissed in accordance with service-specific rules. ULS will reduce filing errors by assisting applicants who file electronically to fill in all required information. ULS will interactively check that required elements of applications are completed and prompt applicants to correct errors. The Commission anticipates that this system, in combination with the

consolidated rules proposed herein, will result in a higher percentage of grantable applications and help to ensure the integrity of the data in the licensing database.

**Discussion.** The Commission conforms its filing rules for all wireless radio services applicants so that batch, interactive, and, where applicable, manual filers will be subject to the same requirements and procedures for defective or incomplete applications. Interactively filed applications will be screened in real time by the ULS system; therefore, errors will be unlikely but may occur in some instances where erroneous information is entered. In the case of batch and manually filed applications, incomplete or erroneous filings will not be detected until after the application is filed.

We adopt a consolidated rule in Part 1 governing the filing of incomplete or otherwise defective applications in all wireless services. Under the consolidated rule, as under existing rules, the Commission has the discretion to return applications for correction of minor filing errors, but it also has the authority to dismiss any incomplete or defective application without prejudice. The Commission will automatically dismiss any application that is defective because the applicant failed to sign the application, failed to pay the required filing fee, or filed outside of the applicable filing window. To ensure equivalent treatment of electronically batch-filed or manually filed applications that are unsigned, untimely, or not fee-compliant, such applications will be automatically dismissed by ULS after they are initially entered into the system. The Commission will remove those sections of the rules that provided for return and correction of applications with errors.

The Commission will also dismiss batch-filed and manually filed applications with other types of defects that are automatically screened by ULS when an application is interactively filed, e.g., missing technical data or technical parameters that are inconsistent with the rules (where no waiver request is filed). Such dismissal will be without prejudice to the right of the applicant to refile, provided the relevant application window remains open. While we will generally dismiss defective or incomplete applications, we retain the discretion to return an application for correction if circumstances warrant. In such cases, we will return the application to the applicant. The applicant will then have thirty days from the date the notification is sent to file an amended application correcting the defect. We also delete

those service-specific rules that provided a longer period for applicants to submit corrections.

When an application is returned for correction, the Commission will hold the application for the designated period so that a corrected application may be filed. If the applicant files a timely corrected application, it will ordinarily be processed as a minor amendment in accordance with the Commission's rules. Thus, it will have no effect on the initial filing date of the application or the applicant's filing priority. If, however, the amendment made by the applicant is not a simple correction but constitutes a major amendment to the application, it will be governed by the rules and procedures applicable to major amendments, i.e., it will be treated as a new application with a new filing date. Finally, if the applicant fails to submit an amended application within the period specified in the notification, the application will be subject to dismissal for failure to prosecute.

The Commission also defined how ULS will handle confidential attachments. To ensure that these attachments are kept confidential in ULS, the Commission adopts the following security measures: (1) Any attachment designated as confidential will not be accessible from publicly available query utilities; and (2) a special user name and password will be required for Commission employees to view confidential attachments. To provide the same treatment under ULS as under the current system, the Commission proposes that if the request for confidential treatment is denied, the applicant would be informed and the attachments in question be deleted from the ULS database.

#### 6. Discontinuation of "Reinstatement" Applications

**Background.** Presently, licensees in the Private Land Mobile Services and Fixed Microwave Radio Services who do not file a timely renewal application are given a 30-day period following the expiration of their licenses in which to request reinstatement. See 47 CFR 1.926(c). This practice is inconsistent with other wireless radio service licensing rules where reinstatement is not permitted. See, e.g., 47 CFR 22.145.

**Discussion.** The Commission will provide pre-expiration letters of reminder to all wireless radio services licensees by regular mail. The Commission thereby eliminates the reinstatement period in those services that currently allow reinstatement applications. This change does not affect the five-year grace period within

which holders of Commercial Radio Operator licenses may renew expired licenses without retaking the required examination. See 47 CFR 13.13(b). Specifically, the Commission will send letters of reminder to all wireless radio service licensees, both site-specific and geographic area licensees, 90 days before the expiration of their licenses. Under the newly adopted rules: (1) Licensees will receive notification that their licenses are about to expire and, therefore, should be responsible for submitting timely renewal applications; and (2) interactive electronic filing will make it easier for all licensees to timely file renewal applications. In addition, Commission forms are widely available to the public on the FCC's web page, <http://www.fcc.gov/formpage.html>; via toll free telephone number, 1-800-418-3676; through fax-on-demand service, (202) 418-0177; and via a toll free TTY number, 202-418-7238. We will not implement this decision to eliminate reinstatement applications for any wireless service until (1) July 1, 1999, or (2) six months after the commencement of application processing in ULS for that service, whichever is later. This transition period will provide a reasonable time for applicants and licensees to familiarize themselves with this procedure.

Although a license expires automatically on the date specified on the individual license, ULS will not show a license expiration as final until approximately thirty days after the renewal deadline. After the license expiration the previous licensee may file a new application for use of those frequencies subject to any service specific rules. Once that thirty-day period has elapsed, or the prior holder of the license files a new application for that spectrum, the license will then be available for the Commission to reassign by competitive bidding or other means according to the rules of the particular service.

#### 7. Construction and Coverage Verification

**Background.** In all wireless radio services, licensees are subject to construction and, in some instances, coverage requirements, and are subject to automatic license cancellation if these requirements are not met. Different procedures have evolved in different services for verifying whether licensees have in fact met these requirements.

**Discussion.** Licensees may also construct notifications electronically using FCC Form 601. The Commission will send each licensee via regular mail a reminder letter 90 days before the

applicable construction or coverage deadline. Licensees would then verify that they have met these requirements by updating their FCC Form 601 already on file with ULS. The Commission notes that the notification procedure proposed is not intended to replace the basic construction and coverage requirements. Thus, even if a licensee does not receive a reminder letter, it remains obligated to meet its construction and coverage benchmarks and cannot cite the lack of notification as an excuse for non-compliance.

The Commission will require notifications filed by wireless radio services licensees, subject to competitive bidding, to be filed electronically. Licensees, exempt from mandatory electronic filing, must file their notifications manually on Form 601. If a licensee does not file the required notification of completion of construction or satisfaction of the coverage requirements, ULS will send a letter advising the licensee of the termination of the authorization. ULS will then generate a public notice announcing the termination, which would be deemed final 30 days after the public notice date.

The Commission hereby requires wireless radio licensees to certify compliance with construction requirements relating to modification applications that involve additional frequencies. The Commission also requires fixed microwave licenses awarded on a site-by-site basis to certify compliance with construction requirements for additional or increased service area coverage (e.g., a new station, a change in antenna height or EIRP). In addition, the Commission amends section 101.63 of the rules, 47 CFR 101.63, to require fixed microwave licensees to file a further modification application if they fail to construct a granted modification.

We will not implement this decision on construction notification for any wireless service until (1) July 1, 1999, or (2) six months after the commencement of application processing in ULS for that service, whichever is later. This transition period will provide a reasonable time for applicants and licensees to familiarize themselves with this procedure.

#### 8. Assignments of Authorization and Transfers of Control

**Background.** The Communications Act requires the Commission to approve assignments of licenses and transfers of control of licensees. See 47 U.S.C. 310(d). In the wireless radio services, the Commission currently process applications for proposed assignments

and transfers of control in two ways. Following the approval of the assignment or transfer, the licensee must then file a notification with the Commission that the transaction has been consummated, at which point the Bureau amends its licensing database. We note that we recently exercised our forbearance authority for certain *pro forma* transfers of control and assignments or licenses involving telecommunications service providers licensed by the Wireless Telecommunications Bureau.

**Discussion.** The Commission hereby consolidates the transfer and assignment rules for all wireless services in part 1, and eliminates inconsistencies between the procedures that currently govern CMRS and microwave licenses. First, the Commission proposes to replace the multiple existing forms for transfers and assignments in the various services with FCC Form 603 for assignment of licenses and transfers of control. See proposed rule 47 CFR 1.948.

The Commission hereby conforms the rules with respect to post-transaction notification that a Commission-approved transfer or assignment has been consummated. The Commission will require post-consummation notification prior to changing the database to reflect the grant. See proposed rule 47 CFR 1.948. With the advent of ULS, the post-consummation notification process for all wireless licensees should be efficient and simple. Using the electronic filing capabilities of the system, licensees will provide such notification by accessing their previously filed Form 603 associated with a transaction and entering updated information regarding its consummation. The Commission will require post-consummation notification under ULS using procedures similar to those currently applicable to CMRS transfers and assignments. The Commission also concludes that these notification procedures should be reinstated for transfers and assignments of microwave licenses since the burden of filing such notifications will be substantially reduced.

In the case of *pro forma* transfers and assignments involving telecommunications carriers licensees will provide the required post-consummation notification on the FCC Form 603. Applicants will also file FCC Form 603 to request an extension of time for the consummation of a transaction.

#### 9. Change to North American Datum 83 Coordinate Data

**Background.** To perform its licensing role, WTB requires that certain

applicants submit coordinate data with their applications. In these rules, applicants are required to submit coordinate data using the 1927 North American Datum (NAD27) geographical survey. A more recent North American Datum (NAD83) was completed in 1983, which provides updated coordinate data. NAD83 was adopted as the official coordinate system for the United States in 1989.

*Discussion.* The Commission concludes that use of NAD83 would conform best with current Federal Aviation Administration regulations which require the use of NAD83 data. All wireless radio services application processing rules requiring the submission of site coordinate data are revised to require that all applicants and licensees use NAD83 datum for sites located in the coterminous United States and Alaska. Additionally, the Commission hereby requires site coordinate data for sites in areas such as Hawaii, Puerto Rico, the South Pacific Islands, etc., be submitted using WGS84. Adoption of this proposal would conform the rules with those of the FAA.

#### 10. Use of Taxpayer Identification Numbers

*Background.* In 1996, Congress enacted the Debt Collection Improvement Act as part of an effort to increase collection from private entities of delinquent government debts. See Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law No. 104-34, Chapter 10, 110 Stat 1321, 1321-1358 (1996) (DCIA). As a result of DCIA, the Commission and executive agencies are required to monitor and provide information about their regulatees to the U.S. Treasury. This provision includes a requirement that the Commission collect Taxpayer Identifying Numbers (TIN) and share them with the U.S. Treasury to ensure that the Commission does not refund monies to entities that have an outstanding debt with the federal government. TINs are 9-digit identifiers required of all individuals and employers to identify their tax accounts. Individuals use their Social Security Number as their TIN. Therefore, for the purposes of this R&O, the term "Taxpayer Identification Number" shall mean "Social Security Number" for individuals. Employers use their Employer Identification Number (EIN) as their TIN. TINs are an integral part of the DCIA system and are necessary for the collection of delinquent debt owed to federal agencies. The TIN matches payment requests with delinquent information. As a result, federal

agencies have been required to share the TINs of payment recipients since April 26, 1996, the effective date of DCIA. The DCIA requires that agencies obtain the TIN from any person or entity doing business with the agency.

*Discussion.* The Commission concludes that all applicants and licensees, including attributable interest holders must submit a TIN as a prerequisite for using ULS and the Bureau should use TINs as the unique identifier for such parties. Parties submitting manually filed applications must supply their TIN on their application form because all such applications will be placed on ULS and a TIN is necessary to track these applications. Parties filing applications using ULS must complete Form 606 to register their TIN. Members of the public do not need to register a TIN to search the ULS database.

Therefore, for the purposes of implementing the ULS system, based upon the foregoing discussion and applicable statutes and regulations, the requirement for the TIN will operate as follows: first, all applicants for licenses and all licensees must register their TIN with this Commission through ULS; second, the real party in interest and/or the entity having actual or de facto control of any applicant or licensee, however such control may be manifested or styled, must supply its TIN; applicants and licensees who must identify officers, directors, and holders of ownership interests in the license of 10 percent or greater pursuant to section 1.2112(a) must supply the TINs of such officers, directors, and interest holders. See 47 CFR 1.2112.

The Commission will take a number of steps to prevent the TINs submitted from being misappropriated. First, TINs will not be available to the public. Applicants and licensees are cautioned to provide TINs only in the appropriate space on the form—and *not* on attachments. Second, only a small number of Commission employees would have access to TIN information in conjunction with their work. Finally, a Privacy Act submission will be published in the **Federal Register** to obtain the requisite public and Congressional comment and OMB approval prior to implementation of ULS.

#### C. Collection of Licensing and Technical Data

##### 1. Overview

*Background.* The Commission identifies certain existing data collection requirements and licensing requirements that no longer serve a

useful purpose or that can be further streamlined. The Commission realizes that technical data is needed in certain situations (e.g., for coordination between adjacent geographic areas, for enforcement purposes, or to improve our overall management of the spectrum) and that some licensees may be required to submit more detailed information than previously required.

*Discussion.* To standardize the information required of those services licensed by geographic service area and in order to allow consistent treatment of licenses in similar situations, the Commission removes certain reporting requirements. The Commission removes the site notification requirement from Part 101 for LMDS geographic licenses, as well as from the Part 90 rules pertaining to auctioned 220 MHz and 800 MHz geographic licenses. Geographic area licenses are instead required to maintain site information as part of their station records.

The Commission continues to require all licenses to comply with existing procedures for environmental, quiet zone, and FAA approval of specific antenna sites where required by service rules. The Commission delegates to the Wireless Bureau authority, once ULS is implemented, to consider additional information collection requirements that can be eliminated.

#### 2. Use of Notification or Certification in Lieu of Informational Filings

*Discussion.* The Commission replaces many data or other informational filing requirements with either certification or notification, where appropriate. An example of a new certification requirement in lieu of an information filing requirement can be found in proposed section 101.701, which requires common carrier fixed microwave licensees to certify that substantial non-private use is being made of facilities used to relay broadcast television signals. The Commission changes some informational filings to notification. An example of a new notification requirement in lieu of an informational filing is in proposed section 101.305, where non-dominant common carriers planning to discontinue service must give electronic notification of discontinuance to the Commission. The use of the notification and certification processes will substantially reduce the administrative burdens on the Commission and the filing burdens on applicants and licensees.

### 3. Public Mobile Radio Service Data Requirements

*Background.* Under part 22 of the Commission's rules, applicants for certain Public Mobile Radio Service licenses are required to file antenna model, manufacturer, and type with the Commission. See 47 CFR 22.529(b)(2). Unserved area applicants in the Cellular Radiotelephone Service are required to submit paper copies of (1) an application cover; (2) transmittal sheet; (3) table of contents; and (4) numerous engineering exhibits.

*Discussion.* The Commission finds that the collection of technical antenna information requirements for certain Public Mobile Radio Service applicants and licensees is unnecessary and that certain paper exhibits are no longer needed from unserved area applicants in the Cellular Radiotelephone Service. The Commission eliminates these requirements, but continues to require licensees to maintain the information as part of their station records and to provide it to licensees and applicants upon request. Unserved cellular area applicants will continue to provide maps. See 47 CFR 22.959.

### 4. Fixed Microwave Service Data Requirements

*Discussion.* Effective August 1996, the Commission consolidated all regulations concerning fixed microwave services from parts 21 and 94 of the Commission's rules into a single consolidated part 101, eliminating and combining a number of rules. Fixed microwave service applicants are required to file the following four items of technical information: type acceptance number, line loss, channel capacity, and baseband signal type for each application. See 47 CFR 101.21. The Commission finds that this information is unnecessary for licensing purposes and eliminates these requirements. The Commission does not eliminate other technical information requirements, including those associated with DEMS nodal stations applications and the identification of transmitter sites.

### 5. Maritime and Aviation Services Data Requirements

*Discussion.* Presently, applicants for certain types of station licenses in the Maritime and Aviation radio services are required to submit written showings with their applications in order to provide specific information concerning eligibility, to verify frequency coordination, or to show that the U.S. Coast Guard or Federal Aviation Administration approves of the

operation of the proposed station. The Commission eliminates various rules which currently require applicants to attach the types of showings and coordination statements described above. Instead, applicants and licensees must certify that certain information is correct or that appropriate coordination has taken place in lieu of these written showings. In cases where applications involve safety of life at sea or in air navigation, the Commission reserves the right to contact applicants to obtain additional information where such action serves the public interest. The Commission eliminates the prohibition against assigning ship and aircraft station licenses, so long as applicants provide updated information concerning the stations in question upon application for assignment.

Section 87.305 requires flight test station applications to include a statement from a frequency advisory committee, including detailed technical information to be specified at the time of licensing. The Commission continues to require this independent frequency coordinator statement for flight test station applicants.

### 6. Commercial Radio Operator License Data Requirements

*Discussion.* Commission-licensed Commercial Radio Operators serve as radio officers aboard U.S. vessels, repair and maintain maritime or aviation radio equipment, and use international maritime and aviation frequencies to communicate with foreign stations. In order to obtain a license, an applicant must contact a Commission-certified examination manager, pass one or more written tests, obtain a proof of passing certificate (PPC) from the examination manager, and provide the original PPC to the Commission upon application for a license. See 47 CFR 13.9. In order to further the goal of electronic automation while best serving the public interest, the Commission allows applicants to use the current procedure for first filings, renewals, and modification applications. For a new license, the applicant must file Form 605 and mail the PPC to the processing office in Gettysburg, Pennsylvania. For renewals, the applicant need only file Form 605, since no attachment is required. With respect to PPC verification by COLE Managers, the current procedures will remain intact.

The Commission will implement changes to the Temporary Operator Permit section in Schedule "D" of Form 605 in a future version of the form. In addition, the Commission will consider in a future proceeding whether there are more efficient methods of verifying

PPCs other than manual submissions. However, the Commission is not mandating electronic filing for Commercial Radio Operators at this time.

### 7. Amateur Radio Services

*Background.* The United States has reciprocal arrangements with 65 countries to allow amateur operators to operate their stations temporarily in the other country. The Commission currently grants annually some 2,000 reciprocal permits for alien amateur licensee (FCC Form 610-AL) to amateur operators from those countries. The visitor must obtain the application form (FCC Form 610-A)—which is often difficult to do in a foreign country—and file it with the Commission. No standards are required of these applicants other than possession of the license document issued by their country of citizenship. There is no fee. The FCC-issued permit simply confirms that the holder of the permit also holds a license from his or her home country. No permit is required for Canadian amateur operators who visit the United States because they are authorized to operate by rule. See CFR 97.5(c)(2), 97.7(b).

*Discussion.* The Commission concludes that the license from any foreign country with which the United States has reciprocity would stand as the proof that the foreign operator is qualified for the reciprocal operating authority, and authorizes all reciprocal operation by rule. This decision incorporates and resolves an existing rulemaking, WTB Docket No. 96-188, on the implementation of two pending international reciprocal operating arrangements—the European Conference of Postal and Telecommunications Administrations (CEPT) radio-amateur license, and the Inter-American Convention on an International Amateur Radio Permit (CITEL). No citizen of the United States, regardless of any other citizenship held, is eligible under this authorization procedure, and continues to have to acquire an FCC-issued amateur operator license by passing the requisite examinations.

The Commission sets the operation privileges granted and the station identification requirements; discusses the requirements of Commission-authorized amateur operator U.S. citizens who wish to operate in a member country; and establishes a framework for the International Amateur Radio Union to issue, with coordination from the Department of State, the necessary International Amateur Radio Permit for United States



citizens to operate amateur stations in CITEL countries. The Commission also eliminates the one-year term for an alien reciprocal permit.

Currently, the Commission processes annually some 1,500 applications for new, renewed, and modified amateur service club, military recreation, and radio amateur civil emergency service ("RACES") station grants. ULS provides an opportunity to utilize the electronic batch filing services provided by the private sector. The Commission adopts its plan to use the services of any organization meeting the minimum requirements of section 4(g)(3)(B) of the Communications Act that completes a pilot electronic autogrant batch filing project similar to that completed by the 16 volunteer-examiner coordinators ("VECs"). These eligible private sector entities are required to provide these services on a volunteer, uncompensated and unreimbursed basis. In response to commenters' suggestions, the Commission also adopts changes to the amateur service application form, FCC Form 605, to incorporate the Physician's Certification of Disability.

#### 8. General Mobile Radio Service

**Background.** The GMRS is a land mobile radio service for short-distance two-way communications. It is used to facilitate the personal or business activities of licensees and their immediate family members. All 23 GMRS channels are shared and no frequency coordination is required.

**Discussion.** The Commission streamlines the GMRS rules to collect the minimum amount of information necessary to serve the Commission's regulatory purpose and to eliminate those rules that are hortatory, unenforceable, or redundant. The Commission authorizes stations to transmit on any authorized channel from any geographical location when the FCC regulates communication, required licensees to submit only basic contact information, and removed or relocated rules pertaining to antenna requirements, permissible communications, and management of GMRS systems. The Commission retains the limit on the use of the 467 MHz channels for transmissions through repeaters.

### III. Conclusion

In this proceeding, the Commission consolidates the licensing rules into a single set of rules for all wireless radio services. The Commission establishes a streamlined set of rules that minimizes filing requirements as much as possible; eliminates redundant, inconsistent, or unnecessary submission requirements;

and assures ongoing collection of reliable licensing and ownership data. These consolidated rules will eliminate duplication and inconsistencies that exist in the rules and will make it easier for applicants to determine our application requirements by referencing a single set of licensing rules. Such consolidation will allow ULS to function more efficiently and provide licensing information to members of the public. The Commission also believes that ULS will shorten application filing times for applicants, make the most recent data available.

### IV. Procedural Matters and Ordering Clauses

#### A. Regulatory Flexibility Act

##### Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the *Notice of Proposed Rule Making*, 63 FR 12013, Mar. 12, 1998, in WT Docket No. 98-20. The Commission sought written public comment on the proposals in the *Notice of Proposed Rule Making*, including comment on the IRFA. This Final Regulatory Flexibility Analysis ("FRFA") in the *Report and Order* conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 ("CWAAA"), Public Law No. 104-121, 110 Stat. 847 (1996). The Commission received one comment on the IRFA.

A. Need for and objectives of this Report and Order. In this rulemaking, the Commission consolidates, revises, and streamlines its rules governing license application procedures for radio services licensed by the Wireless Telecommunications Bureau (WTB or Bureau). These rule changes will enable WTB to fully implement the Universal Licensing System (ULS), the Commission's new automated licensing system and integrated database for wireless services. The Commission also adopts new consolidated application forms to enable all wireless licensees and applicants to file applications electronically using the ULS. Finally, we establish procedures to ensure a smooth transition from our pre-existing licensing processes to the processes developed for ULS.

B. Summary of significant issues raised by public comments in response to the Initial Regulatory Flexibility Analysis (IRFA). SBT was the only entity to comment directly on our IRFA. It contends we did not assess the impact our proposed rules would have on the following groups: law firms, engineers, consultants, application preparation

services and computer repair service firms. These groups typically act as intermediaries for applicants, and are not directly impacted by our rules. In the ULS Notice, we identified the nature of wireless services that may be affected by the proposed rules. Moreover, we specifically identified proposals in the *ULS Notice* intended to minimize the possible significant economic impact of our rules on small entities. Those groups identified by SBT are encompassed within our estimates of affected entities, as they work on behalf of the actual applicants. In addition, SBT has made racial, constitutional, and equity arguments over the effects of mandatory electronic filing. These arguments have been rendered moot since we decided to forego such a requirement until the ULS is fully tested and operational in all services.

**Mandatory Electronic Filing:** We will require mandatory electronic filing for all services that are licensed by auction. However, we will not impose mandatory filing for any wireless service until (1) July 1, 1999, or (2) six months after application processing in ULS begins for that service, whichever is later. Some commenters urge the Commission to exempt certain services or classes of users from mandatory electronic filing. As discussed, *supra*, we agree that licensees in many services consist primarily of individuals, small businesses, or public agencies that may lack resources to convert quickly to electronic filing. Therefore, manual filing will continue to be an option for applicants and licensees in the following categories: (1) The Part 90 Private Land Mobile Radio services for shared spectrum, spectrum in the public safety pool below 746 MHz, and spectrum in the public safety allocation above 746 MHz (however, Commission-certified frequency coordinators must file electronically); (2) the Part 97 Amateur Radio Service (however, Volunteer Examination Coordinators must file electronically); (3) the Part 95 General Mobile Radio Service and Personal Radio Service (excluding 218-219 MHz licenses); (4) the Part 80 Maritime Services (excluding the VHF 156-162 MHz Public Coast Stations); (5) the Part 87 Aviation Services; (6) Part 13 Commercial Radio Operators; and (7) Part 101 licensees who are also members of any of the foregoing classes. We note, however, that this decision could be subject to future modification.

**Pleadings Associated with Applications:** As discussed, *supra*, we agree with FCBA's concern that some entities may not have computers and the appropriate software to electronically file pleadings. Electronic filing of



pleadings in ULS will be optional, not mandatory.

**Letter Requests:** In the *ULS Notice*, we sought comment on whether the public interest would be better served by requiring ULS forms be used rather than accepting letter requests. SBT contends letter requests should continue to be an option, especially for those representing themselves. However, we conclude that in order to have a universal licensing system, we must require standardized data fields and have access to the correct and complete data to enter into those fields. Letter requests simply do not provide information in a format that is suitable for ULS. We have taken this action to simplify the process for licensees, reduce time-consuming, resource-intensive review by FCC staff to determine the purpose of STAs and letter requests, and increase the public's access to information.

**On-line Charges:** In the *ULS Notice*, we stated that an online charge will be applied to those using the ULS to retrieve licensing or mapping information, and that such charges will be limited to the recovery of maintenance costs. License applicants will not be subject to an on-line charge, but will continue to be responsible for normal filing fees. SBT asks that we ensure that such costs are not prohibitive for small business. The determination of any online fees will be addressed in a separate proceeding which will take into consideration the effect of such a charge on small business.

**ULS Accessibility:** SBT also contends that the Commission's web and FTP sites are often not available during the weekends, when small businesses are most likely to access these services. We disagree. Although the sites are sometimes taken down to add new features or to address technical problems, this is done for only a brief time when usage is generally the lowest. For the most part, the public has uninterrupted access to our electronic services 24 hours a day, all year round. As more features are built into the system, applicants and licensees will be able to conduct virtually all of their Commission-related business from their home computers.

C. Description and estimate of the number of small entities to which rules will apply. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by our rules. See 5 U.S.C. 603(b)(3); 604(a)(3). The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small

governmental jurisdiction." See 5 U.S.C. 601(6). In addition, the term "small business" has the same meaning as the term "small business concern" under Section 3 of the Small Business Act. See 5 U.S.C. 601(3). Under the Small Business Act, a "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). See 15 U.S.C. 632.

The rule changes will affect all small businesses filing new wireless radio service license applications or modifying or renewing an existing license. The Commission estimates the following number of small entities may be affected by the rule changes:

#### 1. Cellular Radiotelephone Service

The Commission has not developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons. See 13 CFR. 121.201. The size data provided by the SBA does not enable us to make a meaningful estimate of the number of cellular providers which are small entities because it combines all radiotelephone companies with 1000 or more employees. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, is the most recent information available. This document shows that only twelve radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. The Commission assumes, for purposes of this FRFA that nearly all of the current cellular licensees are small entities, as that term is defined by the SBA.

The most reliable source of information regarding the number of cellular service providers nationwide appears to be data the Commission publishes annually in its *Telecommunications Industry Revenue* report, regarding the Telecommunications Relay Service (TRS). The report places cellular licensees and Personal Communications Service (PCS) licensees in one group. According to the data released in November, 1997, there are 804 companies reporting that they engage in

cellular or PCS service. It seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees; however, the Commission is unable at this time to estimate with greater precision the number of cellular service carriers qualifying as small business concerns under the SBA's definition. For purposes of this FRFA, the Commission estimates that there are fewer than 804 small cellular service carriers.

#### 2. Broadband and Narrowband PCS

**Broadband PCS.** The broadband PCS spectrum is divided into six frequency blocks designated A through F. The Commission has defined "small entity" in the auctions for Blocks C and F as a firm that had average gross revenues of less than \$40 million in the three previous calendar years. See 47 CFR 24.720(b)(1). This definition of "small entity" in the context of broadband PCS auctions has been approved by the SBA. The Commission has auctioned broadband PCS licenses in blocks A through F. Of the qualified bidders in the C and F block auctions, all were entrepreneurs. Entrepreneurs was defined for these auctions as entities, together with affiliates, having gross revenues of less than \$125 million and total assets of less than \$500 million at the time the FCC Form 175 application was filed. Ninety bidders, including C block reauction winners, won 493 C block licenses and 88 bidders won 491 F block licenses. For purposes of this FRFA, the Commission assumes that all of the 90 C block broadband PCS licensees and 88 F block broadband PCS licensees, a total of 178 licensees, are small entities.

**Narrowband PCS.** The Commission has auctioned nationwide and regional licenses for narrowband PCS. There are 11 nationwide and 30 regional licensees for narrowband PCS. The Commission does not have sufficient information to determine whether any of these licensees are small businesses within the SBA-approved definition for radiotelephone companies. At present, there have been no auctions held for the major trading area (MTA) and basic trading area (BTA) narrowband PCS licenses. The Commission anticipates a total of 561 MTA licenses and 2,958 BTA licenses will be awarded in the auctions. Given that nearly all radiotelephone companies have no more than 1,500 employees, and that no reliable estimate of the number of prospective MTA and BTA narrowband licensees can be made, the Commission assumes, for purposes of this FRFA, that all of the licenses will be awarded to

small entities, as that term is defined by the SBA.

### 3. 220 MHz Radio Services

The Commission is currently auctioning licenses in the 220–222 MHz band. The license blocks include five licenses in each of the 172 Economic Areas (EAs) and three EA-like areas; five licenses in six Economic Area groupings (EAGs); and three Nationwide licenses, comprising the same territory as all of the EAG combined. A small business for this auction is defined as an entity with average annual gross revenues of not more than \$15 million for the preceding three years; and very small business is a firm with average annual gross revenues of not more than \$3 million for the preceding three years. See 47 CFR 90.1021. Given that nearly all radiotelephone companies employ no more than 1,500 employees, for purposes of this FRFA the Commission will consider the approximately 3,800 incumbent licensees as small businesses under the SBA definition.

### 4. Paging

The Commission has proposed a two-tier definition of small businesses in the context of auctioning geographic area paging licenses in the Common Carrier Paging and exclusive Private Carrier Paging services. Under the proposal, a small business will be defined as either (1) an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of not more than \$3 million; or (2) an entity that, together with affiliates and controlling principals, has average gross revenues for the three preceding calendar years of not more than \$15 million. Since the SBA has not yet approved this definition for paging services, the Commission will utilize the SBA definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons. At present, there are approximately 24,000 Private Paging licenses and 74,000 Common Carrier Paging licenses. According to *Telecommunications Industry Revenue* data, there were 172 “paging and other mobile” carriers reporting that they engage in these services. Consequently, the Commission estimates that there are fewer than 172 small paging carriers. The Commission estimates that the majority of private and common carrier paging providers would qualify as small entities under the SBA definition.

### 5. Air-Ground Radiotelephone Service

The Commission has not adopted a definition of small business specific to the Air-Ground radiotelephone service.

See 47 CFR 22.99. Accordingly, the Commission will use the SBA definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons. There are approximately 100 licensees in the Air-Ground radiotelephone service, and the Commission estimates that almost all of them qualify as small entities under the SBA definition.

### 6. Specialized Mobile Radio (SMR)

The Commission awards bidding credits in auctions for geographic area 800 MHz and 900 MHz SMR licenses to firms that had revenues of no more than \$15 million in each of the three previous calendar years. This regulation defining “small entity” in the context of 900 MHz SMR has been approved by the SBA. The Commission does not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than \$15 million. One firm has over \$15 million in revenues. The Commission assumes for purposes of this FRFA that all of the remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA. The Commission has held auctions for geographic area licenses in the 900 MHz SMR band, and recently completed an auction for geographic area 800 MHz SMR licenses. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. In the recently concluded 800 MHz SMR auction there were 524 licenses won by winning bidders, of which 38 licenses were won by small or very small entities.

### 7. Private Land Mobile Radio Services (PLMR)

PLMR systems serve an essential role in a range of industrial, business, land transportation, and public safety activities. The Commission has not developed a definition of small entities specifically applicable to PLMR licensees due to the vast array of PLMR users. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons. See 13 CFR. 121.201. For the purpose of determining whether a licensee is a small business as defined by the SBA, each licensee would need to be evaluated within its own business area. The Commission is unable at this time to estimate the number of small

businesses which could be impacted by the rules. The Commission's 1994 Annual Report on PLMRs indicates that at the end of fiscal year 1994 there were 1,087,267 licensees operating 12,481,989 transmitters in the PLMR bands below 512 MHz. Any entity engaged in a commercial activity is eligible to hold a PLMR license, therefore these proposed rules could potentially impact every small business in the United States.

### 8. Aviation and Marine Radio Service

Small entities in the aviation and marine radio services use a marine very high frequency (VHF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, a VHF aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not developed a definition of small entities specifically applicable to these small businesses. Therefore, the applicable definition of small entity is the definition under the SBA rules. Most applicants for individual recreational licenses are individuals. Approximately 581,000 ship station licensees and 131,000 aircraft station licensees operate domestically and are not subject to the radio carriage requirements of any statute or treaty. Therefore, for purposes of the evaluations and conclusions in this FRFA, the Commission estimates that there may be at least 712,000 potential licensees which are individuals or are small entities, as that term is defined by the SBA.

### 9. Offshore Radiotelephone Service

This service operates on several ultra high frequency (UHF) TV broadcast channels that are not used for TV broadcasting in the coastal area of the states bordering the Gulf of Mexico. At present, there are approximately 55 licensees in this service. The Commission is unable at this time to estimate the number of licensees that would qualify as small entities under the SBA definition for radiotelephone communications. The Commission assumes, for purposes of this FRFA, that all of the 55 licensees are small entities, as that term is defined by the SBA.

### 10. General Wireless Communication Service

This service was created by the Commission on July 31, 1995 by transferring 25 MHz of spectrum in the 4660–4685 MHz band from the federal government to private sector use. The Commission sought and obtained SBA approval of a refined definition of “small business” for GWCS. According to this definition, a small business is

any entity, together with its affiliates and entities holding controlling interests in the entity, that has average annual gross revenues over the three preceding years that are not more than \$40 million. See 47 CFR 26.4. The Commission will offer 875 geographic area licenses, based on Economic Areas, for GWCS. In estimating the number of small entities that may participate in the GWCS auction, the Commission anticipates that the makeup of current wireless services licensees is representative of future auction winning bidders.

#### 11. Fixed Microwave Services

Microwave services includes common carrier fixed, (see 47 CFR 101 *et seq.*) private operational fixed, and broadcast auxiliary radio services (see 47 CFR 74.1 *et seq.*). At present, there are 22,015 common carrier fixed licensees and approximately 61,670 private operational fixed licensees and broadcast auxiliary radio licensees in the microwave services. The Commission has not yet defined a small business with respect to microwave services. For purposes of this FRFA, the Commission will utilize the SBA definition applicable to radiotelephone companies, *i.e.*, an entity with less than 1,500 persons. The Commission estimates that for purposes of this FRFA all of the Fixed Microwave licensees (excluding broadcast auxiliary radio licensees) would qualify as small entities under the SBA definition for radiotelephone communications.

#### 12. Commercial Radio Operators (Restricted and Commercial)

There are several types of commercial radio operator licenses. Individual licensees are tested by Commercial Operator License Examination Managers (COLEMs). COLEMs file the applications on behalf of the licensee. The Commission has not developed a definition for a small business or small organization that is applicable for COLEMs. The RFA defines the term "small organization" as meaning "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field \* \* \*". See 5 U.S.C. 601(4). The Commission's rules do not specify the nature of the entity that may act as a COLEM. However, all of the COLEM organizations would appear to meet the RFA definition for small organizations.

#### 13. Amateur Radio Services

Amateur Radio service licensees are coordinated by Volunteer Examiner Coordinators (VECs). The Commission has not developed a definition for a

small business or small organization that is applicable for VECs. The RFA defines the term "small organization" as meaning "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field \* \* \*". See 5 U.S.C. 601(4). The Commission's rules do not specify the nature of the entity that may act as a VEC. All of the sixteen VEC organizations would appear to meet the RFA definition for small organizations.

#### 14. Personal Radio Services

Personal radio services provide short-range, low power radio for personal communications, radio signaling, and business communications not provided for in other services. These services include citizen band (CB) radio service, general mobile radio service (GMRS), radio control radio service, and family radio service (FRS). See 47 CFR 95.401 through 95.428; 47 CFR 95.1 through 95.181; 47 CFR 95.201 through 95.225; 47 CFR 95.191 through 95.194. To the extent any of these licensees may be small entities under the SBA definition, the Commission is unable at this time to estimate the exact number.

#### 15. Public Safety Radio Services and Governmental Entities

Public Safety radio services include police, fire, local governments, forestry conservation, highway maintenance, and emergency medical services. See 47 CFR 90.15 through 90.27. There are a total of approximately 127,540 licensees within these services. Governmental entities as well as private businesses comprise the licensees for these services. All governmental entities with populations of less than 50,000 fall within the definition of a small business. See 5 U.S.C. 601(5). There are approximately 37,566 governmental entities with populations of less than 50,000. The RFA also includes small governmental entities as a part of the regulatory flexibility analysis. See 5 U.S.C. 601(5). The definition of a small governmental entity is one with a population of less than 50,000. There are 85,006 governmental entities in the nation. This number includes such entities as states, counties, cities, utility districts, and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000; however, this number includes 38,978 counties, cities, and towns and of those, 37,566 or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, the Commission estimates that 96 percent or

81,600 are small entities that may be affected by our rules.

#### 16. Rural Radiotelephone Service

The Commission has not adopted a definition of small entity specific to the Rural Radiotelephone Service. See 47 CFR 22.99. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS). See 47 CFR 22.757; 22.729. The Commission will use the SBA definition applicable to radiotelephone companies; *i.e.*, an entity employing no more than 1,500 persons. There are approximately 1,000 licensees in the Rural Radiotelephone Service, and the Commission estimates that almost all of them qualify as small entities under the SBA definition.

#### 17. Marine Coast Service

On December 3, 1998, the Commission plans to auction Public Coast licenses in the 157.1875–157.4500 MHz (ship transmit) and 161.775–162.0125 MHz (coast transmit) bands. For purposes of this auction, the Commission defines a "small" business as an entity that, together with controlling interests and affiliates, have average gross revenues for the preceding three years not to exceed \$15 million dollars. A "very small" business is one that, together with controlling interests and affiliates, have average gross revenues for the preceding three years not to exceed \$3 million dollars. There are approximately 10,672 licensees in the Marine Coast Service, and the Commission estimates that almost all of them qualify as small under the SBA definition.

#### 18. Wireless Communications Services (WCS)

WCS is a wireless service, which can be used for fixed, mobile, radiolocation, and digital audio broadcasting satellite uses. The Commission defined "small business" for the WCS auction as an entity with average gross revenues of \$40 million for each of the three preceding years. The Commission auctioned geographic area licenses in the WCS service. There were seven winning bidders who qualified as very small business entities and one small business entity in the WCS auction. Based on this information, the Commission concludes that the number of geographic area WCS licensees affected include these eight entities.

D. Description of the projected reporting, recordkeeping, and other compliance requirements. All wireless radio services will be subject to processing through the ULS rules. Under these rules, all new wireless

radio services license applications will be processed through ULS using one or more of the new forms. In addition, any modification to an existing license will also use the new forms and will be entered and processed in the ULS. Other notifications that are required by the final rules, as outlined in the *R&O*, will also be filed with the new standard forms and processed through ULS. As noted, we expect that once the ULS is implemented the overall compliance burdens associated with these forms will be reduced.

Under the final rules, each applicant or licensee must submit the appropriate application form depending on the purpose of the application. Electronic filing through the ULS should be easier for applicants than the current system. The ULS will prompt the applicant for the necessary information and will provide interactive error messages if information is not filed correctly. The system will allow the applicant to correct their applications prior to submitting them, saving time and processing steps for the FCC and the applicants. The Commission notes that electronic filing will require a modem equipped computer to file interactively through the FCC private wide area network, which may be burdensome for some filers.

The ULS was designed to identify each individual licensee by their taxpayer identification number (TIN) assigned to the entity or individual (social security number will be used in the case of an individual filing for a license). The TIN is required by licensees pursuant to the Debt Collection Improvement Act of 1996. All existing licensees will be required to identify all of their call signs and their TIN. The system will assign a unique sequential identification number to each entity or individual. This number will be used instead of the TIN for public queries to the ULS database. Uniquely identifying entities and associating their license records to the entity will eliminate the data collection requirement for modifications and new license applications that are filed electronically through the ULS.

E. Steps taken to minimize significant economic impact on small entities, and significant alternatives considered: As noted in the *R&O*, the development of the ULS will greatly reduce the cost of preparing wireless applications and pleadings, while increasing the speed of the licensing process. We expect that these changes will benefit all, including small entities.

1. Electronic Filing and Consolidated Application Forms. In services that do not require extensive technical data,

such as Amateur, Maritime, Aviation, Commercial Operators, and GMRS, the Commission implements a quick form to minimize the economic impact on small entities in these services. In addition, the forms have been developed to ensure that applicants are not required to duplicate information that has been already filed with the Commission. The Commission has also eliminated the current copy and microfiche requirements for electronically filed applications.

2. Auction Long-Form Application Submissions. The Commission allows winning bidders to file a single long-form application to cover all markets. Elimination of separate filing requirements will lift the administrative burden to small businesses of having to file separate long-form applications for each license won in the auction.

3. Filings of Pleadings. The Commission permits, but does not require, pleadings to be filed electronically. Manually filed pleadings will be scanned so that all pleadings will be easily accessible to the public. Electronic filing through the ULS should be easier for applicants than the current system because the ULS will prompt the applicant for the necessary information and will provide interactive error messages if information is not filed correctly. ULS will allow the applicant to correct their applications prior to submitting them. This system will allow all interested parties, including small entities, easy access to pleadings that are filed in connection with applications and licenses.

4. Standardization of Major and Minor Filing Rules. The Commission consolidates major and minor filing standards to both amendments of pending applications and to modifications of existing licenses. The current fragmented system is confusing for applicants and licensees, including small entities, because they are required to keep track of different procedures for different radio services. Licensees, especially small entities, will find it easier and more convenient to have all standards in one place in the rules.

5. Filing of Multiple Modifications. The Commission adopts a unified approach to the filing of multiple modification applications: if a modification application is pending regarding a given station parameter, and the licensee decides to elaborate upon or change that request with an additional request to modify the same or a related parameter, the document filed to effect that change will be automatically deemed an amendment to the modification, rather than a separate modification application. This will

prevent applicants from filing conflicting modification requests and will prevent the Commission from erroneously granting or dismissing modification applications because they were processed out of sequence.

6. Construction Notification Requirements. The Commission will send notifications to licensees by ULS and mail before their construction or coverage deadlines. Notifications of construction or coverage would be accepted either electronically or manually. If a licensee fails to file the required notification of completion of the coverage or substantial service requirements, the ULS would send a letter terminating the authorization.

7. Ownership Requirements. The Commission will require submission of ownership information from commercial mobile radio services (CMRS) licensees. Applicants and licensees will submit ownership information on FCC Form 602 when filing an initial application, a renewal application, an assignment of authorization, or a transfer of control. Private mobile radio services (PMRS) licensees, while subject to some alien ownership restrictions—*i.e.*, licenses may not be granted to or held by a foreign government or a representative of a foreign government (see 47 U.S.C. 310(a))—are not subject to most of the restrictions placed on CMRS licensees. Accordingly, PMRS and private fixed microwave licensees have not previously been required to submit detailed ownership information. The Commission will require PMRS licensees to certify their status with respect to foreign government ownership or ownership by a representative of a foreign government each time they submit a Form 601.

F. Report to Congress. The Commission shall send a copy of the Order, including this FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 U.S.C. 801(a)(1)(A). A copy of the Order and this FRFA will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

#### *B. Paperwork Reduction Act (PRA)* Paperwork Reduction Act Analysis

*Dates:* Written comments by the public on the modified information collections are due January 13, 1999. Written comments must be submitted by OMB on the proposed information collections on or before February 12, 1999.

**Address:** In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov) (comments filed to Judy Boley after December 3, 1998, should be submitted to Federal Communications Commission, Room C1804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov)); and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, NW., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**Further Information:** For additional information concerning the information collections contained in this R&O contact Judy Boley at (202) 418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**Supplementary Information:** This R&O modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under PRA. As part of its continuing effort to reduce paperwork burdens, the Commission invites the general public and OMB to take this opportunity to comment on the modified information collections contained in this R&O. OMB notification of action is due January 13, 1999. Comments should address: (a) Whether the modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**OMB Approval Number:** 3060-0798.

**Title:** FCC Application for Wireless Telecommunications Bureau Radio Service Authorization.

**Form No.:** FCC Form 601.

**Type of Review:** Revision of an existing collection.

**Respondents:** Individuals or households; business and other for-profit.

**Number of Respondents:** 240,320.

**Estimated Time Per Response:** 30 minutes to 1.25 hours.

**Total Annual Burden:** 210,280.

**Frequency of Response:** On occasion.

**Total Annual Estimated Cost:** \$48,364,400. The Commission estimates

approximately 50% of the respondents will hire a consultant to prepare this information. Consultant costs are included in this estimate.

**Needs and Uses:** Form 601 will be used as the general application (long form) for market based licensing and site-by-site licensing in the Wireless Telecommunications Services. The purpose of this revision is to include changes as a result of comments provided during the public comment period for the ULS NPRM (WT Docket No. 98-20; FCC 98-25) and to specify an option available to applicants in the 700 MHz band (Public Safety item WT Docket 96-86; FCC 98-191). In addition, we seek to clarify that FCC Form 601 filed following the issuance of an emergency Special Temporary Authorization (STA) as a result of phone or facsimile request requires an attachment (exhibit) describing the background of the emergency request. The data collected will be used by the Commission to determine whether the applicant is legally, technically and financially qualified to be licensed and to update the database and provide for proper use of the frequency spectrum.

Major revisions to the 601 Main Form include adding questions to: (1) collect the number of feeable waiver requests; (2) indicate if attachments are being filed with the application; (3) provide for optional questions regarding race, ethnicity and gender and (4) adding and re-wording certification statements. The form also revised to delete question under AFee Status@ pertaining to NCE Broadcast exemption.

This long-form application is a consolidated application form and will be utilized with the Universal Licensing System (ULS) currently under development. This form comprises a main form containing administrative data and a series of Schedules used to identify technical information.

Many of the form schedules are also being revised. Schedule F is being revised to add a question for respondent to indicate number of new SIDs, if applicable, and a channel block indicated is also being added. Schedule G is being revised to collect information required for international coordination. Schedule H is being revised to add a frequency coordination question and a question for the respondents to specify antenna registration.

Schedule I being revised to add items for APack Name@ and an SMSA identified for DEMS. Also, the information regarding station class has been moved to Supplement 1. Additionally, a question for respondents to identify if multiple minor mods or amendments exceed the threshold for

major modification was added, as well as a question for frequency coordination. Schedule I Supplement 1 is being revised to include quiet zone question and Supplement 2 is being revised to add MAS/DEMS subtypes and a Path Code Identifier.

Schedule K is being revised to add a new item for slow growth and the ability for notification of lower and upper frequency. Schedule L is being revised to add the ability for extension of lower and upper frequency.

The data collected on this form includes Taxpayer Identification Number for the applicant. This number will not be displayed to the public.

This consolidated form will eventually replace existing forms used by Wireless Telecommunications Bureau, such as FCC 313, 313R, 402, 402R, 405, 405A, 406, 415, 464, 464A, 489, 494, 503, 452R, 574, 574R, 600 and 701. As the Commission implements FCC 601 in phases for the various radio services and use of the Form 601 becomes mandatory after a transition period, other form burdens will be amended as necessary to reflect the obsolescence of the old forms.

This collection includes a Third Party requirement that certain applicants obtain frequency coordination. There is no additional time burden placed on the respondent for this requirement, however, it adds an extra Astep@ to the application filing requirements. Applicants forward their applications via the non-profit private sector frequency coordinators designated by type of radio service. The frequency coordinator then forwards the application and application remittance to the FCC. We estimate that 40% of the respondents (96,128) are affected by this requirement.

**OMB Approval Number:** 3060-0799.

**Title:** FCC Ownership Disclosure Information for the Wireless Telecommunications Services.

**Form No.:** FCC 602.

**Type of Review:** Revision of an existing collection.

**Respondents:** Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

**Number of Respondents:** 3,000.

**Estimated Time Per Response:** 30 minutes to 2 hours. The Commission estimate that 50% of the respondents will hire an outside consultant to prepare the information.

**Total Annual Burden:** 3,750 hours.

**Frequency of Response:** On Occasion.

**Total Annual Estimated Costs:** \$604,000. This cost includes an estimate that 50% of the respondents will hire an

outside consultant at \$200 per hour to prepare the information. It also includes \$2.50 per respondent in postal fees for applicants filing manually.

**Needs and Uses:** This form is required to be filed by applicants who have acquired their license by participation in an FCC auction or who are applying for a license in a service which is subject to Part 1, Subpart Q of the Commission's Rules, or by common carrier licensees whether or not the service was originally subject to auction, under the following circumstances: (1) Applicants for a new license or authorization who do not have a current FCC Form 602 on file with the FCC; (2) Applicants filing to renew an existing license if there is no current FCC Form 602 on file with the FCC; (3) Applicants for a transfer of control of a license or assignment of authorization who do not have a current FCC Form 602 on file with the FCC; (4) Applicants who are going to participate in an FCC auction and do not have a current FCC Form 602 on file.

The purpose for the information collection is to obtain the identity of the applicant and to elicit information required by Section 1.2112 of the Commission's rules regarding: (1) Persons or entities holding a 10% or greater direct or indirect ownership interest in the applicant; (2) All affiliates of the applicant pursuant to Section 1.211; (3) All general partners in any general partnership in the applicant's chain of ownership, and; (4) All the members of any limited liability corporation in applicant's chain of ownership.

FCC 602 consists of a Main Form and associated schedules for technical information. Filers will use multiple copies of Form 602 as needed to list each direct and indirect owner and associated information. The data will be used by the FCC to determine whether the applicant is legally, technically and financially qualified to be licensed. The data collected on this form includes Taxpayer Identification Numbers for the Applicant/Licensee, any Related FCC Regulated Businesses of the Applicant/Licensee, Disclosable Interest Holders and any Related FCC Regulated Businesses of Disclosable Interest Holders. These numbers will not be displayed to the public.

The current Form 602 was designed for use by auctionable services only and this revision accommodates use by all Wireless Telecommunications Services. The use of FCC Form 602 will replace FCC Form 430 for Wireless services. We intend to allow a transition period after which FCC Form 430 will be

discontinued for use by Wireless services.

The previous OMB submission for this form identified the number of respondents as 10,000 which includes all Wireless services. Therefore, there is no change in the number of respondents, only re-design of the form to accommodate the various services. The FCC Form 602 has also been completely revised in order to collect ownership information in a format where the relationships between various entities is readily apparent. The currently approved version of the Form 602 simply collects a list of attributable owners. In accordance with our rules, the new form collects this information along with the business relationship (attributable owner, indirect owner, etc.) which is essential for regulating the commercial use of the spectrum.

**OMB Approval Number:** 3060-0800.

**Title:** FCC Wireless

Telecommunications Bureau  
Application for Assignments of  
Authorization and Transfers of Control.  
**Form No.:** FCC 603.

**Type of Review:** Revision to an existing collection.

**Respondents:** Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

**Number of Respondents:** 32,151.

**Estimated Time Per Response:** 30 minutes to 1.75 hours. The Commission estimate that 50% of the respondents will hire an outside consultant to prepare the information.

**Total Annual Burden:** 36,171 hours.

**Total Estimated Annual Costs:** \$7,114,000. This cost includes an estimate that 50% of the respondents will hire an outside consultant at \$200 per hour to prepare the information. It also includes a \$45 filing fee per respondent and \$2.50 in postal fees for applicants filing manually.

**Frequency of Response:** On occasion.

**Needs and Uses:** This collection of information incorporates a previously approved OMB collection of 3060-0797. Collection 3060-0797 is eliminated.

Form 603 is a multi-purpose form used to apply for approval of assignment or transfer of control of licenses in the Wireless Radio Services. The data collected on this form is used by the FCC to determine whether the public interest would be served by approval of the requested assignment or transfer. This form is also used to notify the Commission of consummated assignments and transfers of wireless licenses that have previously been consented to by the Commission or for which notification but not prior consent

is required. This form is used by applicants/licensees in the Public Mobile Services, Personal Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Fixed Microwave Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft).

The purpose of this form is to obtain information sufficient to identify the parties to the proposed assignment or transfer, establish the parties basic eligibility and qualifications, classify the filing, and determine the nature of the proposed service. Various technical schedules are required along with the main form applicable to Auctioned Services, Partitioning and Disaggregation, Undefined Geographical Area Partitioning, Notification of Consummation or Request for Extension of Time for Consummation.

The data collected on this form includes the Taxpayer Identification Numbers of the Licensee/Assignor, Transferor and the Assignee/Transferee. These numbers will not be displayed to the public. This form will eventually replace FCC Forms 490, 702, 703, 704 and 1046. After an initial transition period for use of the Form 603, the other forms will no longer be used.

The revised 603 is a consolidated form which now incorporates the information previously required on FCC Form 604 "Applications for Transfer of Control for Auctionable Services". Consolidating these forms required adding a number of questions regarding the following: related applications; transfer of control; determination if application is subject to streamlined processing under forbearance; waivers; attachments to the application; pending transfers or assignments not on the form 603; Sub Group Identification Numbers; and Assignor/Transferor Race, Ethnicity, gender; identification of partial assignments. There were also revisions to the certifications included on the form.

The number of respondents and burden hours have increased due to combining a previously approved collection (3060-0797) with this one.

**OMB Approval Number:** 3060-0795.

**Title:** ULS TIN Registration and FCC Form 606.

**Form No.:** FCC 606.

**Type of Review:** Revision to an Existing Collection.

**Respondents:** Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

**Number of Respondents:** 411,000.

**Estimated Time Per Response:** 1 hour.

*Total Annual Burden:* 411,000 hours.  
*Frequency of Response:* On Occasion.  
*Total Annual Estimated Costs:* The Commission estimates respondents will incur no cost to provide this information.

*Needs and Uses:* The Wireless Telecommunications Bureau is currently developing a Universal Licensing System (ULS) with gradual implementation by radio service. This Universal Licensing System will eventually replace 11 separate licensing databases and provide for universal licensing forms and data collection for the many services that the Wireless Bureau provides.

The Universal Licensing System is driven by applicants Taxpayer Identification Number, which could be a Social Security Number or an Employer Identification Number. Existing licensees are required to provide WTB with their Taxpayer Identification Number and list of call signs in order to populate ULS and establish a unique sequential number for each licensee. A licensee may have multiple licenses under different names and addresses all covered under the same TIN number. A single entities licenses could be in various names, radio services and addresses.

During this period of collecting existing entities Taxpayer Identification Numbers and the process of linking the licenses for each entity, problems were encountered with various organizations responsible for only a certain portion of the entities total radio authorization. Therefore, it was necessary for the FCC to establish "Sub-TINs". Entities must obtain a Sub-Group Identification Number (SGIN) from the FCC in instances where the applicant or licensee does not have a unique TIN because it is a sub-group or department of the entity identified by the TIN (e.g., a governmental entity or academic institution) and therefore shares the TIN with other subgroups or departments of the same entity. The SGIN allows each sub-group to track the licenses it holds.

The Commission is revising this collection to in response to comments received on the ULS NPRM. Entities using and registering their TINS requested the Commission add the SGIN. Most of the SGIN's will be filed via FCC Form 601. However, there may be instances of where FCC 606 filers need to provide SGINs. The estimated number of respondents and burden remains the same.

The Taxpayer Identification Number or the SGIN will not be displayed to the public.

The Wireless Bureau strongly encourages submission of this

information electronically and has developed an interactive electronic application for this purpose, FCC Form 606. A series of public notices have been issued to collect this information by radio service.

The information collected in the application will be used to populate the Universal Licensing System and to assign a unique identifier to each licensee for interaction with the ULS. Assignment of the unique identifier will be automatically generated by the system. This information will also be used to match records in the licensing database to the Collection System records to validate payment for applications and for Debt Collection purposes.

*OMB Approval Number:* 3060-XXXX.

*Title:* Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third Party Disclosure Requirements.

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 8,255 Recordkeepers. In addition to the recordkeeping requirements some of the respondents may be required to coordinate various actions with Third Parties. The total number of responses is 11,242.

*Estimated Time Per Response:* 30 minutes.

*Total Annual Burden:* 5,624 hours.

*Frequency of Response:* On Occasion.

*Total Annual Estimated Costs:* No Additional Costs.

*Needs and Uses:* ULS establishes a streamlined set of rules that minimizes filing requirements; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data. The recordkeeping and third party disclosure requirements contained in this collection are a result of the eliminate of a number of filing requirements. The ULS forms contain a number of certifications, which eliminated for a number of previous filing requirements. However, applicants must maintain records to document compliance with the requirements. In some instance applicants may also be required to coordinate activities with third parties prior to submitting applications.

## V. Ordering Clauses

Accordingly, *it is ordered* that, pursuant to the authority of sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as

amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 47 CFR Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97 and 101 of the Commission's Rules are *Amended* as set forth in the rule changes.

*It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this R&O, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

*It is further ordered* that pursuant to section 5(c) of the Communications Act of 1934 (see 47 U.S.C. 155(c)), the Chief, Wireless Telecommunications Bureau, *is granted delegated authority* to develop, implement, modify rules and procedures for the Universal Licensing System to the extent stated herein.

*It is further ordered* that Petition for Rule Making RM-8677 is granted as indicated herein and WT Docket No. 96-188 is *terminated*.

## List of Subjects in 47 CFR Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.  
**Magalie Roman Salas,**  
*Secretary.*

## Final Rules

Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of Chapter 1 of Title 47 of the Code of Federal Regulations (CFR) are amended as follows:

## PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

**Authority:** Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.121 is amended by revising paragraph (b) to read as follows:

### § 0.121 Location of field installations.

\* \* \* \* \*

(b) Protected field offices are located at the following geographical coordinates (coordinates are referenced to North American Datum 1983 (NAD83)):

Allegan, Michigan  
 42°36'20.1" N. Latitude  
 85°57'20.1" W. Longitude  
 Anchorage, Alaska  
 61°09'41.0" N. Latitude  
 150°00'03.0" W. Longitude  
 Belfast, Maine



44°26'42.3" N. Latitude  
 69°04'56.1" W. Longitude  
 Canandaigua, New York  
 42°54'48.2" N. Latitude  
 77°15'57.9" W. Longitude  
 Douglas, Arizona  
 31°30'02.3" N. Latitude  
 109°39'14.3" W. Longitude  
 Ferndale, Washington  
 48°57'20.4" N. Latitude  
 122°33'17.6" W. Longitude  
 Grand Island, Nebraska  
 40°55'21.0" N. Latitude  
 98°25'43.2" W. Longitude  
 Kingsville, Texas  
 27°26'30.1" N. Latitude  
 97°53'01.0" W. Longitude  
 Laurel, Maryland  
 39°09'54.4" N. Latitude  
 76°49'15.9" W. Longitude  
 Livermore, California  
 37°43'29.7" N. Latitude  
 121°45'15.8" W. Longitude  
 Powder Springs, Georgia  
 33°51'44.4" N. Latitude  
 84°43'25.8" W. Longitude  
 Sabana Seca, Puerto Rico  
 18°27'15.8" N. Latitude  
 66°13'35.6" W. Longitude  
 Santa Isabel, Puerto Rico  
 18°00'18.9" N. Latitude  
 66°22'30.6" W. Longitude  
 Vero Beach, Florida  
 27°36'22.1" N. Latitude  
 80°38'05.2" W. Longitude  
 Waipahu, Hawaii  
 21°22'33.6" N. Latitude  
 157°59'44.1" W. Longitude

3. Section 0.401 is amended by adding paragraph (b)(3) to read as follows:

**§ 0.401 Location of Commission offices.**

\* \* \* \* \*

(b) \* \* \*

(3) Alternatively, applications and other filings may be sent electronically via the Universal Licensing System (ULS).

4. Section 0.408 is amended by adding entries for FCC 601, FCC 602, FCC 603, and FCC 605 to the end of the table in paragraph (b) to read as follows:

**§ 0.408 OMB control numbers and expiration dates assigned pursuant to the Paperwork Reduction Act.**

\* \* \* \* \*

(b) \* \* \*

|                         |          |
|-------------------------|----------|
| 3060-0798. FCC 601..... | XXXX     |
| 3060-0799. FCC 602..... | XXXX     |
| 3060-0800. FCC 603..... | XXXX     |
| 3060-0850. FCC 605..... | 10/31/01 |

\* \* \* \* \*

5. Section 0.453 is amended by removing and reserving paragraph (g)(1) and revising introductory text of paragraph (h) and paragraph (h)(1) to read as follows:

**§ 0.453 Public reference rooms.**

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \* [Reserved]

(2) \* \* \*

(h) *The Wireless Telecommunications Bureau Reference Room.* The following documents, files and records are available.

(1) *The Wireless Telecommunications Bureau Reference Room—Gettysburg.* Commercial radio operator application files and all authorizations in the Wireless Radio Services and files relating thereto, which includes Land Mobile, Microwave, Aviation Ground and Marine Coast applications. All of these materials are available in the Commission's offices in Gettysburg, Pennsylvania. See § 0.457(f)(3). This reference room also contains station files containing applications and related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the Mass Media services. This reference room also contains station files containing applications and related materials for the Point-to-Point Microwave (including the Local Television Transmission Service) and Digital Electronic Message (DEMS) services in the Common Carrier services. Cards summarizing the historical record of applications and dispositions of the Broadcast Auxiliary service through May 1982 are available for inspection as well.

\* \* \* \* \*

6. Section 0.482 is revised to read as follows:

**§ 0.482 Application for waiver of wireless radio service rules.**

All requests for waiver of the rules (see § 1.925) governing the Wireless Radio Services (see § 1.907) that require a fee (see § 1.1102) shall be submitted via the Universal Licensing System or to the Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in § 1.1102. Waiver requests that do not require a fee should be submitted via the Universal Licensing System or to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325-7245. Waiver requests attached to applications must be submitted in accordance with § 0.401(b) or § 0.401(c) of the rules.

7. Section 0.491 is revised to read as follows:

**§ 0.491 Application for exemption from compulsory ship radio requirements.**

Applications for exemption filed under the provisions of §§ 352(b) or 383 of the Communications Act; Regulation 4, chapter I of the Safety Convention; Regulation 5, chapter IV of the Safety

Convention; or Article IX of the Great Lakes Agreement, must be filed as a waiver request using the procedures specified in § 0.482 of this part. Emergency requests must be filed via the Universal Licensing System or at the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-B204, Washington, DC 20554.

**PART 1—PRACTICE AND PROCEDURE**

8. The authority citation for part 1 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154, 207, 303, and 309(j) unless otherwise noted.

9. Section 1.4 is amended by adding a sentence to the end of paragraph (f) to read as follows:

**§ 1.4 Computation of time.**

\* \* \* \* \*

(f) \* \* \* Applications, attachments and pleadings filed electronically in the Universal Licensing System (ULS) pursuant to § 1.913(b) or § 1.939(b) must be received before midnight on the filing date.

\* \* \* \* \*

10. Section 1.41 is amended by adding a sentence at the end of the paragraph to read as follows:

**§ 1.41 Informal requests for Commission action.**

\* \* \* In application and licensing matters pertaining to the Wireless Radio Services, as defined in § 1.904 of this part, such requests may also be sent electronically, via the ULS.

11. Section 1.45 is amended by adding a sentence to the end of the introductory paragraph, and revising paragraphs (a), (b) and (c) to read as follows:

**§ 1.45 Pleadings; filing periods.**

\* \* \* Pleadings associated with licenses, applications, waivers and other documents in the Wireless Radio Services may be filed via the ULS.

(a) *Petitions.* Petitions to deny may be filed pursuant to § 1.939 of this part.

(b) *Oppositions.* Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.

(c) *Replies.* The person who filed the original pleading may reply to oppositions within 5 days after the time for filing oppositions has expired. The reply shall be limited to matters raised in the oppositions, and the response to all such matters shall be set forth in a single pleading; separate replies to

individual oppositions shall not be filed.

\* \* \* \* \*

12. Section 1.49 is amended by revising the first sentence of paragraph (e) to read as follows:

**§ 1.49 Specifications as to pleadings and documents.**

\* \* \* \* \*

(e) Petitions, pleadings, and other documents associated with licensing matters in the Wireless Radio Services may be filed electronically in ULS.

\* \* \*

\* \* \* \* \*

13. Section 1.50 is revised to read as follows:

**§ 1.50 Specifications as to briefs.**

The Commission's preference is for briefs that are either typewritten, prepared by other mechanical processing methods, or, in the case of matters in the Wireless Radio Services, composed electronically and sent via ULS. Printed briefs will be accepted only if specifically requested by the Commission. Typewritten, mechanically produced, or electronically transmitted briefs must conform to all of the applicable specifications for pleadings and documents set forth in § 1.49.

14. Section 1.51 is amended by adding new paragraphs (f), (g), and (h) to read as follows:

**§ 1.51 Number of copies of pleadings, briefs and other papers.**

\* \* \* \* \*

(f) For application and licensing matters involving the Wireless Radio Services, pleadings, briefs or other documents may be filed electronically in ULS, or if filed manually, one original and one copy of a pleading, brief or other document must be filed.

(g) Participants that file pleadings, briefs or other documents electronically in ULS need only submit one copy, so long as the submission conforms to any procedural or filing requirements established for formal electronic comments. (see § 1.49)

(h) Pleadings, briefs or other documents filed electronically in ULS by a party represented by an attorney shall include the name, street address, and telephone number of at least one attorney of record. Parties not represented by an attorney that file electronically in ULS shall provide their name, street address, and telephone number.

15. Section 1.52 is amended by revising the third and fourth sentences to read as follows:

**§ 1.52 Subscription and verification.**

\* \* \* Either the original document, the electronic reproduction of such original document containing the facsimile signature of the attorney or represented party, or, in the case of matters in the Wireless Radio Services, an electronic filing via ULS is acceptable for filing. If a facsimile or electronic reproduction of such original document is filed, the signatory shall retain the original until the Commission's decision is final and no longer subject to judicial review. \* \* \*

16. Section 1.83 is amended by revising the last sentence of paragraph (b) to read as follows:

**§ 1.83 Applications for radio operator licenses.**

\* \* \* \* \*

(b) \* \* \* This bulletin is available from the Commission's Forms Distribution Center by calling 1-800-418-FORM (3676).

**§ 1.84 [Removed]**

17. Section 1.84 is removed.

18. Section 1.85 is revised to read as follows:

**§ 1.85 Suspension of operator licenses.**

Whenever grounds exist for suspension of an operator license, as provided in § 303(m) of the Communications Act, the Chief of the Wireless Telecommunications Bureau, with respect to amateur and commercial radio operator licenses, may issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing of the cause for the proposed suspension has been given to the operator licensee, who may make written application to the Commission at any time within the said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Wireless Telecommunications Bureau and said suspension shall be held in abeyance until the conclusion of the hearing. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered

suspended, the operator shall send his operator license to the Licensing and Technical Analysis Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, in Washington, DC, on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

19. Section 1.106 is amended by adding a new paragraph (o) to read as follows:

**§ 1.106 Petitions for reconsideration.**

\* \* \* \* \*

(o) Petitions for reconsideration of licensing actions, as well as oppositions and replies thereto, that are filed with respect to the Wireless Radio Services, may be filed electronically via ULS.

20. Section 1.821 is revised to read as follows:

**§ 1.821 Scope.**

The provisions of §§ 1.822 and 1.824 of this part apply as indicated to those applications for permits, licenses or authorizations in the Multichannel Multipoint Distribution Service for which action may be taken by the Mass Media Bureau pursuant to delegated authority.

**§ 1.823 [Removed]**

21. Section 1.823 is removed.

**§ 1.825 [Removed]**

22. Section 1.825 is removed.

23. Subpart F of Part 1 is revised to read as follows:

**Subpart F—Wireless Telecommunications Services, Applications and Proceedings**

**Scope and Authority**

**Sec.**

- 1.901 Basis and purpose.
- 1.902 Scope.
- 1.903 Authorization required.
- 1.907 Definitions.

**Application Requirements and Procedures**

- 1.911 Station files.
- 1.913 Application forms; electronic and manual filing.
- 1.915 General application requirements.
- 1.917 Who may sign applications.
- 1.919 Ownership information.
- 1.923 Content of applications.
- 1.924 Quiet zones.
- 1.925 Waivers.
- 1.926 Application processing; initial procedures.
- 1.927 Amendment of applications.
- 1.929 Classification of filings as major or minor.
- 1.931 Application for special temporary authority.
- 1.933 Public notices.
- 1.934 Defective applications and dismissal.
- 1.935 Agreements to dismiss applications, amendments or pleadings.

- 1.937 Repetitious or conflicting applications.
- 1.939 Petitions to deny.
- 1.945 License grants.
- 1.946 Construction and coverage requirements.
- 1.947 Modification of licenses.
- 1.948 Assignment of authorization or transfer of control, notification of consummation.
- 1.949 Application for renewal of license.
- 1.951 Duty to respond to official communications.
- 1.955 Termination of authorizations.
- 1.956 Settlement conferences.
- 1.957 Procedure with respect to amateur radio operator licenses.
- Reports to be Filed with the Commission
- 1.981 Reports, annual and semi-annual.

#### Subpart F—Wireless Telecommunications Services Applications and Proceedings

24. § 1.901 is revised to read as follows:

##### § 1.901 Basis and purpose.

These rules are issued pursuant to the Communications Act of 1934, as amended, 47 U.S.C 151 *et seq.* The purpose of these rules is to establish the requirements and conditions under which entities may be licensed in the Wireless Radio Services as described in this part and in Parts 13, 20, 22, 24, 26, 27, 80, 87, 90, 95, 97 and 101 of this chapter.

25. Sections 1.902, 1.903 and 1.907 are added to read as follows:

##### § 1.902 Scope.

In case of any conflict between the rules set forth in this subpart and the rules set forth in Parts 13, 20, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of Title 47, Chapter I of the Code of Federal Regulations, the rules in Part 1 shall govern.

##### § 1.903 Authorization required.

(a) *General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.

(b) *Restrictions.* The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization. Authorizations may be granted upon proper application, provided that the Commission finds that the applicant is qualified in regard to citizenship, character, financial, technical and other criteria, and that the public interest, convenience and necessity will be

served. See §§ 301, 308, and 309, 310 of this chapter.

(c) *Subscribers.* Authority for subscribers to operate mobile or fixed stations in the Wireless Radio Services, except for certain stations in the Rural Radiotelephone Service and the Air-Ground Radiotelephone Service, is included in the authorization held by the licensee providing service to them. Subscribers are not required to apply for, and the Commission does not accept, applications from subscribers for individual mobile or fixed station authorizations in the Wireless Radio Services, except as follows: individual authorizations are required to operate general aviation airborne mobile stations in the Air-Ground Radiotelephone Service. See § 22.82 of this chapter. Individual authorizations are required to operate rural subscriber stations in the Rural Radiotelephone Service, except as provided in § 22.703 of this chapter. Individual authorizations are required for end users of certain Specialized Mobile Radio Systems as provided in § 90.655 of this chapter. In addition, certain ships and aircraft are required to be individually licensed under Parts 80 and 87 of this chapter. See §§ 80.13, 87.18 of this chapter.

##### § 1.907 Definitions.

*Antenna structure.* The term antenna structure includes the radiating and receiving elements, its supporting structures, towers, and all appurtenances mounted thereon.

*Application.* A request on a standard form for a station license as defined in § 3(b) of the Communications Act, signed in accordance with § 1.917 of this part, or a similar request to amend a pending application or to modify or renew an authorization. The term also encompasses requests to assign rights granted by the authorization or to transfer control of entities holding authorizations.

*Auctionable license.* A Wireless Radio Service license identified in § 1.2102 of this part for which competitive bidding is used to select from among mutually exclusive applications.

*Auctionable license application.* A Wireless Radio Service license application identified in § 1.2102 of this part for which competitive bidding is used if the application is subject to mutually exclusive applications.

*Authorization.* A written instrument or oral statement issued by the FCC conveying authority to operate, for a specified term, to a station in the Wireless Telecommunications Services.

*Authorized bandwidth.* The maximum bandwidth permitted to be

used by a station as specified in the station license. See § 2.202 of this chapter.

*Authorized power.* The maximum power a station is permitted to use. This power is specified by the Commission in the station's authorization or rules.

*Control station.* A fixed station, the transmissions of which are used to control automatically the emissions or operations of a radio station, or a remote base station transmitter.

*Effective radiated power (ERP).* The product of the power supplied to the antenna multiplied by the gain of the antenna referenced to a half-wave dipole.

*Equivalent Isotropically Radiated Power (EIRP).* The product of the power supplied to the antenna multiplied by the antenna gain referenced to an isotropic antenna.

*Fixed station.* A station operating at a fixed location.

*Harmful interference.* Interference that endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radio communications service operating in accordance with the Radio Regulations.

*Mobile relay station.* A fixed transmitter used to facilitate the transmission of communications between mobile units.

*Mobile station.* A radio communication station capable of being moved and which ordinarily does move.

*Non-auctionable license.* A Wireless Radio Service license identified in § 1.2102 of this part for which competitive bidding is not used to select from among mutually exclusive applications.

*Non-auctionable license application.* A Wireless Radio Service license application for which § 1.2102 of this part precludes the use of competitive bidding if the application is subject to mutually exclusive applications.

*Private Wireless Services.* Wireless Radio Services authorized by parts 80, 87, 90, 95, 97, and 101 that are not Wireless Telecommunications Services, as defined in this part.

*Radio station.* A separate transmitter or a group of transmitters under simultaneous common control, including the accessory equipment required for carrying on a radio communications service.

*Receipt date.* The date an electronic or paper application is received at the appropriate location at the Commission or Mellon Bank. Amendments to pending applications may result in the assignment of a new receipt date in accordance with § 1.927 of this part.

**Universal Licensing System.** The Universal Licensing System (ULS) is the consolidated database, application filing system, and processing system for all Wireless Radio Services. ULS supports electronic filing of all applications and related documents by applicants and licensees in the Wireless Radio Services, and provides public access to licensing information.

**Wireless Radio Services.** All radio services authorized in parts 13, 20, 22, 24, 26, 27, 74, 80, 87, 90, 95, 97 and 101 of this chapter, whether commercial or private in nature.

**Wireless Telecommunications Services.** Wireless Radio Services, whether fixed or mobile, that meet the definition of "telecommunications service" as defined by 47 U.S.C. 153, as amended, and are therefore subject to regulation on a common carrier basis. Wireless Telecommunications Services include all radio services authorized by parts 20, 22, 24, 26, and 27 of this chapter. In addition, Wireless Telecommunications Services include Public Coast Stations authorized by part 80 of this chapter, Commercial Mobile Radio Services authorized by part 90 of this chapter, and common carrier fixed microwave services, Local Television Transmission Service (LTTS), Local Multipoint Distribution Service (LMDS), and Digital Electronic Message Service (DEMS), authorized by part 101 of this chapter.

26. Section 1.911 is revised to read as follows:

**§ 1.911 Station files.**

Applications, notifications, correspondence, electronic filings and other material, and copies of authorizations, comprising technical, legal, and administrative data relating to each station in the Wireless Radio Services are maintained by the Commission in ULS. These files constitute the official records for these stations and supersede any other records, database or lists from the Commission or other sources.

**§ 1.912 [Removed]**

27. Section 1.912 is removed.

28. Section 1.913 is revised to read as follows:

**§ 1.913 Application forms; electronic and manual filing.**

(a) **Application forms.** Applicants and licensees in the Wireless Radio Services shall use the following forms and associated schedules for all applications:

(1) **FCC Form 601, Application for Authorization in the Wireless Radio Services.** FCC Form 601 and associated

schedules is used to apply for initial authorizations, modifications to existing authorizations, amendments to pending applications, renewals of station authorizations, developmental authorizations, special temporary authority, notifications, requests for extension of time, and administrative updates.

(2) **FCC Form 602, Wireless Radio Services Ownership Form.** FCC Form 602 is used by applicants and licensees in auctionable services to provide and update ownership information as required by §§ 1.919, 1.948, 1.2112(a) of this part, and any other section that requires the submission of such information.

(3) **FCC Form 603, Application for Assignment of Authorization or Transfer of Control.** FCC Form 603 is used to apply for Commission consent to assignments of existing authorizations, to apply for Commission consent to the transfer of control of entities holding authorizations, to notify the Commission of the consummation of assignments or transfers, and to request extensions of time for consummation of assignments or transfers. It is also used to apply for Commission consent to partial assignments of authorizations, including partitioning and disaggregation.

(4) **FCC Form 605, Quick-form Application for Authorization for Wireless Radio Services.** FCC Form 605 is used to apply for Amateur, Ship, Aircraft, and General Mobile Radio Service (GMRS) authorizations, as well as Commercial Radio Operator Licenses.

(b) **Electronic filing.** Except as specified in paragraph (d) of this section or elsewhere in this chapter, all applications and other filings using FCC Forms 601 through 605 or associated schedules must be filed electronically in accordance with the electronic filing instructions provided by ULS. For each Wireless Radio Service that is subject to mandatory electronic filing, this subparagraph is effective on (1) July 1, 1999, or (2) six months after the Commission begins use of ULS to process applications in the service, whichever is later. The Commission will announce by public notice the deployment date of each service in ULS.

(1) Attachments to applications should be uploaded along with the electronically filed application whenever possible. The files, other than the ASCII table of contents, should be in Adobe Acrobat Portable Document Format (PDF) whenever possible.

(2) Any associated documents (see § 1.211(a) of this part) submitted with an application must be uploaded as attachments to the application

whenever possible. The attachment should be uploaded via ULS in Adobe Acrobat Portable Document Format (PDF) whenever possible.

(c) **Auctioned license applications.** Auctioned license applications, as defined in § 1.907 of this part, shall also comply with the requirements of subpart Q of this part and the applicable Commission orders and public notices issued with respect to each auction for a particular service and spectrum.

(d) **Manual filing.** (1) ULS Forms 601, 603 and 605 may be filed manually or electronically by applicants and licensees in the following services:

(i) The part 90 Private Land Mobile Radio services for shared spectrum, spectrum in the public safety pool below 746 MHz, and spectrum in the public safety allocation above 746 MHz, except those filed by Commission-certified frequency coordinators;

(ii) The part 97 Amateur Radio Service, except those filed by Volunteer Examination Coordinators;

(iii) The part 95 General Mobile Radio Service and Personal Radio Service (excluding 218–219 MHz service);

(iv) The part 80 Maritime Services (excluding the VHF 156–162 MHz Public Coast Stations);

(v) The part 87 Aviation Services;

(vi) Part 13 Commercial Radio Operators; and

(vii) Part 101 licensees who are also members of any of the groups listed in paragraph (d)(1)(i) through (d)(1)(vi) of this section.

(2) Manually filed applications must be submitted to the Commission at the appropriate address with the appropriate filing fee. The addresses for filing and the fee amounts for particular applications are listed in Subpart G of this part, and in the appropriate fee filing guide for each service available from the Commission's Forms Distribution Center by calling 1–800–418–FORM (3676).

(3) Manually filed applications requiring fees as set forth at Subpart G, of this part must be filed in accordance with § 0.401(b).

(4) Manually filed applications that do not require fees must be addressed and sent to Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325–7245.

(5) Standard forms may be reproduced and the copies used in accordance with the provisions of § 0.409 of this chapter.

(6) Attachments to manually filed applications may be filed on a standard 3.5 magnetic diskette formatted to be readable by high density floppy drives operating under MS-DOS (version 3.X or later compatible versions). Each diskette submitted must contain an ASCII text

file listing each filename and a brief description of the contents of each file and format for each document on the diskette. The files on the diskette, other than the table of contents, should be in Adobe Acrobat Portable Document Format (PDF) whenever possible. All diskettes submitted must be legibly labelled referencing the application and its filing date.

(e) *Applications requiring prior coordination.* Parties filing applications that require frequency coordination shall, prior to filing, complete all applicable frequency coordination requirements in service-specific rules contained within this chapter. After appropriate frequency coordination, such applications may be electronically filed via ULS or, if filed manually, must be forwarded to the appropriate address with the appropriate filing fee (if applicable) in accordance with subparagraph (d). Applications filed by the frequency coordinator on behalf of the applicant must be filed electronically.

(f) *Applications for Amateur licenses.* Each candidate for an amateur radio operator license which requires the applicant to pass one or more examination elements must present the administering Volunteer Examiners (VE) with all information required by the rules prior to the examination. The VEs may collect the information required by these rules in any manner of their choosing, including creating their own forms. Upon completion of the examination, the administering VEs will immediately grade the test papers and will then issue a certificate for successful completion of an amateur radio operator examination (CSCE) if the applicant is successful. The VEs will send all necessary information regarding a candidate to the Volunteer-Examiner Coordinator (VEC) coordinating the examination session. Applications filed with the Commission by VECs must be filed electronically via ULS. All other applications for amateur service licenses may be submitted manually to FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245, or may be electronically filed via ULS. Feeable requests for vanity call signs must be filed in accordance with § 0.401 of this chapter or electronically filed via ULS.

#### § 1.914 [Removed]

29. Section 1.914 is removed.

30. Section 1.915 is added to read as follows:

#### § 1.915 General application requirements.

(a) *General requirement.* Except as provided in paragraph (b) of this section, for all Wireless Radio Services,

station licenses, as defined in section 308(a) of the Communications Act, as amended, operator licenses, modifications or renewals of licenses, assignments or transfers of control of station licenses or any rights thereunder, and waiver requests associated with any of the foregoing shall be granted only upon an application filed pursuant to §§ 1.913 through 1.917 of this part.

(b)(1) *Exception for emergency filings.* The Commission may grant station licenses, or modifications or renewals thereof, without the filing of a formal application in the following cases:

(i) an emergency found by the Commission to involve danger to life or property or to be due to damage to equipment;

(ii) a national emergency proclaimed by the President or declared by the Congress and during the continuance of any war in which the United States is engaged, when such action is necessary for the national defense or security or otherwise in furtherance of the war effort; or

(iii) an emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedures.

(2) No such authorization shall be granted for or continue in effect beyond the period of the emergency or war requiring it. The procedures to be followed for emergency requests submitted under this subparagraph are the same as for seeking special temporary authority under § 1.931 of this part. After the end of the period of emergency, the party must submit its request by filing the appropriate FCC form in accordance with paragraph (a) of this section.

#### § 1.916 [Removed]

31. Section 1.916 is removed.

32. Section 1.917 is added to read as follows:

#### § 1.917 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments, and related statements of fact required by the Commission must be signed as follows (either electronically or manually, see paragraph (d) of this section): (1) By the applicant, if the applicant is an individual; (2) by one of the partners if the applicant is a partnership; (3) by an officer, director, or duly authorized employee, if the applicant is a corporation; (4) by a member who is an officer, if the applicant is an unincorporated association; or (5) by the trustee if the applicant is an amateur

radio service club. Applications, amendments, and related statements of fact filed on behalf of eligible government entities such as states and territories of the United States, their political subdivisions, the District of Columbia, and units of local government, including unincorporated municipalities, must be signed by a duly elected or appointed official who is authorized to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or absence from the United States, or by applicant's designated vessel master when a temporary permit is requested for a vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than knowledge), the attorney or master shall separately set forth the reasons for believing that such statements are true. Only the original of applications, amendments, and related statements of fact need be signed.

(c) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, 18 U.S.C. 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to 312(a)(1) of the Communications Act of 1934, as amended.

(d) "Signed," as used in this section, means, for manually filed applications only, an original hand-written signature or, for electronically filed applications only, an electronic signature. An electronic signature shall consist of the name of the applicant transmitted electronically via ULS and entered on the application as a signature.

#### § 1.918 [Removed]

33. Section 1.918 is removed:

34. Section 1.919 is added to read as follows:

#### § 1.919 Ownership information.

(a) Applicants or licensees in Wireless Radio Services that are subject to the ownership reporting requirements of § 1.2112(a) of this part shall use FCC Form 602 to provide all ownership information required by this chapter.

(b) Any applicant or licensee that is subject to the ownership reporting requirements of § 1.2112(a) of this part shall file an FCC Form 602, or file an updated form if the ownership

information on a previously filed FCC Form 602 is not current, at the time it submits:

(1) An initial application for authorization (FCC Form 601);

(2) An application for license renewal (FCC Form 601);

(3) An application for assignment of authorization or transfer of control (FCC Form 603); or

(4) A notification of consummation of a *pro forma* assignment of authorization or transfer of control (FCC Form 603) under the Commission's forbearance procedures (see § 1.948(c) of this part).

(c) A single FCC Form 602 may be associated with multiple applications filed by the same applicant or licensee. If an applicant or licensee already has a current FCC Form 602 on file when it files an initial application, renewal application, application for assignment or transfer of control, or notification of a *pro forma* assignment or transfer, it may certify that it has a current FCC Form 602 on file.

(d) No filing fee is required to submit or update FCC Form 602.

(e) Applicants or licensees in Wireless Radio Services that are not subject to the ownership reporting requirements of § 1.2112(a) of this part are not required to file FCC Form 602. However, such applicants and licensees may be required by the rules applicable to such services to disclose the real party (or parties) in interest to the application, including (as required) a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant or licensee.

#### § 1.921 [Removed]

35. Section 1.921 is removed.

#### § 1.922 [Removed]

36. Section 1.922 is removed.

37. Section 1.923 is revised to read as follows:

#### § 1.923 Content of applications.

(a) *General.* Applications must contain all information requested on the applicable form and any additional information required by the rules in this chapter and any rules pertaining to the specific service for which the application is filed.

(b) *Reference to material on file.*

Questions on application forms that call for specific technical data, or that can be answered yes or no or with another short answer, must be answered on the form. Otherwise, if documents, exhibits, or other lengthy showings already on file with the FCC contain information required in an application, the

application may incorporate such information by reference, provided that:

(1) The referenced information has been filed in ULS or, if manually filed outside of ULS, the information comprises more than one "8½ × 11" page.

(2) The referenced information is current and accurate in all material respects; and

(3) The application states specifically where the referenced information can actually be found, including:

(i) The station call sign or application file number and its location if the reference is to station files or previously filed applications;

(ii) The title of the proceeding, the docket number, and any legal citations, if the reference is to a docketed proceeding.

(c) *Antenna locations.* Applications for stations at fixed locations must describe each transmitting antenna site by its geographical coordinates and also by its street address, or by reference to a nearby landmark. Geographical coordinates, referenced to NAD83, must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude.

(d) *Antenna structure registration.* Owners of certain antenna structures must notify the Federal Aviation Administration and register with the Commission as required by Part 17 of this chapter. Applications proposing the use of one or more new or existing antenna structures must contain the FCC Antenna Registration Number(s) of each structure for which registration is required. If registration is not required, the applicant must provide information in its application sufficient for the Commission to verify this fact.

(e) *Environmental concerns.* Each applicant is required to indicate at the time its application is filed whether or not a Commission grant of the application may have a significant environmental effect, as defined by § 1.1307 of this chapter. If answered affirmatively, an Environmental Assessment, required by § 1.1311 of this chapter, must be filed with the application and environmental review by the Commission must be completed prior to construction.

(f) *International coordination.* Channel assignments and/or usage under this part are subject to the applicable provisions and requirements of treaties and other international agreements between the United States government and the governments of Canada and Mexico.

(g) *Quiet zones.* Each applicant is required to comply with the "Quiet Zone" rule (see § 1.924).

(h) *Taxpayer Identification Number (TINs).* Wireless applicants and licensees, including all attributable owners of auctionable licenses as defined by § 1.2112 of this part, are required to provide their Taxpayer Identification Numbers (TINs) (as defined in 26 U.S.C. 6109) to the Commission, pursuant to the Debt Collection Improvement Act of 1996 (DCIA). Under the DCIA, the FCC may use an applicant or licensee's TIN for purposes of collecting and reporting to the Department of the Treasury any delinquent amounts arising out of such person's relationship with the Government. The Commission will not publicly disclose applicant or licensee TINs unless authorized by law, but will assign a "public identification number" to each applicant or licensee registering a TIN. This public identification number will be used for agency purposes other than debt collection.

38. Section 1.924 is revised to read as follows:

#### § 1.924 Quiet zones.

Quiet zones are those areas where it is necessary to restrict radiation so as to minimize possible impact on the operations of radio astronomy or other facilities that are highly sensitive to interference. The areas involved and procedures required are as follows:

(a) *NRAO, NRRO.* The requirements of this paragraph are intended to minimize possible interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia.

(1) Applicants and licensees planning to construct and operate a new or modified station at a permanent fixed location within the area bounded by N 39° 15' 0.4" on the north, W 78° 29' 59.0" on the east, N 37° 30' 0.4" on the south, and W 80° 29' 59.2" on the west must notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, West Virginia 24944, in writing, of the technical details of the proposed operation. The notification must include the geographical coordinates of the antenna location, the antenna height, antenna directivity (if any), the channel, the emission type and power.

(2) When an application for authority to operate a station is filed with the FCC, the notification required in paragraph (a)(1) of this section should be sent at the same time. The application must state the date that notification in accordance with paragraph (a)(1) of this section was

made. After receipt of such applications, the FCC will allow a period of 20 days for comments or objections in response to the notifications indicated.

(3) If an objection is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the FCC will, after consideration of the record, take whatever action is deemed appropriate.

(b) *Table Mountain*. The requirements of this paragraph are intended to minimize possible interference at the Table Mountain Radio Receiving Zone of the Research Laboratories of the Department of Commerce located in Boulder County, Colorado.

(1) Licensees and applicants planning to construct and operate a new or modified station at a permanent fixed location in the vicinity of Boulder County, Colorado are advised to give consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from interference. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 1800 acre site (in the vicinity of coordinates 40°07'49.9" North Latitude, 105°14'42.0" West Longitude) resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the values given in the following table:

FIELD STRENGTH LIMITS FOR TABLE MOUNTAIN<sup>1</sup>

| Frequency range       | Field strength (mV/m) | Power flux density (dBW/m <sup>2</sup> ) |
|-----------------------|-----------------------|--|
| Below 540 kHz .....   | 10                    | -65.8                                    |
| 540 to 1600 kHz ..... | 20                    | -59.8                                    |
| 1.6 to 470 MHz .....  | 10                    | 65.8                                     |
| 470 to 890 MHz .....  | 30                    | 56.2                                     |
| 890 and above .....   | 1                     | 85.8                                     |

<sup>1</sup> Note: Equivalent values of power flux density are calculated assuming free space characteristic impedance of  $376.7 \text{ } \Omega$  ( $120\pi \text{ } \Omega$ ).

(2) Advance consultation is recommended, particularly for applicants that have no reliable data to indicate whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities. In general, coordination is recommended for:

(i) Stations located within 2.4 kilometers (1.5 miles) of the Table Mountain Radio Receiving Zone;

(ii) Stations located within 4.8 kilometers (3 miles) transmitting with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations located within 16 kilometers (10 miles) transmitting with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Radio Receiving Zone;

(iv) Stations located within 80 kilometers (50 miles) transmitting with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(3) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Services NOAA/E5X2, Boulder Laboratories, Boulder, CO 80303; telephone (303) 497-6548, in advance of filing their applications with the FCC.

(4) The FCC will not screen applications to determine whether advance consultation has taken place. However, such consultation may avoid the filing of objections from the Department of Commerce or institution of proceedings to modify the authorizations of stations that radiate signals with a field strength or power flux density at the site in excess of those specified herein.

(c) *Federal Communications Commission protected field offices*. The requirements of this paragraph are intended to minimize possible interference to FCC monitoring activities.

(1) Licensees and applicants planning to construct and operate a new or modified station at a permanent fixed location in the vicinity of an FCC protected field office are advised to give consideration, prior to filing applications, to the need to avoid interfering with the monitoring activities of that office. FCC protected field offices are listed in § 0.121 of this chapter.

(2) Applications for stations (except mobile stations) that could produce on any channel a direct wave fundamental field strength of greater than 10 mV/m ( $-65.8 \text{ dBW/m}^2$  power flux density assuming a free space characteristic impedance of  $120\pi \text{ } \Omega$ ) in the authorized bandwidth at the protected field office may be examined to determine the potential for interference with monitoring activities. After consideration of the effects of the predicted field strength of the proposed station, including the cumulative effects

of the signal from the proposed station with other ambient radio field strength levels at the protected field office, the FCC may add a condition restricting radiation toward the protected field office to the station authorization.

(3) In the event that the calculated field strength exceeds 10 mV/m at the protected field office site, or if there is any question whether field strength levels might exceed that level, advance consultation with the FCC to discuss possible measures to avoid interference to monitoring activities should be considered. Prospective applicants may communicate with: Chief, Compliance and Information Bureau, Federal Communications Commission, Washington, DC 20554.

(4) Advance consultation is recommended for applicants that have no reliable data to indicate whether the field strength or power flux density figure indicated would be exceeded by their proposed radio facilities. In general, coordination is recommended for:

(i) Stations located within 2.4 kilometers (1.5 miles) of the protected field office;

(ii) Stations located within 4.8 kilometers (3 miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the protected field offices.

(iii) Stations located within 16 kilometers (10 miles) with 1 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the protected field office;

(iv) Stations located within 80 kilometers (50 miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the protected field office;

(v) Advance coordination for stations transmitting on channels above 1000 MHz is recommended only if the proposed station is in the vicinity of a protected field office designated as a satellite monitoring facility in § 0.121 of this chapter.

(vi) The FCC will not screen applications to determine whether advance consultation has taken place. However, such consultation may serve to avoid the need for later modification of the authorizations of stations that interfere with monitoring activities at protected field offices.

(d) *Notification to the Arecibo Observatory*. The requirements in this section are intended to minimize possible interference at the Arecibo Observatory in Puerto Rico. Licensees must make reasonable efforts to protect the Observatory from interference. Licensees planning to construct and



operate a new station at a permanent fixed location on the islands of Puerto Rico, Desecheo, Mona, Vieques or Culebra in services in which individual station licenses are issued by the FCC; planning to construct and operate a new station at a permanent fixed location on these islands that may cause interference to the operations of the Arecibo Observatory in services in which individual station licenses are not issued by the FCC; or planning a modification of any existing station at a permanent fixed location on these islands that would increase the likelihood of causing interference to the operations of the Arecibo Observatory must notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically (e-mail address: prcz@naic.edu), of the technical parameters of the planned operation. Carriers may wish to use the interference guidelines provided by Cornell University as guidance in designing facilities to avoid interference to the Observatory. The notification must include identification of the geographical coordinates of the antenna location (NAD-83 datum), the antenna height, antenna directivity (if any), proposed channel and FCC Rule Part, type of emission, and effective isotropic radiated power.

(1) In the Amateur radio service:

(i) The provisions of paragraph (d) of this section do not apply to repeaters that transmit on the 1.2 cm or shorter wavelength bands; and

(ii) The coordination provision of paragraph (d) of this section does not apply to repeaters that are located 16 km or more from the Arecibo observatory.

(2) In services in which individual station licenses are issued by the FCC, the notification required in paragraph (d) of this section should be sent the same time the application is filed with the FCC, and at least 20 days in advance of the applicant's planned operation. The application must state the date that notification in accordance with paragraph (d) of this section was made. In services in which individual station licenses are not issued by the FCC, the notification required in paragraph (d) of this section should be sent at least 45 days in advance of the applicant's planned operation. In the latter services, the Interference Office must inform the FCC of a notification by an applicant within 20 days if the Office plans to file comments or objections to the notification. After the FCC receives an application from a service applicant or is informed by the Interference Office of a notification from a service applicant, the FCC will allow the Interference

Office a period of 20 days for comments or objections in response to the application or notification.

(3) If an objection to any planned service operation is received during the 20-day period from the Interference Office, the FCC will take whatever action is deemed appropriate.

(e) *Government satellite earth stations.* (1) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, DC areas, any application for a new station license to operate in the 17.8–19.7 GHz band (except for low power operations governed by § 101.147(r)(10) of this chapter), or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

#### Denver, CO Area

##### Rectangle 1:

1°30'00" N. Lat. on the north  
103°10'00" W. Long. on the east  
38°30'00" N. Lat. on the south  
106°30'00" W. Long. on the west

##### Rectangle 2:

38°30'00" N. Lat. on the north  
105°00'00" W. Long. on the east  
37°30'00" N. Lat. on the south  
105°50'00" W. Long. on the west

##### Rectangle 3:

40°08'00" N. Lat. on the north  
107°00'00" W. Long. on the east  
39°56'00" N. Lat. on the south  
107°15'00" W. Long. on the west

#### Washington, DC Area

##### Rectangle

38°40'00" N. Lat. on the north  
78°50'00" W. Long. on the east  
38°10'00" N. Lat. on the south  
79°20'00" W. Long. on the west; or

(2) Within a radius of 178 km of 38°48'00" N. Lat./78°52'00" W. Long.

(3) In addition, no application seeking authority to operate in the 17.8–19.7 GHz band will be accepted for filing if the proposed station is located within 20 km (or within 55 km if the application is for an outdoor low power operation pursuant to § 101.147(r)(10) of this chapter) of the following coordinated:

Denver, CO area: 39°43'00" N. Lat./  
104°46'00" W. Long.

Washington, DC area: 38°48'00" N. Lat./  
76°52'00" W. Long.

(f) *420–450 MHz band.* (1) In the band 420–450 MHz, applicants should not expect to be accommodated if their area of service is within 160 kilometers (100 miles) of the following locations:

- (i) 45°45'00.2" N., 70°31'58.3" W.,
- (ii) 64°17'00.0" N., 149°10'00.0" W.,
- (iii) 48°43'00.0" N., 97°54'01.4" W.;

**Note:** Paragraph (f)(ii) is referenced to NAD27.

(2) within 200 kilometers (124 miles) of the following locations:

- (i) 32°38'00.5" N., 83°34' 59.7" W.,
- (ii) 31°25' 00.6" N., 100°24'01.3" W.;

(3) within 240 kilometers (150 miles) of the following location:

- (i) 39°07'59.6" N., 121°26'03.9" W.;
- (4) within 320 kilometers (200 miles) of the following locations:

- (i) 28°21'01.0" N., 80°42'59.2" W.,
- (ii) 30°30'00.7" N., 86°29'59.8" W.,
- (iii) 43°08'59.6" N., 119°11'03.8" W.;

(5) or in the following locations:

- (i) The state of Arizona,
- (ii) The state of Florida,
- (iii) Portions of California and Nevada south of 37°10' N.,
- (iv) And portions of Texas and New Mexico bounded by 31°45' N., 34° 30' N., 104°00' W., and 107° 30' W.

**Note to § 1.924:** Unless otherwise noted, all coordinates cited in this section are specified in terms of the North American Datum of 1983 (NAD 83).

39. Section 1.925 is revised to read as follows:

#### § 1.925 Waivers.

(a) *Waiver requests generally.* The Commission may waive specific requirements of the rules on its own motion or upon request. The fees for such waiver requests are set forth in § 1.1102 of this part.

(b) *Procedure and format for filing waiver requests.* (1) Requests for waiver of rules associated with licenses or applications in the Wireless Radio Services must be filed on FCC Form 601, 603, or 605.

(2) Requests for waiver must contain a complete explanation as to why the waiver is desired. If the information necessary to support a waiver request is already on file, the applicant may cross-reference the specific filing where the information may be found.

(3) The Commission may grant a request for waiver if it is shown that:

(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

(ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be

inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

(4) Applicants requiring expedited processing of their request for waiver shall clearly caption their request for waiver with the words "WAIVER—EXPEDITED ACTION REQUESTED."

(c) *Action on Waiver Requests.*

(i) The Commission, in its discretion, may give public notice of the filing of a waiver request and seek comment from the public or affected parties.

(ii) Denial of a rule waiver request associated with an application renders that application defective unless it contains an alternative proposal that fully complies with the rules, in which event, the application will be processed using the alternative proposal as if the waiver had not been requested. Applications rendered defective may be dismissed without prejudice.

40. Section 1.926 is revised to read as follows:

**§ 1.926 Application processing; initial procedures.**

Applications are assigned file numbers and service codes in order to facilitate processing. Assignment of a file number to an application is for administrative convenience and does not constitute a determination that the application is acceptable for filing. Purpose and service codes appear on the Commission forms.

41. Sections 1.927 and 1.929 are added to read as follows:

**§ 1.927 Amendment of applications.**

(a) Pending applications may be amended as a matter of right if they have not been designated for hearing or listed in a Public Notice as accepted for filing, except as provided in paragraphs (b) through (e) of this section.

Applicants may be required by service-specific rules to obtain a new frequency coordination to amend technical parameters on applications.

(b) Applicants for an initial license in auctionable services may amend such applications only in accordance with Subpart Q of this part.

(c) Amendments to non-auction applications that are applied for under Part 101 or that resolve mutual exclusivity may be filed at any time, subject to the requirements of § 1.945 of this part.

(d) Any amendment to an application for modification must be consistent with, and must not conflict with, any other application for modification regarding that same station.

(e) Amendments to applications designated for hearing may be allowed by the presiding officer or, when a

proceeding is stayed or otherwise pending before the full Commission, may be allowed by the Commission for good cause shown. In such instances, a written petition demonstrating good cause must be submitted and served upon the parties of record.

(f) Amendments to applications are also subject to the service-specific rules in applicable parts of this chapter.

(g) Where an amendment to an application specifies a substantial change in beneficial ownership or control (*de jure* or *de facto*) of an applicant, the applicant must provide an exhibit with the amendment application containing an affirmative, factual showing as set forth in § 1.948(h)(2).

(h) Where an amendment to an application constitutes a major change, as defined in § 1.929, the amendment shall be treated as a new application for determination of filing date, public notice, and petition to deny purposes.

(i) If a petition to deny or other informal objection has been filed, a copy of any amendment (or other filing) must be served on the petitioner. If the FCC has issued a public notice stating that the application appears to be mutually exclusive with another application (or applications), a copy of any amendment (or other filing) must be served on any such mutually exclusive applicant (or applicants).

**§ 1.929 Classification of filings as major or minor.**

Applications and amendments to applications for stations in the wireless radio services are classified as major or minor (see § 1.947). Categories of major and minor filings are listed in § 309 of the Communications Act of 1934.

(a) For all stations in all Wireless Radio Services, whether licensed geographically or on a site-specific basis, the following actions are classified as major:

(1) Application for initial authorization;

(2) Any substantial change in ownership or control, including requests for partitioning and disaggregation;

(3) Application for renewal of authorization;

(4) Application or amendment requesting authorization for a facility that would have a significant environmental effect, as defined by §§ 1.1301 through 1.1319 of the rules;

(5) Application or amendment requiring frequency coordination pursuant to the Commission's rules or international treaty or agreement;

(6) Application or amendment requesting to add a frequency or

frequency block for which the applicant is not currently authorized, excluding removing a frequency.

(b) In the Cellular Radiotelephone Service:

(1) Request an authorization or an amendment to a pending application that would expand the cellular geographic service area (COSA) of an existing cellular system or, in the case of an amendment, as previously proposed in an application, except during the applicable five-year build-out period, if any;

(2) Request that a COSA boundary or portion of a COSA boundary be determined using an alternative method; or,

(3) Request an authorization for facilities that would produce a *de minimis* service area boundary extension into unserved area in an adjacent market.

(c) In addition to those changes listed in subparagraph (a) above, the following are major changes applicable to stations licensed to provide base-to-mobile, mobile-to-base, mobile-to-mobile on a site-specific basis:

(1) In the Paging and Radiotelephone Service, Rural Radiotelephone Service and 800 MHz Specialized Mobile Radio Service (SMR), any change that would increase or expand the applicant's existing composite interference contour.

(2) In the 900 MHz SMR and 220 MHz Service, any change that would increase or expand the applicant's service area as defined in the rule parts governing the particular radio service.

(3) In the Paging and Radiotelephone Service, Rural Radiotelephone Service, Offshore Radiotelephone Service, and Specialized Mobile Radio Service:

(i) Request an authorization or an amendment to a pending application that would establish for the filer a new fixed transmission path;

(ii) Request an authorization or an amendment to a pending application for a fixed station (i.e., control, repeater, central office, rural subscriber, or inter-office station) that would increase the effective radiated power, antenna height above average terrain in any azimuth, or relocate an existing transmitter;

(4) In the Private Land Mobile Radio Services (PLMRS):

(i) Change in frequency;

(ii) Change in the type of emission;

(iii) Change in effective radiated power from that authorized;

(iv) Change in antenna height from that authorized;

(v) Change in the authorized location or number of base stations, fixed, control or, for systems operating on non-exclusive assignments in the 470–512 MHz, 800 MHz or 900 MHz bands, a

change in the number of mobile transmitters, or a change in the area of mobile operations from that authorized;

(vi) Change in the class of a land station, including changing from multiple licensed to cooperative use, and from shared to unshared use.

(d) In addition to those filings listed in paragraph (a) of this section, the following are major actions that apply to stations licensed to provide fixed point-to-point, point-to-multipoint, or multipoint-to-point, communications on a site-specific basis, or fixed or mobile communications on an area-specific basis under part 101 of this chapter:

(1) Any change in transmit antenna location by more than 5 seconds in latitude or longitude for fixed point-to-point facilities (e.g., a 5 second change in latitude, longitude, or both would be minor); any change in coordinates of the center of operation or increase in radius of a circular area of operation, or any expansion in any direction in the latitude or longitude limits of a rectangular area of operation, or any change in any other kind of area operation;

(2) Any increase in frequency tolerance;

(3) Any increase in bandwidth;

(4) Any change in emission type;

(5) Any increase in EIRP greater than 3 dB;

(6) Any increase in transmit antenna height (above mean sea level) more than 3 meters;

(7) Any increase in transmit antenna beamwidth;

(8) Any change in transmit antenna polarization;

(9) Any change in transmit antenna azimuth greater than 1 degree; or,

(10) Any change which together with all minor modifications or amendments since the last major modification or amendment produces a cumulative effect exceeding any of the above major criteria.

(e) In addition to those filings listed in paragraph (a) of this section, the following are major actions that apply to stations licensed to provide service in the Air-ground Radiotelephone Service:

(1) Request an authorization to relocate an existing General Aviation ground station; or,

(2) Request the first authorization for a new Commercial Aviation ground station at a location other than those listed in § 22.859 of this chapter.

(f) In addition to those changes listed in paragraph (a), the following are major changes that apply to stations licensed in the industrial radiopositioning stations for which frequencies are assigned on an exclusive basis, Maritime and Aviation services, except

Maritime Public Coast VHF (CMRS), Ship and Aircraft stations:

(1) Any change in antenna azimuth;

(2) Any change in beamwidth;

(3) Any change in antenna location;

(4) Any change in emission type;

(5) Any increase in antenna height;

(6) Any increase in authorized power;

(7) Any increase in emission

bandwidth.

(g) In addition to those changes listed in paragraph (a), any change requiring international coordination in the Maritime Public Coast VHF (CMRS) Service is major.

(h) In addition to those changes listed in paragraph (a) of this section, the following are major changes that apply to ship stations:

(1) Any request for additional equipment;

(2) A change in ship category;

(3) A request for assignment of a Maritime Mobile Service Identity (MMSI) number; or

(4) A request to increase the number of ships on an existing fleet license.

(i) In addition to those changes listed in paragraph (a) of this section, the following are major changes that apply to aircraft stations:

(1) A request to increase the number of aircraft on an existing fleet license; or

(2) A request to change the type of aircraft (private or air carrier).

(j) In addition to those changes listed in paragraph (a) of this section, the following are major changes that apply to amateur licenses:

(1) An upgrade of an existing license; or

(2) A change of call sign.

(k) Any change not specifically listed above as major is considered minor (see § 1.947(b)). This includes but is not limited to:

(1) Any pro forma assignment or transfer of control;

(2) Any name change not involving change in ownership or control of the license;

(3) Any address and/or telephone number changes;

(4) Any changes in contact person;

(5) Any change to vessel name on a ship station license;

(6) Any change to a site-specific license, except a PLMRS license under part 90, or a license under part 101, where the licensee's interference contours are not extended and co-channel separation criteria are met, except those modifications defined in paragraph (c)(2) of this section; or

(7) Any conversion of multiple site-specific licenses into a single wide-area license, except a PLMRS license under part 90 or a license under part 101 of this chapter, where there is no change

in the licensee's composite interference contour or service area as defined in paragraph (c)(2) of this section.

42. Section 1.931 is revised to read as follows:

**§ 1.931 Application for special temporary authority.**

(a) *Wireless Telecommunications Services.* (1) In circumstances requiring immediate or temporary use of station in the Wireless Telecommunications Services, carriers may request special temporary authority (STA) to operate new or modified equipment. Such requests must be filed electronically using FCC Form 601 and must contain complete details about the proposed operation and the circumstances that fully justify and necessitate the grant of STA. Such requests should be filed in time to be received by the Commission at least 10 days prior to the date of proposed operation or, where an extension is sought, 10 days prior to the expiration date of the existing STA. Requests received less than 10 days prior to the desired date of operation may be given expedited consideration only if compelling reasons are given for the delay in submitting the request. Otherwise, such late-filed requests are considered in turn, but action might not be taken prior to the desired date of operation. Requests for STA must be accompanied by the proper filing fee.

(2) Grant without Public Notice. STA may be granted without being listed in a Public Notice, or prior to 30 days after such listing, if:

(i) The STA is to be valid for 30 days or less and the applicant does not plan to file an application for regular authorization of the subject operation;

(ii) The STA is to be valid for 60 days or less, pending the filing of an application for regular authorization of the subject operation;

(iii) The STA is to allow interim operation to facilitate completion of authorized construction or to provide substantially the same service as previously authorized; or

(iv) The STA is made upon a finding that there are extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(3) Limit on STA term. The Commission may grant STA for a period not to exceed 180 days under the provisions of section 309(f) of the Communications Act of 1934, as amended, (47 U.S.C. 309(f)) if extraordinary circumstances so require, and pending the filing of an application for regular operation. The Commission may grant extensions of STA for a

period of 180 days, but the applicant must show that extraordinary circumstances warrant such an extension.

(b) *Private Wireless Services.* (1) A licensee of, or an applicant for, a station in the Private Wireless Services may request STA not to exceed 180 days for (A) operation of a new station or (B) operation of a licensed station in a manner which is beyond the scope of that authorized by the existing license. See §§ 1.962(b)(5) and (f). Where the applicant, seeking a waiver of the 180 day limit, requests STA to operate as a private mobile radio service provider for a period exceeding 180 days, evidence of frequency coordination is required. Requests for shorter periods do not require coordination and, if granted, will be authorized on a secondary, non-interference basis.

(2) STA may be granted in the following circumstances:

- (i) In emergency situations;
- (ii) To permit restoration or relocation of existing facilities to continue communication service;
- (iii) To conduct tests to determine necessary data for the preparation of an application for regular authorization;
- (iv) For a temporary, non-recurring service where a regular authorization is not appropriate;
- (v) In other situations involving circumstances which are of such extraordinary nature that delay in the institution of temporary operation would seriously prejudice the public interest.

(3) The nature of the circumstance which, in the opinion of the applicant justifies issuance of STA, must be fully described in the request. Applications for STA must be filed at least 10 days prior to the proposed operation. Applications filed less than 10 days prior to the proposed operation date will be accepted only upon a showing of good cause.

(4) The Commission may grant extensions of STA for a period of 180 days, but the applicant must show that extraordinary circumstances warrant such an extension.

(5) In special situations defined in § 1.915(b)(1), a request for STA may be made by telephone or telegraph provided a properly signed application is filed within 10 days of such request.

(6) An applicant for an Aircraft Radio Station License may operate the radio station pending issuance of an Aircraft Radio Station License by the Commission for a period of 90 days under temporary operating authority, evidenced by a properly executed certification made on FCC Form 605.

(7) Unless the Commission otherwise prescribes, a person who has been granted an operator license of Novice, Technician, Technician Plus, General, or Advanced class and who has properly submitted to the administering VEs an application document for an operator license of a higher class, and who holds a CSCE indicating that he/she has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

(8) An applicant for a Ship Radio station license may operate the radio station pending issuance of the ship station authorization by the Commission for a period of 90 days, under a temporary operating authority, evidenced by a properly executed certification made on FCC Form 605.

(9) An applicant for a station license in the Industrial/Business pool (other than an applicant who seeks to provide commercial mobile radio service as defined in Part 20 of this chapter) utilizing an already authorized facility may operate the station for a period of 180 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 601, after filing an application for a station license together with evidence of frequency coordination, if required, with the Commission. The temporary operation of stations, other than mobile stations, within the Canadian coordination zone will be limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 20 feet (6.1 meters) above average terrain.

(10) An applicant for a radio station license under Part 90, Subpart S, of this chapter (other than an applicant who seeks to provide commercial mobile radio service as defined in part 20 of this chapter) to utilize an already existing Specialized Mobile Radio System (SMR) facility or to utilize an already licensed transmitter may operate the radio station for a period of up to 180 days, under a temporary permit. Such request must be evidenced by a properly executed certification of FCC Form 601 after the filing of an application for station license, provided that the antenna employed by the control station is a maximum of 20 feet (6.1 meters) above a man-made structure (other than an antenna tower) to which it is affixed.

(11) An applicant for an itinerant station license, an applicant for a new private land mobile radio station license

in the frequency bands below 470 MHz and in the one-way paging 929–930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) or an applicant seeking to modify or acquire through assignment or transfer an existing station below 470 MHz or in the one-way paging 929–930 MHz band may operate the proposed station during the pendency of its application for a period of up to 180 days under a conditional permit. Conditional operations may commence upon the filing of a properly completed application that complies with § 90.127 if the application, when frequency coordination is required, is accompanied by evidence of frequency coordination in accordance with § 90.175 of this chapter. Operation under such a permit is evidenced by the properly executed Form 601 with certifications that satisfy the requirements of § 90.159(b).

(12) An applicant for a General Mobile Radio Service system license, sharing a multiple-licensed or cooperative shared base station used as a mobile relay station, may operate the system for a period of 180 days, under a Temporary Permit, evidenced by a properly executed certification made on FCC Form 605.

43. Section 1.933 is revised to read as follows:

#### **§ 1.933 Public notices.**

(a) *Generally.* Periodically, the Commission issues Public Notices in the Wireless Radio Services listing information of public significance. Categories of Public Notice listings are as follows:

(1) *Accepted for filing.* Acceptance for filing of applications and major amendments thereto.

(2) *Actions.* Commission actions on pending applications previously listed as accepted for filing.

(3) *Environmental considerations.* Special environmental considerations as required by Part 1 of this chapter.

(4) *Informative listings.* Information that the Commission, in its discretion, believes to be of public significance. Such listings do not create any rights to file petitions to deny or other pleadings.

(b) *Accepted for filing public notices.* The Commission will issue at regular intervals public notices listing applications that have been received by the Commission in a condition acceptable for filing, or which have been returned to an applicant for correction. Any application that has been listed in a public notice as acceptable for filing and is (1) subject to a major amendment, or (2) has been returned as defective or incomplete and resubmitted to the

Commission, shall be listed in a subsequent public notice. Acceptance for filing shall not preclude the subsequent dismissal of an application as defective.

(c) *Public notice prior to grant.*

Applications for authorizations, major modifications, major amendments to applications, and substantial assignment or transfer applications for the following categories of stations and services shall be placed on Public Notice as accepted for filing prior to grant:

(1) Wireless Telecommunications Services.

(2) Industrial radiopositioning stations for which frequencies are assigned on an exclusive basis.

(3) Aeronautical enroute stations.

(4) Aeronautical advisory stations.

(5) Airport control tower stations.

(6) Aeronautical fixed stations.

(7) Alaska public fixed stations.

(d) *No public notice prior to grant.*

The following types of applications, notices, and other filings need not be placed on Public Notice as accepted for filing prior to grant:

(1) Applications or notifications concerning minor modifications to authorizations or minor amendments to applications.

(2) Applications or notifications concerning non-substantial (*pro forma*) assignments and transfers.

(3) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act.

(4) Applications for licenses under section 319(c) of the Communications Act.

(5) Requests for extensions of time to complete construction of authorized facilities.

(6) Requests for special temporary authorization not to exceed 30 days where the applicant does not contemplate the filing of an application for regular operation, or not to exceed 60 days pending or after the filing of an application for regular operation.

(7) Requests for emergency authorizations under section 308(a) of the Communications Act.

(8) Any application for temporary authorization under section 101.31(a) of this chapter.

(9) Any application for authorization in the Private Wireless Services.

44. Section 1.934 is revised to read as follows:

**§ 1.934 Defective applications and dismissal.**

(a) *Dismissal of applications.* The Commission may dismiss any application in the Wireless Radio Services at the request of the applicant; if the application is mutually exclusive

with another application that is selected or granted in accordance with the rules in this part; for failure to prosecute or if the application is found to be defective; if the requested spectrum is not available; or if the application is untimely filed. Such dismissal may be "without prejudice," meaning that the Commission may accept from the applicant another application for the same purpose at a later time, provided that the application is otherwise timely. Dismissal "with prejudice" means that the Commission will not accept another application from the applicant for the same purpose for a period of one year. Unless otherwise provided in this part, a dismissed application will not be returned to the applicant.

(1) *Dismissal at request of applicant.*

Any applicant may request that its application be withdrawn or dismissed. A request for the withdrawal of an application after it has been listed on Public Notice as tentatively accepted for filing is considered to be a request for dismissal of that application without prejudice.

(i) If the applicant requests dismissal of its application with prejudice, the Commission will dismiss that application with prejudice.

(ii) If the applicant requests dismissal of its application without prejudice, the Commission will dismiss that application without prejudice, unless:

(A) It has been designated for comparative hearing; or

(B) It is an application for which the applicant submitted the winning bid in a competitive bidding process.

(2) If an applicant who is a winning bidder for a license in a competitive bidding process requests dismissal of its short-form or long-form application, the Commission will dismiss that application with prejudice. The applicant will also be subject to default payments under Subpart Q of this part.

(3) An applicant who requests dismissal of its application after that application has been designated for comparative hearing may submit a written petition requesting that the dismissal be without prejudice. Such petition must demonstrate good cause and be served upon all parties of record. The Commission may grant such petition and dismiss the application without prejudice or deny the petition and dismiss the application with prejudice.

(b) *Dismissal of mutually exclusive applications not granted.* The Commission may dismiss mutually exclusive applications:

(1) For which the applicant did not submit the winning bid in a competitive bidding process; or

(2) That receive comparative consideration in a hearing but are not granted by order of the presiding officer.

(c) *Dismissal for failure to prosecute.*

The Commission may dismiss applications for failure of the applicant to prosecute or for failure of the applicant to respond substantially within a specified time period to official correspondence or requests for additional information. Such dismissal will generally be without prejudice if the failure to prosecute or respond occurred prior to designation of the application for comparative hearing, but may be with prejudice in cases of non-compliance with § 1.945 of this part. Dismissal will generally be with prejudice if the failure to prosecute or respond occurred after designation of the application for comparative hearing. The Commission may dismiss applications with prejudice for failure of the applicant to comply with requirements related to a competitive bidding process.

(d) *Dismissal as defective.* The Commission may dismiss without prejudice an application that it finds to be defective. An application is defective if:

(1) It is unsigned or incomplete with respect to required answers to questions, informational showings, or other matters of a formal character;

(2) It requests an authorization that would not comply with one or more of the Commission's rules and does not contain a request for waiver of these rule(s), or in the event the Commission denies such a waiver request, does not contain an alternative proposal that fully complies with the rules; or

(3) The appropriate filing fee has not been paid.

(e) *Dismissal because spectrum not available.* The Commission may dismiss applications that request spectrum which is unavailable because:

(1) It is not allocated for assignment in the specific service requested;

(2) It was previously assigned to another licensee on an exclusive basis or cannot be assigned to the applicant without causing harmful interference; or

(3) Reasonable efforts have been made to coordinate the proposed facility with foreign administrations under applicable international agreements, and an unfavorable response (harmful interference anticipated) has been received.

(f) *Dismissal as untimely.* The Commission may dismiss without prejudice applications that are premature or late filed, including applications filed prior to the opening date or after the closing date of a filing window, or after the cut-off date for a

mutually exclusive application filing group.

45. Sections 1.935, 1.937, 1.939, 1.945, 1.946, 1.947, 1.948, 1.949 are added to read as follows:

**§ 1.935 Agreements to dismiss applications, amendments or pleadings.**

Parties that have filed applications that are mutually exclusive with one or more other applications, and then enter into an agreement to resolve the mutual exclusivity by withdrawing or requesting dismissal of the application(s), specific frequencies on the application or an amendment thereto, must obtain the approval of the Commission. Parties that have filed or threatened to file a petition to deny, informal objection or other pleading against an application and then seek to withdraw or request dismissal of, or refrain from filing, the petition, either unilaterally or in exchange for a financial consideration, must obtain the approval of the Commission.

(a) The party withdrawing or requesting dismissal of its application (or specific frequencies on the application), petition to deny, informal objection or other pleading or refraining from filing a pleading must submit to the Commission a request for approval of the withdrawal or dismissal, a copy of any written agreement related to the withdrawal or dismissal, and an affidavit setting forth:

(1) A certification that neither the party nor its principals has received or will receive any money or other consideration in excess of the legitimate and prudent expenses incurred in preparing and prosecuting the application, petition to deny, informal objection or other pleading in exchange for the withdrawal or dismissal of the application, petition to deny, informal objection or other pleading, or threat to file a pleading, except that this provision does not apply to dismissal or withdrawal of applications pursuant to bona fide merger agreements;

(2) The exact nature and amount of any consideration received or promised;

(3) An itemized accounting of the expenses for which it seeks reimbursement; and

(4) The terms of any oral agreement related to the withdrawal or dismissal of the application, petition to deny, informal objection or other pleading, or threat to file a pleading.

(b) In addition, within 5 days of the filing date of the applicant's or petitioner's request for approval, each remaining party to any written or oral agreement must submit an affidavit setting forth:

(1) A certification that neither the applicant nor its principals has paid or will pay money or other consideration in excess of the legitimate and prudent expenses of the petitioner in exchange for withdrawing or dismissing the application, petition to deny, informal objection or other pleading; and

(2) The terms of any oral agreement relating to the withdrawal or dismissal of the application, petition to deny, informal objection or other pleading.

(c) No person shall make or receive any payments in exchange for withdrawing a threat to file or refraining from filing a petition to deny, informal objection, or any other pleading against an application. For the purposes of this section, reimbursement by an applicant of the legitimate and prudent expenses of a potential petitioner or objector, incurred reasonably and directly in preparing to file a petition to deny, will not be considered to be payment for refraining from filing a petition to deny or an informal objection. Payments made directly to a potential petitioner or objector, or a person related to a potential petitioner or objector, to implement non-financial promises are prohibited unless specifically approved by the Commission.

(d) For the purposes of this section:

(1) Affidavits filed pursuant to this section must be executed by the filing party, if an individual; a partner having personal knowledge of the facts, if a partnership; or an officer having personal knowledge of the facts, if a corporation or association.

(2) Each application, petition to deny, informal objection or other pleading is deemed to be pending before the Commission from the time the petition to deny is filed with the Commission until such time as an order or correspondence of the Commission granting, denying or dismissing it is no longer subject to reconsideration by the Commission or to review by any court.

(3) "Legitimate and prudent expenses" are those expenses reasonably incurred by a party in preparing to file, filing, prosecuting and/or settling its application, petition to deny, informal objection or other pleading for which reimbursement is sought.

(4) "Other consideration" consists of financial concessions, including, but not limited to, the transfer of assets or the provision of tangible pecuniary benefit, as well as non-financial concessions that confer any type of benefit on the recipient.

(e) Notwithstanding the provisions of this section, any payments made or received in exchange for withdrawing a short-form application for a Commission

authorization awarded through competitive bidding shall be subject to the restrictions set forth in § 1.2105(c) of this chapter.

**§ 1.937 Repetitious or conflicting applications.**

(a) Where the Commission has, for any reason, dismissed an application for a new station or for any modification of services or facilities with prejudice, or revoked the license for a radio station in the Wireless Radio Services, the Commission will not consider a like or new application involving service of the same kind to substantially the same area by substantially the same applicant, its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of final Commission action.

(b) If an applicant has been afforded an opportunity for a hearing with respect to an application for a new station or an enlargement of service area, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application for service of the same type to the same area by that applicant, or by its successor or assignee, or on behalf of or for the benefit of the parties in interest to the original application, until after the lapse of 12 months from the effective date of final Commission action on the original application.

(c) If an appeal has been taken from the action of the Commission denying a particular application, a like application for service of the same type to the same area, in whole or in part, filed by that applicant or by its successor or assignee, or on behalf of or for the benefit of the parties in interest to the original application, will not be considered until the final disposition of such appeal.

(d) While an application is pending, any subsequent inconsistent or conflicting application submitted by, on behalf of, or for the benefit of the same applicant, its successor or assignee will not be accepted for filing.

**§ 1.939 Petitions to deny.**

(a) *Who may file.* Any party in interest may file with the Commission a petition to deny any application listed in a Public Notice as accepted for filing, whether as filed originally or upon major amendment as defined in § 1.929 of this part.

(1) For auctionable license applications, petitions to deny and related pleadings are governed by the procedures set forth in § 1.2108 of this part.

(2) Petitions to deny for non-auctionable applications that are subject to petitions under § 309(d) of the Communications Act must comply with the provisions of this section and must be filed no later than 30 days after the date of the Public Notice listing the application or major amendment to the application as accepted for filing.

(b) *Filing of petitions.* Petitions to deny and related pleadings may be filed electronically via ULS. Manually filed petitions to deny must be filed with the Office of the Secretary, 1919 M Street, NW., Washington, DC 20554. Attachments to manually filed applications may be filed on a standard 3 1/4" magnetic diskette formatted to be readable by high density floppy drives operating under MS-DOS (version 3.X or later compatible versions). Each diskette submitted must contain an ASCII text file listing each filename and a brief description of the contents of each file on the diskette. The files on the diskette, other than the table of contents, should be in Adobe Acrobat Portable Document Format (PDF) whenever possible. Petitions to deny and related pleadings must reference the file number of the pending application that is the subject of the petition.

(c) *Service.* A petitioner shall serve a copy of its petition to deny on the applicant and on all other interested parties pursuant to § 1.47. Oppositions and replies shall be served on the petitioner and all other interested parties.

(d) *Content.* A petition to deny must contain specific allegations of fact sufficient to make a *prima facie* showing that the petitioner is a party in interest and that a grant of the application would be inconsistent with the public interest, convenience and necessity. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.

(e) *Petitions to deny amended applications.* Petitions to deny a major amendment to an application may raise only matters directly related to the major amendment that could not have been raised in connection with the application as originally filed. This paragraph does not apply to petitioners who gain standing because of the major amendment.

(f) *Oppositions and replies.* The applicant and any other interested party may file an opposition to any petition to deny and the petitioner may file a reply thereto in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or

persons with personal knowledge thereof. Time for filing of oppositions and replies is governed by § 1.45 of this part for non-auctionable services and § 1.2108 of this part for auctionable services.

(g) *Dismissal of petition.* The Commission may dismiss any petition to deny that does not comply with the requirements of this section if the issues raised become moot, or if the petitioner or his/her attorney fails to appear at a settlement conference pursuant to § 1.956 of this part. The reasons for the dismissal will be stated in the dismissal letter or order. When a petition to deny is dismissed, any related responsive pleadings are also dismissed.

(h) *Grant of petitioned application.* If a petition to deny has been filed and the Commission grants the application, the Commission will dismiss or deny the petition by issuing a concise statement of the reason(s) for dismissing or denying the petition, disposing of all substantive issues raised in the petition.

#### § 1.945 License grants.

(a) *License grants—auctionable license applications.* Procedures for grant of licenses that are subject to competitive bidding under section 309(j) of the Communications Act are set forth in §§ 1.2108 and 1.2109 of this part.

(b) *License grants—non-auctionable license applications.* No application that is not subject to competitive bidding under § 309(j) of the Communications Act will be granted by the Commission prior to the 31st day following the issuance of a Public Notice of the acceptance for filing of such application or of any substantial amendment thereof, unless the application is not subject to § 309(b) of the Communications Act.

(c) *Grant without hearing.* In the case of both auctionable license applications and non-mutually exclusive non-auctionable license applications, the Commission will grant the application without a hearing if it is proper upon its face and if the Commission finds from an examination of such application and supporting data, any pleading filed, or other matters which it may officially notice, that:

(1) There are no substantial and material questions of fact;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) A grant of the application would not involve modification, revocation, or non-renewal of any other existing license;

(4) A grant of the application would not preclude the grant of any mutually exclusive application; and

(5) A grant of the application would serve the public interest, convenience, and necessity.

(d) *Grant of petitioned applications.* The FCC may grant, without a formal hearing, an application against which petition(s) to deny have been filed. If any petition(s) to deny are pending (i.e. have not been dismissed or withdrawn by the petitioner) when an application is granted, the FCC will deny the petition(s) and issue a concise statement of the reason(s) for the denial, disposing of all substantive issues raised in the petitions.

(e) *Partial and conditional grants.* The FCC may grant applications in part, and/or subject to conditions other than those normally applied to authorizations of the same type. When the FCC does this, it will inform the applicant of the reasons therefor. Such partial or conditional grants are final unless the FCC revises its action in response to a petition for reconsideration. Such petitions for reconsideration must be filed by the applicant within thirty days after the date of the letter or order stating the reasons for the partial or conditional grant, and must reject the partial or conditional grant and return the instrument of authorization.

(f) *Designation for hearing.* If the Commission is unable to make the findings prescribed in subparagraph (c), it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action.

(1) Orders designating applications for hearing will specify with particularity the matters in issue.

(2) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the **Federal Register** of the hearing issues or any substantial amendment thereto.

(3) The applicant and all other parties in interest shall be permitted to participate in any hearing subsequently held upon such applications. Hearings may be conducted by the Commission or by the Chief of the Wireless Telecommunications Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge. The burden of proceeding with the introduction of



evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission or the Chief of the Wireless Telecommunications Bureau.

**§ 1.946 Construction and coverage requirements.**

(a) *Construction and commencement of service requirements.* For each of the Wireless Radio Services, requirements for construction and commencement of service or commencement of operations are set forth in the rule part governing the specific service. For purposes of this section, the period between the date of grant of an authorization and the date of required commencement of service or operations is referred to as the construction period.

(b) *Coverage and substantial service requirements.* In certain Wireless Radio Services, licensees must comply with geographic coverage requirements or substantial service requirements within a specified time period. These requirements are set forth in the rule part governing each specific service. For purposes of this section, the period between the date of grant of an authorization and the date that a particular degree of coverage or substantial service is required is referred to as the coverage period.

(c) *Termination of authorizations.* If a licensee fails to commence service or operations by the expiration of its construction period or to meet its coverage or substantial service obligations by the expiration of its coverage period, its authorization terminates automatically, without specific Commission action, on the date the construction or coverage period expires.

(d) *Licensee notification of compliance.* A licensee who commences service or operations within the construction period or meets its coverage or substantial service obligations within the coverage period must notify the Commission by filing FCC Form 601. The notification must be filed with the Commission within 15 days of the expiration of the applicable construction or coverage period. Where the authorization is site-specific, if service or operations have begun using some, but not all, of the authorized transmitters, the notification must show to which specific transmitters it applies.

(e) *Requests for extension of time.* Licensees may request to extend a construction period or coverage period by filing FCC Form 601. The request

must be filed before the expiration of the construction or coverage period.

(1) An extension request may be granted if the licensee shows that failure to meet the construction or coverage deadline is due to involuntary loss of site or other causes beyond its control.

(2) Extension requests will not be granted for failure to meet a construction or coverage deadline due to delays caused by a failure to obtain financing, to obtain an antenna site, or to order equipment in a timely manner. If the licensee orders equipment within 90 days of its initial license grant, a presumption of diligence is established.

(3) Extension requests will not be granted for failure to meet a construction or coverage deadline because the licensee undergoes a transfer of control or because the licensee intends to assign the authorization. The Commission will not grant extension requests solely to allow a transferee or assignee to complete facilities that the transferor or assignor failed to construct.

(4) The filing of an extension request does not automatically extend the construction or coverage period unless the request is based on involuntary loss of site or other circumstances beyond the licensee's control, in which case the construction period is automatically extended pending disposition of the extension request.

(5) A request for extension of time to construct a particular transmitter or other facility does not extend the construction period for other transmitters and facilities under the same authorization.

**§ 1.947 Modification of licenses.**

(a) All major modifications, as defined in § 1.929 of this part, require prior Commission approval. Applications for major modifications also shall be treated as new applications for determination of filing date, Public Notice, and petition to deny purposes.

(b) Licensees may make minor modifications to station authorizations, as defined in § 1.929 of this part (other than *pro forma* transfers and assignments), as a matter of right without prior Commission approval, but must notify the Commission by filing FCC Form 601 within thirty (30) days of implementing any such changes.

(c) Multiple pending modification applications requesting changes to the same or related technical parameters on an authorization are not permitted. If a modification application is pending, any additional changes to the same or related technical parameters may be requested only in an amendment to the pending modification application.

(d) Any proposed modification that requires a fee as set forth at part 1, subpart G, of this chapter must be filed in accordance with § 1.913.

**§ 1.948 Assignment of authorization or transfer of control, notification of consummation.**

(a) *General.* Except as provided in this section, authorizations in the Wireless Radio Services may be assigned by the licensee to another party, voluntarily or involuntarily, directly or indirectly, or the control of a licensee holding such authorizations may be transferred, only upon application to and approval by the Commission.

(b) *Limitations on transfers and assignments.* (1) A change from less than 50% ownership to 50% or more ownership shall always be considered a transfer of control.

(2) In other situations a controlling interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships.

(3) Designated Entities, as defined in § 1.2110(a) of this part, must comply with §§ 1.2110 and 1.2111 of this part when seeking to assign or transfer control of an authorization.

(4) Stations must meet all applicable requirements regarding transfers and assignments contained in the rules pertaining to the specific service in which the station is licensed.

(5) Licenses, permits, and authorizations for stations in the Amateur, Ship, Aircraft, Commercial Operator and Personal Radio Services (except 218–219 MHz Service) may not be assigned or transferred, unless otherwise stated.

(c) *Application required.* In the case of an assignment of authorization or transfer of control, the assignor must file an application for approval of the assignment on FCC Form 603. If the assignee or transferee is subject to the ownership reporting requirements of § 1.2112(a), the assignee or transferee must also file an updated FCC Form 602 or certify that a current FCC Form 602 is on file.

(1) In the case of a non-substantial (*pro forma*) transfer or assignment involving a telecommunications carrier, as defined in § 153(44) of the Communications Act, filing of the Form 603 and Commission approval in advance of the proposed transaction is not required, provided that:

(i) the affected license is not subject to unjust enrichment provisions under subpart Q of this part;

(ii) the transfer or assignment does not involve a proxy contest; and

(iii) the transferee or assignee provides notice of the transaction by filing FCC Form 603 within 30 days of its completion, and provides any necessary updates of ownership information on FCC Form 602.

(2) In the case of an involuntary assignment or transfer, FCC Form 603 must be filed no later than 30 days after the event causing the involuntary assignment or transfer.

(d) *Notification of consummation.* In all Wireless Radio Services, licensees are required to notify the Commission of consummation of an approved transfer or assignment on FCC Form 603. The assignee or transferee must notify the Commission by providing the date of completion of the assignment or transfer on FCC Form 603. For transfers and assignments that require prior Commission approval, the transaction must be consummated and notice provided to the Commission within 60 days of public notice of approval, unless a request for an extension of time to consummate is filed on FCC Form 603 prior to the expiration of this 60-day period. For transfers and assignments that do not require prior Commission approval, notice of completion of the transaction must be provided on FCC Form 603 within 30 days of completion, along with any necessary updates of ownership information on FCC Form 602.

(e) *Partial assignment of authorization.* If the authorization for some, but not all, of the facilities of a radio station in the Wireless Radio Services is assigned to another party, voluntarily or involuntarily, such action is a partial assignment of authorization. To request Commission approval of a partial assignment of authorization, the assignor must notify the Commission on FCC Form 603 of the facilities that will be deleted from its authorization upon consummation of the assignment.

(f) *Partitioning and disaggregation.* Where a licensee proposes to partition or disaggregate a portion of its authorization to another party, the application will be treated as a request for partial assignment of authorization. The assignor must notify the Commission on FCC Form 603 of the geographic area or spectrum that will be deleted from its authorization upon consummation of the assignment.

(g) *Involuntary transfer and assignment.* In the event of the death or legal disability of a permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee, the Commission shall be notified promptly of the occurrence of such death or legal disability. Within 30

days after the occurrence of such death or legal disability (except in the case of a ship or amateur station), an application shall be filed for consent to involuntary assignment of such permit or license, or for involuntary transfer of control of such corporation, to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved. The procedures and forms to be used are the same procedures and forms as those specified in paragraph (b) of this section. In the case of Ship, aircraft, Commercial Operator, Amateur, and Personal Radio Services (except for 218–219 MHz Service) involuntary assignment of licenses will not be granted; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee. Amateur station call signs assigned to the station of a deceased licensee shall be available for reassignment pursuant to § 97.19 of this chapter.

(h) *Disclosure requirements.* Applicants for transfer or assignment of licenses in auctionable services must comply with the disclosure requirements of §§ 1.2111 and 1.2112 of this part.

(i) *Trafficking.* Applications for approval of assignment or transfer may be reviewed by the Commission to determine if the transaction is for purposes of trafficking in service authorizations.

(1) Trafficking consists of obtaining or attempting to obtain an authorization for the principal purpose of speculation or profitable resale of the authorization rather than for the provision of telecommunication services to the public or for the licensee's own private use.

(2) The Commission may require submission of an affirmative, factual showing, supported by affidavit of persons with personal knowledge thereof, to demonstrate that the assignor did not acquire the authorization for the principal purpose of speculation or profitable resale of the authorization. This showing may include, for example, a demonstration that the proposed assignment is due to changed circumstances (described in detail) affecting the licensee after the grant of the authorization, or that the proposed assignment is incidental to a sale of other facilities or a merger of interests.

#### § 1.949 Application for renewal of license.

(a) Applications for renewal of authorizations in the Wireless Radio Services must be filed no later than the expiration date of the authorization for which renewal is sought, and no sooner

than 90 days prior to expiration. Renewal applications must be filed on the same form as applications for initial authorization in the same service, *i.e.*, FCC Form 601 or 605. Additional renewal requirements applicable to specific services are set forth in the subparts governing those services.

(b) Licensees with multiple authorizations in the same service may request a common day and month on which such authorizations expire for renewal purposes. License terms may be shortened by up to one year but will not be extended to accommodate the applicant's selection.

46. Section 1.951 is revised to read as follows:

#### § 1.951 Duty to respond to official communications.

Licensees or applicants in the Wireless Radio Services receiving official notice of an apparent or actual violation of a federal statute, international agreement, Executive Order, or regulation pertaining to communications shall respond in writing within 10 days to the office of the FCC originating the notice, unless otherwise specified. Responses to official communications must be complete and self-contained without reference to other communications unless copies of such other communications are attached to the response. Licensees or applicants may respond via ULS.

#### § 1.952 [Removed]

47. Section 1.952 is removed.

#### § 1.953 [Removed]

48. Section 1.953 is removed.

49. Section 1.955 is revised to read as follows:

#### § 1.955 Termination of authorizations.

(a) Authorizations in general remain valid until terminated in accordance with this section, except that the Commission may revoke an authorization pursuant to section 312 of the Communications Act of 1934, as amended. *See* 47 U.S.C. 312.

(1) *Expiration.* Authorizations automatically terminate, without specific Commission action, on the expiration date specified therein, unless a timely application for renewal is filed. *See* § 1.948 of this part. No authorization granted under the provisions of this part shall be for a term longer than ten years. *See* 47 U.S.C. 307(c).

(2) *Failure to meet construction or coverage requirements.* Authorizations automatically terminate, without specific Commission action, if the licensee fails to meet applicable

construction or coverage requirements. See § 1.948(c) of this part.

(3) *Service discontinued.*

Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section. A licensee who discontinues operations shall notify the Commission of the discontinuance of operations by submitting FCC Form 601 or 605 requesting license cancellation.

(b) Special temporary authority (STA) automatically terminates without specific Commission action upon failure to comply with the terms and conditions therein, or at the end of the period specified therein, unless a timely request for an extension of the STA term is filed in accordance with § 1.931 of this part. If a timely filed request for extension of the STA term is dismissed or denied, the STA automatically terminates, without specific Commission action, on the day after the applicant or the applicant's attorney is notified of the Commission's action dismissing or denying the request for extension.

(c) Authorizations submitted by licensees for cancellation terminate when the Commission gives Public Notice of such action.

50. Section 1.956 is added to read as follows:

**§ 1.956 Settlement conferences.**

Parties are encouraged to use alternative dispute resolution procedures to settle disputes. See subpart E of this part. In any contested proceeding, the Commission, in its discretion, may direct the parties or their attorneys to appear before it for a conference.

(a) The purposes of such conferences are:

- (1) To obtain admissions of fact or stipulations between the parties as to any or all of the matters in controversy;
- (2) To consider the necessity for or desirability of amendments to the pleadings, or of additional pleadings or evidentiary submissions;

(3) To consider simplification or narrowing of the issues;

(4) To encourage settlement of the matters in controversy by agreement between the parties; and

(5) To consider other matters that may aid in the resolution of the contested proceeding.

(b) Conferences are scheduled by the Commission at a time and place it may designate, to be conducted in person or by telephone conference call.

(c) The failure of any party or attorney, following reasonable notice, to appear at a scheduled conference will be deemed a failure to prosecute, subjecting that party's application or petition to dismissal by the Commission.

51. Section 1.957 is added to read as follows:

**§ 1.957 Procedure with respect to amateur radio operator license.**

Each candidate for an amateur radio license which requires the applicant to pass one or more examination elements must present the Volunteer Examiners (VEs) with a properly completed FCC Form 605 prior to the examination. Upon completion of the examination, the VEs will grade the test papers. If the applicant is successful, the VEs will forward the candidate's application to a Volunteer-Examiner Coordinator (VEC). The VEs will then issue a certificate for successful completion of an amateur radio operator examination. The VEC will forward the application to the Commission's Gettysburg, Pennsylvania, facility.

**§ 1.958 [Removed]**

52. Section 1.958 is removed.

**§ 1.959 [Removed]**

53. Section 1.959 is removed.

**§ 1.961 [Removed]**

54. Section 1.961 is removed.

**§ 1.962 [Removed]**

55. Section 1.962 is removed.

**§ 1.971 [Removed]**

56. Section 1.971 is removed.

**§ 1.972 [Removed]**

57. Section 1.972 is removed.

**§ 1.973 [Removed]**

58. Section 1.973 is removed.

59. Section 1.981 is revised to read as follows:

**§ 1.981 Reports, annual and semiannual.**

(a) Licensees of stations authorized for developmental operation shall submit a report on the results of the developmental program. The report shall be filed with and made a part of each application for renewal of authorization. The report shall be filed at the Commission's offices in Washington, DC or alternatively may be sent to the commission electronically via the ULS.

(b) The report shall include comprehensive and detailed information on the following:

- (1) The final objective.
- (2) Results of operation to date.
- (3) Analysis of the results obtained.
- (4) Copies of any published reports.
- (5) Need for continuation of the program.
- (6) Number of hours of operation on each frequency.

(c) Where required by the particular service rules, licensees who have entered into agreements with other persons for the cooperative use of radio station facilities must submit annually an audited financial statement reflecting the nonprofit cost-sharing nature of the arrangement to the Commission's offices in Washington, DC or alternatively may be sent to the Commission electronically via the ULS, no later than three months after the close of the licensee's fiscal year.

60. Section 1.1102 is revised to read as follows:

**§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.**

Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to § 1.1152 for the appropriate regulatory fee that must be paid for this service.

| Action  | FCC Form No.    | Fee amount | Payment type code | Address  |
|---|-----------------|------------|-------------------|--|
| 1. Payment of electronically filed application. | 159 .....       | (1)        | (1) .....         | Federal Communications Commission, ELT, P.O. Box 358994, Pittsburgh, PA 15251-5994.                          |
| 2. Land Transportation:                         |                 |            |                   |  |
| a. New .....                                    | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....                                | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-profit                     | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |

| Action   | FCC Form No.    | Fee amount | Payment type code | Address  |
|--|-----------------|------------|-------------------|--|
| d. Assignment .....  | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 3. Industrial/Business Pool:   |                 |            |                   |  |
| a. New .....   | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....   | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-profit, CMRS.   | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Assignment .....  | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 4. Other Industrial:   |                 |            |                   |  |
| a. New .....   | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....   | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-profit  | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Assignment .....  | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 5. GMRS:   |                 |            |                   |  |
| a. New .....   | 605 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....   | 605 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification .....  | 605 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 6. 800 MHz:  |                 |            |                   |  |
| a. New .....   | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....   | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-profit, CMRS.   | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Assignment .....  | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 7. 900 MHz:  |                 |            |                   |  |
| a. New .....   | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....   | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-profit, CMRS.   | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Assignment .....  | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 8. BUS, OI, LT, PS/SE, 470-512, 800,900,220,220 NAT, Renewal Non-profit, CMRS. | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 9. 218-219 MHz Service Renewal Non-profit.                                     | 601 & 159 ..... | 45         | PAIM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 10. BUS, OI, LT Renewal .....  | 601 & 159 ..... | 45         | PALR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 11. 470-512,800,900,220 Renewal.   | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 12. 220 Nationwide Renewal ...   | 601 & 159 ..... | 45         | PALT * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 13. 218-219 MHz Service Renewal.   | 601 & 159 ..... | 45         | PAIR .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 14. Microwave:   |                 |            |                   |  |
| a. New .....   | 601 & 159 ..... | 200        | PEOR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Modification, Non-profit  | 601 & 159 ..... | 200        | PEOM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Assignment .....  | 601 & 159 ..... | 200        | PEOM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Microwave Renewal .....   | 603 & 159 ..... | 200        | PEOR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| e. Microwave Renewal Non-profit.   | 601 & 159 ..... | 200        | PEOM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 15. Ground:  |                 |            |                   |  |
| a. New .....   | 601 & 159 ..... | 90         | PBVR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |

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| b. Modification, Non-profit   | 601 & 159 .....   | 90         | PBVM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Assignment .....   | 603 & 159 .....   | 90         | PBVM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Ground Renewal Non-profit.   | 601 & 159 .....   | 90         | PBVM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| e. Ground Renewal .....   | 601 & 159 .....   | 90         | PBVR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 16. Coast:  |                   |            |                   |  |
| a. New .....  | 601 & 159 .....   | 90         | PBMR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Modification, Non-profit, CMRS.  | 601 & 159 .....   | 90         | PBMM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Assignment .....   | 603 & 159 .....   | 90         | PBMM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Coast Renewal Non-profit, CMRS.  | 601 & 159 .....   | 90         | PBMM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| e. Coast Renewal .....  | 601 & 159 .....   | 90         | PBMR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 17. Ship:   |                   |            |                   |  |
| a. New .....  | 605 & 159 .....   | 45         | PASR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Modification, Non-profit   | 605 & 159 .....   | 45         | PASM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Ship Renewal Non-profit  | 605 & 159 .....   | 45         | PASM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| d. Ship Renewal .....   | 1605 & 159 .....  | 45         | PASR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 18. Aircraft:   |                   |            |                   |  |
| a. New .....  | 605 & 159 .....   | 45         | PAAR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Modification, Non-profit   | 605 & 159 .....   | 45         | PAAM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Aircraft Renewal Non-profit.   | 605 & 159 .....   | 45         | PAAM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| d. Aircraft Renewal .....   | 605 & 159 .....   | 45         | PAAM * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 19. Public Safety Pool:   |                   |            |                   |  |
| a. New, Modification .....  | 601 & 159 .....   | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Assignment .....   | 603 & 159 .....   | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Renewal .....  | 601 & 159 .....   | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 20. Restricted Permit .....   | 603 & 159 .....   | 45         | PARR .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 21. Waiver:   |                   |            |                   |  |
| a. Rule Waiver .....  | 601 & 159 .....   | 135        | PDWM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Exemption from Ship Station Radio Requirements.                          | 605 & 159 .....   | 135        | PDWM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 22. Correspondence Finders Preference.                                      | Corres & 159 .... | 135        | PDXM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 23. STA (Common Carrier) Domestic Public Fixed Pt. to Pt. & Local TV Trans. | 601 & 159 .....   | 90         | CEPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 24. STA (Common Carrier) Domestic Public Fixed Digital Electronic Message.  | Corres & 159 .... | 90         | CELM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 25. STA (BAPS) .....  | 601 & 159 .....   | 130        | MGA .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 26. STA (218-219 MHz Service).  | Corres & 159 .... | 45         | PAIM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 27. STA (Coast) .....   | 601 & 159 .....   | 130        | PCMM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 28. STA (Ground) .....  | Corres & 159 .... | 130        | PCVM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 29. STA (Private Operational Fixed Microwave).                              | 601 & 159 .....   | 45         | PAOM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 30. STA (Land Mobile) .....   | Corres & 159 .... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |

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| 31. STA (GMRS) .....                                   | 605 & 159 .....   | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 32. Duplicate .....                                    | 601 & 159 .....   | 45         | PADM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 33. Hearing .....                                      | 605 & 159 .....   | 8,640      | PFHM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 34. Wait List .....                                    | Corres & 159 .... | 45         | PAWM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 35. Transfer of Control .....                          | 603 & 159 .....   | 45         | PATM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 36. Billing .....                                      | Invoice .....     | Various    | Various .....     | Federal Communications Commission, Billings, P.O. Box 358325, Pittsburgh, PA 15251-5325.                     |
| 37. 220 MHz:   |                   |            |                   |  |
| a. New .....   | 601 & 159 .....   | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....                                       | 601 & 159 .....   | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-profit, CMRS .....                | 601 & 159 .....   | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Assignment .....                                    | 603 & 159 .....   | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 38. 218-219 MHz Service:                               |                   |            |                   |  |
| a. New .....   | 601 & 159 .....   | 45         | PAIR .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....                                       | 601 & 159 .....   | 45         | PAIR .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| c. Modification, Non-Profit .....                      | 601 & 159 .....   | 45         | PAIM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 39. Common Carrier Point-To-Point and Local TV Trans.: |                   |            |                   |  |
| a. New .....   | 601 & 159 .....   | 200        | CJPR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Modification .....                                  | 601 & 159 .....   | 200        | CJPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Renewal .....                                       | 601 & 159 .....   | 200        | CJPR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| d. Ext. Construction .....                             | 601 & 159 .....   | 75         | CCPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| e. Assignment .....                                    | 603 & 159 .....   | 75         | CCPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| f. Transfer of Control .....                           | 603 & 159 .....   | 75         | CCPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| g. Additional Stations .....                           | 601 & 159 .....   | 45         | CAPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| h. Waiver of Prior Construction Authorization .....    | 601 & 159 .....   | 90         | CEPM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 40. Common Carrier Digital Electronic Message:         |                   |            |                   |  |
| a. New .....   | 601 & 159 .....   | 200        | CJLR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Modification .....                                  | 601 & 159 .....   | 200        | CJLM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Renewal .....                                       | 601 & 159 .....   | 200        | CJLR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| d. Ext. Construction .....                             | 601 & 159 .....   | 75         | CCLM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| e. Assignment .....                                    | 603 & 159 .....   | 75         | CCLM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| f. Transfer of Control .....                           | 603 & 159 .....   | 75         | CCLM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| g. Additional Stations .....                           | 601 & 159 .....   | 45         | CALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| h. Construction Waiver .....                           | 601 & 159 .....   | 90         | CELM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 41. Mass Media Broadcast Auxiliary:                    |                   |            |                   |  |
| a. New, Modification .....                             | 601 & 159 .....   | 110        | MEA .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Renewal .....                                       | 601 & 159 .....   | 45         | MAA .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 42. Commercial Renewal .....                           | 605 & 159 .....   | 45         | PACS .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |

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| 43. 470–512:  |                 |            |                   |  |
| a. New .....  | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| b. Renewal .....  | 601 & 159 ..... | 45         | PALS * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245. |
| c. Modification, Non-profit, CMRS.  | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| d. Assignment .....   | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| 44. 220 Nationwide:   |                 |            |                   |  |
| a. New .....  | 601 & 159 ..... | 45         | PALT * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| b. Renewal .....  | 601 & 159 ..... | 45         | PALT * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245. |
| c. Modification, Non-Profit, CMRS.  | 601 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| d. Assignment .....   | 603 & 159 ..... | 45         | PALM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| 45. Domestic Public Land Mobile Stations (including Base, Dispatch, Control & Repeater Stations): |                 |            |                   |  |
| a. New or Additional Facility (per transmitter).  | 601 & 159 ..... | 295        | CMD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| b. Major Modifications (per transmitter).   | 601 & 159 ..... | 295        | CMD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| c. Fill in Transmitters (per transmitter).  | 601 & 159 ..... | 295        | CMD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| d. Major Amendment to a Pending Application (per transmitter).                                    | 601 & 159 ..... | 295        | CMD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| e. Assignment or Transfer:  |                 |            |                   |  |
| (i) First Call Sign on Application.   | 603 & 159 ..... | 295        | CMD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| (ii) Each Additional Call Sign.   | 603 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| f. Partial Assignment (per call sign).  | 603 & 159 ..... | 295        | CMD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| g. Renewal (per call sign)  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245. |
| h. Minor Modification (per transmitter).  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| i. Special Temporary Authority (per frequency/per location).                                      | 601 & 159 ..... | 260        | CLD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| j. Extension of Time to Construct (per application).  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| k. Notice of Completion of Construction (per application).  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| l. Auxiliary Test Station (per transmitter).  | 601 & 159 ..... | 260        | CLD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| m. Subsidiary Communications Service (per request).   | 601 & 159 ..... | 130        | CFD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| n. Combining Call Signs (per call sign).  | 601 & 159 ..... | 260        | CLD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| o. 900 MHZ Nationwide Paging:   |                 |            |                   |  |
| (i) Renewal—Network Organizer.  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245. |
| (ii) Renewal—Network Operator (per operator/per city).  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245. |
| p. Air-Ground Individual License (per station):   |                 |            |                   |  |
| (i) Initial License .....   | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |
| (ii) Renewal of License.  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251–5245. |
| (iii) Modification of License.  | 601 & 159 ..... | 45         | CAD .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130. |



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| 46. Cellular Systems:  |                 |            |                   |  |
| a. New or Additional Facility.   | 601 & 159 ..... | 295        | CMC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Major Modification .....  | 601 & 159 ..... | 295        | CMC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Minor Modification .....  | 601 & 159 ..... | 80         | CDC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Assignment or Transfer  | 603 & 159 ..... | 295        | CMC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| e. Partial Assignment .....  | 603 & 159 ..... | 295        | CMC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| f. Renewal .....   | 601 & 159 ..... | 45         | CAC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| g. Extension of Time to Complete Construction.                               | 601 & 159 ..... | 45         | CAC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| h. Special Temporary Authority.  | 601 & 159 ..... | 260        | CLC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| i. Combining Cellular Geographic Service Areas.                              | 601 & 159 ..... | 65         | CBC .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 47. Rural Radio (includes Central Office, Interoffice, or Relay Facilities): |                 |            |                   |  |
| a. New or Additional Facility.   | 601 & 159 ..... | 135        | CGR * .....       | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Major Modification (per transmitter).                                     | 601 & 159 ..... | 135        | CGRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Major Amendment to Pending Application (per transmitter).                 | 601 & 159 ..... | 135        | CGRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Minor Modification (per transmitter).                                     | 601 & 159 ..... | 45         | CARM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| e. Assignment or Transfer:   |                 |            |                   |  |
| (i) First Call Sign .....  | 603 & 159 ..... | 135        | CGRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| (ii) Each Additional Call Sign.  | 603 & 159 ..... | 45         | CARM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| f. Assignment or Transfer:   |                 |            |                   |  |
| (i) Partial Assignment   | 603 & 159 ..... | 135        | CGRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| g. Renewal .....   | 601 & 159 ..... | 45         | CARR * .....      | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| h. Extension of Time to Construct (per application).                         | 601 & 159 ..... | 45         | CARM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| i. Notice of Completion of Construction (per application).                   | 601 & 159 ..... | 45         | CARM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| j. Special Temporary Authority (per transmitter).                            | 601 & 159 ..... | 260        | CLRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| k. Combining Call Signs (per call sign).                                     | 601 & 159 ..... | 260        | CLRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| l. Auxiliary Test Station (per transmitter).                                 | 601 & 159 ..... | 260        | CLRM .....        | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 48. Offshore Radio Service (Mobile, Subscriber, and Central Stations):       |                 |            |                   |  |
| a. New or Additional Facility (per transmitter).                             | 601 & 159 ..... | 135        | CGF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| b. Major Modification (per transmitter).                                     | 601 & 159 ..... | 135        | CGF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| c. Fill In Transmitters (per transmitter).                                   | 601 & 159 ..... | 135        | CGF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| d. Major Amendment to a Pending Application (per transmitter).               | 601 & 159 ..... | 135        | CGF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| e. Minor Modification (per transmitter).                                     | 601 & 159 ..... | 45         | CAF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| f. Assignment or Transfer:   |                 |            |                   |  |
| (i) First Call Sign .....  | 603 & 159 ..... | 135        | CGF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| (ii) Each Additional Call Sign.  | 603 & 159 ..... | 45         | CAF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| (iii) Partial Assignment (per Call Sign).                                    | 603 & 159 ..... | 135        | CGF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |

| Action   | FCC Form No.                         | Fee amount | Payment type code | Address  |
|--|--------------------------------------|------------|-------------------|--|
| g. Renewal (per Call Sign)                                 | 601 & 159 .....                      | 45         | CAF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| h. Extension of Time to Construct (per application).       | 601 & 159 .....                      | 45         | CAF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| i. Notice of Completion of Construction (per application). | 601 & 159 .....                      | 45         | CAF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| j. Special Temporary Authority (per transmitter).          | 601 & 159 .....                      | 260        | CLF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| k. Combining Call Signs (per Call Sign).                   | Corres. & 159 ...<br>601 & 159 ..... | 260        | CLF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| l. Auxiliary Test Station (per transmitter).               | 601 & 159 .....                      | 260        | CLF .....         | Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251-5130. |

\* Rural Radio Services pay both regulatory and application fees upfront for the entire license term. This applies to new applications, additional facilities and renewals. See Assessment of Collection of regulatory Fees for Fiscal Year 1998, Report and Order, 63 FR 35847 (1998) (rel. June 16, 1998).

<sup>1</sup> Refer to specific radio service and purpose in this table.

61. Section 1.1111 is amended by revising the first sentence in paragraph (b) and adding paragraph (c) to read as follows:

**§ 1.1111 Filing locations.**

\* \* \* \* \*

(b) Except as provided for in paragraph (c) of this section, all materials must be submitted as one package. \* \* \*

(c) Fees for applications and other filings pertaining to the Wireless Radio Services that are submitted electronically via ULS may be paid electronically or sent to the Commission's lock box bank manually. When paying manually, applicants must include the application file number (assigned by the ULS electronic filing system on FCC Form 159) and submit such number with the payment in order

for the Commission to verify that the payment was made. Manual payments must be received no later than ten (10) days after receipt of the application on ULS or the application will be dismissed.

62. Section 1.1152 is revised to read as follows:

**§ 1.1152 Schedule of annual regulatory fees and filing locations for wireless radio services.**

| Exclusive use services (per license)  | Fee amount <sup>1</sup> | Address  |
|---|-------------------------|--|
| 1. Land Mobile (Above 470 MHz, Base Station & SMRS) (47 CFR, Part 90):                    |                         |  |
| (a) 800 MHz New (FCC 601) .....   | \$12.00                 | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (b) 800 MHz Renewal (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (c) 900 MHz New (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (d) 900 MHz Renewal (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (e) 470-512,800,900, 220 MHz, 200 MHz Nationwide Renewal (FCC 601) .....                  | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (f) 220 MHz New (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (g) 220 MHz Renewal (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (h) 470-512 MHz New (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (i) 470-512 MHz Renewal (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (j) 220 MHz Nationwide New (FCC 601) .....  | 12.00                   | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (k) 220 MHz Nationwide Renewal (FCC 601) .....  | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| 2. Microwave (47 CFR Part 101):   |                         |  |
| (a) Microwave New (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (b) Microwave Renewal (FCC 601) .....   | 12.00                   | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| 3. Shared Use Services:   |                         |  |
| (a) Land Transportation (LT) New (FCC 601) .....  | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (b) Land Transportation (LT) Renewal (FCC 601) .....                                      | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (c) Business (Bus.) New (FCC 601) .....   | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (d) Business (Bus.) Renewal (FCC 601) .....   | 6.00                    | FCC, P.O. Box 35245 Pittsburgh, PA 15251-5245.             |
| (e) Other Industrial (OI) New (FCC 601) .....   | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (f) Other Industrial (OI) Renewal (FCC 601) .....   | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (g) General Mobile Radio Service (GMRS) New (FCC 605) .....                               | 6.00                    | FCC, P.O. Box 358130, New Pittsburgh, PA 15251-5130.       |
| (h) General Mobile Radio Service (GMRS) Renewal (FCC 605) .....                           | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (i) Business, Other Industrial, Land Transportation, GMRS Renewal (FCC 601/FCC 605) ..... | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (j) Ground New (FCC 601) .....  | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (k) Ground Renewal (FCC 601) .....  | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (l) Coast New (FCC 601) .....   | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (m) Coast Renewal (FCC 601) .....   | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245.           |
| (n) Ship New (FCC 605) .....  | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |
| (o) Ship Renewal (FCC 605) .....  | 6.00                    | FCC, P.O. Box 358245, (FCC 605) Pittsburgh, PA 15251-5245. |
| (p) Aircraft New (FCC 605) .....  | 6.00                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130.           |

| Exclusive use services (per license)        | Fee amount <sup>1</sup> | Address  |
|---|-------------------------|--|
| (q) Aircraft Renewal (FCC 605) .....        | 6.00                    | FCC, P.O. Box 358245, Pittsburgh, PA 15251-5245. |
| 4. Amateur Vanity Call Signs .....          | 1.30                    | FCC, P.O. Box 358130, Pittsburgh, PA 15251-5130. |
| 5. CMRS Mobile Services (per unit) .....    | .29                     | FCC, P.O. Box 358835, Pittsburgh, PA 15251-5835. |
| 6. CMRS Messaging Services (per unit) ..... | .04                     | FCC, P.O. Box 358835, Pittsburgh, PA 15251-5835. |

<sup>1</sup> Note that "small fees" are collected in advance for the entire license term. Therefore, the annual fee amount shown in this table must be multiplied by the 5- or 10-year license term, as appropriate, to arrive at the total amount of regulatory fees owed. It should be further noted that application fees may also apply as detailed in § 1.1102 of this chapter.

63. Section 1.2003 is amended by adding entries for FCC Form 601, FCC Form 602, FCC Form 603, and FCC Form 605 in numerical order to read as follows:

**§ 1.2003 Applications affected.**

\* \* \* \* \*

FCC 601 FCC Application for Wireless Telecommunications Bureau Radio Service Authorization;

FCC 602 FCC Ownership Disclosure Information for the Wireless Telecommunications Services;

FCC 603 FCC Wireless Telecommunications Bureau Application for Assignment of Authorization and Transfer of Control;

FCC 605 Quick Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services.

\* \* \* \* \*

64. Section 1.2107 is amended by adding paragraph (e) to read as follows:

**§ 1.2107 Submission of down payment and filing of long-form applications.**

\* \* \* \* \*

(e) An applicant must also submit FCC Form 602 (see § 1.919 of this chapter) with its long form application (FCC Form 601).

65. Section 1.2111 is amended by revising the second sentence in paragraph (a) to read as follows:

**§ 1.2111 Assignment or transfer of control: unjust enrichment.**

(a) \* \* \* Such applicant must also file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the local consideration that the applicant would receive in return for the transfer or assignment of its license (see § 1.948 of this chapter). \* \* \*

\* \* \* \* \*

**PART 13—COMMERCIAL RADIO OPERATORS**

66. The authority citation for part 13 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, and 303, unless otherwise noted.

67. Section 13.5 is revised to read as follows:

**§ 13.5 Licensed commercial radio operator required.**

Rules that require FCC station licensees to have certain transmitter operation, maintenance, and repair duties performed by a commercial radio operator are contained in parts 23, 80, and 87 of this chapter.

68. Section 13.9 is amended by redesignating paragraphs (d) through (f) as (e) through (g), adding a new paragraph (d), revising paragraphs (b) and (c) and revising the introductory text of the newly redesignated paragraph (f) to read as follows:

**§ 13.9 Eligibility and application for new license or endorsement.**

\* \* \* \* \*

(b)(1) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, Six Months Service Endorsement, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License and GMDSS Radio Operator/Maintainer must be filed on FCC Form 605 in accordance with § 1.913 of this chapter.

(2) Each application for a Restricted Radiotelephone Operator Permit or a Restricted Radiotelephone Operator Permit-Limited Use must be filed on FCC Form 605 in accordance with § 1.913 of this chapter.

(c) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Enforcement, GMDSS Radio Operator's License, GMDSS Radio Maintainer's, or GMDSS Radio Operator/Maintainer License must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examinations

element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application electronically on behalf of the applicant an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year.

(d) An applicant will be given credit for an examination element as specified below:

(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: The written examination and telegraphy Element(s) required to obtain the license held; and  
(2) An unexpired (or within the grace period) FCC-issued Amateur Extra-Class operator license: Telegraphy Elements 1 and 2.

\* \* \* \* \*

(f) Each application for a new six months service endorsement must be submitted in accordance with § 1.913 of this chapter. The application must include documentation showing that:

\* \* \* \* \*

69. Section 13.13 is amended by removing paragraphs (d), (e), and (f) and redesignating paragraph (d) as paragraph (e), adding a new paragraph (d), and revising paragraphs (a), (b), and (c) to read as follows:

**§ 13.13 Application for a renewed or modified license.**

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Marine Radio Operator Permit, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License must be made on FCC Form 605. The application must be accompanied by the appropriate fee and submitted in accordance with § 1.913 of this chapter.

(b) If a license expires, application for renewal may be made during a grace period of five years after the expiration date without having to retake the required examinations. The application must be accompanied by the required fee and submitted in accordance with § 1.913 of this chapter. During the grace period, the expired license is not valid. A license renewed during the grace

period will be effective as of the date of the renewal. Licensees who fail to renew their license within the grace period must apply for a new license and take the required examination(s).

(c) Each application involving a change in operator class must be filed on FCC Form 605. Each application for a commercial operator license involving a change in operator class must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examinations element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application electronically on behalf of the applicant an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year.

(d) An applicant will be given credit for an examination element as specified below:

(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: The written examination and telegraphy Element(s) required to obtain the license held; and (2) An unexpired (or within the grace period) FCC-issued Amateur Extra-Class operator license: Telegraphy Elements 1 and 2.

\* \* \* \* \*

70. Section 13.17 is amended by revising paragraphs (b), (c) and (d) to read as follows:

**§ 13.17 Replacement license.**

\* \* \* \* \*

(b) Each application for a replacement General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, must be made on FCC Form 605 \* \* \*

(c) Each application for a replacement Restricted Radiotelephone Operator Permit must be on FCC Form 605.

(d) Each application for a replacement Restricted Radiotelephone Operator Permit-Limited Use must be on FCC Form 605.

\* \* \* \* \*

**PART 22—PUBLIC MOBILE SERVICES**

71. The authority citation for part 22 continues to read as follows:

**Authority:** Secs. 4, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 309 and 332, unless otherwise noted.

72. Section 22.99 is amended by removing the definitions of "Archival quality microfiche", "Assignment of authorization," "Authorization," and "Transfer of control," and by adding a new definition for "Universal Licensing System" to read as follows:

**§ 22.99 Definitions.**

\* \* \* \* \*

*Universal licensing system.* The Universal Licensing System (ULS) is the consolidated database, application filing system, and processing system for all Wireless Radio Services. ULS supports electronic filing of all applications and related documents by applicants and licensees in the Wireless Radio Services, and provides public access to licensing information.

\* \* \* \* \*

**§ 22.101 [Removed]**

73. Section 22.101 is removed.

**§ 22.103 [Removed]**

74. Section 22.103 is removed.

**§ 22.105 [Removed]**

75. Section 22.105 is removed.

**§ 22.106 [Removed]**

76. Section 22.106 is removed.

**§ 22.108 [Removed]**

77. Section 22.108 is removed.

**§ 22.115 [Removed]**

78. Section 22.115 is removed.

**§ 22.117 [Removed]**

79. Section 22.117 is removed.

**§ 22.119 [Removed]**

80. Section 22.119 is removed.

**§ 22.120 [Removed]**

81. Section 22.120 is removed.

**§ 22.121 [Removed]**

82. Section 22.121 is removed.

**§ 22.122 [Removed]**

83. Section 22.122 is removed.

**§ 22.123 [Removed]**

84. Section 22.123 is removed.

**§ 22.124 [Removed]**

85. Section 22.124 is removed.

**§ 22.125 [Removed]**

86. Section 22.125 is removed.

**§ 22.127 [Removed]**

87. Section 22.127 is removed.

**§ 22.128 [Removed]**

88. Section 22.128 is removed.

**§ 22.129 [Removed]**

89. Section 22.129 is removed.

**§ 22.130 [Removed]**

90. Section 22.130 is removed.

91. Section 22.131 is amended by revising paragraphs (b) introductory text, (b)(1), (c) introductory text, (c)(1), (c)(2), and removing paragraph (d)(3) to read as follows:

**§ 22.131 Procedures for mutually exclusive applications.**

\* \* \* \* \*

(b) *Filing groups.* Pending mutually exclusive applications are processed in filing groups. Mutually exclusive applications in a filing group are given concurrent consideration. The Commission may dismiss as defective (pursuant to § 1.945 of this chapter) any mutually exclusive application(s) whose filing date is outside of the date range for inclusion in the filing group. The types of filing groups used in day-to-day application processing are specified in paragraph (c)(3) of this section. A filing group is one of the following types:

(1) *Renewal filing group.* A renewal filing group comprises a timely-filed application for renewal of an authorization and all timely-filed mutually exclusive competing applications (see § 1.935 of this chapter).

\* \* \* \* \*

(c) *Procedures.* Generally, the Commission may grant one application in a filing group of mutually exclusive applications and dismiss the other application(s) in the filing that are excluded by that grant, pursuant to § 1.945 of this chapter.

(1) *Selection methods.* In selecting the application to grant, the Commission will use competitive bidding.

(2) *Dismissal of applications.* The Commission may dismiss any application in a filing group that is defective or otherwise subject to dismissal under § 1.945 of this chapter, either before or after employing selection procedures.

\* \* \* \* \*

**§ 22.132 [Removed]**

92. Section 22.132 is removed.

**§ 22.135 [Removed]**

93. Section 22.135 is removed.

**§ 22.137 [Removed]**

94. Section 22.137 is removed.

**§ 22.139 [Removed]**

95. Section 22.139 is removed.

**§ 22.142 [Removed]**

96. Section 22.142 is removed.

**§ 22.144 [Removed]**

97. Section 22.144 is removed.

**§ 22.145 [Removed]**

98. Section 22.145 is removed.

99. Section 22.150 is amended by revising the first sentence in paragraph (d) introductory text to read as follows:

**§ 22.150 Standard pre-filing technical coordination procedure.**

\* \* \* \* \*

(d) The 30-day period begins on the date the notification is submitted to the Commission via the ULS. \* \* \*

\* \* \* \* \*

**§ 22.163 [Removed]**

100. Section 22.163 is removed.

101. Section 22.165 is amended by revising paragraphs (b) and (e) to read as follows:

**§ 22.165 Additional transmitters for existing systems.**

\* \* \* \* \*

(b) *Antenna structure registration.* Certain antenna structures must be registered with the Commission prior to construction or alteration. Registration requirements are contained in part 17 of this chapter.

\* \* \* \* \*

(e) *Cellular radiotelephone service.* During the five-year build-out period, the service area boundaries of the additional transmitters, as calculated by the method set forth in § 22.911(a), must remain within the market, except that the service area boundaries may extend beyond the market boundary into the area that is part of the COSA or is already encompassed by the service area boundaries of previously authorized facilities. After the five-year build-out period, the service area boundaries of the additional transmitters, as calculated by the method set forth in § 22.911(a), must remain within the COSA. Licensees must notify the Commission (FCC Form 601) of any transmitters added under this section that cause a change in the COSA boundary. The notification must include full size and reduced maps, and supporting engineering, as described in § 22.953(a)(5)(i) through (iii). If the addition of transmitters involves a contract service area boundary (SAB) extension (see § 22.912), the notification must include a statement as to whether the five-year build-out period for the system on the relevant channel block in the market into which the SAB extends has elapsed and whether the SAB extends into any unserved area in the market. The notification must be made electronically via the ULS, or delivered to the filing place (see § 1.913 of this chapter) no later than 15 days after the addition is made.

\* \* \* \* \*

**§ 22.213 [Removed]**

102. Section 22.213 is removed.

103. Section 22.221 is amended by revising paragraph (b) to read as follows:

**§ 22.221 Eligibility for partitioned licenses.**

\* \* \* \* \*

(b) Each party to an agreement to partition the license must file a long-form application (FCC Form 601) for its respective, mutually agreed-upon geographic area together with the application for the remainder of the MTA or Economic Area (EA) filed by the auction winner.

\* \* \* \* \*

**§ 22.315 [Removed]**

104. Section 22.315 is removed.

105. Section 22.317 is amended by revising the first sentence to read as follows:

**§ 22.317 Discontinuance of station operation.**

If the operation of a Public Mobile Services station is permanently discontinued, the licensee shall send authorization for cancellation by electronic filing via the ULS on FCC Form 601. \* \* \*

106. Section 22.323 is amended by revising paragraph (d) to read as follows:

**§ 22.323 Incidental communications services.**

\* \* \* \* \*

(d) The licensee notifies the Commission using FCC Form 601 before providing the incidental services. This notification must include a complete description of the incidental services.

107. Section 22.352 is amended by revising paragraph (c)(6) to read as follows:

**§ 22.352 Protection from interference.**

\* \* \* \* \*

(c) \* \* \*

(6) *Facilities for which the Commission is not notified.* No protection is provided against interference to the service of any additional or modified transmitter operating pursuant to §§ 1.929 or 22.165, unless and until the licensee modifies its authorization using FCC Form 601.

\* \* \* \* \*

**§ 22.369 [Removed]**

108. Section 22.369 is removed.

109. Section 22.411 is amended by revising paragraph (d)(1) to read as follows:

**§ 22.411 Developmental authorization of 43 MHz paging transmitters.**

\* \* \* \* \*

(d) \* \* \*

(1) After the two-year developmental period, provided that broadcast TV interference complaints have been resolved by the carrier in a satisfactory manner. Licensees that hold a developmental authorization for a 43 MHz paging station and wish to request a regular authorization must file an application using FCC Form 601 via the ULS prior to the expiration of the developmental period.

\* \* \* \* \*

110. Section 22.413 is amended by revising paragraph (b)(1) to read as follows:

**§ 22.413 Developmental authorization of 72–76 MHz fixed transmitters.**

\* \* \* \* \*

(b) \* \* \*

(1) After six months of operation under developmental authorization, and provided that broadcast TV interference complaints have been resolved by the carrier in a satisfactory manner. Licensees that hold a developmental authorization for a 72–76 MHz fixed station and wish to request a regular authorization must file an application using FCC Form 601 via the ULS prior to the expiration of the developmental authorization.

\* \* \* \* \*

111. Section 22.415 is amended by revising paragraph (b)(1) to read as follows:

**§ 22.415 Developmental authorization of 928–960 MHz fixed transmitters.**

\* \* \* \* \*

(b) \* \* \*

(1) After one year of operation under developmental authorization, and provided that no interference has been caused. Licensees that hold a developmental authorization and wish to request a regular authorization must file an application using FCC Form 601 prior to the expiration of the developmental authorization.

\* \* \* \* \*

112. Section 22.417 is amended by revising paragraph (b)(1) to read as follows:

**§ 22.417 Developmental authorization of meteor burst systems.**

\* \* \* \* \*

(b) \* \* \*

(1) After six months of operation under developmental authorization, and provided that no interference has been caused to other operations. Licensees that hold a developmental authorization to use meteor burst propagation modes to provide rural radiotelephone service and wish to request a regular authorization must file an application

using FCC Form 601 prior to the expiration of the developmental authorization.

\* \* \* \* \*

113. Section 22.503 is amended by revising paragraph (k) to read as follows:

**§ 22.503 Paging geographic area authorizations.**

\* \* \* \* \*

(k) Failure by a paging geographic area licensee to meet either of the coverage requirements in paragraphs (k)(1) and (k)(2) of this section, or alternatively, the substantial service requirement in paragraph (k)(3) of this section, may result in automatic termination or non-renewal of a paging geographic area license. For the purpose of this paragraph, to "cover" area means to include geographic area within the composite of the service contour(s) determined by the methods of §§ 22.537 or 22.567, as appropriate for the particular channel involved. Licensees may determine the population of geographic areas included within their service contours using either the 1990 census or the 2000 census, but not both.

(1) No later than three years after the initial grant of a paging geographic area authorization, the licensee must construct or otherwise acquire and operate sufficient facilities to cover one third of the population in the paging geographic area. The licensee must notify the FCC (FCC Form 601), no later than 15 days after the end of the three-year-period, either that it has satisfied this requirement or that it plans to satisfy the alternative requirement to provide substantial service in accordance with paragraph (k)(3) of this section.

(2) No later than five years after the initial grant of a paging geographic area authorization, the licensee must construct or otherwise acquire and operate sufficient facilities to cover two-thirds of the population in the paging geographic area. The licensee must notify the FCC (FCC Form 601), no later than 15 days after the end of the five-year-period, either that it has satisfied this requirement or that it has satisfied the alternative requirement to provide substantial service in accordance with paragraph (k)(3) of this section.

(3) As an alternative to the coverage requirements of paragraphs (k)(1) and (k)(2) of this section, the paging geographic area licensee may demonstrate that, no later than five years after the initial grant of its paging geographic area authorization, it provides substantial service to the paging geographic area. "Substantial service" means service that is sound, favorable, and substantially above a

level of mediocre service that would barely warrant renewal.

114. Section 22.507 is amended by revising paragraph (c) to read as follows:

**§ 22.507 Number of transmitters per station.**

\* \* \* \* \*

(c) *Consolidation of separate stations.*

The Commission may consolidate separately authorized stations upon request by the licensee by using FCC Form 601, if appropriate under paragraph (a) of this section.

\* \* \* \* \*

115. Section 22.529 is amended by revising the first sentence of paragraph (a), the first sentence of the introductory text of paragraph (b), and paragraph (b)(1), and revising (b)(3), (b)(3)(i) and (b)(3)(iii) to read as follows:

**§ 22.529 Application requirements for the Paging and Radiotelephone Service.**

\* \* \* \* \*

(a) *Administrative information.* The following information, associated with Form 601, is required as indicated.

\* \* \*

\* \* \* \* \*

(b) *Technical data.* The following data, associated with FCC Form 601, are required as indicated for each application. \* \* \*

(1) For each transmitting antenna site to be added, deleted or modified, the following are required: an indication of the desired database action, the Commission location number, if any, the street address or other description of the transmitting antenna site, the city, county and state, the geographic coordinates (latitude and longitude), correct to  $\pm 1$  second, of the transmitting antenna site (NAD83), and in the case of a proposed relocation of a transmitting antenna, the Commission location number and geographic coordinates, correct to  $\pm 1$  second, of the transmitting antenna site (NAD83) to which the geographic coordinates of the current location are referenced.

(2) \* \* \*

(3) The height (in meters) above average terrain of the center of radiation of the antenna, the beamwidth of the main lobe of the horizontal radiation pattern of the electric field of the antenna, the height (in meters) to the tip of the antenna above ground level, a polar plot of the horizontal gain pattern of the antenna, the antenna gain in the maximum lobe and the electric field polarization of the wave emitted by the antenna when installed as proposed.

(i) The center frequency of the requested channel, the transmitter classification (e.g. base, fixed mobile), the designator for any non-standard

emission type to be used, including bandwidth and modulation type, and the maximum effective radiated power.

(ii) \* \* \*

(iii) For each transmitter proposed to transmit on a channel reserved for point-to-multipoint operation involving transmission to four or more points of communications (i.e. base transmitters), the following is required for each point of communication: an indication of the desired database action, the location (city or town, state), and the geographical coordinates (latitude and longitude, NAD 83).

116. Section 22.531 is amended by revising paragraph (c) to read as follows:

**§ 22.531 Channels for paging operation.**

\* \* \* \* \*

(c) Upon application using FCC Form 601, common carriers may be authorized to provide one-way paging service using the leased subcarrier facilities of broadcast stations licensed under part 73 of this chapter.

\* \* \* \* \*

117. Section 22.539 is amended by revising the introductory text to read as follows:

**§ 22.539 Additional channel policies.**

The rules in this subsection govern the processing of applications for a paging channel when the applicant has applied for or been granted an authorization for other paging channels in the same geographic area. This section applies to applications proposing to use the channels listed in § 22.531, excluding the nationwide network paging channels and broadcast station subcarriers, or the channels listed in § 22.561, where the application proposes to use those channels to provide paging service only. The general policy of the Commission is to assign one paging channel in an area to a carrier per application cycle. That is, a carrier must apply for one paging channel, receive the authorization, construct the station, provide service to the subscribers, and notify the Commission of commencement of service to subscribers by using FCC Form 601 before applying for an additional paging channel in that area. This notification must be sent by electronic filing via the ULS.

\* \* \* \* \*

118. Section 22.577 is amended by revising the first sentence of paragraph (b) and paragraph (d) to read as follows:

**§ 22.577 Dispatch service.**

\* \* \* \* \*

(b) *Notification.* Licensees must notify the Commission by filing FCC Form 601 whenever a dispatch transmitter is

installed pursuant to paragraph (a) of this section. \* \* \*

\* \* \* \* \*

(d) Dispatch transmitters requiring authorization. A dispatch transmitter that does not meet all of the requirements of paragraph (a) of this

section may be installed only upon the grant of an application for authorization by electronically filing FCC Form 601.

\* \* \* \* \*

119. Section 22.625 is amended by revising paragraph (b)(1) to read as follows:

#### § 22.625 Transmitter locations.

\* \* \* \* \*

(b) \* \* \*

(1) *Control transmitter locations.*

Control transmitter locations must be within 80 kilometers (50 miles) of the designated locations in this paragraph.

| Urban area                      | N. latitude | W. longitude |
|---------------------------------|-------------|--------------|
| Boston, MA .....                | 42°21'24.4" | 71°03'22.2"  |
| Chicago, IL .....               | 41°52'28.1" | 87°38'22.2"  |
| Cleveland, OH .....             | 41°29'51.2" | 81°41'49.5"  |
| Dallas, TX .....                | 32°47'09.5" | 96°47'38.0"  |
| Detroit, MI .....               | 42°19'48.1" | 83°02'56.7"  |
| Houston, TX .....               | 29°45'26.8" | 95°21'37.8"  |
| Los Angeles, CA .....           | 34°03'15.0" | 118°14'31.3" |
| Miami, FL .....                 | 25°46'38.6" | 80°11'31.2"  |
| New York, NY .....              | 40°45'6.4"  | 73°59'37.5"  |
| Philadelphia, PA .....          | 39°56'58.4" | 75°09'19.6"  |
| Pittsburgh, PA .....            | 40°26'19.2" | 79°59'59.2"  |
| San Francisco-Oakland, CA ..... | 37°46'38.7" | 122°24'43.9" |
| Washington, DC .....            | 38°53'51.4" | 77°00'31.9"  |

**Note:** Coordinates are referenced to North American Datum 1983 (NAD 83).

\* \* \* \* \*

120. Section 22.627 is amended by revising paragraph (b)(1)(i) and (b)(2) to read as follows:

#### § 22.627 Effective radiated power limits.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) The protected TV station locations are as follows (all coordinates are referenced to North American Datum 1983 (NAD83)):

| Control transmitter frequency range | Protected TV station location  |
|-------------------------------------|--|
| 470–476 MHz .....                   | Jacksonville, IL, 39°45'52.2" N. Lat. 90°30'29.5" W. Long.<br>Mt. Pleasant, MI, 43°34'24.1" N. Lat. 84°46'21.1" W. Long.<br>Oxford, OH, 39°30'26.2" N. Lat. 84°44' 8.8" W. Long.<br>Washington, DC, 38°57' 17.4" N. Lat. 77°00' 15.9" W. Long.<br>Champaign, IL, 40°04'11.1" N. Lat. 87° 54'45.1" W. Long.<br>Madison, WI, 43°03'01.0" N. Lat. 89°29' 15.4" W. Long.<br>Parkersburg, WV, 39°20'50.3" N. Lat. 81°33' 55.5" W. Long.<br>Fort Wayne, IN, 41°05'35.2" N. Lat. 85°10' 41.9" W. Long.<br>Lancaster, PA, 40°15'45.3" N. Lat. 76°27' 47.9" W. Long.<br>South Bend, IN, 41°36'26.2" N. Lat. 86°27' 48.1" W. Long.<br>Philadelphia, PA, 40°02'30.4" N. Lat. 75°14' 22.6" W. Long.<br>None. |
| 476–482 MHz .....                   | Johnstown, PA, 40°19'47.3" N. Lat. 78°53' 44.1" W. Long.<br>Washington, DC, 38°57'49.4" N. Lat. 77°06' 16.9" W. Long.<br>Waterbury, CT, 41°31'2.3" N. Lat. 73°00' 58.4" W. Long.   |
| 482–488 MHz .....                   |  |
| 488–494 MHz .....                   |  |
| 494–500 MHz .....                   |  |
| 500–506 MHz .....                   |  |
| 506–512 MHz .....                   |  |

\* \* \* \* \*

(2) *Adjacent channel protection.* The ERP of control transmitters must not exceed the limits in Table E-7. The limits depend upon the height above

average terrain of the control transmitter antenna and the distance between the control transmitter and the nearest protected TV station location listed in

this paragraph. The protected TV station locations are as follows (all coordinates are referenced to North American Datum 1983 (NAD83)):

| Control transmitter frequency range | Protected TV station location                                   | TV channel |
|-------------------------------------|---|------------|
| 470–476 MHz .....                   | Hanover, NH, 43°42'30.3" N. Lat. 72°09'14.3" W. Long. ....      | (15)       |
|                                     | Madison, WI, 43°03'01.0" N. Lat. 89°29'15.4" W. Long. ....      | (15)       |
|                                     | Champaign, IL, 40°04'11.1" N. Lat. 87°54'45.1" W. Long. ....    | (15)       |
|                                     | San Diego, CA, 32°41'48.2" N. Lat. 116°56'13.1" W. Long. ....   | (15)       |
|                                     | Lancaster, PA, 40°15'45.3" N. Lat. 76°27'47.9" W. Long. ....    | (15)       |
|                                     | Parkersburg, WV, 39°20'50.3" N. Lat. 81°33'55.5" W. Long. ....  | (15)       |
| 476–482 MHz .....                   | South Bend, IN, 41°36'26.2" N. Lat. 86°27'48.1" W. Long. ....   | (16)       |
|                                     | Pittsburgh, PA, 40°26'46.2" N. Lat. 79°57'50.2" W. Long. ....   | (16)       |
|                                     | Mt. Pleasant, MI, 43°34'24.1" N. Lat. 84°46'21.1" W. Long. .... | (14)       |
|                                     | Scranton, PA, 41°10'58.3" N. Lat. 75°52'19.7" W. Long. ....     | (16)       |
| 482–488 MHz .....                   | Hanover, NH, 43°42'30.3" N. Lat. 72°09'14.3" W. Long. ....      | (15)       |
|                                     | Fort Wayne, IN, 41°05'35.2" N. Lat. 85°10'41.9" W. Long. ....   | (15)       |
| 488–494 MHz .....                   | Salisbury, MD, 38°24'15.4" N. Lat. 75°34'43.7" W. Long. ....    | (16)       |



| Control transmitter frequency range | Protected TV station location                                   | TV channel |
|-------------------------------------|---|------------|
| 494–500 MHz .....                   | Philadelphia, PA, 40°02'30.4" N. Lat. 75°14'22.6" W. Long. .... | (17)       |
| 500–506 MHz .....                   | Washington, DC, 38°57'17.4" N. Lat. 77°00'15.9" W. Long. ....   | (20)       |
| 506–512 MHz .....                   | Harrisburg, PA, 40°20'44.3" N. Lat. 76°52'07.9" W. Long. ....   | (21)       |

\* \* \* \* \*

121. Section 22.657 is amended by revising paragraphs (a), (d), (e)(1), and (f) to read as follows:

**§ 22.657 Transmitter locations.**

\* \* \* \* \*

(a) *Base transmitter locations.* Base transmitter locations must be within 80 kilometers (50 miles) of the designated locations in this paragraph. Mobile

transmitters must not be operated at locations more than 129 kilometers (80 miles) from the designated locations in this paragraph. Note: All coordinates are referenced to North American Datum 1983 (NAD83).

| Urban area               | N. latitude | W. longitude |
|--------------------------|-------------|--------------|
| Houston, TX .....        | 29°45'26.8" | 95°21'37.8"  |
| New York, NY–NE NJ ..... | 40°45'06.4" | 73°59'37.5"  |

\* \* \* \* \*

(d) Adjacent channel protection from mobile transmitters. Base transmitter locations must be at least 145 kilometers (90 miles) from the applicable protected

TV station locations specified in this paragraph. This requirement is intended to provide a 0 dB minimum desired to undesired signal strength ratio at the Grade B contour of an adjacent channel

TV station. Note: All coordinates are referenced to North American Datum 1983 (NAD83).

| Control transmitter frequency range | Protected TV station location                                | TV channel |
|-------------------------------------|--|------------|
| 470–476 MHz .....                   | Lancaster, PA, 40°15'45.3" N. Lat. 76°27'47.9" W. Long. .... | (15)       |
| 476–482 MHz .....                   | Scranton, PA, 41°10'58.3" N. Lat. 75°52'19.7" W. Long. ....  | (16)       |

(e) \* \* \*

(1) The protected TV station locations are as follows (all coordinates are

referenced to North American Datum 1983 (NAD83)):

| Control transmitter frequency range | Protected TV station location                            |
|-------------------------------------|--|
| 470–476 MHz .....                   | Washington, DC, 38°57'17.4" N. Lat. 77°00'15.9" W. Long. |
| 476–482 MHz .....                   | Lancaster, PA, 40°15'45.3" N. Lat. 76°27'47.9" W. Long.  |

\* \* \* \* \*

(f) *Co-channel protection from base transmitters with high antennas.* This paragraph applies only to base transmitter locations in the New York–Northeastern New Jersey urban area that utilize an antenna height of more than 152 meters (500 feet) above average terrain. The distance between the location of such a base transmitter and the applicable protected TV station

location specified in this paragraph must equal or exceed the sum of the distance from the base transmitter location to the radio horizon in the direction of the specified location and 89 kilometers (55 miles)—representing the distance from the main transmitter location of the TV station to its Grade B contour in the direction of the base transmitter). The distance to the radio horizon is calculated as follows:

$$d = \sqrt{17 \times h}$$

Where d is the distance to the radio horizon in kilometers h is the height of the antenna center of radiation above ground level in meters

**Note:** All coordinates are referenced to North American Datum 1983 (NAD83)):

| Control transmitter frequency range | Protected TV station location                            |
|-------------------------------------|--|
| 470–476 MHz .....                   | Washington, DC, 38°57'17.4" N. Lat. 77°00'15.9" W. Long. |
| 476–482 MHz .....                   | Lancaster, PA, 40°15'45.3" N. Lat. 76°27'47.9" W. Long.  |

\* \* \* \* \*

Section 22.659 is amended by revising paragraphs (b)(1) and (c)(1) to read as follows:

**§ 22.659 Effective radiated power limits.**

\* \* \* \* \*

(b) \* \* \*

(1) The protected TV station locations are as follows (all coordinates are

referenced to North American Datum 1983 (NAD83)):

| Control transmitter frequency range | Protected TV station location                            |
|-------------------------------------|--|
| 470–476 MHz .....                   | Washington, DC, 38°57'17.4" N. Lat. 77°00'15.9" W. Long. |
| 476–482 MHz .....                   | Lancaster, PA, 40°15'45.3" N. Lat. 76°27'47.9" W. Long.  |

\* \* \* \* \*

(c) \* \* \*

(1) The protected TV station locations referenced to North American Datum 1983 (NAD83):

are as follows (all coordinates are

| Control transmitter frequency range | Protected TV station location                                | TV channel |
|-------------------------------------|--|------------|
| 470–476 MHz .....                   | Hanover, NH, 43°42'30.3" N. Lat. 72°09'14.3" W. Long .....   | (15)       |
| 476–482 MHz .....                   | Lancaster, PA, 40°15'45.3" N. Lat. 76°27'47.9" W. Long ..... | (15)       |
| 482–488 MHz .....                   | Scranton, PA, 41°10'58.3" N. Lat. 75°52'19.7" W. Long .....  | (16)       |
|                                     | Hanover, NH, 43°42'30.3" N. Lat. 72°09'14.3" W. Long .....   | (15)       |

**Note:** Coordinates are referenced to North American Datum 1983 (NAD83).

\* \* \* \* \*

123. Section 22.709 is amended by revising the introductory text, and revising paragraphs (b) introductory text, (b)(1) and (b)(2) to read as follows:

**§ 22.709 Rural radiotelephone service application requirements.**

In addition to information required by Subparts B and D of this part, FCC Form 601 applications for authorization to operate a station in the Rural Radiotelephone Service must contain the applicable supplementary information described in this section.

\* \* \* \* \*

(b) *Technical information required.* For each transmitter in the Rural Radiotelephone Service, the following information is required by FCC Form 601:

(1) Location description: city; county; state; geographic coordinates correct to ±1 second, the datum used (NAD83), site elevation above mean sea level, proximity to adjacent market boundaries and international borders;

(2) Antenna height to tip above ground level, the height of the center of radiation of the antenna above the average terrain, the height of the antenna center of radiation above the average elevation of the terrain along each of the 8 cardinal radials, antenna gain in the maximum lobe, the beamwidth of the maximum lobe of the

antenna, a polar plot of the horizontal gain pattern of the antenna, the electric field polarization of the wave emitted by the antenna when installed as proposed;

\* \* \* \* \*

124. Section 22.803 is amended by revising the introductory text, and the introductory text of paragraphs (a) and (b), and (b)(1) and (b)(2) to read as follows:

**§ 22.803 Air-ground application requirements.**

In addition to information required by Subparts B and D of this part, FCC Form 601 applications for authorization to operate an air-ground station or system in the Air-ground Radiotelephone Service must contain the applicable supplementary information described in this section.

(a) *Administrative information.* The following information is required by FCC Form 601.

\* \* \* \* \*

(b) *Technical information required.* For each transmitter in the Rural Radiotelephone Service, the following information is required by FCC Form 601:

(1) Location description: city; county; state; geographic coordinates correct to ±1 second, the datum used (NAD83), site elevation above mean sea level, proximity to adjacent market boundaries and international borders;

(2) Antenna height to tip above ground level, the height of the center of radiation of the antenna above the average terrain, the height of the antenna center of radiation above the average elevation of the terrain along each of the 8 cardinal radials, antenna gain in the maximum lobe, the beamwidth of the maximum lobe of the antenna, a polar plot of the horizontal gain pattern of the antenna, the electric field polarization of the wave emitted by the antenna when installed as proposed;

(3) \* \* \*

**§ 22.821 [Removed]**

125. Section 22.821 is removed.

126. Section 22.859 is amended by revising the introductory paragraph and table to read as follows:

**§ 22.859 Geographical channel block layout.**

Except as provided in paragraphs (a) and (b) of this section, ground station locations must be within 1.61 kilometers (one mile) of the locations listed in this paragraph. The channel block allotted for each location must be used to provide service to airborne mobile stations in flight and may be used to provide service to airborne mobile stations on ground.

**Note:** All coordinates are referenced to North American Datum 1983 (NAD83).

| Location         | N. latitude | W. longitude | Channel block |
|------------------|-------------|--------------|---------------|
| Alaska:          |             |              |               |
| Anchorage .....  | 61°11'04.0" | 149°54'49.9" | 8             |
| Cordova .....    | 60°32'58.0" | 145°43'07.1" | 5             |
| Ketchikan .....  | 55°21'18.7" | 131°42'39.1" | 5             |
| Juneau .....     | 58°21'16.8" | 134°34'36.4" | 4             |
| Sitka .....      | 57°03'28.7" | 135°22'07.4" | 7             |
| Yakutat .....    | 59°30'28.2" | 142°30'06.3  | 8             |
| Alabama:         |             |              |               |
| Birmingham ..... | 33°23'24.4" | 86°39'58.9"  | 2             |
| Arizona:         |             |              |               |
| Phoenix .....    | 33°35'39.1" | 112°05'14.5" | 4             |

| Location                | N. latitude  | W. longitude | Channel block |
|-------------------------|--------------|--------------|---------------|
| Winslow .....           | 35°01'17.1"  | 110°43'04.5" | 6             |
| Arkansas:               |              |              |               |
| Pine Bluff .....        | 34°10'56.4"  | 91°56'18.5"  | 8             |
| California:             |              |              |               |
| Blythe .....            | 33°36'39.1"  | 114°42'26.9" | 10            |
| Eureka .....            | 40°42'58.5"  | 124°12'13.2" | 8             |
| Los Angeles .....       | 33°56'45.0"  | 118°23'06.3" | 4             |
| Oakland .....           | 37°51'11.7"  | 122°12'33.9" | 1             |
| San Francisco .....     | 37°41'14.8"  | 122°26'04.9" | 6             |
| Visalia .....           | 36°19'35.8"  | 119°23'25.4" | 7             |
| Colorado:               |              |              |               |
| Colorado Springs .....  | 38°44'39.0"  | 104°51'47.9" | 8             |
| Denver .....            | 139°46'45.0" | 104°50'50.9" | 1             |
| Hayden .....            | 40°29'03.9"  | 107°13'10.2" | 6             |
| Florida:                |              |              |               |
| Miami .....             | 25°48'28.4"  | 80°16'29.2"  | 4             |
| Orlando .....           | 28°26'54.0"  | 81°21'59.3"  | 2             |
| Tallahassee .....       | 30°24'02.7"  | 84°21'17.6"  | 7             |
| Georgia:                |              |              |               |
| Atlanta .....           | 33°39'05.4"  | 84°25'53.7"  | 5             |
| St. Simon Island .....  | 31°09'22.8"  | 81°23'13.3"  | 6             |
| Hawaii:                 |              |              |               |
| Mauna Kapu .....        | 21°24'12.6"  | 158°05'52.1" | 5             |
| Idaho:                  |              |              |               |
| Blackfoot .....         | 43°11'33.7"  | 112°0'59.9"  | 8             |
| Caldwell .....          | 43°38'44.6"  | 116°38'47.5" | 10            |
| Illinois:               |              |              |               |
| Chicago .....           | 41°46'49.1"  | 87°45'20.2"  | 3             |
| Kewanee .....           | 41°12'05.1"  | 89°57'33.4"  | 5             |
| Schiller Park .....     | 41°57'18.1"  | 87°52'57.2"  | 2             |
| Indiana:                |              |              |               |
| Fort Wayne .....        | 40°59'16.2"  | 85°11'30.9"  | 7             |
| Iowa:                   |              |              |               |
| Des Moines .....        | 41°31'58.0"  | 93°38'54.8"  | 1             |
| Kansas:                 |              |              |               |
| Garden City .....       | 37°59'35.1"  | 100°54'05.6" | 3             |
| Wichita .....           | 37°37'24.1"  | 97°27'16.2"  | 7             |
| Kentucky:               |              |              |               |
| Fairdale .....          | 38°04'48.2"  | 85°47'32.9"  | 6             |
| Louisiana:              |              |              |               |
| Kenner .....            | 30°00'44.7"  | 90°13'30.3"  | 3             |
| Shreveport .....        | 32°27'09.6"  | 93°49'38.7"  | 5             |
| Massachusetts:          |              |              |               |
| Boston .....            | 42°23'15.4"  | 71°01'01.2"  | 7             |
| Michigan:               |              |              |               |
| Bellville .....         | 42°12'17.1"  | 83°29'08.8"  | 8             |
| Flint .....             | 42°58'21.1"  | 83°44'21.8"  | 9             |
| Sault Saint Marie ..... | 46°28'45.1"  | 84°21'31.1"  | 6             |
| Minnesota:              |              |              |               |
| Bloomington .....       | 44°51'29.9"  | 93°13'19.8"  | 9             |
| Mississippi:            |              |              |               |
| Meridian .....          | 32°19'10.5"  | 88°41'33.2"  | 9             |
| Missouri:               |              |              |               |
| Kansas City .....       | 30°18'37.8"  | 94°41'07.7"  | 6             |
| St Louis .....          | 38°42'45.2"  | 90°19'19.4"  | 4             |
| Springfield .....       | 37°14'28.2"  | 93°22'54.7"  | 9             |
| Montana:                |              |              |               |
| Lewistown .....         | 47°02'55.9"  | 109°27'29.7" | 5             |
| Miles City .....        | 46°25'30.0"  | 105°52'32.0" | 8             |
| Missoula .....          | 47°01'04.7"  | 114°00'44.4" | 3             |
| Nebraska:               |              |              |               |
| Grand Island .....      | 40°58'00.0"  | 98°19'12.2"  | 2             |
| Ogallala .....          | 41°07'11.0"  | 101°45'38.6" | 4             |
| Nevada:                 |              |              |               |
| Las Vegas .....         | 36°05'34.9"  | 115°10'28.0" | 1             |
| Reno .....              | 39°25'12.7"  | 119°55'55.7" | 3             |
| Tonopah .....           | 38°03'42.8"  | 117°13'27.3" | 9             |
| Winnemucca .....        | 41°00'38.6"  | 117°46'01.5" | 4             |
| New Mexico:             |              |              |               |

| Location             | N. latitude | W. longitude | Channel block |
|----------------------|-------------|--------------|---------------|
| Alamogordo .....     | 32°54'46.3" | 105°56'43.0" | 8             |
| Albuquerque .....    | 35°03'05.2" | 106°37'15.1" | 10            |
| Aztec .....          | 36°48'42.0" | 107°53'50.3" | 9             |
| Clayton .....        | 36°27'29.1" | 103°11'17.8" | 5             |
| New Jersey:          |             |              |               |
| Woodbury .....       | 39°50'01.4" | 75°09'19.7"  | 3             |
| New York:            |             |              |               |
| E. Elmhurst .....    | 40°46'21.4" | 73°52'40.5"  | 1             |
| Schuyler .....       | 43°09'09.3" | 75°07'48.6"  | 2             |
| Staten Island .....  | 40°36'05.4" | 74°06'33.5"  | 9             |
| North Carolina       |             |              |               |
| Greensboro .....     | 36°05'54.7" | 70°56'39.9"  | 9             |
| Wilmington .....     | 34°16'10.6" | 77°54'23.0"  | 3             |
| North Dakota:        |             |              |               |
| Dickinson .....      | 46°51'05.0" | 102°47'36.6" | 7             |
| Ohio:                |             |              |               |
| Pataskala .....      | 40°04'38.2" | 82°41'56.6"  | 1             |
| Oklahoma:            |             |              |               |
| Warner .....         | 35°29'31.4" | 95°18'25.9"  | 4             |
| Woodward .....       | 36°24'42.1" | 99°28'51.4"  |               |
| Oregon:              |             |              |               |
| Albany .....         | 44°38'23.4" | 123°03'40.4" | 5             |
| Klamath Falls .....  | 42°06'29.5" | 121°38'04.0" | 2             |
| Pendleton .....      | 45°35'44.5" | 118°31'05.9" | 7             |
| Pennsylvania:        |             |              |               |
| Coraopolis .....     | 40°30'33.2" | 80°13'26.2"  | 4             |
| New Cumberland ..... | 40°11'30.3" | 76°52'00.9"  | 4             |
| South Carolina:      |             |              |               |
| Charleston .....     | 32°54'10.6" | 80°01'19.3"  | 4             |
| South Dakota:        |             |              |               |
| Aberdeen .....       | 45°27'20.9" | 98°25'27.3"  | 6             |
| Rapid City .....     | 44°02'36.0" | 103°03'37.6" | 5             |
| Tennessee:           |             |              |               |
| Elizabethton .....   | 36°26'04.4" | 82°08'05.5"  | 7             |
| Memphis .....        | 35°01'44.3" | 89°56'15.3"  | 10            |
| Nashville .....      | 36°08'44.2" | 86°41'31.0"  | 3             |
| Texas:               |             |              |               |
| Austin .....         | 30°16'37.7" | 97°49'35.0"  | 2             |
| Bedford .....        | 21°50'19.5" | 07°08'04.0"  | 1             |
| Houston .....        | 29°54'37.8" | 95°24'39.8"  | 9             |
| Lubbock .....        | 33°37'06.3" | 101°52'15.6" | 7             |
| Monahans .....       | 31°34'58.5" | 102°54'19.6" | 8             |
| Utah:                |             |              |               |
| Abajo Peak .....     | 37°50'21.0" | 109°27'44.4" | 7             |
| Delta .....          | 39°23'14.8" | 112°30'46.8" | 2             |
| Escalante .....      | 37°45'19.0" | 111°52'29.7" | 5             |
| Green River .....    | 38°57'53.9" | 110°13'42.5" | 3             |
| Salt Lake City ..... | 40°39'10.8" | 112°12'08.8" | 1             |
| Virginia:            |             |              |               |
| Arlington .....      | 38°52'55.4" | 77°06'16.9"  | 6             |
| Washington:          |             |              |               |
| Seattle .....        | 47°26'07.4" | 122°17'39.4" | 4             |
| Cheney .....         | 47°33'13.6" | 117°43'38.8" | 1             |
| West Virginia:       |             |              |               |
| Charleston .....     | 38°19'47.4" | 81°39'35.4"  | 2             |
| Wisconsin:           |             |              |               |
| Stevens Point .....  | 44°33'05.9" | 89°25'27.4"  | 8             |
| Wyoming:             |             |              |               |
| Riverton .....       | 43°03'36.9" | 108°27'25.4" | 9             |

Section 22.873 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 22.873 Construction period for commercial aviation air-ground systems.**

\* \* \* \* \*

(a) *Stage I.* At least 25 ground stations must be constructed and operational within 3 years. Licensees must notify the Commission by using FCC Form 601 as soon as this requirement is met.

\* \* \*

(b) *Stage II.* At least 50 ground stations must be constructed and operational within 5 years. Nationwide

service to subscribers must commence within 5 years. Licensees must notify the Commission by using FCC Form 601 as soon as this requirement is met.

**§ 22.875 [Amended]**

128. Section 22.875 is amended by removing paragraph (d)(7).

129. Section 22.907 is amended by revising paragraph (b) to read as follows:

**§ 22.907 Coordination of channel usage.**

\* \* \* \* \*

(b) If technical problems are addressed by an agreement or operating agreement between the licensees that would result in a reduction of quality or capacity of either system, the licensees must notify the Commission by updating FCC Form 601.

130. Section 22.911 is amended by revising the first sentence in paragraph (b) to read as follows:

**§ 22.911 Cellular geographic service area.**

\* \* \* \* \*

(b) *Alternative CGSA determination.* If a carrier believes that the method described in paragraph (a) of this section produces a CGSA that departs significantly ( $\pm 20\%$  in the service area of any cell) from the geographic area where reliable cellular service is actually provided, the carrier may submit, as an exhibit to an application for modification of the CGSA using FCC Form 601, a depiction of what the carrier believes the CGSA should be.

\* \* \*

\* \* \* \* \*

131. Section 22.929 is revised to read as follows:

**§ 22.929 Application requirements for the Cellular Radiotelephone Service.**

In addition to information required by subparts B and D of this part, FCC Form 601 applications for authorization in the Cellular Radiotelephone Service must contain the applicable supplementary information described in this section.

(a) *Administrative information.* The following information is required either by FCC Form 601, or as an exhibit:

(1) Location description; city; county; state; geographical coordinates correct to  $\pm 1$  second, the datum used (NAD 83), site elevation above mean sea level, proximity to adjacent market boundaries and international borders;

(2) Antenna height to tip above ground level, the height of the center of radiation of the antenna above the average terrain, the height of the antenna center of radiation above the average elevation of the terrain along each of the 8 cardinal radials, antenna gain in the maximum lobe, the beamwidth of the maximum lobe of the

antenna, a polar plot of the horizontal gain pattern of the antenna, the electric field polarization of the wave emitted by the antenna when installed as proposed:

(3) The channel block requested, the maximum effective radiated power, the effective radiated power in each of the cardinal radial directions.

(b) If the application involves a service area boundary (SAB) extension (§ 22.912 of this chapter), the licensee must provide a statement as described in § 22.953.

(c) *Maps.* If the application proposes a change in the CGSA, it must include full size and reduced maps, and supporting engineering, as described in § 22.953 (a)(1) through (a)(3).

132. Section 22.935 is amended by revising the first sentence in paragraph (a) to read as follows:

**§ 22.935 Procedures for comparative renewal proceedings.**

\* \* \* \* \*

(a) If one or more of the applications competing with an application for renewal of a cellular authorization are filed, the renewal applicant must file with the Commission its original renewal expectancy showing electronically via the ULS. \* \* \*

\* \* \* \* \*

133. Section 22.936 is amended by revising the first sentence in paragraph (a) to read as follows:

**§ 22.936 Dismissal of applications in cellular renewal proceedings.**

\* \* \* \* \*

(a) If a competing applicant seeks to dismiss its application prior to the Initial Decision stage of the hearing on its application, it must submit to the Commission a request for approval of the dismissal of its application. This request for approval of the dismissal of its application must be submitted and must also include a copy of any agreement related to the withdrawal or dismissal, and an affidavit setting forth:

\* \* \*

\* \* \* \* \*

134. Section 22.941 is amended by revising the first sentence in paragraph (b) and paragraph (c) to read as follows:

**§ 22.941 System identification numbers.**

\* \* \* \* \*

(b) Licensees must notify the Commission using FCC Form 601, if their cellular systems transmit SIDs assigned to other cellular systems.

\* \* \*

(c) Licensees may request that an additional (previously unassigned) SID be assigned to their system by filing an application for minor modification of station on FCC Form 601.

**§ 22.944 [Removed]**

135. Section 22.944 is removed.

136. Section 22.946 is amended by removing the introductory text and paragraph (b), by revising paragraph (a) and redesignating paragraph (a)(1) as paragraph (b) to read as follows:

**§ 22.946 Service commencement and construction periods for cellular systems.**

(a) *Commencement of service.* New cellular systems must be at least partially constructed and begin providing cellular service to subscribers within the service commencement periods specified in Table H-1 of this section. Service commencement periods begin on the date of grant of the initial authorization, and are not extended by the grant of subsequent authorizations for the cellular system (such as for major modifications). The licensee must notify the FCC (FCC Form 601) no later than 15 days after the requirements of this section are met (see § 1.946).

\* \* \* \* \*

137. Section 22.947 is amended by revising the first sentence in paragraph (b) introductory text to read as follows:

**§ 22.947 Service commencement and construction periods for cellular systems.**

\* \* \* \* \*

(b) *Partitioned markets.* During the five-year build-out period, the licensee of the first cellular system on each channel block in each market may enter into contracts with eligible parties, allowing such parties to apply by using FCC Form 601 for a new cellular system in that channel block within the market.

\* \* \*

\* \* \* \* \*

138. Section 22.953 is amended by revising paragraphs (a) and (b) and adding paragraph (c) so that the section now reads as follows:

**§ 22.953 Content and form of applications.**

\* \* \* \* \*

(a) Applications for authority to operate a cellular system in an unserved area must include the following information in addition to the requirements specified in §§ 1.919, 1.923 and 1.924. The following exhibits must be set off by tabs and numbered as follows:

(1) *Exhibit I—full-size map.* The scale of the full-size map must be 1:500,000, regardless of whether any different scale is used for the reduced map required in Exhibit II. The map must have a legend, a distance scale and correctly labeled latitude and longitude lines. The map must be clear and legible. The map must accurately show the cell sites (transmitting antenna locations), the entire CGSA, any extension of the

composite service area boundary beyond the CGSA (see § 22.911) and the relevant portions of the cellular market boundary.

(2) *Exhibit II—reduced map.* This map must be a proportional reduction, to 8½ × 11 inches, of the full-size map required for Exhibit I, unless it proves to be impractical to depict the entire cellular market by reducing the full-size map. In such instance, an 8½ × 11 inch map of a different scale may be substituted, provided that the required features of the full-size map are clearly depicted and labeled.

(3) *Exhibit III—engineering.* This exhibit must contain the data and methodology used to calculate the CGSA and service area boundary.

(4) *Exhibit IV—channel plan.* This exhibit must show which specific channels (or groups) are to be used at each cell site. Any necessary table for converting channel numbers to center frequencies must be provided.

(5) *Exhibit V—ownership information.* This exhibit must contain the information required by § 1.919. Additionally, individual applicants must disclose, in this exhibit, all interests (including those less than 10%) in publicly traded corporation(s) that have applications which are mutually exclusive with the individual's application.

(6) *Exhibit VI—service proposal.* This exhibit must describe the services proposed for subscribers and roamers, including the proposed method for handling complaints.

(7) *Exhibit VII—cellular design.* This exhibit must show that the proposed system design complies with cellular system design concepts, and must describe the method proposed to expand the system in a coordinated fashion as necessary to address changing demand for cellular service.

(8) *Exhibit VIII—blocking level.* This exhibit must disclose the blocking probability or other criteria to be used to determine whether it is necessary to take measures to increase system capacity to maintain service quality.

(9) *Exhibit IX—start-up expenses.* This exhibit must disclose in detail the projected cost of construction and other initial expenses of the proposed system, and how the applicant intends to meet these expenses and the costs of operation for the first year.

(10) *Exhibit X—interconnection arrangements.* This exhibit is required for applicants that provide public landline message telephone service in any portion of the proposed CGSA. This exhibit must describe exactly how the proposed system would interconnect with the landline network. The

description must be of sufficient detail to enable a competitor to connect with the landline system in exactly the same manner, if the competitor so chooses.

(b) *Existing systems—major modifications.* Licensees making major modifications pursuant to § 1.929(h) must file FCC Form 601 and need only contain the exhibits required by paragraphs (a)(1) through (a)(3) of this section.

(c) *Existing systems—minor modifications.* Licensees making minor modifications pursuant to § 1.929(h)—in which the modification causes a change in the CGSA boundary (including the removal of a transmitter or transmitters)—must notify the FCC (using FCC Form 601) and include full-sized maps, reduced maps, and supporting engineering exhibits as described in paragraphs (a)(1)–(3) of this section. If the modification involves a contract SAB extension, it must include a statement as to whether the five-year build-out for the system on the relevant channel block in the market into which the SAB extends has elapsed, and as to whether the SAB extends into any unserved area in that market.

#### § 22.966 [Removed]

139. Section 22.966 is removed.

### PART 24—PERSONAL COMMUNICATIONS SERVICES

140. The authority citation for part 24 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 309, and 332.

141. Section 24.2 is amended by adding a sentence to the end of paragraph (b) to read as follows:

#### § 24.2 Other applicable rule parts.

\* \* \* \* \*

(b) \* \* \* Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

\* \* \* \* \*

142. Section 24.5 is amended by adding the following definition to read as follows:

#### § 24.5 Terms and definitions.

\* \* \* \* \*

*Universal Licensing System.* The Universal Licensing System (ULS) is the consolidated database, application filing system, and processing system for all Wireless Radio Services. ULS supports electronic filing of all applications and related documents by applicants and licensees in the Wireless Radio Services, and provides public access to licensing information.

\* \* \* \* \*

143. Section 24.11 is amended by revising paragraph (a) to read as follows:

#### § 24.11 Initial authorization.

(a) An applicant must file a single application for an initial authorization for all markets won and frequency blocks desired.

\* \* \* \* \*

#### § 24.18 [Removed]

144. Section 24.18 is removed.

145. Section 24.202 is amended by revising the last sentence of the introductory paragraph to read as follows:

#### § 24.202 Service areas.

\* \* \* The BTA/MTA Map is available for public inspection at the Office of Engineering and Technology's Technical Information Center, 2000 M Street, NW, Washington, DC 20554.

\* \* \* \* \*

146. Section 24.307 is revised to read as follows:

#### § 24.307 Long-form applications.

Winning bidders will be required to submit long-form applications on FCC Form 601, as modified, within ten business days after being notified that they are the winning bidder. Applications on FCC Form 601 shall be submitted pursuant to the procedures set forth in Subpart G of this Part and § 1.2107 (c) and (d) of this chapter and any associated public notices. Only auction winners will be eligible to file applications on FCC Form 601 for initial narrowband PCS licenses in the event of mutual exclusivity between applicants filing Form 175. An applicant must file a single application for an initial authorization for all markets won and frequency blocks desired.

#### § 24.405 [Removed]

147. Section 24.405 is removed.

#### § 24.406 [Removed]

148. Section 24.406 is removed.

#### § 24.409 [Removed]

149. Section 24.409 is removed.

#### § 24.411 [Removed]

150. Section 24.411 is removed.

#### § 24.413 [Removed]

151. Section 24.413 is removed.

#### § 24.419 [Removed]

152. Section 24.419 is removed.

#### § 24.420 [Removed]

153. Section 24.420 is removed.

#### § 24.421 [Removed]

154. Section 24.421 is removed.

**§ 24.422 [Removed]**

155. Section 24.422 is removed.

**§ 24.423 [Removed]**

156. Section 24.423 is removed.

**§ 24.425 [Removed]**

157. Section 24.425 is removed.

**§ 24.426 [Removed]**

158. Section 24.426 is removed.

**§ 24.427 [Removed]**

159. Section 24.427 is removed.

**§ 24.428 [Removed]**

160. Section 24.428 is removed.

**§ 24.429 [Removed]**

161. Section 24.429 is removed.

**§ 24.432 [Removed]**

162. Section 24.432 is removed.

**§ 24.439 [Removed]**

163. Section 24.439 is removed.

**§ 24.443 [Removed]**

164. Section 24.443 is removed.

**§ 24.444 [Removed]**

165—166. Section 24.444 is removed.  
167. Section 24.714 is amended by revising paragraph (b)(1) to read as follows:

**§ 24.714 Partitioned licenses and disaggregated spectrum.**

\* \* \* \* \*

(b) \* \* \*

(1) *Partitioning.* In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to § 1.948 of this chapter and list the partitioned service area on a schedule to the application. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83).

\* \* \* \* \*

**§ 24.803 [Removed]**

168. Section 24.803 is removed.

**§ 24.805 [Removed]**

169. Section 24.805 is removed.

**§ 24.806 [Removed]**

170. Section 24.806 is removed.

**§ 24.809 [Removed]**

171. Section 24.809 is removed.

**§ 24.811 [Removed]**

172. Section 24.811 is removed.

**§ 24.813 [Removed]**

173. Section 24.813 is removed.

**§ 24.819 [Removed]**

174. Section 24.819 is removed.

**§ 24.820 [Removed]**

175. Section 24.820 is removed.

**§ 24.821 [Removed]**

176. Section 24.821 is removed.

**§ 24.822 [Removed]**

177. Section 24.822 is removed.

**§ 24.823 [Removed]**

178. Section 24.823 is removed.

**§ 24.825 [Removed]**

179. Section 24.825 is removed.

**§ 24.826 [Removed]**

180. Section 24.826 is removed.

**§ 24.827 [Removed]**

181. Section 24.827 is removed.

**§ 24.828 [Removed]**

182. Section 24.828 is removed.

**§ 24.829 [Removed]**

183. Section 24.829 is removed.

**§ 24.832 [Removed]**

184. Section 24.832 is removed.

185. Section 24.839 is amended by removing paragraphs (a), (b) and (c) and redesignating paragraphs (d) and (e) as (a) and (b) to read as follows:

**§ 24.839 Transfer of control or assignment of license.**

(a) Restrictions on Assignments and Transfers of Licenses for Frequency Blocks C and F. No assignment or transfer of control of a license for frequency Block C or frequency Block F will be granted unless:

(1) The application for assignment or transfer of control is filed after five years from the date of the initial license grant; or

(2) The proposed assignee or transferee meets the eligibility criteria set forth in § 24.709 of this part at the time the application for assignment or transfer of control is filed, or the proposed assignee or transferee holds other license(s) for frequency blocks C and F and, at the time of receipt of such license(s), met the eligibility criteria set forth in § 24.709 of this part;

(3) The application is for partial assignment of a partitioned service area to a rural telephone company pursuant to § 24.714 of this part and the proposed assignee meets the eligibility criteria set forth in § 24.709 of this part;

(4) The application is for an involuntary assignment or transfer of control to a bankruptcy trustee appointed under involuntary bankruptcy, an independent receiver appointed by a court of competent jurisdiction in a foreclosure action, or, in the event of death or disability, to a person or entity legally qualified to

succeed the deceased or disabled person under the laws of the place having jurisdiction over the estate involved; provided that, the applicant requests a waiver pursuant to this paragraph; or

(5) The assignment or transfer of control is pro forma.

(b) If the assignment or transfer of control of a license is approved, the assignee or transferee is subject to the original construction requirement of § 24.203 of this part.

**§ 24.844 [Removed]**

Section 24.844 is removed.

**PART 26—GENERAL WIRELESS COMMUNICATIONS SERVICES**

187. The authority citation for part 26 continues to read as follows:

**Authority:** 47 U.S.C. Secs. 154, 301, 302, 303, 309 and 332, unless otherwise noted.

188. Section 26.2 is amended by adding a sentence to the end of paragraph (b) to read as follows:

**§ 26.2 Other applicable rule parts.**

\* \* \* \* \*

(b) \* \* \* Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

\* \* \* \* \*

189. Section 26.4 is amended by adding the following definition to read as follows:

**§ 26.4 Terms and definitions.**

\* \* \* \* \*

*Universal Licensing System.* The Universal Licensing System (ULS) is the consolidated database, application filing system, and processing system for all Wireless Radio Services. ULS supports electronic filing of all applications and related documents by applicants and licensees in the Wireless Radio Services, and provides public access to licensing information.

\* \* \* \* \*

190. Section 26.11 is amended by revising paragraph (a) to read as follows:

**§ 26.11 Initial authorization.**

(a) An applicant must file a single application for an initial authorization for all markets won and frequency blocks desired.

\* \* \* \* \*

191. Section 26.104 is amended by revising paragraph (e) to read as follows:

**§ 26.104 Construction requirements.**

\* \* \* \* \*

(e) The licensee must notify the FCC electronically by using FCC Form 601 via the ULS, no later than by the end of the five-and ten-year periods,



respectively, that it has met the applicable service requirements. If the licensee fails to respond within the allotted time, then the authorization will automatically terminate.

192. Section 26.207 is revised to read as follows:

**§ 26.207 Long-form applications.**

Winning bidders will be required to submit a long-form application on FCC form 601 within ten business days after being notified that they are the winning bidder. A single application for all winning markets must be filed. Applications on FCC Form 601 shall be submitted pursuant to the procedures set forth in Subpart G of this Part and § 1.2107(c) and (d) of this chapter and any associated Public Notices. Only auction winners will be eligible to file applications on FCC Form 601 for initial GWCS licenses in the event of mutual exclusivity between applicants filing Form 175.

193. Section 26.209 is amended by revising paragraph (b)(2) to read as follows:

**§ 26.209 Eligibility for partitioned licenses.**

\* \* \* \* \*

(b) \* \* \*

(2) Each rural telephone company that is a party to an agreement to partition the license shall file, either electronically via the ULS or with a paper form, a long-form application for its respective, mutually agreed-upon geographic area together with the application for the remainder of the Economic Area filed by the auction winner.

\* \* \* \* \*

**§ 26.303 [Removed]**

194. Section 26.303 is removed.

**§ 26.304 [Removed]**

195. Section 26.304 is removed.

**§ 26.305 [Removed]**

196. Section 26.305 is removed.

**§ 26.306 [Removed]**

197. Section 26.306 is removed.

**§ 26.307 [Removed]**

198. Section 26.307 is removed.

**§ 26.310 [Removed]**

199. Section 26.310 is removed.

**§ 26.311 [Removed]**

200. Section 26.311 is removed.

**§ 26.312 [Removed]**

201. Section 26.312 is removed.

**§ 26.313 [Removed]**

202. Section 26.313 is removed.

**§ 26.314 [Removed]**

203. Section 26.314 is removed.

**§ 26.315 [Removed]**

204. Section 26.315 is removed.

**§ 26.316 [Removed]**

205. Section 26.316 is removed.

**§ 26.317 [Removed]**

206. Section 26.317 is removed.

**§ 26.318 [Removed]**

207. Section 26.318 is removed.

**§ 26.319 [Removed]**

208. Section 26.319 is removed.

**§ 26.320 [Removed]**

209. Section 26.320 is removed.

**§ 26.322 [Removed]**

210. Section 26.322 is removed.

211. Section 26.323 is amended by revising paragraph (a) to read as follows:

**§ 26.323 Post-auction divestitures.**

\* \* \* \* \*

(a) The GWCS applicant shall submit electronically via the ULS, a signed statement with its long-form application (FCC Form 601) stating that sufficient properties will be divested within ninety days of the license grant. If the licensee is otherwise qualified, the Commission will grant the applications subject to a condition that the licensee come into compliance with the GWCS spectrum aggregation limits within 90 days of grant of the license.

\* \* \* \* \*

**§ 26.324 [Removed]**

212. Section 26.324 is removed.

**§ 26.325 [Removed]**

213. Section 26.325 is removed.

**§ 26.326 [Removed]**

214. Section 26.326 is removed.

**PART 27—WIRELESS COMMUNICATIONS SERVICES**

215. The authority citation for part 27 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

216. Section 27.3 is amended by adding a sentence to the end of paragraph (b) to read as follows:

**§ 27.3 Other applicable rule parts.**

\* \* \* \* \*

(b) \* \* \* Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

\* \* \* \* \*

217. Section 27.4 is amended by adding the following definition to read as follows:

**§ 27.4 Terms and definitions.**

\* \* \* \* \*

*Universal Licensing System.* The Universal Licensing System (ULS) is the consolidated database, application filing system, and processing system for all Wireless Radio Services. ULS supports electronic filing of all applications and related documents by applicants and licensees in the Wireless Radio Services, and provides public access to licensing information.

\* \* \* \* \*

218. Section 27.11 is amended by revising paragraph (a) to read as follows:

**§ 27.11 Initial authorization.**

(a) An applicant must file a single application for an initial authorization for all markets won and frequency blocks desired.

\* \* \* \* \*

219. Section 27.15 is amended by revising paragraph (b)(1) to read as follows:

**§ 27.15 Geographic partitioning and spectrum disaggregation.**

\* \* \* \* \*

(b) *Technical Standards—(1) Partitioning.* In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to section 1.948 and list the partitioned service area on a schedule to the application. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83).

\* \* \* \* \*

**§ 27.59 [Removed]**

220. Section 27.59 is removed.

**§ 27.61 [Removed]**

221. Section 27.61 is removed.

**§ 27.62 [Removed]**

222. Section 27.62 is removed.

**§ 27.207 [Removed]**

223. Section 27.207 is removed.

**§ 27.301 [Removed]**

224. Section 27.301 is removed.

**§ 27.303 [Removed]**

225. Section 27.303 is removed.

**§ 27.304 [Removed]**

226. Section 27.304 is removed.

**§ 27.306 [Removed]**

227. Section 27.306 is removed.

**§ 27.307 [Removed]**

228. Section 27.307 is removed.

**§ 27.310 [Removed]**

229. Section 27.310 is removed.

**§ 27.311 [Removed]**

230. Section 27.311 is removed.

**§ 27.312 [Removed]**

231. Section 27.312 is removed.

**§ 27.313 [Removed]**

232. Section 27.313 is removed.

**§ 27.314 [Removed]**

233. Section 27.314 is removed.

**§ 27.315 [Removed]**

234. Section 27.315 is removed.

**§ 27.316 [Removed]**

235. Section 27.316 is removed.

**§ 27.317 [Removed]**

236. Section 27.317 is removed.

**§ 27.319 [Removed]**

237. Section 27.319 is removed.

**§ 27.320 [Removed]**

238. Section 27.320 is removed.

**§ 27.322 [Removed]**

239. Section 27.322 is removed.

**§ 27.324 [Removed]**

240. Section 27.324 is removed.

**§ 27.325 [Removed]**

241. Section 27.325 is removed.

## **PART 80—STATIONS IN THE MARITIME SERVICES**

242. The authority citation for Part 80 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, and 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

243. Section 80.3 is amended by revising paragraph (k) to read as follows:

### **§ 80.3 Other applicable rule parts of this chapter.**

\* \* \* \* \*

(k) *Part 101.* This part contains rules concerning the private microwave service relating to point-to-point communication requirements.

**§ 80.19 [Removed]**

244. Section 80.19 is removed.

245. Section 80.21 is amended by revising the introductory text, removing paragraphs (a) (b), and (f) and redesignating paragraphs (c), (d), and (e) as (a), (b), and (c) respectively, and revising redesignated paragraph (c) to read as follows:

### **§ 80.21 Supplemental information required.**

Applications must contain supplementary information as indicated in this section. Other supplemental information may be required by other rule sections of this part concerning particular maritime services.

(a) \* \* \*

(c) A new station on a vessel not located in the United States must not be documented or otherwise registered by any foreign authority. The foreign authorities where the vessel is located will not or cannot license the vessel radio equipment and can not object to the licensing of the equipment by the United States. An applicant must provide verification of these facts upon request by the Commission.

**§ 80.23 [Removed]**

246. Section 80.23 is removed.

247. Section 80.25 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 80.25 License term.**

(a) Licenses for ship stations in the maritime services will normally be issued for a term of ten years from the date of original issuance, or renewal.

(b) Licenses other than ship stations in the maritime services will normally be issued for a term of five years from the date of original issuance or renewal, except that licenses for VHF public coast stations will normally be issued for a term of ten years from the date of original issuance or renewal.

\* \* \* \* \*

**§ 80.29 [Removed]**

248. Section 80.29 is removed.

249. Section 80.31 is revised to read as follows:

**§ 80.31 Cancellation of license.**

Wireless telecommunications carriers subject to this part must comply with the discontinuance of service provisions of part 63 of this chapter.

250. Section 80.33 is amended by revising the introductory text of paragraphs (b) and (c) to read as follows:

**§ 80.33 Developmental license.**

(b) *Showing required.* Each application for a developmental license must be accompanied by the following showing:

\* \* \* \* \*

(c) *Statement of understanding.* The showing must state that the applicant agrees that any developmental license issued will be accepted with the express understanding that it is subject to change in any of its terms or to cancellation in its entirety at any time,

upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

\* \* \* \* \*

251. Section 80.45 is revised to read as follows:

**§ 80.45 Frequencies.**

For applications other than ship stations, the applicant must propose frequencies and ensure that those requested frequencies are consistent with the applicant's eligibility, the proposed class of station operation, and the frequencies available for assignment as contained in subpart H of this part.

252. Section 80.49 is revised to read as follows:

**§ 80.49 Construction and regional service requirements.**

(a) *Public coast stations.* (1) Each VHF public coast station geographic area licensee must notify the Commission of substantial service within its region or service area (subpart P) within five years of the initial license grant, and again within ten years of the initial license grant in accordance with § 1.946 of this chapter. "Substantial" service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. For site-based VHF public coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, the licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies authorized have been placed in operation within twelve months from the date of the grant.

(2) For LF, MF, HF, and AMTS band public coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, the licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies authorized have been placed in operation within eight months from the date of the grant.

(b) *Public fixed stations.* When a new license has been issued or additional operating frequencies have been authorized, the licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies authorized have been placed in operation within twelve months from the date of the grant.

**§ 80.51 [Amended]**

253. Section 80.51 is amended by removing and reserving paragraph (a).

254. Section 80.53 is revised to read as follows:

**§ 80.53 Application for a portable ship station license.**

The Commission may grant a license permitting operation of a portable ship station aboard different vessels of the United States.

**§ 80.56 [Removed]**

255. Section 80.56 is removed.  
256. Section 80.57 is amended by revising paragraph (b)(6) and the first sentence of paragraph (c)(6) to read as follows:

**§ 80.57 Canada/U.S.A. channeling arrangements for VHF maritime public correspondence.**

\* \* \* \* \*

(b) \* \* \*

(6) Inland waters of western Washington and British Columbia bounded by 46°59'59.3" north latitude on the south, the Canada/U.S.A. Coordination Zone Line B on the south, and to the west by 124°40'4.7" west latitude at the west entrance to the Strait of Juan de Fuca.

**Note:** All coordinates are referenced to North American Datum 1983 (NAD83).

\* \* \* \* \*

(c) \* \* \*

(6) To keep the ERP and antenna elevations at a minimum and to limit coverage to the desired areas, an informal application may be filed for special temporary authority in accordance with §§ 1.41 and 1.931 of this chapter to conduct a field survey to obtain necessary data for informal application. \* \* \*

\* \* \* \* \*

257. Section 80.59 is amended by revising paragraph (c) to read as follows:

**§ 80.59 Compulsory ship inspections.**

\* \* \* \* \*

(c) *Application for exemption.* (1) Applications for exemption from the radio provisions of part II or III of title III of the Communications Act, the Safety Convention, or the Great Lakes Radio Agreement, or for modification or renewal of an exemption previously granted must be filed as a waiver request using FCC Form 605. Waiver requests must include the following information:

- (i) Name of ship;
- (ii) Call sign of ship;
- (iii) Official number of ship;
- (iv) Gross tonnage of ship;
- (v) The radio station requirements from which the exemption is requested:
  - (A) Radiotelephone (VHF/MF);
  - (B) Radiotelegraph; and/or
  - (C) Radio direction finding apparatus;

(vi) File number of any previously granted exemption;

(vii) Detailed description of the voyages for which the exemption is requested, including:

- (A) Maximum distance from nearest land in nautical miles;
- (B) Maximum distance between two consecutive ports in nautical miles; and
- (C) Names of all ports of call and an indication of whether travel will include a foreign port;
- (viii) Reasons for the exemption:
  - (A) Size of vessel;
  - (B) Variety of radio equipment on board;
  - (C) Limited routes; and/or
  - (D) Conditions of voyages;
  - (ix) A copy of the U.S. Coast Guard Certificate of Inspection an indication of whether the vessel is certified as a Passenger or Cargo ship (for passenger ships, list the number of passengers the ship is licensed to carry); and

(x) Type and quantity of radio equipment on board, including:

- (A) VHF Radio Installation (indicate if GMDSS approved);
- (B) Single Side-Band (SSB) (indicate the band of operation, MF or HF and indicate if GMDSS approved);
- (C) Category 1, 406 MHz EPIRB (GMDSS approved);
- (D) NAVTEX Receiver (GMDSS approved);
- (E) Survival Craft VHF (GMDSS approved);
- (F) 9 GHz Radar Transponder (GMDSS approved);
- (G) Ship Earth Station;
- (H) 500 kHz Distress Frequency Watch Receiver;

(I) 2182 Radiotelephone Auto Alarm;

(J) Reserve Power Supply (capability); and

(K) Any other equipment.

(2) Feeable applications for exemption must be filed with Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in § 1.1102. Waiver requests that do not require a fee should be submitted via the Universal Licensing System or to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325-7245. Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary, 1919 M Street, NW., room 222, Washington, DC 20554.

**Note:** With emergency requests, do not send the fee, you will be billed.

\* \* \* \* \*

258. Section 80.469 is amended by revising paragraph (c) to read as follows:

**§ 80.469 Maritime mobile repeater stations in Alaska.**

\* \* \* \* \*

(c) Maritime mobile repeater stations may not be authorized in cases where operational fixed frequencies can be employed.

\* \* \* \* \*

259. Section 80.511 is amended by revising paragraph (c) to read as follows:

**§ 80.511 Assignment limitations.**

\* \* \* \* \*

(c) An applicant for an additional frequency based on congestion of the assigned frequency may be asked by the Commission to show that for any four periods of five consecutive days each, in the preceding six months, the assigned frequency was in use at least twenty-five percent of the time during three hours of daily peak activity.

260. Section 80.513 is amended by revising the first sentence of paragraph (c)(1) to read as follows:

**§ 80.513 Frequency coordination.**

\* \* \* \* \*

(c)(1) In lieu of the field study, the applicant may acquire a statement from a frequency coordinating committee. The applicant must certify on the application concerning the recommendations of the coordinating committee. \* \* \*

\* \* \* \* \*

261. Section 80.514 is amended by revising the introductory text to read as follows:

**§ 80.514 Marine VHF frequency coordinating committee(s).**

This section contains the names of organizations that have been recognized by the Commission to serve as marine VHF frequency coordinating committees for their respective areas.

\* \* \* \* \*

262. Section 80.553 is amended by revising the undesignated introductory paragraph to read as follows:

**§ 80.553 Supplemental eligibility requirements.**

An applicant for an operational fixed station must certify that:

\* \* \* \* \*

263. Section 80.605 is amended by revising paragraphs (a), (c)(9), and the last sentence of paragraph (d) to read as follows:

**§ 80.605 U.S. Coast Guard coordination.**

(a) Radionavigation coast stations operated to provide information to aid in the movement of any ship are private aids to navigation. Before submitting an application for a radionavigation station, an applicant must obtain written permission from the cognizant Coast Guard District Commander at the area in which the device will be located.

The Commission may request an applicant to provide documentation as to this fact. Note: Surveillance radar coast stations do not require U.S. Coast Guard approval.

\* \* \* \* \*

(c) \* \* \*

(9) The maximum station e.i.r.p. if it would exceed 5 watts. The Commission may request an applicant to provide a copy of the request and the U.S. Coast Guard approval.

\* \* \* \* \*

(d) \* \* \* The Commission may request an applicant to provide a copy of the request and the U.S. Coast Guard approval.

## PART 87—AVIATION SERVICES

264. The authority citation for Part 87 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 307(e), unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

265. Section 87.17 is revised to read as follows:

### § 87.17 Scope.

Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the Commission and for the filing of applications for radio station licenses in the aviation services. Specific guidance for each type of radio service license in aviation services is set forth in this part.

### § 87.21 [Removed]

266. Section 87.21 is removed.

### § 87.23 [Removed]

267. Section 87.23 is removed.

268. Section 87.25 is amended by removing undesignated introductory text and revising paragraph (b) to read as follows:

### § 87.25 Filing of applications.

\* \* \* \* \*

(b) An application must be filed with the Commission in accordance with part 1, subpart F of this chapter. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

\* \* \* \* \*

269. Section 87.27 is amended by revising paragraphs (a) and (b) to read as follows:

### § 87.27 License term.

(a) Licenses for aircraft stations will normally be issued for a term of ten years from the date of original issuance, or renewal.

(b) Licenses other than aircraft stations in the aviation services will normally be issued for a term of five years from the date of original issuance, or renewal.

\* \* \* \* \*

### § 87.31 [Removed]

270. Section 87.31 is removed.

### § 87.33 [Removed]

271. Section 87.33 is removed.

272. Section 87.35 is revised to read as follows:

### § 87.35 Cancellation of license.

When a station permanently discontinues operation the station license must be canceled in accordance with the procedures set forth in part 1 of this chapter.

273. Section 87.37 is amended by revising introductory text in paragraph (a) to read as follows:

### § 87.37 Developmental license.

\* \* \* \* \*

(a) *Showing required.* Each application for a developmental license must be accompanied by the following showing:

\* \* \* \* \*

274. Section 87.45 is revised to read as follows:

### § 87.45 Time in which station is placed in operation.

This section applies only to unicom stations and radionavigation land test stations. When a new license has been issued or additional operating frequencies have been authorized, the station or frequencies must be placed in operation no later than eight months from the date of grant. The licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies have been placed in operation.

### § 87.51 [Amended]

275. Section 87.51 is amended by removing and reserving paragraph (a).

### § 87.79 [Removed]

276. Section 87.79 is removed.

### § 87.137 [Amended]

277. Section 87.137 is amended by removing paragraph (d).

278. Section 87.187 is amended by revising paragraphs (bb) and (cc) to read as follows:

### § 87.187 Frequencies.

\* \* \* \* \*

(bb) The frequencies 121.950 MHz, 122.850 MHz and 127.050<sup>1</sup> MHz are authorized for air-to-air use for aircraft up to and including 3 km (10,000 ft) mean sea level in the vicinity of Grand Canyon National Park in Arizona within the area bounded by the following coordinates (all coordinates are referenced to North American Datum 1983 (NAD83)):

36–27–59.9 N. Lat; 112–47–2.7 W. Long.  
36–27–59.9 N. Lat; 112–48–2.7 W. Long.  
35–50–00.0 N. Lat; 112–48–2.7 W. Long.  
35–43–00.0 N. Lat; 112–47–2.7 W. Long.

(cc) The frequency 120.650 MHz<sup>2</sup> is authorized for air-to-air use for aircraft up to and including 3 km (10,000 ft) mean sea level within the area bounded by the following coordinates (all coordinates are referenced to North American Datum 1983 (NAD83)):

35–59–44.9 N. Lat; 114–51–48.0 W.

Long.

36–09–29.9 N. Lat; 114–50–3.0 W. Long.

36–09–29.9 N. Lat; 114–02–57.9 W.

Long.

35–54–45.0 N. Lat; 113–48–47.8 W.

Long.

279. Section 87.215 is amended by revising the last sentence of paragraph (d) to read as follows:

### § 87.215 Supplemental eligibility.

\* \* \* \* \*

(d) \* \* \* Each applicant must certify upon application that either notice has been given and include the date of notification, or notice is not required because the applicant owns the airport and there are no organizations that should be notified.

280. Section 87.239 is revised to read as follows:

### § 87.239 Supplemental eligibility.

Each applicant for a multicom may be required to demonstrate why such a station is necessary, based on the scope of service defined above.

281. Section 87.301 is amended by revising paragraph (b) to read as follows:

### § 87.301 Supplemental eligibility.

\* \* \* \* \*

(b) Each application must include a certification sufficient to establish the applicant's eligibility under the criteria in paragraph (a) of this section.

282. Section 87.307 is amended by revising the introductory text of paragraph (d) to read as follows:

### § 87.307 Cooperative use of facilities.

\* \* \* \* \*

<sup>1</sup> Until further notice this frequency is available for air-to-air use as described in the Grand Canyon vicinity. Availability is a result of the FAA's assignment of this frequency. If the FAA reassigns this frequency the Commission may require air-to-air use to cease.

(d) Applicants for an additional flight test land station at an airport where such a station is already authorized may be required to submit a factual showing to include the following:

\* \* \* \* \*

283. Section 87.321 is revised to read as follows:

**§ 87.321 Supplemental eligibility.**

Each applicant must certify as to its eligibility under the scope of service described above.

284. Section 87.323 is amended by revising the third sentence of paragraph (b) to read as follows:

**§ 87.323 Frequencies.**

\* \* \* \* \*

(b) \* \* \* The application must specify the FAA Region notified and the date notified. \* \* \*

\* \* \* \* \*

285. Section 87.347 is amended by revising paragraphs (b)(1), (b)(2), (b)(3) and (c) to read as follows:

**§ 87.347 Supplemental eligibility.**

\* \* \* \* \*

(b) \* \* \*

(1) Have a need to routinely operate a ground vehicle on the airport movement area;

(2) Maintain a list of the vehicle(s) in which the station is to be located;

(3) Certify on the application that either the applicant is the airport owner or operator, or a state or local government aeronautical agency, or that the airport owner or operator has granted permission to operate the vehicle(s) on the airport movement area.

(c) An applicant for an aeronautical utility station requesting authority to transmit on the local control (tower) frequency or on the control tower remote communications outlet (RCO) frequency must certify that the Air Traffic Manager of the airport control tower approves the requested use of the tower or RCO frequency.

286. Section 87.419 is amended by revising paragraph (b) to read as follows:

**§ 87.419 Supplemental eligibility.**

\* \* \* \* \*

(b) Each applicant must notify the appropriate FAA Regional Office prior to submitting an application to the Commission.

287. Section 87.421 is amended by revising paragraph (b) to read as follows:

**§ 87.421 Frequencies.**

\* \* \* \* \*

(b) Frequencies in the bands 200.0–285.0 and 325.0–405.0 kHz will normally be assigned only to control towers and RCOs authorized to operate

on at least one VHF frequency. The Commission may assign frequencies in these bands to entities that do not provide VHF service in cases where granting such an application will not adversely affect life and property in the air.

\* \* \* \* \*

288. Section 87.423 is revised to read as follows:

**§ 87.423 Hours of operation.**

The control tower must render a communications service 24 hours a day unless the Commission determines, in coordination with the NTIA IRAC, that reduced hours of service will not adversely affect life and property in the air.

289. Section 87.447 is amended by revising the introductory paragraph to read as follows:

**§ 87.447 Supplemental eligibility.**

An applicant for an operational fixed station must certify that:

\* \* \* \* \*

**§ 87.473 [Amended]**

290. Section 87.473 is amended by removing paragraph (a) and redesignating paragraphs (b) and (c) as (a) and (b) respectively.

291. Section 87.475 is amended by revising the last sentence of paragraph (a) to read as follows:

**§ 87.475 Frequencies.**

(a) \* \* \* Each application must include the FAA Regional Office notified and date of notification.

\* \* \* \* \*

292. Section 87.481 is amended by revising the introductory text in paragraph (a) and paragraph (a)(4) to read as follows:

**§ 87.481 Unattended operation of domestic radiobeacon stations.**

(a) Radiobeacons may be licensed for unattended operation. An applicant must comply with the following:

\* \* \* \* \*

(4) A properly authorized person must be able to reach the transmitter and disable it in a reasonable amount of time, so as not to adversely affect life or property in the air;

\* \* \* \* \*

293 Section. 87.527 is amended by revising paragraph (b) to read as follows:

**§ 87.527 Supplemental eligibility.**

\* \* \* \* \*

(b) Eligibility for an automatic weather observation station or an automatic terminal information station is limited to the owner or operator of an airport or to a person who has entered

into a written agreement with the owner or operator for exclusive rights to operate and maintain the station. A copy of the agreement must be kept with the station's records.

\* \* \* \* \*

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

294. The authority citation for Part 90 continues to read as follows:

**Authority:** Secs. 4, 251–2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251–2, 303, 309, and 332, unless otherwise noted.

295. Section 90.5 is amended by revising paragraphs (b), (i)(1) and (m) to read as follows.

**§ 90.5 Other applicable rule parts.**

\* \* \* \* \*

(b) Part 1 of this chapter includes rules of practice and procedure for the filing of applications for stations to operate in the Wireless Telecommunications Services, adjudicatory proceedings including hearing proceedings, and rulemaking proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental processing requirements that, if applicable, must be complied with prior to initiating construction.

\* \* \* \* \*

(i) \* \* \*

(1) Industrial/business pool.

\* \* \* \* \*

(m) Part 101 governs the operation of fixed microwave services.

296. Section 90.7 is amended by revising the last sentence of the definition for "EA-based or EA license" and adding new definitions for a "Mutually exclusive application" and "Universal Licensing System (ULS)" to read as follows:

**§ 90.7 Definitions.**

\* \* \* \* \*

*EA-based or EA License.* \* \* \* The EA Listings and the EA Map are available for public inspection at the Wireless Telecommunications Bureau public reference room, Room 5608, 2025 M St., NW, Washington, DC 20554.

\* \* \* \* \*

*Mutually exclusive application.* Two or more pending applications are mutually exclusive if the grant of one application would effectively preclude the grant of one or more of the others under Commission rules governing the services involved.

\* \* \* \* \*

*Universal Licensing System (ULS).*  
The consolidated database, application filing system and processing system for all Wireless Telecommunications Services. The ULS offers Wireless Telecommunications Bureau (WTB) applicants and the general public electronic filing of all applications requests, and full public access to all WTB licensing data.

\* \* \* \* \*

297. Section 90.22 is revised to read as follows:

**§ 90.22 Paging operations.**

Paging operations may be authorized in this service only on frequencies assigned under the provisions of §§ 90.20(d) (10), (13), (60), and (72). Paging operations on other frequencies authorized before August 15, 1974, may be continued only if they do not cause

harmful interference to regular operations on the same frequencies. Such paging operations may be renewed indefinitely on a secondary basis to regular operations, except within 125 kilometers (75 mi.) of the following urbanized areas (coordinates are referenced to North American Datum 1983 (NAD83)):

| Urbanized area                     | North latitude | West longitude |
|------------------------------------|----------------|----------------|
| New York, NY-Northeastern NJ ..... | 40-45-06.4     | 73-59-37.5     |
| Los Angeles-Long Beach, CA .....   | 34-03-15.0     | 118-14-31.3    |
| Chicago, IL .....                  | 41-52-28.1     | 87-38-22.2     |
| Philadelphia, PA-NJ .....          | 39-56-58.4     | 75-09-19.6     |
| Detroit, MI .....                  | 42-19-48.1     | 83-02-56.7     |
| San Francisco-Oakland, CA .....    | 37-46-38.7     | 122-24-43.9    |
| Boston, MA .....                   | 42-21-24.4     | 71-03-23.2     |
| Washington, DC-MD-VA .....         | 38-53-51.4     | 77-00-31.9     |
| Cleveland, OH .....                | 41-29-51.2     | 81-41-49.5     |
| St Louis, MO-IL .....              | 38-37-45.2     | 90-12-22.4     |
| Pittsburgh, PA .....               | 40-26-19.2     | 79-59-59.2     |
| Minneapolis-St Paul, MN .....      | 44-58-56.9     | 93-15-43.8     |
| Houston, TX .....                  | 29-45-26.8     | 95-21-37.8     |
| Baltimore, MD .....                | 39-17-26.4     | 76-36-43.9     |
| Dallas, TX .....                   | 32-47-09.5     | 96-47-38.0     |
| Milwaukee, WI .....                | 43-02-19.0     | 87-54-15.3     |
| Seattle-Everett, WA .....          | 47-36-31.4     | 122-20-16.5    |
| Miami, FL .....                    | 25-46-38.4     | 80-11-31.2     |
| San Diego, CA .....                | 32-42-53.2     | 117-09-24.1    |
| Atlanta, GA .....                  | 33-45-10.4     | 84-23-36.7     |
| Cincinnati, OH-KY .....            | 39-06-7.2      | 84-30-34.8     |
| Kansas City, MO-KS .....           | 39-04-56.0     | 94-35-20.8     |
| Buffalo, NY .....                  | 42-52-52.2     | 78-52-20.1     |
| Denver, CO .....                   | 39-44-58.0     | 104-59-23.9    |

**§ 90.35 [Amended]**

298. Section 90.35 is amended by revising paragraph (c)(61)(iv) to read as follows:

\* \* \* \* \*

(c) \* \* \*

(61) \* \* \*

(iv) The airports and their respective reference coordinates are (coordinates

are referenced to North American Datum 1983 (NAD83)):

| City and airport   | Reference coordinates |              |
|--|-----------------------|--------------|
|  | N. latitude           | W. longitude |
| Akron, OH:<br>Akron-Canton Regional (CAK) .....                    | 40°55'01.2"           | 81°26'29.4"  |
| Albany-Troy-Schenectady, NY:<br>Albany County (ALB) .....          | 42°44'53.3"           | 73°48'10.4"  |
| Albuquerque, NM:<br>Albuquerque International (ABQ) .....          | 35°02'30.2"           | 106°36'25.1" |
| Allentown-Bethlehem, PA:<br>Allentown-Bethlehem-Easton (ABE) ..... | 40°39'11.4"           | 75°26'23.7"  |
| Anchorage, AK:<br>Anchorage International (ANC) .....              | 61°10'28.0"           | 149°59'46.0" |
| Atlanta, GA:<br>Atlanta International (ATL) .....                  | 33°38'25.4"           | 84°25'36.7"  |
| Dekalb-Peachtree (PDK) .....                                       | 33°52'30.4"           | 84°18'07.7"  |
| Fulton County (FTY) .....  | 33°46'45.4"           | 84°31'16.8"  |
| Baltimore, MD:<br>Baltimore-Washington Int'l ( BWI) .....          | 39°10'30.4"           | 76°40'08.9"  |
| Birmingham, AL:<br>Birmingham Municipal (BHM) .....                | 33°33'50.4"           | 86°45'16.0"  |
| Boston, MA:<br>Logan International (BOS) .....                     | 42°21'51.4"           | 71°00'19.2"  |
| Bridgeport, CT:<br>Sikorsky Memorial (BDR) .....                   | 41°09'49.4"           | 73°07'33.4"  |
| Buffalo, NY:   |                       |              |

| City and airport                         | Reference coordinates |              |
|--|-----------------------|--------------|
|  | N. latitude           | W. longitude |
| Greater Buffalo Int'l (BUF) .....        | 42°56'26.2"           | 78°43'56.1"  |
| Canton, OH:                              |                       |              |
| Akron-Canton Regional (CAK) .....        | 40°55'01.2"           | 81°26'29.4"  |
| Charlotte, NC:                           |                       |              |
| Charlotte-Douglas Int'l (CLT) .....      | 35°12'52.5"           | 80°56'36.3"  |
| Chattanooga, TN:                         |                       |              |
| Lovell (CHA) .....                       | 35°02'07.3"           | 85°12'14.8"  |
| Chicago, IL-Northwest, IN:               |                       |              |
| Chicago-Wheeling-Palwaukee (PWK) .....   | 42°06'48.1"           | 87°54'03.2"  |
| Meigs (CGX) .....                        | 41°51'32.1"           | 87°36'28.2"  |
| Michiana Regional (SBN) .....            | 41°42'18.2"           | 86°18'59.0"  |
| Midway (MDW) .....                       | 41°47'10.1"           | 87°45'08.2"  |
| O'Hare International (ORD) .....         | 41°58'48.1"           | 87°54'16.2"  |
| West Chicago-Dupage (DPE) .....          | 41°54'52.1"           | 88°14'47.3"  |
| Cincinnati, OH:                          |                       |              |
| Greater Cincinnati Int'l (CVG) .....     | 39°14'59.2"           | 84°25'07.8"  |
| Lunken (LUK) .....                       | 39°06'12.2"           | 84°23'13.8"  |
| Cleveland, OH:                           |                       |              |
| Burke Lakefront (BKL) .....              | 41°31'03.2"           | 81°41'00.5"  |
| Cuyahoga County (CGF) .....              | 41°33'54.2"           | 81°29'10.4"  |
| Hopkins International (CLE) .....        | 41°24'38.2"           | 81°50'57.5"  |
| Columbus, OH:                            |                       |              |
| Port Columbus Int'l (CMH) .....          | 39°59'42.2"           | 82°53'10.6"  |
| Dallas, TX:                              |                       |              |
| Addison (ADS) .....                      | 32°58'06.4"           | 96°50'11.0"  |
| Dallas-Ft. Worth Regional (DFW) .....    | 32°53'45.5"           | 97°02'11.0"  |
| Dallas-Love Field (DAL) .....            | 32°50'49.5"           | 96°51'06.0"  |
| Red Bird (RBD) .....                     | 32°40'49.5"           | 96°52'03.0"  |
| Davenport, IA (Rock Island, Moline, IL): |                       |              |
| Davenport Municipal (DVN) .....          | 41°36'42.1"           | 90°35'21.5"  |
| Quad City (MLI) .....                    | 41°26'56.1"           | 90°30'35.5"  |
| Dayton, OH:                              |                       |              |
| Dayton International (DAY) .....         | 39°54'04.2"           | 84°13'11.8"  |
| Denver, CO:                              |                       |              |
| Centennial (APA) .....                   | 39°34'19.0"           | 104°50'55.9" |
| Colorado Springs Municipal (COS) .....   | 38°48'31.0"           | 104°42'36.9" |
| Denver-Jeffco (BJC) .....                | 39°54'28.0"           | 105°26'55.0" |
| Stapleton International (DEN) .....      | 39°46'22.0"           | 104°52'39.9" |
| Des Moines, IA:                          |                       |              |
| Des Moines Municipal (DSM) .....         | 41°32'06.0"           | 93°39'38.8"  |
| Detroit, MI:                             |                       |              |
| Detroit City (DET) .....                 | 42°24'33.1"           | 83°00'35.7"  |
| Detroit Metro-Wayne County (DTW) .....   | 42°12'55.1"           | 83°20'54.8"  |
| Oakland-Pontiac (PTK) .....              | 42°39'54.1"           | 83°25'04.8"  |
| Willow Run (YIP) .....                   | 42°14'16.1"           | 83°31'49.8"  |
| El Paso, TX:                             |                       |              |
| El Paso International (ELP) .....        | 31°48'24.4"           | 106°22'39.9" |
| Flint, MI:                               |                       |              |
| Bishop (FNT) .....                       | 42°57'56.1"           | 83°44'36.8"  |
| Ft. Lauderdale-Hollywood, FL:            |                       |              |
| Ft. Lauderdale Executive (FXE) .....     | 26°11'50.3"           | 80°10'14.2"  |
| Ft. Lauderdale-Hollywd Int'l (FLL) ..... | 26°04'20.3"           | 80°09'12.2"  |
| Ft. Worth, TX:                           |                       |              |
| Meacham (FTW) .....                      | 32°49'09.5"           | 97°21'42.1"  |
| Fresno, CA:                              |                       |              |
| Chandler Downtown (FCH) .....            | 36°43'55.8"           | 119°49'11.5" |
| Fresno Air Terminal (FAT) .....          | 36°46'35.8"           | 119°43'05.5" |
| Grand Rapids, MI:                        |                       |              |
| Kent County Int'l (GRR) .....            | 42°52'57.1"           | 85°31'26.1"  |
| Hana, HI:                                |                       |              |
| Hana (HNN) .....                         | 20°47'44.5"           | 156°00'51.9" |
| Harrisburg, PA:                          |                       |              |
| Capital City (CXY) .....                 | 40°13'01.3"           | 76°51'04.9"  |
| Harrisburg Int'l (MDT) .....             | 40°11'36.3"           | 76°45'47.9"  |
| Hartford, CT (Windsor Locks):            |                       |              |
| Bradley Int'l (BDL) .....                | 41°56'20.3"           | 72°40'59.3"  |
| Hartford-Brainard (HFD) .....            | 41°44'10.4"           | 72°39'00.3"  |
| Hilo, HI:                                |                       |              |
| General Lyman Field (ITO) .....          | 19°43'13.1"           | 155°02'55.0" |
| Honolulu, HI:                            |                       |              |
| Honolulu International (HNL) .....       | 21°19'08.6"           | 157°55'17.1" |
| Houston, TX:                             |                       |              |



| City and airport                               | Reference coordinates |              |
|--|-----------------------|--------------|
|  | N. latitude           | W. longitude |
| W.P. Hobby (HOU) .....                         | 29°38'43.8"           | 95°16'43.8"  |
| D.W. Hooks Memorial (DWH) .....                | 30°03'50.8"           | 95°33'11.8"  |
| Houston Intercontinental (IAH) .....           | 29°58'55.8"           | 95°20'45.8"  |
| Indianapolis, IN:                              |                       |              |
| Indianapolis Int'l (IND) .....                 | 39°43'32.2"           | 86°17'02.0"  |
| Jacksonville, FL:                              |                       |              |
| Craig Municipal (CRG) .....                    | 30°20'10.9"           | 81°30'52.3"  |
| Jacksonville Int'l (JAX) .....                 | 30°29'33.9"           | 81°41'23.4"  |
| Kahului, HI:                                   |                       |              |
| Kahului (OGG) .....                            | 20°53'55.4"           | 156°25'48.9" |
| Kailua-Kona, HI:                               |                       |              |
| Ke-Ahole (KOA) .....                           | 19°43'57.3"           | 156°24'56.0" |
| Kameula, HI:                                   |                       |              |
| Waimea-Kohala (MUE) .....                      | 20°00'05.0"           | 155°40'05.0" |
| Kansas City, MO-KS:                            |                       |              |
| Fairfax Municipal (KCK) .....                  | 39°08'50.0"           | 94°56'14.9"  |
| Kansas City Int'l (MCI) .....                  | 39°17'57.0"           | 94°43'04.9"  |
| Kansas City Municipal Dntn (MKC) .....         | 39°07'24.0"           | 94°35'33.8"  |
| Richard-Gebaur (GBW) .....                     | 38°50'37.0"           | 94°33'37.8"  |
| Kauna Kakai, HI:                               |                       |              |
| Molokai (MKK) .....                            | 21°09'10.7"           | 157°54'57.1" |
| Las Vegas, NV:                                 |                       |              |
| McCarran Int'l (LAS) .....                     | 36°04'57.9"           | 115°09'16.0" |
| Lihue, HI:                                     |                       |              |
| Lihue (LIH) .....                              | 21°58'30.7"           | 159°20'29.9" |
| Los Angeles, CA:                               |                       |              |
| Burbank-Glendale-Pasadena (BUR) .....          | 34°21'02.0"           | 118°21'30.3" |
| Catalina (AVX) .....                           | 33°24'20.1"           | 118°24'53.3" |
| Long Beach-Daugherty Field (LGB) .....         | 33°49'03.1"           | 118°09'06.2" |
| Los Angeles Int'l (LAX) .....                  | 33°56'33.0"           | 118°24'29.3" |
| Ontario Int'l (ONT) .....                      | 34°03'22.0"           | 117°36'14.2" |
| Santa Ana-John Wayne-Orange County (SNA) ..... | 33°40'32.1"           | 117°52'05.2" |
| Louisville, KY:                                |                       |              |
| Standiford Field (SDF) .....                   | 38°10'40.3"           | 85°44'10.9"  |
| Memphis, TN:                                   |                       |              |
| Memphis Int'l (MEM) .....                      | 35°02'59.3"           | 89°58'43.3"  |
| Miami, FL:                                     |                       |              |
| Miami Int'l (MIA) .....                        | 25°47'35.4"           | 80°17'25.2"  |
| Opa Locka (OPF) .....                          | 25°54'26.3"           | 80°16'49.2"  |
| Tamiami (TMB) .....                            | 25°38'52.4"           | 80°25'58.2"  |
| Milwaukee, WI:                                 |                       |              |
| General Mitchell (MKE) .....                   | 42°56'49.1"           | 87°53'49.3"  |
| Minneapolis-St. Paul, MN:                      |                       |              |
| Minneapolis-St. Paul (MSP) .....               | 44°53'02.9"           | 93°12'54.8"  |
| Mobile, AL:                                    |                       |              |
| Bates Field (MOB) .....                        | 30°41'23.7"           | 88°14'31.0"  |
| Nashville, TN:                                 |                       |              |
| Nashville Metropolitan (BNA) .....             | 36°07'37.2"           | 86°40'53.0"  |
| New Haven, CT:                                 |                       |              |
| Tweed-New Haven Municipal (HVN) .....          | 41°15'50.3"           | 72°53'13.4"  |
| Neworleans, LA:                                |                       |              |
| Lakefront (NEW) .....                          | 30°02'33.7"           | 90°01'41.3"  |
| New Orleans Int'l (MSY) .....                  | 29°59'34.7"           | 90°15'23.3"  |
| Newport News-Hampton, VA:                      |                       |              |
| Patrick Henry Int'l (PHF) .....                | 37°07'54.5"           | 76°29'34.8"  |
| New York-Northeast, NJ:                        |                       |              |
| Farmingdale Republic (FRG) .....               | 40°43'43.4"           | 73°24'48.4"  |
| JFK International (JFK) .....                  | 40°38'25.4"           | 73°46'40.5"  |
| LaGuardia (LGA) .....                          | 40°46'38.4"           | 73°52'25.5"  |
| Long Island-McArthur (ISP) .....               | 40°47'44.4"           | 73°05'58.4"  |
| Morristown Municipal (NJ) (MMU) .....          | 40°47'57.4"           | 74°24'53.5"  |
| Newark Int'l (FWR) .....                       | 40°41'35.4"           | 74°10'05.5"  |
| Teterboro (NJ) (TEB) .....                     | 40°51'00.4"           | 74°03'39.5"  |
| Norfolk-Portsmouth, VA:                        |                       |              |
| Norfolk Int'l (ORF) .....                      | 36°53'40.5"           | 76°12'04.8"  |
| Oklahoma City, OK:                             |                       |              |
| Wiley Post (DWA) .....                         | 35°32'03.2"           | 97°38'49.2"  |
| Will Rogers World (OKC) .....                  | 35°23'35.2"           | 97°36'03.1"  |
| Omaha, NE:                                     |                       |              |
| Eppley Airfield (OMA) .....                    | 41°18'04.0"           | 95°53' 37.0" |
| Orlando, FL:                                   |                       |              |
| Orlando Executive (ORL) .....                  | 28°32'44.0"           | 81°19'58.2"  |

| City and airport                        | Reference coordinates |              |
|---|-----------------------|--------------|
|   | N. latitude           | W. longitude |
| Orlando Int'l (MCO) .....               | 28°25'55.0"           | 81°19'28.2"  |
| Philadelphia, PA—NJ:                    |                       |              |
| Northeast Philadelphia (PNE) .....      | 40°04'55.4"           | 75°00'38.6"  |
| Philadelphia Int'l (PHC) .....          | 39°52'13.4"           | 75°14'41.7"  |
| Phoenix, AZ:                            |                       |              |
| Phoenix-Sky Harbor Int'l (PHX) .....    | 33°26'10.2"           | 112°00'34.5" |
| Scottsdale Municipal (SDC) .....        | 33°37'22.2"           | 111°54'7.5"  |
| Pittsburgh, PA:                         |                       |              |
| Allegheny County (AGC) .....            | 40°21'16.3"           | 79°55'48.2"  |
| Greater Pittsburgh Int'l (PIT) .....    | 40°29'30.2"           | 80°13'54.2"  |
| Portland, OR:                           |                       |              |
| Portland-Hillsboro (HIO) .....          | 45°32'25.4"           | 122°56'59.4" |
| Portland International (PDX) .....      | 45°35'19.4"           | 122°35'51.3" |
| Portland-Troutdale (TTD) .....          | 45°32'57.4"           | 122°24'04.3" |
| Providence-Pawtucket, RI—MA:            |                       |              |
| North Central State (SFZ) .....         | 41°55'15.4"           | 71°29'28.2"  |
| T.F. Green State (PVD) .....            | 41°43'31.4"           | 71°25'39.2"  |
| Reno, NV:                               |                       |              |
| Reno International (RNO) .....          | 39°29'51.7"           | 119°46'07.7" |
| Richmond, VA:                           |                       |              |
| Byrd International (RIC) .....          | 37°30'18.5"           | 77°19'10.9"  |
| Rochester, NY:                          |                       |              |
| Rochester-Monroe County (ROC) .....     | 43°07'08.2"           | 77°40'1.0"   |
| Sacramento, CA:                         |                       |              |
| Sacramento Executive (SAC) .....        | 38°30'44.7"           | 121°29'6.8"  |
| Sacramento Metropolitan (SMF) .....     | 38°41'43.7"           | 121°36'04.9" |
| St. Louis, MO—IL:                       |                       |              |
| Spirit of St. Louis (SUS) .....         | 38°39'36.2"           | 90°38'43.5"  |
| St. Louis-Lambert Int'l (STC) .....     | 38°44'51.2"           | 90°21'39.4"  |
| St. Petersburg, FL:                     |                       |              |
| Albert Whitted Municipal (SPG) .....    | 27°45'54.1"           | 82°37'38.4"  |
| Clearwater Int'l (PIE) .....            | 27°54'39.1"           | 82°41'15.4"  |
| Salt Lake City, UT:                     |                       |              |
| Salt Lake City Int'l (SLC) .....        | 40°47'12.8"           | 111°58'07.8" |
| San Antonio, TX:                        |                       |              |
| San Antonio Int'l (SAT) .....           | 29°32'00.8"           | 98°28'11.1"  |
| San Bernardino, CA:                     |                       |              |
| Ontario Int'l (ONT) .....               | 34°03'22.0"           | 117°36'14.2" |
| San Diego, CA:                          |                       |              |
| Lindbergh Int'l (SAN) .....             | 32°44'01.2"           | 117°11'15.1" |
| San Francisco-Oakland, CA:              |                       |              |
| Metropolitan Oakland Int'l (OAK) .....  | 37°43'16.7"           | 122°13'14.9" |
| San Francisco Int'l (SFO) .....         | 37°37'07.8"           | 122°22'29.9" |
| San Jose, CA:                           |                       |              |
| San Jose Int'l (SJC) .....              | 37°21'40.8"           | 121°55'41.8" |
| Scranton, PA:                           |                       |              |
| Wilkes-Barre Scranton Int'l (AVP) ..... | 41°20'20.3"           | 75°43'25.7"  |
| Seattle, WA:                            |                       |              |
| King County Int'l (BFI) .....           | 47°31'48.4"           | 122°18'07.4" |
| Seattle-Tacoma Int'l (SEA) .....        | 47°26'56.4"           | 122°18'33.4" |
| Shreveport, LA:                         |                       |              |
| Shreveport Downtown (DTN) .....         | 32°32'23.5"           | 93°44'40.6"  |
| Shreveport Regional (SHV) .....         | 32°26'48.6"           | 93°49'30.7"  |
| South Bend, IN:                         |                       |              |
| Michiana Regional (SBW) .....           | 41°42'18.2"           | 86°18'59.0"  |
| Spokane, WA:                            |                       |              |
| Grant County (MWH) .....                | 47°12'27.5"           | 119°19'12.1" |
| Spokane Int'l (GEG) .....               | 47°37'11.6"           | 117°32'01.8" |
| Springfield, MA:                        |                       |              |
| Barnes Municipal (BAF) .....            | 42°09'28.3"           | 72°42'56.3"  |
| Westover Field (CEF) .....              | 42°11'52.3"           | 72°31'48.3"  |
| Syracuse, NY:                           |                       |              |
| Syracuse-Hancock Int'l (SYR) .....      | 43°06'44.2"           | 76°06'30.7"  |
| Tacoma, WA:                             |                       |              |
| Tacoma Narrows (TIW) .....              | 47°16'04.4"           | 122°34'41.5" |
| Tampa, FL:                              |                       |              |
| Tampa Int'l (TPA) .....                 | 27°58'32.1"           | 82°31'59.3"  |
| Toledo, OH:                             |                       |              |
| Toledo Express (TOL) .....              | 41°35'15.2"           | 83°48'18.8"  |
| Trenton, NJ-PA:                         |                       |              |
| Mercer County (TTN) .....               | 40°16'38.4"           | 74°48'48.6"  |
| Tucson, AZ:                             |                       |              |

| City and airport                      | Reference coordinates |              |
|---------------------------------------|-----------------------|--------------|
|                                       | N. latitude           | W. longitude |
| Tucson Int'l (TUS) .....              | 32°07'06.3"           | 110°56'37.3" |
| Tulsa, OK:                            |                       |              |
| R.L. Jones, Jr. (RVS) .....           | 36°02'18.3"           | 95°59'06.0"  |
| Tulsa Int'l (TUL) .....               | 36°11'54.3"           | 95°53'17.0"  |
| Washington, DC:                       |                       |              |
| Dulles International (IAD) .....      | 38°56'39.4"           | 77°27'25.0"  |
| National (DCA) .....                  | 38°51'07.4"           | 77°02'15.9"  |
| Wichita, KS:                          |                       |              |
| Mid-Continent (ICT) .....             | 37°39'00.1"           | 97°25'59.2"  |
| Wilkes-Barre, PA:                     |                       |              |
| Wilkes-Barre-Scranton (AVP) .....     | 41°20'20.3"           | 75°43'25.7"  |
| Wilmington, DE:                       |                       |              |
| Gr. Wilm.-New Castle City (ILG) ..... | 39°40'42.4"           | 75°36'23.7"  |
| Worcester, MA:                        |                       |              |
| Worcester Municipal (ORH) .....       | 42°16'02.3"           | 71°52'32.3"  |
| Youngstown-Warren, OH-PA:             |                       |              |
| Youngstown Municipal (YNG) .....      | 41°15'32.2"           | 80°40'33.3"  |

\* \* \* \* \*

299. Section 90.111 is revised to read as follows:

**§ 90.111 Scope.**

This subpart supplements Title 47, chapter 1, subpart F of the Code of Federal Regulations which establishes the requirements and conditions under which commercial and private radio stations may be licensed and used in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the services governed by this part 90.

**§ 90.113 [Removed]**

300. Section 90.113 is removed.

**§ 90.117 [Removed]**

301. Section 90.117 is removed.

302. Section 90.119 is revised to read as follows:

**§ 90.119 Application requirements.**

(a) Part 1, Subpart F of this chapter contains the application filing procedures for the Wireless Telecommunications Services, including applications for new base, fixed, or mobile station authorizations governed by this part.

(b) If the control station(s) will operate on the same frequency as the mobile station, and if the height of the control station(s) antenna(s) will not exceed 6.1 meters (20 feet) above ground or an existing man-made structure (other than an antenna structure), there is no limit on the number of such stations which may be authorized. Appropriate items on FCC Form 601 shall be completed showing the frequency, the station class, the total number of control stations, the emission, and the output power of the

highest powered control station.

Applicants in the 470–512 MHz band must furnish the relevant information for all control stations.

**§ 90.123 [Removed]**

303. Section 90.123 is removed.

**§ 90.125 [Removed]**

304. Section 90.125 is removed.

305. Section 90.127 is revised to read as follows:

**§ 90.127 Submission and filing of applications.**

(a) Applications should be filed in accordance with part 1, subpart F of this chapter.

(b) Each application shall limit its request for authorized mobile transmitters and paging receivers to:

(1) Mobile transmitters and paging receivers that will be installed and operated immediately after authorization issuance.

(2) Mobile transmitters and paging receivers for which purchase orders have already been signed and which will be in use within eight months of the authorization date.

(c) All applications for modification of license and renewal of license must include the number of mobile transmitters and paging receivers in use on the licensed facilities.

306. Section 90.129 is amended by revising the introductory paragraph and removing and reserving paragraphs (c) and (e) to read as follows:

**§ 90.129 Supplemental information to be routinely submitted with applications.**

Each application under this part that is received by the Commission, through the application process outlined in part 1, subpart F, must be accompanied by the applicable information listed below:

\* \* \* \* \*

(c) [Reserved]

\* \* \* \* \*

(e) [Reserved]

\* \* \* \* \*

**§ 90.131 [Removed]**

307. Section 90.131 is removed.

308. Section 90.135 is revised to read as follows:

**§ 90.135 Modification of license.**

(a) In addition to those changes listed in § 1.929(k) of this chapter and in accordance with § 1.947 of this chapter the following modifications may be made to an existing authorization without prior Commission approval:

(1) Change in the number and location of station control points or of control stations operating below 470 or above 800 MHz meeting the requirements of § 90.119(b) of this part.

(2) Change in the number of mobile units operated by Radiolocation Service licensees.

(b) Unless specifically exempted in § 90.175 of this part, licensees must submit a Form 601 application for modification to the applicable frequency coordinator for any change listed in § 1.929(c)(4) of this chapter.

309. Section 90.137 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 90.137 Applications for operation at temporary locations.**

(a) An application for authority to operate a base or a fixed transmitter at temporary locations shall be filed in accordance with § 1.931 of this chapter and the following:

\* \* \* \* \*

**§ 90.139 [Removed]**

310. Section 90.139 is removed.

**§ 90.141 [Removed]**

311. Section 90.141 is removed.

**§ 90.143 [Removed]**

312. Section 90.143 is removed.

**§ 90.145 [Removed]**

313. Section 90.145 is removed.

**§ 90.147 [Removed]**

314. Section 90.147 is removed.

315. Section 90.149 is amended by revising paragraph (a) and removing and reserving paragraph (b) to read as follows:

**§ 90.149 License term.**

(a) Licenses for stations authorized under this part will be issued for a term not to exceed five (5) years from the date of the original issuance, modification, or renewal, except that the license term for stations licensed as commercial mobile radio service on 220–222 MHz, 929–930 MHz paging, Industrial/Business Pool, and SMR frequencies shall be ten (10) years.

(b) [Reserved]

\* \* \* \* \*

**§ 90.151 [Removed]**

316. Section 90.151 is removed.

**§ 90.153 [Removed]**

317. Section 90.153 is removed.

318. Section 90.155 is amended by revising paragraph (d) to read as follows:

**§ 90.155 Time in which station must be placed in operation.**

\* \* \* \* \*

(d) Multilateration LMS EA-licensees, authorized in accordance with § 90.353 of this part, must construct and place in operation a sufficient number of base stations that utilize multilateration technology (see paragraph (e) of this section) to provide multilateration location service to one-third of the EA's population within five years of initial license grant, and two-thirds of the population within ten years. In demonstrating compliance with the construction and coverage requirements, the Commission will allow licensees to individually determine an appropriate field strength for reliable service, taking into account the technologies employed in their system design and other relevant technical factors. At the five and ten year benchmarks, licensees will be required to file a map and FCC Form 601 showing compliance with the coverage requirements (see § 1.946).

\* \* \* \* \*

319. Section 90.157 is revised to read as follows:

**§ 90.157 Discontinuance of station operation.**

A station license shall cancel automatically upon permanent discontinuance of operations. Unless stated otherwise in this part or in a station authorization, for the purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

320. Section 90.159 is amended by revising paragraphs (a), (c), (d) and the introductory text of paragraph (b) to read as follows:

**§ 90.159 Temporary and conditional permits.**

(a) An applicant for a license under this part (other than a commercial mobile radio license) utilizing an already licensed facility may operate the radio station(s) for a period of up to one hundred eighty (180) days after submitting a Form 601 application for a station license in accordance with § 90.127 of this part, provided that all the antennas employed by control stations are 6.1 meters (20 feet) or less above ground or 6.1 meters (20 feet) or less above a man-made structure other than an antenna tower to which it is affixed. When required by § 90.175 of this part, applications must be accompanied by evidence of frequency coordination. The temporary operation of stations, other than mobile stations within the Canadian coordination zone is limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters (20 ft) above average terrain.

(b) An applicant proposing to operate a new land mobile radio station or modify an existing station below 470 MHz or in the one-way paging 929–930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) that is required to submit a frequency recommendation pursuant to paragraphs (b) through (h) of § 90.175 of this part may operate the proposed station during the pendency of its application for a period of up to one hundred eighty (180) days upon the filing of a properly completed formal Form 601 application that complies with § 90.127 of this part if the application is accompanied by evidence of frequency coordination in accordance with § 90.175 of this part and provided that the following conditions are satisfied:

\* \* \* \* \*

(c) An applicant proposing to operate an itinerant station or an applicant seeking the assignment of authorization or transfer of control of a license for an existing station below 470 MHz or in the

929–930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) may operate the proposed station during the pendency of the application for a period not to exceed one hundred eighty (180) days upon the filing of a properly completed formal Form 601 application that complies with § 90.127 of this part. Conditional authority ceases immediately if the application is dismissed by the Commission. All other categories of applications listed in § 90.175(i) of this part that do not require evidence of frequency coordination are excluded from the provisions of this section.

(d) Conditional authorization does not prejudice any action the Commission may take on the subject application. Conditional authority is accepted with the express understanding that such authority may be modified or canceled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. Consistent with § 90.175(g) of this part, the applicant assumes all risks associated with operation under conditional authority, the termination or modification of conditional authority, or the subsequent dismissal or denial of its application. Authority reverts back to the original licensee if an assignee or transferee's conditional authority is canceled.

\* \* \* \* \*

**§ 90.159 [Amended]**

321. The note following § 90.159 is revised to read as follows:

**Note:** The following rules (§ 90.165 through § 90.169) govern applications, licensing, and operation of radio facilities in the 220–222 MHz (subpart T), Business Radio (subpart D), 929–930 MHz Paging (subpart P), and Specialized Mobile Radio (subpart S) services that are used to provide commercial mobile radio services (see §§ 20.3 and 20.9 of this chapter). Compliance with the rules relating to applications and licensing of facilities on paging-only channels in the Business Radio Service (see § 90.75(c)(10)) and 929–930 MHz paging channels (see § 90.494(a),(b)) is not required prior to August 10, 1996. Compliance with § 90.168 is also not required prior to August 10, 1996 for reclassified commercial mobile radio service providers who are to be regulated as private carriers until August 10, 1996 as provided in the Second Report and Order in GN Docket No. 93–252, 9 FCC Rcd 2348 (1994), paras. 280–284. The licensing and operation of radio facilities in the 220–222 MHz (subpart T), Business Radio (subpart D), 929–930 MHz Paging (subpart P), and Specialized Mobile Radio (subpart S) services that are used to provide commercial mobile radio services are also subject to rules elsewhere in this part that apply generally to Private Land Mobile Radio Services. In the case of any conflict

between rules set forth in §§ 90.165 through 90.169 and other rules in this part, §§ 90.165 through 90.169 apply. 14–23. New §§ 90.165 through 90.169 are added to subpart G to read as follows:

**§§ 90.160 through 90.164 [Removed]**

322. Sections 90.160 through 90.164 are removed.

323. Section 90.165 is amended by revising the introductory paragraph, and the introductory text of paragraphs (b) and (c) and paragraphs (b)(1) and (c)(2) and by removing paragraph (d)(3) to read as follows:

**§ 90.165 Procedures for mutually exclusive applications.**

Mutually exclusive commercial mobile radio service applications are processed in accordance with part 1 of this chapter and with the rules in this section, except for mutually exclusive applications for licenses in the 220–222 MHz service and the 929–930 MHz Paging service, which are processed in accordance with the rules in subpart P and subpart T of this part.

\* \* \* \* \*

(b) *Filing groups.* Pending mutually exclusive applications are processed in filing groups. Mutually exclusive applications in a filing group are given concurrent consideration. The Commission may dismiss as defective (pursuant to § 1.934 of this chapter) any mutually exclusive application(s) whose filing date is outside of the date range for inclusion in the filing group. The types of filing groups used in day-to-day application processing are specified in paragraph (c)(3) of this section. A filing group is one of the following types:

(1) *Renewal filing group.* A renewal filing group comprises a timely-filed application for renewal of an authorization and all timely-filed mutually exclusive competing applications (see section 1.949 of this chapter).

\* \* \* \* \*

(c) *Procedures.* Generally, the Commission may grant one application in a filing group of mutually exclusive applications and dismiss the other application(s) in the filing group that are excluded by the grant, pursuant to § 1.935 of this chapter.

\* \* \* \* \*

(2) *Dismissal of applications.* The Commission may dismiss any application in a filing group that is defective or otherwise subject to dismissal under § 1.934 of this chapter, either before or after employing selection procedures.

\* \* \* \* \*

**§ 90.166 [Removed]**

324. Section 90.166 is removed.

325. Section 90.167 is revised to read as follows:

**§ 90.167 Time in which a station must commence service; notification requirement.**

Pursuant to § 1.946 of this chapter, unless otherwise specified in this part, all 220–222 MHz, private carrier paging, Industrial/Business Pool, and SMR licensees must commence service within twelve (12) months from the date of grant or the authorization cancels automatically.

326. Section 90.175 is amended by revising the introductory paragraph and paragraphs (b), (e) and (f) to read as follows:

**§ 90.175 Frequency coordination requirements.**

Except for applications listed in paragraph (i) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in § 1.929(c) of this part, or for operation at temporary locations in accordance with § 90.137 of this part, must include evidence of frequency coordination as set forth below.

\* \* \* \* \*

(b) *For frequencies between 25 and 470 MHz:* A recommendation of the most appropriate frequency is required from an applicable frequency coordinator, as specified in §§ 90.20(c)(2) and 90.35(b)(2) of this part. The coordinator's recommendation may include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to minimize potential interference.

\* \* \* \* \*

(e) *For frequencies between 470 and 512 MHz, 806–824/851–869 MHz, and 896–901/935–940 MHz:* A recommendation of the specific frequencies that are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service, frequency pool, or category of user involved is required from an applicable frequency coordinator.

(f) *For frequencies in the 929–930 MHz band:* A recommendation of the most appropriate frequency is required from an applicable frequency coordinator.

\* \* \* \* \*

**§ 90.177 [Removed]**

327. Section 90.177 is removed.

328. Section 90.187 is amended by revising paragraph (a) to read as follows:

**§ 90.187 Trunking in the bands between 150 and 512 MHz.**

(a) Applicants for trunked systems operating on frequencies between 150 and 512 MHz (except 220–222 MHz) must indicate on their applications (class of station code, instructions for FCC Form 601) that their system will be trunked. Licensees of stations that are not trunked, may trunk their systems only after modifying their license (see § 1.927 of this chapter).

\* \* \* \* \*

**§ 90.237 [Amended]**

329. Section 90.237 is amended by removing and reserving paragraph (b).

330. Section 90.241 is amended by revising paragraph (c)(7) to read as follows:

**§ 90.241 Radio call box operations.**

\* \* \* \* \*

(c) \* \* \*

(7) Each application for a call box system must contain information on the nonvoice transmitting equipment, including the character structure, bit rate, modulating tone frequencies, identification codes, and the method of modulation (i.e., frequency shift, tone shift, or tone phase shift).

\* \* \* \* \*

331. Section 90.273 is amended by revising paragraph (c) to read as follows:

**§ 90.273 Availability and use of frequencies in the 421–430 MHz band.**

\* \* \* \* \*

(c) Base or control stations shall be located within 48 km (30 miles) of the center of Buffalo or 80 km (50 miles) of the center of Detroit. In Cleveland, base or control stations will be allowed at locations north of line A that are within 48 km (30 miles) of the city center. In addition, low power (2 watts or less) base stations may locate within 80 km (50 miles) of the center of Buffalo. The following coordinates shall be used for the centers of these areas (coordinates are referenced to North American Datum 1983 (NAD83)):

|            |                               |
|------------|-------------------------------|
| Buffalo,   | 42° 52' 52.2" North latitude. |
| NY.        | 78° 52' 20.1" West longitude. |
| Cleveland, | 41° 29' 51.2" North latitude. |
| OH.        | 81° 41' 49.5" West longitude. |
| Detroit,   | 42° 19' 48.1" North latitude. |
| MI.        | 83° 02' 56.7" West longitude. |

\* \* \* \* \*

332. Section 90.303 is revised to read as follows:

**§ 90.303 Availability of frequencies.**

Frequencies in the band 470–512 MHz are available for assignment in the

urbanized areas listed below. The specific frequencies available are listed in § 90.311 of this part. Note:

Coordinates are referenced to North American Datum 1983 (NAD83).

| Urbanized area                     | Geographic center |                | Channel | Frequencies (megahertz) |
|------------------------------------|-------------------|----------------|---------|-------------------------|
|                                    | North latitude    | West longitude |         |                         |
| Boston, MA .....                   | 42° 21' 24.4"     | 71° 03' 23.2"  | 14      | 470–476                 |
| Chicago, IL <sup>3</sup> .....     | 41° 52' 28.1"     | 87° 38' 22.2"  | 16      | 482–488                 |
| Cleveland, OH <sup>4</sup> .....   | 41° 29' 51.2"     | 81° 41' 49.5"  | 14      | 470–476                 |
| Dallas/Fort Worth, TX .....        | 32° 47' 09.5"     | 96° 47' 38.0"  | 15      | 476–482                 |
| Detroit, MI <sup>5</sup> .....     | 42° 19' 48.1"     | 83° 02' 56.7"  | 14      | 470–476                 |
| Houston, TX .....                  | 29° 45' 26.8"     | 95° 21' 37.8"  | 16      | 482–488                 |
| Los Angeles, CA <sup>6</sup> ..... | 34° 03' 15.0"     | 118° 14' 31.3" | 15      | 476–482                 |
| Miami, FL .....                    | 25° 46' 38.4"     | 80° 11' 31.2"  | 16      | 482–488                 |
| New York/N.E. NJ .....             | 40° 45' 06.4"     | 73° 59' 37.5"  | 17      | 488–494                 |
| Philadelphia, PA .....             | 39° 56' 58.4"     | 75° 09' 19.6"  | 14      | 470–476                 |
| Pittsburgh, PA .....               | 40° 26' 19.2"     | 79° 59' 59.2"  | 15      | 476–482                 |
| San Francisco/Oakland, CA .....    | 37° 46' 38.7"     | 122° 24' 43.9" | 19      | 500–506                 |
| Wash., DC/MD/VA .....              | 38° 53' 51.4"     | 77° 00' 31.9"  | 20      | 506–512                 |
|                                    |                   |                | 14      | 470–476                 |
|                                    |                   |                | 14      | 470–476                 |
|                                    |                   |                | 15      | 476–482                 |
|                                    |                   |                | 19      | 500–506                 |
|                                    |                   |                | 20      | 506–512                 |
|                                    |                   |                | 14      | 470–476                 |
|                                    |                   |                | 18      | 494–500                 |
|                                    |                   |                | 16      | 482–488                 |
|                                    |                   |                | 17      | 488–494                 |
|                                    |                   |                | 17      | 488–494                 |
|                                    |                   |                | 18      | 494–500                 |

<sup>3</sup> In the Chicago, IL, urbanized area, channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for ultrahigh frequency television stations are met.

<sup>4</sup> Channels 14 and 15 are not available in Cleveland, OH, until further order from the Commission.

<sup>5</sup> Channels 15 and 16 are not available in Detroit, MI, until further order from the Commission.

<sup>6</sup> Channel 16 is available in Los Angeles for use by public safety users.

333. Section 90.350 is revised to read as follows:

**§ 90.350 Scope.**

The Intelligent Transportation Systems Radio Service is for the purpose of integrating radio-based technologies into the nation's transportation infrastructure and to develop and implement the nation's intelligent transportation systems. It includes the Location and Monitoring Service (LMS). Rules as to eligibility for licensing, frequencies available, and any special requirements for services in the Intelligent Transportation Systems Radio Service are set forth in this Subpart. Application procedures are governed by part 1, subpart F of this chapter.

334. Section 90.365 is amended by revising paragraphs (a)(1) and (b), removing paragraph (d)(1)(ii), and redesignating paragraph (d)(1)(iii) as paragraph (d)(1)(ii) and revising paragraph (d)(2) to read as follows:

**§ 90.365 Eligibility for partitioned licenses.**

(a) *Eligibility.* (1) Party seeking approval for partitioning and disaggregation shall request an authorization pursuant to § 1.948 of this chapter.

\* \* \* \* \*

(b) *Partitioning.* In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to § 1.948 and list the partitioned service area on a schedule to the application. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83).

\* \* \* \* \*

(d) \* \* \*

(2) *Requirements for disaggregation.* Parties seeking authority to disaggregate spectrum must certify in FCC Form 601 which of the parties will be responsible for meeting the five-year and ten-year construction requirements for the particular market.

335. Section 90.437 is amended by revising paragraph (c) and removing paragraph (d) to read as follows:

**§ 90.437 Posting station licenses.**

\* \* \* \* \*

(c) An applicant operating under temporary authority in accordance with § 90.159 must post an executed copy of FCC Form 601 at every control point of the system or an address or location where the current executed copy may be found.

336. Section 90.477 is amended by revising paragraph (a) introductory text and paragraph (d)(3) to read as follows:

**§ 90.477 Interconnected systems.**

(a) Applicants for new land stations to be interconnected with the public switched telephone network must indicate on their applications (class of station code) that their stations will be interconnected. Licensees of land stations that are not interconnected may interconnect their stations with the public switched telephone network only after modifying their license. See § 1.929 of this chapter. In all cases a detailed description of how interconnection is accomplished must be maintained by licensees as part of their station records. See § 90.433 of this part.

\* \* \* \* \*

(d) \* \* \*

(3) For licensees in the Industrial/Business Pool and those licensees who establish eligibility pursuant to § 90.20(a)(2) of this part, except for §§ 90.20(a)(2)(i) and 90.20(a)(2)(ii) of this part and medical emergency systems in the 450–470 MHz band, interconnection will be permitted only where the base station site or sites proposed stations are located 120 km (75 mi.) or more from the designated centers of the urbanized areas listed

below. If these licensees seek to connect within 120 km (75 mi.) of the 25 cities, they must obtain the consent of all co-channel licensees located both within 120 km (75 mi.) of the center of the city; and within 120 km (75 mi.) of the interconnected base station transmitter. The consensual agreements among the co-channel licensees must specifically state the terms agreed upon and a statement must be submitted to the Commission indicating that all co-channel licensees have consented to the

use of interconnection. If a licensee has agreed to the use of interconnection on the channel, but later decides against the use of interconnection, the licensee may request that the co-channel licensees reconsider the use of interconnection. If the licensee is unable to reach an agreement with co-channel licensees, the licensee may request that the Commission consider the matter and assign it to another channel. If a new licensee is assigned to a frequency where all the co-channel licensees have

agreed to the use of interconnection and the new licensee does not agree, the new licensee may request that the co-channel licensees reconsider the use of interconnection. If the new licensee cannot reach an agreement with co-channel licensees it may request that the Commission reassign it to another channel.

**Note:** Coordinates are referenced to North American Datum 1983 (NAD83).

| Urban area                                       | North latitude | West longitude |
|--|----------------|----------------|
| New York, New York-Northeastern New Jersey ..... | 40° 45' 06.4"  | 73° 59' 37.5"  |
| Los Angeles-Long Beach, California .....         | 34° 03' 15.0"  | 118° 14' 31.3" |
| Chicago, Illinois-Northwestern Indiana .....     | 41° 52' 28.1"  | 87° 38' 22.2"  |
| Philadelphia, Pennsylvania/New Jersey .....      | 39° 56' 58.4"  | 75° 09' 19.6"  |
| Detroit, Michigan .....                          | 42° 19' 48.1"  | 83° 02' 56.7"  |
| San Francisco-Oakland, California .....          | 37° 46' 38.7"  | 122° 24' 43.9" |
| Boston, Massachusetts .....                      | 42° 21' 24.4"  | 71° 03' 23.2"  |
| Washington, DC/Maryland/Virginia .....           | 38° 53' 51.4"  | 77° 00' 31.9"  |
| Cleveland, Ohio .....                            | 41° 29' 51.2"  | 81° 41' 49.5"  |
| St Louis, Missouri/Illinois .....                | 38° 37' 45.2"  | 90° 12' 22.4"  |
| Pittsburgh, Pennsylvania .....                   | 40° 26' 19.2"  | 79° 59' 59.2"  |
| Minneapolis-St. Paul, Minnesota .....            | 44° 58' 56.9"  | 93° 15' 43.8"  |
| Houston, Texas .....                             | 29° 45' 26.8"  | 95° 21' 37.8"  |
| Baltimore, Maryland .....                        | 39° 17' 26.4"  | 76° 36' 43.9"  |
| Dallas-Fort Worth, Texas .....                   | 32° 47' 09.5"  | 96° 47' 38.0"  |
| Milwaukee, Wisconsin .....                       | 43° 02' 19.0"  | 87° 54' 15.3"  |
| Seattle-Everett, Washington .....                | 47° 36' 31.4"  | 122° 20' 16.5" |
| Miami, Florida .....                             | 25° 46' 38.4"  | 80° 11' 31.2"  |
| San Diego, California .....                      | 32° 42' 53.2"  | 117° 09' 24.1" |
| Atlanta, Georgia .....                           | 33° 45' 10.4"  | 84° 23' 36.7"  |
| Cincinnati, Ohio/Kentucky .....                  | 39° 06' 07.2"  | 84° 30' 34.8"  |
| Kansas City, Missouri/Kansas .....               | 39° 04' 56.0"  | 94° 35' 20.8"  |
| Buffalo, New York .....                          | 42° 52' 52.2"  | 78° 52' 20.1"  |
| Denver, Colorado .....                           | 39° 44' 58.0"  | 104° 59' 23.9" |
| San Jose, California .....                       | 37° 20' 15.8"  | 121° 53' 27.8" |

\* \* \* \* \*

337. Section 90.501 is revised to read as follows:

**§ 90.501 Scope.**

This subpart supplements part 1, subpart F of this chapter by describing further requirements for the filing of applications for developmental licenses. It includes special requirements related to developmental operation, restrictions on operations, and special reports required when the development operation is to seek operational data or techniques directed toward the extension of that service.

338. Section 90.601 is revised to read as follows:

**§ 90.601 Scope.**

This subpart sets out the regulations governing the licensing and operations of all systems operating in the 806–824/851–869 MHz and 896–901/935–940 MHz bands. It includes eligibility requirements, and operational and technical standards for stations licensed in these bands. It also supplements the

rules regarding application procedures contained in Part 1, Subpart F of this chapter. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

339. Section 90.605 is revised to read as follows:

**§ 90.605 Forms to be used.**

Applications for conventional and trunked radio facilities must be prepared on FCC Form 601 and must be submitted or filed in accordance with § 90.127 and part 1, subpart F of this chapter.

340. Section 90.607 is revised by amending paragraphs (b)(1) and (c)(1), and by removing and reserving paragraph (d) to read as follows:

**§ 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.**

\* \* \* \* \*

(b) \* \* \*

(1) List all radio systems licensed to them or proposed by them within 64 km (40 mi.) from the location of the base station transmitter site of the facility for which they have applied.

\* \* \* \* \*

(c) \* \* \*

(1) List all radio systems licensed to them within 64 km (40 mi.) from the location of the base station transmitter site of the facility for which they have applied;

\* \* \* \* \*

(d) [Reserved]

\* \* \* \* \*

**§ 90.609 [Amended]**

341. Section 90.609 is amended by removing and reserving paragraph (a).

**§ 90.611 [Removed]**

342. Section 90.611 is removed.

343. Section 90.619 is amended by revising the last sentence of paragraph (d)(5) to read as follows:



**§ 90.619 Frequencies available for use in the U.S./Mexico and U.S./Canada border areas.**

\* \* \* \* \*

(d) \* \* \*

(5) \* \* \* U.S. stations must protect Canadian stations operating on channels 121 through 230 within an area of 30 km radius from the center city coordinates (referenced to North American Datum 1983 (NAD83)) of London, Ontario (42° 59' 00.1" N, 81° 13' 59.5" W).

\* \* \* \* \*

344. Section 90.621 is amended by revising the first two columns of Table 1 and paragraphs (b)(3), (e)(5) and (f)(1), and adding a note before Table 1 of this section to read as follows:

**§ 90.621 Selection and assignment of frequencies.**

\* \* \* \* \*

(b) \* \* \*

**TABLE 1.—CO-CHANNEL SEPARATIONS BETWEEN COMMON ANTENNA SITES IN THE STATE OF CALIFORNIA NORTH OF 35° NORTH LATITUDE AND WEST OF 118° WEST LONGITUDE**

[Note: Coordinates are referenced to North American Datum 1983 (NAD83)]

| North latitude | West longitude | * * * |
|----------------|----------------|-------|
| 38° 03' 39.7"  | 122° 36' 20.9" | * * * |
| 37° 55' 43.7"  | 122° 35' 14.9" | * * * |
| 37° 50' 56.7"  | 122° 29' 59.9" | * * * |
| 37° 52' 53.7"  | 121° 55' 08.9" | * * * |

**TABLE 1.—CO-CHANNEL SEPARATIONS BETWEEN COMMON ANTENNA SITES IN THE STATE OF CALIFORNIA NORTH OF 35° NORTH LATITUDE AND WEST OF 118° WEST LONGITUDE—Continued**

[Note: Coordinates are referenced to North American Datum 1983 (NAD83)]

| North latitude | West longitude | * * * |
|----------------|----------------|-------|
| 37° 51' 11.7"  | 122° 12' 33.9" | * * * |
| 37° 52' 57.7"  | 122° 13' 14.9" | * * * |
| 37° 50' 59.7"  | 122° 11' 33.9" | * * * |
| 37° 43' 32.8"  | 122° 24' 55.9" | * * * |
| 37° 41' 20.8"  | 122° 26' 11.9" | * * * |
| 37° 24' 38.8"  | 122° 18' 23.9" | * * * |
| 37° 19' 12.8"  | 122° 08' 36.9" | * * * |
| 37° 10' 36.8"  | 121° 54' 27.8" | * * * |
| 37° 07' 08.8"  | 121° 50' 01.8" | * * * |
| 37° 06' 39.8"  | 121° 50' 32.8" | * * * |
| 36° 31' 44.9"  | 121° 36' 27.8" | * * * |
| 37° 29' 14.8"  | 121° 52' 06.8" | * * * |
| 40° 15' 45.6"  | 122° 05' 41.0" | * * * |
| 39° 51' 49.6"  | 121° 41' 23.9" | * * * |
| 39° 12' 16.6"  | 121° 49' 05.9" | * * * |
| 39° 08' 00.6"  | 121° 06' 01.8" | * * * |
| 38° 52' 14.6"  | 121° 07' 42.8" | * * * |
| 38° 24' 19.7"  | 122° 06' 33.9" | * * * |
| 38° 01' 14.7"  | 120° 35' 09.7" | * * * |
| 37° 30' 30.8"  | 121° 22' 29.8" | * * * |
| 37° 32' 31.8"  | 120° 03' 48.6" | * * * |
| 37° 04' 09.8"  | 119° 25' 42.5" | * * * |
| 36° 44' 37.8"  | 119° 17' 02.4" | * * * |
| 36° 18' 09.8"  | 120° 24' 06.6" | * * * |
| 36° 17' 06.8"  | 118° 50' 22.3" | * * * |
| 35° 38' 28.8"  | 118° 47' 11.3" | * * * |
| 35° 33' 08.8"  | 118° 49' 23.3" | * * * |
| 35° 17' 16.9"  | 119° 30' 58.4" | * * * |
| 35° 17' 26.9"  | 119° 45' 51.5" | * * * |

35° 16' 50.9"

119° 44' 55.5"

\* \* \*

\* \* \* \* \*

(3) Except as indicated in paragraph (b)(4) of this section, stations in Channel Blocks A through V that have been granted channel exclusivity and are located in the State of Washington at the locations listed below shall be separated from co-channel stations by a minimum of 169 km (105 mi). Except as indicated in paragraph (b)(4) of this section, incumbent licensees in Channel Blocks D through V that have received the consent of all affected parties to utilize an 18 dBu V/m signal strength interference contour, have been granted channel exclusivity and are located in the State of Washington at the locations listed below shall be separated from co-channel stations by a minimum of 229 km (142 mi). Locations within one mile of the geographical coordinates listed in the table below will be considered to be at that site.

**Note:** Coordinates are referenced to North American Datum 1983 (NAD83).

| Site name                    | North latitude | West longitude |
|------------------------------|----------------|----------------|
| Mount Constitution .....     | 48° 40' 47.4"  | 122° 50' 28.7" |
| Lyman Mountain .....         | 48° 35' 41.4"  | 122° 09' 39.6" |
| Cultus Mountain .....        | 48° 25' 30.4"  | 122° 08' 58.5" |
| Gunsite Ridge .....          | 48° 03' 22.4"  | 121° 51' 41.5" |
| Gold Mountain .....          | 47° 32' 51.3"  | 122° 46' 56.5" |
| Buck Mountain .....          | 47° 47' 05.3"  | 122° 59' 34.6" |
| Cougar Mountain .....        | 47° 32' 39.4"  | 122° 06' 34.4" |
| Squak Mountain .....         | 47° 30' 14.4"  | 122° 03' 34.4" |
| Tiger Mountain .....         | 47° 30' 13.4"  | 121° 58' 32.4" |
| Devils Mountain .....        | 48° 21' 52.4"  | 122° 16' 06.6" |
| McDonald Mountain .....      | 47° 20' 11.3"  | 122° 51' 30.5" |
| Maynard Hill .....           | 48° 00' 58.3"  | 122° 55' 35.6" |
| North Mountain .....         | 47° 19' 07.3"  | 123° 20' 48.6" |
| Green Mountain .....         | 47° 33' 40.3"  | 122° 48' 31.5" |
| Capitol Peak .....           | 46° 58' 21.3"  | 123° 08' 21.5" |
| Rattlesnake Mountain .....   | 47° 28' 09.4"  | 121° 49' 17.4" |
| Three Sisters Mountain ..... | 47° 07' 19.4"  | 121° 53' 34.4" |
| Grass Mountain .....         | 47° 12' 14.4"  | 121° 47' 42.4" |
| Spar Pole Hill .....         | 47° 02' 51.4"  | 122° 08' 39.4" |

\* \* \* \* \*

(e) \* \* \*

(5) The frequency coordinator must certify that frequencies are not available in the applicant's own category, and

coordination is required from the applicable out-of-category coordinator.

\* \* \* \* \*

(f) \* \* \*

(1) The frequency coordinator must certify that frequencies are not available in the applicant's own category, and

coordination is required from the applicable out-of-category coordinator.

\* \* \* \* \*

345. Section 90.625 is amended by revising the first sentence of paragraph (a) to read as follows:

**§ 90.625 Other criteria to be applied in assigning channels for use in conventional systems of communication.**

(a) Where an applicant certifies on its application that a channel will be loaded to 70 mobile stations, that channel will be made available to that applicant for its exclusive use in the area in which it proposes to operate.

\* \* \*

346. Section 90.629 is amended by revising the second sentence of paragraph (c) of this section to read as follows:

**§ 90.629 Extended implementation period.**

\* \* \*

(c) \* \* \* Licensees must notify the Commission annually, using FCC Form 601, that they are in compliance with their yearly station construction commitments, but may request amendment to these commitments at the

time they file their annual certification.

\* \* \*

347. Section 90.631 is amended by revising the fifth sentence of paragraph (d) and revising paragraph (f) of this section to read as follows:

**§ 90.631 Trunked systems loading, construction and authorization requirements.**

\* \* \*

(d) \* \* \* The coordinates for the centers of these areas are those referenced in § 90.635, except that the coordinates (referenced to North American Datum 1983 (NAD83)) for Tampa-St. Petersburg are latitude 28° 00' 01.1" N, longitude 82° 26' 59.3" W.

\* \* \*

\* \* \*

(f) If a station is not placed in permanent operation, in accordance with the technical parameters of the station authorization, within one year,

except as provided in § 90.629, its license cancels automatically. For purposes of this section, a base station is not considered to be placed in operation unless at least two associated mobile stations, or one control station and one mobile station, are also placed in operation. An SMR licensee with facilities that have discontinued operations for 90 continuous days is presumed to have permanently discontinued operations, unless the licensee notifies the Commission otherwise, using FCC Form 601, prior to the end of the 90 day period and provides a date on which operation will resume, which date must not be in excess of 30 additional days.

\* \* \*

348. Section 90.635 is amended by revising Table 1 to read as follows:

**§ 90.635 Limitations on power and antenna height.**

\* \* \*

TABLE 1.—URBANIZED AREAS

[Note: Coordinates are referenced to North American Datum 1983 (NAD83)]

| Urban area                                       | Geographic center |                |
|--|-------------------|----------------|
|  | North latitude    | West longitude |
| Akron, Ohio .....                                | 41° 05' 00.2"     | 81° 30' 43.4"  |
| Albany-Schenectady-Troy, New York .....          | 42° 39' 01.3"     | 73° 44' 59.4"  |
| Atlanta, Georgia .....                           | 33° 45' 10.4"     | 84° 23' 36.7"  |
| Baltimore, Maryland .....                        | 39° 17' 26.4"     | 76° 36' 43.9"  |
| Birmingham, Alabama .....                        | 33° 31' 01.4"     | 86° 48' 36.0"  |
| Boston, Massachusetts .....                      | 42° 21' 24.4"     | 71° 03' 23.2"  |
| Buffalo, New York .....                          | 42° 52' 52.2"     | 78° 52' 20.1"  |
| Chicago, Illinois .....                          | 41° 52' 28.1"     | 87° 38' 22.2"  |
| Cincinnati, Ohio .....                           | 39° 06' 07.2"     | 84° 30' 34.8"  |
| Cleveland, Ohio .....                            | 41° 29' 51.2"     | 81° 41' 49.5"  |
| Columbus, Ohio .....                             | 39° 57' 47.2"     | 83° 00' 16.7"  |
| Dallas, Texas .....                              | 32° 47' 09.5"     | 96° 47' 38.0"  |
| Dayton, Ohio .....                               | 39° 45' 32.2"     | 84° 11' 42.8"  |
| Denver, Colorado .....                           | 39° 44' 58.0"     | 104° 59' 23.9" |
| Detroit, Michigan .....                          | 42° 19' 48.1"     | 83° 02' 56.7"  |
| Fort Lauderdale-Hollywood, Florida .....         | 26° 07' 31.3"     | 80° 08' 59.2"  |
| Fort Worth, Texas .....                          | 32° 44' 55.5"     | 97° 19' 45.1"  |
| Houston, Texas .....                             | 29° 45' 26.8"     | 95° 21' 37.8"  |
| Indianapolis, Indiana .....                      | 39° 46' 07.2"     | 86° 09' 46.0"  |
| Jacksonville, Florida .....                      | 30° 19' 44.9"     | 81° 39' 41.3"  |
| Kansas City, Missouri/Kansas .....               | 39° 04' 56.0"     | 94° 35' 20.8"  |
| Los Angeles-Long Beach, California .....         | 34° 03' 15.0"     | 118° 14' 31.3" |
| Louisville, Kentucky/Indiana .....               | 38° 14' 47.3"     | 85° 45' 48.9"  |
| Memphis, Tennessee/Mississippi .....             | 35° 08' 46.3"     | 90° 03' 13.3"  |
| Miami, Florida .....                             | 25° 46' 38.4"     | 80° 11' 31.2"  |
| Milwaukee, Wisconsin .....                       | 43° 02' 19.0"     | 87° 54' 15.3"  |
| Minneapolis-St. Paul, Minnesota .....            | 44° 58' 56.9"     | 93° 15' 43.8"  |
| New York, New York-Northeastern New Jersey ..... | 40° 45' 06.4"     | 73° 59' 37.5"  |
| New Orleans, Louisiana .....                     | 29° 56' 53.7"     | 90° 04' 10.3"  |
| Norfolk-Portsmouth, Virginia .....               | 36° 51' 10.5"     | 76° 17' 19.8"  |
| Oklahoma City, Oklahoma .....                    | 35° 28' 26.2"     | 97° 31' 05.1"  |
| Omaha, Nebraska/Iowa .....                       | 41° 15' 42.0"     | 95° 56' 15.1"  |
| Philadelphia, Pennsylvania/New Jersey .....      | 39° 56' 58.4"     | 75° 09' 19.6"  |
| Phoenix, Arizona .....                           | 33° 27' 12.2"     | 112° 04' 30.5" |
| Pittsburgh, Pennsylvania .....                   | 40° 26' 19.2"     | 79° 59' 59.2"  |
| Portland, Oregon/Washington .....                | 45° 31' 05.4"     | 122° 40' 39.3" |
| Providence-Pawtucket-Warwick, RI/MA .....        | 41° 49' 32.4"     | 71° 24' 39.2"  |
| Rochester, New York .....                        | 43° 09' 41.2"     | 77° 36' 20.0"  |
| Sacramento, California .....                     | 38° 34' 56.7"     | 121° 29' 44.8" |
| Saint Louis, Missouri/Illinois .....             | 38° 37' 45.2"     | 90° 12' 22.4"  |

TABLE 1.—URBANIZED AREAS—Continued

[Note: Coordinates are referenced to North American Datum 1983 (NAD83)]

| Urban area                                 | Geographic center |                |
|--|-------------------|----------------|
|  | North latitude    | West longitude |
| Saint Petersburg, Florida .....            | 27° 46' 19.1"     | 82° 38' 18.4"  |
| San Antonio, Texas .....                   | 29° 25' 37.8"     | 98° 29' 07.1"  |
| San Bernardino-Riverside, California ..... | 34° 06' 30.0"     | 117° 17' 31.2" |
| San Jose, California .....                 | 37° 20' 15.8"     | 121° 53' 27.8" |
| San Francisco-Oakland, California .....    | 37° 46' 38.7"     | 122° 24' 43.9" |
| San Diego, California .....                | 32° 42' 53.2"     | 117° 09' 24.1" |
| Seattle, Washington .....                  | 47° 36' 31.4"     | 122° 20' 16.5" |
| Springfield-Chicopee-Holyoke, MA/CT .....  | 42° 06' 21.3"     | 72° 35' 30.3"  |
| Toledo, Ohio/Michigan .....                | 41° 39' 14.2"     | 83° 32' 38.8"  |
| Washington, DC/Maryland/Virginia .....     | 38° 53' 51.4"     | 77° 00' 31.9"  |

\* \* \* \* \*

349. Section 90.645 is amended by revising the third sentences of paragraphs (g) and (h) to read as follows:

**§ 90.645 Permissible operations.**

\* \* \* \* \*

(g) \* \* \* Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission by filing an application for license modification.

(h) \* \* \* Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission by filing an application for license modification.

\* \* \* \* \*

350. Section 90.651 is revised to read as follows:

**§ 90.651 Supplemental reports required of licensees authorized under this subpart.**

Licensees of conventional systems must notify the Commission in accordance with § 1.946 of this chapter of the number of mobile units placed in operation within their construction period.

351. Section 90.655 is amended by revising the first sentence to read as follows:

**§ 90.655 Special licensing requirements for Specialized Mobile Radio systems.**

End users of conventional or trunked Specialized Mobile Radio systems that have control stations that require FAA clearance, as specified in §§ 17.7 through 17.17 of this chapter, or that may have a significant environmental effect, as defined by § 1.1307, or that are located in a "quiet zone", as defined by § 1.924 of this chapter must be individually licensed for such control stations prior to construction or operation. \* \* \*

**§ 90.657 [Removed]**

352. Section 90.657 is removed.

353. Section 90.658 is amended by revising paragraph (a) of this section to read as follows:

**§ 90.658 Loading data required for base station licensees of trunked Specialized Mobile Radio systems to acquire additional channels or to renew trunked systems licensed before June 1, 1993.**

(a) A base station licensee of a trunked system applying for its first renewal in a waiting list area for a system licensed before June 1, 1993 must identify, using FCC Form 601, the number of mobiles and control stations loaded on its system as calculated in paragraph (b) of this section.

\* \* \* \* \*

**§ 90.659 [Removed]**

354. Section 90.659 is removed.

355. Section 90.683 is amended by revising paragraph (a)(4) and removing and reserving paragraph (a)(5) of this section to read as follows:

**§ 90.683 EA-based SMR system operations.**

(a) \* \* \*

(4) Upon request by an incumbent licensee or the Commission, the EA licensees shall furnish the technical parameters, location and coordinates of the completion of the addition, removal, relocation or modification of any of its facilities within the EA. The EA licensee must provide such information within ten (10) days of receiving a written request.

(5) [Reserved]

\* \* \* \* \*

356. Section 90.687 is amended by revising the first sentence to read as follows:

**§ 90.687 Special provisions regarding assignments and transfers of authorizations for incumbent SMR licensees in the 816–821/861–866 MHz band.**

An SMR license initially authorized on any of the channels listed in Table

4A of § 90.617 of this part may transfer or assign its channel(s) to another entity subject to the provisions of § 1.948 of this chapter and § 90.609(b) of this part.

\* \* \*

357. Section 90.693 is amended by revising paragraphs (b) and (c) to read as follows:

**§ 90.693 Grandfathering provisions for incumbent licensees.**

\* \* \* \* \*

(b) Spectrum Blocks A through V. An incumbent licensee's service area shall be defined by its originally-licensed 40 dBµV/m field strength contour and its interference contour shall be defined as its originally-licensed 22 dBµV/m field strength contour. Incumbent licensees are permitted to add, remove or modify transmitter sites within their original 22 dBµV/m field strength contour without prior notification to the Commission so long as their original 22 dBµV/m field strength contour is not expanded and the station complies with the Commission's short-spacing criteria in §§ 90.621(b)(4) through 90.621(b)(6) of this part.

(c) Special Provisions for Spectrum Blocks D through V. Incumbent licensees that have received the consent of all affected parties to utilize an 18 dBµV/m signal strength interference contour shall have their service area defined by their originally-licensed 36 dBµV/m field strength contour and its interference contour shall be defined as their originally-licensed 18 dBµV/m field strength contour. Incumbent licensees are permitted to add, remove or modify transmitter sites within their original 18 dBµV/m field strength contour without prior notification to the Commission so long as their original 18 dBµV/m field strength contour is not expanded and the station complies with the Commission's short-spacing criteria in §§ 90.621(b)(4) through 90.621(b)(6) of this part.

(d) \* \* \*

358. Section 90.701 is amended by revising paragraph (a) to read as follows:

**§ 90.701 Scope.**

(a) Frequencies in the 220–222 MHz band are available for land mobile and fixed use for both Government and non-Government operations. This subpart supplements part I, subpart F of this chapter which establishes the requirements and conditions under which commercial and private radio stations may be licensed in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the 220–222 MHz band.

\* \* \* \* \*

359. Section 90.705 is revised to read as follows:

**§ 90.705 Forms to be used.**

Phase II applications for EA, Regional, or Nationwide radio facilities under this subpart must be prepared in accordance with §§ 90.1009 and 90.1013 of this part. Phase II applications for radio facilities operating on public safety/mutual aid channels (Channels 161 through 170) or emergency medical channels (Channels 181 through 185) under this subpart must be prepared on FCC Form 601 and submitted or filed in accordance with § 1.913 of this chapter.

360. Section 90.711 is amended by revising paragraph (a) introductory text and removing paragraph (a)(5) to read as follows:

**§ 90.711 Processing of Phase II applications.**

(a) Phase II applications for authorizations on Channels 166 through 170 and Channels 181 through 185 will be processed on a first-come, first-served basis. When multiple applications are filed on the same day for these frequencies in the same geographic area, and insufficient frequencies are available to grant all applications (i.e., if all applications were granted, violation of the station separation provisions of § 90.723(k) of this part would result), these applications will be considered mutually exclusive.

\* \* \* \* \*

361. Section 90.733 is amended by revising paragraph (h)(2) to read as follows:

**§ 90.733 Permissible operations.**

\* \* \* \* \*

(h) \* \* \*

(2) Operate only at temporary locations in accordance with the provisions of § 1.931 of this chapter;

\* \* \* \* \*

362. Section 90.737 is amended by revising paragraphs (d) and (e) to read as follows:

**§ 90.737 Supplemental reports required of Phase I licensees.**

\* \* \* \* \*

(d) Except for licensees of nationwide systems, all licensees must report whether construction of the facility has been completed in accordance with § 1.947 of this chapter.

(e) All reports must be filed in accordance with § 1.913 of this chapter.

363. Section 90.741 is revised to read as follows:

**§ 90.741 Urban areas for Phase I nationwide systems.**

Licensees of Phase I nationwide systems must construct base stations, or fixed stations transmitting on frequencies in the 220–221 MHz band, in a minimum of 28 of the urban areas listed in the following Table within ten years of initial license grant. A base station, or fixed station, is considered to be within one of the listed urban areas if it is within 60 kilometers (37.3 miles) of the specified coordinates (coordinates are referenced to North American Datum 1983 (NAD83)).

TABLE

| Urban area                                       | North latitude | West longitude |
|--|----------------|----------------|
| New York, New York-Northeastern New Jersey ..... | 40° 45' 06.4"  | 73° 59' 37.5"  |
| Los Angeles-Long Beach, California .....         | 34° 03' 15.0"  | 118° 14' 31.3" |
| Chicago, Illinois-Northwestern Indiana .....     | 41° 52' 28.1"  | 87° 38' 22.2"  |
| Philadelphia, Pennsylvania/New Jersey .....      | 39° 56' 58.4"  | 75° 09' 19.6"  |
| Detroit, Michigan .....                          | 42° 19' 48.1"  | 83° 02' 56.7"  |
| Boston, Massachusetts .....                      | 42° 21' 24.4"  | 71° 03' 23.2"  |
| San Francisco-Oakland, California .....          | 37° 46' 38.7"  | 122° 24' 43.9" |
| Washington, DC/Maryland/Virginia .....           | 38° 53' 51.4"  | 77° 00' 31.9"  |
| Dallas-Fort Worth, Texas .....                   | 32° 47' 09.5"  | 96° 47' 38.0"  |
| Houston, Texas .....                             | 29° 45' 26.8"  | 95° 21' 37.8"  |
| St Louis, Missouri/Illinois .....                | 38° 37' 45.2"  | 90° 12' 22.4"  |
| Miami, Florida .....                             | 25° 46' 38.4"  | 80° 11' 31.2"  |
| Pittsburgh, Pennsylvania .....                   | 40° 26' 19.2"  | 79° 59' 59.2"  |
| Baltimore, Maryland .....                        | 39° 17' 26.4"  | 76° 36' 43.9"  |
| Minneapolis-St Paul, Minnesota .....             | 44° 58' 56.9"  | 93° 15' 43.8"  |
| Cleveland, Ohio .....                            | 41° 29' 51.2"  | 81° 41' 49.5"  |
| Atlanta, Georgia .....                           | 33° 45' 10.4"  | 84° 23' 36.7"  |
| San Diego, California .....                      | 32° 42' 53.2"  | 117° 09' 24.1" |
| Denver, Colorado .....                           | 39° 44' 58.0"  | 104° 59' 23.9" |
| Seattle-Everett, Washington .....                | 47° 36' 31.4"  | 122° 20' 16.5" |
| Milwaukee, Wisconsin .....                       | 43° 02' 19.0"  | 87° 54' 15.3"  |
| Tampa, Florida .....                             | 27° 56' 59.1"  | 82° 27' 24.3"  |
| Cincinnati, Ohio/Kentucky .....                  | 39° 06' 07.2"  | 84° 30' 34.8"  |
| Kansas City, Missouri/Kansas .....               | 39° 04' 56.0"  | 94° 35' 20.8"  |
| Buffalo, New York .....                          | 42° 52' 52.2"  | 78° 52' 20.1"  |
| Phoenix, Arizona .....                           | 33° 27' 12.2"  | 112° 04' 30.5" |
| San Jose, California .....                       | 37° 20' 15.8"  | 121° 53' 27.8" |
| Indianapolis, Indiana .....                      | 39° 46' 07.2"  | 86° 09' 46.0"  |
| New Orleans, Louisiana .....                     | 29° 56' 53.7"  | 90° 04' 10.3"  |
| Portland, Oregon/Washington .....                | 45° 31' 05.4"  | 122° 40' 39.3" |
| Columbus, Ohio .....                             | 39° 57' 47.2"  | 83° 00' 16.7"  |
| Hartford, Connecticut .....                      | 41° 46' 12.4"  | 72° 40' 47.3"  |
| San Antonio, Texas .....                         | 29° 25' 37.8"  | 98° 29' 07.1"  |

TABLE—Continued

| Urban area                                     | North latitude | West longitude |
|--|----------------|----------------|
| Rochester, New York .....                      | 43° 09' 41.2"  | 77° 36' 20.0"  |
| Sacramento, California .....                   | 38° 34' 56.7"  | 121° 29' 44.8" |
| Memphis, Tennessee/Arkansas/Mississippi .....  | 35° 08' 46.3"  | 90° 03' 13.3"  |
| Louisville, Kentucky/Indiana .....             | 38° 14' 47.3"  | 85° 45' 48.9"  |
| Providence-Pawtucket-Warwick, RI/MA .....      | 41° 49' 32.4"  | 71° 24' 39.2"  |
| Salt Lake City, Utah .....                     | 40° 45' 22.8"  | 111° 53' 28.8" |
| Dayton, Ohio .....                             | 39° 45' 32.2"  | 84° 11' 42.8"  |
| Birmingham, Alabama .....                      | 33° 31' 01.4"  | 86° 48' 36.0"  |
| Bridgeport, Connecticut .....                  | 41° 10' 49.3"  | 73° 11' 20.4"  |
| Norfolk-Portsmouth, Virginia .....             | 36° 51' 10.5"  | 76° 17' 19.8"  |
| Albany-Schenectady-Troy, New York .....        | 42° 39' 01.3"  | 73° 44' 59.4"  |
| Oklahoma City, Oklahoma .....                  | 35° 28' 26.2"  | 97° 31' 05.1"  |
| Nashville-Davidson, Tennessee .....            | 36° 09' 33.2"  | 86° 46' 55.0"  |
| Toledo, Ohio/Michigan .....                    | 41° 39' 14.2"  | 83° 32' 38.8"  |
| New Haven, Connecticut .....                   | 41° 18' 25.3"  | 72° 55' 28.4"  |
| Honolulu, Hawaii .....                         | 21° 18' 48.6"  | 157° 51' 50.1" |
| Jacksonville, Florida .....                    | 30° 19' 44.9"  | 81° 39' 41.3"  |
| Akron, Ohio .....                              | 41° 05' 00.2"  | 81° 30' 43.4"  |
| Syracuse, New York .....                       | 43° 03' 04.2"  | 76° 09' 12.7"  |
| Worcester, Massachusetts .....                 | 42° 15' 37.3"  | 71° 48' 15.3"  |
| Tulsa, Oklahoma .....                          | 36° 09' 12.3"  | 95° 59' 35.0"  |
| Allentown-Bethlehem-Easton, PA/NJ .....        | 40° 36' 11.4"  | 75° 28' 04.7"  |
| Richmond, Virginia .....                       | 37° 32' 15.5"  | 77° 26' 07.9"  |
| Orlando, Florida .....                         | 28° 32' 43.0"  | 81° 22' 37.3"  |
| Charlotte, North Carolina .....                | 35° 13' 44.5"  | 80° 50' 44.3"  |
| Springfield-Chicopee-Holyoke, MA/CT .....      | 42° 06' 21.3"  | 72° 35' 30.3"  |
| Grand Rapids, Michigan .....                   | 42° 58' 03.1"  | 85° 40' 13.1"  |
| Omaha, Nebraska/Iowa .....                     | 41° 15' 42.0"  | 95° 56' 15.1"  |
| Youngstown-Warren, Ohio .....                  | 41° 05' 57.2"  | 80° 39' 01.3"  |
| Greenville, South Carolina .....               | 34° 50' 50.4"  | 82° 24' 00.4"  |
| Flint, Michigan .....                          | 43° 00' 50.1"  | 83° 41' 32.8"  |
| Wilmington, Delaware/New Jersey/Maryland ..... | 39° 44' 46.4"  | 75° 32' 49.7"  |
| Raleigh-Durham/North Carolina .....            | 35° 46' 38.5"  | 78° 38' 20.0"  |
| West Palm Beach, Florida .....                 | 26° 42' 37.2"  | 80° 03' 06.1"  |
| Oxnard-Simi Valley-Ventura, California .....   | 34° 12' 00.0"  | 119° 11' 03.4" |
| Fresno, California .....                       | 36° 44' 11.8"  | 119° 47' 14.5" |
| Austin, Texas .....                            | 30° 16' 09.8"  | 97° 44' 38.0"  |
| Tucson, Arizona .....                          | 32° 13' 15.3"  | 110° 58' 10.3" |
| Lansing, Michigan .....                        | 42° 44' 01.1"  | 84° 33' 14.9"  |
| Knoxville, Tennessee .....                     | 35° 57' 39.3"  | 83° 55' 06.7"  |
| Baton Rouge, Louisiana .....                   | 30° 26' 58.7"  | 91° 11' 00.4"  |
| El Paso, Texas .....                           | 31° 45' 36.4"  | 106° 29' 13.0" |
| Tacoma, Washington .....                       | 47° 14' 58.4"  | 122° 26' 19.4" |
| Mobile, Alabama .....                          | 30° 41' 36.7"  | 88° 02' 33.0"  |
| Harrisburg, Pennsylvania .....                 | 40° 15' 43.3"  | 76° 52' 57.9"  |
| Albuquerque, New Mexico .....                  | 35° 05' 01.2"  | 106° 39' 07.1" |
| Canton, Ohio .....                             | 40° 47' 50.2"  | 81° 22' 36.4"  |
| Chattanooga, Tennessee/Georgia .....           | 35° 02' 41.3"  | 85° 18' 31.8"  |
| Wichita, Kansas .....                          | 37° 41' 30.1"  | 97° 20' 17.2"  |
| Charleston, South Carolina .....               | 32° 46' 35.6"  | 79° 55' 52.3"  |
| San Juan, Puerto Rico .....                    | 18° 27' 52.8"  | 66° 06' 58.6"  |
| Little Rock-North Little Rock, Arkansas .....  | 34° 44' 42.3"  | 92° 16' 37.5"  |
| Las Vegas, Nevada .....                        | 36° 10' 19.9"  | 115° 08' 40.0" |
| Columbia, South Carolina .....                 | 34° 00' 02.6"  | 81° 01' 59.3"  |
| Fort Wayne, Indiana .....                      | 41° 04' 21.2"  | 85° 08' 25.9"  |
| Bakersfield, California .....                  | 35° 22' 30.9"  | 119° 01' 19.4" |
| Davenport-Rock Island-Moline, IA/IL .....      | 41° 31' 00.1"  | 90° 35' 00.5"  |
| Shreveport, Louisiana .....                    | 32° 30' 46.5"  | 93° 44' 58.6"  |
| Des Moines, Iowa .....                         | 41° 35' 14.0"  | 93° 37' 00.8"  |
| Peoria, Illinois .....                         | 40° 41' 42.1"  | 89° 35' 33.4"  |
| Newport News-Hampton, Virginia .....           | 36° 59' 30.5"  | 76° 25' 58.8"  |
| Jackson, Mississippi .....                     | 32° 17' 56.5"  | 90° 11' 06.3"  |
| Augusta, Georgia/South Carolina .....          | 33° 28' 20.5"  | 81° 57' 59.4"  |
| Spokane, Washington .....                      | 47° 39' 31.6"  | 117° 25' 36.8" |
| Corpus Christi, Texas .....                    | 27° 47' 52.1"  | 97° 23' 46.0"  |
| Madison, Wisconsin .....                       | 43° 04' 23.0"  | 89° 22' 55.4"  |
| Colorado Springs, Colorado .....               | 38° 50' 07.0"  | 104° 49' 17.9" |

**Note:** The geographic coordinates are originally from the Department of Commerce

publication of 1947: "Air-line Distances Between Cities in the United States" and

from data supplied by the National Geodetic Survey and converted to the reference system

of North American Datum 1983 using the National Geodetic Survey's NADCON program. The coordinates are determined by using the first city mentioned as the center of the urban area.

364. Section 90.751 is revised to read as follows:

**§ 90.751 Minor modifications of Phase I, non-nationwide licenses.**

Phase I non-nationwide licensees will be given an opportunity to seek modification of their license to relocate their initially authorized base station, i.e., locate their base station at a site other than its initially authorized location. The conditions under which modifications will be granted and the procedures for applying for license modifications are described in §§ 90.753, 90.757 and 1.929 of this chapter. For CMRS licensees, these modifications will be treated as minor modifications in accordance with § 1.929 of this chapter.

365. Section 90.753 is amended by revising paragraphs (d) and (e) to read as follows:

**§ 90.753 Conditions of license modification.**

(d) The application for a Phase I non-nationwide licensee proposing a base station modification resulting in less than 120 km separation from a co-channel licensee's initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee's application submission on FCC Form 601.

(e) The application of a Phase I non-nationwide licensee proposing a base station modification resulting in at least a 120 km separation from each co-channel licensee's initially authorized base station but more than one-half the distance over 120 km toward any co-channel licensee's initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee's submission on FCC Form 601.

**§ 90.755 [Removed]**

366. Section 90.755 is removed.

367. Section 90.763 is amended by revising paragraph (b)(4) to read as follows:

**§ 90.763 EA, regional and nationwide system operations.**

\* \* \* \* \*

(b) \* \* \*

(4) Upon request by a licensee or the Commission, an EA or regional licensee

shall furnish the technical parameters, location and coordinates of the completion of the addition, removal, relocation or modification of any of its facilities within the EA or region. The EA or regional licensee must provide such information within ten (10) days of receiving written notification.

\* \* \* \* \*

368. Section 90.767 is amended by revising paragraph (c) to read as follows:

**§ 90.767 Construction and implementation of EA and Regional licenses.**

\* \* \* \* \*

(c) Licensees must notify the Commission in accordance with § 1.946 of this chapter of compliance with the Construction requirements of paragraphs (a) and (b) of this section.

\* \* \* \* \*

369. Section 90.769 is amended by revising paragraph (c) to read as follows:

**§ 90.769 Construction and implementation of nationwide licenses.**

\* \* \* \* \*

(c) Licensees must notify the Commission in accordance with § 1.946 of this chapter of compliance with the Construction requirements of paragraphs (a) and (b) of this section.

\* \* \* \* \*

370. Section 90.911 is amended by revising the third sentence and removing the fourth sentence of paragraph (b)(1) to read as follows:

**§ 90.911 Partitioned licenses and disaggregated spectrum.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \* The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83). \* \* \*

\* \* \* \* \*

371. Section 90.1013 is revised to read as follows:

**§ 90.1013 Long-form application (FCC Form 601).**

Each successful bidder for a 220 MHz geographic area license must submit a long-form application (FCC Form 601) in accordance with part 1, subpart F of this chapter within ten (10) business days after being notified by Public Notice that it is the winning bidder. Regardless of the number of markets won, winning bidders will only be required to file a single application. Applications for 220 MHz geographic area licenses on FCC Form 601 must be submitted in accordance with § 1.2107 of this chapter, all applicable procedures set forth in the rules in this

part, and any applicable Public Notices that the Commission may issue in connection with an auction. After an auction, the Commission will not accept long-form applications for 220 MHz geographic area licenses from anyone other than the auction winners and parties seeking partitioned licenses pursuant to agreements with auction winners under § 90.1019 of this part.

372. Section 90.1019 is amended by revising the section heading, revising paragraphs (a), (b), and (c); by removing paragraph (d) and revising and redesignating paragraph (e) as paragraph (d) to read as follows:

**§ 90.1019 Eligibility for partitioned licenses.**

(a) *Eligibility.* Parties seeking approval for partitioning and disaggregation shall request authorization for partial assignment of a license pursuant to § 1.948 of this chapter. The Commission will consider applications that propose combinations of partitioning and disaggregation.

(1) Phase I non-nationwide licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum after constructing their systems and placing their in operation or commencing service in accordance with the provisions in § 90.725(f) of this part.

(2) Phase I nationwide licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum after constructing at least 40 percent of the geographic areas designated in their applications in accordance with the provisions in § 90.725(a) of this part.

(3) Phase II licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum at any time following the grant of their licenses.

(4) Phase I and Phase II licensees authorized to operate on Channels 161 through 170 or Channels 181 through 185 are not eligible to partition their geographic service area or disaggregate their licensed spectrum.

(b) *Partitioning.* In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to § 1.948 and list the partitioned service area on a schedule to the application. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83). In the case where an FCC-recognized service area or county lines are utilized, applicants need only list the specific area(s) through use of FCC

designations or county names that constitute the partitioned area.

(c) *License term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's license term.

(d) *Construction requirements.* (1) Requirements for partitioning. Parties seeking authority to partition must meet one of the following construction requirements:

(i) The partitionee may certify that it will satisfy the applicable construction requirements set forth in §§ 90.767 or 90.769 of this part, as applicable, for the partitioned license area; or

(ii) The original licensee may certify that it has or will meet its five-year construction requirement and will meet the ten-year construction requirement, as set forth in §§ 90.767 or 90.769 of this part, as applicable, for the entire license area. In that case, the partitionee must only satisfy the requirements for "substantial service," as set forth in § 90.743(a)(1) of this part, for the partitioned license area by the end of the original ten-year license term of the licensee.

(iii) Failure by any partitionee to meet its respective construction requirements will result in the automatic cancellation of the partitioned license without further Commission action (see § 1.946).

(2) *Requirements for disaggregation.* Parties seeking authority to disaggregate spectrum must certify in FCC Form 601 which of the parties will be responsible for meeting the five-year and ten-year construction requirements for the particular market as set forth in §§ 90.767 or 90.769 of this part, as applicable.

373. Section 90.1023 is amended by revising the introductory text of paragraph (b) to read as follows:

**§ 90.1023 Certifications, disclosures, records maintenance and audits.**

\* \* \* \* \*

(b) *Long-Form Applications: Certifications and Disclosure.* In addition to the requirements in § 90.1013, each applicant submitting a long-form application (FCC Form 601) for a 220 MHz service geographic area license and qualifying as a small business or very small business shall, in an exhibit to its long-form application:

\* \* \* \* \*

**PART 95—PERSONAL RADIO SERVICES**

374. The authority citation for part 95 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303.

375. All undesignated center headings in Subpart A-General Mobile Radio Service (GMRS) are removed.

376. Section 95.5 is revised to read as follows:

**§ 95.5 License eligibility.**

An *individual* (one man or one woman) is eligible to obtain, renew and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government. A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or to make a major modification to an existing GMRS system license. Certain non-individuals are eligible to renew existing GMRS system licenses.

377. Section 95.7 is amended by revising the last sentence of paragraph (b) to read as follows:

**§ 95.7 Channel sharing.**

(b) \* \* \* Further, the use of any frequency at a given geographical location may be denied when, in the judgment of the FCC, its use in that location is not in the public interest; the use of any channel or channel pair may be restricted as to specified geographical areas, maximum power, or other operating conditions.

378. Section 95.21 is revised to read as follows:

**§ 95.21 GMRS system description.**

A *GMRS system* is one or more transmitting units used by station operators to communicate messages. A GMRS system is comprised of:

- (a) One or more station operators;
- (b) One mobile station consisting of one or more mobile units (see § 95.23 of this part);
- (c) One or more land stations (optional);
- (d) Paging receivers (optional); and
- (e) Fixed stations (optional).

379. Section 95.23 is amended by revising paragraph (b) and removing paragraph (d) to read as follows:

**§ 95.23 Mobile station description.**

\* \* \* \* \*

(b) A mobile station unit may transmit from any point within or over any areas where radio services are regulated by the FCC *except* where additional considerations apply.

\* \* \* \* \*

380. Section 95.25 is amended by revising the introductory text of paragraph (a), and revising paragraphs (d)(2)(i) and (f), and removing and reserving paragraph (c) to read as follows:

**§ 95.25 Land station description.**

(a) A *land station* is a unit which transmits from a specific address as determined by the licensee.

\* \* \* \* \*

(c) [Reserved]

(d) \* \* \*

(2) \* \* \*

(i) South of Line A or west of Line C; or

\* \* \* \* \*

(f) Each base station and each control station with an antenna height greater than 6.1 meters (20 feet) must be separately identified on Form 605. See §§ 95.25 (d) and (e) and 95.51 of this part.

381. Section 95.29 is amended by revising paragraph (a) and introductory text of paragraph (e), revising paragraphs (b) and (e)(2), and removing and reserving paragraphs (c) and (d) to read as follows:

**§ 95.29 Channels available.**

(a) For a base station, fixed station, mobile station, or repeater station (a GMRS station that simultaneously retransmits the transmission of another GMRS station on a different channel or channels), the licensee of the GMRS system must select the transmitting channels or channel pairs for the stations in the GMRS system from the following 462 MHz channels:

462.5500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000 and 462.7250.

(b) For a mobile station, control station, or fixed station operated in the duplex mode, the following 467 MHz channels may be used only to transmit communications through a repeater station and for remotely controlling a repeater station. The licensee of the GMRS system must select the transmitting channels or channel pairs for the stations operated in the duplex mode, from the following 467 MHz channels:

467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000, and 467.7250.

(c) [Reserved]

(d) [Reserved]

(e) Mobile stations in a GMRS system licensed to an individual are authorized to transmit on the 462.6750 MHz/467.6750 MHz channel pair with the following limitations:

\* \* \* \* \*

(2) The frequency 467.675 MHz may be used only for the purposes of accessing and communicating through a repeater station transmitting on 462.675 MHz.

\* \* \* \* \*

- § 95.31 [Removed]**  
382. Section 95.31 is removed.
- § 95.33 [Amended]**  
383. Section 95.33 is amended by removing paragraph (b).
- § 95.35 [Removed]**  
384. Section 95.35 is removed.
- § 95.37 [Removed]**  
385. Section 95.37 is removed.
- § 95.39 [Removed]**  
386. Section 95.39 is removed.
- §§ 95.41 through 95.43 [Removed]**  
387. Sections 95.41 through 95.43 are removed.  
388. Section 95.45 is revised to read as follows:
- § 95.45 Considerations on Department of Defense land and in other circumstances.**  
(a) The Department of Defense may impose additional restrictions on a station transmitting on its land. (Before placing a station at such a point, a licensee should consult with the commanding officer in charge of the land.)  
(b) Additional restrictions may apply when a land station in a GMRS system is located near FCC field offices, near United States borders, in quiet zones, or when it may have a significant impact upon the environment. See §§ 1.923 and 1.924 of this chapter.
- § 95.47 [Removed]**  
389. Section 95.47 is removed.
- § 95.49 [Removed]**  
390. Section 95.49 is removed.  
391. Section 95.51 is revised to read as follows:
- § 95.51 Antenna height.**  
(a) Certain antenna structures used in a GMRS system and that are more than 60.96 m (200 ft) in height, or are located near or at a public-use airport must be notified to the FAA and registered with the Commission as required by part 17 of this chapter.  
(b) The antenna for a small base station or for a small control station must not be more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted.
- § 95.53 [Removed]**  
392. Section 95.53 is removed.
- § 95.55 [Removed]**  
393. Section 95.55 is removed.
- § 95.57 [Removed]**  
394. Section 95.57 is removed.
- § 95.59 [Removed]**  
395. Section 95.59 is removed.
- § 95.61 [Removed]**  
396. Section 95.61 is removed.
- §§ 95.71 through 95.73 [Removed]**  
397. Sections 95.71 through 95.73 are removed.
- § 95.75 [Removed]**  
398. Section 95.75 is removed.
- § 95.77 [Removed]**  
399. Section 95.77 is removed.
- § 95.79 [Removed]**  
400. Section 95.79 is removed.
- § 95.83 [Removed]**  
401. Section 95.83 is removed.
- § 95.85 [Removed]**  
402. Section 95.85 is removed.
- § 95.87 [Removed]**  
403. Section 95.87 is removed.
- § 95.89 [Removed]**  
404. Section 95.89 is removed.  
405. Section 95.101 is amended by revising paragraph (a) to read as follows:
- § 95.101 What the license authorizes.**  
(a) A GMRS license authorizes a GMRS station to transmit messages to other GMRS stations at any geographical location within or over the territorial limits of any area where radio services are regulated by the FCC. These points are listed in Appendix A.  
\* \* \* \* \*
406. Section 95.103 is revised to read as follows:
- § 95.103 Licensee duties.**  
The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.  
407. Section 95.105 is revised to read as follows:
- § 95.105 License term.**  
A license for a GMRS system is usually issued for a 5-year term.
- § 95.107 [Removed]**  
408. Section 95.107 is removed.
- § 95.109 [Removed]**  
409. Section 95.109 is removed.
- § 95.111 [Removed]**  
410. Section 95.111 is removed.
- § 95.113 [Removed]**  
411. Section 95.113 is removed.  
412. Section 95.115 is amended by revising the second sentence to read as follows:
- § 95.115 Station inspection.**  
\* \* \* If an authorized FCC representative requests to inspect the GMRS system records, the licensee must make them available.
413. Section 95.117 is revised to read as follows:
- § 95.117 Where to contact the FCC.**  
Additional GMRS information may be obtained from any of the following sources:  
(a) FCC National Call Center at 1-888-225-5322.  
(b) FCC World Wide Web homepage: <http://www.fcc.gov/wtb/prs>.  
(c) In writing, to the FCC, Attention: GMRS, 1270 Fairfield Road, Gettysburg, PA 17325-7245.
414. Section 95.119 is amended by revising the introductory text in paragraph (a) and by revising paragraphs (b) and (d) to read as follows:
- § 95.119 Station identification.**  
(a) Except as provided in paragraph (e), every GMRS station must transmit a station identification:  
\* \* \* \* \*  
(b) The station identification is the call sign assigned to the GMRS station or system.  
\* \* \* \* \*  
(d) The station identification must be transmitted in:  
(1) Voice in the English language; or  
(2) International Morse code telegraphy.  
\* \* \* \* \*
- § 95.121 [Removed]**  
415. Section 95.121 is removed.
- § 95.123 [Removed]**  
416. Section 95.123 is removed.
- § 95.125 [Removed]**  
417. Section 95.125 is removed.
- § 95.127 [Removed]**  
418. Section 95.127 is removed.  
419. Section 95.129 is revised to read as follows:
- § 95.129 Station equipment.**  
Every station in a GMRS system must use transmitters the FCC has certificated for use in the GMRS. Write to any FCC Field Office to find out if a particular transmitter has been certificated for the GMRS. All station equipment in a GMRS system must comply with the technical rules in Part 95.
- § 95.131 [Removed]**  
420. Section 95.131 is removed.
- § 95.133 [Removed]**  
421. Section 95.133 is removed.  
422. Section 95.135 is amended by removing and reserving paragraph (b) and revising paragraph (d) to read as follows:



**§ 95.135 Maximum authorized transmitting power.**

\* \* \* \* \*

(d) A fixed station must transmit with no more than 15 watts output power.

\* \* \* \* \*

**§ 95.137 [Removed]**

423. Section 95.137 is removed.

424. Section 95.139 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

425. Section 95.171 is revised to read as follows:

**§ 95.171 Station operator duties.**

When a GMRS station is transmitting, it must have a station operator. The station operator must be at the control point for that station. The same person may be the operator for more than one station at the same time. The station operator communicates messages and controls the station. The station operator must also cooperate in *sharing* each channel with station operators of other stations.

**§ 95.173 [Removed]**

426. Section 95.173 is removed.

**§ 95.175 [Removed]**

427. Section 95.175 is removed.

**§ 95.177 [Removed]**

428. Section 95.177 is removed.

429. Section 95.179 is amended by revising the introductory text of paragraphs (a) and (b), revising paragraph (b)(1), and removing paragraph (f) to read as follows:

**§ 95.179 Individuals who may be station operators.**

(a) An individual GMRS system licensee may permit immediate family members to be station operators in his or her GMRS system. Immediate family members are the:

\* \* \* \* \*

(b) Only the following persons may be permitted to operate under the authority of a GMRS system licensed to a non-individual:

| If the GMRS system licensee is: | These persons may be station operators:                |
|---------------------------------|--|
| (i) A partnership               | Licensee's partners and employees.                     |
| (ii) A corporation              | Licensee's officers, directors, members and employees. |
| (iii) An association.           | Licensee's members and employees.                      |
| (iv) A governmental unit.       | Licensee's employees.                                  |

\* \* \* \* \*

430. Section 95.181 is amended by removing paragraphs (i) and (j) and

revising paragraph (f) and to read as follows:

**§ 95.181 Permissible communications.**

\* \* \* \* \*

(f) A station operator may communicate tone messages for purposes of identification or transmitter control in a control link.

\* \* \* \* \*

431. Section 95.183 is added to read as follows:

**§ 95.183 Prohibited communications.**

(a) A station operator must not communicate:

(1) Messages for hire, whether the remuneration received is direct or indirect;

(2) Messages in connection with any activity which is against Federal, State, or local law;

(3) False or deceptive messages;

(4) Coded messages or messages with hidden meanings ("10 codes" are permissible);

(5) Intentional interference;

(6) Music, whistling, sound effects or material to amuse or entertain;

(7) Obscene, profane or indecent words, language or meaning;

(8) Advertisements or offers for the sale of goods or services;

(9) Advertisements for a political candidate or political campaign (messages about the campaign business may be communicated);

(10) International distress signals, such as the word "Mayday" (except when on a ship, aircraft or other vehicle in immediate danger to ask for help);

(11) Programs (live or delayed) intended for radio or television station broadcast;

(12) Messages which are both conveyed by a wireline control link and transmitted by a GMRS station;

(13) Messages (except emergency messages) to any station in the Amateur Radio Service, to any unauthorized station, or to any foreign station;

(14) Continuous or uninterrupted transmissions, except for communications involving the immediate safety of life or property;

(15) Messages for public address systems.

(b) A station operator in a GMRS system licensed to a telephone answering service must not transmit any communications to customers of the telephone answering service.

432. Appendix A to subpart A of part 95 is revised to read as follows:

**Appendix A to Subpart A to Part 95—Locations Where GMRS Is Regulated by the FCC**

In ITU Region 2, the GMRS is regulated by the Commission within the territorial limits

of the 50 United States, District of Columbia, Caribbean Insular areas (Commonwealth of Puerto Rico, United States Virgin Islands (50 islets and cays) and Navassa Island), and Johnston Island (Islets East, Johnston, North and Sand) and Midway Island (Islets Eastern and Sand) in the Pacific Insular areas.

In ITU Region 3, the GMRS is regulated by the Commission within the Pacific Insular territorial limits of American Samoa (seven islands), Baker Island, Commonwealth of Northern Mariana Islands, Guam Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island (more than 50 islets), and Wake Island (Islets Peale, Wake and Wilkes).

**Appendix B to Subpart A [Removed]**

433. Appendix B to subpart A of part 95 is removed.

**§ 95.192 [Amended]**

434. Section 95.192 is amended by removing and reserving paragraphs (b) and (c).

435. Section 95.217 is amended by revising paragraph (b) to read as follows:

**§ 95.217 (R/C Rule 17) May I operate my R/C station transmitter by remote control?**

\* \* \* \* \*

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. If you receive FCC approval, you must keep the approval as part of your station records. See R/C Rule 24, § 95.224.

\* \* \* \* \*

436. Section 95.225 is revised to read as follows:

**§ 95.225 (R/C Rule 25) How do I contact the FCC?**

(a) FCC National Call Center at 1-888-225-5322.

(b) FCC World Wide Web homepage: <http://www.fcc.gov>.

(c) In writing, to FCC, Attention: R/C, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

437. Section 95.419 is amended by revising paragraph (b) to read as follows:

**§ 95.419 (CB Rule 19) May I operate my CB station transmitter by remote control?**

\* \* \* \* \*

(b) You may operate a CB transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. If you receive FCC approval, you must keep the approval as part of your station records. See CB Rule 27, § 95.427.

\* \* \* \* \*

438. Section 95.428 is revised to read as follows:

**§ 95.428 (CB Rule 28) How do I contact the FCC?**

(a) FCC National Call Center at 1-888-225-5322.

(b) FCC World Wide Web homepage: <http://www.fcc.gov>.

(c) In writing, to FCC, Attention: CB, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

439. Section 95.801 is revised to read as follows:

#### **§ 95.801 Scope.**

This subpart sets out the regulations governing the licensing and operation of an Interactive Video and Data Service (218-219 MHz Service) system. This subpart supplements Part 1, Subpart F, which establishes the requirements and conditions under which commercial and private radio stations may be licensed and used in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the services governed by this Part 95.

440. Section 95.811 is amended by revising paragraph (a) and the last sentence of paragraph (b) to read as follows:

#### **§ 95.811 License requirements.**

(a) Each 218-219 MHz Service system must be licensed in accordance with Part 1, Subpart F of this chapter.

(b) \* \* \* All other CTSs must be individually licensed to the system licensee in accordance with Part 1, Subpart F of this chapter.

\* \* \* \* \*

441. Section 95.815 is revised to read as follows:

#### **§ 95.815 License application.**

(a) In addition to the requirements of Part 1, Subpart F of this chapter, each application for an 218-219 MHz Service system license must include a plan showing how the applicant intends to minimize co-channel interference and interference to adjacent channel users and a showing that the proposed system will provide coverage (39 dBu) to at least 50 percent of the population (1990 census) or land area within the service area.

(b) In addition to the requirements of Part 1, Subpart F of this chapter, each request by an 218-219 MHz Service system licensee to add, delete, or modify an individually licensed CTS (the CTS antenna exceeds 6.1 m (20 feet) (see § 95.811(b) of this part)) must include a description of the system after the proposed addition, deletion, or modifications, including the population in the service area, the number of component CTSs, and an explanation of how the system will satisfy the service requirements specified in § 95.831 of this part.

442. Section 95.816 is amended by revising paragraph (c)(2)(ii) to read as follows:

#### **§ 95.816 Competitive bidding proceedings.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(ii) Applicants must submit a long-form application (FCC Form 601) within ten (10) business days after being notified that it is the winning bidder for a license. See § 1.2107(c) and (d) of this chapter.

\* \* \* \* \*

#### **§ 95.817 [Removed]**

443. Section 95.817 is removed.

444. Section 95.819 is amended by revising the first sentence of paragraph (c) to read as follows:

#### **§ 95.819 License transferability.**

\* \* \* \* \*

(c) Once the five year construction benchmark has been met, licensees of 218-219 MHz Service systems that were not acquired through competitive bidding may transfer, sell, assign, or give the 218-219 MHz Service system licenses together with all of its component CTS licenses to any other entity in accordance with the provisions of § 1.948. \* \* \*

#### **§ 95.821 [Removed]**

445. Section 95.821 is removed.

#### **§ 95.833 [Amended]**

446. Section 95.833 is amended by removing the second sentence of the introductory text of paragraph (b).

#### **§§ 95.839 through 95.841 [Removed]**

447. Sections 95.839 through 95.841 are removed.

### **PART 97—AMATEUR RADIO SERVICE**

448. The authority citation for Part 97 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

449. Section 97.3 is amended by removing the numbers in front of each defined term in the definitions and inserting new definitions for CEPT radio-amateur license, IARP, and ULS (Universal Licensing System) to read as follows:

#### **§ 97.3 Definitions**

**CEPT radio-amateur license.** A license issued by a country belonging to the European Conference of Postal and Telecommunications Administrations (CEPT) that has adopted Recommendation T/R 61-01 (Nice 1985, revised in Paris 1992 and by correspondence August 1992).

**IARP.** International Amateur Radio Permit. A document issued pursuant to the terms of the Inter-American Convention on an International Amateur Radio Permit by a country signatory to that Convention, other than the United States. Montrouis, Haiti. AG/doc.3216/95.

**ULS (Universal Licensing System).**

The consolidated database, application filing system and processing system for all Wireless Telecommunications Services.

450. Section 97.5 is amended by revising the introductory text of paragraph (a) and paragraphs (b), (c) and (d) and adding paragraph (e) to read as follows:

#### **§ 97.5 Station license grant required.**

(a) The station apparatus must be under the physical control of a person named in an amateur station license grant on the ULS consolidated license database or a person authorized for alien reciprocal operation by § 97.107 of this part, before the station may transmit on any amateur service frequency from any place that is:

\* \* \* \* \*

(b) The types of station license grants are:

(1) An operator/primary station license grant. One, but only one, operator/primary station license grant may be held by any one person. The primary station license is granted together with the amateur operator license. Except for a representative of a foreign government, any person who qualifies by examination is eligible to apply for an operator/primary station license grant.

(2) A club station license grant. A club station license grant may be held only by the person who is the license trustee designated by an officer of the club. The trustee must be a person who holds an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license grant. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this part.

(3) A military recreation station license grant. A military recreation station license grant may be held only by the person who is the license custodian designated by the official in charge of the United States military recreational premises where the station is situated. The person must not be a representative of a foreign government. The person need not hold an amateur operator license grant.

(4) A RACES station license grant. A RACES station license grant may be held only by the person who is the license custodian designated by the official responsible for the governmental agency served by that civil defense organization. The custodian must be the civil defense official responsible for coordination of all civil defense activities in the area concerned. The custodian must not be a representative of a foreign government. The custodian need not hold an amateur operator license grant.

(c) The person named in the station license grant or who is authorized for alien reciprocal operation by § 97.107 of this Part may use, in accordance with the applicable rules of this Part, the

transmitting apparatus under the physical control of the person at places where the amateur service is regulated by the FCC.

(d) A CEPT radio-amateur license is issued to the person by the country of which the person is a citizen. The person must not:

(1) Be a resident alien or citizen of the United States, regardless of any other citizenship also held;

(2) Hold an FCC-issued amateur operator license nor reciprocal permit for alien amateur licensee;

(3) Be a prior amateur service licensee whose FCC-issued license was revoked, suspended for less than the balance of the license term and the suspension is still in effect, suspended for the balance of the license term and relicensing has not taken place, or surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings; or

(4) Be the subject of a cease and desist order that relates to amateur service operation and which is still in effect.

(e) An IARP is issued to the person by the country of which the person is a citizen. The person must not:

(1) Be a resident alien or citizen of the United States, regardless of any other citizenship also held;

(2) Hold an FCC-issued amateur operator license nor reciprocal permit for alien amateur licensee;

(3) Be a prior amateur service licensee whose FCC-issued license was revoked, suspended for less than the balance of the license term and the suspension is still in effect, suspended for the balance of the license term and relicensing has not taken place, or surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings; or

(4) Be the subject of a cease and desist order that relates to amateur service operation and which is still in effect.

451. Section 97.7 is revised to read as follows:

#### **§ 97.7 Control operation required.**

When transmitting, each amateur station must have a control operator. The control operator must be a person:

(a) For whom an amateur operator/primary station license grant appears on the ULS consolidated licensee database, or

(b) Who is authorized for alien reciprocal operation by § 97.107 of this part.

452. Section 97.9 is revised to read as follows:

#### **§ 97.9 Operator license grant.**

(a) The classes of amateur operator license grants are: Novice, Technician,

Technician Plus (until such licenses expire, a Technical Class license granted before February 14, 1991, is considered a Technician Plus Class license), General, Advanced, and Amateur Extra. The person named in the operator license grant is authorized to be the control operator of an amateur station with the privileges authorized to the operator class specified on the license grant.

(b) The person named in an operator license grant of Novice, Technician, Technician Plus, General or Advanced Class, who has properly submitted to the administering VEs, a FCC Form 605 document requesting examination for an operator license grant of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, is authorized to exercise the rights and privileges of the higher operator class until a final disposition of the application or until 365 days following the passing of the examination, whichever comes first.

453. Section 97.13 is amended by revising paragraph (a) and the last sentence of paragraphs (b) and (c)(2) to read as follows:

#### **§ 97.13 Restrictions on station location.**

(a) Before placing an amateur station on land of environmental importance or that is significant in American history, architecture or culture, the licensee may be required to take certain actions prescribed by §§ 1.1305–1.1319 of this chapter.

(b) \* \* \* Geographical coordinates of the facilities that require protection are listed in § 0.121(c) of this chapter.

(c) \* \* \*

(2) \* \* \* Further information on evaluating compliance with these limits can be found in the OET Bulletin Number 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields."

454. Section 97.15 is revised to read as follows:

#### **§ 97.15 Station antenna structures.**

Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by Part 17 of this chapter.

455. Section 97.17 is revised to read as follows:

#### **§ 97.17 Application for new license grant.**

(a) Any qualified person is eligible to apply for a new operator/primary station, club station or military

recreation station license grant. No new license grant will be issued for a RACES station.

(b) Each application for a new amateur service license grant must be filed with the FCC as follows:

(1) Each candidate for an amateur radio operator license which requires the applicant to pass one or more examination elements must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect the information required by these rules in any manner of their choosing, including creating their own forms. Upon completion of the examination, the administering VEs will immediately grade the test papers and will then issue a certificate for successful completion of an amateur radio operator examination (CSCE) if the applicant is successful. The VEs will send all necessary information regarding the candidate to the Volunteer-Examiner Coordinator (VEC) coordinating the examination session. Applications filed with the Commission by VECs must be filed in an electronic batch file.

(2) For a new club or military recreation station license grant, each applicant must present all information required by the rules to an amateur radio organization having tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 that provides voluntary, uncompensated and unreimbursed services in providing club and military recreation station call signs ("*Club Station Call Sign Administrator*") who must submit the information to the FCC in an electronic batch file. The Club Station Call Sign Administrator may collect the information required by these rules in any manner of their choosing, including creating their own forms. The Club Station Call Sign Administrator must retain the applicants information for at least 15 months and make it available to the FCC upon request. The FCC will issue public announcements listing the qualified organizations that have completed a pilot autogrant batch filing project and are authorized to serve as a Club Station Call Sign Administrator.

(c) No person shall obtain or attempt to obtain, or assist another person to obtain, or attempt to obtain, an amateur service license grant by fraudulent means.

(d) One unique call sign will be shown on the license grant of each new primary, club and military recreation station. The call sign will be selected by the sequential call sign system.

456. Section 97.19 is amended by revising paragraphs (a), (b), (c) and (d)(1) to read as follows:

**§ 97.19 Application for a vanity call sign.**

(a) The person named in an operator/primary station license grant or in a club station license grant is eligible to make application for modification of the license grant, or the renewal thereof, to show a call sign selected by the vanity call sign system. RACES and military recreation stations are not eligible for a vanity call sign.

(b) Each application for a modification of an operator/primary or club station license grant, or the renewal thereof, to show a call sign selected by the vanity call sign system must be filed in accordance with § 1.913 of this chapter.

(c) Unassigned call signs are available to the vanity call sign system with the following exceptions:

(1) A call sign shown on an expired license grant is not available to the vanity call sign system for 2 years following the expiration of the license.

(2) A call sign shown on a surrendered, revoked, set aside, canceled, or voided license grant is not available to the vanity call sign system for 2 years following the date such action is taken.

(3) Except for an applicant who is the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, and except for an applicant who is a club station license trustee acting with the written consent of at least one relative, as listed above, of a person now deceased, the call sign shown on the license of person now deceased is not available to the vanity call sign system for 2 years following the person's death, or for 2 years following the expiration of the license grant, whichever is sooner.

(d) \* \* \*

(1) The applicant must request that the call sign shown on the license grant be vacated and provide a list of up to 25 call signs in order of preference.

\* \* \* \* \*

457. Section 97.21 is revised to read as follows:

**§ 97.21 Application for a modified or renewed license grant.**

(a) A person holding a valid amateur station license grant:

(1) Must apply to the FCC for a modification of the license grant as necessary to show the correct mailing address, licensee name, club name, license trustee name or license custodian name in accordance with § 1.913 of this chapter. For a club, military recreation or RACES station license grant, it must be presented in document form to a Club Station Call

Sign Administrator who must submit the information thereon to the FCC in an electronic batch file. The Club Station Call Sign Administrator must retain the collected information for at least 15 months and make it available to the FCC upon request.

(2) May apply to the FCC for a modification of the operator/primary station license grant to show a higher operator class. Applicants must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect the information required by these rules in any manner of their choosing, including creating their own forms. Upon completion of the examination, the administering VEs will immediately grade the test papers and will then issue a certificate for successful completion of an amateur radio operator examination (CSCE) if the applicant is successful. The VEs will send all necessary information regarding the candidate to the Volunteer-Examiner Coordinator (VEC) coordinating the examination session. Applications filed with the Commission by VECs must be filed in an electronic batch file.

(3) May apply to the FCC for renewal of the license grant for another term in accordance with § 1.913 of this chapter.

(i) For a station license grant showing a call sign obtained through the vanity call sign system, the application must be filed in accordance with § 97.19 of this Part in order to have the vanity call sign reassigned to the station.

(ii) For a primary station license grant showing a call sign obtained through the sequential call sign system, and for a primary station license grant showing a call sign obtained through the vanity call sign system but whose grantee does not want to have the vanity call sign reassigned to the station, the application must be filed with the FCC in accordance with § 1.913 of this chapter. When the application has been received by the FCC on or before the license expiration date, the license operating authority is continued until the final disposition of the application.

(iii) For a RACES station license grant, for a club station or military recreation station license grant showing a call sign obtained through the sequential call sign system, and for a club or military recreation station license grant showing a call sign obtained through the vanity call sign system but whose grantee does not want to have the vanity call sign reassigned to the station, the application must be presented in document form to a Club Station Call Sign Administrator who must submit the information thereon to the FCC in an electronic batch file. The Club Station Call Sign

Administrator must retain the collected information for at least 15 months and make it available to the FCC upon request.

(b) A person whose amateur station license grant has expired may apply to the FCC for renewal of the license grant for another term during a 2 year filing grace period. The application must be received at the address specified above prior to the end of the grace period. Unless and until the license grant is renewed, no privileges in this Part are conferred.

(c) A call sign obtained under the sequential or vanity call sign system will be reassigned to the station upon renewal or modification of a station license.

458. Section 97.23 is revised to read as follows:

**§ 97.23 Mailing address.**

Each license grant must show the grantee's correct name and mailing address. The mailing address must be in an area where the amateur service is regulated by the FCC and where the grantee can receive mail delivery by the United States Postal Service. Revocation of the station license or suspension of the operator license may result when correspondence from the FCC is returned as undeliverable because the grantee failed to provide the correct mailing address.

459. Section 97.25 is revised to read as follows:

**§ 97.25 License term.**

An amateur service license is normally granted for a 10-year term.

460. Section 97.27 is amended by revising the section heading and paragraph (a) introductory text to read as follows:

**§ 97.27 FCC modification of station license grant.**

(a) The FCC may modify a station license grant, either for a limited time or for the duration of the term thereof, if it determines:

\* \* \* \* \*

461. Section 97.29 is revised to read as follows:

**§ 97.29 Replacement license grant document.**

Each grantee whose amateur station license grant document is lost, mutilated or destroyed may apply to the FCC for a replacement in accordance with § 1.913 of this chapter.

462. Section 97.107 is revised to read as follows:

**§ 97.107 Reciprocal operating authority.**

A non-citizen of the United States ("alien") holding an amateur service

authorization granted by the alien's government is authorized to be the control operator of an amateur station located at places where the amateur service is regulated by the FCC, provided there is in effect a multilateral or bilateral reciprocal operating arrangement, to which the United States and the alien's government are parties, for amateur service operation on a reciprocal basis. The FCC will issue public announcements listing the countries with which the United States has such an arrangement. No citizen of the United States or person holding an FCC amateur operator/primary station license grant is eligible for the reciprocal operating authority granted by this section. The privileges granted to a control operator under this authorization are:

(a) For an amateur service license granted by the Government of Canada:

(1) The terms of the *Convention Between the United States and Canada* (TIAS No. 2508) *Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country*;

(2) The operating terms and conditions of the amateur service license issued by the Government of Canada; and

(3) The applicable rules of this part, but not to exceed the control operator privileges of an FCC-granted Amateur Extra Class operator license.

(b) For an amateur service license granted by any country, other than Canada, with which the United States has a multilateral or bilateral agreement:

(1) The terms of the agreement between the alien's government and the United States;

(2) The operating terms and conditions of the amateur service license granted by the alien's government;

(3) The applicable rules of this part, but not to exceed the control operator privileges of an FCC-granted Amateur Extra Class operator license; and

(c) At any time the FCC may, in its discretion, modify, suspend or cancel the reciprocal operating authority granted to any person by this section.

463. Section 97.119 is amended by revising paragraph (g) to read as follows:

**§ 97.119 Station identification.**

\* \* \* \* \*

(g) When the station is transmitting under the authority of § 97.107 of this part, an indicator consisting of the appropriate letter-numeral designating the station location must be included before the call sign that was issued to the station by the country granting the license. For an amateur service license

granted by the Government of Canada, however, the indicator must be included after the call sign. At least once during each intercommunication, the identification announcement must include the geographical location as nearly as possible by city and state, commonwealth or possession.

464. Section 97.201 is amended by revising paragraph (a) to read as follows:

**§ 97.201 Auxiliary station.**

(a) Any amateur station licensed to a holder of a Technician, Technician Plus, General, Advanced or Amateur Extra Class operator license may be an auxiliary station. A holder of a Technician, Technician Plus, General, Advanced or Amateur Extra Class operator license may be the control operator of an auxiliary station, subject to the privileges of the class of operator license held.

\* \* \* \* \*

465. Section 97.203 is amended by revising paragraph (a) to read as follows:

**§ 97.203 Beacon station.**

(a) Any amateur station licensed to a holder of a Technician, Technician Plus, General, Advanced or Amateur Extra Class operator license may be a beacon. A holder of a Technician, Technician Plus, General, Advanced or Amateur Extra Class operator license may be the control operator of a beacon, subject to the privileges of the class of operator license held.

\* \* \* \* \*

**§ 97.205 [Amended]**

466. Section 97.205 is amended by removing and reserving paragraph (f) and removing paragraph (h).

467. Section 97.207 is amended by revising the introductory text of paragraph (g) and paragraphs (h) and (i) to read as follows:

**§ 97.207 Space station.**

\* \* \* \* \*

(g) The license grantee of each space station must make two written pre-space station notifications to the International Bureau, FCC, Washington, DC 20554. Each notification must be in accord with the provisions of Articles 11 and 13 of the Radio Regulations.

\* \* \* \* \*

(h) The license grantee of each space station must make a written in-space station notification to the International Bureau no later than 7 days following initiation of space station transmissions. The notification must update the information contained in the pre-space notification.

(i) The license grantee of each space station must make a written post-space

station notification to the International Bureau no later than 3 months after termination of the space station transmissions. When the termination is ordered by the FCC, notification is required no later than 24 hours after termination.

20. Section 97.301 is amended by revising the introductory text of paragraphs (a) and (b) to read as follows:

**§ 97.301 Authorized frequency bands.**

\* \* \* \* \*

(a) For a station having a control operator who has been granted a Technician, Technician Plus, General, Advanced, or Amateur Extra Class operator license or who holds a CEPT radio-amateur license or IARP of any class:

\* \* \* \* \*

(b) For a station having a control operator who has been granted an Amateur Extra Class operator license or who holds a CEPT radio-amateur license Class 1 license or Class 1 IARP:

\* \* \* \* \*

468. Section 97.505 is amended by revising paragraph (a)(10) to read as follows:

**§ 97.505 Element credit.**

(a) \* \* \*

(10) An unexpired (or expired but within the grace period for renewal) FCC-granted Novice, Technician Plus (including a Technician Class operator license granted before February 14, 1991), General, or Advanced Class operator license document, and a FCC Form 605 document containing:

\* \* \* \* \*

469. Section 97.509 is amended by revising paragraph (i) to read as follows:

**§ 97.509 Administering VE requirements.**

\* \* \* \* \*

(i) When the examinee is credited for all examination elements required for the operator license sought, 3 VEs must certify that the examinee is qualified for the license grant and that the VEs have complied with these administering VE requirements. The certifying VEs are jointly and individually accountable for the proper administration of each examination element reported. The certifying VEs may delegate to other qualified VEs their authority, but not their accountability, to administer individual elements of an examination.

\* \* \* \* \*

470. Section 97.519 is amended by revising paragraph (b) introductory text and paragraphs (b)(1), (b)(2) and (b)(3) to read as follows:

**§ 97.519 Coordinating examination sessions.**

\* \* \* \* \*

(b) At the completion of each examination session, the coordinating VEC must collect applicant information and tests results from the administering VEs. Within 10 days of collection, the coordinating VEC must:

- (1) Screen collected information;
- (2) Resolve all discrepancies and verify that the VE's certifications are properly completed; and
- (3) For qualified examinees, forward electronically all required data to the FCC. All data forwarded must be retained for at least 15 months and must be made available to the FCC upon request.

**PART 101—FIXED MICROWAVE SERVICES**

471. The authority citation for Part 101 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

472. Section 101.1 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) respectfully and adding a new paragraph (a) to read as follows:

**§ 101.1 Scope and authority.**

(a) Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the Commission and for the filing of applications for radio station licenses in the fixed microwave services.

\* \* \* \* \*

473. Section 101.3 is amended by adding a definition for "Universal Licensing System" (ULS) to read as follows:

**§ 101.3 Definitions.**

*Universal Licensing System (ULS).* The consolidated database, application filing system and processing system for all Wireless Telecommunications Services. The ULS offers Wireless Telecommunications Bureau (WTB) applicants and the general public electronic filing of all applications requests, and full public access to all WTB licensing data.

474. Section 101.5 is amended by removing and reserving paragraphs (a) and (c) and revising paragraph (b) to read as follows:

**§ 101.5 Station authorization required.**

(a) [Reserved]

(b) A separate application form must be filed electronically via ULS for each Digital Electronic Message Service (DEMS) Nodal Station. No license is required for a DEMS User Station.

Authority for a DEMS Nodal Station licensee to serve a specific number of user stations to be licensed in the name of the carrier must be requested on FCC Form 601 filed for the DEMS Nodal Station.

(c) [Reserved]

\* \* \* \* \*

**§ 101.9 [Removed]**

475. Section 101.9 is removed.

**§ 101.11 [Removed]**

476. Section 101.11 is removed.

**§ 101.13 [Removed]**

477. Section 101.13 is removed.

**§ 101.15 [Removed]**

478. Section 101.15 is removed.

**§ 101.19 [Removed]**

479. Section 101.19 is removed.

480. Section 101.21 is amended by removing and reserving paragraphs (a), (c) and (d) and revising paragraphs (b), (e) and (g) to read as follows:

**§ 101.21 Technical content of applications.**

\* \* \* \* \*

(a) [Reserved]

(b) Each application for a developmental authorization must be accompanied by pertinent supplemental information as required by § 101.411 of this part in addition to such information as may be specifically required by this section.

(c) [Reserved]

(d) [Reserved]

(e) Each application in the Private Operational Fixed Point-to-Point Microwave Service and the Common Carrier Fixed Point-to-Point Microwave Service must include the following information:

Applicant's name and address.

Transmitting station name.

Transmitting station coordinates.

Frequencies and polarizations to be added, changed or deleted.

Transmitting equipment, its stability, effective isotropic radiated power, emission designator, and type of modulation (digital).

Transmitting antenna(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.

Transmitting antenna center line height(s) above ground level and ground elevation above mean sea level.

Receiving station name.

Receiving station coordinates.

Receiving antenna(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.

Receiving antenna center line height(s) above ground level and ground elevation above mean sea level.

Path azimuth and distance.

**Note:** The position location of antenna sites shall be determined to an accuracy of no less than  $\pm 1$  second in the horizontal dimensions (latitude and longitude) and  $\pm 1$  meter in the vertical dimension (ground elevation) with respect to the National Spatial Reference System.

\* \* \* \* \*

(g) Each application in the Local Multipoint Distribution Service must contain all technical information required by FCC Form 601 and any other applicable form or associated Public Notices and by any applicable rules in this part.

481. Section 101.23 is revised to read as follows:

**§ 101.23 Waiver of rules.**

Waiver of these rules may be granted upon application or on the Commission's own motion in accordance with § 1.925 of this chapter.

**§ 101.25 [Removed]**

482. Section 101.25 is removed.

**§ 101.27 [Removed]**

483. Section 101.27 is removed.

**§ 101.29 [Removed]**

484. Section 101.29 is removed.

485. Section 101.31 is amended by revising the section heading, by removing paragraphs (a), (c) and (d), redesignating paragraphs (b) and (e) as paragraphs (a) and (b) respectfully, and revising newly redesignated paragraphs (a)(1)(i), (a)(2), (a)(3)(vii), (a)(6), and (b)(1)(v), and the introductory text of newly redesignated paragraph (a)(3), and the first sentence of newly redesignated paragraph (b)(3), and adding a Note to the chart in newly redesignated paragraph (b)(1)(vi) to read as follows:

**§ 101.31 Temporary and conditional authorizations.**

\* \* \* \* \*

(1) \* \* \*

(i) When a fixed station, authorized to operate at temporary locations, is to remain at a single location for more than 6 months, an application for a station authorization designating that single location as the permanent location shall be filed at least 90 days prior to the expiration of the 6 month period;

\* \* \* \* \*

(2) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 601. Blanket applications may be submitted for the required number of transmitters.

(3) Except for operations in the 17.8–19.7 GHz band, the licensee of stations which are authorized pursuant to the

provisions of paragraph (a) of this section shall notify the Commission at least five (5) days prior to installation of the facilities stating:

\* \* \* \* \*

(vii) A notification shall include compliance with the provisions of §§ 101.21(e) and 101.21(f) when operations are to be conducted in the area of other terrestrial microwave stations or within the coordination distance contours of a fixed earth station; and

\* \* \* \* \*

(6) Operations in the 17.8–19.7 GHz band are prohibited in the areas defined in § 1.924 of this chapter. Operations proposed in the areas defined in § 1.924 of this chapter may not commence without prior specific notification to, and authorization from, the Commission. Such notification will contain the information specified in paragraph (a)(3) of this section.

(b) \* \* \*

(1) \* \* \*

(v) The station site does not lie within 56.3 kilometers of any international border, within a radio "Quiet Zone" identified in § 1.924 of this chapter or, if operated on frequencies in the 17.8–19.7 GHz band, within any of the areas identified in § 1.924 of this chapter;

(vi) \* \* \*

**Note:** Coordinates are referenced to North American Datum 1983 (NAD83).

\* \* \* \* \*

(3) A conditional authorization pursuant to paragraphs (b)(1) and (b)(2) of this section is evidenced by retaining the original executed conditional licensing Certification Form with the station records. \* \* \*

\* \* \* \* \*

#### **§ 101.33 [Removed]**

486. Section 101.33 is removed.

#### **§ 101.35 [Removed]**

487. Section 101.35 is removed.

#### **§ 101.37 [Removed]**

488. Section 101.37 is removed.

#### **§ 101.39 [Removed]**

489. Section 101.39 is removed.

#### **§ 101.41 [Removed]**

490. Section 101.41 is removed.

#### **§ 101.43 [Removed]**

491. Section 101.43 is removed.

492. Section 101.45 is amended by revising the introductory text of paragraph (b), paragraph (d), the introductory text of paragraph (f) and paragraphs (f)(1), (f)(2) and (f)(4) and removing paragraph (h) to read as follows:

#### **§ 101.45 Mutually exclusive applications.**

\* \* \* \* \*

(b) A common carrier application, except in the Local Multipoint Distribution Service, will be entitled to comparative consideration with one or more conflicting applications only if:

\* \* \* \* \*

(d) Private operational fixed point-to-point microwave applications for authorization under this part will be entitled to comparative consideration with one or more conflicting applications in accordance with the provisions of § 1.227(b)(4) of this chapter.

\* \* \* \* \*

(f) For purposes of this section, any application (whether mutually exclusive or not) will be considered to be a newly filed application if it is amended by a major amendment (as defined by § 1.929 of this chapter), except under any of the following circumstances:

(1) The application has been designated for comparative hearing, or for comparative evaluation (pursuant to § 101.51 of this part), and the Commission or the presiding officer accepts the amendment pursuant to § 1.927 of this chapter;

(2) The amendment resolves frequency conflicts with authorized stations or other pending applications which would otherwise require resolution by hearing or by comparative evaluation pursuant to § 101.51 provided that the amendment does not create new or additional frequency conflicts;

\* \* \* \* \*

(4) The amendment reflects only a change in ownership or control which results from an agreement under § 1.935 of this chapter whereby two or more applicants entitled to comparative consideration of their applications join in one (or more) of the existing applications and request dismissal of their other application (or applications) to avoid the delay and cost of comparative consideration;

\* \* \* \* \*

#### **§ 101.47 [Removed]**

493. Section 101.47 is removed.

494. Section 101.51 is amended by revising paragraph (a)(3) to read as follows:

#### **§ 101.51 Comparative evaluation of mutually exclusive applications.**

(a) \* \* \*

(3) The Commission determines, initially or at any time during the procedure outline in paragraph (b) of this section, that such procedure is appropriate, and that, from the

information submitted and consideration of such other matters as may be officially noticed, there are no substantial and material questions of fact, presented (Other than those relating to the comparative merits of the applications) which would preclude a grant under § 1.915 of this chapter.

\* \* \* \* \*

#### **§ 101.53 [Removed]**

495. Section 101.53 is removed.

#### **§ 101.55 [Amended]**

496. Section 101.55 is amended by removing and reserving paragraph (b).

497. Section 101.56 is amended by revising the third sentence and removing the fourth sentence of paragraph (a)(2)(ii) and removing paragraph (a)(3) to read as follows:

#### **§ 101.56 Partitioned service areas (PSAs) and disaggregated spectrum.**

(a) \* \* \*

(2) \* \* \*

(ii) \* \* \* If geographic coordinate points are used, they must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83). \* \* \*

\* \* \* \* \*

#### **§ 101.57 [Removed]**

498. Section 101.57 is removed.

#### **§ 101.59 [Removed]**

499. Section 101.59 is removed.

500. Section 101.61 is revised to read as follows:

#### **§ 101.61 Certain modifications not requiring prior authorization in the Local Multipoint Distribution Service.**

In the Local Multipoint Distribution Service (LMDS) licensees may add, remove, or relocate facilities within the area authorized by the license without prior authorization. Upon request by an incumbent licensee or the Commission, an LMDS licensee shall furnish the technical parameters, location and coordinates of the completion of the addition, removal, relocation or modification of any of its facilities within the BTA. The LMDS licensee must provide such information within ten (10) days of receiving a written request.

501. Section 101.63 is amended by revising paragraphs (b), (d) and (e) to read as follows:

#### **§ 101.63 Period of construction; certification of completion of construction.**

\* \* \* \* \*



(b) Failure to timely begin operation means the authorization cancels automatically.

\* \* \* \*

(d) Requests for extension of time may be granted upon a showing of good cause pursuant to § 1.946(e) of this chapter.

(e) Construction of any authorized facility or frequency must be completed by the date specified in the license as pursuant to § 1.946 of this chapter.

502. Section 101.65 is revised to read as follows:

**§ 101.65 Forfeiture and termination of station authorizations.**

(a) In addition to the provisions of § 1.955 of this chapter, a license will be automatically forfeited in whole or in part without further notice to the licensee upon the voluntary removal or alteration of the facilities, so as to render the station not operational for a period of 30 days or more.

(b) Pursuant to § 1.955 of this chapter, if a station licensed under this part discontinues operation on a permanent basis, the licensee must cancel the license. For purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued. See § 101.305 for additional rules regarding temporary and permanent discontinuation of service.

503. Section 101.103 is amended by revising the second sentence of paragraph (d)(1) to read as follows:

**§ 101.103 Frequency coordination procedures.**

\* \* \* \*

(d) \* \* \*

(1) \* \* \* Coordination must be completed prior to filing an application for regular authorization, or a major amendment to a pending application, or any major modification to a license.

\* \* \*

\* \* \* \*

504. Section 101.105 is amended by revising the first sentence of the introductory text of paragraph (c)(3) to read as follows:

**§ 101.105 Interference protection criteria.**

\* \* \* \*

(c) \* \* \*

(3) Applicants for frequencies listed in § 101.147(b)(1) of this part must make the following showings that protection criteria have been met over the entire service area of existing systems. \* \* \*

\* \* \* \*

**§ 101.121 [Removed]**

505. Section 101.121 is removed.

**§ 101.123 [Removed]**

506. Section 101.123 is removed.

**§ 101.127 [Removed]**

507. Section 101.127 is removed.

**§ 101.129 [Amended]**

508. Section 101.129 is amended by removing and reserving paragraph (b).

509. Section 101.205 is amended by revising paragraph (a) and (c) to read as follows:

**§ 101.205 Operation during emergency.**

\* \* \* \*

(a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission stating the nature of the emergency and the use to which the station is being put;

\* \* \* \*

(c) That the Commission must be notified immediately when such special use of the station is terminated;

\* \* \* \*

510. Section 101.305 is amended by revising paragraphs (a), (b), (c), and (d)(1) to read as follows:

**§ 101.305 Discontinuance, reduction, or impairment of service.**

(a) If the public communication service provided by a station in the Common Carrier Radio Services and the Local Multipoint Distribution Service is involuntarily discontinued, reduced or impaired for a period exceeding 48 hours, the station licensee must promptly notify the Commission. In every such case, the licensee must furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, prompt notification thereof must be given Commission.

(b) No station licensee subject to title II of the Communications Act of 1934, as amended, may voluntarily discontinue, reduce or impair public communication service to a community or part of a community without obtaining prior authorization from the Commission pursuant to the procedures set forth in part 63 of this chapter. In the event that permanent discontinuance of service is authorized by the Commission, the station license is terminated; except that station licenses in the Local Multipoint Distribution Service are not terminated if the discontinuance is a result of a change of status by the licensee from common carrier to non-common carrier pursuant to § 1.929 of this chapter.

(c) Any licensee not subject to title II of the Communications Act of 1934, as amended, who voluntarily discontinues,

reduces or impairs public communication service to a community or a part of a community must notify the Commission within 7 days thereof. In the event of permanent discontinuance of service, the station license is automatically terminated; except that station licenses in the Local Multipoint Distribution Service are not terminated if the discontinuance is a result of a change of status by the licensee from non-common carrier to common carrier pursuant to § 1.929 of this chapter.

(d) \* \* \*

(1) Cancel the station license (or licenses); or

\* \* \* \*

511. Section 101.413 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 101.413 Developmental report required.**

(a) Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee must submit a comprehensive report on the following items, in the order designated:

\* \* \* \*

512. Section 101.503 is amended by revising the last sentence to read as follows:

**§ 101.503 Digital Electronic Message Service Nodal Stations.**

\* \* \* Any increase in that number must be applied for pursuant to § 1.913 of this chapter.

513. Section 101.701 is amended by revising paragraph (c) to read as follows:

**§ 101.701 Eligibility.**

\* \* \* \*

(c) Applications for stations or frequencies that will be used primarily to relay broadcast television signals must include a certification that at least fifty percent of the customers (or points of service) on the microwave system involved, including those served through an interconnecting carrier(s), receiving applicant's service, will not be related or affiliated in any degree with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, must constitute at least fifty percent of the usage of the applicant's microwave service. Applications that do not contain these certifications will be returned as unacceptable for filing.



514. Section 101.705 is revised to read as follows:

**§ 101.705 Special showing for renewal of common carrier station facilities using frequency diversity.**

Any application for renewal of license, for a term commencing January 1, 1975, or after, involving facilities utilizing frequency diversity must contain a statement showing compliance with § 101.103(c) or the exceptions recognized in paragraph 141 of the "First Report and Order" in Docket No. 18920 (29 FCC 2d 870). (This document is available at: Federal Communications Commission, Library (Room 639), 1919 M Street, NW., Washington, DC.) If not in compliance, a complete statement with the reasons therefore must be submitted.

515. Section 101.815 is amended by revising paragraphs (a)(2) and (b) to read as follows:

**§ 101.815 Stations at temporary fixed locations.**

(a) \* \* \*

(2) When a fixed station authorized to operate at temporary locations is installed and it subsequently becomes necessary for the station to operate from such location for more than six months, an application for a station authorization to specify the permanent location must be filed at least thirty days prior to the expiration of the six month period.

\* \* \* \* \*

(b) Applications for authorizations to operate stations at temporary locations under the provisions of this section may be made upon FCC Form 601. Blanket applications may be submitted for the required number of transmitters.

\* \* \* \* \*

516. Section 101.817 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 101.817 Notification of station operation at temporary locations.**

(a) The licensee of stations authorized pursuant to § 101.813 must notify the Commission prior to each period of operation. This notification must include:

\* \* \* \* \*

517. Section 101.1009 is amended by revising paragraphs (a)(1)(iii) and (b) to read as follows:

**§ 101.1009 System operations.**

(a) \* \* \*

(1) \* \* \*

(iii) The station would affect the radio quiet zones under § 1.924 of this chapter.

\* \* \* \* \*

(b) Whenever a licensee constructs or makes system changes as described in paragraph (a) of this section, the licensee is required to notify the Commission within 30 days of the change under § 1.947 of this chapter and include a statement of the technical parameters of the changed station.

**§ 101.1015 [Removed]**

518. Section 101.1015 is removed.

519. Section 101.1017 is amended by revising paragraphs (a), (b)(2), and (c)(2) to read as follows:

**§ 101.1017 Requesting regulatory status.**

(a) *Initial applications.* An applicant will specify on FCC Form 601 if it is requesting authorization to provide services on a common carrier basis, a non-common carrier basis, or on both a common carrier and non-common carrier basis.

(b) \* \* \*

(2) Amendments to change, or add to, the carrier status in a pending application are minor amendments pursuant to § 1.927 of this chapter.

(c) \* \* \*

(2) Applications to change, or add to, the carrier status in a license are modifications not requiring prior Commission authorization filed under § 1.927 of this chapter. If the change results in the discontinuance, reduction, or impairment of an existing service, the licensee is also governed by § 101.305(b) or (c) and submits the application under § 1.927 of this chapter in conformance with the time frames and requirements of §§ 101.305 (b) or (c).

**§ 101.1106 [Removed]**

520. Section 101.1106 is removed.

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