47
Parts 0 to 19
Revised as of October 1, 2000

Telecommunication

Containing a Codification of documents
of general applicability and future effect

As of October 1, 2000

With Ancillaries

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National Archives and Records
Administration

As a Special Edition of the Federal Register
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To cite the regulations in this volume use title, part and section number. Thus, 47 CFR 0.1 refers to title 47, part 0, section 1.
Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16 ..............................................................as of January 1
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The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

HOW TO USE THE CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (in this case, October 1, 2000), consult the “List of CFR Sections Affected (LSA),” which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE AND EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cutoff date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request.
Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

OBSOLETE PROVISIONS

Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 1986, consult either the List of CFR Sections Affected, 1949-1963, 1964-1972, or 1973-1985, published in seven separate volumes. For the period beginning January 1, 1986, a “List of CFR Sections Affected” is published at the end of each CFR volume.

INTEGRATION BY REFERENCE

What is incorporation by reference? Incorporation by reference was established by statute and allows Federal agencies to meet the requirement to publish regulations in the Federal Register by referring to materials already published elsewhere. For an incorporation to be valid, the Director of the Federal Register must approve it. The legal effect of incorporation by reference is that the material is treated as if it were published in full in the Federal Register (5 U.S.C. 552(a)). This material, like any other properly issued regulation, has the force of law.

What is a proper incorporation by reference? The Director of the Federal Register will approve an incorporation by reference only when the requirements of 1 CFR part 51 are met. Some of the elements on which approval is based are:

(a) The incorporation will substantially reduce the volume of material published in the Federal Register.

(b) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR part 51.

Properly approved incorporations by reference in this volume are listed in the Finding Aids at the end of each volume.

What if the material incorporated by reference cannot be found? If you have any problem locating or obtaining a copy of material listed in the Finding Aids of this volume as an approved incorporation by reference, please contact the agency that issued the regulation containing that incorporation. If, after contacting the agency, you find the material is not available, please notify the Director of the Federal Register, National Archives and Records Administration, Washington DC 20408, or call (202) 523-4534.

CFR INDEXES AND TABULAR GUIDES

A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table I). A list of CFR titles, chapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of “Title 3—The President” is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the “Contents” entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.
REPUBLICATION OF MATERIAL

There are no restrictions on the republication of material appearing in the Code of Federal Regulations.

INQUIRIES

For a legal interpretation or explanation of any regulation in this volume, contact the issuing agency. The issuing agency's name appears at the top of odd-numbered pages.

For inquiries concerning CFR reference assistance, call 202-523-5227 or write to the Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408 or e-mail info@fedreg.nara.gov.

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.

October 1, 2000.
Title 47—TELECOMMUNICATION is composed of five volumes. The parts in these volumes are arranged in the following order: Parts 0–19, parts 20–39, parts 40–69, parts 70–79, and part 80 to end, chapter I—Federal Communications Commission. The last volume, part 80 to end, also includes chapter II—Office of Science and Technology Policy and National Security Council, and chapter III—National Telecommunications and Information Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 2000.

Part 73 contains a numerical designation of FM broadcast channels (§73.201) and a table of FM allotments designated for use in communities in the United States, its territories, and possessions (§73.202). Part 73 also contains a numerical designation of television channels (§73.603) and a table of allotments which contain channels designated for the listed communities in the United States, its territories, and possessions (§73.606).

The OMB control numbers for the Federal Communications Commission, appear in §0.408 of chapter I. For the convenience of the user §0.408 is reprinted in the Finding Aids section of the second through fifth volumes.

A redesignation table appears in the Finding Aids section of the volume containing part 80 to end.

For this volume, Bonnie J. Fritts was Chief Editor. The Code of Federal Regulations publication program is under the direction of Frances D. McDonald, assisted by Alomha S. Morris.
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Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

Subpart A—Organization


§ 0.5 General description of Commission organization and operations.

(a) Principal staff units. The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

(1) Office of Managing Director.
§ 0.11

(2) Office of Engineering and Technology.
(3) Office of General Counsel.
(4) Office of Plans and Policy.
(5) Office of Media Relations.
(6) Office of Legislative Affairs.
(7) Office of Inspector General.
(8) Office of Communications Business Opportunities.
(10) Common Carrier Bureau.
(12) International Bureau.
(13) Cable Services Bureau.
(14) Mass Media Bureau.
(15) Enforcement Bureau.
(16) Consumer Information Bureau.

(b) Staff responsibilities and functions. The organization and functions of these major staff units are described in detail in §§ 0.11 through 0.151. The defense and emergency preparedness functions of the Commission are set forth separately, beginning at §0.181. For a complete description of staff functions, reference should be made to those provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission’s organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.)

(c) Delegations of authority to the staff. Pursuant to section 5(c) of the Communications Act, the Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature and those in which immediate action may be necessary. See subpart B of this part. Actions taken under delegated authority are subject to review by the Commission, on its own motion or on an application for review filed by a person aggrieved by the action. Except for the possibility of review, actions taken under delegated authority have the same force and effect as actions taken by the Commission. The delegation of authority to a staff officer, however, does not mean that he will exercise that authority in all matters subject to the delegation. In non-hearing matters, the staff is at liberty to refer any matter at any stage to the Commission for action, upon concluding that it involves matters warranting the Commission’s consideration, and the Commission may instruct the staff to do so.

(d) Commission action. Matters requiring Commission action, or warranting its consideration, are dealt with by the Commission at regular monthly meetings, or at special meetings called to consider a particular matter. Meetings are normally held at the principal offices of the Commission in the District of Columbia, but may be held elsewhere in the United States. In appropriate circumstances, Commission action may be taken between meetings “by circulation”, which involves the submission of a document to each of the Commissioners for his approval.

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§ 0.11

(303(r) and §5(c)(i), Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283)


EDITORIAL NOTE: For Federal Register citations affecting §0.5, see the List of CFR Sections Affected in the Finding Aids section of this volume.

OFFICE OF MANAGING DIRECTOR

§ 0.11 Functions of the Office.

(a) The Managing Director is appointed by the Chairman with the approval of the Commission. Under the supervision and direction of the Chairman, the Managing Director shall serve as the Commission’s chief operating and executive official with the following duties and responsibilities:

(1) Provide managerial leadership to and exercise supervision and direction over the Commission’s Bureaus and Offices with respect to management and administrative matters but not substantive regulatory matters such as regulatory policy and rule making, authorization of service, administration of sanctions, and adjudication.

(2) Formulate and administer all management and administrative policies, programs, and directives for the Commission consistent with authority delegated by the Commission and the Chairman and recommend to the Chairman and recommend to the Chairman and the Commission major changes in such policies and programs.

(3) Assist the Chairman in carrying out the administrative and executive
§ 0.13 Functions of the Office.

The Office of Inspector General is directly responsible to the Chairman as head of the agency. However, the Chairman may not prevent or prohibit the Office of Inspector General from carrying out its duties and responsibilities as mandated by the Inspector General Act Amendments of 1988 (Pub. L. 100–504) and the Inspector General Act of 1978 (5 U.S.C. Appendix 3), as amended. The Office has the following duties and responsibilities.

(a) Provide policy direction for and to conduct, supervise and coordinate audits and investigations relating to the programs and operations of the Federal Communications Commission.

(b) Review existing and proposed legislation and regulations relating to programs and operations of the Commission and to make recommendations in its required semiannual reports to Congress concerning the impact of such legislation or regulations on the economy and efficiency in the administration of these programs and operations, or the prevention and detection of fraud and abuse in such programs and operations.

(c) Recommend policies and conduct or coordinate other activities to promote economy and efficiency in the administration of Commission programs, or detect and prevent fraud and abuse in Commission activities. Coordinate with other governmental agencies and non-governmental entities on these matters.

(d) Keep the Chairman of the Commission—and through him the other Commissioners—and the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the...
§ 0.15 Functions of the Office.

(a) Enhance public understanding of and compliance with the Commission’s regulatory requirements through dissemination of information to the news media.

(b) Act as the principal channel for communicating information to the news media on Commission policies, programs, and activities.

(c) Advise the Commission on information dissemination as it affects liaison with the media.

(d) Manage the FCC’s Internet site and oversee the agency’s Web standards and guidelines.

(e) Maintain liaison with the Consumer Information Bureau on press and media issues concerning consumer assistance and information including informal consumer complaints.

[52 FR 42438, Nov. 5, 1987, as amended at 64 FR 60716, Nov. 8, 1999]

Office of Legislative Affairs

§ 0.17 Functions of the Office.

The Office of Legislative Affairs is directly responsible to the Commission. The Office has the following duties and responsibilities:

(a) Advise and make recommendations to the Commission with respect to legislation proposed by members of Congress or the Executive Branch and coordinate the preparation of Commission views thereon for submission to Congress or the Executive Branch.

(b) Coordinate with the Office of General Counsel responses to Congressional or Executive Branch inquiries as to the local ramifications of Commission policies, regulations, rules, and statutory interpretations.

(c) Assist the Office of the Managing Director in preparation of the annual report to Congress, the Commission budget and appropriations legislation to Congress; assist the Office of Public Affairs in preparation of the Commission’s Annual Report.

(d) Assist the Chairman and Commissioners in preparation for, and the coordination of their appearances before the Committees of Congress.

(e) Coordinate the annual Commission legislative program.

(f) Coordinate Commission and staff responses to inquiries by individual members of Congress, congressional committees and staffs.

(g) Coordinate with the Consumer Information Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

[52 FR 42438, Nov. 5, 1987, as amended at 64 FR 60716, Nov. 8, 1999]
economic, and sociological policy analysts and other personnel, and is headed by a chief having the following duties and responsibilities:

(a) To identify and define significant communications policy issues in all areas of Commission interest and responsibility;
(b) To conduct technical, economic, and sociological impact studies of existing and proposed communications policies and operations, including cooperative studies with other staff units and consultant and contract efforts as appropriate;
(c) To develop and evaluate alternative policy options and approaches for consideration by the Commission;
(d) To review and comment on all significant actions proposed to be taken by the Commission in terms of their overall policy implications;
(e) To recommend and evaluate governmental (state and federal), academic, and industry sponsored research affecting Commission policy issues;
(f) To prepare briefings, position papers, proposed Commission actions, or other agenda items as appropriate;
(g) To manage the Commission’s policy research program, recommend budget levels and priorities for this program, and serve as central account manager for all contractual policy research studies funded by the Commission;
(h) To coordinate the formation and presentation of Commission positions in communications policy; represent the Commission at appropriate discussions and conferences.
(i) To develop and recommend procedures and plans for the effective handling of policy issues within the Commission.
(j) To help ensure that FCC policy encourages and promotes competitive market structures by providing bureaus and offices with the necessary support to identify, evaluate, and effectively and consistently resolve competitiveness issues.

§ 0.31 Functions of the Office.

The Office of Engineering and Technology has the following duties and responsibilities:

(a) To evaluate evolving technology for interference potential and to suggest ways to facilitate its introduction in response to Bureau initiatives, and advise the Commission and staff offices in such matters.
(b) To represent the Commission at various national conferences and meetings (and, in consultation with the International Bureau, at various international conferences and meetings) devoted to the progress of communications and the development of technical and other information and standards, and serve as Commission coordinator for the various national conferences when appropriate.
(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications, and special projects to obtain theoretical and experimental data on new or improved techniques.
(d) To advise the Commission concerning engineering matters, including the privacy and security of communications, involved in making or implementing policy or in resolving specific cases.
(e) To develop and implement procedures to acquire, store, and retrieve scientific and technical information useful in the engineering work of the Commission.
(f) To advise and represent the Commission on frequency allocation and spectrum usage matters.
(g) To render, in cooperation with the General Counsel and the Office of Plans and Policy, advice to the Commission, participate in and coordinate staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and render service and advice with respect to rule making matters and proceedings affecting more than one Bureau.
(h) To collaborate with and advise other Bureaus and Offices in the formulation of technical requirements of the Rules.

§ 0.41 Functions of the Office.

The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.
(b) To advise and make recommendations to the Commission with respect to proposed legislation and submit agency views on legislation when appropriate.
(c) To interpret the statutes, international agreements, and international regulations affecting the Commission.
(d) To prepare and make recommendations and interpretations concerning procedural rules of general applicability and to review all rules for consistency with other rules, uniformity, and legal sufficiency.
(e) To conduct research in legal matters as directed by the Commission.
(f) In cooperation with the Office of Engineering and Technology, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.
(g) To exercise such authority as may be assigned or referred to it by the Commission pursuant to section 5(c) of the Communications Act of 1934, as amended.
(h) To cooperate with the International Bureau on all matters pertaining to space satellite communications.
(i) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.
(j) To issue determinations on matters regarding the interception and recording of telephone conversations by Commission personnel. Nothing in this paragraph, however, shall affect the authority of the Inspector General to intercept or record telephone conversations as necessary in the conduct of investigations or audits.
(k) To advise the Commission in the preparation and revision of rules and the implementation and administration of ethics regulations and the Freedom of Information, Privacy, Government in the Sunshine and Alternative Dispute Resolution Acts.
(l) To advise the Commission in the preparation and revision of rules and the implementation and administration of ethics regulations and the Freedom of Information, Privacy, Government in the Sunshine and Alternative Dispute Resolution Acts.
(m) To assist and make recommendations to the Commission, and to individual Commissioners assigned to review initial decisions, as to the disposition of cases of adjudication and such other cases as, by Commission policy,
§ 0.51 Functions of the Bureau.

The International Bureau has the following duties and responsibilities:

(a) To initiate and direct the development and articulation of international telecommunications policies, consistent with the priorities of the Commission;

(b) To advise the Chairman and Commissioners on matters of international telecommunications policy, and on the adequacy of the Commission's actions to promote the vital interests of the American public in international commerce, national defense, and foreign policy;

(c) To develop, recommend, and administer policies, rules, standards, and procedures for the authorization and regulation of international telecommunications facilities and services, domestic and international satellite systems, and international broadcast services;

(d) To monitor compliance with the terms and conditions of authorizations and licenses granted by the Bureau, and to pursue enforcement actions in conjunction with appropriate bureaus and offices;

(e) To represent the Commission on international telecommunications matters at both domestic and international conferences and meetings, and to direct and coordinate the Commission's preparation for such conferences and meetings;

(f) To serve as the single focal point within the Commission for cooperation and consultation on international telecommunications matters with other Federal agencies, international or foreign organizations, and appropriate regulatory bodies and officials of foreign governments;

(g) To develop, coordinate with other Federal agencies, and administer the regulatory assistance and training programs for foreign administrations to promote telecommunications development;

(h) To provide advice and technical assistance to U.S. trade officials in the negotiation and implementation of telecommunications trade agreements, and consult with other bureaus and offices as appropriate;

(i) To conduct economic, legal, technical, statistical, and other appropriate studies, surveys, and analyses in support of international telecommunications policies and programs;

(j) To collect and disseminate within the Commission information and data on international telecommunications policies, regulatory and market developments in other countries, and international organizations;

(k) To work with the Office of Legislative Affairs to coordinate the Commission's activities on significant matters of international policy with appropriate Congressional offices;

(l) To promote the international coordination of spectrum allocations and frequency and orbital assignments so as to minimize cases of international radio interference involving U.S. licensees;

(m) To direct and coordinate, in consultation with other bureaus and offices as appropriate, negotiation of international agreements to provide for arrangements and procedures for coordination of radio frequency assignments to prevent or resolve international radio interference involving U.S. licensees;

(n) To ensure fulfillment of the Commission's responsibilities under international agreements and treaty obligations, and, consistent with Commission
§ 0.61 Functions of the Bureau.

The Mass Media Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. Advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Mass Media Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services, including conventional and auxiliary broadcast services (other than international broadcast services) and multi-point and multi-channel multi-point distribution services.

(b) Process applications for renewal of licenses and for assignment or transfer of ownership interests in such licenses.

(c) [Reserved]

(d) Plan and develop proposed rulemakings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(e) Conduct studies and compile data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

(f) Handle equal employment opportunity enforcement and political broadcasting and fairness doctrine complaints involving broadcast stations, cable operators and other multi-channel video program distributors.

(g) To assist the Consumer Information Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

(h) To exercise authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Mass Media Bureau. Before issuing a subpoena, the Mass Media Bureau shall obtain the approval of the Office of General Counsel.

§ 0.81 Functions of the Office.

(a) The Office of Workplace Diversity (OWD), as a staff office to the Commission, shall develop, coordinate, evaluate, and recommend to the Commission policies, programs, and practices that foster a diverse workforce and promote and ensure equal opportunity for all employees and applicants for employment. A principal function of the Office is to lead, advise, and assist the Commission, including all of its component Bureau/Office managers, supervisors, and staff, at all levels, on ways to promote inclusion and full participation of all employees in pursuit of the Commission’s mission. In accordance with this function, the Office shall:

1. Conduct independent analyses of the Commission’s policies and practices to ensure that those policies and practices foster diversity in the workplace and equal opportunity and equal treatment for employees and applicants; and

2. Advise the Commission, Bureaus, and Offices of their responsibilities under Title VII of the Civil Rights Act of 1964, as amended; Section 501 of the Rehabilitation Act of 1973, as amended; Age Discrimination in Employment Act of 1967, as amended; Executive Order 11478; and all other statutes, Executive Orders, and regulatory provisions relating to workplace diversity, equal employment opportunity, non-discrimination, and civil rights.

(b) The Office has the following duties and responsibilities:

1. Through its Director, serves as the principal advisor to the Chairman and Commission officials on all aspects of workplace diversity, affirmative recruitment, equal employment opportunity, non-discrimination, and civil rights;

2. Provides leadership and guidance to create a work environment that values and encourages diversity in the workplace;

3. Is responsible for developing, implementing, and evaluating programs and policies to foster a workplace whose diversity reflects the diverse makeup of the Nation, enhances the mission of the Commission, and demonstrates the value and effectiveness of a diverse workforce;

4. Is responsible for developing, implementing, and evaluating programs and policies that promote understanding among members of the Commission’s workforce of their differences and the value of those differences and provide a channel for communication among diverse members of the workforce at all levels;

5. Develops, implements, and evaluates programs and policies to ensure that all members of the Commission’s workforce and candidates for employment have equal access to opportunities for employment, career growth, training, and development and are protected from discrimination and harassment;

6. Develops and recommends Commission-wide workforce diversity goals and reports on achievements;

7. Is responsible for developing, implementing, and evaluating programs and policies to enable all Bureaus and Offices to manage a diverse workforce effectively and in compliance with all equal employment opportunity and civil rights requirements;

8. Works closely with the Associate Managing Director—Human Resources Management to ensure compliance with Federal and Commission recruitment and staffing requirements;

9. Manages the Commission’s equal employment opportunity compliance program. Responsibilities in this area include processing complaints alleging discrimination, recommending to the Chairman final decisions on EEO complaints within the Commission, and providing counseling services to employees and applicants on EEO matters;

10. Develops and administers the Commission’s program of accessibility and accommodation for disabled persons in accordance with applicable regulations;

11. Represents the Commission at meetings with other public and private groups and organizations on matters counseling workplace diversity and equal employment opportunity and workplace diversity issues;

12. Maintains liaison with and solicits views of organizations within and
§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers policies and programs for the regulation of services, facilities and practices of entities which furnish interstate communications service or interstate access service for hire—whether by wire, radio or cable—and of ancillary operations related to the provision of such services (excluding public coast stations in the maritime mobile services and multi-point and multi-channel multi-point distribution services and excluding matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau also develops, recommends, and administers policies and programs for the regulation of rates, terms and conditions under which communications entities furnish interstate communications service, interstate access service, and (in cooperation with the International Bureau) foreign communications service for hire—whether by wire, cable or satellite. The Bureau also performs the following functions:

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and licensing of communication common carriers and ancillary operations (other than matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). This includes: Policy development and coordination; adjudicatory and rule making proceedings, including rate and service investigations; determinations regarding lawfulness of carrier tariffs; action on applications for service and facility authorizations; review of carrier performance; economic research and analysis; administration of Commission accounting and reporting requirements; compliance and enforcement activities not otherwise within the responsibility of the Enforcement Bureau; and any matters concerning wireline carriers that also affect wireless carriers in cooperation with the Wireless Telecommunications Bureau.

(b) Collaborates with representatives of state regulatory commissions and with the National Association of Regulatory Utility Commissioners in cooperative studies of common carrier and related matters.

(c) Advises and assists the public, other government agencies and industry groups on wireline common carrier regulation and related matters. Also assists the Consumer Information Bureau with informal consumer complaints and other general inquiries by consumers regarding wireline common carrier regulation and related matters.

(d) Exercises such authority as may be assigned or referred to it by the Commission pursuant to Section 5(c) of the Communications Act of 1934, as amended.

(e) Obtains from carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objectives for which it was created.

(f) Carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to Commission under § 0.291.

(g) Acts jointly with the Office of Engineering and Technology on applications for registration of equipment to be directly connected to the telephone network, and acts on complaints brought by any party concerning the registration or operation of such equipment.

(h) Administers the Telecommunications Service Priority System with the concurrence of the Enforcement Bureau, and resolves matters involving assignment of priorities and other issues pursuant to part 64 of this chapter.

(i) Acts upon matters involving telecommunications relay services complaints and certification.

(j) Develops, in coordination with the Office of Plans and Policy, policies for the selection of licenses from mutually exclusive applicants in the Common Carrier Service subject to competitive
bidding; issues Public Notices announcing auctions for Common Carrier Service Licenses; specifies the licenses to be auctioned; the deadlines for filing short-form applications, filing fees, and submission of upfront payments; the time and place of the auction; the method of competitive bidding to be used; competitive bidding procedures including, but not limited to, designated entity preferences, applicable bid submission procedures, upfront payment requirements, activity rules, stopping rules, and bid withdrawal procedures.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[39 FR 28435, Aug. 7, 1974]

Editorial Note: For Federal Register citations affecting §0.91, see the List of CFR Sections Affected in the Finding Aids section of this volume.

Cable Services Bureau

§0.101 Functions of the Bureau.

The Cable Services Bureau develops, recommends and administers policies and programs with respect to the regulation of services, facilities, rates and practices of cable television systems and with respect to the creation of competition to cable systems, and with respect to video programming services provided by other multichannel video programming distributors and multichannel video programmers. The Cable Services Bureau advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of cable television and other multichannel video programming services. The Bureau also performs the following functions:

(a) Administers and enforces rules and policies regarding:

(1) Cable television systems, operators, and services, including those relating to rates, technical standards, customer service, ownership, competition to cable systems, broadcast station signal retransmission and carriage, program access, wiring equipment, channel leasing, and federal-state-local regulatory relationships. This includes acting, after Commission assumption of jurisdiction to regulate cable television rates for basic service and associated equipment, on cable operator requests for approval of existing or increased rates; reviewing appeals of local franchising authorities' rate making decisions involving rates for the basic service tier and associated equipment, except when such appeals raise novel or unusual issues; acting upon complaints involving cable programming service rates except for final action on complaints raising novel or unusual issues; evaluating basic rate regulation certification requests filed by cable system franchising authorities; periodically reviewing and, when appropriate, revising standard forms used in administering: the Commission's complaint process regarding cable programming service rates; the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission;

(2) Access to poles, ducts, conduits and rights-of-way and the rates, terms and conditions for pole attachments, when such attachments are not regulated by a state and not provided by railroads or governmentally or cooperatively owned utilities, and complaints involving access to or rates, terms and conditions arising from pole attachments, except for final action on complaints raising novel or unusual issues;

(3) Open video systems;

(4) Preemption of restrictions on devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and direct broadcast satellite services;

(5) The commercial availability of navigational devices;

(6) The accessibility of video programming to persons with disabilities; and

(7) Scrambling of sexually explicit adult video programming by multichannel video programming distributors.

(b) Plans and develops proposed rulemakings and conducts studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.
§ 0.111 Functions of the Bureau.

(a) Serve as the primary Commission entity responsible for enforcement of the Communications Act and other communications statutes, the Commission’s rules, Commission orders and Commission authorizations, other than matters that are addressed in the context of a pending application for a license or other authorization or in the context of administration, including post-grant administration, of a licensing or other authorization or registration program.

(1) Resolve complaints, including complaints filed under section 208 of the Communications Act, regarding acts or omissions of common carriers (wireline, wireless and international).

NOTE TO PARAGRAPH (a)(1): The Consumer Information Bureau has primary responsibility for informally resolving individual informal complaints from consumers against common carriers (wireline, wireless and international) and against other wireless licensees, and informal consumer complaints involving access to telecommunications services and equipment for persons with disabilities. The Common Carrier Bureau has primary responsibility regarding compliance with common carrier accounting and related requirements, including those imposed under section 220 of the Communications Act, and complaints regarding connection of equipment to the telephone network under part 68 of the Commission’s rules. The International Bureau has primary responsibility for complaints regarding international settlements rules and policies. The Cable Services Bureau has primary responsibility for pole attachment complaints under section 224 of the Communications Act.

(2) Resolve complaints regarding acts or omissions of non-common carriers subject to the Commission’s jurisdiction under Title II of the Communications Act and related provisions, including complaints against aggregators under section 226 of the Communications Act and against entities subject to the requirements of section 227 of the Communications Act.

NOTE TO PARAGRAPH (a)(2): The Consumer Information Bureau has primary responsibility for informally resolving individual informal complaints from consumers against non-common carriers subject to the Commission’s jurisdiction under Title II of the Communications Act and related provisions, other than complaints involving access to telecommunications services and equipment for persons with disabilities.
(3) Resolve formal complaints regarding accessibility to telecommunications services and equipment for persons with disabilities, including complaints filed pursuant to sections 225 and 255 of the Communications Act.

(4) Resolve complaints regarding radiofrequency interference and complaints regarding radiofrequency equipment and devices, including complaints of violations of sections 302 and 333 of the Communications Act.

NOTE TO PARAGRAPH (a)(4): The Cable Services Bureau has shared responsibility for cable signal leakage complaints and the Office of Engineering and Technology has shared responsibility for radiofrequency equipment and device complaints.

(5) Resolve complaints regarding compliance with the Commission's Emergency Alert System rules.

(6) Resolve complaints regarding the lighting and marking of radio transmitting towers under section 303(q) of the Communications Act.

NOTE TO PARAGRAPH (a)(6): The Wireless Telecommunications Bureau has responsibility for administration of the tower registration program.

(7) Resolve complaints regarding compliance with statutory and regulatory provisions regarding indecent communications subject to the Commission's jurisdiction.

(8) Resolve complaints regarding the broadcast and cable television children's television programming commercial limits contained in section 102 of the Children's Television Act.

NOTE TO PARAGRAPH (a)(8): The Mass Media Bureau has responsibility for enforcement of these limits in the broadcast television renewal context.

(9) Resolve complaints regarding unauthorized construction and operation of communications facilities, including complaints of violations of section 301 of the Communications Act.

(10) Resolve complaints regarding false distress signals under section 325(a) of the Communications Act.

(11) Resolve other complaints against Title III licensees and permittees.

NOTE TO PARAGRAPH (a)(11): The Mass Media Bureau has primary responsibility for complaints regarding children's television programming requirements, and for political and related programming matters and equal employment opportunity matters involving broadcasters, cable operators and other multichannel video programming distributors. The relevant licensing Bureau has primary responsibility for complaints involving tower siting and the Commission's environmental rules. The Cable Services Bureau has primary responsibility for complaints regarding the Commission's Cable Antenna Relay Service rules.

(12) Resolve complaints regarding other matters assigned to it by the Commission, matters that do not fall within the responsibility of another Bureau or Office or matters that are determined by mutual agreement with another Bureau or Office to be appropriately handled by the Enforcement Bureau.

(13) Identify and analyze complaint information, conduct investigations, conduct external audits and collect information, including pursuant to sections 218, 308(b), 403 and 409(e) through (k) of the Communications Act, in connection with complaints, on its own initiative or upon request of another Bureau or Office.

(14) Issue or draft orders taking or recommending appropriate action in response to complaints or investigations, including, but not limited to, admonishments, damage awards where authorized by law or other affirmative relief, notices of violation, notices of apparent liability and related orders, notices of opportunity for hearing regarding a potential forfeiture, hearing designation orders, orders designating licenses or other authorizations for a revocation hearing and consent decrees. Issue or draft appropriate orders after a hearing has been terminated by an Administrative Law Judge on the basis of waiver. Issue or draft appropriate interlocutory orders and take or recommend appropriate action in the exercise of its responsibilities.

(15) Encourage cooperative compliance efforts.

(16) Mediate and settle disputes.

(17) Provide information regarding pending complaints, compliance with relevant requirements and the complaint process, where appropriate and to the extent the information is not available from the Consumer Information Bureau or other Bureaus and Offices.
§ 0.111 Functions of the Bureau.

(a) Enforce the Commission's Rules and Regulations; provide support to other governmental units, investigate all non-governmental communications matters; issue sanctions.

(b) Serve as trial staff in formal hearings conducted pursuant to 5 U.S.C. 556 regarding applications, revocation, forfeitures and other matters designated for hearing.

(c) Under the general direction of the Defense Commissioner, coordinate the defense activities of the Commission and provide support to the Defense Commissioner with respect to his or her participation in the Joint Telecommunications Resources Board, and the National Security Telecommunications Advisory Committee and other organizations. Recommend national emergency plans and preparedness programs covering Commission functions during national emergency conditions. Support the Chief of the Common Carrier, International and Wireless Telecommunications Bureaus on matters involving assignment of Telecommunications Service Priority System priorities and in administration of that system. The Chief, Enforcement Bureau, or that person’s designee, acts as FCC Alternate Defense Coordinator and principal to the National Communications System. Perform such alternate functions as may be delegated during a national emergency or following activation of the President’s war emergency powers as specified in section 706 of the Communications Act.

(d) In coordination with the International Bureau, participate in international conferences dealing with monitoring and measurement; serve as the point of contact for the U.S. Government in matters of international monitoring, fixed and mobile direction-finding and interference resolution; and oversee coordination of non-routine communications and materials between the Commission and international or regional public organizations or foreign administrations.

(e) In conjunction with the Office of Engineering and Technology, work with technical standards bodies.

(f) Administer the Commission’s Emergency Alert System. Be responsible for rulemakings involving the Emergency Alert System.

(g) Oversee the Commission’s privatized ship radio safety inspection program.

(h) Have authority to rule on emergency requests for Special Temporary Authority during non-business hours.

(i) Provide field support for, and field representation of, the Bureau, other Bureaus and Offices and the Commission. Coordinate with other Bureaus and Offices as appropriate.

(j) Handle congressional and other correspondence relating to or requesting specific enforcement actions, specific complaints or other specific matters within the responsibility of the Bureau, to the extent not otherwise handled by the Consumer Information Bureau, the Office of General Counsel (impermissible ex parte presentations) or another Bureau or Office.

(k) Have authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the responsibility of the Bureau. Before issuing a subpoena, the Enforcement Bureau shall obtain the approval of the Office of General Counsel.

(l) Perform such other functions as may be assigned or referred to it by the Commission.

[64 FR 60716, Nov. 8, 1999]
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(b) Disseminate to the public on a local basis information regarding communications issues and Commission rules, policies, and programs.

(c) Collect information through a customer intelligence network to inform the Commission on the needs of its customer and on the impact of regulations and necessary refinements to them as suggested by the users and the public.

(d) Participate in international conferences dealing with monitoring and measurement; serve as the point of contact for the U.S. Government in matters of international monitoring, fixed and mobile direction-finding, and interference resolution. Provide technical and administrative support on the administration of the ITU Fellowship program and oversee coordination of non-routine communications and materials between the Commission and international or regional public organizations or foreign administrations.

(e) Reduce or eliminate interference to authorized communications. Promote private sector solutions to interference problems; investigate and resolve those unsuitable for private sector resolution or where the private sector is unable to provide solutions. Work, in conjunction with the Office of Engineering and Technology, with technical standards bodies.

(f) Perform investigations in support of Commission policies.

(g) Maintain, operate, and manage the toll-free telephone receiving center for complaint and inquiries. Coordinate with the Office of Public Affairs and maintain liaison with the rest of the agency to ensure that the needs of the public for information are handled promptly, accurately, and comprehensively and that complaints are directed to those charged with acting upon them.

(h) Under the general direction of the Defense Commissioner, coordinate the defense activities of the Commission, and provide support to the Defense Commissioner in his participation in the Joint Telecommunication Resources Board and the National Security Telecommunications Advisory Committee, including recommendation of national emergency plans and preparedness programs covering Commission functions during national emergencies. Support the Chief, Common Carrier Bureau on assignment of Telecommunications Service Priority System priorities and the administration of this system. The Chief, Compliance and Information Bureau, or the designee of that person, acts as the FCC Defense Coordinator and the principal of the Commission to the National Communications System.

[61 FR 8476, Mar. 5, 1996]

§ 0.121 Location of field installations.

(a) Field offices are located throughout the United States. For the address and phone number of the closest office contact the Enforcement Bureau or see the U.S. Government Manual.

(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 89°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
  49°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°43'25.6" 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
§ 0.131 Functions of the Bureau.

The Wireless Telecommunications Bureau develops, recommends and administers the programs and policies for the regulation of the terms and conditions under which communications entities offer domestic wireless telecommunications services and of ancillary operations related to the provision of such services (satellite communications excluded). These functions include all wireless telecommunications service providers' and licensees' activities. The Bureau also performs the following specific functions:

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to the licensing and regulation of wireless telecommunications, including ancillary operations related to the provision or use of such services; and any matters concerning wireless carriers that also affect wireline carriers in cooperation with the Common Carrier Bureau. These activities include: policy development and coordination; conducting rulemaking and adjudicatory proceedings, including licensing and complaint proceedings for matters not within the responsibility of the Enforcement Bureau; acting on waivers of rules; acting on applications for service and facility authorizations; compliance and enforcement activities for matters not within the responsibility of the Enforcement Bureau; determining resource impacts of existing, planned or recommended Commission activities concerning wireless telecommunications, and developing and recommending resource deployment priorities.

(b) Develops and recommends policy goals, objectives, programs and plans for the Commission on matters concerning wireless telecommunications, drawing upon relevant economic, technological, legislative, regulatory and judicial information and developments. Such matters include meeting the present and future wireless telecommunications needs of the Nation; fostering economic growth by promoting efficiency and innovation in the allocation, licensing and use of the electromagnetic spectrum; ensuring choice, opportunity and fairness in the development of wireless telecommunications services and markets; promoting economically efficient investment in wireless telecommunications infrastructure and the integration of wireless communications networks into the public telecommunications network; enabling access to national communications services; promoting the development and widespread availability of wireless telecommunications services. Reviews and coordinates orders, programs and actions initiated by other Bureaus and Offices in matters affecting wireless telecommunications to ensure consistency of overall Commission policy.

(c) Serves as the Commission's principal policy and administrative staff resource with regard to spectrum auctions. Administers all Commission spectrum auctions. Develops, recommends and administers policies, programs and rules concerning auctions of spectrum for wireless telecommunications services. Advises the Commission on policy, engineering and technical matters relating to auctions of spectrum used for other purposes. Administers procurement of auction-related services from outside contractors. Provides policy, administrative and technical assistance to other Bureaus and Offices on auction issues.

(d) Regulates the charges, practices, classifications, terms and conditions for, and facilities used to provide, wireless telecommunications services. Develops and recommends consistent, integrated policies, programs and rules for the regulation of commercial mobile radio services and private mobile radio services.

(e) Develops and recommends policy, rules, standards, procedures and forms for the authorization and regulation of wireless telecommunications facilities.
and services, including all facility authorization applications involving domestic terrestrial transmission facilities. Coordinates with and assists the International Bureau regarding frequency assignment, coordination and interference matters.

(f) Develops and recommends responses to legislative, regulatory or judicial inquiries and proposals concerning or affecting wireless telecommunications.

(g) Develops and recommends policies regarding matters affecting the collaboration and coordination of relations among Federal agencies, and between the Federal government and the states, concerning wireless telecommunications issues. Maintains liaison with Federal and state government bodies concerning such issues.

(h) Develops and recommends policies, programs and rules to ensure interference-free operation of wireless telecommunications equipment and networks. Coordinates with and assists other Bureaus and Offices, as appropriate, concerning spectrum management, planning, and interference matters and issues, and in compliance and enforcement activities. Studies technical requirements for equipment for wireless telecommunications services in accordance with standards established by the Chief, Office of Engineering and Technology.

(i) Advises and assists consumers, businesses and other government agencies on wireless telecommunications issues and matters related thereto. Also assists the Consumer Information Bureau with informal consumer complaints and other general inquiries by consumers regarding cable regulations and related matters.

(j) Administers the Commission's commercial radio operator program (part 13 of this chapter) and the Commission's program for construction, marking and lighting of antenna structures (part 17 of this chapter). Also issues Special Event Call Signs and MMSIs.

(k) Coordinates with and assists the International Bureau with respect to treaty activities and international conferences concerning wireless telecommunications.

(l) Exercises such authority as may be assigned, delegated or referred to it by the Commission.

(m) Certifies frequency coordinators; considers petitions seeking review of coordinator actions; and engages in oversight of coordinator actions and practices.

(n) Administers the Commission's commercial radio operator (part 13 of this chapter) and amateur radio programs (part 97 of this chapter) and the program for construction, marking and lighting of antenna structures (part 17 of this chapter) and the issuing maritime mobile service identities (MMSIs).

(o) Exercises authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of wireless telecommunications operators for any alleged violation or violations of the Communications Act of 1934, as amended, or the Commission's rules and orders. Before issuing a subpoena, the Wireless Telecommunications Bureau shall obtain the approval of the Office of General Counsel.

(p) Certifies, in the name of the Commission, volunteer entities to coordinate maintain and disseminate a common data base of amateur station special event call signs, and issues Public Notices detailing the procedures of amateur service call sign systems.

(1) Provide a single source “one-stop” shop or “FCC General Store” for handling general inquiries and informally resolving individual informal consumer complaints for the Commission.

(2) Provide information to the public on the Commission’s policies, goals, objectives, and regulatory requirements in order to facilitate public participation in the Commission’s decision-making processes.

(3) Plan, develop, and implement, in coordination with Bureaus and Offices, a Commission wide strategic information plan. Collect and analyze information received in the Bureau from incoming informal consumer complaints and inquiries, consumer forums, and other industry sources and act as an early warning system to alert the Commissioners and the other Bureaus and Offices of areas of concern or interest.

(4) In conjunction with appropriate Bureaus and Offices, conduct consumer forums to educate the public about important Commission regulatory programs and to solicit public feedback about the work of the Commission.

(5) In coordination with the Managing Director’s Office, provide objectives and evaluation methods for the public information portions of the Agency’s Government Performance and Results Act (GPRA) submissions and other Agency-wide strategic planning efforts.

(6) Provide expert advice and assistance to Bureaus and Offices regarding compliance with accessibility requirements.

(7) Provide accessible formats for distribution of Commission material for use by individuals with disabilities, and ensure that individuals with disabilities have access to Commission processes in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

(8) Develop and issue, in conjunction with appropriate Bureaus and Offices, consumer alerts and public service announcements to give consumers information about their rights and information to protect themselves from unscrupulous individuals and firms.

(9) Exercise responsibility for rule-making proceedings regarding general consumer education policies and procedures, and any other related issues, as appropriate.

(b) Provide consumers with timely, up-to-date, and accurate information promptly and professionally, in a format that is most convenient to the consumer through the use of an integrated telephone, TTY, e-mail, website, and correspondence center.

(1) Provide informal resolution of individual informal consumer complaints in accord with the Bureau’s delegated authority (except those complaints filed regarding accessibility to communications services and equipment for persons with disabilities, including complaints filed pursuant to sections 225, 255, and 713 of the Communications Act, which are handled by the Enforcement Bureau.)

(i) Complete an electronic complaint form at the request of consumers and assist consumers with informal resolution of their complaints through service, facilitation, and informal resolution to address consumer-oriented problems.

(ii) Mediate and settle disputes in informal complaints as appropriate.

(iii) Resolve certain classes of informal complaints, as specified by the Commission, through findings of fact and issuance of orders.

(2) Develop and implement approaches and delivery mechanisms to increase productivity and continuously improve service to consumers. Develop partnership with other federal, state, and local governments and industry in order to establish mechanisms to quickly address informal consumer complaints and issues.

(3) Identify and refer new, novel and/or hot consumer issues to the appropriate Commission Bureau or Office.

(4) Prepare and distribute information and documents of interest to consumers regarding their rights under applicable law.

(5) In coordination with other Bureaus and Offices, handle Congressional and other correspondence related to specific informal consumer complaints, or other specific matters within the responsibility of the Bureau, to the extent not otherwise handled by the Office of General Counsel (impermissible ex parte presentations) or another Bureau or Office.
(c) Develop, plan, coordinate and operate the consolidated reference and research services center to ensure accessibility of the files and record systems for the public and Commission staff.

(1) Serve as the official FCC record custodian for designated records to include: intake processing, organization and file maintenance, reference services, retirement, and retrieval of these records. Responsible for managing and maintaining the Electronic Comment Filing System.

(2) Certify records for adjudicatory and court proceedings.

(3) Convene periodic user group meetings to assist in defining requirements for automated reference and research services.

(4) Maintain files for Informal Consumer Complaints, Broadcast Ownership, AM/FM/TV, TV Translators, FM Translators, Cable TV, Wireless, Auction and Common Carrier Tariff and other public record systems in a current state by receiving, reviewing, and filing applications, authorizations, correspondence, technical data and other materials in accordance with established procedures and time frames. Maintain for public inspection Time Brokerage and Affiliation Agreements.

(5) Provide the public and the Commission staff prompt access to manual/computerized records and filing systems.

(6) Maintain court citation file and legislative histories concerning telecommunications dockets.

(d) Manage the Bureau's computer hardware, software, and database systems, such as the Bureau's Internet site, consumer information network systems, and the electronic comment filing system. Responsible for all design, systems development, presentation development, accessibility and coordination with the Chairman, Commissioners, and other Bureaus and Offices to ensure complete, timely, and accurate coverage of Bureau activities and Commission publications.

(1) Participate with the Internet Working Group to set standards and develop guidelines that govern the FCC Internet practices and procedures. Keep abreast of new developments and provide expert advice on how to attain new goals.

(2) In consultation with, and assisted by the Managing Director's Office, identify the role of the Information Technology Center in supporting the hardware, software, and systems needs of the Bureau.

(3) Provide leadership to Bureaus and Offices for dissemination of consumer information via the Internet.

(4) Coordinate with other Bureaus and Offices to develop and maintain Commission-wide databases for dissemination of consumer information and related documents.

(5) Provide technology and automation support to the Bureau to ensure smooth operation of daily business and ongoing work. Purchase, install and monitor use of new technology. Provide training as appropriate.

(6) Determine need for, develop statements of work, recommend, implement and manage automated information systems, electronic filing systems, telephone systems, electronic and document management systems.

(e) Develop, recommend, and implement policies, goals, and objectives to solicit public input in Commission policy-making proceedings to ensure that the Commission has the benefit of a wide spectrum of information and viewpoints in its decision-making processes.

(1) In coordination with the Commission's Bureaus and Offices, maintain liaison with consumer organizations and governmental agencies concerned with FCC regulatory activities to ensure a continuing exchange of views and information.

(2) Conduct consumer forums to educate the public about important Commission regulatory programs and to solicit public feedback from consumers and to encourage more public participation in the work of the Commission.

(3) Develop and maintain special databases for mailing, e-mailing, and sending facsimile material to groups affected by commission actions.

(4) Arrange briefings and seminars for educational institutions, consumer organizations or other groups interested in the operations of the Commission.
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(5) In coordination with Bureaus and Offices, implement an informal work group for information sharing purposes to ensure coordination on all consumer information and outreach projects.

(6) Advise and assist the Chairman, Commissioners, and the Bureaus and Offices regarding public participation on consumer information/education matters.

(7) Exercise responsibility for rule-making proceedings regarding general consumer education policies and procedures and related matters.

(f) Plan, develop and implement, in coordination with Bureaus and Offices, a Commission-wide strategic information plan.

(1) Develop and establish a coordinated information collection and validation process with bureaus and offices to ensure accuracy and validity of information disseminated by the Bureau.

(2) Collect and analyze information received in the Bureau from incoming consumer complaints and inquiries, consumer forums, and other industry sources and act as an early warning system to alert the Commissioners and the other Bureaus and Offices of areas of concern or interest.

(3) Promote within the Commission an increased understanding of the concerns and viewpoints of the public through formal and informal coordinating procedures to ensure prompt service to the public who seek information about FCC proceedings and policies, and who seek assistance in participating in Commission activities.

(4) Oversee the graphics arts program for the Bureau. In coordination with other Bureaus and Offices, produce audio and video consumer alerts and public service announcements for dissemination to the public.

(5) In consultation with the Managing Director’s Office, provide objectives and evaluation methods for the public information portion of the Agency’s Government Performance and Results Act (GPRA) submissions an other Agency-wide strategic planning efforts.

(6) Ensure that alternative formats of Commission materials are available to Commission employees, Bureaus, Offices and members of the public. Develop a library of commonly requested materials on disability issues, and issues of interest to all consumers. Provide other Commission materials in alternative formats, upon request. Materials will be available in Braille, audio cassette, large print, computer diskette and CD-ROM.

(g) Appoint a Rehabilitation Act Officer with full authority to oversee FCC compliance with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), and to provide direction and assistance on all associated activities and initiatives to other Bureaus and Offices.

NOTE TO PARAGRAPH (g): Responsibility for implementing section 501 requirements of the Rehabilitation Act are assigned to the Office of Workplace Diversity. Responsibility for implementing section 504 requirements of the Rehabilitation Act are assigned to the Disability Rights Office. Responsibility for implementing section 508 requirements are assigned to the Office of the Managing Director.

(1) Coordinate with appropriate Bureau/Office experts to provide technical assistance on all accessibility related rules/proceedings. Coordinate with Disability and Business Technical Assistance Center’s (DBTAC’s) and represent the Commission on rehabilitation and accessibility related committees, working groups, and at associated conferences. Coordinate TTY directory publishing as required by the Telecommunications Accessibility Enhancement Act.

(2) Coordinate with Bureaus and Offices to develop recommendations and propose policies to ensure that telecommunications and mass media are accessible to persons with disabilities. Review relevant agenda items and other documents prepared by Bureaus or Offices to ensure that the documents are in conformance with existing disability laws and policies and that they support the Commission’s goal of increasing accessibility of communications services and technologies for persons with disabilities. Provide expert advice on issues relevant to persons with disabilities. Initiate rulemaking proceedings as appropriate.

(3) Provide advice and assistance, as required, to other Bureaus as appropriate, on the requirements of the Americans with Disabilities Act (ADA),
Federal Communications Commission

§ 0.181  Defense and Emergency Preparedness Functions

§ 0.181  The Defense Commissioner.

The Defense Commissioner is designated by the Commission. The Defense Commissioner directs the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to significant developments in the field of emergency preparedness, defense mobilization, and any defense activities that involve formulation or revision of Commission policy in any area of responsibility of the Commission.

(b) To represent the Commission in national defense matters requiring conferences or communications with other governmental officers, departments, or agencies.

(c) To act as the Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under emergency conditions.

(d) To serve as a member of the Joint Telecommunications Resources Board (JTRB).

(e) To serve as the principal point of contact for the Commission on all matters pertaining to the National Communications System.

(f) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(g) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other Commissioners or members of the staff, as set forth in §§ 0.186 and 0.383.

(h) To approve national emergency plans and develop preparedness programs covering: provision of service by common carriers; broadcasting and cable facilities, satellite and the wireless radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.
§ 0.182 Chief, Enforcement Bureau.

(a) Recommends national emergency plans and preparedness programs covering: Provision of service by common carriers, broadcasting and cable facilities, satellite and the wireless radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(b) Acts as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under emergency conditions.

(c) Coordinates the FCC’s responsibilities under the Interagency Advisory Group (IAG) of the Federal Emergency Management Agency.

(d) Provides administrative support for the National Advisory Committee (NAC) on Emergency Alert System (EAS) issues.

(e) Keeps the Defense Commissioner informed as to significant developments in the field of emergency preparedness and related defense activities.

(f) Coordinates the FCC’s responsibilities under the Federal Response Plan, Catastrophic Disaster Response Group (CDRG) administered by the Federal Emergency Management Agency (FEMA).

(g) Serves as the FCC’s representative on the National Communications System’s Committees.

(h) Under the general direction of the Defense Commissioner coordinates the National Security and Emergency Preparedness (NSEP) activities of the Commission including Continuity of Government Planning, the Emergency Alert System (EAS) and other functions as may be delegated during a national emergency or activation of the President’s war emergency powers as specified in section 706 of the Communications Act. Maintains liaison with FCC Bureaus/Offices, represents the Defense Commissioner with other Government agencies and organizations, the telecommunications industry and FCC licensees on NSEP matters; and, as requested, represents the Commission at NSEP meetings and conferences.

(i) Is authorized to declare that a temporary state of communications emergency exists pursuant to §97.401(c) of this chapter and to act on behalf of the Commission with respect to the operation of amateur stations during such temporary state of communications emergency.

[64 FR 60720, Nov. 8, 1999]

§ 0.185 Responsibilities of the bureaus and staff offices.

The head of each of the bureaus and staff offices, in rendering assistance to the Chief, Enforcement Bureau in the performance of that person’s duties with respect to defense activities will have the following duties and responsibilities:

(a) To keep the Chief, Enforcement Bureau informed of the investigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Chief, Enforcement Bureau on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission’s policy with respect thereto.

(d) To perform such other duties related to the Commission’s defense activities as may be assigned to them by the Commission.


§ 0.186 Emergency Relocation Board.

(a) As specified in the Commission’s Continuity of Government Plan and consistent with the exercise of the War Emergency Powers of the President as...
Federal Communications Commission

§ 0.201 General provisions.

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(c) of the Communications Act of 1934, as amended:

(1) Delegations to act in non-hearing matters and proceedings. The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission’s staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners.

(2) Delegations to rule on interlocutory matters in hearing proceedings. Delegations in this category are made to the Chief Administrative Law Judge.

NOTE TO PARAGRAPH (a)(2): Interlocutory matters which are not delegated to the Chief Administrative Law Judge are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(c) of the Communications Act. (See §§ 0.218 and 0.341.)

(3) Delegations to review an initial decision. Delegations in this category are made to individual commissioners, to panels of commissioners.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.291 through 1.298 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.301. Procedures pertaining to reconsideration of the presiding officer’s rulings are set forth in § 1.303. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.276–1.279.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the Federal Register and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the Federal Register and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.


[53 FR 29055, Aug. 2, 1988]
§ 0.203 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in §1.102 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

[28 FR 12402, Nov. 22, 1963]

§ 0.204 The exercise of delegated authority.

(a) Authority to issue orders and to enter into correspondence. Any official (or group of officials) to whom authority is delegated in this subpart is authorized to issue orders (including rulings, decisions, or other action documents) pursuant to such authority and to enter into general correspondence concerning any matter for which he is responsible under this subpart or subpart A of this part.

(b) Authority of subordinate officials. Authority delegated to any official to issue orders or to enter into correspondence under paragraph (a) of this section may be exercised by that official or by appropriate subordinate officials acting for him.

(c) Signature. (1) Other orders made by a committee, board or panel identify the body and are signed by the Secretary.

(2) Upon signing an order, the Secretary affixes the Commission's seal.

(3) General correspondence by a committee or board is signed by the committee or board chairman.

(4) All other orders and letters are signed by the official who has given final approval of their contents.

(5) With the exception of license forms requiring the signature of an appropriate official of the issuing bureau or office, license forms bear only the seal of the Commission.

(d) Form of orders. Orders may be issued in any appropriate form (e.g., as captioned orders, letters, telegrams) and may, if appropriate, be issued orally. Orders issued orally shall, if practicable, be confirmed promptly in writing.

(e) Minutes entries. Except as otherwise provided in this subpart, actions taken as provided in paragraph (d) of this section shall be recorded in writing and filed in the official minutes of the Commission.

[33 FR 8227, June 1, 1968, as amended at 38 FR 18550, July 12, 1973, 42 FR 4170, Jan. 29, 1977]

COMMISSIONERS

§ 0.211 Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $5,000.

(e) Authority to act as “Head of the Agency” or “Agency Head” for administrative determinations required by Federal Procurement Regulations and Federal Management Circulars.


§ 0.212 Board of Commissioners.

(a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he
may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

(b) The Board of Commissioners is authorized to act upon all matters normally acted upon by the Commission en banc, except the following:

(1) The final determination on the merits of any adjudicatory or investigatory hearing proceeding or of any rule making proceeding, except upon a finding by the Board that the public interest would be disserved by waiting the convening of a quorum of the Commission.

(2) Petitions for reconsideration of Commission actions.

(3) Applications for review of actions taken pursuant to delegated authority.

(c) The Board of Commissioners is authorized to act upon all matters normally acted upon by an individual Commissioner (when he or his alternates are not present or able to act) or by a committee of Commissioners (in the absence of a quorum of the committee).

(d) Actions taken by the Board of Commissioners shall be recorded in the same manner as actions taken by the Commission en banc.

(e) This section has no application in circumstances in which the Commission is unable to function at its offices in Washington, D.C. See §§ 0.181-0.186 and §§ 0.381-0.387.  

§ 0.218 Authority of, and delegated to, an Individual Commissioner or Commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The Commissioner or Commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

(c) Except for actions taken during the course of a hearing and upon the record thereof, actions taken by a Commissioner or Commissioners pursuant to the provisions of this section shall be recorded in writing and filed in the official minutes of the Commission.

[27 FR 7931, Aug. 10, 1962] 

MANAGING DIRECTOR

§ 0.231 Authority delegated.

(a) The Managing Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver, reduction or deferment of fees, establish payment dates, and issue notices proposing amendments or adjustments to the fee schedules established under part 1, subpart G, of this chapter.

(b) The Managing Director, or his designee, is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(c) [Reserved]

(d) The Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority, within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, to grant tort claims directed against the Commission where the amount of the claim does not exceed $5,000. In addition thereto, the Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority to act in the disposition of claims arising under the Military Personnel and Civilian Employees' Claims Act, as amended, 31 U.S.C. 3701 and 3721, where the amount of the claim does not exceed $6,500.

(e) The Managing Director is delegated authority to act as Head of the Procurement Activity and Contracting Officer for the Commission and to designate appropriate subordinate officials to act as Contracting Officers for the Commission. As Head of the Procurement Activity, the Managing Director will refer all appeals filed against final decisions regarding award of contracts to the Board of Contract Appeals of the General Services Administration for resolution. Appeals will be handled in accordance with the Rules of the Board of Contract Appeals.
§ 0.241 Authority delegated.

(a) The performance of functions and activities described in § 0.31 of this part is delegated to the Chief Engineer: Provided, That the following matters shall be referred to the Commission en banc for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings and non-editorial orders making changes. See § 0.231(d).

(2) Petitions for review of actions taken to delegated authority. See § 1.115 of this chapter.

(3) Petitions and other requests for waivers of the Commission’s rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading or request presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(7) Authority to issue a notice of opportunity for hearing pursuant to §1.80(g) of this chapter, and authority to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under §1.80(f) of this chapter, if the amount set out in the notice of apparent liability is more than $20,000.

(8) Proposed actions following any case remanded by the courts.

(b) The Chief Engineer is delegated authority to administer the Equipment Authorization program as described in part 2 of the Commission’s Rules.

(c) The Chief Engineer is delegated authority to administer the Experimental Radio Service program pursuant to part 5 of the Commission’s Rules.

(d) The Chief Engineer is delegated authority to examine all applications for certification (approval) of subscription television technical systems as acceptable for use under a subscription television authorization as provided for in this chapter, to notify the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the system does or does not appear to be acceptable for authorization as a subscription television system. This delegation shall be exercised in consultation with the Chief, Mass Media Bureau.
Federal Communications Commission

§ 0.251 Authority delegated.

(a) The General Counsel is delegated authority to act as the “designated agency ethics official.”

(b) In so far as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority:

(1) To act upon requests for extension of time within which briefs, comments or pleadings may be filed.

(2) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(3) To dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(4) To dismiss as repetitious any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

(5) The Chief of the Office of Engineering and Technology is delegated authority to enter into agreements with the National Institute of Standards and Technology to perform accreditation of Telecommunication Certification Bodies (TCBs) pursuant to §§2.948(d) and 2.962 of this chapter. In addition, the Chief is authorized to make determinations regarding the continued acceptability of individual accrediting organizations and accredited laboratories.

(g) The Chief of the Office of Engineering and Technology is delegated authority to enter into agreements with the National Institute of Standards and Technology to perform accreditation of Telecommunication Certification Bodies (TCBs) pursuant to §§2.948(d) and 2.962 of this chapter. In addition, the Chief is authorized to make determinations regarding the continued acceptability of individual accrediting organizations and accredited laboratories.

§ 0.247 Record of actions taken.

The application and authorization files and other appropriate files of the Office of Engineering and Technology are designated as the official minute entries of actions taken pursuant to §§0.241 and 0.243.

[33 FR 8228, June 1, 1968, as amended at 44 FR 39179, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

GENERAL COUNSEL

§ 0.251 Authority delegated.

(a) The General Counsel is delegated authority to act as the “designated agency ethics official.”

(b) In so far as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority:

(1) To act upon requests for extension of time within which briefs, comments or pleadings may be filed.

(2) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(3) To dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(4) To dismiss as repetitious any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

(5) The Chief of the Office of Engineering and Technology is delegated authority to enter into agreements with the National Institute of Standards and Technology to perform accreditation of Telecommunication Certification Bodies (TCBs) pursuant to §§2.948(d) and 2.962 of this chapter. In addition, the Chief is authorized to make determinations regarding the continued acceptability of individual accrediting organizations and accredited laboratories.
§ 0.261 Authority delegated.

(a) Subject to the limitations set forth in paragraph (b) of this section, the Chief, International Bureau, is hereby delegated the authority to perform the functions and activities described in §0.51, including without limitation the following:

(1) To recommend rulemakings, studies, and analyses (legal, engineering, social, and economic) of various petitions for policy or rule changes submitted by industry or the public, and to assist the Commission in conducting the same;

(2) To assume the principal representational role on behalf of the Commission in international conferences, meetings, and negotiations, with other bureaus and offices, as appropriate;

(3) To act upon applications for international telecommunications facilities and services pursuant to part 23 of this chapter and relevant portions of part 63 of this chapter, and coordinate with the Common Carrier Bureau as appropriate;

(4) To act upon applications for international and domestic satellite systems and earth stations pursuant to part 25 and part 100 of this chapter;

(5) To act upon applications for cable landing licenses pursuant to §1.767 of this chapter;

(6) To act upon requests for designation of Recognized Private Operating Agency (RPOA) status under part 63 of this chapter;

(7) To act upon applications relating to international broadcast station operations, or for permission to deliver programming to foreign stations, under part 73 of this chapter;

(8) To administer and enforce the policies and rules on international settlements under part 64 of this chapter;

(9) To administer portions of part 2 of this chapter dealing with international treaties and call sign provisions, and to make call sign assignments, individually and in blocks, to U.S. Government agencies and FCC operating bureaus;

(10) To act upon applications for closure of public coast stations in the maritime service under part 63 of this chapter and to coordinate its efforts with the Wireless Telecommunications Bureau;

(11) To administer Commission participation in the International Telecommunication Union (ITU) Fellowship telecommunication training program for foreign officials offered through the U.S. Telecommunications Training Institute;

(12) In consultation with the affected Bureaus and Offices, to recommend revision of Commission rules and procedures as appropriate to conform to the outcomes of international conferences, agreements, or treaties;

(13) To notify the ITU of the United States’ terrestrial and satellite assignments for inclusion in the Master International Frequency Register;

(14) To conduct studies and compile such data relating to international telecommunications as may be necessary for the Commission to develop and maintain an adequate regulatory program; and

(15) To interpret and enforce rules and regulations pertaining to matters
under its jurisdiction and not within the jurisdiction of the Enforcement Bureau.

(b) Notwithstanding the authority delegated in paragraph (a) of this section, the Chief, International Bureau, shall not have authority:

(1) To act on any application, petition, pleading, complaint, enforcement matter, or other request that:
   (i) Presents new or novel arguments not previously considered by the Commission;
   (ii) Presents facts or arguments which appear to justify a change in Commission policy; or
   (iii) Cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or Offices.

(2) To issue notices of proposed rulemaking, notices of inquiry, or reports or orders arising from rulemaking or inquiry proceedings;

(3) To act upon any application for review of actions taken by the Chief, International Bureau, pursuant to delegated authority, which application complies with §1.115 of this chapter;

(4) To act upon any formal or informal radio application or section 214 application for common carrier services which is in hearing status;

(5) To designate for hearing any applications except:
   (i) Mutually exclusive applications for radio facilities filed pursuant to parts 23, 25, 73, or 100 of this chapter; and
   (ii) Applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines; or

(6) To impose, reduce, or cancel forfeitures pursuant to section 203 or section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $80,000 for common carrier providers and $20,000 for non-common carrier providers.

[60 FR 5304, Jan. 27, 1995, as amended at 60 FR 35506, July 10, 1995; 64 FR 60721, Nov. 8, 1999]

§ 0.262 Record of actions taken.

The application and authorization files in the appropriate central files of the International Bureau are designated as the Commission's official records of actions by the Chief, International Bureau, pursuant to authority delegated to him.
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interests in the print media in the same area.

(iii) Creation of common ownership interests, management ties, or employment relationships between licensees serving substantial common areas and populations. Commonality of areas and populations served shall be determined in duopoly situations by overlap of the following service contours: AM—1 mVm; FM—1 mVm; and TV—Grade B. In "one-to-a-market" situations, commonality of areas and populations served shall be determined by community encompassment with the following service contours: AM—2 mVm; FM—1 mVm; and TV—Grade A.

(iv) Acquisition of broadcast properties by corporations or individuals appearing to dominate the economic life of the community.

(2) Anti-trust activity, unfair trade practices, and violations of law not previously considered by the Commission.

(i) Proposals by applicants against whom communications-related anti-trust suits are pending or against whom there is pending any anti-trust suit in which an adverse verdict has been reached.

(ii) Proposals by applicants who have entered into a consent decree, have pleaded guilty or nolo contendere, or have been adjudged guilty in an anti-trust case during the three-year period preceding the filing of the application.

(iii) Proposals by applicants who have been the subject of a final cease and desist or consent order issued by the Federal Trade Commission during the three-year period preceding the filing of the application.

(iv) Proposals by applicants or including parties with felony or capital offense conviction records, or against whom a criminal proceeding is pending.

(3) Violations and complaint matters. Proposals filed by applicants against whom violation notices of a serious nature are outstanding or against whom questions suggesting serious misconduct remain unresolved, or by applicants with records of serious past misconduct.

(4) Equal employment opportunities. Proposals filed by applicants whose employment opportunities programs do not comply with Commission rules or policies and cannot be cleared by further staff inquiry or action, or whose past performance suggests the existence of discriminatory practices.

(5) Short term licenses and renewals. Proposals which in the opinion of the Chief, Mass Media Bureau, warrant the issuance of a short-term license or renewal authorization.

(6) [Reserved]

(7) Programming: Program content and ascertainment of community needs.

(i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals and commercial TV proposals of applicants for new stations and of assignees and transfers that have not submitted a narrative statement of their proposed programming.

(8) [Reserved]

(9) Hearing orders.

(i) Mutually exclusive applications not in the Instructional Television Fixed Service, including renewal and construction permit applications, involving non-routine hearing issues.

(ii) Other renewal and assignment and transfer applications which appear to call for an evidentiary hearing.

(iii) Such other applications, as in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission prior to designation for hearing.

(10) Interference and mileage separations. Proposals for new or modified AM, FM, and TV facilities which would create substantial new prohibited overlap or station separation shortages. In the case of AM proposals (other than Class IV), a net increase in objectionable interference to another AM station involving more than 1 percent of the population served by such other station, whether or not consented to by the station affected, shall be referred to the Commission.

(11) VHF television expansion. Commercial VHF television proposals seeking to bring or extend their Grade B contours into a significant area or population included within the predicted Grade B contour of a UHF television station where the area or population involved is covered by fewer than 4 VHF television signals.

(12) Agreements to amend or dismiss applications. Any situation in which a
community will be deprived of a proposed broadcast station by reason of amendment or dismissal of an application mutually exclusive with another application for a different community.

(13) Experimental and developmental operation. Proposals for experimental and developmental authority containing policy implications which, in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission.

(14) Miscellaneous applications and requests. (i) Proposals for special temporary, emergency, conditional, or interim operating authority of more than routine significance.

(ii) Any other application, proposals, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) Petitions and other requests for Commission action. (1) Petitions to deny, informal objections, and other petitions, directed against AM, FM, and TV applications for new or modified facilities, or for renewal, assignment or transfer of control, will be referred to the Commission if they:

(i) Contain new or novel issues not previously considered by the Commission;

(ii) Appear to justify a change in Commission policy; or

(iii) Present documented allegations of failure to comply with the Commission’s Equal Employment Opportunity rules and policies.

(2) Petitions and other requests for reconsideration of actions taken by the Chief, Mass Media Bureau, when such petitions or requests contain new or novel arguments not previously considered by the Commission, present facts or arguments which appear to justify a change in Commission policy, or request reconsideration of orders designating cases for hearing.

(3) Applications for review of actions taken by the Chief, Mass Media Bureau, which comply with §1.115 of this chapter.

(4) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission.

or present facts or arguments which appear to justify a change in Commission policy.

(5) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(6) Petitions for rulemaking which have been accepted under §1.403, and final dispositions of rulemaking proceedings not involving routine changes in the FM and TV Tables of Assignments.

(7) Petitions and other requests for waiver of the prime-time access rule, in areas where Commission policy is not clearly established.

(8) Petitions and other requests for long-term waiver of the policy limiting affiliations by commonly owned networks in the same market.

(9) Petitions and other requests for waiver of the sponsorship identification provisions of the Communications Act, in accordance with section 317(d) thereof.

(10) Any other petition, pleading, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(c) Administration and enforcement. (1) Proposed orders to show cause why station licenses or construction permits should not be revoked.

(2) Proposed actions following any case remanded by the courts.

(3) Notices of opportunity for hearing pursuant to §1.80(g) of this chapter, and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under §1.80(f) of this chapter if the amount set out in the notice of apparent liability is more than $20,000, except that all forfeiture matters relating to the Commission’s equal employment opportunity rules shall be referred to the Commission.

(4) Proposed public notices expressing Commission policy, interpreting the provisions of law, regulations, or treaties, or warning the broadcast industry as to certain types of violations.
§ 0.284 Actions taken under delegated authority.

(a) In discharging the authority conferred by §0.283 of this part, the Chief, Mass Media Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(1) Complaints arising under section 315 of the Communications Act—Office of General Counsel.

(2) Objections to proposed call signs and requests for waiver of procedural rules governing call sign assignments—Office of Managing Director.

(3) Requests for waiver of tower painting and lighting specifications—Wireless Telecommunications Bureau.

(4) Matters involving emergency communications, including the issuance of Emergency Alert System Authorizations (FCC Form 392)—Enforcement Bureau.

(5) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services—Office of Engineering and Technology and appropriate operating bureau.

(6) Requests involving coordination with other agencies of government—Office of General Counsel, Office of Engineering and Technology and appropriate operating bureau.

(7) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Engineering and Technology.

(8) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Engineering and Technology.

(9) [Reserved]

(b) With respect to non-routine applications granted under authority delegated in §0.283 of this part, the Chief, Mass Media Bureau or his designees, shall enter on the working papers associated with each application a narrative justification of the action taken. While not available for public inspection, these working papers shall, upon request, be made available to the Commissioners and members of their staffs.

(c) The Chief, Mass Media Bureau, shall prepare and submit to the Commission a quarterly statistical summary of actions taken during the preceding quarter under authority delegated to him in §0.283 of this part. The statistical summary shall be accompanied by a statement of industry trends apparent in the staff handling of non-routine matters during the same quarter.


§ 0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official records of action taken by the Chief of the Mass Media Bureau. The official records of action are maintained in the Reference Information Center in the Consumer Information Bureau.

[64 FR 60721, Nov. 8, 1999]

Chief, Common Carrier Bureau

§ 0.291 Authority delegated.

The Chief, Common Carrier Bureau, is hereby delegated authority to perform all functions of the Bureau, described in §0.91, subject to the following exceptions and limitations.

(a) Authority concerning applications.

(1) The Chief, Common Carrier Bureau shall not have authority to act on any
§ 0.291

formal or informal common carrier applications or section 214 applications for common carrier services which are in hearing status.

(2) The Chief, Common Carrier Bureau shall not have authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) Authority concerning section 220 of the Act. The Chief, Common Carrier Bureau shall not have authority to promulgate regulations or orders prescribing permanent depreciation rates for common carriers, or to prescribe interim depreciation rates to be effective more than one year, pursuant to section 220 of the Communications Act of 1934, as amended.

(c) Authority concerning section 221(a) of the Act. (1) The Chief, Common Carrier Bureau shall not have authority to determine whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority.

(2) The Chief, Common Carrier Bureau shall not have authority to act upon applications filed under section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is in excess of $10 million.

(3) The Chief, Common Carrier Bureau shall not have authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(d) Authority to designate for hearing. The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints which present novel questions of law or policy which cannot be resolved under outstanding precedents or guidelines. The Chief, Common Carrier Bureau shall not have authority to designate for hearing any applications except applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

(e) Authority concerning forfeitures. The Chief, Common Carrier Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to section 205 or section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $80,000.

(f) Authority concerning applications for review. The Chief, Common Carrier Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau, pursuant to any delegated authority.

(g) Authority concerning rulemaking and investigatory proceedings. The Chief, Common Carrier Bureau, shall not have authority to issue notices of proposed rulemaking, notices of inquiry, or reports or orders arising from either of the foregoing, except that the Chief, Common Carrier Bureau, shall have authority, in consultation and coordination with the Chief, International Bureau, to issue and revise a manual on the details of the reporting requirements for international carriers set forth in § 43.61(d) of this chapter.

(h) Authority concerning the issuance of subpoenas. The Chief of the Common Carrier Bureau or her/his designee is authorized to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Common Carrier Bureau. Before issuing a subpoena, the Bureau shall obtain the approval of the Office of General Counsel.

(i) The Chief, Common Carrier Bureau, is delegated authority to enter into agreements with the National Institute of Standards and Technology to perform accreditation of Telecommunication Certification Bodies (TCBs) pursuant to §§ 68.160 and 68.162 of this chapter. In addition, the Chief is delegated authority to develop specific methods that will be used to accredit TCBs, to
§ 0.301 [Reserved]

§ 0.302 Record of actions taken.

The application and authorization files are designated as the Commission's official records of action of the Chief, Common Carrier Bureau pursuant to authority delegated to the Chief. The official records of action are maintained in the Reference Information Center in the Consumer Information Bureau.

[64 FR 6072, Nov. 8, 1999]

§ 0.303 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Common Carrier Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; provided, however, that the Chief, Common Carrier Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Engineer. (For record of actions taken under this section, see § 0.247.)

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)


§ 0.304 Authority for determinations of exempt telecommunications company status.

Authority is delegated to the Chief, Common Carrier Bureau to act upon any application for a determination of exempt telecommunications company status filed pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by section 103 of the Telecommunications Act of 1996.

[64 FR 5950, Feb. 8, 1999]

ENFORCEMENT BUREAU

§ 0.311 Authority delegated.

The Chief, Enforcement Bureau, is delegated authority to perform all functions of the Bureau, described in § 0.111, provided that:

(a) The following matters shall be referred to the Commission en banc for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in such proceedings.

(2) Applications for review of actions taken pursuant to delegated authority.

(3) Matters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines.

(4) Forfeiture notices and forfeiture orders if the amount is more than $100,000 in the case of common carriers or more than $25,000 in the case of all other persons or entities.

(5) Orders concluding an investigation under section 208(b) of the Communications Act and orders addressing petitions for reconsideration of such orders.

(b) Action on complaints regarding compliance with section 705(a) of the Communications Act shall be coordinated with the Office of General Counsel.

(c) Action on emergency requests for Special Temporary Authority during
§ 0.314 Additional authority delegated.

The Regional Director, Deputy Regional Director, District Director or Resident Agent at each installation is delegated authority to act upon applications, requests, or other matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

(a) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate volmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(b)(1) Extend the Communications Act Safety Radiotelephony Certificate for a period of up to 90 days beyond the specified expiration date.

(b)(2) Grant emergency exemption requests, extensions or waivers of inspection to ships in accordance with applicable provisions of the Communications Act, the Safety Convention, the Great Lakes Agreement or the Commission's rules.

(c) To act on and make determinations on behalf of the Commission regarding requests for assignments and reassignments of priorities under the Telecommunications Service Priority System, Part 64 of the rules, when circumstances require immediate action and the common carrier seeking to provide service states that it cannot contact the National Communications System or the Commission office normally responsible for such assignments.

(d) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(e) Require stations to operate with the pre-sunrise and nighttime facilities during daytime hours in order that an inspection or investigation may be made by an authorized Commission representative to determine operating parameters.

(f) Issuance of notices and orders to operators of industrial, scientific, and medical (ISM) equipment, as provided in §18.115 of this chapter.

(g) Requests for permission to resume operation of ISM equipment on a temporary basis, as provided by §18.115 of this chapter, and requests for extensions of time within which to file final reports, as provided by §18.117 of this chapter.

(h) Issuance of notices and orders to operators of Part 15 devices, as provided in §15.5 of this chapter.

(i) Issuance of notices and orders to cable operators of harmful interference to radio communications services involving safety services, as provided in §76.613 of this chapter.

(j) When deemed necessary by the District Director or Resident Agent of a Commission field facility to assure compliance with the Rules, a station licensee shall maintain a record of such operating and maintenance records as may be necessary to resolve conditions of interference or deficient technical operation.

§ 0.317 Record of action taken.

The application, authorization, and other appropriate files of the Enforcement Bureau are designated as the Commission's official records of action taken pursuant to authority delegated under §§0.311 and 0.314, and shall constitute the official Commission minutes entry of such actions. The official records of action are maintained in the Reference Information Center in the Consumer Information Bureau.

§ 0.321 Authority delegated.

The Chief, Cable Services Bureau is delegated authority to perform all functions of the Bureau, described in §0.101, subject to the following exceptions and limitations:

(a) Designate for hearing any formal complaints that present novel questions of fact, law or policy that cannot
be resolved under existing precedents for guidelines;
(b) Impose, reduce, or cancel forfeitures pursuant to section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $20,000;
(c) Act upon any applications for review of actions taken by the Chief, Cable Services Bureau pursuant to any delegated authority which comply with §1.115 of this chapter;
(d) Issue notices of proposed rulemaking, notices of inquiry or to issue report and orders arising from either of the foregoing, except that the Chief, Cable Services Bureau shall have authority to issue notices of rulemaking and report and orders redesignating market areas in accordance with section 614(f) of the Communications Act of 1934, as amended; and
(e) Act on any applications in the Cable Television Relay Service that present novel questions of fact, law, or policy that cannot be resolved under existing precedents and guidelines.

§ 0.325 Record of actions taken.

The original file, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Cable Services Bureau.

47 CFR Ch. I (10–1–00 Edition)

§ 0.331 Authority delegated.

The Chief, Wireless Telecommunications Bureau, is hereby delegated authority to perform all functions of the Bureau, described in §0.131, subject to the following exceptions and limitations.
(a) Authority concerning applications. (1) The Chief, Wireless Telecommunications Bureau shall not have authority to act on any radio applications that are in hearing status.
(2) The Chief, Wireless Telecommunications Bureau shall not have authority to act on any complaints, petitions or requests, whether or not accompanied by an application, when such complaints, petitions or requests present new or novel questions of law or policy which cannot be resolved under outstanding Commission precedents and guidelines.
(b) Authority concerning forfeitures and penalties. The Chief, Wireless Telecommunications Bureau, shall not have authority to impose, reduce, or cancel forfeitures pursuant to the Communications Act of 1934, as amended, and imposed under regulations in this chapter in amounts of more than $80,000 for commercial radio providers and $20,000 for private radio providers. Payments for bid withdrawal, default or to prevent unjust enrichment that are imposed pursuant to Section 309(j) of the Communications Act of 1934, as amended, and regulations in this chapter implementing Section 309(j) governing auction authority, are excluded from this restriction.
(c) Authority concerning applications for review. The Chief, Wireless Telecommunications Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Wireless Telecommunications Bureau pursuant to any delegated authority, except that the Chief may dismiss any such application that does not comply with the filing requirements of §1.115 (d) and (f) of this chapter.
(d) Authority concerning rulemaking proceedings. The Chief, Wireless Telecommunications Bureau shall not have the authority to act upon notices of proposed rulemaking and inquiry, final orders in rulemaking proceedings and inquiry proceedings, and reports arising from any of the foregoing except such orders involving ministerial conforming amendments to rule parts, or orders conforming any of the applicable rules to formally adopted international conventions or agreements where novel questions of fact, law, or policy are not involved. Also, the addition of new Marine VHF frequency coordination committee(s) to §80.514 of this chapter need not be referred to the Commission if they do not involve novel questions of fact, policy or law, as well as requests by the United States Coast Guard to:
(1) Designate radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine channels as VTS frequencies for these areas; or
§ 0.341 Authority of administrative law judge.

(a) After an administrative law judge has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another administrative law judge, all motions, petitions and other pleadings shall be acted upon by such administrative law judge, except the following:

(1) Those which are to be acted upon by the Commission. See § 1.291(a)(1) of this chapter.

(2) Those which are to be acted upon by the Chief Administrative Law Judge under § 0.351.

(b) Any question which would be acted upon by the administrative law judge if it were raised by the parties to the proceeding may be raised and acted upon by the administrative law judge on his own motion.

(c) Any question which would be acted upon by the Chief Administrative Law Judge or the Commission, if it were raised by the parties, may be certified by the administrative law judge, on his own motion, to the Chief Administrative Law Judge, or the Commission, as the case may be.

(d) In the conduct of routine broadcast comparative hearings involving applicants for only new facilities, i.e., cases that do not involve numerous applicants and/or motions to enlarge issues, the presiding administrative law judge shall make every effort to conclude the case within nine months of the release of the hearing designation order. In so doing, the presiding judge will make every effort to release an initial decision in such cases within 90 days of the filing of the last responsive pleading.

(e) Upon assignment by the Chief Administrative Law Judge, Administrative Law Judges, including the Chief Judge, will act as settlement judges in
§ 0.347 Record of actions taken.

The official record of all actions taken by an Administrative Law Judge, including initial and recommended decisions and actions taken pursuant to §0.341, is contained in the original docket folder, which is maintained in the Reference Information Center of the Consumer Information Bureau.

[64 FR 60722, Nov. 8, 1999]

CHIEF ADMINISTRATIVE LAW JUDGE

§ 0.351 Authority delegated.

The Chief Administrative Law Judge shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions taken pursuant to §0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with §1.251(a) of this chapter. (The administrative law judge named to preside at the hearing may order an initial prehearing conference although the Chief Administrative Law Judge may not have seen fit to do so and may order supplementary prehearing conferences in accordance with §1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See §1.253 of this chapter.) However, if all parties to a proceeding concur in holding all hearing sessions in the District of Columbia rather than at any field location, the presiding administrative law judge may act on the request.

(e) In the absence of the administrative law judge who has been designated to preside in a proceeding, to discharge the administrative law judge's functions.

(f) All pleadings filed, or matters which arise, after a proceeding has been designated for hearing, but before a hearing is held, shall be acted upon by the administrative law judge, including all pleadings filed, or matters which arise, in cease and desist and/or revocation proceedings prior to the designation of a presiding officer.

(g) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Administrative Law Judge.

(h) If the administrative law judge designated to preside at a hearing becomes unavailable, to order a rehearing or to order that the hearing continue before another administrative law judge and, in either case, to designate the judge who is to preside.

(i) The consolidation of related proceedings pursuant to §1.227(a) of this chapter, after designation of those proceedings for hearing.


§ 0.357 Record of actions taken.

The official record of all actions taken by the Chief Administrative Law Judge in docketed proceedings pursuant to §0.351 is contained in the original docket folder, which is maintained by the Reference Information Center of the Consumer Information Bureau.

[64 FR 60722, Nov. 8, 1999]

CONSUMER INFORMATION BUREAU

§ 0.361 Authority delegated.

The Chief, Consumer Information Bureau, is delegated authority to perform all functions of the Bureau, described in §0.141, provided that the following matters shall be referred to the Commission en banc for disposition:

(a) Notices of proposed rulemaking and of inquiry and final orders in such proceedings.

(b) Application for review of actions taken pursuant to delegated authority.
(c) Matters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines.  
[64 FR 60722, Nov. 8, 1999]

National Security and Emergency Preparedness Delegations

§ 0.381 Defense Commissioner.  
The authority delegated to the Commission under Executive Order 11490 is redelegated to the Defense Commissioner.  
[41 FR 31210, July 27, 1976]

§ 0.383 Emergency Relocation Board, authority delegated.  
(a) During any period in which the Commission is unable to function because of the circumstances set forth in § 0.186(b), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.  
(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.  
(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner, as if made or taken by the Commission.  

§ 0.387 Other national security and emergency preparedness delegations; cross reference.  
(a) For authority of the Chief of the Mass Media Bureau to issue Emergency Broadcast System Authorizations (FCC Form 392), see §§ 0.284(a)(4) and 73.913.  
(b) For authority of the Chief of the Enforcement Bureau to declare a general communications emergency, see § 0.182(i).  

Office of Workplace Diversity

§ 0.391 Authority delegated.  
The Director, Office of Workplace Diversity, or his/her designee, is hereby delegated authority to:  
(a) Manage the Commission's internal EEO compliance program pursuant to Title VII of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Equal Pay Act, and other applicable laws, rules, regulations, and Executive Orders, with authority that includes appointing EEO counselors, investigators, and mediators; investigating complaints of employment discrimination, and recommending to the Chairman final agency decisions on EEO complaints;  
(b) Mediate EEO complaints;  
(c) Develop the Commission's affirmative action goals and objectives;  
(d) Collect and analyze data on the Commission's affirmative action and EEO activities and accomplishments;  
(e) Prepare and release reports on EEO, affirmative action, workplace diversity, and related subjects;  
(f) Review personnel activities, including hiring, promotions, discipline, training, awards, and performance recognition for conformance with EEO and workplace diversity goals, objectives and requirements;  
(g) Conduct studies and collect data on workplace diversity issues and problems;  
(h) Assume representational role on behalf of the Commission at conferences, meetings, and negotiations on EEO and workplace diversity issues;  
(i) Develop programs and strategies designed to foster and encourage fairness, equality, and inclusion of all employees in the workforce.  
[61 FR 2728, Jan. 29, 1996]
Subpart C—General Information

§ 0.401 Location of Commission offices.

The Commission maintains several offices and receipt locations. Applications and other filings not submitted in accordance with the addresses or locations set forth below will be returned to the applicant without processing. When an application or other filing does not involve the payment of a fee, the appropriate filing address or location is established elsewhere in the rules for the various types of submissions made to the Commission. The public should identify the correct filing location by reference to these rules. Applications or submissions requiring fees must be submitted in accordance with § 0.401(b) of the rules irrespective of the addresses that may be set out elsewhere in the rules for other submissions.

(a) General correspondence, as well as applications and filings not requiring the fees set forth at part 1, subpart G of the rules (or not claiming an exemption, waiver or deferral from the fee requirement), should be delivered to one of the following locations.

(i) The main office of the Commission is located at 445 12th Street, SW., Washington, DC 20554.
(ii) Documents submitted by mail to this office should be addressed to: Federal Communications Commission, Washington, DC 20554.
(iii) Hand-carried documents should be delivered to the Secretary’s Office, Room TW-A325, 445 12th Street, SW., Washington, DC 20554.
(iv) Electronic filings, where permitted, must be transmitted as specified by the Commission or relevant Bureau or Office.

(b) Applications or filings requiring the fees set forth at part 1, subpart G of the rules must be delivered to the Commission’s lockbox bank in Pittsburgh, Pennsylvania with the correct fee and completed Fee Form attached to the application or filing, unless otherwise directed by the Commission. In the case of any conflict between this rule subpart and other rules establishing filing locations for submissions subject to a fee, this subpart shall govern.

NOTE: Applicants seeking a waiver or deferral of fees must submit their application or filing in accordance with the addresses set forth below. Applicants claiming a statutory exemption from the fees should file their applications in accordance with paragraph (a) of this section.

(i) The main office of the Commission is located at 445 12th Street, SW., Washington, DC 20554.

(ii) The mailing address is:

Federal Communications Commission, Equipment Authorization Division, 7435 Oakland Mills Road, Columbia, MD 21046

(iii) The Commission’s laboratory is located near Columbia, Maryland. The mailing address is:

Federal Communications Commission, Equipment Authorization Division, 7435 Oakland Mills Road, Columbia, MD 21046

(3) The Commission also maintains offices at Gettysburg, PA.

(i) The address of the Wireless Telecommunications Bureau’s licensing facilities are:

(A) Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245; and

(B) Federal Communications Commission, Wireless Telecommunications Bureau, Washington, DC 20554.

(ii) The mailing address of the International Telecommunications Section of the Finance Branch is: Federal Communications Commission, P.O. Box IT-70, Gettysburg, PA 17326.

(4) The locations of the field offices of the Compliance and Information Bureau are listed in §0.121.

(5) The location of the Office of General Counsel is Room 6J4, 1919 M Street NW., Washington, DC 20554.

(b) Applications or filings requiring the fees set forth at part 1, subpart G of the rules must be delivered to the Commission’s lockbox bank in Pittsburgh, Pennsylvania with the correct fee and completed Fee Form attached to the application or filing, unless otherwise directed by the Commission. In the case of any conflict between this rule subpart and other rules establishing filing locations for submissions subject to a fee, this subpart shall govern.

NOTE: Applicants seeking a waiver or deferral of fees must submit their application or filing in accordance with the addresses set forth below. Applicants claiming a statutory exemption from the fees should file their applications in accordance with paragraph (a) of this section.

(i) Applications and filings submitted by mail shall be addressed to the Mellon Bank in Pittsburgh, Pennsylvania. The bank maintains separate post office boxes for the receipt of different types of applications. It will also establish special post office boxes to receive responses to special filings such as applications filed in response to “filing windows” established by the Commission. The address for the submission of filings will be established in the Public Notice announcing the filing dates. In all other cases, applications and filings submitted by mail should be sent to the addresses listed in the appropriate fee rules.

NOTE: Wireless Telecommunications Bureau applications that require frequency coordination by certified coordinators must be submitted to the appropriate certified frequency coordinator before filing with the
Federal Communications Commission

§ 0.406 The rules and regulations.

Persons having business with the Commission should familiarize themselves with those portions of its rules and regulations pertinent to such business. All of the rules have been published and are readily available. See §§0.411(b), 0.412, and 0.415. For the benefit of those who are not familiar with the rules, there is set forth in this section a brief description of their format and contents.

(a) Format. The rules are set forth in the Code of Federal Regulations as chapter I of title 47. Chapter I is divided into parts numbered from 0-99. Each part, in turn, is divided into numbered sections. To allow for the addition of new parts and sections in logical sequence, without extensive renumbering, parts and sections are not always numbered consecutively. Thus, for example, part 2 is followed by part 5, and §1.8 is followed by §1.10; in this case, parts 3 and 4 and §1.9 have been reserved for future use. In numbering sections, the number before the period is the part number; and the number after the period locates the section in the order of the parts and sections.


(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001-1111. Pursuant to Pub. L. 89-554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

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<td>Sec. 11</td>
<td>3105, 7521, 5362, 1305</td>
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[32 FR 10570, July 19, 1967]

§ 0.403 Office hours.

The main offices of the Commission are open from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, unless otherwise stated.


§ 0.405 Statutory provisions.

The following statutory provisions, among others, will be of interest to persons having business with the Commission:

(a) The Federal Communications Commission was created by the Communications Act of 1934, 48 Stat. 1064, June 19, 1934, as amended, 47 U.S.C. 151-609.


(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001-1111. Pursuant to Pub. L. 89-554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

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[32 FR 10570, July 19, 1967]
§0.406 within that part. Thus, for example, §1.1 is the first section of part 1 and §5.1 is the first section in part 5. Except in the case of accounting regulations (parts 31–35), the period should not be read as a decimal point; thus, §1.51 is not located between §§1.51 and 1.52 but at a much later point in the rules. In citing the Code of Federal Regulations, the citation, 47 CFR 5.1, for example, is to §5.1 (in part 5) of chapter 1 of title 47 of the Code, and permits the exact location of that rule. No citation to other rule units (e.g., subpart or chapter) is needed.

(b) Contents. Parts 0–19 of the rules have been reserved for provisions of a general nature. Parts 20–69 of this chapter have been reserved for provisions pertaining to common carriers. Parts 20–29 and 80–109 of this chapter have been reserved for provisions pertaining to the wireless telecommunications services. In the rules pertaining to common carriers, parts 20–25 and 80–99 of this chapter pertain to the use of radio; in the rules pertaining to common carriers, parts 21, 23, and 25 of this chapter pertain primarily to telephone and telegraph companies. Persons having business with the Commission will find it useful to consult one or more of the following parts containing provisions of a general nature in addition to the rules of the radio or wire communication service in which they are interested:

(1) Part 0, Commission organization. Part 0 describes the structure and functions of the Commission, lists delegations of authority to the staff, and sets forth information designed to assist those desiring to obtain information from the Commission. This part is designed, among other things, to meet certain of the requirements of the Administrative Procedure Act, as amended.

(2) Part 1 of this chapter, practice and procedure. Part 1, subpart A, of this chapter contains the general rules of practice and procedure. Except as expressly provided to the contrary, these rules are applicable in all Commission proceedings and should be of interest to all persons having business with the Commission. Part 1, subpart A of this chapter also contains certain other miscellaneous provisions. Part 1, subpart B, of this chapter contains the procedures applicable in formal hearing proceedings (see §1.201 of this chapter). Part 1, subpart C, of this chapter contains the procedures followed in making or revising the rules or regulations. Part 1, subpart D, of this chapter contains rules applicable to applications for licenses in the Broadcast Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting upon such applications, and certain other matters. Part 1, subpart F, of this chapter contain rules applicable to applications for licenses in the Wireless Telecommunications Bureau services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Additional procedures applicable to certain common carriers by radio are set forth in part 21 of this chapter. Part 1, subpart F, of this chapter contains rules applicable to applications for licenses in the Private Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Part 1, subpart G, of this chapter contains rules pertaining to the application processing fees established by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272, 100 Stat. 82 (1986)) and also contains rules pertaining to the regulatory fees established by the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66, 107 Stat. 397 (1993)). Part 1, subpart H, of this chapter, concerning ex parte presentations, sets forth standards governing communications with commission personnel in hearing proceedings and contested application proceedings. Part 1, subparts G and H, of this chapter will be of interest to all regulatees, and part 1, subpart H, of this chapter will, in addition, be of interest to all persons involved in hearing proceedings.

(3) Part 2, frequency allocations and radio treaty matters; general rules and regulations. Part 2 will be of interest to all persons interested in the use of
radio. It contains definitions of technical terms used in the rules and regulations; provisions governing the allocation of radio frequencies among the numerous uses made of radio (e.g., broadcasting, land mobile) and radio services (e.g., television, public safety), including the Table of Frequency Allocations (§2.106); technical provisions dealing with emissions; provisions dealing with call signs and emergency communications; provisions governing authorization of radio equipment; and a list of treaties and other international agreements pertaining to the use of radio.

(4) Part 5, experimental radio services (other than broadcast). Part 5 deals with the temporary use of radio frequencies for research in the radio art, for communication involving other research projects, and for the development of equipment, data, or techniques.

(5) Part 13, commercial radio operators. Part 13 describes the procedures to be followed in applying for a commercial operator license, including the forms to be used and the examinations given, and sets forth rules governing licensed operators. It will be of interest to applicants for such licenses, licensed operators, and the licensees of radio stations which may be operated only by persons holding a commercial radio operator license.

(6) Part 15, radio frequency devices. Part 15 contains regulations designed to prevent harmful interference to radio communication from radio receivers and other devices which radiate radio frequency energy, and provides for the certification of radio receivers. It also provides for the certification of low power transmitters and for the operation of certified transmitters without a license.

(7) Part 17, construction, marking, and lighting of antenna structures. Part 17 contains criteria for determining whether applications for radio towers require notification of proposed construction to the Federal Aviation Administration, and specifications for obstruction marking and lighting of antenna structures.

(a) Purpose. This section displays the control numbers and expiration dates for the Commission information collection requirements assigned by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. These requirements cooperate with the requirement that agencies display current control numbers and expiration dates assigned by the Director of OMB for each approved information collection requirement. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, Washington, DC 20554.

(b) Display

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§ 0.409 Commission policy on private printing of FCC forms.

The Commission has established a policy regarding the printing of blank FCC forms by private companies if they elect to do so as a matter of expediency and convenience to their clients or consumers. The policy is as follows:

(a) Blank FCC forms may be reproduced by private companies at their own expense provided the following conditions are met:

(1) Use a printing process resulting in a product that is at least comparable in quality to the original document, without change to the page size, image size, configuration of pages, folds or perforations, and matching as closely as possible the paper weight, paper color and ink color.

(2) Delete in its entirety any and all U.S. Government Printing Office (GPO) indicia that may appear in the margin(s).

(3) If the printer wishes to identify a foreign country in which the forms are printed, a marginal notation must be added stating “No U.S. Government funds were used to print this document.”

(4) Do not add to the form any other symbol, word or phrase that might be construed as personalizing the form or advertising on it.

(5) Except as specified above, do not delete from or add to any part of the form, or attach anything thereto.

(6) Assure that the form being reproduced is an edition currently acceptable by the Commission, which will endeavor to keep the public advised of revisions to its forms, but cannot assume responsibility for the extent of eliminating any element of risk against the use of obsolete forms.

(b) These guidelines do not apply to forms which respondents may wish to reproduce as completed facsimiles on automated equipment to satisfy application or report requirements. Requests for permission to submit such forms to the Commission should be addressed to the Office of Managing Director.

[53 FR 27861, July 25, 1988]

§ 0.411 General reference materials.

The following reference materials are available in many libraries and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

(a) Statutory materials. Laws pertaining to communications are contained in Title 47 of the United States Code. Laws enacted since the printing of the last supplement to the Code are printed individually as slip laws, and these are compiled chronologically in the United States Statutes at Large. The Acts of Congress from 1910-62 pertaining to radio have been compiled in a single volume, Radio Laws of the United States (1962 ed.). See §§ 0.405 and 0.414.

(b) Regulatory materials—(1) The Code of Federal Regulations. The rules and regulations of the Commission are contained in chapter I of Title 47 of the Code of Federal Regulations. Chapter I is divided into the following four subchapters, which may be purchased separately: Subchapter A—General; Subchapter B—Common Carrier Services; Subchapter C—Broadcast Radio Services; and Subchapter D—Private Radio Services. Most persons will find that they need subchapter A, containing the general rules, and one of the other volumes, depending upon their area of interest. These four volumes are revised annually to reflect changes in the rules. See §§ 0.406, 0.412, and 0.415. The Code of Federal Regulations is fully indexed and contains numerous finding aids. See 1 CFR appendix C.
§ 0.420 Other Commission publications.

The following additional Commission publications may be purchased from the Superintendent of Documents:

(a) Statistics of Communications Common Carriers.

(b) Figure M-3, Estimated AM Ground Conductivity of the United States (set of two maps).
§ 0.421 Application forms.
All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in §0.121. For information concerning the forms to be used and filing requirements, see subparts D, E, F, and G, of part I of this chapter and the appropriate substantive rules.

§ 0.422 Current action documents and public notices.
Documents adopted by the Commission, public notices and other public announcements are released through the Office of Media Relations. These documents are also available on the Commission’s website at www.fcc.gov/ and can be obtained from the Commission’s duplicating contractor.

§ 0.423 Information bulletins.
Information bulletins and fact sheets containing information about communications issues and the Federal Communications Commission are available on the Commission’s website at www.fcc.gov/ and ftp.fcc.gov or may be requested from the Consumer Information Bureau, Consumer Information Network Division.

§ 0.431 The FCC service frequency lists.
Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection in Washington, D.C., in the Office of Engineering and Technology. Copies may be purchased from the Commission’s duplicating contractor. See §0.465(a).

§ 0.434 Data bases and lists of authorized broadcast stations and pending broadcast applications.
Periodically the FCC makes available copies of its data bases and lists containing information about authorized broadcast stations, pending applications for such stations, and rulemaking proceedings involving amendments to the TV and FM Table of Allocations. The data bases, and the lists prepared from the data bases, contain frequencies, station locations, and other particulars. The lists are available for public inspection at the FCC’s Reference Information Center at 445 12th Street, SW., Washington, DC. Paper copies of the lists may be purchased from the FCC’s duplicating contractor; see §0.465(a). Many of the data bases may be viewed at the Commission’s web site at www.fcc.gov/ and ftp.fcc.gov under mass media services. Microfiche copies of these lists are maintained by the Reference Information Center. These lists are derived from the data bases and can be used as an alternative research source to the Broadcast Application Processing System (BAPS).

§ 0.441 General.
Any person desiring to obtain information may do so by contacting the Consumer Information Bureau. Requests for information, general inquiries, and complaints may be submitted by:
§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

(a) Adjudicatory opinions and orders of the Commission, or its staff acting on delegated authority, are mailed to the parties, and as part of the record, are available for inspection in accordance with §§0.453 and 0.455.

(b) Texts adopted by the Commission or a member of its staff on delegated authority and released through the Office of Media Relations are published in the FCC Record. Older materials of this
nature are available in the FCC Reports. In the event that such older materials are not published in the FCC Reports, reference should be made to the Federal Register or Pike and Fischer Radio Regulation.

(c) All rulemaking documents are published in the Federal Register. Summaries of the full Notices of proposed rule making and other rule making decisions adopted by the Commission constitute rulemaking documents for purposes of Federal Register publication. See §1.412(a)(3). The complete text of the Commission decision also is released by the Commission and is available for inspection and copying during normal business hours in the Office of Media Relations or as otherwise specified in the rulemaking document published in the Federal Register. Docketed matters are available to the public via the Electronic Comment Filing System maintained in the Reference Information Center at 445 12th Street, Washington, DC. The complete texts of rulemaking decisions may also be purchased from the Commission's duplicating contractor.

(d) Formal policy statements and interpretations designed to have general applicability and legal effect are published in the Federal Register, the FCC Record, FCC Reports, or Pike and Fischer. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Record, FCC Reports or Pike and Fischer. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published.

(e) If the documents described in paragraphs (a) through (d) of this section are published in the Federal Register, the FCC Record, FCC Reports, or Pike and Fischer Radio Regulation, they may be relied upon, used or cited as precedent by the Commission or private parties in any manner. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he has actual notice of that requirement or policy or a document stating it has been published as provided in this paragraph. Nothing in this paragraph, however, shall be construed as precluding a reference to the rationale set forth in a recent document that is pending publication if the requirement or policy to which the rationale relates is contained in a published document or if actual notice of that requirement or policy has been given.

(f) The Federal Register, the FCC Record, FCC Reports and Pike and Fischer Radio Regulation are indexed. If the documents described in paragraphs (a)-(d) of this section are not published, they are neither indexed nor relied upon, except as provided in paragraph (e) of this section.

(g) The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Managing Director. The Manual is not indexed but is organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

(h) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. Except as provided in paragraph (g) of this section, all general instructions to the staff and limitations upon its authority are set forth in those subparts. As part of the Commission's rules and regulations, the provisions of these subparts are indexed in the Federal Register and the Code of Federal Regulations. Instructions to the staff in particular matters or cases are privileged and are not published or made available for public inspection.

(i) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes any document described in this section. The justification for any such deletion will be fully
§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC, Gettysburg, Pennsylvania, and Columbia, Maryland. Much of the information available from the public reference rooms may also be retrieved from the Commission’s World Wide Web site at <http://www.fcc.gov>:

(a) The Reference Information Center of the Consumer Information Bureau. (1) Files containing the record of all docketed cases, petitions for rule making and related papers. A file is maintained for each docketed hearing case and for each docket rule making proceeding. Cards summarizing the history of such cases are available for inspection.

(2) Files, documents, and records related to the following services:

(i) Mass Media Services.

(A) Applications for broadcast authorizations and related files are available for public inspection. Certain broadcast applications, reports, and records are also available for inspection in the community in which the station is located or is proposed to be located. See §§ 73.3526 and 73.3527 of this chapter.

(B) Ownership reports filed by licensees of broadcast stations pursuant to §73.3615.
(C) Network affiliation contracts between stations and networks (for television stations only).
(D) Contracts relating to network service to broadcast licensees filed on or after the 1st day of May 1969 under 73.3613.
(E) Annual employment reports filed by licensees and permittees of broadcast stations pursuant to § 73.3612 of this chapter.
(F) Contract files which contain pledges, trust agreements, options to purchase stock agreements, partnership agreements, management consultant agreements, and mortgage or loan agreements.
(G) Broadcast applications and related files.
(H) FM Translator applications and related files.
(I) Station files containing Notice of Apparent Liability and Memorandum of Opinion and Order and related files.
(J) Network correspondence files and related materials.
(ii) Common Carrier Services, including:
(A) Annual reports filed by carriers under § 43.21 of this chapter.
(B) Reports on pensions and benefits filed by carriers under § 43.42 of this chapter.
(C) Reports of proposed changes in depreciation rates filed by carriers under § 43.43 of this chapter.
(D) Tariff schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act, all related documents and communications.
(E) All applications for common carrier authorizations acted upon by the Common Carrier Bureau, and related files.
(F) All formal and informal complaints against common carriers filed under §§ 1.711 through 1.735 of this chapter, all documents filed in connection therewith, and all communications related thereto.
(G) Annual employment reports filed by common carrier licensees or permittees pursuant to § 1.815 of this chapter.
(H) Enforcement proceedings and public inquiries and related materials.
(I) Files containing contracts between carriers and affiliates, accounts and subaccounts, pension filings, property records, disposition units, and depreciation rate filings.
(j) Cost Allocation Manuals and related materials.
(K) Section 214 applications and related files, to the extent that they concern domestic communications facilities and services.
(L) Files containing reports required by FCC Rules and Regulations, annual reports to stockholders, administrative reports, monthly bypass reports and related materials.
(M) Files containing reference material from major telephone companies.
(N) Files containing Local Exchange Rates and related files.
(O) Currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations.
(P) Recent revisions to tariff filings and the Reference Information Center Log which is prepared daily and lists the tariff filings received the previous day.
(iii) Wireless Telecommunications Services and Auction related data including:
(A) Station files containing a complete history of data submitted by the applicant that has been approved by the Commission which includes background material.
(B) Pending files containing applications for additional facilities or modifications of existing facilities.
(C) Cellular and Paging Granted Station files and related materials.
(D) Pending cellular and paging applications and related files.
(E) Electronically stored application and licensing data for commercial radio operators and for all authorizations in the Wireless Radio services are available for public inspection via the Commission's wide area network. Wireless Radio services include Commercial and Private Mobile Radio, Common Carrier and Private Operational Field point-to-point Microwave, Local Television Transmission Service (LTTS), Digital Electronic Message Service (DEMS), Aviation Ground and Marine Coast applications. Some of these services are available electronically now.
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and most will be available on electronically within 90 days of the implementation of the Universal Licensing System (ULS).

(f) Petitions and related materials.

(iv) International Services, except to the extent they are excluded from routine public inspection under another section of this chapter:

(A) Satellite and earth station applications files and related materials under parts 25 and 100 of this chapter;

(B) Section 214 applications and related files under part 63 of this chapter, to the extent that they concern international communications facilities and services;

(C) International Fixed Public Radio applications and related files under part 23 of this chapter;

(D) Files relating to submarine cable landing licenses and applications for such licenses since June 30, 1934, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act (see § 0.457(c)(1)(i));

(E) Documents relating to INTELSAT or INMARSAT;

(F) International broadcast applications, applications for permission to deliver programming to foreign stations, and related files under part 73 of this chapter;

(v) Cable services. The following files and documents are available, including:

(A) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.

(B) Special relief petitions and files pertaining to cable television operations.

(C) Cable television system reports filed by operators pursuant to §76.403 of this chapter.

(D) Annual employment reports filed by cable television systems pursuant to §76.77 of this chapter.

(E) Files and documents related to Cable Television Relay Service (CARS)

(b) Gettysburg Reference Office of the Reference Information Center. 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. Files regarding Wireless Services are also available up to 90 days after the implementation of the Universal Licensing System (ULS) at which time they become electronically available.

(c) The Library. Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

(d) The Office of Engineering and Technology, FCC Laboratory Reference Room. The following documents, files and records are available for inspection at this location. Files containing approved applications for Equipment Authorization and related materials are available for review. These files are available in the Commission’s Laboratory in Columbia, Maryland.

(e) The International Bureau. The International Bureau maintains international settlement agreements and contracts and international cable agreements.

(f) The Cable Bureau. The Cable Bureau maintains all cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission had assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.

(g) The Common Carrier Bureau, Network Services Division Public Reference Room. Section 214 applications and related files, to the extent that they concern domestic communications facilities and services are available for inspection at this location.

(1) [Reserved]

(2) Section 214 applications and related files, to the extent that they concern domestic communications facilities and services.

(h) The Wireless Telecommunications Bureau, Commercial Mobile Services Reference Room. The following documents,
files and records are available for inspection at two different locations. The Legal Branch is the responsible custodian for both locations.

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.

2. Pending files containing applications for additional facilities or modifications of existing facilities.


4. Pending cellular applications and related files.

5. Petitions and related materials.

(i) The Common Carrier Bureau, Industry Analysis Reference Room. The following documents, files and records are available for inspection at this location:

1. Files containing reports required by FCC Rules and Regulations, annual reports to stockholders, administrative reports, monthly bypass reports and related materials.

2. Files containing reference material from major telephone companies.

3. Files containing Local Exchange Rates and related files.

(j) The Office of Engineering and Technology, FCC Laboratory Reference Room. The following documents, files and records are available for inspection at this location.

(k) The Private Radio Bureau Reference Room. Commercial radio operator application files and all authorizations in the Private 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.

(m) The International Bureau Reference Room. Except to the extent they are excluded from routine public inspection under another section of this chapter, the following documents, files, and records are available for inspection at this location:

1. Satellite and earth station applications files and related materials under parts 25 and 100 of this chapter;

2. Section 214 applications and related files under part 63 of this chapter, to the extent that they concern international communications facilities and services;
§ 0.455 Other locations at which records may be inspected.

Except as provided in §§0.453, 0.457, and 0.459, records are routinely available for inspection in the Reference Information Center or the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see §0.5), or will be made available for inspection at those offices upon request. Many of these records may be retrieved from the Commission’s site on the World Wide Web, located at <http://www.fcc.gov>. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) Mass Media Bureau. (1) Rulings under the Fairness Doctrine and section 315 of the Communications Act, and related materials.

(3) International Fixed Public Radio applications and related files under part 23 of this chapter;
(4) Files relating to submarine cable landing licenses and applications for such licenses since June 30, 1934, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act (see §0.457(c)(1)(i));
(5) Files relating to international settlements under part 64 of this chapter;
(6) Documents relating to INTELSAT or INMARSAT;
(7) International broadcast applications, applications for permission to deliver programming to foreign stations, and related files under part 73 of this chapter; and
(8) International settlement agreements and contracts and international cable agreements.

The Cable Services Bureau Reference Center. The following documents, files and records are available for inspection at this location.

(1) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.
(2) All cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission has assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.
(3) Special relief petitions and files pertaining to cable television operations.
(4) Cable television system reports filed by operators pursuant to §76.403 of this chapter.
(5) Electronically stored application and licensing data for commercial radio operator applications and all authorizations in the Wireless Radio services are available for public inspection via the Commission’s wide area network. Wireless Radio services include Commercial and Private Mobile Radio, Common Carrier and Private OperationalFixed Point-to-Point Microwave, Local Television Transmission Service (LTTS), Digital Electronic Message Service (DEMS), Aviation Ground and Marine Coast applications.


EDITORIAL NOTE: At 64 FR 28936, May 28, 1999, the introductory text of §0.453 was revised, however no effective date was given. The revised text is set forth below.

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC:

* * * * *

EFFECTIVE DATE NOTE: At 64 FR 28936, May 28, 1999, in §0.453 paragraph (o) was added, effective 90 days after ULS is implemented for all services licensed by the Wireless Telecommunications Bureau.
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(2) Ruling lists which contain brief summaries of rulings.
(3) Congressional correspondence and related materials.

(b) Common Carrier Bureau. (1) Reports of public coast station operators filed under §43.71 of this chapter.
(2) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See §0.457(c)(2).
(3) Computer II files and related materials.

(c) Office of Managing Director. (1) All minutes of Commission actions, containing a record of all final votes, minutes of actions and internal management matters as provided in §0.457(b)(1) and (c)(1)(i). These records and files are available for inspection in the Agenda Branch.
(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Publications Branch.
(3) See §0.443.
(4) Reports filed pursuant to subpart E of part 39 of this chapter and applications for inspection of such reports. See §0.460(k).

(d) Cable Services Bureau. Correspondence and other actions and decisions relating to cable television services that are not filed in the FCC Reference Information Center, e.g. rate regulation files and related documents.
(e) Office of Engineering and Technology which includes the Bureau's Technical Library containing technical reports, technical journals, and bulletins of spectrum management and related technical materials. Also files containing approved applications for Equipment Authorization (Type accepted, certified and notified) and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.
(1) Experimental application and license files.
(2) The Master Frequency Records.
(3) Applications for Equipment Authorization (type accepted, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See §0.457(d)(1)(ii).

(f) Wireless Telecommunications Bureau. See §0.453(o) of this chapter.

(g) International Bureau. The treaties and other international and bilateral agreements listed in §73.1650 of this chapter are available for inspection in the office of the Chief, Planning and Negotiations Division, International Bureau. Also contracts and other arrangements filed under §43.51 and reports of negotiations regarding foreign communication matters filed under §43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See §0.457(c)(3). Also files relating to international settlements under part 64 of this chapter.

[64 FR 60724, Nov. 8, 1999]

§ 0.457 Records not routinely available for public inspection.

The records listed in this section are not routinely available for public inspection. The records are listed in this section by category, according to the statutory basis for withholding those records from inspection; and under each category, if appropriate, the underlying policy considerations affecting the withholding and disclosure of records in that category are briefly outlined. Except where the records are not the property of the Commission or where the disclosure of those records is prohibited by law, the Commission will entertain requests from members of the public under §0.461 for permission to inspect particular records withheld from inspection under the provisions of this section, and will weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in the light of the facts of the particular case. In making such requests, it is important to appreciate that there may be more than one basis for withholding particular records from inspection. The listing of records by category is not intended to imply the contrary but is solely for the information and assistance of persons making
such requests. Requests to inspect or copy the transcripts, recordings or minutes of agency or advisory committee meetings will be considered under §0.603 rather than under the provisions of this section.

(a) Materials that are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, 5 U.S.C. 552(b)(1).

(1) E.O. 10450, "Security Requirements for Government Employees," 18 FR 2489, April 27, 1953, 3 CFR, 1949-1953 Comp., p. 936. Pursuant to the provisions of E.O. 10450, reports and other material and information developed in security investigations are the property of the investigative agency. If they are retained by the Commission, it is required that they be maintained in confidence and that no access be given to them without the consent of the investigative agency. Such materials and information will not be made available for public inspection. See also paragraphs (f) and (g) of this section.


(b) Materials that are related solely to the internal personnel rules and practices of the Commission, 5 U.S.C. 552(b)(2).

(1) Materials related solely to internal management matters, including minutes of Commission actions on such matters. Such materials may be made available for inspection under §0.461, however, unless their disclosure would interfere with or prejudice the performance of the internal management functions to which they relate, or unless their disclosure would constitute a clearly unwarranted invasion of personal privacy (see paragraph (f) of this section).

(2) Materials relating to the negotiation of contracts.

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

(c) Materials that are specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b): Provided, That such statute (1) requires that the materials be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of materials to be withheld. The Commission is authorized under the following statutory provisions to withhold materials from public inspection.

(1) Section 4(j) of the Communications Act, 47 U.S.C. 154(j), provides, in part, that "The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense." Pursuant to that provision, it has been determined that the following materials should be withheld from public inspection (see also paragraph (a) of this section):

(i) Maps showing the exact location of submarine cables.

(ii) Minutes of Commission actions on classified matters.


(2) Under section 213(f) of the Communications Act, 47 U.S.C. 213(f), the Commission is authorized to order, with the reasons therefor, that records and data pertaining to the valuation of the property of common carriers and furnished to the Commission by the carriers pursuant to the provisions of that section, shall not be available for public inspection. If such an order has been issued, the data and records will be withheld from public inspection, except under the provisions of §0.461. Normally, however, such data and information is available for inspection. See §0.455(c) (8).

(3) Under section 412 of the Communications Act, 47 U.S.C. 412, the Commission may withhold from public inspection certain contracts, agreements
and arrangements between common carriers relating to foreign wire or radio communication. Reports of negotiations regarding such foreign communication matters, filed by carriers under §43.52 of this chapter, may also be withheld from public inspection under section 412. Any person may file a petition requesting that such materials be withheld from public inspection. To support such action, the petition must show that the contract, agreement or arrangement relates to foreign wire or radio communications; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would be served by keeping its terms confidential. If the Commission orders that such materials be kept confidential, they will be made available for inspection only under the provisions of §0.461.

4. Section 605 of the Communications Act, 47 U.S.C. 605, provides, in part, that, “no person not being authorized by the sender shall intercept any communication [by wire or radio] and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communications to any person.” In executing its responsibilities, the Commission regularly monitors radio transmissions (see §0.116). Except as required for the enforcement of the communications laws, treaties and the provisions of this chapter, or as authorized in section 605, the Commission is prohibited from divulging information obtained in the course of these monitoring activities; and such information, and materials relating thereto, will not be made available for public inspection.

5. Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information. See paragraph (d) of this section.

(d) Trade secrets and commercial or financial information obtained from any person and privileged or confidential—categories of materials not routinely available for public inspection, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.

1. The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to §0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under §0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to former §1.611 or by radio or television networks are not routinely available for inspection.

(ii) Applications for equipment authorizations (type acceptance, type approval, certification, or advance approval of subscription television systems), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request (See §0.460). Portions of applications for equipment certification of scanning receivers and related materials will not be made available for inspection. This information includes that necessary to prevent modification of scanning receivers to receive Cellular Service frequencies, such as schematic diagrams, technical narratives describing equipment operation, and relevant design details.

(iii) Information submitted in connection with audits, investigations and examination of records pursuant to 47 U.S.C. 220.

(iv) Programming contracts between programmers and multichannel video programming distributors.

(v) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for non-disclosure of certain materials would
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Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this paragraph (d)(1)(v) were superseded by the provisions of this paragraph (d), effective July 4, 1967. Equipment authorization information accepted on a confidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a persuasive showing as to the reasons for inspection of such information will be required in requests for inspection of such materials submitted under § 0.461.

(vi) The rates, terms and conditions in any agreement between a U.S. carrier and a foreign carrier that govern the settlement of U.S. international traffic, including the method for allocating return traffic, if the U.S. international route is exempt from the international settlements policy under § 43.51(g) of this chapter.

(2) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to § 0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under § 0.461. In the absence of a request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to § 0.461, even though some question may be present as to whether they contain trade secrets or like matter.

(e) Interagency and intra-agency memorandums or letters, 5 U.S.C. 552(b)(5).

Interagency and intra-agency memorandums or letters and the work papers of members of the Commission or its staff will not be made available for public inspection, except in accordance with the procedures set forth in § 0.461. Only if it is shown in a request under § 0.461 that such a communication would be routinely available to a private party through the discovery process in litigation with the Commission will the communication be made available for public inspection. Normally such papers are privileged and not available to private parties through the discovery process, since their disclosure would tend to restrain the commitment of ideas to writing, would tend to inhibit communication among Government personnel, and would, in some cases, involve premature disclosure of their contents.

(f) Personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. 552(b)(6).

(1) Under Executive Order 10561, 19 FR 5963, September 13, 1954, 3 CFR, 1954-1958 Comp., page 205, the Commission maintains an Official Personnel Folder for each of its employees. Such folders are under the jurisdiction and control, and are a part of the records, of the U.S. Office of Personnel Management. Except as provided in the rules of the Office of Personnel Management (5 CFR 294.701-294.703), such folders will not be made available for public inspection by the Commission. In addition, other records of the Commission containing private, personal or financial information concerning particular employees will be withheld from public inspection.

(2) [Reserved]

(3) Information submitted to the Commission by applicants for commercial radio operator licenses concerning the character and mental or physical health of the applicant is available for inspection only under procedures set forth in § 0.461. Except in this respect, or where other aspects of a similar private nature warrant nondisclosure,
§ 0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in § 0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see § 0.457) and of the facts upon which those records are based, including:

(1) Identification of the specific information for which confidential treatment is sought;

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission;

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;

(4) Explanation of the degree to which the information concerns a service that is subject to competition;

(5) Explanation of how disclosure of the information could result in substantial competitive harm;

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;

(b)(1) The Commission may defer acting on requests that materials or information submitted to the Commission be withheld from public inspection until a request for inspection has been made pursuant to § 0.460 or § 0.461. The information will be accorded confidential treatment, as provided for in § 0.459(g) and § 0.461, until the Commission acts on the confidentiality request and all subsequent appeal and stay proceedings have been exhausted. If a response in opposition to a confidentiality request is filed, the party requesting confidentiality may file a reply.

(2) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be considered.

(c) Casual requests which do not comply with the requirements of paragraphs (a) and (b) of this section will not be considered.

(d)(1) The Commission may defer acting on requests that materials or information submitted to the Commission be withheld from public inspection until a request for inspection has been made pursuant to § 0.460 or § 0.461. The information will be accorded confidential treatment, as provided for in § 0.459(g) and § 0.461, until the Commission acts on the confidentiality request and all subsequent appeal and stay proceedings have been exhausted. If a response in opposition to a confidentiality request is filed, the party requesting confidentiality may file a reply.

(2) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted upon by the appropriate Bureau or Office Chief, who is directed to grant the request if it presents by a preponderance of the evidence a case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552.
§ 0.460 Requests for inspection of records which are routinely available for public inspection.

(a) Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Subject to the limitations set out in this section and to the provisions of §0.466 and paragraph (l) of this section, a person who wants to inspect such records need only appear at the specified location and ask to see the records. Many such records also are available through the Commission's site on the World Wide Web, located at <http://www.fcc.gov>. Commission documents listed in §0.416 are published in the FCC Record, and many such documents or summaries thereof are also published in the Federal Register.

(b) A person who does not want a copy of the records must appear at the specified location during the office hours of the Commission and must inspect the records at that location. (Procedures governing requests for copies are set out in §0.465.) However, arrangements may be made in advance, by telephone or by correspondence, to make the records available for inspection on a particular date, and there are many circumstances in which such advance arrangements will save inconvenience. If the request is for a large number of documents, for example, a delay in collecting them is predictable. Current records may be in use by the
§0.461 Requests for inspection of materials not routinely available for public inspection.

Any person desiring to inspect Commission records which are not listed in §0.453 or §0.455 shall file a request for inspection meeting the requirements of this section.

(a)(1) The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel. See §0.460(c).
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(2) The person requesting records under this section may specify the form or format of the records to be produced.

(b)(1) Requests shall be captioned “Freedom of Information Act Request,” shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document.

(2) The request shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see § 0.467).

(c) If the records are of the kinds listed in § 0.457 or if they have been withheld from inspection under § 0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the custodian of the records may require the submission of such a statement if he determines that the materials in question may lawfully be withheld from inspection.

(d)(1) Requests shall be delivered or mailed to the Managing Director, sent by electronic mail to <foia@fcc.gov>, or sent by facsimile. (For purposes of this section, the custodian of the records is the Chief of the appropriate Bureau or Office.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, “Freedom of Information Act Request.”

(3) An original and two copies of the request shall be submitted. If the request is for materials not open to routine public inspection under § 0.457(d) or § 0.459, or if a request for confidentiality is pending pursuant to § 0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

(e) When the request is received by the Managing Director, it will be assigned to the Freedom of Information Act (FOIA) Control Office, where it will be date-stamped and assigned to the custodian of the records.

(f) Requests for inspection of records will be acted on as follows by the custodian of the records.

(1) If the Commission is prohibited from disclosing the records in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the records are the property of another agency, the request will be referred to that agency and the person who submitted the request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the records from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(5) If there is a statutory basis for withholding part of a document only from inspection, that part will be deleted and the remainder will be made available for inspection.

(6) In locating and recovering records responsive to a FOIA request, only those records within the Commission’s possession and control as of the date of its receipt of the request shall be considered.

(g) The custodian of the records will make every effort to act on the request within 20 working days after it is received by the FOIA Control Office. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the custodian may, in any of the following circumstances, extend the time for action by up to 10 working days:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
(3) It is necessary to consult with another agency having a substantial interest in the determination of the request, or among two or more components of the Commission having substantial subject matter interest therein.

The custodian of the records will notify the requester in writing of any extension of time exercised pursuant to paragraph (g) of this section. If it is not possible to locate the records and make the determination within the extended period, the person or persons who made the request will be provided an opportunity to limit the scope of the request so that it may be processed within the extended time limit, or an opportunity to arrange an alternative time frame for processing the request or a modified request, and asked to consent to an extension or further extension. If the requester agrees to an extension, the custodian of the records will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he or she does not agree to an extension, the request will be denied, on the grounds that the custodian has not been able to locate the records and/or to make the determination within the period for a ruling mandated by the Freedom of Information Act, 5 U.S.C. 552. In that event, the custodian will continue to search for and/or assess the records and will advise the person who made the request of further developments, but that person may file an application for review by the Commission. When action is taken by the custodian of the records, written notice of the action will be given.

(ii)(1) Requesters who seek expedited processing of FOIA requests shall submit such requests, along with their FOIA requests, to the Managing Director, as described in §0.461(d). If the request is enclosed in an envelope, the envelope shall be marked “Request for Expedited Processing—FOIA Request.” An original and two copies of the request for expedient review shall be submitted, but only one copy is necessary if submitted by electronic mail. When the request is received by the Managing Director, it, and the accompanying FOIA request, will be assigned to the FOIA Control Office, where it will be date-stamped and assigned to the custodian of records.

(2) Expedited processing shall be granted to a requester demonstrating a compelling need that is certified by the requester to be true and correct to the best of his or her knowledge and belief.

(3) For purposes of this section, compelling need means—

(i) That failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public concerning actual or alleged Federal Government activity.

(iii) Notice of the determination as to whether to grant expedited processing shall be provided to the requester by the custodian of records within 10 calendar days after receipt of the request by the FOIA Control Office. Once the determination has been made to grant expedited processing, the custodian shall process the FOIA request as soon as practicable.

(ii) If a request for expedited processing is denied, the person seeking expedited processing may file an application for review within five working days after the date of the written denial. The application for review and the envelope containing it (if any) shall be captioned “Review of FOIA Expedited Proceeding Request.” The application for review shall be delivered or mailed to the General Counsel. (For general procedures relating to applications for review, see §1.115 of this chapter.) The Commission shall act expeditiously on the application for review, and shall notify the custodian of records of the disposition of such an application for review.

(i) If a request for inspection of records submitted to the Commission in confidence under §0.457(d) or §0.459 is granted, an application for review of the action may be filed by the person who submitted the records to the Commission or by a third party owner of the records. The application for review and the envelope containing it (if any) shall be captioned “Review of Freedom
of Information Action." The application for review shall be filed within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records.

The first day to be counted in computing the time period for filing the application for review is the day after the date of the written ruling. If an application for review is not filed within this period, the records will be produced for inspection. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed.

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission, a third party owner of the records and the person who filed the request for inspection of those records may file an application for review within 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, it shall be served upon the other person.

(3) If an application for review is denied, the person filing the application for review will be notified in writing and advised of their rights.

(4) If an application for review filed by the person who submitted the records to the Commission or who owns the records is denied, or if the records are not initially made available, the person who submitted the records to the Commission or who owns the records will be afforded 10 working days from the date of the written ruling in which to move for a judicial stay of the Commission's action. The first day to be counted in computing the time period for seeking a judicial stay is the day after the date of the written ruling. If a motion for stay is not made within this period, the record will be produced for inspection.

(j) Except as provided in paragraph (i) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of records, and shall be captioned, "Review of Freedom of Information Action." The envelope (if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. See paragraph (i) of this section. The first day to be counted in computing the time period for filing the application for review or seeking a judicial stay is the day after the date of the written ruling. (For general procedures relating to applications for review, see § 1.115 of this chapter.)

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. See, however, paragraph (i) of this section. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraphs (g) (1)(i), (ii), or (iii) of this section, extend the time for action up to 10 working days. (The total period of extensions taken under this paragraph and under paragraph (g) of this section without the consent of the person who submitted the request shall not exceed 10 working days.):

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
(2) It is necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission having substantial subject matter interest therein.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his/her rights and asked to consent to an extension or further extension. If the requester or person who made the request agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If the requestor or person who made the request does not agree to an extension, the Commission will continue to search for and/or assess the record and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

(l) Subject to the application for review and judicial stay provisions of paragraphs (h) and (i) of this section, if the request is granted, the records will be produced for inspection at the earliest possible time.

(m) Staff orders and letters denying requests for inspection are signed by the official (or officials) who give final approval of their contents. If a request is denied by the Commission, notice of denial will set forth the names of the Commissioners participating in the decision.

(n) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1062, 1063; 47 U.S.C. 154, 303, 397; 47 FR 0.231(d))

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission awards a contract to a commercial duplication firm to make copies of Commission records and offer them for sale to the public. In
addition to the charge for copying, the contractor may charge a search fee for extracting the requested documents from the Commission’s files.

Note to Paragraph (a): The name, address, telephone number, and schedule of fees for the current duplication contractor are published at the time of contract award or renewal in a Public Notice and periodically thereafter. Questions regarding this information should be directed to the Reference Information Division of the Consumer Information Bureau.

(b) The Commission awards a contract to a commercial firm to transcribe Commission proceedings in which a verbatim record is kept and to offer copies of the transcript for sale to the public. Except as authorized by the Commission, the firm is required to retain the capacity to furnish copies of the transcript for a period of 5 years, and may retain that capacity for a longer period, even though another firm is currently transcribing Commission proceedings. Requests for copies of the transcript of the current proceedings should be directed to the current contractor. Requests for transcripts of older proceedings will be forwarded by the Commission to the firm which made the transcript in question; and the names of contracting firms for past years will be furnished upon request.

Note to Paragraph (b): The name, address, telephone number, and schedule of fees for the current transcription contractor are maintained by the Office of the Secretary in the Managing Director’s Office.

(c)(1) Contractual arrangements which have been entered into with commercial firms, as described in this section, do not in any way limit the right of the public to inspect Commission records or to extract therefrom whatever information may be desired. Coin-operated and debit card copy machines are available for use by the public.

(2) The Commission has reserved the right to make copies of its records for its own use or for the use of other agencies of the U.S. Government. When it serves the regulatory or financial interests of the U.S. Government, the Commission will make and furnish copies of its records free of charge. In other circumstances, however, if it should be necessary for the Commission to make and furnish copies of its records for the use of others, the fee for this service shall be 17 cents per page. For copies prepared with other media, such as computer tapes, microfiche or videotape, the charge will be the actual direct cost including operator time. Requests for copying should be accompanied by a statement specifying the maximum copying fee the person making the request is prepared to pay. If the Commission estimates that copying charges are likely to exceed $25 or the amount which the requester has indicated he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

Note: The criterion considered in acting on a waiver request is whether “waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.” 5 U.S.C. 552a)(4)(A). The following factors are relevant in applying that criterion: the number of persons to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the materials to be released to the general public and the likelihood that a tangible public benefit will be realized. (See Attorney General’s 1974 FOIA Amendments Memorandum, at 15.)

(3) Requests for copies by representatives of foreign governments or persons residing in foreign countries shall be submitted to the General Counsel and will be reviewed by the General Counsel under criteria established by the Department of Commerce for controlling the export of technical data.

(4) Certified Documents. Copies of documents which are available or made available, for inspection under §§0.451 through 0.465, will be prepared and certified, under seal, by the Secretary, or for documents located in the Commission’s Gettysburg, Pennsylvania Office by his deputy. Requests shall be in writing, specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be the same as that
§ 0.466 Definitions.

(a) For the purpose of §§0.467 and 0.468, the following definitions shall apply:

(1) The term direct costs means those expenditures which the Commission actually incurs in searching for and duplicating (and in case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses, such as costs of space, and heating or lighting the facility in which the records are stored.

(2) The term search includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material contained within documents. Such activity should be distinguished, however, from “review” of material in order to determine whether the material is exempt from disclosure (see paragraph (a)(3) of this section).

(3) The term review refers to the process of examining documents located in response to a commercial use request (see paragraph (a)(4) of this section) to determine whether any portion of a document located is exempt from disclosure. It also includes processing any documents for disclosure, e.g., performing such functions that are necessary to excise them or otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of FOIA exemptions.
§ 0.467 Search and review fees.

(a)(1) Subject to the provisions of this section, an hourly fee shall be charged for recovery of the full, allowable direct costs of searching for and reviewing records requested under §0.460(e) or §0.461, unless such fees are precluded or waived pursuant to §0.470. The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

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NOTE: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(b) Search fees may be assessed for time spent searching, even if the Commission fails to locate the records or if the records are determined to be exempt from disclosure.

(c) The Commission shall charge only for the initial review, i.e., the review undertaken initially when the Commission analyzes the applicability of a specific exemption to a particular record. The Commission shall not charge for review at the appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption that is subsequently determined not to apply may...
be reviewed again to determine the applicability of other exemptions not previously considered. The costs of such a subsequent review, under these circumstances, are properly assessable.

(d) The fee charged will not exceed an amount based on the time typically required to locate records of the kind requested.

(e) If the Commission estimates that search charges are likely to exceed $25 or the amount which the requester indicated he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Financial Management Division, Office of Managing Director, or as otherwise directed by the Commission.

(h) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

§ 0.468 Interest.

Interest shall be charged those requesters who fail to pay the fees charged. The agency will begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. The date on which the payment is received by the agency will determine whether and how much interest is due. The interest shall be set at the rate prescribed in 31 U.S.C. 3717.

§ 0.469 Advance payments.

(a)(1) The Commission may not require advance payment of estimated FOIA fees except as provided in subsection (a)(2) or where the Commission estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00 and the requester has no history of payment. Where allowable charges are likely to exceed $250.00 and the requester has a history of prompt payment of FOIA fees the Commission may notify the requester of the estimated cost and obtain satisfactory assurance of full payment.

(2) Where a requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), the Commission may require the requester to pay the full amount owed plus any applicable interest as provided in § 0.468, and to make an advance payment of the full amount of the estimated fee before the Commission begins to process a new request or a pending request from that requester.

(3) When the Commission acts under paragraph (a)(1) or (2) of this section, the administrative time limits prescribed in subsection (a)(16) of the FOIA (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denials, plus permissible extensions of these time limits) will begin only after the agency has received the fee payments described above.

§ 0.470 Assessment of fees.

(a)(1) Commercial use requesters. When the Commission receives a request for documents for commercial use, it will assess charges that recover the full direct cost of searching for, reviewing and duplicating the records sought pursuant to §§ 0.466 and 0.467, above.

(2) Educational and non-commercial scientific institution requesters and requesters who are representatives of the news media. The Commission shall provide documents to requesters in these categories for the cost of reproduction.
only, pursuant to §0.465 above, excluding reproduction charges for the first 100 pages, provided however, that requesters who are representatives of the news media shall be entitled to a reduced assessment of charges only when the request is for the purpose of disseminating information.

(3) All other requesters. The Commission shall charge requesters who do not fit into any of the categories above fees which cover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request, pursuant to §§0.467 and 0.465 above, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

(b)(1) The 100 page restriction on assessment of reproduction fees in paragraphs (a)(2) and (a)(3) of this section refers to 100 paper copies of a standard size, which will normally be "8½ x 11" or "11 x 14," or microfiche containing the equivalent of 100 pages or 100 pages of computer printout. Requesters will not be entitled to 100 microfiche.

(2) When the agency reasonably believes that a requester or group of requesters is attempting to segregate a request into a series of separate individual requests for the purpose of evading the assessment of fees, the agency will aggregate any such requests and assess charges accordingly.

(c) When a requester believes he is entitled to a restricted fee assessment pursuant to paragraphs (a)(2) and (a)(3) of this section, or a waiver pursuant to paragraph (e) of this section, the requester must include, in his original FOIA request, a statement explaining with specificity, the reasons demonstrating that he/she qualifies for a restricted fee or a fee waiver. Included in this statement should be a certification that the information will not be used to further the commercial interests of the requester.

NOTE: Anyone requesting a restricted fee must submit the request directly to the Commission and not to the contractor who will provide documents only at the contract price.

(d) If the Commission reasonably believes that a commercial interest exists, based on the information provided pursuant to paragraph (c) of this section, the requester shall be so notified and given an additional 5 working days to provide further information to justify receiving a restricted fee. During this time period, the materials will be available for inspection to the extent that the time period exceeds the 10 or 20 day time period for responding to FOIA requests, as appropriate.

(e) Copying, search and review charges shall be waived or reduced by the General Counsel, when “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. 552(a)(4)(A)(iii).

(f) The Commission shall not assess any fees if the routine cost of collecting the fee would be equal to or greater than the fee itself.

[53 FR 39094, Oct. 5, 1988]

§ 0.475 Applications for employment.

Persons who wish to apply for employment should communicate with the Associate Managing Director-Personnel Management.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13368, Apr. 4, 1984]
§ 0.481 Place of filing applications for radio authorizations.

For locations for filing applications, and appropriate fees, see §§ 1.1102-1.1105 of this chapter.

[56 FR 64714, Dec. 12, 1991]

§ 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.

[63 FR 68919, Dec. 14, 1998]

§ 0.483 Applications for amateur or commercial radio operator licenses.

(a) Application filing procedures for amateur radio operator licenses are set forth in part 97 of this chapter.

(b) Application filing procedures for commercial radio operator licenses are set forth in part 13 of this chapter. Detailed information about application forms, filing procedures, and places to file applications for commercial radio operator licenses is contained in the bulletin “Commercial Radio Operator Licenses and Permits.” This bulletin is available from any Commission field office or the FCC, Washington, DC 20554.

[47 FR 53378, Nov. 26, 1982]

§ 0.484 Amateur radio operator examinations.

Generally, examinations for amateur radio operation licenses shall be administered at locations and times specified by volunteer examiners. (See §97.509). When the FCC conducts examinations for amateur radio operator licenses, they shall take place at locations and times designated by the FCC.

[58 FR 13021, Mar. 9, 1993]

§ 0.485 Commercial radio operator examinations.

Generally, written and telegraphy examinations for commercial radio operator licenses shall be conducted at locations and times specified by commercial operator license examination managers. (See §13.209 of this chapter). When the FCC conducts these examinations, they shall take place at locations and times specified by the FCC.

[58 FR 9124, Feb. 19, 1993]

§ 0.489 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.


§ 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.

[63 FR 68919, Dec. 14, 1998]

§ 0.493 Non-radio common carrier applications.

All such applications shall be filed at the Commission's offices in Washington, DC.


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§ 0.501 General.

Executive Order 12356 requires that information relating to national security be protected against unauthorized disclosure as long as required by national security considerations. The Order also provides that all information classified under Executive Order 12356 or predecessor orders be subject to a review for declassification upon receipt of a request made by a United States citizen or permanent resident alien, a Federal agency, or a state or local government.

§ 0.502 Purpose.

This subpart prescribes the procedures to be followed in submitting requests, processing such requests, appeals taken from denials of declassification requests and fees and charges.

§ 0.503 Submission of requests for mandatory declassification review.

(a) Requests for mandatory review of national security information shall be in writing, addressed to the Managing Director, and reasonably describe the information sought with sufficient particularity to enable Commission personnel to identify the documents containing that information and be reasonable in scope.

(b) When the request is for information originally classified by the Commission, the Managing Director shall assign the request to the appropriate bureau or office for action.

(c) Requests related to information, either derivatively classified by the Commission or originally classified by another agency, shall be forwarded, together with a copy of the record, to the originating agency. The transmittal may contain a recommendation for action.

§ 0.504 Processing requests for declassification.

(a) Responses to mandatory declassification review requests shall be governed by the amount of search and review time required to process the request. A final determination shall be made within one year from the date of receipt of the request, except in unusual circumstances.

(b) Upon a determination by the bureau or office that the requested material originally classified by the Commission no longer warrants protection, it shall be declassified and made available to the requester, unless withholding is otherwise authorized under law.

(c) If the information may not be declassified or released in whole or in part, the requester shall be notified as to the reasons for the denial, given notice of the right to appeal the denial to the Classification Review Committee, and given notice that such an appeal must be filed within 60 days of the date of denial in order to be considered.

(d) The Commission’s Classification Review Committee, consisting of the Managing Director (Chairman), the General Counsel or his designee, and the Chief, Internal Review and Security Division, shall have authority to act, within 30 days, upon all appeals regarding denials of requests for mandatory declassification of Commission-originated classifications. The Committee shall be authorized to overrule previous determinations in whole or in part when, in its judgment, continued classification is no longer required. If the Committee determines that continued classification is required under the criteria of the Order, the requester shall be promptly notified and advised that an application for review may be filed with the Commission pursuant to 47 CFR 1.115.

§ 0.505 Fees and charges.

(a) The Commission has designated a contractor to make copies of Commission records and offer them for sale (See §0.465).

(b) An hourly fee is charged for recovery of the direct costs of searching for requested documents (See §0.466).
§ 0.506 FOIA and Privacy Act requests. Requests for declassification that are submitted under the provisions of the Freedom of Information Act, as amended, (See § 0.461), of the Privacy Act of 1974, (See § 0.554) shall be processed in accordance with the provisions of those Acts.

Subpart E—Privacy Act Regulations


SOURCE: 40 FR 44512, Sept. 26, 1975, unless otherwise noted.

§ 0.551 Purpose and scope; definitions. (a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein apply to any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:
(1) Individual means a citizen of the United States or an alien lawfully admitted for permanent residence;
(2) Record means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, such individual's education, financial transactions, medical history, and criminal or employment history, and that contains such individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.
(3) System of Records means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;
(4) Routine Use means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;
(5) System Manager means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.552 Notice identifying Commission systems of records.
The Commission publishes in the FEDERAL REGISTER upon establishment or revision a notice of the existence and character of the system of records, including for each system of records:
(a) The name and location of the system;
(b) The categories of individuals on whom records are maintained in the system;
(c) The categories of records maintained in the system;
(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;
(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
(f) The title and business address of the system manager;
(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;
(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and
(i) The categories of sources of records in the system.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

§ 0.553 New uses of information. Before establishing a new routine use of a system of records, the Commission
Federal Communications Commission

§ 0.554 Procedures for requests pertaining to individual records in a system of records.

(a) Upon request, the Commission will notify individuals as to whether it maintains information about them in a system of records and, subject to the provisions of § 0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in § 0.552. A table of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) Individuals who choose to register a request for information in person may verify their identity by showing any two of the following: social security card; driver’s license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual cannot provide suitable documentation for identification, that individual will be required to sign an identity statement stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

NOTE: An individual’s refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign an identity statement and stipulate that knowingly or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine of up to $5,000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

NOTE: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Associate Managing Director—Personnel Management. Such addresses can be found in the Federal Register Notice described in § 0.552.
§ 0.555 Disclosure of record information to individuals.

(a) Individuals having been notified that the Commission maintains a record pertaining to them in a system of records may request access to such record in one of three ways: by in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) Individuals who wish to review their records at the system location must do so during regular Commission business hours (8:00 a.m.–4:30 p.m., Monday through Friday). For personal and administrative convenience, individuals are urged to arrange to review a record by appointment. Preferences as to specific dates and times can be made by writing or calling the system manager responsible for the system of records in question at least two days in advance of the desired appointment date, and by providing a telephone number where the individual can be reached during the day in case the appointment must be changed. Verification of identity is required as in §0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of his or her own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of their record in the presence of a Commission representative having physical custody of the records.

(2) Individuals may request that a record be transferred to a Commission field office or installation in the vicinity of his or her home and that access be granted at that location. The addresses of Commission field offices are listed in §0.121. A request to transfer records must specify the exact location where the records should be sent and a telephone number to call when the information is available for review at the field location. Paragraph (a)(1) of this section regarding personal appointments, verification of identity accompanying persons, and disclosure of original records applies equally to this paragraph.

(3) Individuals may request that copies of records be sent directly to them. In such cases, individuals must verify their identity as §0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in their record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Associate Managing Director—Human Resources Management, 445 12th Street, SW., Washington, D.C. 20554.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager, or in the case of official personnel records of active FCC employees, the Associate Managing Director—Personnel Management, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, the system manager shall:
   (i) So advise the individual in writing;
   (ii) Correct the record in compliance with the individual's request; and
   (iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, the system manager shall:
   (i) Notify the individual in writing of such refusal to amend and the reasons therefore;
§ 0.557 Administrative review of an initial decision not to amend a record.

(a) Individuals have 30 days from the date of the determination not to amend a record consistent with their request to seek further administrative review by the full Commission. Such a request shall be in writing and should be addressed to the system manager having custody of the record in question.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in §0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reason for the delay and the approximate date on which the review is expected to be completed.

(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with §0.556(c)(1)(i) through (iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual that a concise statement of the reasons for disagreeing with the decision of the Commission may be filed;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;
(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission’s discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that

(ii) Advise the individual that further administrative review of the initial decision by the full Commission may be sought pursuant to the procedures set forth in §0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, DC 20415; and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to §0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, the system manager shall judge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

§ 0.558 Advice and assistance.

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Office of General Counsel, 445 12th Street, SW., Washington, DC 20554.

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:


§ 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556.

§ 0.560 Penalty for false representation of identity.

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than $5,000.

§ 0.561 Exemptions.

The following systems of records are totally or partially exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554 through 0.557 of this subpart:

(a) System name. Radio Operator Records—FCC/FOB-1. Parts of this system of records are exempt pursuant to Section (k)(2) of the Act because they contain investigatory material compiled solely for law enforcement purposes.

(b) System name. Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB-2. Parts of this system of records are EXEMPT because they are maintained as a protective service for individuals described in section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k) (1), (2), and (3) of the Act.

(c) System name. Attorney Misconduct Files—FCC/OGC-2. This system of records is exempt pursuant to section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) System name. Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC. Parts of this system of records are exempt pursuant to section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.
§ 0.601 Definitions.

For purposes of this section:
(a) The term agency means:
(1) The Commission,
(2) A board of Commissioners (see § 0.212),
(3) The Telecommunications Committee (see § 0.215), and
(4) Any other group of Commissioners hereafter established by the Commission on a continuing or ad hoc basis and authorized to act on behalf of the Commission.

(b) The term meeting means the deliberations among a quorum of the Commission, a Board of Commissioners, or a quorum of a committee of Commissioners, where such deliberations determine or result in the joint conduct or disposition of official agency business, except that the term does not include deliberations to decide whether to announce a meeting with less than seven days notice, or whether a meeting should be open or closed. (The term includes conference telephone calls, but does not include the separate consideration of Commission business by Commissioners.) For purposes of this subpart each item on the agenda of a meeting is considered a meeting or a portion of a meeting.

§ 0.602 Open meetings.

(a) All meetings shall be conducted in accordance with the provisions of this subpart.

(b) Except as provided in § 0.603, every portion of every meeting shall be open to public observation. Observation does not include participation or disruptive conduct by observers, and persons engaging in such conduct will be removed from the meeting.

(c) The right of the public to observe open meetings does not alter those rules in this chapter which relate to the filing of motions, pleadings, or other documents. Unless such pleadings conform to the other procedural requirements of this chapter, pleadings based upon comments or discussions at open meetings, as a general rule, will not become part of the official record, will receive no consideration, and no further action by the Commission will be taken thereon.

(d) Deliberations, discussions, comments or observations made during the course of open meetings do not themselves constitute action of the Commission. Comments made by Commissioners may be advanced for purposes of discussion and may not reflect the ultimate position of a Commissioner.

§ 0.603 Bases for closing a meeting to the public.

Except where the agency finds that the public interest requires otherwise, an agency or advisory committee meeting may be closed to the public, and information pertaining to such meetings which would otherwise be disclosed to the public under § 0.605 may be withheld, if the agency determines
that an open meeting or the disclosure of such information is likely to:

(a) Disclose matters that: (1) Are specifically authorized under criteria established by executive order to be kept secret in the interest of national defense or foreign policy, and (2) are in fact properly classified pursuant to such executive order (see §0.457(a));
(b) Relate solely to the internal personnel rules and practices of an agency (see §0.457(b));
(c) Disclose matters specifically exempted from disclosure, by statute (other than the Freedom of Information Act, 5 U.S.C. 552). Provided, That such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld (see §0.457(c));
(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential (see §0.457(d));
(e) Involve accusing any person of a crime or formally censuring any person;
(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (see §0.457(f));
(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;
(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;
(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except where the agency has already disclosed to the public the content or nature of the disclosed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or
(j) Specifically concern the agency’s issuance of a subpoena, or the agency’s participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for hearing.

§0.0605 Procedures for announcing meetings.

(a) Notice of all open and closed meetings will be given.
(b) The meeting notice will be submitted for publication in the FEDERAL REGISTER on or before the date on which the announcement is made. Copies will be available in the Press and News Media Division on the day the announcement is made. Copies will also be attached to “FCC Actions Alert”, which is mailed to certain individuals and groups who have demonstrated an interest in representing the public in Commission proceedings.
(c)(1) If the agency staff determines that a meeting should be open to the public, it will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division, who has been designated to respond to requests for information about the meeting.
(2) If the staff determines that a meeting should be closed to the public, it will refer the matter to the General Counsel, who will certify that there is
§ 0.606 Procedures for closing a meeting to the public.

(a) For every meeting closed under § 0.603, the General Counsel will certify that there is a legal basis for closing the meeting to the public and will state each relevant provision of § 0.603. The staff of the agency will refer the matter to the General Counsel for certification before it is referred to the agency for a vote on closing the meeting. Certifications will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

(b) The agency will vote on the question of closing a meeting.

(1) If a member of the agency requests that a vote be taken;

(2) If the staff recommends that a meeting be closed and one member of the agency requests that a vote be taken; or

(3) If a person whose interests may be directly affected by a meeting requests that a closed meeting be opened, and a member of the agency requests that a vote be taken. (Such requests may be filed with the Secretary at any time prior to the meeting and should briefly state the reason(s) for opening or closing the meeting. To assure that they reach the Commission for consideration prior to the meeting, they should be submitted at the earliest practicable time and should be called specifically to the attention of the Secretary—in person or by telephone. It will be helpful if copies of the request are furnished to the Commission staff.)

(4) If a meeting is closed, the agency may omit from the announcement information usually included, if and to the extent that it finds that disclosure would be likely to have any of the consequences listed in § 0.603.

(e) If the prompt and orderly conduct of agency business requires that a meeting be held less than one week after the announcement of the meeting, or before that announcement, the agency will issue the announcement at the earliest practicable time. In addition to other information, the announcement will contain the vote of each member of the agency who participated in the decision to give less than seven days notice, and the particular reason for that decision.

(f) If, after announcement of a meeting, the time or place of the meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time.

(g) If the subject matter or the determination to open or close a meeting is changed, the agency will publicly announce the change and the vote of each member at the earliest practicable time. The announcement will contain a finding that agency business requires the change and that no earlier announcement of the change was possible.

(47 U.S.C. 154, 155, 303)
members of the agency and the General Counsel. The filing of a request shall not stay the holding of a meeting.

(c) A meeting will be closed to the public pursuant to §0.603 only by vote of a majority of the entire membership of the agency. The vote of each participating Commissioner will be recorded. No Commissioner may vote by proxy.

(d) A separate vote will be taken before any meeting is closed to the public and before any information is withheld from the meeting notice. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings (a vote on each question, if both are presented), if each meeting involves the same particular matters and is scheduled to be held no later than 30 days after the first meeting in the series.

(e) Less than seven days notice may be given only by majority vote of the entire membership of the agency.

(f) The subject matter or the determination to open or close a meeting will be changed only if a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible.

§ 0.607 Transcript, recording or minutes; availability to the public.

(a) The agency will maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting closed to the public, except that in a meeting closed pursuant to paragraph (h) or (j) of §0.603, the agency may maintain minutes in lieu of a transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item will be identified in the minutes.

(b) A public file of transcripts (or minutes) of closed meetings will be maintained in the Minute and Rules Branch, Office of the Secretary. The transcript of a meeting will be placed in that file if, after the meeting, the responsible Bureau or Office Chief determines, in light of the discussion, that the meeting could have been open to the public or that the reason for withholding information concerning the matters discussed no longer pertains. Transcripts placed in the public file are available for inspection under §0.460. Other transcripts, and separable portions thereof which do not contain information properly withheld under §0.603, may be made available for inspection under §0.461. When a transcript, or portion thereof, is made available for inspection under §0.461, it will be placed in the public file. Copies of transcripts may be obtained from the duplicating contractor pursuant to §0.465(a). There will be no search or transcription fee. Requests for inspection or copies of transcripts shall specify the date of the meeting, the name of the agenda and the agenda item number; this information will appear in the notice of the meeting. Pursuant to §0.465(c)(3), the Commission will make copies of the transcript available directly, free of charge, if it serves the financial or regulatory interests of the United States.

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Appendix A to Part 1—A Plan of Cooperative Procedure in Matters and Cases Under the Provisions of Section 410 of the Communications Act of 1934

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).
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Cross Reference: See subpart C of this part for practice and procedure involving rulemaking.

§ 1.4 Computation of time.

(a) Purpose. The purpose of this rule section is to detail the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission. It also applies to computation of time for seeking both reconsideration and judicial review of Commission decisions.

(b) General Rule—Computation of Beginning Date When Action is Initiated by Commission or Staff. Unless otherwise provided, the first day to be counted when a period of time begins with an action taken by the Commission, an Administrative Law Judge or by members of the Commission or its staff pursuant to delegated authority is the day after the day on which public notice of that action is given. See §1.4(b) (1)−(5) of this section. Unless otherwise provided, all Rules measuring time from the date of the issuance of a Commission document entitled “Public Notice” shall be calculated in accordance with this section. See §1.4(b)(4) of this section for a description of the “Public Notice” document. Unless otherwise provided in §1.4 (g) and (h) of this section, it is immaterial whether the first day is a “holiday.” For purposes of this section, the term public notice means the date of any of the following events: See §1.4(e)(1) of this section for definition of “holiday.”

(1) For all documents in notice and comment and non-notice and comment rulemaking proceedings required by the Administrative Procedure Act, 5 U.S.C. 552, 553, to be published in the FEDERAL REGISTER, including summaries thereof, the date of publication in the FEDERAL REGISTER.

Note to Paragraph (b)(1): Licensing and other adjudicatory decisions with respect to specific parties that may be associated with or contained in rulemaking documents are governed by the provisions of §1.4(b)(2).

Example 1: A document in a Commission rule making proceeding is published in the FEDERAL REGISTER on Wednesday, May 6, 1987. Public notice commences on Wednesday, May 6, 1987. The first day to be counted in computing the beginning date of a period of time for action in response to the document is Thursday, May 7, 1987, the “day after the day” of public notice.

Example 2: Section 1.429(e) provides that when a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the FEDERAL REGISTER.

Example 3: The Chief, Mass Media Bureau, adopts an order on Thursday, April 2, 1987. The text of that order is not released to the public until Friday, April 3, 1987. Public notice of this decision is given on Friday, April 3, 1987. Saturday, April 4, 1987, is the first day to be counted in computing filing periods.

Example 4: An order establishing an investigation of a tariff, and designating issues to be resolved in the investigation, is released on Wednesday, April 1, 1987, and is published in the FEDERAL REGISTER on Friday, April 10, 1987. If the decision itself specifies FEDERAL REGISTER publication, the date of public notice will commence on the release date, even if the document is subsequently published in the FEDERAL REGISTER. See Declaratory Ruling, 51 FR 23059 (June 25, 1986).
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(4) If the full text of an action document is not to be released by the Commission, but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

Example 5: At a public meeting the Commission considers an uncontested application to transfer control of a broadcast station. The Commission grants the application and does not plan to issue a full text of its decision on the uncontested matter. Five days after the meeting, a descriptive "Public Notice" announcing the action is publicly released. The date of public notice commences on the day of the release date.

Example 6: A Public Notice of petitions for rule making filed with the Commission is released on Wednesday, September 2, 1987; public notice of these petitions is given on September 2, 1987. The first day to be counted in computing filing times is Thursday, September 3, 1987.

(5) If a document is neither published in the Federal Register nor released, and if a descriptive document entitled "Public Notice" is not released, the date appearing on the document sent (e.g., mailed, telegraphed, etc.) to persons affected by the action.

Example 7: A Bureau grants a license to an applicant, or issues a waiver for non-conforming operation to an existing licensee, and no "Public Notice" announcing the action is released. The date of public notice commences on the day appearing on the license mailed to the applicant or appearing on the face of the letter granting the waiver mailed to the licensee.

(c) General Rule—Computation of Beginning Date When Action is Initiated by Act, Event, or Default. Commission procedures frequently require the computation of a period of time where the period begins with the occurrence of an act, event or default and terminates a specific number of days thereafter. Unless otherwise provided, the first day to be counted when a period of time begins with the occurrence of an act, event, or default is the day after the day on which the act, event, or default occurs.

Example 8: Commission Rule §21.39(d) requires the filing of an application requesting consent to involuntary assignment or control of the permit or license within thirty days after the occurrence of the death or legal disability of the licensee or permittee.

If a licensee passes away on Sunday, March 1, 1987, the first day to be counted pursuant to §1.4(c) is the day after the act or event. Therefore, Monday, March 2, 1987, is the first day of the thirty day period specified in §21.39(d).

(d) General Rule—Computation of Terminal Date. Unless otherwise provided, when computing a period of time the last day of such period of time is included in the computation, and any action required must be taken on or before that day.

Example 9: Paragraph 1.4(b)(1) of this section provides that "public notice" in a notice and comment rule making proceeding begins on the day of Federal Register publication. Paragraph 1.4(b) of this section provides that the first day to be counted in computing a terminal date is the "day after the day" on which public notice occurs. Therefore, if the commission allows or requires an action to be taken 20 days after public notice in the Federal Register, the first day to be counted is the day after the day of the Federal Register publication. Accordingly, if the Federal Register document is published on Thursday, July 23, 1987, public notice is given on Thursday, July 23, and the first day to be counted in computing a 20 day period is Friday, July 24, 1987. The 20th day or terminal date upon which action must be taken is Wednesday, August 12, 1987.

(e) Definitions for purposes of this section:

(1) The term holiday means Saturday, Sunday, officially recognized Federal legal holidays and any other day on which the Commission's offices are closed and not reopened prior to 5:30 p.m. For example, a regularly scheduled Commission business day may become a holiday if its offices are closed prior to 5:30 p.m. due to adverse weather, emergency or other closing.

NOTE: As of August 1987, officially recognized Federal legal holidays are New Year's Day, January 1; Martin Luther King's Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25. If a legal holiday falls on Saturday or Sunday, the holiday is taken, respectively, on the preceding Friday or the following Monday. In addition, January 20, (Inauguration Day) following a Presidential election year is a
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legal holiday in the metropolitan Washington, DC area. If Inauguration Day falls on Sunday, the next succeeding day is a legal holiday. See 5 U.S.C. 6103; Executive Order No. 11582, 36 FR 2567 (Feb. 11, 1971). The determination of a “holiday” will apply only to the specific Commission location(s) designated as on “holiday” on that particular day.

(2) The term business day means all days, including days when the Commission opens later than the time specified in Rule §0.403, which are not “holidays” as defined above.

(3) The term filing period means the number of days allowed or prescribed by statute, rule, order, notice or other Commission action for filing any document with the Commission. It does not include any additional days allowed for filing any document pursuant to paragraphs (g), (h) and (j) of this section.

(4) The term filing date means the date upon which a document must be filed after all computations of time authorized by this section have been made.

(f) Except as provided in §0.401(b) of this chapter, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form, as directed by the Rules, with the Office of the Secretary before 7:00 p.m., at 445 12th St., SW., TW-A 325, Washington, DC. The Secretary will determine whether a tendered document meets the pre-7:00 p.m. deadline. Documents filed electronically pursuant to §1.49(f) must be received before midnight on the filing date. Applications, attachments and pleadings filed electronically in the Universal Licensing System (ULS) pursuant to §1.315(b) must be received before midnight on the filing date. Mass Media Bureau applications and reports filed electronically pursuant to §73.3500 of this chapter must be received by the electronic filing system before midnight on the filing date.

(g) Unless otherwise provided (e.g., §§1.773 and 76.1502(e)(1) of this chapter), if the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

Example 10: A reply is required to be filed within 5 days after the filing of an opposition in a license application proceeding. The opposition is filed on Wednesday, June 10, 1987. The first day to be counted in computing the 5 day time period is Thursday, June 11, 1987. Saturday and Sunday are not counted because they are holidays. The document must be filed with the Commission on or before the following Wednesday, June 17, 1987.

(h) If a document is required to be served upon other parties by statute or Commission regulation and the document is in fact served by mail (see §1.47(f)), and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed to all parties in the proceeding for filing a response. This paragraph (h) shall not apply to documents filed pursuant to §1.89, §1.120(d), §1.315(b) or §1.316. For purposes of this paragraph (h) service by facsimile or by electronic means shall be deemed equivalent to hand delivery.

Example 11: A reply to an opposition for a petition for reconsideration must be filed within 7 days after the opposition is filed. 47 CFR 1.106(h). The rules require that the opposition be served on the person seeking reconsideration, 47 CFR 1.106(g). If the opposition is served on the party seeking reconsideration by mail and the opposition is filed with the Commission on Monday, November 9, 1987, the first day to be counted is Tuesday, November 10, 1987 (the day after the day on which the event occurred, §1.4(c)), and the seventh day is Monday, November 16. An additional 3 days (excluding holidays) is then added at the end of the 7 day period, and the reply must be filed no later than Thursday, November 19, 1987.

Example 12: Assume that oppositions to a petition in a particular proceeding are due 10 days after the petition is filed and must be served on the parties to the proceeding. If the petition is filed on October 28, 1993, the last day of the filing period for oppositions is Sunday, November 7. If service is made by mail, the opposition is due three days after November 7, or Wednesday, November 10.

(i) If both paragraphs (g) and (h) of this section are applicable, make the paragraph (g) computation before the paragraph (h) computation.

Example 12: Section 1.45(b) requires the filing of replies to oppositions within five days after the time for filing oppositions has expired. If an opposition has been filed on the last day of the filing period (Friday, July 10, 1987), and was served on the replying party by mail, §1.4(i) of this section specifies that the paragraph (g) computation should be made before the paragraph (h) computation. Therefore, since the specified filing period is
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§ 1.7

Documents are filed upon receipt.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee’s most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.6 Availability of station logs and records for Commission inspection.

(a) Station records and logs shall be made available for inspection or duplication at the request of the Commission or its representative. Such logs or records may be removed from the licensee’s possession by a Commission representative or, upon request, shall be mailed by the licensee to the Commission by either registered mail, return receipt requested, or certified mail, return receipt requested. The return receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. A receipt shall be furnished when the logs or records are removed from the licensee’s possession by a Commission representative and this receipt shall be retained by the licensee as part of the station records until such records or logs are returned to the licensee. The provisions of this rule shall apply solely to those station logs and records which are required to be maintained by the provisions of this chapter.

(b) Where records or logs are maintained as the official records of a recognized law enforcement agency and the removal of the records from the possession of the law enforcement agency will hinder its law enforcement activities, such records will not be removed pursuant to this section if the chief of the law enforcement agency promptly certifies in writing to the Federal Communications Commission that removal of the logs or records will hinder law enforcement activities of the agency, stating insofar as feasible the basis for his decision and the date when it can reasonably be expected that such records will be released to the Federal Communications Commission.

§ 1.5 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee’s most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

(j) Unless otherwise provided (e.g. §76.1502(e) of this chapter) if, after making all the computations provided for in this section, the filing date falls on a holiday, the document shall be filed on the next business day. See paragraph (e)(1) of this section.

Example 14: The filing date falls on Friday, December 25, 1987. The document is required to be filed on the next business day, which is Monday, December 28, 1987.

(k) Where specific provisions of part 1 conflict with this section, those specific provisions of part 1 are controlling. See, e.g., §§1.45(d), 1.773(a)(3) and 1.773(b)(2). Additionally, where §76.1502(e) of this chapter conflicts with this section, those specific provisions of §76.1502 are controlling. See e.g. 47 CFR 76.1502(e).

§ 1.8 Withdrawal of papers.

The granting of a request to dismiss or withdraw an application or a pleading does not authorize the removal of such application or pleading from the Commission's records.

§ 1.10 Transcript of testimony; copies of documents submitted.

In any matter pending before the Commission, any person submitting data or evidence, whether acting under compulsion or voluntarily, shall have the right to retain a copy thereof, or to procure a copy of any document submitted by him, or of any transcript made of his testimony, upon payment of the charges therefor to the person furnishing the same, which person may be designated by the Commission. The Commission itself shall not be responsible for furnishing the copies.

§ 1.12 Notice to attorneys of Commission documents.

In any matter pending before the Commission in which an attorney has appeared for, submitted a document on behalf of or been otherwise designated by a person, any notice or other written communication pertaining to that matter issued by the Commission and which is required or permitted to be furnished to the person will be communicated to the attorney, or to one of such attorneys if more than one is designated. If direct communication with the party is appropriate, a copy of such communication will be mailed to the attorney.

§ 1.13 Filing of petitions for review and notices of appeals of Commission orders.

(a)(1) This section pertains to each party filing a petition for review in any United States court of appeals of a Commission Order, pursuant to section 402(a) of the Communications Act, 47 U.S.C. 402(a), and 28 U.S.C. 2342(1), that wishes to avail itself of procedures established for selection of a court in the case of multiple appeals, pursuant to 28 U.S.C. 2112(a). Each such party shall, within ten days after the issuance of that order, file with the General Counsel in the Office of General Counsel, Room 8-A741, 445 12th Street, SW., Washington, DC 20554, a copy of its petition for review as filed and date-stamped by the court of appeals within which it was filed. Such copies of petitions for review must be filed by 5:30 p.m. Eastern Time on the tenth day of the filing period. A stamp indicating the time and date received by the Office of General Counsel will constitute proof of filing. Upon receipt of any copies of petitions for review, the Commission shall follow the procedures established in section 28 U.S.C. 2112(a) to determine the court in which to file the record in that case.

(b) Copies of notices of appeals filed pursuant to 47 U.S.C. 402(b) shall be served upon the General Counsel.

NOTE: For administrative efficiency, the Commission requests that any petitioner seeking judicial review of Commission actions pursuant to 47 U.S.C. 402(a) serve a copy of its petition on the General Counsel regardless of whether it wishes to avail itself of the procedures for multiple appeals set forth in 47 U.S.C. 2112(a).

§ 1.14 Citation of Commission documents.

The appropriate reference to the FCC Record shall be included as part of the citation to any document that has been printed in the Record. The citation should provide the volume, page number and year, in that order (e.g., 1 FCC Rcd. 1 (1986)). Older documents may continue to be cited to the FCC Reports, first or second series, if they were printed in the Reports (e.g., 1 FCC 2d 1 (1965)).
§ 1.16 Unsworn declarations under penalty of perjury in lieu of affidavits.

Any document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person, except that, such declaration shall not be used in connection with: (a) A deposition, (b) an oath of office, or (c) an oath required to be taken before a specified official other than a notary public. Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States:

"I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)"

(2) If executed within the United States, its territories, possessions, or commonwealths:

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)"

[48 FR 8074, Feb. 25, 1983]

§ 1.17 Truthful written statements and responses to Commission inquiries and correspondence.

The Commission or its representatives may, in writing, require from any applicant, permittee or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to some other matter within the jurisdiction of the Commission. No applicant, permittee or licensee shall in any response to Commission correspondence or inquiry or in any application, pleading, report or any other written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission.

NOTE: Section 1.17 is limited in application to written matter. It implies no change in the Commission’s existing policies respecting the obligation of applicants, permittees and licensees in all instances to respond truthfully to requests for information deemed necessary to the proper execution of the Commission’s functions.

[55 FR 23084, June 6, 1990]

§ 1.18 Administrative Dispute Resolution.

(a) The Commission has adopted an initial policy statement that supports and encourages the use of alternative dispute resolution procedures in its administrative proceedings and proceedings in which the Commission is a party, including the use of regulatory negotiation in Commission rulemaking matters, as authorized under the Administrative Dispute Resolution Act and Negotiated Rulemaking Act.

(b) In accordance with the Commission’s policy to encourage the fullest possible use of alternative dispute resolution procedures in its administrative proceedings, procedures contained in the Administrative Dispute Resolution Act, including the provisions dealing with confidentiality, shall also be applied in Commission alternative dispute resolution proceedings in which the Commission itself is not a party to the dispute.


§ 1.19 Use of metric units required.

Where parenthesized English units accompany metric units throughout this chapter, and the two figures are not precisely equivalent, the metric unit shall be considered the sole requirement; except, however, that the use of metric paper sizes is not currently required, and compliance with the English unit shall be considered sufficient when the Commission form requests that data showing compliance with that particular standard be submitted in English units.

[58 FR 44893, Aug. 25, 1993]
§ 1.21

PARTIES, PRACTITIONERS, AND WITNESSES

§ 1.21 Parties.

(a) Any party may appear before the Commission and be heard in person or by attorney.

(b) The appropriate Bureau Chief(s) of the Commission shall be deemed to be a party to every adjudicatory proceeding (as defined in the Administrative Procedure Act) without the necessity of being so named in the order designating the proceeding for hearing.

(c) When, in any proceeding, a pleading is filed on behalf of either the General Counsel or the Chief Engineer, he shall thereafter be deemed a party to the proceeding.

(d) Except as otherwise expressly provided in this chapter, a duly authorized corporate officer or employee may act for the corporation in any matter which has not been designated for an evidentiary hearing and, in the discretion of the presiding officer, may appear and be heard on behalf of the corporation in an evidentiary hearing proceeding.

§ 1.22 Authority for representation.

Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.

§ 1.23 Persons who may be admitted to practice.

(a) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory or the District of Columbia, and who is not under any final order of any authority having power to suspend or disbar an attorney in the practice of law within any state, territory or the District of Columbia that suspend, enjoin, restrain, disbar, or otherwise restrict him or her in the practice of law, may represent others before the Commission.

(b) When such member of the bar acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that, under the provisions of this chapter and the law, he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

§ 1.24 Censure, suspension, or disbarment of attorneys.

(a) The Commission may censure, suspend, or disbar any person who has practiced, is practicing or holding himself out as entitled to practice before it if it finds that such person:

(1) Does not possess the qualifications required by § 1.23;

(2) Has failed to conform to standards of ethical conduct required of practitioners at the bar of any court of which he is a member;

(3) Is lacking in character or professional integrity; and/or

(4) Displays toward the Commission or any of its hearing officers conduct which, if displayed toward any court of the United States or any of its Territories or the District of Columbia, would be cause for censure, suspension, or disbarment.

(b) Except as provided in paragraph (c) of this section, before any member of the bar of the Commission shall be censured, suspended, or disbarred, charges shall be preferred by the Commission against such practitioner, and he or she shall be afforded an opportunity to be heard thereon.

(c) Upon receipt of official notice from any authority having power to suspend or disbar an attorney in the practice of law within any state, territory or the District of Columbia which demonstrates that an attorney practicing before the Commission is subject to an order of final suspension (not merely temporary suspension pending further action) or disbarment by such authority, the Commission may, without any preliminary hearing, enter an order temporarily suspending the attorney from practice before it pending final disposition of a disciplinary proceeding brought pursuant to § 1.24(a)(2).
which shall afford such attorney an opportunity to be heard and directing the attorney to show cause within thirty days from the date of said order why identical discipline should not be imposed against such attorney by the Commission.

(d) Allegations of attorney misconduct in Commission proceedings shall be referred under seal to the Office of General Counsel. Pending action by the General Counsel, the decision maker may proceed with the merits of the matter but in its decision may make findings concerning the attorney's conduct only if necessary to resolve questions concerning an applicant and may not reach any conclusions regarding the ethical ramifications of the attorney's conduct. The General Counsel will determine if the allegations are substantial, and, if so, shall immediately notify the attorney and direct him or her to respond to the allegations. No notice will be provided to other parties to the proceeding. The General Counsel will then determine what further measures are necessary to protect the integrity of the Commission's administrative process, including but not limited to one or more of the following:

(1) Recommending to the Commission the institution of a proceeding under paragraph (a) of this section;
(2) Referring the matter to the appropriate State, territorial, or District of Columbia bar; or
(3) Consulting with the Department of Justice.


§ 1.42 Applications, reports, complaints; cross-reference.

(a) Counsel may advise his client in confidence, either upon his own initiative or that of the witness, before, during, and after the conclusion of the proceeding.

(b) Counsel for the witness will be permitted to make objections on the record, and to state briefly the basis for such objections, in connection with any examination of his client.

(c) At the conclusion of the examination of his client, counsel may ask clarifying questions if in the judgment of the presiding officer such questioning is necessary or desirable in order to avoid ambiguity or incompleteness in the responses previously given.

(d) Except as provided by paragraph (c) of this section, counsel for the witness may not examine or cross-examine any witness, or offer documentary evidence, unless authorized by the Commission to do so.

(5 U.S.C. 555)

[29 FR 12775, Sept. 10, 1964]

§§ 1.28-1.29 [Reserved]

PLEADINGS, BRIEFS, AND OTHER PAPERS

§ 1.41 Informal requests for Commission action.

Except where formal procedures are required under the provisions of this chapter, requests for action may be submitted informally. Requests should set forth clearly and concisely the facts relied upon, the relief sought, the statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request. 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.


§ 1.42 Applications, reports, complaints; cross-reference.

(a) Rules governing applications and reports are contained in subparts D, E, and F of this part.
(b) Special rules governing complaints against common carriers arising under the Communications Act are set forth in subpart E of this part.

§ 1.43 Requests for stay; cross-reference.
General rules relating to requests for stay of any order or decision are set forth in §§1.41, 1.44(e), 1.45(d) and (e), and 1.298(a). See also §§1.102, 1.106(n), and 1.115(h).

§ 1.44 Separate pleadings for different requests.
(a) Requests requiring action by the Commission shall not be combined in a pleading with requests for action by an administrative law judge or by any person or persons acting pursuant to delegated authority.
(b) Requests requiring action by an administrative law judge shall not be combined in a pleading with requests for action by the Commission or by any person or persons acting pursuant to delegated authority.
(c) Requests requiring action by any person or persons pursuant to delegated authority shall not be combined in a pleading with requests for action by any other person or persons acting pursuant to delegated authority.
(d) Pleadings which combine requests in a manner prohibited by paragraph (a), (b), or (c) of this section may be returned without consideration to the person who filed the pleading.
(e) Any request to stay the effectiveness of any decision or order of the Commission shall be filed as a separate pleading. Any such request which is not filed as a separate pleading will not be considered by the Commission.

NOTE: Matters which are acted on pursuant to delegated authority are set forth in subpart B of part 0 of this chapter. Matters acted on by the hearing examiner are set forth in §0.341.

§ 1.45 Pleadings; filing periods.
Except as otherwise provided in this chapter, pleadings in Commission proceedings shall be filed in accordance with the provisions of this section. 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.
(d) Requests for temporary relief; shorter filing periods. Oppositions to a request for stay of any order or to a request for other temporary relief shall be filed within 7 days after the request is filed. Replies to oppositions should not be filed and will not be considered. The provisions of §1.4(h) shall not apply in computing the filing date for oppositions to a request for stay or for any other temporary relief.
(e) Ex parte disposition of certain pleadings. As a matter of discretion, the Commission may rule ex parte upon requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief, without waiting for the filing of oppositions or replies.

NOTE: Where specific provisions contained in part 1 conflict with this section, those specific provisions are controlling. See, in particular, §§1.204(c), 1.298(a), and 1.773.


§ 1.46 Motions for extension of time.
(a) It is the policy of the Commission that extensions of time shall not be routinely granted.
(b) Motions for extension of time in which to file responses to petitions for rulemaking, replies to such responses, comments filed in response to notice of proposed rulemaking, replies to such comments and other filings in rulemaking proceedings conducted under Subpart C of this part shall be filed at least 7 days before the filing date. If a timely motion is denied, the responses and comments, replies thereto, or...
other filings need not be filed until 2 business days after the Commission acts on the motion. In emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments or other filings made after the filing date.

(c) If a motion for extension of time in which to make filings in proceedings other than notice and comment rule making proceedings is filed less than 7 days prior to the filing day, the party filing the motion shall (in addition to serving the motion on other parties) orally notify other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed.

§ 1.47 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Except in formal complaint proceedings against common carriers under § 1.720 through 1.736, documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. See § 1.736.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served; or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

(h) Every common carrier subject to the Communications Act of 1934, as amended, shall designate an agent in the District of Columbia, and may designate additional agents if it so chooses, upon whom service of all notices, process, orders, decisions, and requirements of the Commission may be made for and on behalf of said carrier in any proceeding before the Commission. Such designation shall include, for both the carrier and its designated agents, a name, business address, telephone or voicemail number, facsimile number, and, if available, Internet e-mail address. The carrier shall additionally list any other names by which it is known or under which it does business, and, if the carrier is an affiliated company, the parent, holding, or management company. Within thirty (30) days of the commencement of provision of service, each carrier shall file such information with the Chief of the Enforcement Bureau's Market Disputes Resolution Division. Carriers may file
§ 1.48 Length of pleadings.

(a) Affidavits, statements, tables of contents and summaries of filings, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. If other materials are submitted with a pleading, they will be counted in determining its length; and if the length of the pleadings, as so computed, is greater than permitted by the provisions of this chapter, the pleading will be returned without consideration.

(b) It is the policy of the Commission that requests for permission to file pleadings in excess of the length prescribed by the provisions of this chapter shall not be routinely granted. Where the filing period is 10 days or less, the request shall be made within 2 business days after the period begins to run. Where the period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See §1.4.) If a timely request is made, the pleading need not be filed earlier than 2 business days after the Commission acts upon the request.

[41 FR 14871, Apr. 8, 1976, and 49 FR 40169, Oct. 13, 1984]

§ 1.49 Specifications as to pleadings and documents.

(a) All pleadings and documents filed in paper form in any Commission proceeding shall be typewritten or prepared by mechanical processing methods, and shall be filed on A4 (21 cm. × 29.7 cm.) or on 8½ × 11 inch (21.6 cm. × 27.9 cm.) paper with the margins set so that the printed material does not exceed 6 ½ × 9 ½ inches (16.5 cm. × 24.1 cm.). The printed material may be in any typeface of at least 12-point (0.42333 cm. or 12½") in height. The body of the text must be double spaced with a minimum distance of ½ of an inch (0.5556 cm.) between each line of text. Footnotes and long, indented quotations may be single spaced, but must be in type that is 12-point or larger in height, with at least 1½ of an inch (0.158 cm.) between each line of text. Counsel are cautioned against employing extended single spaced passages or excessive footnotes to evade prescribed pleading lengths. If single-spaced passages or footnotes are used in this manner the pleading will, at the discretion of the Commission, either be rejected as unacceptable for filing or dismissed with leave to be refiled in proper form. Pleadings may be printed on both sides of the paper. Pleadings that use only one side of the paper shall be stapled, or otherwise bound, in the upper left-hand corner; those using both sides of the paper shall be stapled twice, or otherwise bound, along the left-hand margin so that it opens like a book. The foregoing shall not apply to printed briefs specifically requested by the Commission, official publications, charted or maps, original documents.
(or admissible copies thereof) offered as exhibits, specially prepared exhibits, or if otherwise specifically provided. All copies shall be clearly legible.

(b) Except as provided in paragraph (d) of this section, all pleadings and documents filed with the Commission, the length of which as computed under this chapter exceeds ten pages, shall include, as part of the pleading or document, a table of contents with page references.

(c) Except as provided in paragraph (d) of this section, all pleadings and documents filed with the Commission, the length of which filings as computed under this chapter exceeds ten pages, shall include, as part of the pleading or document, a summary of the filing, suitably paragraphed, which should be a succinct, but accurate and clear condensation of the substance of the filing. It should not be a mere repetition of the headings under which the filing is arranged. For pleadings and documents exceeding ten but not twenty-five pages in length, the summary should seldom exceed one and never two pages; for pleadings and documents exceeding twenty-five pages in length, the summary should seldom exceed two and never five pages.

(d) The requirements of paragraphs (b) and (c) of this section shall not apply to:
   (1) Interrogatories or answers to interrogatories, and depositions;
   (2) FCC forms or applications;
   (3) Transcripts;
   (4) Contracts and reports;
   (5) Letters; or
   (6) Hearing exhibits, and exhibits or appendices accompanying any document or pleading submitted to the Commission.

(e) Petitions, pleadings, and other documents associated with licensing matters in the Wireless Radio Services may be filed electronically in ULS. See §22.6 for specifications.

(f)(1) In the following types of proceedings, all pleadings, including permissible ex parte submissions, notices of ex parte presentations, comments, reply comments, and petitions for reconsideration and replies thereto, may be filed in electronic format:
   (i) General rulemaking proceedings other than broadcast allotment proceedings;
   (ii) Notice of inquiry proceedings; and
   (iii) Petition for rulemaking proceedings (except broadcast allotment proceedings).

   (2) For purposes of paragraphs (b) and (c) of this section, and any prescribed pleading lengths, the length of any document filed in electronic form shall be equal to the length of the document if printed out and formatted according to the specifications of paragraph (a) of this section, or shall be no more that 250 words per page.

   NOTE: The table of contents and the summary pages shall not be included in complying with any page limitation requirements as set forth by Commission rule.


§ 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.

[63 FR 68920, Dec. 14, 1998]

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

Except as otherwise specifically provided in the Commission's rules and regulations, the number of copies of pleadings, briefs, and other papers to be filed is as follows:

(a) In hearing proceedings, the following number of copies shall be filed:
   (1) If the paper filed relates to a matter to be acted upon by the presiding officer or the Chief Administrative Law Judge, an original and 6 copies shall be filed.
§ 1.52 Subscription and verification.

(2) If the paper filed relates to matters to be acted on by the Commission, an original and 14 copies shall be filed.

(3) If more than one person is presiding at the hearing an additional copy shall be filed for each such additional person.

(b) In rulemaking proceedings which have not been designated for hearing, see section 1.419 of this chapter.

(c) In matters other than rule making and hearing cases, the following number of copies shall be filed:

(1) If the paper filed relates to matters to be acted on by the Commission, an original and 4 copies shall be filed. If the matter relates to Part 22 of the rules, see §22.6.

(2) If the paper filed related to matters to be acted on by staff officials under delegated authority, an original and 4 copies shall be filed. If the matter relates to Part 22 of the rules, see §22.6.

(d) Where statute or regulation provides for service by the Commission of papers filed with the Commission, an additional copy of such papers shall be filed for each person to be served.

(e) The parties to any proceeding may, on notice, be required to file additional copies of any or all filings made in that proceeding.

(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.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission

§ 1.61 Procedures for handling applications requiring special aeronautical study.

(a) Antenna Structure Registration is conducted by the Wireless Telecommunications Bureau as follows:

(1) Each antenna structure owner that must notify the FAA of proposed construction using FAA Form 7460-1 shall, upon proposing new or modified construction, register that antenna structure with the Wireless Telecommunications Bureau using FCC Form 854.

(2) If an Environmental Assessment is required under §1.1307, the Bureau will address the environmental concerns prior to processing the registration.

(3) If a final FAA determination of “no hazard” is not submitted along with FCC Form 854, processing of the registration may be delayed or disapproved.

(4) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of Federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first licensee authorized to locate on the structure must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by §17.4(g) of this chapter.

(b) Each operating Bureau or Office examines the applications for Commission authorization for which it is responsible to ensure compliance with FAA notification procedures as well as Commission Antenna Structure Registration as follows:

(1) If Antenna Structure Registration is required, the operating Bureau reviews the application for the Antenna Structure Registration Number and proceeds as follows:

(i) If the application contains the Antenna Structure Registration Number or if the applicant seeks a Cellular or PCS system authorization, the operating Bureau processes the application.

(ii) If the application does not contain the Antenna Structure Registration Number, but the structure owner has already filed FCC Form 854, the operating Bureau places the application on hold until Registration can be confirmed, so long as the owner exhibits due diligence in filing.

(iii) If the application does not contain the Antenna Structure Registration Number, and the structure owner has not filed FCC Form 854, the operating Bureau notifies the applicant that FCC Form 854 must be filed and places the application on hold until Registration can be confirmed, so long
as the owner exhibits due diligence in filing.

(2) If Antenna Structure Registration is not required, the operating Bureau processes the application.

(c) Where one or more antenna farm areas have been designated for a community or communities (see §17.9 of this chapter), an application proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

(1) It is proposed to locate the antenna structure in a designated antenna farm area, or

(2) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(3) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

NOTE: By Commission Order (FCC 65-455), 30 FR 7419, June 5, 1965, the Commission issued the following policy statement concerning the height of radio and television antenna towers:

“We have concluded that this objective can best be achieved by adopting the following policy: Applications for antenna towers higher than 2,000 feet above ground will be presumed to be inconsistent with the public interest, and the applicant will have a burden of overcoming that presumption. The applicant must accompany its application with a detailed showing directed to meeting this burden. Only in the exceptional case, where the Commission concludes that a clear and compelling showing has been made that there are public interest reasons requiring a tower higher than 2,000 feet above ground, and after the parties have complied with applicable FAA procedures, and full Commission coordination with FAA on the question of menace to air navigation, will a grant be made. Applicants and parties in interest will, of course, be afforded their statutory hearing rights.”

§ 1.62 - Operation pending action on renewal application.

(a)(1) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of section 9(b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve the public interest, convenience, or necessity, nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(2) A licensee operating by virtue of this paragraph shall, after the date of expiration specified in the license, post, in addition to the original license, any acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee, or in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of such temporary extension of license, nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the non-continuing nature is otherwise clearly
apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature. (5 U.S.C. 558)

§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with §1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

(b) Applications in ITFS and broadcast services subject to competitive bidding will be subject to the provisions of §§1.2105(b), 73.5002 and 73.3522 regarding the modification of their applications.

(c) All broadcast permittees and licensees must report annually to the Commission any adverse finding or adverse final action taken by any court or administrative body that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with an application for renewal as reflected in the renewal form. If a report is required by this paragraph(s), it shall be filed on the anniversary of the date that the licensee's renewal application is required to be filed, except that licensees owning multiple stations with different anniversary dates need file only one report per year on the anniversary of their choice, provided that their reports are not more than one year apart. Permittees and licensees bear the obligation to make diligent, good faith efforts to become knowledgeable of any such reportable adjudicated misconduct.

NOTE: The terms adverse finding and adverse final action as used in paragraph (c) of this section include adjudications made by an ultimate trier of fact, whether a government agency or court, but do not include factual determinations which are subject to review de novo unless the time for taking such review has expired under the relevant procedural rules. The pendency of an appeal of an adverse finding or adverse final action does not relieve a permittee or licensee from its obligation to report the finding or action.


§ 1.68 Action on application for license to cover construction permit.

(a) An application for license by the lawful holder of a construction permit will be granted without hearing where the Commission, upon examination of such application, finds that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest.

(b) In the event the Commission is unable to make the findings in paragraph (a) of this section, the Commission will designate the application for hearing upon specified issues.

(Sec. 319, 48 Stat. 1089, as amended; 47 U.S.C. 319)
§ 1.77 Detailed application procedures; cross references.

The application procedures set forth in §§ 1.61 through 1.68 are general in nature. More detailed procedures are set forth in this chapter as follows:

(a) Rules governing applications for authorizations in the Broadcast Radio Services are set forth in subpart D of this part.

(b) Rules governing applications for authorizations in the Common Carrier Radio Services are set forth in subpart E of this part.

(c) Rules governing applications for authorizations in the Private Radio Services are set forth in subpart F of this part.

(d) Rules governing applications for authorizations in the Experimental Radio Services (other than broadcast) are set forth in part 5 of this chapter.

(e) Rules governing applications for authorizations in the Domestic Public Radio Services are set forth in part 21 of this chapter.

(f) Rules governing applications for certification of equipment are set forth in part 2, subpart J, of this chapter.

(g) Rules governing applications for authorizations in the Industrial, Scientific, and Medical Service are set forth in part 2 of this chapter.

(h) Rules governing applications for commercial radio operator licenses are set forth in part 13 of this chapter.

(1) Rules governing applications for authorizations in the Domestic Public Radio Services are set forth in part 21 of this chapter.

A forfeiture penalty assessed under this section is in addition to any other penalty provided for by the Communications Act, except that the penalties provided for in paragraphs (b)(1), (b)(2) and (b)(3) of this section shall not apply to conduct which is subject to a forfeiture penalty under sections 202(c), 203(e), 214(d), 219(b), 220(d), 223(b), 302(a), 306(b), 366(a), 366(b), 503(b), 506, and 634 of the Communications Act. The remaining provisions of this section are applicable to such conduct.

(b) Limits on the amount of forfeiture assessed. (1) If the violator is a broadcast station licensee or permittee, a cable television operator, or an applicant for any broadcast or cable television operator license, permit, certificate, or other instrument of authorization issued by the Commission, except as otherwise noted in this paragraph, the forfeiture penalty under this section shall not exceed $27,500 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $275,000 for any single act or failure to act described in paragraph (a) of this section. There is no limit on forfeiture assessments for EEO violations by cable operators that occur after notification by the Commission of a potential violation. See section 634(f)(2) of the Communications Act.

(2) If the violator is a common carrier subject to the provisions of the Communications Act or an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission, the forfeiture penalty may not exceed $275,000 for any single act or failure to act described in paragraph (a) of this section. There is no limit on forfeiture assessments for EEO violations by cable operators that occur after notification by the Commission of a potential violation. See section 634(f)(2) of the Communications Act.
authorization issued by the Commission, the amount of any forfeiture penalty determined under this section shall not exceed $110,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,100,000 for any single act or failure to act described in paragraph (a) of this section.

(3) In any case not covered in paragraphs (b)(1) or (b)(2) of this section, the amount of any forfeiture penalty determined under this section shall not exceed $11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $92,500 for any single act or failure to act described in paragraph (a) of this section.

NOTE: For information concerning notices of apparent liability and notices of opportunity for hearing, see paragraphs (e), (f), and (g) of this section.

(4) Factors considered in determining the amount of the forfeiture penalty. In determining the amount of the forfeiture penalty, the Commission or its designee will take into account the nature, circumstances, extent and gravity of the violations and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

Note to paragraph (b)(4):

GUIDELINES FOR ASSESSING FORFEITURES

The Commission and its staff may use these guidelines in particular cases. The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute. The forfeiture ceiling per violation or per day for a continuing violation stated in Section 503 of the Communications Act and the Commission’s Rules are $25,000 for broadcasters and cable operators or applicants, $100,000 for common carriers or applicants, and $10,000 for all others. These base amounts listed are for a single violation or single day of a continuing violation. 47 U.S.C. 503(b)(2); 47 CFR 1.80. For continuing violations involving a single act or failure to act, the statute limits the forfeiture to $250,000 for broadcasters and cable operators or applicants, $1,000,000 for common carriers or applicants, and $75,000 for all others. Id.

Pursuant to the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, section 31001, 110 Stat. 1321 (1996), civil monetary penalties assessed by the Federal government, whether set by statutory maxima or specific dollar amounts as provided by Federal law, must be adjusted for inflation at least every four years based on the formula outlined in the DCIA. Thus, the statutory maxima increased to $27,500 for broadcasters and cable operators or applicants; $110,000 for common carriers or applicants, and $11,000 for others. For continuing violations, the statutory maxima increased to $275,000 for broadcasters, cable operators, or applicants; $1,100,000 for common carriers or applicants; and $82,500 for others. The increased statutory maxima became effective March 3, 1997. There is an upward adjustment factor for repeated or continuous violations, see Section II, infra. That upward adjustment is not necessarily applied on a per violation or per day basis. Id. Unless Commission authorization is required for the behavior involved, a Section 503 forfeiture proceeding against a non-licensee or non-applicant who is not a cable operator or common carrier can only be initiated for a second violation, after issuance of a citation in connection with a first violation. 47 U.S.C. 503(b)(5). A prior citation is not required, however, for non-licensee tower owners who have previously received notice of the obligations imposed by Section 303(q) and part 17 of the Commission’s rules from the Commission. Forfeitures issued under other sections of the Act are dealt with separately in Section III of this note.

Section I.—Base Amounts for Section 503

<table>
<thead>
<tr>
<th>Violation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misrepresentation/lack of candor</td>
<td>10,000</td>
</tr>
<tr>
<td>Construction and/or operation without an instrument of authorization</td>
<td>10,000</td>
</tr>
<tr>
<td>Failure to comply with prescribed lighting and/or marking</td>
<td>10,000</td>
</tr>
<tr>
<td>Violation of public file rules</td>
<td>10,000</td>
</tr>
<tr>
<td>Violation of political rules: reasonable access, lowest unit change, equal opportunity, and discrimination</td>
<td>9,000</td>
</tr>
<tr>
<td>Unauthorized substantial transfer of control</td>
<td>8,000</td>
</tr>
<tr>
<td>Violation of children’s television commercialization or programming requirements</td>
<td>8,000</td>
</tr>
<tr>
<td>Violations of rules relating to distress and safety frequencies</td>
<td>8,000</td>
</tr>
<tr>
<td>False distress communications</td>
<td>8,000</td>
</tr>
<tr>
<td>EAS equipment not installed or operational</td>
<td>8,000</td>
</tr>
<tr>
<td>Alien ownership violation</td>
<td>8,000</td>
</tr>
<tr>
<td>Failure to permit inspection</td>
<td>7,000</td>
</tr>
<tr>
<td>Transmission of indecent/obscene materials</td>
<td>7,000</td>
</tr>
<tr>
<td>Interference</td>
<td>7,000</td>
</tr>
<tr>
<td>Importation or marketing of unauthorized equipment</td>
<td>7,000</td>
</tr>
<tr>
<td>Exceeding of authorized antenna height</td>
<td>5,000</td>
</tr>
<tr>
<td>Fraud by wire, radio or television</td>
<td>5,000</td>
</tr>
<tr>
<td>Unauthorized discontinuance of service</td>
<td>5,000</td>
</tr>
<tr>
<td>Use of unauthorized equipment</td>
<td>5,000</td>
</tr>
</tbody>
</table>
§ 1.80 Forfeitures

<table>
<thead>
<tr>
<th>Violation</th>
<th>Services affected</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeding power limits</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Failure to respond to Commission communications</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Violation of sponsorship ID requirements</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Using unauthorized frequency</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Failure to engage in required frequency coordination</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Construction or operation at unauthorized location</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Violation of requirements pertaining to broadcasting of lotteries or contests</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>Violation of transmitter control and metering requirements</td>
<td></td>
<td>3,000</td>
</tr>
<tr>
<td>Failure to file required forms or information</td>
<td></td>
<td>3,000</td>
</tr>
<tr>
<td>Failure to make required measurements or conduct required monitoring</td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td>Failure to provide station ID</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>Unauthorized pro forma transfer of control</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>Failure to maintain required records</td>
<td></td>
<td>1,000</td>
</tr>
</tbody>
</table>

(1) Repeated or continuous violation.

**Downward Adjustment Criteria**

(1) Minor violation.
(2) Good faith or voluntary disclosure.
(3) History of overall compliance.
(4) Inability to pay.

**Section III. Non-Section 503 Forfeitures That Are Affected by the Downward Adjustment Factors**

Unlike Section 503 of the Act, which establishes maximum forfeiture amounts, other sections of the Act, with one exception, state prescribed amounts of forfeitures for violations of the relevant section. These amounts are then subject to mitigation or remission under Section 504 of the Act. The one exception is Section 223 of the Act, which provides a maximum of $50,000 per day. For convenience, the Commission will treat the $50,000 set forth in Section 223 as if it were a prescribed base amount, subject to downward adjustments. The following amounts were adjusted for inflation pursuant to the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, section 3100L, 110 Stat. 1321 (1996). The new amounts became effective on March 5, 1997. These non-Section 503 forfeitures may be adjusted downward using the "Downward Adjustment Criteria" shown for Section 503 forfeitures in Section II of this note.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Statutory amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 203(c) Common Carrier Discrimination</td>
<td>6,600 330/day</td>
</tr>
<tr>
<td>Sec. 203(e) Common Carrier Tariffs</td>
<td>6,600 330/day</td>
</tr>
<tr>
<td>Sec. 205(b) Common Carrier Prescriptions</td>
<td>13,200/day</td>
</tr>
<tr>
<td>Sec. 214(d) Common Carrier Line Extensions</td>
<td>1,200/day</td>
</tr>
<tr>
<td>Sec. 219(b) Common Carrier Reports</td>
<td>1,200</td>
</tr>
<tr>
<td>Sec. 220(d) Common Carrier Records &amp; Accounts</td>
<td>6,600/day</td>
</tr>
<tr>
<td>Sec. 223(e) Dial-a-Porn</td>
<td>55,000 maximum/day</td>
</tr>
<tr>
<td>Sec. 364(a) Ship Station Inspection</td>
<td>5,500 (owner)</td>
</tr>
<tr>
<td>Sec. 364(b) Ship Station Inspection</td>
<td>1,100 (vessel master)</td>
</tr>
<tr>
<td>Sec. 386(a) Forfeitures</td>
<td>5,500/day (owner)</td>
</tr>
<tr>
<td>Sec. 386(b) Forfeitures</td>
<td>1,100 (vessel master)</td>
</tr>
<tr>
<td>Sec. 634 Cable EEO</td>
<td>500/day</td>
</tr>
</tbody>
</table>

(5) Inflation adjustments to the maximum forfeiture amount.

(ii) Pursuant to the Debt Collection Improvement Act of 1996, Public Law 104-134 (110 Stat. 1321-358), which amends the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, Public Law 101-
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410 (104 Stat. 890; 28 U.S.C. 2461 note), the statutory maximum amount of a forfeiture penalty assessed under this section shall be adjusted for inflation at least once every four years using the following formula. First, obtain the inflation factor by dividing the CPI for June of the preceding year by the CPI for June of the year the forfeiture was last set or adjusted. Then, multiply the inflation factor by the statutory maximum amount. Round off this result using the rules in paragraph (b)(5)(ii) of this section. Add the rounded result to the statutory maximum forfeiture penalty amount. The sum is the statutory maximum amount, adjusted for inflation.

(ii) The rounding rules are as follows:

(A) Round increase to the nearest multiple of $10 if the penalty is from $0 to $100;

(B) Round increase to the nearest multiple of $100 if the penalty is from $101 to $1,000;

(C) Round increase to the nearest multiple of $1,000 if the penalty is from $1,001 to $10,000;

(D) Round increase to the nearest multiple of $5,000 if the penalty is from $10,001 to $100,000;

(E) Round increase to the nearest multiple of $10,000 if the penalty is from $100,001 to $200,000; or

(F) Round increase to the nearest multiple of $25,000 if the penalty is over $200,000.

(iii) The first application of the inflation adjustments required by Public Law 104–134 results in the following adjustments to the statutory forfeitures currently authorized by the Communications Act:

<table>
<thead>
<tr>
<th>U.S. Code citation</th>
<th>Current statutory maximum penalty</th>
<th>Maximum penalty after Public Law 104–134 adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>47 USC 202(c)</td>
<td>$6,000</td>
<td>$6,600</td>
</tr>
<tr>
<td>47 USC 203(e)</td>
<td>$6,000</td>
<td>6,600</td>
</tr>
<tr>
<td>47 USC 205(b)</td>
<td>$12,000</td>
<td>13,200</td>
</tr>
<tr>
<td>47 USC 214(d)</td>
<td>$1,200</td>
<td>1,220</td>
</tr>
<tr>
<td>47 USC 219(b)</td>
<td>$1,200</td>
<td>1,220</td>
</tr>
<tr>
<td>47 USC 220(d)</td>
<td>$6,000</td>
<td>6,600</td>
</tr>
<tr>
<td>47 USC 223(b)</td>
<td>$50,000</td>
<td>55,000</td>
</tr>
<tr>
<td>47 USC 362(a)</td>
<td>$5,000</td>
<td>5,500</td>
</tr>
<tr>
<td>47 USC 362(b)</td>
<td>$1,000</td>
<td>1,100</td>
</tr>
<tr>
<td>47 USC 386(a)</td>
<td>$5,000</td>
<td>5,500</td>
</tr>
<tr>
<td>47 USC 386(b)</td>
<td>$1,000</td>
<td>1,100</td>
</tr>
<tr>
<td>47 USC 503(b)(2)(A)</td>
<td>$25,000</td>
<td>27,500</td>
</tr>
</tbody>
</table>

NOTE: Pursuant to Public Law 104–134, the first inflation adjustment cannot exceed 10 percent of the statutory maximum amount.

(c) Limits on the time when a proceeding may be initiated. (1) In the case of a broadcast station, no forfeiture penalty shall be imposed if the violation occurred more than 1 year prior to the issuance of the appropriate notice or prior to the date of commencement of the current license term, whichever is earlier. For purposes of this paragraph, “date of commencement of the current license term” means the date of commencement of the last term of license for which the licensee has been granted a license by the Commission. A separate license term shall not be deemed to have commenced as a result of continuing a license in effect under section 307(c) pending decision on an application for renewal of the license.

(2) In the case of a forfeiture imposed against a carrier under sections 202(c), 203(e), and 220(d), no forfeiture will be imposed if the violation occurred more than 5 years prior to the issuance of a notice of apparent liability.

(3) In all other cases, no penalty shall be imposed if the violation occurred more than 1 year prior to the date on which the appropriate notice is issued.

(d) Preliminary procedure in some cases; citations. No forfeiture penalty shall be imposed upon any person under this section, if such person does not hold a license, permit, certificate, or other authorization issued by the Commission, unless, prior to the issuance of the appropriate notice, such person: (1) Is sent a citation reciting the violation charged; (2) is given a reasonable opportunity (usually 30 days) to request a personal interview with a Commission official, at the field office which is nearest to such person’s
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place of residence; and (3) subsequently engages in conduct of the type described in the citation. However, a forfeiture penalty may be imposed, if such person is engaged in (and the violation relates to) activities for which a license, permit, certificate, or other authorization is required or if such person is a cable television operator, or in the case of violations of section 303(q), if the person involved is a nonlicensee tower owner who has previously received notice of the obligations imposed by section 303(q) from the Commission or the permittee or licensee who uses that tower. Paragraph (c) of this section does not limit the issuance of citations. When the requirements of this paragraph have been satisfied with respect to a particular violation by a particular person, a forfeiture penalty may be imposed upon such person for conduct of the type described in the citation without issuance of an additional citation.

(e) Alternative procedures. In the discretion of the Commission, a forfeiture proceeding may be initiated either: (1) By issuing a notice of apparent liability, in accordance with paragraph (f) of this section, or (2) a notice of opportunity for hearing, in accordance with paragraph (g).

(f) Notice of apparent liability. Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission or its designee will issue a written notice of apparent liability.

(1) Content of notice. The notice of apparent liability will:

(i) Identify each specific provision, term, or condition of any act, rule, regulation, order, treaty, convention, or other agreement, license, permit, certificate, or instrument of authorization which the respondent has apparently violated or with which he has failed to comply;

(ii) Set forth the nature of the act or omission charged against the respondent and the facts upon which such charge is based;

(iii) State the date(s) on which such conduct occurred, and

(iv) Specify the amount of the apparent forfeiture penalty.

(2) Delivery. The notice of apparent liability will be sent to the respondent, by certified mail, at his last known address (see §1.5).

(3) Response. The respondent will be afforded a reasonable period of time (usually 30 days from the date of the notice) to show, in writing, why a forfeiture penalty should not be imposed or should be reduced, or to pay the forfeiture. Any showing as to why the forfeiture should not be imposed or should be reduced shall include a detailed factual statement and such documentation and affidavits as may be pertinent.

(4) Forfeiture order. If the proposed forfeiture penalty is not paid in full in response to the notice of apparent liability, the Commission, upon considering all relevant information available to it, will issue an order canceling or reducing the proposed forfeiture or requiring that it be paid in full and stating the date by which the forfeiture must be paid.

(5) Judicial enforcement of forfeiture order. If the forfeiture is not paid, the case will be referred to the Department of Justice for collection under section 504(a) of the Communications Act.

(g) Notice of opportunity for hearing. The procedures set out in this paragraph will ordinarily be followed only when a hearing is being held for some reason other than the assessment of a forfeiture (such as, to determine whether a renewal application should be granted) and a forfeiture is to be considered as an alternative or in addition to any other Commission action. However, these procedures may be followed whenever the Commission, in its discretion, determines that they will better serve the ends of justice.

(1) Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission will issue a notice of opportunity for hearing. The hearing will be a full evidentiary hearing before an administrative law judge, conducted under procedures set out in subpart B of this part, including procedures for appeal and review of initial decisions. A final Commission order assessing a forfeiture under the provisions of this paragraph is subject to judicial review under section 402(a) of the Communications Act.

(2) If, after a forfeiture penalty is imposed and not appealed or after a court enters final judgment in favor of the
Commission, the forfeiture is not paid, the Commission will refer the matter to the Department of Justice for collection. In an action to recover the forfeiture, the validity and appropriateness of the order imposing the forfeiture are not subject to review.

(3) Where the possible assessment of a forfeiture is an issue in a hearing case to determine which pending application should be granted, and the applicant facing a potential forfeiture is dismissed pursuant to a settlement agreement or otherwise, and the presiding judge has not made a determination on the forfeiture issue, the order of dismissal shall be forwarded to the attention of the full Commission. Within the time provided by §1.117, the Commission may, on its own motion, proceed with a determination of whether a forfeiture against the dismissing applicant is warranted. If the Commission so proceeds, it will provide the applicant with a reasonable opportunity to respond to the forfeiture issue (see paragraph (f)(3) of this section) and make a determination under the procedures outlined in paragraph (f) of this section.

(h) Payment. The forfeiture should be paid by check or money order drawn to the order of the Federal Communications Commission. The Commission does not accept responsibility for cash payments sent through the mails. The check or money order should be mailed to: Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482.

(i) Remission and mitigation. In its discretion, the Commission, or its designee, may remit or reduce any forfeiture imposed under this section. After issuance of a forfeiture order, any request that it do so shall be submitted as a petition for reconsideration pursuant to §1.106.

(j) Effective date. Amendments to paragraph (b) of this section implementing Pub. L. No. 101-239 are effective December 19, 1989.

§ 1.83 Applications for radio operator licenses.

(a) Application filing procedures for amateur radio operator licenses are set forth in part 97 of this chapter.

(b) Application filing procedures for commercial radio operator licenses are set forth in part 13 of this chapter. Detailed information about application forms, filing procedures, and where to file applications for commercial radio operator licenses is contained in the bulletin "Commercial Radio Operator Licenses and Permits." This bulletin is available from the Commission's Forms Distribution Center by calling 1-800-418-FORM (3676).

§ 1.85 Suspension of operator licenses.

Whenever grounds exist for suspension of an operator's 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 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.

[63 FR 68920, Dec. 14, 1998]

§ 1.87 Modification of license or construction permit on motion of the Commission.

(a) Whenever it appears that a station license or construction permit should be modified, the Commission shall notify the licensee or permittee in writing of the proposed action and reasons therefor, and afford the licensee or permittee at least thirty days to protest such proposed order of modification, except that, where safety of life or property is involved, the Commission may by order provide a shorter period of time.

(b) The notification required in paragraph (a) of this section may be effected by a notice of proposed rule making in regard to a modification or addition of an FM or television channel to the Table of Allotments (§§ 73.202 and 73.504) or Table of Assignments (§ 73.606). The Commission shall send a copy of any such notice of proposed rule making to the affected licensee or permittee by certified mail, return receipt requested.

(c) Any other licensee or permittee who believes that its license or permit would be modified by the proposed action may also protest the proposed action before its effective date.

(d) Any protest filed pursuant to this section shall be subject to the requirements of section 309 of the Communications Act of 1934, as amended, for petitions to deny.

(e) In any case where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission except that, with respect to any issue that pertains to the question of whether the proposed action would modify the license or permit of a person filing a protest pursuant to paragraph (c) of this section, such burdens shall be as described by the Commission.

(f) In order to utilize the right to a hearing and the opportunity to appear and give evidence upon the issues specified in any hearing order, the licensee or permittee, in person or by attorney, shall, within the period of time as may be specified in the hearing order, file with the Commission a written statement stating that he or she will appear at the hearing and present evidence on the matters specified in the hearing order.

(g) The right to file a protest or have a hearing shall, unless good cause is shown in a petition to be filed not later than 5 days before the lapse of time specified in paragraph (a) or (f) of this section, be deemed waived:

(1) In case of failure to timely file the protest as required by paragraph (a) of this section or a written statement as required by paragraph (f) of this section.

(2) In case of filing a written statement provided for in paragraph (f) of this section but failing to appear at the hearing, either in person or by counsel.

(h) Where the right to file a protest or have a hearing is waived, the licensee or permittee will be deemed to have consented to the modification as proposed and a final decision may be issued by the Commission accordingly. Irrespective of any waiver as provided for in paragraph (g) of this section or failure by the licensee or permittee to raise a substantial and material question of fact concerning the proposed modification in his protest, the Commission may, on its own motion, designate the proposed modification for hearing in accordance with this section.

(i) Any order of modification issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefore, shall specify the effective date of the modification, and shall be served on the licensee or permittee.

[52 FR 22654, June 15, 1987]

§ 1.88 Predesignation pleading procedure.

In cases where an investigation is being conducted by the Commission in

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§ 1.91 Revocation and/or cease and desist proceedings; hearings.

(a) If it appears that a station license or construction permit should be revoked and/or that a cease and desist order should be issued, the Commission will issue an order directing the person to show cause why an order of revocation and/or a cease and desist order, as the facts may warrant, should not be issued.

(b) An order to show cause why an order of revocation and/or a cease and desist order should not be issued will contain a statement of the matters with respect to which the Commission is inquiring and will call upon the person to whom it is directed (the respondent) to appear before the Commission at a hearing, at a time and place stated in the order, but not less than thirty days after the receipt of such order, and given evidence upon the matters specified in the order to show cause. However, if safety of life or property is involved, the order to show cause may specify a hearing date less
§ 1.92 Revocation and/or cease and desist proceedings; after waiver of hearing.

(a) After the issuance of an order to show cause, pursuant to §1.91, calling upon a person to appear at a hearing before the Commission, the occurrence of any one of the following events or circumstances will constitute a waiver of such hearing and the proceeding thereafter will be conducted in accordance with the provisions of this section.

(1) The respondent fails to file a timely written appearance as prescribed in §1.91(c) indicating that he will appear at a hearing and present evidence on the matters specified in the order.

(2) The respondent, having filed a timely written appearance as prescribed in §1.91(c), fails in fact to appear in person or by his attorney at the time and place of the duly scheduled hearing.

(3) The respondent files with the Commission, within the time specified for a written appearance in §1.91(c), a written statement expressly waiving his rights to a hearing.

(b) When a hearing is waived under the provisions of paragraph (a) (1) or (3) of this section, a written statement signed by the respondent denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause may be submitted within the time specified in §1.91(c). The Commission in its discretion may accept a late statement. However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.
§ 1.94 Consent order procedures.

(a) Negotiations leading to a consent order may be initiated by the operating Bureau or by a party whose possible violations are issues in the proceeding. Negotiations may be initiated at any time after designation of a proceeding for hearing. If negotiations are initiated the presiding officer shall be notified. Parties shall be prepared at the initial prehearing conference to state whether they are at that time willing to enter negotiations. See §1.248(c)(7). If either party is unwilling to enter negotiations, the hearing proceeding shall proceed. If the parties agree to enter negotiations, they will be afforded an appropriate opportunity to negotiate before the hearing is commenced.

(b) Other parties to the proceeding are entitled, but are not required, to participate in the negotiations, and may join in any agreement which is reached.

(c) Every agreement shall contain the following:

(1) An admission of all jurisdictional facts;

(2) A waiver of the usual procedures for preparation and review of an initial decision;
3) A waiver of the right of judicial review or otherwise to challenge or contest the validity of the consent order;

4) A statement that the designation order may be used in construing the consent order;

5) A statement that the agreement shall become a part of the record of the proceeding only if the consent order is signed by the presiding officer and the time for review has passed without rejection of the order by the Commission;

6) A statement that the agreement is for purposes of settlement only and that its signing does not constitute an admission by any party of any violation of law, rules or policy (see 18 U.S.C. 6002); and

7) A draft order for signature of the presiding officer resolving by consent, and for the future, all issues specified in the designation order.

(d) If agreement is reached, it shall be submitted to the presiding officer or Chief Administrative Law Judge, as the case may be, who shall either sign the order, reject the agreement, or suggest to the parties that negotiations continue on such portion of the agreement as he considers unsatisfactory or on matters not reached in the agreement. If he rejects the agreement, the hearing shall proceed. If he suggests further negotiations, the hearing will proceed or negotiations will continue, depending on the wishes of parties to the agreement. If he signs the consent order, he shall close the record.

(e) Any party to the proceeding who has not joined in any agreement which is reached may appeal the consent order under §1.302, and the Commission may review the agreement on its own motion under the provisions of that section. If the Commission rejects the consent order, the proceeding will be remanded for further proceedings. If the Commission does not reject the consent order, it shall be entered in the record as a final order and is subject to judicial review on the initiative only of parties to the proceeding who did not join in the agreement. The Commission may revise the agreement and consent order. In that event, private parties to the agreement may either accept the revision or withdraw from the agreement. If the party whose possible violations are issues in the proceeding withdraws from the agreement, the consent order will not be issued or made a part of the record, and the proceeding will be remanded for further proceedings.

(f) The provisions of this section shall not alter any existing procedure for informal settlement of any matter prior to designation for hearing (see, e.g., 47 U.S.C. 208) or for summary decision after designation for hearing.

(g) Consent orders, pleadings relating thereto, and Commission orders with respect thereto shall be served on parties to the proceeding. Public notice will be given of orders issued by an administrative law judge, the Chief Administrative Law Judge, or the Commission. Negotiating papers constitute work product, are available to parties participating in negotiations, but are not routinely available for public inspection.

[41 FR 14871, Apr. 8, 1976]

§ 1.95 Violation of consent orders.

Violation of a consent order shall subject the consenting party to any and all sanctions which could have been imposed in the proceeding resulting in the consent order if all of the issues in that proceeding had been decided against the consenting party and to any further sanctions for violation noted as agreed upon in the consent order. The Commission shall have the burden of showing that the consent order has been violated in some (but not in every) respect. Violation of the consent order and the sanctions to be imposed shall be the only issues considered in a proceeding concerning such an alleged violation.

[41 FR 14871, Apr. 8, 1976]

Reconsideration and Review of Actions Taken by the Commission and Pursuant to Delegated Authority; Effective Dates and Finality Dates of Actions

§ 1.101 General provisions.

Under section 5(c) of the Communications Act of 1934, as amended, the Commission is authorized, by rule or order, to delegate certain of its functions to a panel of commissioners, an individual commissioner, an employee board, or
§ 1.104 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final actions taken by members of the Commission's staff on nonhearing matters. They do not apply to interlocutory actions of the Chief Administrative Law Judge in hearing proceedings, or to hearing designation orders issued under delegated authority. See §§ 0.351, 1.106(a) and 1.115(e).

(b) Any person desiring Commission consideration of a final action taken
pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of public notice of such action, as that date is defined in §1.4(b) of these rules. The petition for reconsideration will be acted on by the designated authority or referred by such authority to the Commission: Provided, That a petition for reconsideration of an order designating a matter for hearing will in all cases be referred to the Commission. The application for review will in all cases be acted upon by the Commission.

NOTE: In those cases where the Commission does not intend to release a document containing the full text of its action, it will state that fact in the public notice announcing its action.

(c) If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.

(d) Any person who has filed a petition for reconsideration may file an application for review within 30 days from the date of public notice of such action, as that date is defined in §1.4(b) of these rules. If a petition for reconsideration has been filed, any person who has filed an application for review may: (1) Withdraw his application for review, or (2) substitute an amended application therefor.

NOTE: In those cases where the Commission does not intend to release a document containing the full text of its action, it will state that fact in the public notice announcing its action.

(See secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

§ 1.106 Petitions for reconsideration.

(a)(1) Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained. (For provisions governing reconsideration of Commission action in notice and comment rule making proceedings, see §1.429. This §1.106 does not govern reconsideration of such actions.)

(2) Within the period allowed for filing a petition for reconsideration, any party to the proceeding may request the presiding officer to certify to the Commission the question as to whether, on policy in effect at the time of designation or adopted since designation, and undisputed facts, a hearing should be held. If the presiding officer finds that there is substantial doubt, on established policy and undisputed facts, that a hearing should be held, he will certify the policy question to the Commission with a statement to that effect. No appeal may be filed from an order denying such a request. See also, §§1.229 and 1.251.

(b)(1) Subject to the limitations set forth in paragraph (b)(2) of this section, any party to the proceeding, or any other person whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state that fact in the public notice announcing its action.

(b)(2) Subject to the limitations set forth in paragraph (b)(2) of this section, any party to the proceeding, or any other person whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state that fact in the public notice announcing its action.

(2) Where the Commission has denied an application for review, a petition for reconsideration will be entertained only if one or more of the following circumstances is present:

(i) The petition relies on facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or
(ii) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.

(3) A petition for reconsideration of an order denying an application for review which fails to rely on new facts or changed circumstances may be dismissed by the staff as repetitious.

(c) A petition for reconsideration which relies on facts not previously presented to the Commission or to the designated authority may be granted only under the following circumstances:

(1) The facts fall within one or more of the categories set forth in §1.106(b)(2); or

(2) The Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.

(d) (1) The petition shall state with particularity the respects in which petitioner believes the action taken by the Commission or the designated authority should be changed. The petition shall state specifically the form or relief sought and, subject to this requirement, may contain alternative requests.

(2) The petition for reconsideration shall also, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. The petition may request that additional findings of fact and conclusions of law be made.

(e) Where a petition for reconsideration is based upon a claim of electrical interference, under appropriate rules in this chapter, that electrical interference will be caused to the station within its normally protected contour.

(f) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action, as that date is defined in §1.4(b) of these rules, and shall be served upon parties to the proceeding. The petition for reconsideration shall not exceed 25 double spaced typewritten pages. No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered except upon leave granted upon a separate pleading for leave to file, which shall state the grounds therefor.

(g) Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and shall be served upon petitioner and parties to the proceeding. Oppositions shall not exceed 25 double spaced typewritten pages.

(h) Petitioner may reply to oppositions within seven days after the last day for filing oppositions, and any such reply shall be served upon parties to the proceeding. Replies shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

(i) Petitions for reconsideration, oppositions, and replies shall conform to the requirements of §§1.49, 1.51, and 1.52 and shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554.

(j) The Commission or designated authority may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Where the petition for reconsideration relates to an instrument of authorization granted without hearing, the Commission or designated authority will take such action within 90 days after the petition is filed.

(k)(1) If the Commission or the designated authority grants the petition for reconsideration in whole or in part, it may, in its decision:
§ 1.108 Reconsideration on Commission's own motion.

The Commission may, on its own motion, set aside any action made or taken by it within 30 days from the date of public notice of such action, as that date is defined in §1.4(b) of these rules.

§ 1.110 Partial grants; rejection and designation for hearing.

Where the Commission without a hearing grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may fact or law upon which the Commission or designated authority has been afforded no opportunity to pass. (See §1.115(c).) Persons in those categories who meet the requirements of this section may qualify to seek judicial review by filing a petition for reconsideration. (n) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown, the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration. (This paragraph applies only to actions of the Commission en banc. For provisions applicable to actions under delegated authority, see §1.102.)

(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.

(NOTE: For purposes of this section, the word "order" refers to that portion of its action wherein the Commission announces its judgment. This should be distinguished from the "memorandum opinion" or other material which often accompany and explain the order.)

(l) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or the designated authority believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(m) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission or by the designated authority, except where the person seeking such review was not a party to the proceeding resulting in the action, or relies on questions of
result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 1.113 Action modified or set aside by person, panel, or board.

(a) Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

(b) Within 60 days after notice of any sanction imposed under delegated authority has been served on the person affected, the person, panel, or board which imposed the sanction may modify or set it aside on its own motion.

(c) Petitions for reconsideration and applications for review shall be directed to the actions as thus modified, and the time for filing such pleadings shall be computed from the date upon which public notice of the modified action is given or notice of the modified sanction is served on the person affected.

§ 1.115 Application for review of action taken pursuant to delegated authority.

(a) Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission. Any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.

(b)(1) The application for review shall concisely and plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.

(2) Except as provided in paragraph (b)(5) of this section, the application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of a precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error.

(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

(c) No application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.

NOTE: Subject to the requirements of §1.106, new questions of fact or law may be presented to the designated authority in a petition for reconsideration.

(d) Except as provided in paragraph (e) of this section, the application for review and any supplemental thereto shall be filed within 30 days of public notice of such action, as that date is defined in section 1.4(b). Opposition to the application shall be filed within 15 days after the application for review is filed. Except as provided in paragraph (e)(3) of this section, replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the opposition.
§ 1.115

(e)(1) Applications for review of interlocutory rulings made by the Chief Administrative Law Judge (see §0.351) shall be deferred until the time when exceptions are filed unless the Chief Judge certifies the matter to the Commission for review. A matter shall be certified to the Commission only if the Chief Judge determines that it presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The request to certify the matter to the Commission shall be filed within 5 days after the ruling is made. The application for review shall be filed within 5 days after the order certifying the matter to the Commission is released or such ruling is made. Oppositions shall be filed within 5 days after the application is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested. A ruling certifying or not certifying a matter to the Commission is final: Provided, however, That the Commission may, on its own motion, dismiss the application for review on the ground that objections to the ruling should be deferred and raised as an exception.

(2) The failure to file an application for review of an interlocutory ruling made by the Chief Administrative Law Judge or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision in the case from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

(3) Applications for review of a hearing designation order issued under delegated authority shall be deferred until exceptions to the initial decision in the case are filed, unless the presiding Administrative Law Judge certifies such an application for review to the Commission. A matter shall be certified to the Commission only if the presiding Administrative Law Judge determines that the matter involves a controlling question of law as to which there is substantial ground for difference of opinion and that immediate consideration of the question would materially expedite the ultimate resolution of the litigation. A ruling refusing to certify a matter to the Commission is not appealable. In addition, the Commission may dismiss, without stating reasons, an application for review that has been certified, and direct that the objections to the hearing designation order be deferred and raised when exceptions in the initial decision in the case are filed. A request to certify a matter to the Commission shall be filed with the presiding Administrative Law Judge within 5 days after the designation order is released. Any application for review authorized by the Administrative Law Judge shall be filed within 5 days after the order certifying the matter to the Commission is released or such a ruling is made. Oppositions shall be filed within 5 days after the application for review is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested.

(4) Applications for review of final staff decisions issued on delegated authority in formal complaint proceedings on the Common Carrier Bureau’s Accelerated Docket (see, e.g., §1.730) shall be filed within 15 days of public notice of the decision, as that date is defined in §1.4(b). These applications for review, oppositions and replies in Accelerated Docket proceedings shall be served on parties to the proceeding by hand or facsimile transmission.

(f) Applications for review, oppositions, and replies shall conform to the requirements of §§1.49, 1.51, and 1.52, and shall be submitted to the Secretary, Federal Communications Commission, Washington, DC 20554. Except as provided below, applications for review and oppositions thereto shall not exceed 25 double-space typewritten pages. Applications for review of interlocutory actions in hearing proceedings (including designation orders) and oppositions thereto shall not exceed 5 double-spaced typewritten pages. When permitted (see paragraph (e)(3) of this section), reply pleadings shall not exceed 5 double-spaced typewritten pages. The application for review shall be
served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person(s) opposing the application for review and on parties to the proceeding.

(g) The Commission may grant the application for review in whole or in part, or it may deny the application with or without specifying reasons therefor. A petition requesting reconsideration of a ruling which denies an application for review will be entertained only if one or more of the following circumstances is present:

(1) The petition relies on facts which related to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or

(2) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.

(h)(1) If the Commission grants the application for review in whole or in part, it may, in its decision:

(i) Simultaneously reverse or modify the order from which review is sought;

(ii) Remand the matter to the designated authority for reconsideration in accordance with its instructions, and, if an evidentiary hearing has been held, the remand may be to the person(s) who conducted the hearing; or

(iii) Order such other proceedings, including briefs and oral argument, as may be necessary or appropriate.

(2) In the event the Commission orders further proceedings, it may stay the effect of the order from which review is sought. (See §1.102.) Following the completion of such further proceedings the Commission may affirm, reverse or modify the order from which review is sought, or it may set aside the order and remand the matter to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the matter to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate.

NOTE: For purposes of this section, the word "order" refers to that portion of its action wherein the Commission announces its judgment. This should be distinguished from the "memorandum opinion" or other material which often accompany and explain the order.

(i) An order of the Commission which reverses or modifies the action taken pursuant to delegated authority is subject to the same provisions with respect to reconsideration as an original order of the Commission. In no event, however, shall a ruling which denies an application for review be considered a modification of the action taken pursuant to delegated authority.

(j) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(k) The filing of an application for review shall be a condition precedent to judicial review of any action taken pursuant to delegated authority.

§ 1.117 Review on motion of the Commission.

(a) Within 40 days after public notice is given of any action taken pursuant to delegated authority, the Commission may on its own motion order the record of the proceeding before it for review.

(b) If the Commission reviews the proceeding on its own motion, it may order such further procedure as may be useful to it in its review of the action taken pursuant to delegated authority.

(c) With or without such further procedure, the Commission may either affirm, reverse, modify, or set aside the
§ 1.120 Protests of grants without hearing.

(a) The provisions of this section shall not be applicable to any application: (1) Filed on or after December 12, 1960; (2) filed before December 12, 1960, but substantially amended (as defined in the applicable provisions of this chapter) on or after that date; or (3) filed before December 12, 1960, and not thereafter substantially amended, but with respect to which the rules in this chapter provide an opportunity for petitions to deny to be filed under section 309 of the Communications Act, as amended. See §§ 1.580 and 1.962.

(b) Where any instrument of authorization for a radio station, other than a license pursuant to a construction permit, has been granted without a hearing, any party in interest may file a protest directed to such grant and request a hearing on the application granted. Such protest shall be signed by the protestant and subscribed to under oath. Such protest must be filed with the Commission within 30 days after release of the document containing the full text of such action, or in case such a document is not released, after release of a “Public Notice” announcing the action in question and must separately set forth:

(1) Such allegations of fact as will show the protestant to be a party in interest, i.e., a person aggrieved or whose interests are adversely affected by the Commission’s authorization, protest of which is sought. Each such allegation of fact shall be separately stated.

(2) Facts indicating the reasons why the grant was improperly made or would otherwise not be in the public interest. Each such reason shall be separately stated, and facts in support thereof shall be specified in detail and shall not include general non-specific conclusory arguments and allegations.

(3) The specific issues upon which protestant wishes a hearing to be held, which issues must relate directly to a matter specified with particularity as part of paragraph (b)(2) of this section.

(c) Arguments and citations of authority may be set forth in a brief accompanying the protest but must be excluded from the protest itself.

(d) Oppositions to protests and briefs in support thereof shall contain all material, including that pertinent to the determination referred to in paragraph (i) of this section, deemed appropriate to the Commission’s resolution of the protest. Such oppositions and supporting briefs must be filed within 10 days after the filing of such protest, and any replies to such oppositions must be filed within 5 days after the filing of the oppositions.

(e) Protests, oppositions, and replies shall be filed with the Commission in original and 14 copies and shall be accompanied by proof of service upon the grantee or the protestant, as the case may be, and/or their respective attorneys.

(f) The Commission may upon consideration of a protest direct either the protestant or grantee or both to submit further statements of fact under oath relating to the matters raised in the protest.

(g) Within 30 days from the date of the filing of the protest, the Commission will enter findings as to whether such protest meets the requirements set forth in paragraphs (b)(1) and (2) of this section. If the Commission finds that one of these requirements is not met, it will dismiss the protest. If the Commission finds that these requirements are met, it will designate the application in question for hearing. As to issues which the Commission believes present no grounds for setting aside the grant, even if the facts alleged were to be proven, the Commission may designate such issues for oral argument.
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only. The other issues will be designated for evidentiary hearing except that the Commission may redraft the issues in accordance with the facts or substantive matters alleged in the protest and may also specify such additional issues as it deems desirable. In any evidentiary hearing subsequently held upon issues specified by the Commission, upon its own initiative or adopted by it, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the grantee. With respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(h) The procedure in such protest hearing shall be governed by the provisions of subpart B of this part, except as otherwise provided in this section.

(i) Pending hearing and decision, the effective date of the Commission’s action to which protest is made shall be postponed to the effective date of the Commission’s decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service or unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission’s decision after hearing.

(Sec. 7, 66 Stat. 715, as amended. See, in particular, sec. 4 (a) and (d), 74 Stat. 889, 892; 47 U.S.C. 309)


§ 1.205 Continuances and extensions.

Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted

(b) Rule making proceedings which are required by law to be made on the record after opportunity for a Commission hearing.

NOTE: For special provisions relating to AM broadcast station applications involving other North American countries see §73.3570.


§ 1.202 Official reporter; transcript.

The Commission will designate from time to time an official reporter for the recording and transcribing of hearing proceedings. The transcript of the testimony taken, or argument had, at any hearing will not be furnished by the Commission, but will be open to inspection under §0.453(a)(1) of this chapter. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

(5 U.S.C. 556)

[32 FR 20861, Dec. 28, 1967]

§ 1.203 The record.

The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision. Where any decision rests on official notice of a material fact not appearing in the record, any party shall on timely request be afforded an opportunity to show the contrary.

(5 U.S.C. 556)

§ 1.204 Pleadings; definition.

As used in this subpart, the term pleading means any written notice, motion, petition, request, opposition, reply, brief, proposed findings, exceptions, memorandum of law, or other paper filed with the Commission in a hearing proceeding. It does not include exhibits or documents offered in evidence. See §1.356.

[29 FR 8219, June 30, 1964]

§ 1.205 Continuances and extensions.

Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted
§ 1.207 Interlocutory matters, reconsideration and review; cross references.

(a) Rules governing interlocutory pleadings in hearing proceedings are set forth in §§ 1.291 through 1.298.

(b) Rules governing appeal from rulings made by the presiding officer are set forth as §§ 1.301 and 1.302.

(c) Rules governing the reconsideration and review of actions taken pursuant to delegated authority, and the reconsideration of actions taken by the Commission, are set forth in §§ 1.101 through 1.120.


§ 1.209 Identification of responsible officer in caption to pleading.

Each pleading filed in a hearing proceeding shall indicate in its caption whether it is to be acted upon by the Commission, the Chief Administrative Law Judge, or the presiding officer. If it is to be acted upon by the presiding officer, he shall be identified by name.


§ 1.211 Service.

Except as otherwise expressly provided in this chapter, all pleadings filed in a hearing proceeding shall be served upon all other counsel in the proceeding or, if a party is not represented by counsel, then upon such party. All such papers shall be accompanied by proof of service. For provisions governing the manner of service, see §1.47.

[29 FR 8219, June 30, 1964]
§ 1.223 Petitions to intervene.

(a) Where, in cases involving applications for construction permits and station licenses, or modifications or renewals thereof, the Commission has failed to notify and name as a party to the hearing any person who qualifies as a party in interest, such person may acquire the status of a party by filing, under oath and not more than 30 days after the publication in the Federal Register of the full text or a summary of the order designating an application for hearing or any substantial amendment thereto, a petition for intervention showing the basis of its interest. Where such person's interest is based upon a claim that a grant of the application would cause objectionable interference under applicable provisions of this chapter to such person as a licensee or permittee of an existing or authorized station, the petition to intervene must be accompanied by an affidavit of a qualified radio engineer which shall show, either by following the procedures prescribed in this chapter for determining interference in the absence of measurements or by actual measurements made in accordance with the methods prescribed in this chapter, the extent of such interference. Where the person's status as a party in interest is established, the petition to intervene will be granted.

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 30 days after the publication in the Federal Register of the full text or a summary of the order designating an application for hearing or any substantial amendment thereto. The petition must set forth the interest of petitioner in the proceedings, must show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The presiding officer, in his discretion, may grant or deny such petition or may permit intervention by such persons limited to a particular stage of the proceeding.

(c) Any person desiring to file a petition for leave to intervene later than 30 days after the publication in the Federal Register of the full text or a summary of the order designating an application for hearing or any substantial amendment thereto shall set forth
§ 1.224 Motion to proceed in forma pauperis.

(a) A motion to proceed in forma pauperis may be filed by an individual, a corporation, and unincorporated entity, an association or other similar group, if the moving party is either of the following:

1. A respondent in a revocation proceeding, or a renewal applicant, who cannot carry on his livelihood without the radio license at stake in the proceeding; or

2. An intervenor in a hearing proceeding who is in a position to introduce testimony which is of probable decisional significance, on a matter of substantial public interest importance, which cannot, or apparently will not, be introduced by other parties to the proceeding, and who is not seeking personal financial gain.

(b) In the case of a licensee, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that he cannot, because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation in the proceeding. Personal financial information may be submitted to the presiding officer in confidence.

(c)(1) In the case of an individual intervenor, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that he is eligible under paragraph (a) of this section and that he has dedicated financial resources to sustain his participation which are reasonable in light of his personal resources and other demands upon them but are inadequate for effective participation in the proceeding. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall contain an estimate of the cost of participation. Personal financial information may be submitted to the presiding officer in confidence.

(2) In the case of an intervening group, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that it cannot pay the expenses of litigation and still be able to carry out the activities and purposes for which it was organized. Such allegations of fact shall be supported by affidavit of the President and Treasurer of the group, and/or by other persons having personal knowledge thereof. The information submitted shall include a copy of the corporate charter or other documents that describe the activities and purposes of the organization; a current
balance sheet and profit and loss statement; facts showing, under all the circumstances, that it would not be reasonable to expect added resources of individuals composing the group to be pooled to meet the expenses of participating in the proceeding; and an estimate of the cost of participation. Personal financial information pertaining to members of the group may be submitted to the presiding officer in confidence.

(d) If the motion is granted, the presiding officer may direct that a free copy of the transcript of testimony be made available to the moving party and may relax the rules of procedure in any manner which will ease his financial burden, is fair to other parties to the proceeding, and does not involve the payment of appropriated funds to a party.

[41 FR 53021, Dec. 3, 1976]

§ 1.225 Participation by non-parties; consideration of communications.

(a) Any person who wishes to appear and give evidence on any matter and who so advises the Secretary, will be notified by the Secretary if that matter is designated for hearing. In the case of requests bearing more than one signature, notice of hearing will be given to the person first signing unless the request indicates that such notice should be sent to someone other than such person.

(b) No person shall be precluded from giving any relevant, material, and competent testimony at a hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

(c) When a hearing is held, no communication will be considered in determining the merits of any matter unless it has been received into evidence. The admissibility of any communication shall be governed by the applicable rules of evidence, and no communication shall be admissible on the basis of a stipulation unless Commission counsel as well as counsel for all of the parties shall join in such stipulation.

§ 1.227 Consolidations.

(a) The Commission, upon motion or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims, except where a random selection process is used.

(b)(1) In broadcast cases, except as provided in paragraph (b)(5) of this section, and except as otherwise provided in §1.1601 et seq., no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by the close of business on the day preceding the day designated by Public Notice as the day any one of the previously filed applications is available and ready for processing.

(2) In other than broadcast, common carrier, and safety and special radio services cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the FEDERAL REGISTER of the Commission’s order which first designated for hearing the prior application or applications with which such application is in conflict.

(3) Common carrier cases: (i) General rule. Where an application is mutually exclusive with a previously filed application, the second application will be entitled to comparative consideration with the first or entitled to be included in a random selection process, only if the second has been properly filed at least one day before the Commission takes action on the first application. Specifically, the later filed application must have been received by the Commission in a condition acceptable for filing, before the close of business on the day prior to the grant date or designation date of the earlier filed application.

(ii) Domestic public fixed and public mobile. See Rule §§21.31 and 22.31 for the requirements as to mutually exclusive applications. See also Rule §§21.23 and
§ 1.229 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing. Except as provided for in paragraph (b) of this section, such motions must be filed within 15 days after the full text or a summary of the order designating the case for hearing has been published in the Federal Register.

(b)(1) In comparative broadcast proceedings involving applicants for only new facilities, such motions shall be filed within 30 days after the release of the designation order, except that persons not named as parties to the proceeding in the designation order may file such motions with their petitions to intervene up to 30 days after publication of the full text or a summary of the designation order in the Federal Register. (See §1.223 of this part).

(2) In comparative broadcast proceedings involving renewal applicants, such motions shall be filed within 30 days after publication of the full text or a summary of the designation order in the Federal Register.

(3) Any person desiring to file a motion to modify the issues after the expiration of periods specified in paragraphs (a), (b)(1), and (b)(2) of this section, shall set forth the reason why it was not possible to file the motion within the prescribed period. Except as provided in paragraph (c) of this section, the motion will be granted only if good cause is shown for the delay in filing. Motions for modifications of issues which are based on new facts or newly discovered facts shall be filed within 15 days after such facts are discovered by the moving party.

(c) In the absence of good cause for late filing of a motion to modify the issues, the motion to enlarge will be considered fully on its merits if (and
only if initial examination of the motion demonstrates that it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing.

(d) Such motions, opposition thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof. The failure to file an opposition or a reply will not necessarily be construed as an admission of any fact or argument contained in a pleading.

(e) In comparative broadcast proceedings involving applicants for only new facilities, in addition to the showing with respect to the requested issue modification described in paragraph (d) of this section, the party requesting the enlargement of issues against an applicant in the proceeding shall identify those documents the moving party wishes to have produced and any other discovery procedures the moving party wishes to employ in the event the requested issue is added to the proceeding.

(1) In the event the motion to enlarge issues is granted, the Commission or delegated authority acting on the motion will also rule on the additional discovery requests, and, if granted, such additional discovery will be scheduled to be completed within 30 days of the action on the motion.

(2) The moving party may file supplemental discovery requests on the basis of information provided in responsive pleadings or discovered as a result of initial discovery on the enlarged issue. The grant or denial of any such supplemental requests and the timing of the completion of such supplemental discovery are subject to the discretion of the presiding judge.

(3) The 30-day time limit for completion of discovery on enlarged issues shall not apply where the persons subject to such additional discovery are not parties to the proceeding. In such case, additional time will be required to afford such persons adequate notice of the discovery procedures being employed.

(f) In any case in which the presiding judge or the Commission grants a motion to enlarge the issues to inquire into allegations that an applicant made misrepresentations to the Commission or engaged in other misconduct during the application process, the enlarged issues include notice that, after hearings on the enlarged issue and upon a finding that the alleged misconduct occurred and warrants such penalty, in addition to or in lieu of denying the application, the applicant may be liable for a forfeiture of up to the maximum statutory amount. See 47 U.S.C. 503(b)(2)(A).

§ 1.241 Designation of presiding officer.

(a) Hearings will be conducted by the Commission, by one or more commissioners, or by a law judge designated pursuant to section 11 of the Administrative Procedure Act. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony another presiding officer will be designated.

(b) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be designated, and notice thereof released to the public, at least 10 days prior to the date set for hearing.

§ 1.243 Authority of presiding officer.

From the time he is designated to preside until issuance of his decision or the transfer of the proceeding to the Commission or to another presiding officer the presiding officer shall have such authority as is vested in him by law and by the provisions of this chapter, including authority to:

(a) Administer oaths and affirmations;
(b) Issue subpoenas;
(c) Examine witnesses;
(d) Rule upon questions of evidence;
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(e) Take or cause depositions to be taken;
(f) Regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
(g) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which he is required to rule during the course of the hearing;
(h) Hold conferences for the settlement or simplification of the issues by consent of the parties;
(i) Dispose of procedural requests or similar matters, as provided for in § 0.341 of this chapter;
(j) Take actions and make decisions in conformity with the Administrative Procedure Act;
(k) Act on motions to enlarge, modify or delete the hearing issues; and
(l) Act on motions to proceed in forma pauperis pursuant to § 1.224.

(5 U.S.C. 556)


§ 1.245 Designation of a settlement judge.

(a) In broadcast comparative cases involving applicants for only new facilities, the applicants may request the appointment of a settlement judge to facilitate the resolution of the case by settlement.

(b) Where all applicants in the case agree that such procedures may be beneficial, such requests may be filed with the presiding judge no later than 15 days prior to the date scheduled by the presiding judge for the commencement of hearings. The presiding judge shall suspend the procedural dates in the case and forward the request to the Chief Administrative Law Judge for action.

(c) If, in the discretion of the Chief Administrative Law Judge, it appears that the appointment of a settlement judge will facilitate the settlement of the case, the Chief Judge will appoint a “neutral” as defined in 5 U.S.C. 581.

(2) The appointment of a settlement judge in a particular case is subject to the approval of all the applicants in the proceeding. See 5 U.S.C. 583(b).

(3) The Commission’s Administrative Law Judges are eligible to act as settlement judges, except that an Administrative Law Judge will not be appointed as a settlement judge in any case in which the Administrative Law Judge also acts as the presiding officer.

(4) Other members of the Commission’s staff who qualify as neutrals may be appointed as settlement judges, except that staff members whose duties include drafting, review, and/or recommendations in adjudicatory matters pending before the Commission shall not be appointed as settlement judges.

(d) The settlement judge shall have the authority to require applicants to submit their Standardized Integration Statements and/or their written direct cases for review. The settlement judge may also meet with the applicants and/or their counsel, individually and/or at joint conferences, to discuss their cases and the cases of their competitors. All such meetings will be off-the-record, and the settlement judge may express an opinion as to the relative comparative standing of the applicants and recommend possible means to resolve the proceeding by settlement. The proceedings before the settlement judge shall be subject to the confidentiality provisions of 5 U.S.C. 574. Moreover, no statements, offers of settlement, representations or concessions of the parties or opinions expressed by the settlement judge will be admissible as evidence in any Commission licensing proceeding.

grounds of personal bias or other disqualification.

(1) The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. Such affidavit shall be filed not later than 5 days before the commencement of the hearing unless, for good cause shown, additional time is necessary.

(2) The presiding officer may file a response to the affidavit; and if he believes himself not disqualified, shall so rule and proceed with the hearing.

(3) The person seeking disqualification may appeal a ruling of disqualification, and, in that event, shall do so at the time the ruling is made. Unless an appeal of the ruling is filed at this time, the right to request withdrawal of the presiding officer shall be deemed waived.

(4) If an appeal of the ruling is filed, the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission.

(5) The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised.

(6) The affidavit, response, testimony or argument thereon, and the Commission's decision shall be part of the record in the case.

(5 U.S.C. 556)

be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(b)(1) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(b)(2) Except as circumstances otherwise require, the presiding officer shall allow a reasonable period prior to commencement of the hearing for the orderly completion of all prehearing procedures, including discovery, and for the submission and disposition of all prehearing motions. Where the circumstances so warrant, the presiding officer shall, promptly after the hearing is ordered, call a preliminary prehearing conference, to inquire into the use of available procedures contemplated by the parties and the time required for their completion, to formulate a schedule for their completion, and to set a date for commencement of the hearing.

(c) In conferences held, or in suggestions submitted, pursuant to paragraphs (a) and (b) of this section, the following matters, among others, may be considered:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The admission of facts and of the genuineness of documents (see §1.246), and the possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) In cases arising under Title II of the Communications Act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment; and

(6) In cases involving comparative broadcast applications:

(i) Narrowing the issues or the areas of inquiry and proof at the hearing;

(ii) [Reserved]

(iii) Reports and letters relating to surveys or contacts;

(iv) Assumptions regarding the availability of equipment;

(v) Network programming;

(vi) Assumptions regarding the availability of networks;

(vii) Offers of letters in general;

(viii) The method of handling evidence relating to the past cooperation of existing stations owned and/or operated by the applicants with organizations in the area;

(ix) Proof of contracts, agreements, or understandings reduced to writing;

(x) Stipulations;

(xi) Need for depositions;

(xii) The numbering of exhibits;

(xiii) The order or offer of proof with relationship to docket number;

(xiv) The date for the formal hearing; and

(xv) Such other matters as may expedite the conduct of the hearing.

(7) In proceedings in which consent agreements may be negotiated (see §1.93), the parties shall be prepared to state at the initial prehearing conference whether they are at that time willing to enter negotiations leading to a consent agreement.

(d) This paragraph applies to broadcast proceedings only.

(1) At the prehearing conference prescribed by this section, the parties to the proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form.

(2) In hearings involving applications for new, improved and changed facilities and in comparative hearings involving only applications for new facilities, where it appears that it will contribute significantly to the disposition of the proceeding for the parties to submit all or any portion of their affirmative direct cases in writing, the presiding officer may, in his discretion, require them to do so.

(3) In other broadcast proceedings, where it appears that it will contribute
significantly to the disposition of the proceeding for the parties to submit all or any portion of their affirmative direct cases in writing, it is the policy of the Commission to encourage them to do so. However, the phase or phases of the proceeding to be submitted in writing, the dates for the exchange of the written material, and other limitations upon the effect of adopting the written case procedure (such as whether material ruled out as incompetent may be restored by other competent testimony) is to be left to agreement of the parties as approved by the presiding officer.

4 In broadcast comparative cases involving applicants for only new facilities, oral testimony and cross examination will be permitted only where, in the discretion of the presiding judge, material issues of decisional fact cannot be resolved without oral evidentiary hearing procedures or the public interest otherwise requires oral evidentiary proceedings.

(e) An official transcript of all conferences shall be made.

(f) The presiding officer may, upon the written request of a party or parties, approve the use of a speakerphone as a means of attendance at a prehearing conference if such use is found to conduce to the proper dispatch of business and the ends of justice.


§ 1.249 Prehearing statement.

Immediately upon convening the formal hearing in any proceeding, the presiding officer shall enter upon the record a statement reciting all actions taken at the prehearing conferences, and incorporating into the record all of the stipulations and agreements of the parties which are approved by him, and any special rules which he may deem necessary to govern the course of the proceeding.

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(c) Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) The presiding officer may, in his discretion, set the matter for argument and call for the submission of proposed findings, conclusions, briefs or memoranda of law. The presiding officer, giving appropriate weight to the nature of the proceeding, the issue or issues, the proof, and to the need for cross-examination, may grant a motion for summary decision to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is otherwise entitled to summary decision. If it appears from the affidavits of a party opposing the motion that he cannot, for good cause shown, present by affidavit or otherwise facts essential to justify his opposition, the presiding officer may deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or make such other order as is just.

(e) If all of the issues (or a dispositive issue) are determined on a motion for summary decision no hearing (or further hearing) will be held. The presiding officer will issue a Summary Decision, which is subject to appeal or review in the same manner as an Initial Decision. See §§1.271 through 1.282. If some of the issues only (including no dispositive issue) are decided on a motion for summary decision, or if the motion is denied, the presiding officer will issue a memorandum opinion and order, interlocutory in character, and the hearing will proceed on the remaining issues. Appeal from interlocutory rulings is governed by §1.301.

(f) The presiding officer may take any action deemed necessary to assure that summary decision procedures are not abused. He may rule in advance of a motion that the proceeding is not appropriate for summary decision, and may take such other measures as are necessary to prevent any unwarranted delay.

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§ 1.254 Nature of the hearing; burden of proof.

Any hearing upon an application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate but in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission,
as well as the burden of proof upon all such issues, shall be upon the applicant except as otherwise provided in the order of designation.

(Sec. 309, 48 Stat. 1085, as amended; 47 U.S.C. 309)

§ 1.255 Order of procedure.

(a) At hearings on a formal complaint or petition or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall, unless the Commission otherwise orders, open and close. At hearings on protests, the protestant opens and closes the proceedings in case the issues are not specifically adopted by the Commission; otherwise the grantee does so. At hearings on orders to show cause, to cease and desist, to revoke or modify a station license under sections 312 and 316 of the Communications Act, or other like proceedings instituted by the Commission, the Commission shall open and close.

(b) At all hearings under Title II of the Communications Act, other than hearings on formal complaints, petitions, or applications, the respondent shall open and close unless otherwise specified by the Commission.

(c) In all other cases, the Commission or presiding officer shall designate the order of presentation. Intervenors shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission or presiding officer shall designate at what stage such intervenors shall be heard.


§ 1.258 Closing of the hearing.

The record of hearing shall be closed by an announcement to that effect at the hearing by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: Provided, The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the day on which the hearing is to resume, except upon 10 days' notice to all parties to the proceeding.

§ 1.260 Certification of transcript.

After the close of the hearing, the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.261 Corrections to transcript.

At any time during the course of the proceeding, or as directed by the presiding officer, but not later than 10 days after the date of notice of certification of the transcript, any party to the proceeding may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceeding. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his own initiative, may specify corrections to be made in the transcript on 5 days' notice.

[40 FR 51441, Nov. 5, 1975]

§ 1.263 Proposed findings and conclusions.

(a) Each party to the proceeding may file proposed findings of fact and conclusions, briefs, or memoranda of law: Provided, however, That the presiding officer may direct any party other than Commission counsel to file proposed findings of fact and conclusions, briefs, or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be

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§ 1.264  Contents of findings of fact and conclusions.

Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed conclusions shall be limited to those issues in connection with the hearing which affect the interests of such person.

5 U.S.C. 557

§ 1.267  Initial and recommended decisions.

(a) Except as provided in this paragraph, in §§1.94, 1.251 and 1.274, or where the proceeding is terminated on motion (see §1.302), the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. In the case of rate making proceedings conducted under sections 201-205 of the Communications Act, the presumption shall be that the presiding officer shall prepare an initial or recommended decision. The Secretary will make the decision public immediately and file it in the docket of the case.

(b) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal, or review.

(c) The authority of the Presiding Officer over the proceedings shall cease when he has filed his Initial or Recommended Decision, or if it is a case in which he is to file no decision, when he has certified the case for decision; Provided, however, that he shall retain limited jurisdiction over the proceeding for the purpose of effecting certification of the transcript and corrections to the transcript, as provided in §§1.260 and 1.261, respectively, and for the purpose of ruling initially on applications for awards of fees and expenses under the Equal Access to Justice Act.

5 U.S.C. 557

§ 1.276  Appeal and review of initial decision.

(a)(1) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision, and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. It is the Commission's policy that extensions of time for filing exceptions shall not be routinely granted.

(2) Exceptions shall be consolidated with the argument in a supporting brief and shall not be submitted separately. As used in this subpart, the term exceptions means the document consolidating the exceptions and supporting brief. The brief shall contain (i) a table of contents, (ii) a table of citations, (iii) a concise statement of the case, (iv) a statement of the questions of law presented, and (v) the argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific reference to the record and all legal or other materials relied on.

(b) The Commission may on its own initiative provide, by order adopted not later than 20 days after the time for filing exceptions expires, that an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. If the Commission has directed that its review function in the case be performed by a commissioner, a panel of commissioners, the request shall be directed to the appropriate review authority. The Commission or such review authority may in its discretion grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to review in accordance with paragraph (a) or (b) of this section, the Commission may, on its own initiative or upon appropriate requests by a party, take any one or more of the following actions:

1. Hear oral argument on the exceptions;
2. Require the filing of briefs;
3. Prior to or after oral argument or the filing of exceptions or briefs, reopen the record and/or remand the proceedings to the presiding officer to take further testimony or evidence;
4. Prior to or after oral argument or the filing of exceptions or briefs, remand the proceedings to the presiding officer to make further findings or conclusions; and
5. Prior to or after oral argument or the filing of exceptions or briefs, issue, or cause to be issued by the presiding officer, a supplemental initial decision.

(d) No initial decision shall become effective before 50 days after public release of the full text thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions, the further review or consideration of an initial decision on the Commission’s initiative, or the taking of action by the Commission under paragraph (c) of this section shall stay the effectiveness of the initial decision until the Commission’s review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions, it shall be postponed automatically until 30 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, or has not taken action under paragraph (c) of this section, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case, and a “Public Notice” thereof shall be given by the Commission. The provisions of §1.108 shall not apply to such public notices.

(f) When any party fails to file exceptions within the specified time to an initial decision which proposes to deny its application, such party shall be deemed to have no interest in further prosecution of its application, and its application may be dismissed with prejudice for failure to prosecute.

§1.277 Exceptions; oral arguments.

(a) The consolidated supporting brief and exceptions to the initial decision (see §1.276(a)(2)), including rulings upon motions or objections, shall point out with particularity alleged material errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(b) Within the period of time allowed in §1.276(a) for the filing of exceptions, any party may file a brief in support of an initial decision, in whole or in part, which shall not exceed 25 double-spaced typewritten pages in length. (The table of contents and table of citations are not counted in the 25 page limit; however, all other contents of and attachments to the brief are counted.) Within 10 days, or such other time as the Commission or delegated authority may specify, after the time for filing exceptions has expired, any other party may file a reply brief, which shall not exceed 25 double spaced typewritten pages and shall contain a table of contents and a table of citations. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission or delegated authority, in its discretion, will grant oral argument by order only in cases where such oral presentations will assist in the resolution of the issues presented. Within
five days after release of an order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file a written notice of intention to appear and participate in oral argument. Failure to file a written notice shall constitute a waiver of the opportunity to participate.

(d) Each order scheduling a case for oral argument will contain the allotment of time for each party for oral argument before the Commission. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said order for oral argument.

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the officer who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The officer who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days notice of the proposed corrections to all parties who participated in the oral argument.

(f) Any commissioner who is not present at oral argument and who is otherwise authorized to participate in a final decision may participate in making that decision after reading the transcript of oral argument.

(Sec. 409, 48 Stat. 1096, as amended; 47 U.S.C. 409)

$1.279$ Limitation of matters to be reviewed.

Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to $1.276(b)$.

$1.282$ Final decision of the Commission.

(a) After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs, and for the holding of oral argument as provided in this subpart, the Commission will issue a final decision in each case in which an initial decision has not become final.

(b) The final decision shall contain:

(1) Findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record;

(2) Rulings on each relevant and material exception filed; the Commission will deny irrelevant exceptions, or those which are not of decisional significance, without a specific statement of reasons prescribed by paragraph (b)(1) of this section; and

(3) The appropriate rule or order and the sanction, relief or denial thereof.

(Sec. 8(b), 60 Stat. 2422; 5 U.S.C. 1007(b))


INTERLOCUTORY ACTIONS IN HEARING PROCEEDINGS

§ 1.291 General provisions.

(a)(1) The Commission acts on petitions to amend, modify, enlarge or delete the issues in hearing proceedings which involve rule making matters exclusively. It also acts on interlocutory pleadings filed in matters or proceedings which are before the Commission.

(2) The Chief Administrative Law Judge acts on those interlocutory matters listed in §0.351 of this chapter.

(3) All other interlocutory matters in hearing proceedings are acted on by
§ 1.294 Oppositions and replies.

(a) Any party to a hearing may file an opposition to an interlocutory request filed in that proceeding.

(b) Except as provided in paragraph (c) of this section, oppositions shall be filed within 4 days after the original pleading is filed, and replies to oppositions will not be entertained. See, however, §1.132.

(c) Oppositions to pleadings in the following categories shall be filed within 10 days after the pleading is filed. Replies to such oppositions shall be filed within 5 days after the opposition is filed, and shall be limited to matters raised in the opposition.

(1) Petitions to amend, modify, enlarge, or delete the issues upon which the hearing was ordered.

(2) [Reserved]

(3) Petitions by adverse parties requesting dismissal of an application.

(4) Joint requests for approval of agreements filed pursuant to §1.525.

(d) Additional pleadings may be filed only if specifically requested or authorized by the person(s) who is to make the ruling.


§ 1.296 Service.

No pleading filed pursuant to §1.51 or §1.294 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

[Secs. 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283]


§ 1.297 Oral argument.

Oral argument with respect to any contested interlocutory matter will be held when, in the opinion of the person(s) who is to make the ruling, the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument.

[29 FR 6444, May 16, 1964]

§ 1.298 Rulings; time for action.

(a) Unless it is found that irreparable injury would thereby be caused one of the parties, or that the public interest requires otherwise, or unless all parties have consented to the contrary, consideration of interlocutory requests will be withheld until the time for filing oppositions (and replies, if replies are allowed) has expired. As a matter of discretion, however, requests for continuances and extensions of time, requests for permission to file pleadings in excess of the length prescribed in this chapter, and requests for temporary relief may be ruled upon ex parte without
waiting for the filing of responsive pleadings.

(b) In the discretion of the presiding officer, rulings on interlocutory matters may be made orally at the hearing. The presiding officer may, in his discretion, state his reasons on the record or subsequently issue a written statement of the reasons for his ruling, either separately or as part of the initial decision.


APPEAL AND RECONSIDERATION OF PRESIDING OFFICER’S RULING

§ 1.301 Appeal from presiding officer’s interlocutory ruling; effective date of ruling.

(a) Interlocutory rulings which are appealable as a matter of right. Rulings listed in this paragraph are appealable as a matter of right. An appeal from such a ruling may not be deferred and raised as an exception to the initial decision.

(1) If the presiding officer’s ruling denies or terminates the right of any person to participate as a party to a hearing proceeding, such person, as a matter of right, may file an appeal from that ruling.

(2) If the presiding officer’s ruling requires testimony or the production of documents, over objection based on a claim of privilege, the ruling on the claim of privilege is appealable as a matter of right.

(3) If the presiding officer’s ruling denies a motion to disqualify the presiding judge, the ruling is appealable as a matter of right.

(4) Rulings granting a joint request filed under §1.525 without terminating the proceeding are appealable by any party as a matter of right.

(5) A ruling removing counsel from the hearing is appealable as a matter of right, by counsel on his own behalf or by his client. In the event of such ruling, the presiding officer will adjourn the hearing for such period as is reasonably necessary for the client to secure new counsel and for counsel to familiarize himself with the case.

(b) Other interlocutory rulings. Except as provided in paragraph (a) of this section, appeals from interlocutory rulings of the presiding officer shall be filed only if allowed by the presiding officer. Any party desiring to file an appeal shall first file a request for permission to file appeal. The request shall be filed within 5 days after the order is released or (if no written order) after the ruling is made. Pleadings responsive to the request shall be filed only if they are requested by the presiding officer. The request shall contain a showing that the appeal presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The presiding officer shall determine whether the showing is such as to justify an interlocutory appeal and, in accordance with his determination, will either allow or disallow the appeal or modify the ruling. If the presiding officer allows or disallows the appeal, his ruling is final: Provided, however, That the Commission may, on its own motion, dismiss an appeal allowed by the presiding officer on the ground that objection to the ruling should be deferred and raised as an exception. In the discretion of the presiding officer, the request for permission to file appeal may be made orally, on the record of the proceeding. The request may be disposed of orally.

(1) If an appeal is not allowed, or is dismissed by the Commission, or if permission to file an appeal is not requested, objection to the ruling may be raised on review of the initial decision.

(2) If an appeal is allowed and is considered on its merits, the disposition on appeal is final. Objection to the ruling or to the action on appeal may not be raised on review of the initial decision.

(3) If the presiding officer modifies the ruling, any party adversely affected by the modified ruling may file a request for permission to file appeal, pursuant to the provisions of this paragraph.

(c) Procedures, effective date. (1) Unless the presiding officer orders otherwise, rulings made by him shall be effective when the order is released or (if no written order) when the ruling is made. The Commission may stay the
§ 1.302 Appeal from presiding officer's final ruling; effective date of ruling.

(a) If the presiding officer's ruling terminates a hearing proceeding, any party to the proceeding, as a matter of right, may file an appeal from that ruling within 30 days after the ruling is released.

(b) Any party who desires to preserve the right to appeal shall file a notice of appeal within 10 days after the ruling is released. If a notice of appeal is not filed within 10 days, the ruling shall be effective 30 days after the ruling is released and within this period, may be reviewed by the Commission on its own motion. If an appeal is filed, or if the Commission reviews the ruling on its own motion, the effect of the ruling is further stayed pending the completion of proceedings on appeal or review.

(c) The appeal shall conform with the specifications set out in §1.49 and shall be subscribed and verified as provided in §1.52.

(d) The appeal shall be served on parties to the proceeding (see §§1.47 and 1.211), and shall be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

(e) The appeal shall not exceed 25 double-spaced typewritten pages.

(f) The Commission will act on the appeal.

(g) Oppositions and replies shall be served and filed in the same manner as appeals and shall be served on appellant if he is not a party to the proceeding. Oppositions shall be filed within 5 days after the appeal is filed. Replies shall not be permitted, unless the Commission specifically requests them. Oppositions shall not exceed 5 double-spaced typewritten pages. Replies shall not exceed 5 double-spaced typewritten pages.


THE DISCOVERY AND PRESERVATION OF EVIDENCE

AUTHORITY: Sections 1.311 through 1.325 are issued under secs. 4, 303, 409, 48 Stat., as amended, 1066, 1082, 1086; 47 U.S.C. 154, 303, 409, 5 U.S.C. 552.

§ 1.311 General.

Sections 1.311 through 1.325 provide for taking the deposition of any person (including a party), for interrogatories to parties, and for orders to parties relating to the production of documents and things and for entry upon real property. These procedures may be used for the discovery of relevant facts, for the production and preservation of evidence for use at the hearing, or for both purposes.
(a) Applicability. For purposes of discovery, these procedures may be used in any case of adjudication (as defined in the Administrative Procedure Act) which has been designated for hearing. For the preservation of evidence, they may be used in any case which has been designated for hearing and is conducted under the provisions of this subpart (see §1.201).

(b) Scope of examination. Persons and parties may be examined regarding any matter, not privileged, which is relevant to the hearing issues, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection to use of these procedures that the testimony sought is inadmissible at the hearing if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. The use of these procedures against the Commission is subject to the following additional limitations:

(1) The informer’s privilege shall encompass information which may lead to the disclosure of an informer’s identity.

(2) Commission personnel may not be questioned by deposition for the purposes of discovery except on special order of the Commission, but may be questioned by written interrogatories under §1.323. Interrogatories shall be served on the appropriate Bureau Chief (see §1.21(b)). They will be answered and signed by those personnel with knowledge of the facts. The answers will be served by the Secretary of the Commission upon parties to the proceeding.

(3) Commission records are not subject to discovery under §1.325. The inspection of Commission records is governed by the Freedom of Information Act, as amended, and by §§0.451 through 0.467 of this chapter. Commission employees may be questioned by written interrogatories regarding the existence, nature, description, custody, condition and location of Commission records, but may not be questioned concerning their contents unless the records are available (or are made available) for inspection under §§0.451 through 0.467. See §0.451(b)(5) of this chapter.

(4) Subject to paragraphs (b) (1) through (3) of this section, Commission personnel may be questioned generally by written interrogatories regarding the existence, description, nature, custody, condition and location of relevant documents and things and regarding the identity and location of persons having knowledge of relevant facts, and may otherwise only be examined regarding facts of the case as to which they have direct personal knowledge.

(c) Schedule for use of the procedures. (1) In comparative broadcast proceedings involving applicants for only new facilities, discovery commences with the release of the hearing designation order, and, in routine cases, the discovery phase of the proceeding will be conducted in a manner intended to conclude that portion of the case within 90 days of the release of the designation order.

(2) In all other proceedings, except as provided by special order of the presiding officer, discovery may be initiated before or after the prehearing conference provided for in §1.248 of this part.

(3) In all proceedings, the presiding officer may at any time order the parties or their attorneys to appear at a conference to consider the proper use of these procedures, the time to be allowed for such use, and/or to hear argument and render a ruling on disputes that arise under these rules.

(d) Who shall act. Actions provided for in §§1.311 through 1.325 will, in most cases, be taken by the officer designated to preside at the hearing (see §1.241). If the proceeding, or a particular matter to which the action relates, is before the Commission, a commissioner or panel of commissioners, or the Chief Administrative Law Judge, the action will be taken by such officer or body. The term presiding officer, as used in §§1.311 through 1.325 shall be understood to refer to the appropriate officer or body. See §§0.341, 0.351, 0.365, and 1.271 of this chapter.
§ 1.313

(e) Stipulations regarding the taking of depositions. If all of the parties so stipulate in writing and if there is no interference to the conduct of the proceeding, depositions may be taken before any person, at any time (subject to the limitation below) or place, upon any notice and in any manner, and when so taken may be used like other depositions. An original and one copy of the stipulation shall be filed with the Secretary of the Commission, and a copy of the stipulation shall be served on the presiding officer, at least 3 days before the scheduled taking of the deposition.

§ 1.315 Depositions upon oral examination—notice and preliminary procedure.

(a) Notice. A party to a hearing proceeding desiring to take the deposition of any person upon oral examination shall give a minimum of 21 days notice in writing to every other party, to the person to be examined, and to the presiding officer. An original and three copies of the notice shall be filed with the Secretary of the Commission. Related pleadings shall be served and filed in the same manner. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See §1.319.

(b) Responsive pleadings. (1) Within 7 days after service of the notice to take depositions, a motion opposing the taking of depositions may be filed by any party to the proceeding or by the person to be examined. See §1.319(a).

(2) Within 14 days after service of the notice to take depositions, a response to the opposition motion may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(4) The computation of time provisions set forth in §1.4(g) shall not apply to pleadings filed under the provisions of this paragraph.

(c) Protective order. On an opposition motion filed under paragraph (b) of this section, or on his own motion, the presiding officer may issue a protective order. See §1.313. A protective order issued by the presiding officer on his own motion may be issued at any time.
prior to the date specified in the notice for the taking of depositions.

(d) Authority to take depositions. (1) If an opposition motion is not filed within 7 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

(e) Broadcast comparative proceedings involving applicants for only new facilities. In these cases, the 21-day advance notice provision of paragraph (a) of this section shall be inapplicable to depositions of active and passive owners of applicants in the proceeding. All applicants in such proceedings should be prepared to make their active and passive owners available for depositions during the period commencing with the deadline for filing notices of appearance and ending 90 days after the release of the designation order, if such depositions are requested by a party to the proceeding. All such depositions will be conducted in Washington, DC or in the community of license of the proposed station, at the deponent's option, unless all parties agree to some other location.

§ 1.316 Depositions upon written interrogatories—notice and preliminary procedure.

(a) Service of interrogatories; notice. A party to the hearing proceeding desiring to take the deposition of any person upon written interrogatories shall serve the interrogatories upon every other party and shall give a minimum of 35 days notice in writing to every other party and to the person to be examined. An original and three copies of the interrogatories and the notice (and of all related pleadings) shall be filed with the Secretary of the Commission. A copy of the interrogatories and the notice (and of all related pleadings) shall be served on the presiding officer. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) Additional interrogatories. Within 7 days after the filing and service of the original interrogatories, any other party to the proceeding may, in the same manner, file and serve additional interrogatories to be asked of the same witness at the same time and place, with notice to the witness of any additional matters upon which he will be examined.

(c) Cross interrogatories. Within 14 days after the filing and service of the original interrogatories, any party to the proceeding may, in the same manner, file and serve cross interrogatories, which shall be limited to matters raised in the original or in the additional interrogatories.

(d) Responsive pleadings. (1) Within 21 days after service of the original interrogatories, any party to the proceeding may, in the same manner, file a motion opposing the taking of depositions. See § 1.319(a).

(2) Within 21 days after service of the original interrogatories, a response to a motion to limit or suppress any interrogatory or to a motion opposing the taking of depositions may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

[33 FR 10571, July 25, 1968, as amended at 56 FR 794, Jan. 9, 1991]
§ 1.318  The taking of depositions.

(a) Persons before whom depositions may be taken. Depositions shall be taken before any judge of any court of the United States; any U.S. Commissioner; any clerk of a district court; any chancellor, justice or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding; or presiding officers, as provided in §1.243.

(b) Attendance of witnesses. The attendance of witnesses at the taking of depositions may be compelled by the use of subpoena as provided in §§1.331 through 1.340.

(c) Oath; transcript. The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence record the testimony of the witness. The testimony may be taken stenographically or, upon approval by the presiding officer, testimony may be taken through the use of telephonically or electronically recorded methods, including videotape. In the event these latter methods are used for the deposition, the parties may agree to the waiver of the provisions of paragraphs (e) and (f) as appropriate and as approved by the presiding officer.

(d) Examination. (1) In the taking of depositions upon oral examination, the parties may proceed with examination and cross-examination of deponents as permitted at the hearing. In lieu of participating in the oral examination, parties served with the notice to take depositions may transmit written interrogatories to the officer designated in the notice, who shall propound them to the witness and record the answers verbatim.

(2) In the taking of depositions upon written interrogatories, the party who served the original interrogatories shall transmit copies of all interrogatories to the officer designated in the notice, who shall propound them to the witness and record the answers verbatim.

(e) Submission of deposition to witness; changes; signing. When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to; or by him, unless such examination and reading are waiver by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the
§ 1.319 Objections to the taking of depositions.

(a) Objections to be made by motion prior to the taking of depositions. If there is objection to the substance of any interrogation or to examination on any matter clearly covered by the notice to take depositions, the objection shall be made in a motion opposing the taking of depositions or in a motion to limit or suppress the interrogation as provided in §§1.315(b) and 1.316(d) and shall not be made at the taking of the deposition.

(b) Objections to be made at the taking of depositions. Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition. If such objection is made, counsel shall, if possible, agree upon the measures required to obviate, remove, or cure such errors. The measures agreed upon shall be taken. If agreement cannot be reached, the objection shall be noted on the deposition by the officer taking it, and the testimony objected to shall be taken subject to the objection.

(c) Additional objections which may be made at the taking of depositions. Objection may be made at the taking of depositions on the ground of relevancy or privilege, if the notice to take depositions does not clearly indicate that the witness is to be examined on the matters to which the objection relates. See paragraph (a) of this section. Objection may also be made on the ground that the examination is being conducted in such manner as to unreasonably annoy, embarrass, or oppress a deponent or party.

(1) When there is objection to a line of questioning, as permitted by this paragraph, counsel shall, if possible, reach agreement among themselves regarding the proper limits of the examination.

(2) If counsel cannot agree on the proper limits of the examination the taking of depositions shall continue on matters not objected to and counsel shall, within 24 hours, either jointly or individually, telegraph statements of their positions to the presiding officer, together with the telephone numbers at which they and the officer taking the depositions can be reached, or shall otherwise jointly confer with the presiding officer. If individual statements are submitted, copies shall be provided to all counsel participating in the taking of depositions.

(3) The presiding officer shall promptly rule upon the question presented or take such other action as may be appropriate under §1.313, and shall give notice of his ruling, by telephone, to counsel who submitted statements and to the officer taking the depositions. The presiding officer shall thereafter reduce his ruling to writing.

(4) The taking of depositions shall continue in accordance with the presiding officer's ruling. Such rulings are not subject to appeal.

[33 FR 463, Jan. 12, 1968]
§ 1.321 Use of depositions at the hearing.

(a) No inference concerning the admissibility of a deposition in evidence shall be drawn because of favorable action on the notice to take depositions.

(b) Except as provided in this paragraph and in § 1.319, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(1) Objections to the competency of a witness, or the competency, relevancy or materiality of testimony are waived by failure to make them before or during the taking of depositions if (and only if) the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Objection on the ground of privilege is waived by failure to make it before or during the taking of depositions.

(c) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in paragraph (d)(2) of this section. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) At the hearing (or in a pleading), any part or all of a deposition, so far as admissible, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent of a public or private corporation, partnership or association which is a party may be used by an adverse party for any purpose.

(3) To the extent that the affirmative direct case of a party is made in writing pursuant to § 1.248(d), the deposition of any witness, whether or not a party, may be used by any party for any purpose, provided the witness is made available for cross-examination. In all cases, the deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds: (i) That the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition, or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(5) Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any hearing has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

[33 FR 463, Jan. 12, 1968, as amended at 41 FR 14874, Apr. 8, 1976]

§ 1.323 Interrogatories to parties.

(a) Interrogatories. Any party may serve upon any other party written interrogatories to be answered in writing by the party served or, if the party served is a public or private corporation, partnership or association, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories
shall be served upon all parties to the proceeding. An original and three copies of the interrogatories, answers, and all related pleadings shall be filed with the Secretary of the Commission. A copy of the interrogatories, answers and all related pleadings shall be served on the presiding officer.

(1) Except as otherwise provided in a protective order, the number of interrogatories or sets of interrogatories is not limited.

(2) Except as provided in such an order, interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered.

(b) Answers and objections. Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers shall be signed by the person making them, and the objections by the attorney making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within 14 days after service of the interrogatories, or within such shorter or longer period as the presiding officer may allow. Answers may be used in the same manner as depositions of a party (see §1.321(d)).

(c) Motion to compel an answer. Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory. For purposes of this paragraph, an evasive or incomplete answer is a failure to answer; and if the motion is based on the assertion that the answer is evasive or incomplete, it shall contain a statement as to the scope and detail of an answer which would be considered responsive and complete. The party upon whom the interrogatories were served may file a response within 7 days after the motion is filed, to which he may append an answer or an amended answer. Additional pleadings should not be submitted and will not be considered.

(d) Action by the presiding officer. If the presiding officer determines that an objection is not justified, he shall order that the answer be served. If an interrogatory has not been answered, the presiding officer may rule that the right to object has been waived and may order that an answer be served. If an answer does not comply fully with the requirements of this section, the presiding officer may order that an amended answer be served, may specify the scope and detail of the matters to be covered by the amended answer, and may specify any appropriate procedural consequences (including adverse findings of fact and dismissal with prejudice) which will follow from the failure to make a full and responsive answer. If a full and responsive answer is not made, the presiding officer may issue an order invoking any of the procedural consequences specified in the order to compel an answer.

(e) Appeal. As order to compel an answer is not subject to appeal.

§ 1.325 Discovery and production of documents and things for inspection, copying, or photographing.

(a) A party to a Commission proceeding may request any other party except the Commission to produce and permit inspection and copying or photographing, by or on behalf of the requesting party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things which constitute or contain evidence within the scope of the examination permitted by §1.311(b) of this part and which are in his possession, custody, or control or to permit entry upon designated land or other property in his possession or control for purposes of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by §1.311(b) of this part.

(1) Such requests need not be filed with the presiding officer, but copies of the request shall be served on all other parties to the proceeding.

(2) The party against whom the request was made must, within 10 days, comply with the request or object to the request, claiming a privilege or raising other proper objections. If the request is not complied with in whole or in part, the requesting party may
§ 1.325

file a motion to compel production of documents or access to property with the presiding officer. A motion to compel must be accompanied by a copy of the original request and the responding party's objection or claim of privilege. Motions to compel must be filed within five business days of the objection or claim of privilege.

(3) In resolving any disputes involving the production of documents or access to property, the presiding officer may direct that the materials objected to be presented to him for in camera inspection.

(b) Any party seeking the production of Commission records should proceed under §0.460 or §0.461 of this chapter. See §§0.451 through 0.467.

(c) In comparative broadcast proceedings involving applicants for only new facilities, all applicants will serve the materials listed in the Standard Document Production Order and the Standardized Integration Statement on all other parties in the case that have filed Notices of Appearance. The exchange of these materials must be accomplished within five days after the date established for filing notices of appearance (see §1.221).

(1) Standard Document Production Order. The following documents must be produced or objected to on grounds of privilege (Unless otherwise directed by the presiding officer, copies of these documents should not be filed with the presiding officer):

(i) All formation and organizational documents, including articles of incorporation, by laws, partnership agreements, voting rights, proxies, and any amendments to the foregoing documents;

(ii) All minutes of meetings relating to the application;

(iii) All documents relating to the rights or plans of persons or entities to purchase an interest in the applicant or of current owners to alienate their interests;

(iv) All documents relating to pledges, mortgages, security interests, or other encumbrances of any kind with respect to the applicant;

(v) All bank letters and other financing documents with the dollar amounts unexpurgated;

(vi) All documents relating to the applicant's proposed transmitter site;

(vii) All documents relating to communications by proposed integrated principals with respect to their proposed participation in the management of the station and the disposition of their current employment;

(viii) All documents relating to prior integration pledges made by principals who propose to be integrated into the management of the station at issue;

(ix) All documents relating to communications by and between principals of the applicant concerning the application, including communications between active and passive principals;

(x) Representative documents relating to enhancement credits and preferences sought by the applicant's principals for local residence, civic participation, past broadcast experience, minority/female status, and the like;

(xi) All documents relating to commitments to divest other media interests; and

(xii) All documents that identify or describe the principals who are responsible for completing the application, arranging financing, obtaining the applicant's transmitter site, publishing the required notices, establishing the local public inspection file, and retaining lawyers, engineers, and other professionals.

(2) Standardized Integration Statement. On the same day that documents are exchanged pursuant to the Standardized Document Production Order, the following information must also be provided by all applicants (Copies of this statement should be filed with the presiding officer and served on all parties to the proceeding that have filed Notices of Appearance):

(i) The ownership structure of the applicant, i.e., whether it is a partnership, limited partnership, or a corporation (if a corporation, indicate whether it has voting and non-voting stock);

(ii) The ownership percentage of each owner;

(iii) The identity of the owners who will work at the proposed station, what titles and duties they will have, how many hours they will work per week, and how they will reconcile any current business interests or employment with that commitment to the station;
Federal Communications Commission

§ 1.333 Requests for issuance of subpoena.

(a) Unless submitted on the record while a hearing is in progress, requests for a subpoena ad testificandum shall be submitted in writing.

(b) Requests for a subpoena duces tecum shall be submitted in writing, duly subscribed and verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. Where the subpoena duces tecum request is directed to a nonparty to the proceeding, the presiding officer may issue the same, upon request, without an accompanying subpoena to enforce a notice to take depositions, provided for in paragraph (e) of this section, where it appears that the testimony of said person is not required in connection with the subpoena duces tecum.

(c) All requests for subpoenas shall be supported by a showing of the general relevance and materiality of the evidence sought.

(d) Requests for subpoenas shall be submitted in triplicate, but need not be served on the parties to the proceeding.

(e) Requests for issuance of a subpoena ad testificandum to enforce a notice to take depositions shall be submitted in writing. Such requests may be submitted with the notice or at a later date. The request shall not be granted until the period for the filing of motions opposing the taking of depositions has expired or, if a motion has been filed, until that motion has been acted on. Regardless of the time when
§ 1.334 Motions to quash.

Any person against whom a subpena is directed may file a motion to quash or limit the subpena, setting forth the reasons why the subpena should not be complied with or why it should be limited in scope.

§ 1.335 Rulings.

Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for subpena or of a motion to quash.

§ 1.336 Service of subpenas.

(a) A subpena may be served by a United States marshal or his deputy, by Commission personnel, or by any person who is not a party to the proceeding and is not less than 18 years of age.

(b) Service of a subpena upon the person named therein shall be made by exhibiting the original subpena to him, by reading the original subpena to him if he is unable to read, by delivering the duplicate subpena to him, and by tendering to him the fees for one day’s attendance at the proceeding to which he is summoned and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof, attendance fees and mileage need not be tendered.

§ 1.337 Return of service.

(a) If service of the subpena is made by a person other than a United States marshal or his deputy such person shall make affidavit thereof, stating the date, time, and manner of service.

(b) In case of failure to make service, the reasons for the failure shall be stated on the original subpena by the person who attempted to make service.

(c) The original subpena, bearing or accompanied by the required return affidavit or statement, shall be returned forthwith to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

§ 1.338 Subpena forms.

(a) Subpena forms, marked “Original”, “Duplicate”, and “Triplicate”, and bearing the Commission’s seal, may be obtained from the Commission’s Dockets Division. These forms are to be completed and submitted with any request for issuance of a subpena.

(b) If the request for issuance of a subpena is granted, the “Original” and “Duplicate” copies of the subpena are returned to the person who submitted the request. The “Triplicate” copy is retained for the Commission’s files.

(c) The “Original” copy of the subpena includes a form for proof of service. This form is to be executed by the person who effects service and returned by him to the Secretary of the Commission or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

(d) The “Duplicate” copy of the subpena shall be served upon the person...
Federal Communications Commission

§ 1.357 Mechanical reproductions as evidence.

Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by § 1.49, and the same shall be identified and offered in evidence.

§ 1.354 Documents containing matter not material.

If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter, material and relevant, in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.355 Documents in foreign language.

Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed shall be accompanied by a separate copy of the translation.

§ 1.356 Copies of exhibits.

No document or exhibit, or part thereof, shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.351 Rules of evidence.

Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.352 Cumulative evidence.

The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.353 Further evidence during hearing.

At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.339 Witness fees.

Witnesses who are subpoenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. Fees shall be paid by the party at whose instance the testimony is taken.

§ 1.340 Attendance of witness; disobedience.

The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena, the Commission or any party to a proceeding before the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

EVIDENCE
§ 1.358 Duplicate in the same manner as other exhibits.

§ 1.358 Tariffs as evidence.

In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.359 Proof of official record; authentication of copy.

An official record or entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office.

§ 1.360 Proof of lack of record.

The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as provided in §1.359. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.361 Other proof of official record.

Sections 1.359 and 1.360 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

§ 1.362 Production of statements.

After a witness is called and has given direct testimony in a hearing, and before he is excused, any party may move for the production of any statement of such witness, or part thereof, pertaining to his direct testimony, in possession of the party calling the witness, if such statement has been reduced to writing and signed or otherwise approved or adopted by the witness. Such motion shall be directed to the presiding officer. If the party declines to furnish the statement, the testimony of the witness pertaining to the requested statement shall be stricken.

[33 FR 466, Jan. 12, 1968]

§ 1.363 Introduction of statistical data.

(a) All statistical studies, offered in evidence in common carrier hearing proceedings, including but not limited to sample surveys, econometric analyses, and experiments, and those parts of other studies involving statistical methodology shall be described in a summary statement, with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. In the case of sample surveys, there shall be a clear description of the survey design, including the definition of the universe under study, the sampling frame, and the sampling units; an explanation of the method of selecting the sample and the characteristics measured or counted. In the case of econometric investigations, the econometric model shall be completely described and the reasons given for each
§ 1.401 Petitions for rulemaking.

(a) Any interested person may petition for the issuance, amendment or repeal of a rule or regulation.

(b) The petition for rulemaking shall conform to the requirements of §§1.49, 1.52 and 1.420(b) (or §1.420(e), if applicable), and shall be submitted or addressed to the Secretary, Federal Communications Commission, Washington, DC 20554, or (except in broadcast allotment proceedings) may be submitted electronically.

(c) The petition shall set forth the text or substance of the proposed rule, amendment, or rule to be repealed, together with all facts, views, arguments, other ground rules as the parties may agree upon.

[43 FR 3251, July 31, 1978]

Subpart C—Rulemaking Proceedings

Authority: 5 U.S.C. 553.

Source: 28 FR 12432, Nov. 22, 1963, unless otherwise noted.

General

§ 1.399 Scope.

This subpart shall be applicable to notice and comment rulemaking proceedings conducted under 5 U.S.C. 553, and shall have no application to formal rulemaking (or rate making) proceedings unless the Commission directs that it shall govern the conduct of a particular proceeding.

[42 FR 25735, May 19, 1977]

§ 1.400 Definitions.

As used in this subpart, the term 'party' refers to any person who participates in a proceeding by the timely filing of a petition for rule making, comments on a notice of proposed rule making, or petition for reconsideration, or responsive pleadings in the manner prescribed by this subpart. The term does not include those who submit letters, telegrams or other informal materials.

[41 FR 1287, Jan. 7, 1976]
§ 1.403 Notice and availability

All petitions for rule making (other than petitions to amend the FM, Television, and Air-Ground Tables of Assignments) meeting the requirements of §1.401 will be given a file number and, promptly thereafter, a “Public Notice” will be issued (by means of a Commission release entitled “Petitions for Rule Making Filed”) as to the petition, file number, nature of the proposal, and date of filing. Petitions for rule making are available at the Commission’s Dockets Reference Center (1919 M Street NW., Room 239, Washington, DC), and may also be available electronically over the Internet at <http://www.fcc.gov/>.

[63 FR 24125, May 1, 1998]

§ 1.405 Responses to petitions; replies.

Except for petitions to amend the FM Television or Air-Ground Tables of Assignments:

(a) Any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after “Public Notice”, as provided for in §1.403, is given of the filing of such a petition. Such a statement shall be accompanied by proof of service upon the petitioner on or prior to the date of filing in conformity with §1.47 and shall conform in other aspects with the requirements of §§1.49, 1.52, and 1.419(b).

(b) Any interested person may file a reply to statements in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 15 days after the filing of such a statement. Such a reply shall be accompanied by proof of service upon the party or parties filing the statement or statements to which the reply is directed on or prior to the date of filing in conformity with §1.47 and shall conform in other aspects with the requirements of §§1.49, 1.52, and 1.419(b).

(c) No additional pleadings may be filed unless specifically requested by the Commission or authorized by it.

(d) The Commission may act on a petition for rule making at any time after the deadline for the filing of replies to statements in support of or in opposition to the petition. Statements in support of or in opposition to a petition for rule making, and replies there to, shall not be filed after Commission action.


§ 1.407 Action on petitions.

If the Commission determines that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rulemaking proceeding, and notice and public procedure thereon are required or deemed desirable by the Commission, an appropriate notice of proposed rule making will be issued. In those cases where notice and public procedure thereon are not required, the Commission may issue a final order amending the rules. In all other cases the petition for rule making will be denied and the petitioner will be notified of the Commission’s action with the grounds therefor.
§ 1.415 Comments and replies.

(a) After notice of proposed rulemaking is issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rulemaking.

(d) No additional comments may be filed unless specifically requested or authorized by the Commission.

NOTE: In some (but not all) rulemaking proceedings, interested persons may also communicate with the Commission and its staff on an ex parte basis, provided certain procedures are followed. See §§ 1.420 and 1.1200 et seq. See also FCC 2d (1990) (i.e., this order).
§ 1.419  Form of comments and replies; number of copies.

(a) Comments, replies, and other documents filed in a rulemaking proceeding shall conform to the requirements of § 1.49.

(b) An original and 4 copies of all comments, briefs and other documents filed in a rulemaking proceeding shall be furnished the Commission. The distribution of such copies shall be as follows:

<table>
<thead>
<tr>
<th>Distribution</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary (original and 1)</td>
<td>2</td>
</tr>
<tr>
<td>Bureau</td>
<td>2</td>
</tr>
<tr>
<td>Information office</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
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</tbody>
</table>

Participants filing the required 5 copies who also wish each Commissioner to have a personal copy of the comments may file an additional 5 copies. The distribution of such additional copies shall be as follows:

<table>
<thead>
<tr>
<th>Distribution</th>
<th>Number</th>
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</thead>
<tbody>
<tr>
<td>Commissioners</td>
<td>5</td>
</tr>
<tr>
<td>Secretary</td>
<td>2</td>
</tr>
<tr>
<td>Bureau</td>
<td>2</td>
</tr>
<tr>
<td>Information office</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
</tr>
</tbody>
</table>

(c) Any person desiring to file identical documents in more than one docketed rulemaking proceeding shall furnish the Commission two additional copies of any such document for each additional docket. This requirement does not apply if the proceedings have been consolidated.

(d) Participants that file comments and replies in electronic form need only submit one copy of those comments, so long as the submission conforms to any procedural or filing requirements established for formal electronic comments.

(e) Comments and replies and other documents filed in electronic form by a party represented by an attorney shall include the name and mailing address of at least one attorney of record. Parties not represented by an attorney that file comments and replies and other documents in electronic form shall provide their name and mailing address.

§ 1.420  Additional procedures in proceedings for amendment of the FM or TV Tables of Allotments.

(a) Comments filed in proceedings for amendment of the FM Table of Allotments (§ 73.202 of this chapter) or the Television Table of Allotments (§ 73.606 of this chapter) which are initiated on a petition for rule making shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the FM or Television Tables of Allotments shall be served on the person(s) who filed the comments to which the reply is directed.

(c) Such comments and reply comments shall be accompanied by a certificate of service.
Federal Communications Commission § 1.420

(d) Counterproposals shall be advanced in initial comments only and will not be considered if they are advanced in reply comments.

(e) An original and 4 copies of all petitions for rulemaking, comments, reply comments, and other pleadings shall be filed with the Commission.

(f) Petitions for reconsideration and responsive pleadings shall be served on parties to the proceeding and on any licensee or permittee whose authorization may be modified to specify operation on a different channel, and shall be accompanied by a certificate of service.

(g) The Commission may modify the license or permit of an FM station to another class of channel or of a UHF TV station to a VHF channel in the same community in the course of the rule making proceeding to amend § 73.202(b), § 73.504(a) or § 73.606(b) if any of the following conditions are met:

1. There is no other timely filed expression of interest, or
2. If another interest in the proposed channel is timely filed an additional equivalent class of channel is also allotted, assigned or available for application, or
3. With respect to FM, the modification of license or permit would occur on a mutually exclusive higher class adjacent or co-channel.

NOTE 1: In certain situations, a licensee or permittee may seek an adjacent, intermediate frequency or co-channel upgrade by application. See § 73.203(b) of this chapter.

(h) Where licensees (or permittees) of television broadcast stations jointly petition to amend § 73.606(b) and to exchange channels, and where one of the licensees (or permittees) operates on a commercial channel while the other operates on a reserved noncommercial educational channel within the same band, and the stations serve substantially the same market, then the Commission may modify the licenses (or permits) of the petitioners to specify operation on the appropriate channels upon a finding that such action will promote the public interest, convenience, and necessity.

NOTE 2: Licensees and permittees operating Class A FM stations who seek to upgrade their facilities to Class B1, B, C3, C2, C1, or C on Channel 22L and whose proposed 1 mV/m signal contours would overlap the Grade B contour of a television station operating on Channel 6 must meet a particularly heavy burden by demonstrating that grants of their upgrade requests are in the public interest. In this regard, the Commission will examine the record in rule making proceedings to determine the availability of existing and potential non-commercial education service.

(i) In the course of the rule making proceeding to amend § 73.202(b) or § 73.606(b), the Commission may modify the license or permit of an FM or television broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee’s or permittee’s present assignment.

(j) Whenever an expression of interest in applying for, constructing, and operating a station has been filed in a proceeding to amend the FM or TV Table of Allotments, and the filing party seeks to dismiss or withdraw the expression of interest, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal, a copy of any written agreement related to the dismissal or withdrawal, and an affidavit setting forth:

1. A certification that neither the party withdrawing its interest nor its principals has received or will receive any money or other consideration in excess of legitimate and prudent expenses in exchange for the dismissal or withdrawal of the expression of interest; and
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 dismissal or withdrawal of the expression of interest.

5. In addition, within 5 days of a party’s request for approval, each remaining party to any written or oral agreement must submit an affidavit setting forth:

1. A certification that neither it nor its principals has paid or will pay money or other consideration in excess of the legitimate and prudent expenses of the party withdrawing its expression of interest; and
§ 1.421  Further notice of rulemaking.

In any rulemaking proceeding where the Commission deems it warranted, a further notice of proposed rulemaking will be issued with opportunity for parties of record and other interested persons to submit comments in conformity with §§ 1.415 and 1.419.

§ 1.423  Oral argument and other proceedings.

In any rulemaking where the Commission determines that an oral argument, hearing or any other type of proceeding is warranted, notice of the time, place and nature of such proceeding will be published in the Federal Register.

§ 1.425  Commission action.

The Commission will consider all relevant comments and material of record before taking final action in a rulemaking proceeding and will issue a decision incorporating its finding and a brief statement of the reasons therefor.

§ 1.427  Effective date of rules.

(a) Any rule issued by the Commission will be made effective not less than 30 days from the time it is published in the Federal Register except as otherwise specified in paragraphs (b) and (c) of this section.

(b) For good cause found and published with the rule, any rule issued by the Commission may be made effective within less than 30 days from the time it is published in the Federal Register. Rules involving any military, naval or foreign affairs function of the United States; matters relating to agency management or personnel; public property; loans, grants, benefits or contracts; rules granting or recognizing exemption or relieving restriction; rules of organization, procedure or practice; or interpretative rules; and statements of policy may be made effective without regard to the 30-day requirement.

(c) In cases of alterations by the Commission in the required manner or form of keeping accounts by carriers, notice will be served upon affected carriers not less than 6 months prior to the effective date of such alterations.

§ 1.429  Petition for reconsideration.

(a) Any interested person may petition for reconsideration of a final action in a proceeding conducted under this subpart (see §§ 1.407 and 1.425). Where the action was taken by the Commission, the petition will be acted on by the Commission. Where action was taken by a staff official under delegated authority, the petition may be acted on by the staff official or referred to the Commission for action.

NOTE: The staff has been authorized to act on rulemaking proceedings described in § 1.420 and is authorized to make editorial changes in the rules (see § 0.231(d)).

(b) A petition for reconsideration which relies on facts which have not previously been presented to the Commission will be granted only under the following circumstances:

(1) The facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present them to the Commission;

(2) The facts relied on were unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity; or

(3) The Commission determines that consideration of the facts relied on is required in the public interest.

(c) The petition for reconsideration shall state with particularity the respects in which petitioner believes the action taken should be changed.

(d) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that

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Date is defined in §1.4(b). No supplement to a petition for reconsideration filed after expiration of the 30 day period will be considered, except upon leave granted pursuant to a separate pleading stating the grounds for acceptance of the supplement. The petition for reconsideration shall not exceed 25 double-spaced typewritten pages. See also §1.49(f).

(e) Except as provided in §1.420(f), petitions for reconsideration need not be served on parties to the proceeding. (However, where the number of parties is relatively small, the Commission encourages the service of petitions for reconsideration and other pleadings, and agreements among parties to exchange copies of pleadings. See also §1.47(d) regarding electronic service of documents.) When a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the Federal Register. The time for filing oppositions to the petition runs from the date of public notice. See §1.4(b).

(f) Oppositions to a petition for reconsideration shall be filed within 15 days after the date of public notice of the petition's filing and need be served only on the person who filed the petition. See also §1.49(d). Oppositions shall not exceed 25 double-spaced typewritten pages. See §1.49(f).

(g) Replies to an opposition shall be filed within 10 days after the time for filing oppositions has expired and need be served only on the person who filed the opposition. Replies shall not exceed 10 double-spaced typewritten pages. See also §§1.49(d) and 1.49(f).

(h) Petitions for reconsideration, oppositions and replies shall conform to the requirements of §§1.49 and 1.52, except that they need not be verified. Except as provided in §1.420(e), an original and 11 copies shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554. Parties filing in electronic form need only submit one copy.

(i) The Commission may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Any order disposing of a petition for reconsideration which modifies rules adopted by the original order is, to the extent of such modification, subject to reconsideration in the same manner as the original order. Except in such circumstance, a second petition for reconsideration may be dismissed by the staff as repetitious.

(j) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission, except where the person seeking such review was not a party to the proceeding resulting in the action or relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Subject to the provisions of paragraph (b) of this section, such a person may qualify to seek judicial review by filing a petition for reconsideration.

(k) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with any rule or operate in any manner to stay or postpone its enforcement. However, upon good cause shown, the Commission will stay the effective date of a rule pending a decision on a petition for reconsideration. See, however, §1.420(f).


INQUIRIES

§ 1.430 Proceedings on a notice of inquiry.

The provisions of this subpart also govern proceedings commenced by issuing a “Notice of Inquiry:” except that such proceedings do not result in the adoption of rules, and Notices of Inquiry are not required to be published in the Federal Register.

[51 FR 7445, Mar. 4, 1986]

Subpart D—Broadcast Applications and Proceedings

Source: 44 FR 38483, July 2, 1979, unless otherwise noted.
§ 1.502 Emergency Broadcast Authorizations.

See § 73.913.

General Filing Requirements

§ 1.511 Applications required.

See § 73.3511.

§ 1.512 Where to file; number of copies.

See § 73.3512.

§ 1.513 Who may sign applications.

See § 73.3513.

§ 1.514 Content of applications.

See § 73.3514.

§ 1.516 Specification of facilities.

See § 73.3516.

§ 1.517 Contingent applications.

See § 73.3517.

§ 1.518 Inconsistent or conflicting applications.

See § 73.3518.

§ 1.519 Repetitious applications.

See § 73.3519.

§ 1.520 Multiple applications.

See § 73.3520.

§ 1.522 Amendment of applications.

See § 73.3522.

§ 1.525 Agreements between parties for amendment or dismissal of, or failure to prosecute, broadcast applications.

See § 73.3525.

§ 1.526 Records to be maintained locally for public inspection by commercial applicants, permittees and licensees.

See § 73.3526.

§ 1.527 Records to be maintained locally for public inspection by non-commercial educational applicants, permittees and licensees.

See § 73.3527.

§ 1.531 Formal and informal applications.

See § 73.3511.

§ 1.533 Application forms for authority to construct a new station or make changes in an existing station.

See § 73.3533.

§ 1.534 Application for extension of construction permit or for construction permit to replace expired construction permit.

See § 73.3534.

§ 1.536 Application for license to cover construction permit.

See § 73.3536.

§ 1.538 Application for modification of license.

See § 73.3538.

§ 1.539 Application for renewal of license.

See § 73.3539.

§ 1.540 Application for voluntary assignment or transfer of control.

See § 73.3540.

§ 1.541 Application for involuntary assignment of license or transfer of control.

See § 73.3541.

§ 1.542 Application for temporary authorization.

See § 73.3542.

§ 1.543 Application for renewal or modification of special service authorization.

See § 73.3543.

§ 1.544 Application for broadcast station to conduct field strength measurements and for experimental operation.

See §§ 73.157 and 73.1510.

§ 1.545 Application for permit to deliver programs to foreign countries.

See § 73.3545.

§ 1.546 Application to determine operating power by direct measurement of antenna power.

See § 73.45.
§ 1.549 Requests for extension of authority to operate without required monitors, indicating instruments, and EBS Attention Signal devices. See § 73.3549.

§ 1.550 Requests for new or modified call sign assignments. See § 73.3550.

§ 1.561 Staff consideration of applications which receive action by the Commission. See § 73.3561.

§ 1.562 Staff consideration of applications which do not require action by the Commission. See § 73.3562.

§ 1.564 Acceptance of applications. See § 73.3564.

§ 1.566 Defective applications. See § 73.3566.

§ 1.568 Dismissal of applications. See § 73.3568.

§ 1.570 AM broadcast station applications involving other North American countries. See § 73.3570.

§ 1.571 Processing AM broadcast station applications. See § 73.3571.

§ 1.572 Processing TV broadcast and translator station applications. See § 73.3572.

§ 1.573 Processing FM broadcast and translator station applications. See § 73.3573.

§ 1.574 Processing of international broadcast station applications. See § 73.3574.

§ 1.578 Amendments to applications for renewal, assignment or transfer of control. See § 73.3578.

§ 1.580 Local public notice of filing of broadcast applications. See § 73.3580.

§ 1.584 Petitions to deny. See § 73.3584.

§ 1.587 Procedure for filing informal applications. See § 73.3587.

§ 1.591 Grants without hearing. See § 73.3591.

§ 1.592 Conditional grant. See § 73.3592.

§ 1.593 Designation for hearing. See § 73.3593.

§ 1.594 Local public notice of designation for hearing. See § 73.3594.

§ 1.597 Procedures on transfer and assignment applications. See § 73.3597.

§ 1.598 Period of construction. See § 73.3598.

§ 1.599 Forfeiture of construction permit. See § 73.3599.

§ 1.601 Simultaneous modification and renewal of license. See § 73.3601.

§ 1.603 Special waiver procedure relative to applications. See § 73.3603.

§ 1.605 Retention of applications in hearing status after designation for hearing. See § 73.3605.

§ 1.612 Annual employment report. See § 73.3612.

§ 1.613 Filing of contracts. See § 73.3613.

§ 1.615 Ownership reports. See § 73.3615.
§ 1.701 Show cause orders.

(a) The Commission may commence any proceeding within its jurisdiction against any common carrier by serving upon the carrier an order to show cause. The order shall contain a statement of the particulars and matters concerning which the Commission is inquiring and the reasons for such action, and will call upon the carrier to appear before the Commission at a place and time therein stated and give evidence upon the matters specified in the order.

(b) Any carrier upon whom an order has been served under this section shall file its answer within the time specified in the order. Such answer shall specifically and completely respond to all allegations and matters contained in the show cause order.

(c) All papers filed by a carrier in a proceeding under this section shall conform with the specifications of §§ 1.49 and 1.50 and the subscription and verification requirements of § 1.52.


§ 1.711 Formal or informal complaints.

Complaints filed against carriers under section 208 of the Communications Act may be either formal or informal.

INFORMAL COMPLAINTS

§ 1.716 Form.

An informal complaint shall be in writing and should contain: (a) The name, address and telephone number of the complainant, (b) the name of the carrier against which the complaint is made, (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act, and (d) the specific relief of satisfaction sought.

[51 FR 16039, Apr. 30, 1986]

§ 1.717 Procedure.

The Commission will forward informal complaints to the appropriate carrier for investigation. The carrier will, within such time as may be prescribed, advise the Commission in writing, with a copy to the complainant, of its satisfaction of the complaint or of its refusal or inability to do so. Where there are clear indications from the carrier's report or from other communications with the parties that the complaint has been satisfied, the Commission may, in its discretion, consider a complaint proceeding to be closed, without response to the complainant. In all other cases, the Commission will contact the complainant regarding its review and disposition of the matters raised. If the
complainant is not satisfied by the carrier’s response and the Commission’s disposition, it may file a formal complaint in accordance with §1.721 of this part.

[51 FR 16039, Apr. 30, 1986]

§ 1.718 Unsatisfied informal complaints; formal complaints relating back to the filing dates of informal complaints.

When an informal complaint has not been satisfied pursuant to §1.717, the complainant may file a formal complaint with this Commission in the form specified in §1.721. Such filing will be deemed to relate back to the filing date of the informal complaint: Provided, That the formal complaint: (a) is filed within 6 months from the date of the carrier’s report, (b) makes reference to the date of the informal complaint, and (c) is based on the same cause of action as the informal complaint. If no formal complaint is filed within the 6-month period, the complainant will be deemed to have abandoned the unsatisfied informal complaint.

[51 FR 16040, Apr. 30, 1986]

§ 1.719 Informal complaints filed pursuant to section 258.

(a) Notwithstanding the requirements of §§1.716 through 1.718, the following procedures shall apply to complaints alleging that a carrier has violated section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, by making an unauthorized change of a subscriber’s preferred carrier, as defined by §64.1100(e) of this chapter.

(b) Form. The complaint shall be in writing, and should contain: The complainant’s name, address, telephone number and e-mail address (if the complainant has one); the name of both the allegedly unauthorized carrier, as defined by §64.1100(d) of this chapter, and authorized carrier, as defined by §64.1100(c) of this chapter; a complete statement of the facts (including any documentation) tending to show that such carrier engaged in an unauthorized change of the subscriber’s preferred carrier; and the specific relief sought.

(c) Procedure. The Commission will resolve slamming complaints under the definitions and procedures established in §§64.1100 through 64.1190 of this chapter. The Commission will issue a written (or electronic) order informing the complainant, the unauthorized carrier, and the authorized carrier of its finding, and ordering the appropriate remedy, if any, as defined by §§64.1160 through 64.1170 of this chapter.

(d) Unsatisfied Informal Complaints Involving Unauthorized Changes of a Subscriber’s Preferred Carrier; Formal Complaints Relating Back to the Filing Dates of Informal Complaints. If the complainant is unsatisfied with the resolution of a complaint under this section, the complainant may file a formal complaint with the Commission in the form specified in §1.721. Such filing will be deemed to relate back to the filing date of the informal complaint filed under this section, so long as the informal complaint complied with the requirements of paragraph (b) of this section and provided that: The formal complaint is filed within 45 days from the date an order resolving the informal complaint filed under this section is mailed or delivered electronically to the complainant; makes reference to both the informal complaint number assigned to and the initial date of filing the informal complaint filed under this section; and is based on the same cause of action as the informal complaint filed under this section. If no formal complaint is filed within the 45-day period, the complainant will be deemed to have abandoned its right to bring a formal complaint regarding the cause of action at issue.

[65 FR 47690, Aug. 3, 2000]

Effective Date Note: At 65 FR 47690, Aug. 3, 2000, §1.719 was added. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

Formal Complaints

§ 1.720 General pleading requirements.

Formal complaint proceedings are generally resolved on a written record consisting of a complaint, answer, and
§ 1.721 Format and content of complaints.

(a) Subject to paragraph (e) of this section governing Accelerated Docket proceedings, a formal complaint shall contain:

(1) The name of each complainant and defendant;
(2) The occupation, address and telephone number of each complainant and, to the extent known, each defendant;
(3) The name, address, and telephone number of complainant’s attorney, if represented by counsel;
(4) Citation to the section of the Communications Act and/or order and/or regulation of the Commission alleged to have been violated.

(b) Pleadings must be clear, concise, and explicit. All matters concerning a claim, defense or requested remedy, including damages, should be pleaded fully and with specificity.

(c) Pleadings must contain facts which, if true, are sufficient to constitute a violation of the Act or Commission order or regulation, or a defense to such alleged violation.

(d) Facts must be supported by relevant documentation or affidavit.

(e) Legal arguments must be supported by appropriate judicial, Commission, or statutory authority.

(f) Opposing authorities must be distinguished.

(g) Copies must be provided of all non-Commission authorities relied upon which are not routinely available in national reporting systems, such as unpublished decisions or slip opinions of courts or administrative agencies.

(h) Parties are responsible for the continuing accuracy and completeness of all information and supporting authority furnished in a pending complaint proceeding. Information submitted, as well as relevant legal authorities, must be current and updated as necessary and in a timely manner at any time before a decision is rendered on the merits of the complaint.

(i) Specific reference shall be made to any tariff provision relied upon in support of a claim or defense. Copies of relevant tariffs or relevant portions of tariffs that are referred to or relied upon in a complaint, answer, or other pleading shall be appended to such complaint, answer, or other pleading.

(j) All statements purporting to summarize or explain Commission orders or policies must cite, in standard legal form, the Commission ruling upon which such statements are based.

(k) Pleadings shall identify the name, address, telephone number, and facsimile transmission number for either the filing party’s attorney or, where a party is not represented by an attorney, the filing party.

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ascertain the facts from the defendant or any other source;

(6) Proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments set forth in the complaint;

(7) The relief sought, including recovery of damages and the amount of damages claimed, if known;

(8) Certification that the complainant has, in good faith, discussed or attempted to discuss, the possibility of settlement with each defendant prior to the filing of the formal complaint. Such certification shall include a statement that, prior to the filing of the complaint, the complainant mailed a certified letter outlining the allegations that form the basis of the complaint to the defendant carrier that invited a response within a reasonable period of time and a brief summary of all additional steps taken to resolve the dispute prior to the filing of the formal complaint. If no additional steps were taken, such certificate shall state the reason(s) why the complainant believed such steps would be fruitless;

(9) Whether a separate action has been filed with the Commission, any court, or other government agency that is based on the same claim or same set of facts, in whole or in part, or whether the complaint seeks prospective relief identical to the relief proposed or at issue in a notice-and-comment proceeding that is concurrently before the Commission;

(10) An information designation containing:

(i) The name, address, and position of each individual believed to have first-hand knowledge of the facts alleged with particularity in the complaint, along with a description of the facts within any such individual’s knowledge;

(ii) A description of all documents, data compilations and tangible things in the complainant’s possession, custody, or control, that are relevant to the facts alleged with particularity in the complaint. Such description shall include for each document:

(A) The date it was prepared, mailed, transmitted, or otherwise disseminated;

(B) The author, preparer, or other source;

(C) The recipient(s) or intended recipient(s);

(D) Its physical location; and

(E) A description of its relevance to the matters contained in the complaint; and

(iii) A complete description of the manner in which the complainant identified all persons with information and designated all documents, data compilations and tangible things as being relevant to the dispute, including, but not limited to, identifying the individual(s) that conducted the information search and the criteria used to identify such persons, documents, data compilations, tangible things, and information;

(11) Copies of all affidavits, documents, data compilations and tangible things in the complainant’s possession, custody, or control, upon which the complainant relies or intends to rely to support the facts alleged and legal arguments made in the complaint;

(12) A completed Formal Complaint Intake Form;

(13) Verification of the filing payment required under § 1.1105(1)(c) or (d); and

(14) A certificate of service.

(b) The following format may be used in cases to which it is applicable, with such modifications as the circumstances may render necessary:

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, DC 20554

In the matter of

Complainant,

v.

Defendant.

File No. (To be inserted by the Enforcement Bureau)

Complaint

To: The Commission.

The complainant (here insert full name of each complainant and, if a corporation, the corporate title of such complainant) shows that:

1. (Here state occupation, post office address, and telephone number of each complainant).
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2. (Here insert the name, occupation and, to the extent known, address and telephone number of defendants).

3. (Here insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the matter, including relevant legal and documentary support).

Wherefore, complainant asks (here state specifically the relief desired).

(Date)

(Name of each complainant)

(Name, address, and telephone number of attorney, if any)

(c) Where the complaint is filed pursuant to §47 U.S.C. §271(d)(6)(B), the complainant shall clearly indicate whether or not it is willing to waive the ninety-day resolution deadline contained within 47 U.S.C. 271(d)(6)(B), in accordance with the requirements of §1.736.

(d) The complainant may petition the staff, pursuant to §1.3, for a waiver of any of the requirements of this section. Such waiver may be granted for good cause shown.

(e) Complaints on the Accelerated Docket. For the purpose of this paragraph (e), the term document also shall include data compilations and tangible things.

(i) Formal complaints that have been accepted onto the Accelerated Docket shall conform to the requirements set out in this section with the following listed exceptions:

(ii) The requirement in §1.720(c) and paragraphs (a)(5) and (a)(11) of this section that factual assertions be supported by affidavit shall not apply to complaints on the Accelerated Docket. Nevertheless, allegations of material fact, whether based on personal knowledge or information and belief, that cannot be supported by documentation remain subject to the provisions of §1.52.

(ii) Complaints on the Accelerated Docket are not required to include proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments set forth in the complaint, as required in paragraph (a)(6) of this section. Nevertheless, complaints on the Accelerated Docket shall fully set out the facts and legal theories on which the complainant premises its claims.

(iii) In light of the requirement for staff-supervised settlement negotiations in §1.730(b), complaints on the Accelerated Docket are not required to include a certification that the complainant has discussed or attempted to discuss the possibility of settlement with each defendant, as required in paragraph (a)(8) of this section.

(iv) In light of the automatic document production required in §1.729(i)(1), complaints on the Accelerated Docket are not required to include a description of all relevant documents in the complainant’s possession, custody or control, as required in paragraph (a)(10)(ii) of this section.

(v) Complaints on the Accelerated Docket are not required to provide the description, required in paragraph (a)(10)(iii) of this section, of the manner in which the complainant identified persons with knowledge of, and documents relevant to, the dispute.

(2) Formal complaints that have been accepted onto the Accelerated Docket will comply with the following requirements in addition to those requirements generally applicable in formal complaint proceedings:

(i) As required in §1.729(i)(1), complaints on the Accelerated Docket shall be accompanied, when served on defendants, by copies of documents, within the complainant’s possession, custody or control, that are likely to bear significantly on the issues raised in the complaint. Unless otherwise directed, these documents shall not be filed with the Commission.

(ii) Complaints on the Accelerated Docket will bear the following notation in bold typeface above the normal caption on the first page: “Accelerated Docket Proceeding: Answer Due Within Ten Days of Service Date.”

§1.722 Damages.

(a) In a case where recovery of damages is sought, the complaint shall contain a clear and unequivocal request
for damages and appropriate allegations in support of such claim in accordance with the requirements of paragraph (c) of this section.

(b) Damages will not be awarded upon a complaint unless specifically requested. Damages may be awarded, however, upon a supplemental complaint that complies fully with the requirements of paragraph (c) of this section, based upon a finding of liability by the Commission in the original proceeding. Provided that:

(1) If recovery of damages is first sought by supplemental complaint, such supplemental complaint must be filed within, and recovery is limited to, the statutory limitations contained in section 415 of the Communications Act;

(2) If recovery of damages is clearly and unequivocally requested in the original complaint, by identification of the claim giving rise to the damages and a general statement of the nature of the injury suffered, such claim for damages shall relate back to the filing date of the original formal complaint if:

(i) The complainant clearly states in the original complaint that it chooses to have liability and prospective relief issues resolved prior to the consideration of damages issues; and

(ii) The complainant files its supplemental complaint for damages within sixty days after public notice (as defined in §1.4(b)) of a decision on the merits of the original complaint.

(3) Where a complainant voluntarily elects to seek the recovery of damages upon a supplemental complaint in accordance with the requirements of paragraph (b)(2) of this section, the Commission will resolve the liability complaint within any applicable complaint resolution deadlines contained in the Act and defer adjudication of the damages complaint until after the liability complaint has been resolved.

(c) In all cases in which recovery of damages is sought, it shall be the responsibility of the complainant to include, within either the complaint or the supplemental complaint for damages filed in accordance with paragraph (b) of this section, either:

(1) A computation of each and every category of damages for which recovery is sought, along with an identification of all relevant documents and materials or such other evidence to be used by the complainant to determine the amount of such damages; or

(2) An explanation of:

(i) The information not in the possession of the complaining party that is necessary to develop a detailed computation of damages;

(ii) Why such information is unavailable to the complaining party;

(iii) The factual basis the complainant has for believing that such evidence of damages exists; and

(iv) A detailed outline of the methodology that would be used to create a computation of damages with such evidence.

(d) Where a complainant voluntarily elects to seek the recovery of damages upon a supplemental complaint in accordance with the requirements of paragraph (b)(2) of this section, the following procedures may apply in the event that the Commission determines that the defendant is liable based upon its review of the original complaint:

(1) Issues concerning the amount, if any, of damages may be either designated by the Enforcement Bureau for hearing before, or, if the parties agree, submitted for mediation to, a Commission Administrative Law Judge. Such Administrative Law Judge shall be chosen in the following manner:

(i) By agreement of the parties and the Chief Administrative Law Judge; or

(ii) In the absence of such agreement, the Chief Administrative Law Judge shall designate the Administrative Law Judge.

(2) The Commission may, in its discretion, order the defendant either to post a bond for, or deposit into an interest bearing escrow account, a sum equal to the amount of damages which the Commission finds, upon preliminary investigation, is likely to be ordered after the issue of damages is fully litigated, or some lesser sum which may be appropriate, provided the Commission finds that the grant of this relief is favored on balance upon consideration of the following factors:

(i) The complainant’s potential irreparable injury in the absence of such deposit;
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(ii) The extent to which damages can be accurately calculated;
(iii) The balance of the hardships between the complainant and the defendant; and
(iv) Whether public interest considerations favor the posting of the bond or ordering of the deposit.

(3) The Commission may, in its discretion, suspend ongoing damages proceedings for fourteen days, to provide the parties with a time within which to pursue settlement negotiations and/or alternative dispute resolution procedures.

(4) The Commission may, in its discretion, end adjudication of damages with a determination of the sufficiency of a damages computation method or formula. No such method or formula shall contain a provision to offset any claim of the defendant against the complainant. The parties shall negotiate in good faith to reach an agreement on the exact amount of damages pursuant to the Commission-mandated method or formula. Within thirty days of the release date of the damages order, parties shall submit jointly to the Commission either:
(i) A statement detailing the parties’ agreement as to the amount of damages;
(ii) A statement that the parties are continuing to negotiate in good faith and a request that the parties be given an extension of time to continue negotiations; or
(iii) A statement detailing the bases for the continuing dispute and the reasons why no agreement can be reached.

[63 FR 1036, Jan. 7, 1998, as amended at 64 FR 60725, Nov. 8, 1999]

§ 1.724 Answers.

(a) Subject to paragraph (k) of this section governing Accelerated Docket proceedings, any carrier upon which a copy of a formal complaint is served shall answer such complaint in the manner prescribed under this section within twenty days of service of the formal complaint by the complainant, unless otherwise directed by the Commission.

(b) The answer shall advise the complainant and the Commission fully and completely of the nature of any defense, and shall respond specifically to all material allegations of the complaint. Every effort shall be made to narrow the issues in the answer. The defendant shall state concisely its defenses to each claim asserted and shall admit or deny the averments on which the complainant relies and state in detail the basis for admitting or denying such averment. General denials are prohibited. If the defendant is without knowledge or information sufficient to form a belief as to the truth of an averment, the defendant shall so state and this has the effect of a denial. When a defendant intends in good faith to deny only part of an averment, the defendant shall specify so much of it as is true and shall deny only the remainder. The defendant may deny the allegations of the complaint as specific denials of either designated averments or paragraphs.

(c) The answer shall contain proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments set forth in the answer.

(d) Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damages, are deemed to be admitted when not denied in this responsive pleading.

(e) Affirmative defenses to allegations contained in the complaint shall be specifically captioned as such and presented separately from any denials made in accordance with paragraph (c) of this section.

(f) The answer shall include an information designation containing:
(1) The name, address, and position of each individual believed to have first-hand knowledge of the facts alleged with particularity in the answer, along
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§ 1.724

(1) The defendant may petition the staff, pursuant to §1.3, for a waiver of any of the requirements of this section. Such waiver may be granted for good cause shown.

(k) Accelerated Docket Proceedings. For the purpose of this paragraph (k), the term document also shall include data compilations and tangible things.

(1) Any party named as a defendant in an Accelerated Docket formal complaint shall answer such complaint in the manner prescribed under this section within ten days of service of the complaint by the complainant, unless otherwise directed by the Commission. Except as set forth in this paragraph (k), answers in Accelerated Docket proceedings shall comply with the requirements of this section.

(2) The requirement in §1.720(c) and paragraph (g) of this section that factual assertions be supported by affidavit shall not apply to answers in Accelerated Docket proceedings. Nevertheless, allegations of material fact, whether based on personal knowledge or information and belief, that cannot be supported by documentation remain subject to the provisions of §1.52.

(3) Answers on the Accelerated Docket are not required to include proposed findings of fact, conclusions of law, and legal analysis relevant to the defenses and arguments set forth in the answer, as required in paragraph (c) of this section. Nevertheless, answers on the Accelerated Docket shall fully set out the facts and legal theories on which the defendant premises its defenses.

(4) In light of the requirement for staff-supervised settlement negotiations required in §1.730(b), answers on the Accelerated Docket are not required to include a certification that the defendant has discussed, or attempted to discuss, the possibility of settlement with the complainant, as required in paragraph (h) of this section.

(5) As required in §1.729(i)(1), answers on the Accelerated Docket shall be accompanied, when served on complainants, by copies of documents, within the defendant’s possession, custody or control, that are likely to bear significantly on the issues raised in the proceeding. Unless otherwise directed, these documents shall not be filed with
§ 1.725 Cross-complaints and counterclaims.

Cross-complaints seeking any relief within the jurisdiction of the Commission against any carrier that is a party (complainant or defendant) to that proceeding are expressly prohibited. Any claim that might otherwise meet the requirements of a cross-complaint may be filed as a separate complaint in accordance with §§1.720 through 1.736. For purposes of this subpart, the term “cross-complaint” shall include counterclaims.

§ 1.726 Replies.

(a) Subject to paragraph (g) of this section governing Accelerated Docket proceedings, within three days after service of an answer containing affirmative defenses presented in accordance with the requirements of §1.724(e), a complainant may file and serve a reply containing statements of relevant, material facts that shall be responsive to only those specific factual allegations made by the defendant in support of its affirmative defenses. Replies which contain other allegations or arguments will not be accepted or considered by the Commission.

(b) Failure to reply to an affirmative defense shall be deemed an admission of such affirmative defense and of any facts supporting such affirmative defense that are not specifically contradicted in the complaint.

(c) The reply shall contain proposed findings of fact, conclusions of law, and legal analysis relevant to the claims and arguments set forth in the reply.

(d) The reply shall include an information designation containing:

1. The name, address and position of each individual believed to have first-hand knowledge about the facts alleged with particularity in the reply, along with a description of the facts within the individual's knowledge.

2. A description of all documents, data compilations and tangible things in the complainant's possession, custody, or control that are relevant to the facts alleged with particularity in the reply. Such description shall include for each document:
   - The date prepared, mailed, transmitted, or otherwise disseminated;
   - The author, preparer, or other source;
   - The recipient(s) or intended recipient(s);
   - Its physical location; and
   - A description of its relevance to the matters in dispute.

3. A complete description of the manner in which the complainant identified all persons with information and designated all documents, data compilations, tangible things, and information; and

4. A description of its relevance to the matters in dispute.

(e) The reply shall attach copies of all affidavits, documents, data compilations and tangible things as being relevant to the dispute, including, but not limited to, identifying the individual(s) that conducted the information search and the criteria used to identify such persons, documents, data compilations, tangible things, and information;

(f) The complaint may petition the staff, pursuant to §1.3, for a waiver of any of the requirements of this section.
§ 1.727 Motions.

(a) A request to the Commission for an order shall be by written motion, stating with particularity the grounds and authority therefor, and setting forth the relief or order sought.

(b) All dispositive motions shall contain proposed findings of fact and conclusions of law, with supporting legal analysis, relevant to the contents of the pleading. Motions to compel discovery must contain a certification by the moving party that a good faith attempt to resolve the dispute was made prior to filing the motion. All facts relied upon in motions must be supported by documentation or affidavits pursuant to the requirements of §1.720(c), except for those facts of which official notice may be taken.

(c) The moving party shall provide a proposed order for adoption, which appropriately incorporates the basis therefor, including proposed findings of fact and conclusions of law relevant to the pleading. The proposed order shall be clearly marked as a "Proposed Order." The proposed order shall be submitted both as a hard copy and on computer disk in accordance with the requirements of §1.734(d). Where appropriate, the proposed order format should conform to that of a reported FCC order.

(d) Oppositions to any motion shall be accompanied by a proposed order for adoption, which appropriately incorporates the basis therefor, including proposed findings of fact and conclusions of law relevant to the pleading. The proposed order shall be clearly captioned as a "Proposed Order." The proposed order shall be submitted both as a hard copy and on computer disk in accordance with the requirements of §1.734(d). Where appropriate, the proposed order format should conform to that of a reported FCC order.

(e) Oppositions to motions may be filed and served within five business days after the motion is filed and served and not after. Oppositions shall be limited to the specific issues and allegations contained in such motion; when a motion is incorporated in an answer to a complaint, the opposition to such motion shall not address any issues presented in the answer that are not also specifically raised in the motion. Failure to oppose any motion may constitute grounds for granting of the motion.

(f) No reply may be filed to an opposition to a motion.

(g) Motions seeking an order that the allegations in the complaint be made more definite and certain are prohibited.

(h) Amendments or supplements to complaints to add new claims or requests for relief are prohibited. Parties

§ 1.727 Motions.

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(b) All dispositive motions shall contain proposed findings of fact and conclusions of law, with supporting legal analysis, relevant to the contents of the pleading. Motions to compel discovery must contain a certification by the moving party that a good faith attempt to resolve the dispute was made prior to filing the motion. All facts relied upon in motions must be supported by documentation or affidavits pursuant to the requirements of §1.720(c), except for those facts of which official notice may be taken.

(c) The moving party shall provide a proposed order for adoption, which appropriately incorporates the basis therefor, including proposed findings of fact and conclusions of law relevant to the pleading. The proposed order shall be clearly marked as a "Proposed Order." The proposed order shall be submitted both as a hard copy and on computer disk in accordance with the requirements of §1.734(d). Where appropriate, the proposed order format should conform to that of a reported FCC order.

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(e) Oppositions to motions may be filed and served within five business days after the motion is filed and served and not after. Oppositions shall be limited to the specific issues and allegations contained in such motion; when a motion is incorporated in an answer to a complaint, the opposition to such motion shall not address any issues presented in the answer that are not also specifically raised in the motion. Failure to oppose any motion may constitute grounds for granting of the motion.

(f) No reply may be filed to an opposition to a motion.

(g) Motions seeking an order that the allegations in the complaint be made more definite and certain are prohibited.

(h) Amendments or supplements to complaints to add new claims or requests for relief are prohibited. Parties
are responsible, however, for the continuing accuracy and completeness of all information and supporting authority furnished in a pending complaint proceeding as required under § 1.720(g).


§ 1.728  Formal complaints not stating a cause of action; defective pleadings.

(a) Any document purporting to be a formal complaint which does not state a cause of action under the Communications Act will be dismissed. In such case, any amendment or supplement to such document will be considered a new filing which must be made within the statutory periods of limitations of actions contained in section 415 of the Communications Act.

(b) Any other pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable rules in this part may be deemed defective. In such case the Commission may strike the pleading or request that specified defects be corrected and that proper pleadings be filed with the Commission and served on all parties within a prescribed time as a condition to being made a part of the record in the proceeding.

[53 FR 11854, Apr. 11, 1988]

§ 1.729  Discovery.

(a) Subject to paragraph (i) of this section governing Accelerated Docket proceedings, a complainant may file with the Commission and serve on a defendant, concurrently with its complaint, a request for up to ten written interrogatories. A defendant may file with the Commission and serve on a complainant, during the period starting with the service of the complaint and ending with the service of its answer, a request for up to ten written interrogatories. A complainant may file with the Commission and serve on a defendant, within three calendar days of service of the defendant’s answer, a request for up to five written interrogatories. Subparts of any interrogatory will be counted as separate interrogatories for purposes of compliance with this limit. Requests for interrogatories filed and served pursuant to this procedure may be used to seek discovery of any non-privileged matter that is relevant to the material facts in dispute in the pending proceeding, provided, however, that requests for interrogatories filed and served by a complainant after service of the defendant’s answer shall be limited in scope to specific factual allegations made by the defendant in support of its affirmative defenses. This procedure may not be employed for the purpose of delay, harassment or obtaining information that is beyond the scope of permissible inquiry related to the material facts in dispute in the pending proceeding.

(b) Requests for interrogatories filed and served pursuant to paragraph (a) of this section shall contain a listing of the interrogatories requested and an explanation of why the information sought in each interrogatory is both necessary to the resolution of the dispute and not available from any other source.

(c) A responding party shall file with the Commission and serve on the complaining party any opposition and objections to the requests for interrogatories as follows:

(1) By the defendant, within ten calendar days of service of the requests for interrogatories served simultaneously with the complaint and within five calendar days of the requests for interrogatories served following service of the answer;

(2) By the complainant, within five calendar days of service of the requests for interrogatories; and

(3) In no event less than three calendar days prior to the initial status conference as provided for in § 1.733(a).

(d) Commission staff will consider the requests for interrogatories, properly filed and served pursuant to paragraph (a) of this section, along with any objections or oppositions thereto, properly filed and served pursuant to paragraph (b) of this section, at the initial status conference, as provided for in § 1.733(a)(5), and at that time determine the interrogatories, if any, to which parties shall respond, and set the schedule of such response.

(e) The interrogatories ordered to be answered pursuant to paragraph (d) of this section are to be answered separately and fully in writing under oath.
or affirmation by the party served, or if such party is a public or private corporation or partnership or association, by any officer or agent who shall furnish such information as is available to the party. The answers shall be signed by the person making them. The answers shall be filed with the Commission and served on the propounding party.

(f) A propounding party asserting that a responding party has provided an inadequate or insufficient response to Commission-ordered discovery request may file a motion to compel within ten days of the service of such response, or as otherwise directed by Commission staff, pursuant to the requirements of §1.727.

(g) The Commission may, in its discretion, require parties to provide documents to the Commission in a scanned or other electronic format that provides:

(1) Indexing by useful identifying information about the documents; and

(2) Technology that allows staff to annotate the index so as to make the format an efficient means of reviewing the documents.

(h) The Commission may allow additional discovery, including, but not limited to, document production, depositions and/or additional interrogatories. In its discretion, the Commission may modify the scope, means and scheduling of discovery in light of the needs of a particular case and the requirements of applicable statutory deadlines.

(i) Discovery in Accelerated Docket proceedings. (1) Each party to an Accelerated Docket proceeding shall serve, with its initial pleading and with any reply statements in the pre-status-conference filing (see §1.726(g)(1)), copies of all documents in the possession, custody or control of the party that are likely to bear significantly on any claim or defense. For the purpose of this paragraph (i), document also shall include data compilations and tangible things. A document is likely to bear significantly on a claim or defense if it:

(i) Appears likely to have an influence on, or affect the outcome of, a claim or defense;

(ii) Reflects the relevant knowledge of persons who, if their potential testimony were known, might reasonably be expected to be deposed or called as a witness by any of the parties;

(iii) Is something that competent counsel would consider reasonably necessary to prepare, evaluate or try a claim or defense; or

(iv) Would not support the disclosing party’s contentions.

(2) In their §1.733(i)(4) pre-status-conference filings, parties to Accelerated Docket proceedings may request the production of additional documents. In their §1.733(i)(4) filings, parties may also seek leave to conduct a reasonable number of depositions, including depositions of expert witnesses, if any. When requesting additional discovery, each party shall be prepared at the status conference to justify its requests by identifying the specific issue or issues on which it expects to obtain evidence from each request.

(3) Interrogatories shall not be routinely granted in Accelerated Docket proceedings. A party to an Accelerated Docket proceeding that prefers interrogatories to the other forms of available discovery, for reasons of convenience or expense, may seek leave in its §1.733(i)(4) pre-status-conference filing to propound a limited number of interrogatories.

(4) Expert Witnesses.

(i) Any complainant in an Accelerated Docket proceeding that intends to rely on expert testimony for a purpose other than to rebut a defendant’s expert evidence, shall identify its expert witnesses in the information designation required by §1.721(a)(10)(i). In its §1.721(a)(10)(i) information designation, such a complainant shall also provide its expert statement. For purposes of this paragraph (i)(4), an expert statement shall include a brief statement of the opinions to be expressed by the expert, the basis and reasons therefor and any data or other information that the witness considered in forming her opinions.

(ii) Any defendant in an Accelerated Docket proceeding that intends to rely on expert testimony shall identify its expert witnesses in the information designation required by §1.724(f)(1). Such a defendant shall provide its expert statement with its §1.733(i)(4), pre-status-conference filing.
§1.730 (iii) Any complainant in an Accelerated Docket proceeding that intends to rely on previously undisclosed expert testimony to rebut any portion of the defendant's case shall identify the expert and provide the appropriate expert statement at the initial status conference.

(iv) Expert witnesses shall be subject to deposition in Accelerated Docket proceedings under the same rules and limitations applicable to fact witnesses.


§1.730 The Enforcement Bureau's Accelerated Docket.

(a) Parties to formal complaint proceedings against common carriers within the responsibility of the Enforcement Bureau (see §§0.111, 0.311, 0.314 of this chapter) may request inclusion on the Bureau's Accelerated Docket. As set out in §§1.720 through 1.736, proceedings on the Accelerated Docket are subject to shorter pleading deadlines and certain other procedural rules that do not apply to other formal complaint proceedings before the Enforcement Bureau.

(b) Any party that contemplates filing a formal complaint may submit a request to the Chief of the Enforcement Bureau's Market Disputes Resolution Division, either by phone or in writing, seeking inclusion of its complaint, once filed, on the Accelerated Docket. In appropriate cases, Commission staff shall schedule and supervise pre-filing settlement negotiations between the parties to the dispute. If the parties do not resolve their dispute and the matter is accepted for handling on the Accelerated Docket, the complainant shall file its complaint with a letter stating that it has gained admission to the Accelerated Docket. When it files its complaint, such a complainant shall also serve a copy of its complaint on the Commission staff that supervised the pre-filing settlement discussions.

(c) Within five days of receiving service of a complaint, any defendant in a formal complaint proceeding may submit by facsimile or hand delivery, to the Chief of the Enforcement Bureau's Market Disputes Resolution Division, a request seeking inclusion of its proceeding on the Accelerated Docket. Such a defendant contemporaneously shall transmit, in the same manner, a copy of its request to all parties to the proceeding. A defendant submitting such a request shall file and serve its answer in compliance with the requirements of §1.724(k), except that the defendant shall not be required to serve with its answer the automatic document production required by §§1.724(k)(7) and 1.729(i)(1). In proceedings accepted onto the Accelerated Docket at a defendant's request, the Commission staff will conduct supervised settlement discussions as appropriate. After accepting such a proceeding onto the Accelerated Docket, Commission staff will establish a schedule for the remainder of the proceeding, including the parties' §1.729(i)(1) automatic production of documents.

(d) During the thirty days following the effective date of these rules, any party to a pending formal complaint proceeding in which an answer has been filed or is past due may seek admission of the proceeding to the Accelerated Docket by submitting a request by facsimile or hand delivery to the Chief of the Enforcement Bureau's Market Disputes Resolution Division, with facsimile copies to all other parties to the proceeding by the same mode of transmission. If a pending proceeding is accepted onto the Accelerated Docket, Commission staff will conduct supervised settlement discussions if appropriate and establish a schedule for the remainder of the proceeding, including the parties' §1.729(i)(1) automatic production of documents if necessary.

(e) In determining whether to admit a proceeding onto the Accelerated Docket, Commission staff may consider factors from the following, non-exclusive list:

1. Whether it appears that the parties to the dispute have exhausted the reasonable opportunities for settlement during the staff-supervised settlement discussions.

2. Whether the expedited resolution of a particular dispute or category of disputes appears likely to advance
competition in the telecommunications market.

(3) Whether the issues in the proceeding appear suited for decision under the constraints of the Accelerated Docket. This factor may entail, inter alia, examination of the number of distinct issues raised in a proceeding, the likely complexity of the necessary discovery, and whether the complainant bifurcates any damages claims for decision in a separate proceeding. See §1.722(b).

(4) Whether the complainant states a claim for violation of the Act, or Commission rule or order that falls within the Commission's jurisdiction.

(5) Whether it appears that inclusion of a proceeding on the Accelerated Docket would be unfair to one party because of an overwhelming disparity in the parties' resources.

(6) Such other factors as the Commission staff, within its substantial discretion, may deem appropriate and conducive to the prompt and fair adjudication of complaint proceedings.

(f) If it appears at any time that a proceeding on the Accelerated Docket is no longer appropriate for such treatment, Commission staff may remove the matter from the Accelerated Docket either on its own motion or at the request of any party.

(g) Minitrials.

(1) In Accelerated Docket proceedings, the Commission may conduct a minitrial, or hearing-type proceeding, as an alternative to requiring that parties submit briefs in support of their cases. Minitrials typically will take place between 40 and 45 days after the filing of the complaint. A Commission Administrative Law Judge ("ALJ") typically will preside at the minitrial, administer oaths to witnesses, and time the parties' presentation of their cases. In consultation with the Commission staff, the ALJ will rule on objections or procedural issues that may arise during the course of the minitrial.

(2) Before a minitrial, each party will receive a specific time allotment in which it may present evidence and make argument during the minitrial. The ALJ or other Commission staff presiding at the minitrial will deduct from each party's time allotment any time that the party spends presenting either evidence or argument during the proceeding. The presiding official shall have broad discretion in determining any time penalty or deduction for a party who appears to be intentionally delaying either the proceeding or the presentation of another party's case. Within the limits imposed by its time allotment, a party may present evidence and argument in whatever manner or format it chooses, provided, however, that the submission of written testimony shall not be permitted.

(3) Three days before a minitrial, each party to a proceeding shall serve on all other parties a copy of all exhibits that the party intends to introduce during the minitrial and a list of all witnesses, including expert witnesses, that the party may call during the minitrial. Service of this material shall be accomplished either by hand or by facsimile transmission. Objections to any exhibits or proposed witness testimony shall be heard before the beginning of the minitrial.

(4) No party will be permitted to call as a witness in a minitrial, or otherwise offer evidence from, an individual in that party's employ, unless the individual appears on the party's information designations (see §§1.722(a)(10)(i) or 1.724(f)(1)) with a general description of the issues on which she will offer evidence. No party will be permitted to present expert evidence unless the party has complied fully with the expert-disclosure requirements of §1.729(i)(4). The Commission may permit exceptions to the rules in this paragraph (g)(4) for good cause shown.

(5) Two days before the beginning of the minitrial, parties shall file proposed findings of fact and conclusions of law. These submissions shall not exceed 40 pages per party. Within three days after the conclusion of the minitrial, parties may submit revised proposed findings of fact and conclusions of law to meet evidence introduced or arguments raised at the minitrial. These submissions shall not exceed 20 pages per party.

(6) The parties shall arrange for the stenographic transcription of minitrial proceedings so that transcripts are available and filed with the Commission no more than three days after the
§ 1.731 Confidentiality of information produced or exchanged by the parties.

(a) Any materials generated in the course of a formal complaint proceeding may be designated as proprietary by that party if the party believes in good faith that the materials fall within an exemption to disclosure contained in the Freedom of Information Act (FOIA), 5 U.S.C. 552(b) (1) through (9). Any party asserting confidentiality for such materials shall so indicate by clearly marking each page, or portion thereof, for which a proprietary designation is claimed. If a proprietary designation is challenged, the party claiming confidentiality shall have the burden of demonstrating, by a preponderance of the evidence, that the material designated as proprietary falls under the standards for nondisclosure enunciated in the FOIA.

(b) Materials marked as proprietary may be disclosed solely to the following persons, only for use in prosecuting or defending a party to the complaint action, and only to the extent necessary to assist in the prosecution or defense of the case:

(1) Counsel of record representing the parties in the complaint action and any support personnel employed by such attorneys;

(2) Officers or employees of the opposing party who are named by the opposing party as being directly involved in the prosecution or defense of the case;

(3) Consultants or expert witnesses retained by the parties;

(4) The Commission and its staff; and

(5) Court reporters and stenographers in accordance with the terms and conditions of this section.

(c) These individuals shall not disclose information designated as proprietary to any person who is not authorized under this section to receive such information, and shall not use the information in any activity or function other than the prosecution or defense in the case before the Commission. Each individual who is provided access to the information shall sign a notarized statement affirmatively stating that the individual has personally reviewed the Commission’s rules and understands the limitations they impose on the signing party.

(d) No copies of materials marked proprietary may be made except copies to be used by persons designated in paragraph (b) of this section. Each party shall maintain a log recording the number of copies made of all proprietary material and the persons to whom the copies have been provided.

(e) Upon termination of a formal complaint proceeding, including all appeals and petitions, all originals and
reproductions of any proprietary materials, along with the log recording persons who received copies of such materials, shall be provided to the producing party. In addition, upon final termination of the complaint proceeding, any notes or other work product derived in whole or in part from the proprietary materials of an opposing or third party shall be destroyed.

[58 FR 25573, Apr. 27, 1993, as amended at 63 FR 1039, Jan. 7, 1998]

§ 1.732 Other required written submissions.

(a) The Commission may, in its discretion, or upon a party's motion showing good cause, require the parties to file briefs summarizing the facts and issues presented in the pleadings and other record evidence.

(b) Unless otherwise directed by the Commission, all briefs shall include all legal and factual claims and defenses previously set forth in the complaint, answer, or any other pleading submitted in the proceeding. Claims and defenses previously made but not reflected in the briefs will be deemed abandoned. The Commission may, in its discretion, limit the scope of any briefs to certain subjects or issues. A party shall attach to its brief copies of all documents, data compilations, tangible things, and affidavits upon which such party relies or intends to rely to support the facts alleged and legal arguments made in its brief and such brief shall contain a full explanation of how each attachment is relevant to the issues and matters in dispute. All such attachments to a brief shall be documents, data compilations or tangible things, or affidavits made by persons, that were identified by any party in its information designations filed pursuant to §§1.721(a)(10)(i), (a)(10)(ii), 1.724(f)(1), (f)(2), and 1.726(d)(1), (d)(2). Any other supporting documentation or affidavits that is attached to a brief must be accompanied by a full explanation of the relevance of such materials and why such materials were not identified in the information designations. These briefs shall contain the proposed findings of fact and conclusions of law which the filing party is urging the Commission to adopt, with specific citation to the record, and supporting relevant authority and analysis.

(c) In cases in which discovery is not conducted, absent an order by the Commission that briefs be filed, parties may not submit briefs. If the Commission does authorize the filing of briefs in cases in which discovery is not conducted, briefs shall be filed concurrently by both the complainant and defendant at such time as designated by the Commission staff and in accordance with the provisions of this section.

(d) In cases in which discovery is conducted, briefs shall be filed concurrently by both the complainant and defendant at such time designated by the Commission staff.

(e) Briefs containing information which is claimed by an opposing or third party to be proprietary under §1.731 shall be submitted to the Commission in confidence pursuant to the requirements of §0.459 of this chapter and clearly marked "Not for Public Inspection." An edited version removing all proprietary data shall also be filed with the Commission for inclusion in the public file. Edited versions shall be filed within five days from the date the unedited brief is submitted, and served on opposing parties.

(f) Initial briefs shall be no longer than twenty-five pages. Reply briefs shall be no longer than ten pages. Either on its own motion or upon proper motion by a party, the Commission staff may establish other page limits for briefs.

(g) The Commission may require the parties to submit any additional information it deems appropriate for a full, fair, and expeditious resolution of the proceeding, including affidavits and exhibits.

(h) The parties shall submit a joint statement of stipulated facts, disputed facts, and key legal issues no later than two business days prior to the initial status conference, scheduled in accordance with the provisions of §1.733(a).

§ 1.733 Status conference.

(a) In any complaint proceeding, the Commission may, in its discretion, direct the attorneys and/or the parties to appear before it for a status conference. Unless otherwise ordered by the Commission, and with the exception of Accelerated Docket proceedings, governed by paragraph (i) of this section, an initial status conference shall take place, at the time and place designated by the Commission staff, ten business days after the date the answer is due to be filed. A status conference may include discussion of:

(1) Simplification or narrowing of the issues;
(2) The necessity for or desirability of additional pleadings or evidentiary submissions;
(3) Obtaining admissions of fact or stipulations between the parties as to any or all of the matters in controversy;
(4) Settlement of all or some of the matters in controversy by agreement of the parties;
(5) Whether discovery is necessary and, if so, the scope, type and schedule for such discovery;
(6) The schedule for the remainder of the case and the dates for any further status conferences; and
(7) Such other matters that may aid in the disposition of the complaint.

(b)(1) Subject to paragraph (i) of this section governing Accelerated Docket proceedings, parties shall meet and confer prior to the initial status conference to discuss:

(i) Settlement prospects;
(ii) Discovery;
(iii) Issues in dispute;
(iv) Schedules for pleadings;
(v) Joint statement of stipulated facts, disputed facts, and key legal issues; and

(vi) In a 47 U.S.C. 271(d)(6)(B) proceeding, whether or not the parties agree to waive the 47 U.S.C. 271(d)(6)(B) 90-day resolution deadline.

(2) Subject to paragraph (i) of this section governing Accelerated Docket proceedings, parties shall submit a joint statement of all proposals agreed to and disputes remaining as a result of such meeting to Commission staff at least two business days prior to the scheduled initial status conference.

(c) In addition to the initial status conference referenced in paragraph (a) of this section, any party may also request that a conference be held at any time after the complaint has been filed.

(d) During a status conference, the Commission staff may issue oral rulings pertaining to a variety of interlocutory matters relevant to the conduct of a formal complaint proceeding including, inter alia, procedural matters, discovery, and the submission of briefs or other evidentiary materials.

(e) Parties may make, upon written notice to the Commission and all attending parties at least three business days prior to the status conference, an audio recording of the Commission staff’s summary of its oral rulings. Alternatively, upon agreement among all attending parties and written notice to the Commission at least three business days prior to the status conference, the parties may make an audio recording of, or use a stenographer to transcribe, the oral presentations and exchanges between and among the participating parties, insofar as such communications are “on-the-record” as determined by the Commission staff, as well as the Commission staff’s summary of its oral rulings. A complete transcript of any audio recording or stenographic transcription shall be filed with the Commission as part of the record, pursuant to the provisions of paragraph (f)(2) of this section. The parties shall make all necessary arrangements for the use of a stenographer and the cost of transcription, absent agreement to the contrary, will be shared equally by all parties that agree to make the record of the status conference.

(f) The parties in attendance, unless otherwise directed, shall either:

(1) Submit a joint proposed order memorializing the oral rulings made during the conference to the Commission staff by 5:30 pm, Eastern Time, on the business day following the date of the status conference, or as otherwise directed by Commission staff. In the event the parties in attendance cannot reach agreement as to the rulings that were made, the joint proposed order shall include the rulings on which the parties
agree, and each party's alternative proposed rulings for those rulings on which they cannot agree. Commission staff will review and make revisions, if necessary, prior to signing and filing the submission as part of the record. The proposed order shall be submitted both as hard copy and on computer disk in accordance with the requirements of §1.734(d); or

(2) Pursuant to the requirements of paragraph (e) of this section, submit to the Commission by 5:30 pm., Eastern Time, on the third business day following the status conference or as otherwise directed by Commission staff either:

(i) A transcript of the audio recording of the Commission staff's summary of its oral rulings;

(ii) A transcript of the audio recording of the oral presentations and exchanges between and among the participating parties, insofar as such communications are "on-the-record" as determined by the Commission staff, and the Commission staff's summary of its oral rulings; or

(iii) A stenographic transcript of the oral presentations and exchanges between and among the participating parties, insofar as such communications are "on-the-record" as determined by the Commission staff, and the Commission staff's summary of its oral rulings.

(g) Status conferences will be scheduled by the Commission staff at such time and place as it may designate to be conducted in person or by telephone conference call.

(h) The failure of any attorney or party, following reasonable notice, to appear at a scheduled conference will be deemed a waiver by that party and will not preclude the Commission staff from conferring with those parties and/or counsel present.

(i) Accelerated Docket Proceedings. (1) In Accelerated Docket proceedings, the initial status conference will be held 10 days after the answer is due to be filed.

(2) Prior to the initial status conference, the parties shall confer, either in person or by telephone, about:

(i) Discovery to which they can agree;

(ii) Facts to which they can stipulate; and

(iii) Factual and legal issues in dispute.

(3) Two days before the status conference, parties shall submit to Commission staff a joint statement of:

(i) The agreements that they have reached with respect to discovery;

(ii) The facts to which they have agreed to stipulate; and

(iii) The disputed facts or legal issues of which they can agree to a joint statement.

(4) Two days before the status conference, each party also shall submit to Commission staff a separate statement which shall include, as appropriate, the party's statement of the disputed facts and legal issues presented by the complaint proceeding and any additional discovery that the party seeks. A complainant that wishes to reply to a defendant's affirmative defense shall do so in its pre-status-conference filing. To the extent that this filing contains statements replying to an affirmative defense, the complainant shall include, and/or serve with the statement, the witness information and documents required in §1.726(g)(3)-(4). A defendant that intends to rely on expert evidence shall include its expert statement in its pre-status conference filing. (See §1.729(i)(4)(ii).)


§ 1.734 Specifications as to pleadings, briefs, and other documents; subscription.

(a) All papers filed in any formal complaint proceeding must be drawn in conformity with the requirements of §§1.49 and 1.50.

(b) All averments of claims or defenses in complaints and answers shall be made in numbered paragraphs. The contents of each paragraph shall be limited as far as practicable to a statement of a single set of circumstances. Each claim founded on a separate transaction or occurrence and each affirmative defense shall be separately stated to facilitate the clear presentation of the matters set forth.

(c) The original of all pleadings and other submissions filed by any party shall be signed by the party, or by the party's attorney. The signing party
§ 1.735 Copies; service; separate filings against multiple defendants.

(a) Complaints may generally be brought against only one named carrier; such actions may not be brought against multiple defendants unless the defendant carriers are commonly owned or controlled, are alleged to have acted in concert, are alleged to be jointly liable to complainant, or the complaint concerns common questions of law or fact. Complaints may, however, be consolidated by the Commission for disposition.

(b) The complainant shall file an original copy of the complaint, accompanied by the correct fee, in accordance with part I, subpart G (see §1.1105(1)(c) and (d)) and, on the same day:

(1) File three copies of the complaint with the Office of the Commission Secretary;

(2) Serve two copies on the Market Disputes Resolution Division, Enforcement Bureau;

(3) If the complaint is filed against a carrier concerning matters within the responsibility of the International Bureau (see §0.261 of this chapter), serve a copy on the Chief, Telecommunications Division, International Bureau; and

(4) If a complaint is addressed against multiple defendants, pay a separate fee, in accordance with part I, subpart G (see §1.1105(1)(c) and (d)), and file three copies of the complaint with the Office of the Commission Secretary for each additional defendant.

(c) Generally, a separate file is set up for each defendant. An original plus two copies shall be filed of all pleadings and documents, other than the complaint, for each file number assigned.

(d) The complaint shall serve the complaint by hand delivery on either the named defendant or one of the named defendant’s registered agents for service of process on the same date that the complaint is filed with the Commission in accordance with the requirements of paragraph (b) of this section.

(e) Upon receipt of the complaint by the Commission, the Commission shall promptly send, by facsimile transmission to each defendant named in the complaint, notice of the filing of the complaint. The Commission shall send, by regular U.S. mail delivery, to each defendant named in the complaint, a copy of the complaint. The Commission shall additionally send, by regular U.S. mail to all parties, a schedule detailing the date the answer will be due and the date, time and location of the initial status conference.

(f) All subsequent pleadings and briefs filed in any formal complaint proceeding, as well as all letters, documents or other written submissions, shall be served by the filing party on the attorney of record for each party to the proceeding, or, where a party is not represented by an attorney, each party.
§ 1.742 Place of filing, fees, and number of copies.

All applications which do not require a fee shall be filed at the Commission's main office in Washington, DC. Attention: Office of the Secretary. Hand-delivered applications will be dated by the Secretary upon receipt (mailed applications will be dated by the Mail Branch) and then forwarded to the Common Carrier Bureau. All applications accompanied by a fee payment shall be filed with the Commission's lockbox bank in accordance with § 1.1105, Schedule of Fees. The number of copies required for each application and the nonrefundable processing fees and any applicable regulatory fees (see subpart G of this part) which must accompany each application in order to qualify it for acceptance for filing and consideration are set forth in the rules in this chapter relating to various types of applications. However, if any

§ 1.741 Scope.

The general rules relating to applications contained in §§ 1.742 through 1.748 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to parts 80, 87, and 101 of this chapter, and those filed by common carriers pursuant to part 25 of this chapter. Parts 21 and 101 of this chapter contain general rules applicable to applications filed pursuant to these parts. For general rules applicable to applications filed pursuant to parts 80 and 87 of this chapter, see such parts and subpart F of this part. For rules applicable to applications filed pursuant to part 25, see said part.


(a) Where a complaint is filed pursuant to 47 U.S.C. 271(d)(6)(B), parties shall indicate whether they are willing to waive the ninety-day resolution deadline contained in 47 U.S.C. 271(d)(6)(B) in the following manner:

(1) The complainant shall so indicate in both the complaint itself and in the Formal Complaint Intake Form, and the defendant shall so indicate in its answer; or

(2) The parties shall indicate their agreement to waive the ninety-day resolution deadline to the Commission staff at the initial status conference, to be held in accordance with § 1.733 of the rules.

(b) Requests for waiver of the ninety-day resolution deadline for complaints filed pursuant to 47 U.S.C. 271(d)(6)(B) will not be entertained by the Commission staff subsequent to the initial status conference, absent a showing by the complainant and defendant that such waiver is in the public interest.

[63 FR 1041, Jan. 7, 1998]

APPLICATIONS

§ 1.741 Scope.

The general rules relating to applications contained in §§ 1.742 through 1.748 apply to all applications filed by carriers except those filed by public correspondence radio stations pursuant to parts 80, 87, and 101 of this chapter, and those filed by common carriers pursuant to part 25 of this chapter. Parts 21 and 101 of this chapter contain general rules applicable to applications filed pursuant to these parts. For general rules applicable to applications filed pursuant to parts 80 and 87 of this chapter, see such parts and subpart F of this part. For rules applicable to applications filed pursuant to part 25, see said part.

[63 FR 1041, Jan. 7, 1998]
application is not of the type covered by this chapter, an original and two copies of each such application shall be submitted.

59 FR 30998, June 16, 1994

§ 1.743 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission must be signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. 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 incorporated 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 thereto, 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 of his absence from the United States. The attorney shall in that event 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 belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) 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, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

(e) “Signed,” as used in this section, means an original hand-written signature, except that by public notice in the FEDERAL REGISTER the Common Carrier Bureau may allow signature by any symbol executed or adopted by the applicant with the intent that such symbol be a signature, including symbols formed by computer-generated electronic impulses.


§ 1.744 Amendments.

(a) Any application not designated for hearing may be amended at any time by the filing of signed amendments in the same manner, and with the same number of copies, as was the initial application. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

(b) After any application is designated for hearing, requests to amend such application may be granted by the presiding officer upon good cause shown by petition, which petition shall be properly served upon all other parties to the proceeding.

(c) The applicant may at any time be ordered to amend his application so as to make it more definite and certain. Such order may be issued upon motion of the Commission (or the presiding officer, if the application has been designated for hearing) or upon petition of any interested person, which petition shall be properly served upon the applicant and, if the application has been designated for hearing, upon all parties to the hearing.

29 FR 6444, May 16, 1964, and 31 FR 14394, Nov. 9, 1966

§ 1.745 Additional statements.

The applicant may be required to submit such additional documents and written statements of fact, signed and verified (or affirmed), as in the judgment of the Commission (or the presiding officer, if the application has been designated for hearing) may be necessary. Any additional documents and written statements of fact required
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in connection with applications under Title II of the Communications Act need not be verified (or affirmed).

[29 FR 6444, May 16, 1964]

§ 1.746 Defective applications.

(a) Applications not in accordance with the applicable rules in this chapter may be deemed defective and returned by the Commission without acceptance of such applications for filing and consideration. Such applications will be accepted for filing and consideration if accompanied by petition showing good cause for waiver of the rule with which the application does not conform.

(b) The assignment of a file number, if any, to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 1.747 Inconsistent or conflicting applications.

When an application is pending or undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, his successor, or assignee, will be considered by the Commission.

§ 1.748 Dismissal of applications.

(a) Before designation for hearing. Any application not designated for hearing may be dismissed without prejudice at any time upon request of the applicant. An applicant’s request for the return of an application that has been accepted for filing and consideration, but not designated for hearing, will be deemed a request for dismissal without prejudice. The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply with or justify noncompliance with Commission requests for additional information in connection with such application.

(b) After designation for hearing. A request to dismiss an application without prejudice after it has been designated for hearing shall be made by petition properly served upon all parties to the hearing and will be granted only for good cause shown. An application may be dismissed with prejudice after it has been designated for hearing when the applicant:

(1) Fails to comply with the requirements of § 1.221(c);

(2) Otherwise fails to prosecute his application; or

(3) Fails to comply or justify noncompliance with Commission requests for additional information in connection with such application.


§ 1.749 Action on application under delegated authority.

Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in subpart B of part 0 of this chapter, may be acted upon by the Telegraph Committee, the Telephone Committee, or the Chief of the Common Carrier Bureau, respectively, subject to reconsideration by the Commission.

SPECIFIC TYPES OF APPLICATIONS UNDER TITLE II OF COMMUNICATIONS ACT

§ 1.761 Cross reference.

Specific types of applications under Title III of the Communications Act involving public correspondence radio stations are specified in parts 23, 80, 87, and 101 of this chapter.

[61 FR 26671, May 28, 1996]

§ 1.762 Interlocking directorates.

Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act or for a finding that two or more carriers are commonly owned shall be made in the form and manner, with the number of copies set forth in part 62 of this chapter. The Commission shall be informed of any change in status of any person authorized to hold the position of officer or director of more than one carrier, as required by part 62 of this chapter.

[52 FR 5289, Feb. 20, 1987]

§ 1.763 Construction, extension, acquisition or operation of lines.

(a) Applications under section 214 of the Communications Act for authority
to construct a new line, extend any line, acquire or operate any line or extension thereof, or to engage in transmission over or by means of such additional or extended line, to furnish temporary or emergency service, or to supplement existing facilities shall be made in the form and manner, with the number of copies and accompanied by the fees specified in part 63 of this chapter.

(b) In cases under this section requiring a certificate, notice is given to and a copy of the application is filed with the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points), and the Governor of each State involved. Hearing is held if any of these persons desires to be heard or if the Commission determines that a hearing should be held. Copies of applications for certificates are filed with the regulatory agencies of the States involved.

§ 1.765 Consolidation or acquisition of telephone companies.

Applications under section 221(a) of the Communications Act for authority to consolidate or acquire telephone companies shall be made in the form and manner, with the number of copies and accompanied by the fees shown in part 66 of this chapter.

§ 1.766 Consolidation of domestic telegraph carriers.

(a) Applications under section 22 of the Communications Act by two or more domestic telegraph carriers for authorization to effect a consolidation or merger or by any domestic telegraph carrier to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier shall contain such information as is necessary for the Commission to act upon such application under the provisions of section 222 of the Act.

(b) These applications are acted upon by the Commission after public hearing. Reasonable notice in writing of the public hearing and an opportunity to be heard is given by the Commission to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of the Army, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable.

§ 1.767 Cable landing licenses.

(a) Applications for cable landing licenses under 47 U.S.C. 34-39 and Executive Order No. 10530, dated May 10, 1954,
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should be filed in duplicate and in accordance with the provisions of that Executive Order. These applications should contain:

(1) The name, address and telephone number(s) of the applicant;
(2) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized;
(3) The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed;
(4) A description of the submarine cable, including the type and number of channels and the capacity thereof;
(5) A specific description of the cable landing stations on the shore of the United States and in foreign countries where the cable will land. The description shall include a map showing specific coordinates or street addresses of each landing station as well as the identity, citizenship, and specific ownership share of each owner of each U.S. landing station. The applicant initially may file a general geographic description of the landing points; however, grant of the application will be conditioned on the Commission’s final approval of a more specific description of the landing points, including all information required by this paragraph, to be filed by the applicant no later than 90 days prior to construction. The Commission will give public notice of the filing of this description, and grant of the license will be considered final if the Commission does not notify the applicant otherwise in writing no later than 60 days after receipt of the specific description of the landing points, unless the Commission designates a different time period;
(6) A statement as to whether the cable will be operated on a common carrier or non-common carrier basis;
(7) A list of the proposed owners of the cable system, their voting interests, and their ownership interests by segment in the cable;
(8) For each proposed owner of the cable system, a certification as to whether the proposed owner is, or is affiliated with, a foreign carrier (as defined in §63.09 of this chapter). Include the information and certifications required in §63.18(h) through (k) of this chapter; and
(9) Any other information that may be necessary to enable the Commission to act on the application.

(b) These applications are acted upon by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as it may require.

(c) Original files relating to submarine cable landing licenses and applications for licenses since June 30, 1934, are kept by the Commission. Such applications for licenses (including all documents and exhibits filed with and made a part thereof, with the exception of any maps showing the exact location of the submarine cable or cables to be licensed) and the licenses issued pursuant thereto, with the exception of such maps, shall, unless otherwise ordered by the Commission, be open to public inspection in the offices of the Commission in Washington, D.C.

(d) Original files relating to licenses and applications for licenses for the landing operation of cables prior to June 30, 1934, were kept by the Department of State, and such files prior to 1930 have been transferred to the Executive and Foreign Affairs Branch of the General Records Office of the National Archives. Requests for inspection of these files should, however, be addressed to the Federal Communications Commission, Washington, D.C., 20554; and the Commission will obtain such files for a temporary period in order to permit inspection at the offices of the Commission.

(e) A separate application shall be filed with respect to each individual cable system for which a license is requested, or for which modification or amendment of a previous license is requested. The application fee for a non common-carrier cable landing license is payment type code BJT. Applicants for common carrier cable landing licenses shall pay the fees for both a common carrier cable landing license (payment type code CXT) and overseas cable construction (payment type code BIT). There is no application fee for modification of a cable landing license, except that the fee for assignment or
§ 1.771 Transfer of control of a cable landing license is payment type code CUT. See § 1.1107(2) of this chapter.

(f) Applicants shall disclose to any interested member of the public, upon written request, accurate information concerning the location and timing for the construction of a submarine cable system authorized under this section. This disclosure shall be made within 30 days of receipt of the request.


TARIFFS

§ 1.771 Filing.

Schedules of charges, and classifications, practices, and regulations affecting such charges, required under section 203 of the Communications Act shall be constructed, filed, and posted in accordance with and subject to the requirements of part 61 of this chapter.

§ 1.772 Application for special tariff permission.

Applications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner, with the number of copies set out in part 61 of this chapter.

[52 FR 5289, Feb. 20, 1987]

§ 1.773 Petitions for suspension or rejection of new tariff filings.

(a) Petition—(1) Content. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing or any provision thereof shall specify the filing’s Federal Communications Commission tariff number and carrier transmittal number, the items against which protest is made, and the specific reasons why the protested tariff filing warrants investigation, suspension, or rejection under the Communications Act. No petition shall include a prayer that it also be considered a formal complaint. Any formal complaint shall be filed as a separate pleading as provided in § 1.721.

(i) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing or any provision of such a publication, must specify the pertinent Federal Communications Commission tariff number and carrier transmittal number; the matters protested; and the specific reasons why the tariff warrants investigation, suspension, or rejection. When a single petition asks for more than one form of relief, it must separately and distinctly plead and support each form of relief. However, no petition may ask that it also be considered a formal complaint. Formal complaints must be separately lodged, as provided in § 1.721.

(ii) For purposes of this section, tariff filings by nondominant carriers will be considered prima facie lawful, and will not be suspended by the Commission unless the petition requesting suspension shows:

(A) That there is a high probability the tariff would be found unlawful after investigation;

(B) That the harm alleged to competition would be more substantial than the injury to the public arising from the unavailability of the service pursuant to the rates and conditions proposed in the tariff filing;

(C) That irreparable injury will result if the tariff filing is not suspended; and

(D) That the suspension would not otherwise be contrary to the public interest.

(iii) For the purpose of this section, any tariff filing by a local exchange carrier filed pursuant to the requirements of § 61.39 will be considered prima facie lawful and will not be suspended by the Commission unless the petition requesting suspension shows that the cost and demand studies or average schedule information was not provided upon reasonable request. If such a showing is not made, then the filing will be considered prima facie lawful and will not be suspended by the Commission unless the petition requesting suspension shows each of the following:

(A) That there is a high probability the tariff would be found unlawful after investigation;

(B) That any unreasonable rate would not be corrected in a subsequent filing;

(C) That irreparable injury will result if the tariff filing is not suspended; and

(D) That the suspension would not otherwise be contrary to the public interest.
(D) That the suspension would not otherwise be contrary to the public interest.

(iv) For the purposes of this section, tariff filings made pursuant to §61.49(b) by carriers subject to price cap regulation will be considered prima facie lawful, and will not be suspended by the Commission unless the petition shows that the support information required in §61.49(b) was not provided, or unless the petition requesting suspension shows each of the following:

(A) That there is a high probability the tariff would be found unlawful after investigation;
(B) That the suspension would not substantially harm other interested parties;
(C) That irreparable injury will result if the tariff filing is not suspended; and
(D) That the suspension would not otherwise be contrary to the public interest.

(v) For the purposes of this section, any tariff filing by a price cap LEC filed pursuant to the requirements of §61.42(d)(4)(ii) of this chapter will be considered prima facie lawful, and will not be suspended by the Commission unless the petition requesting suspension shows each of the following:

(A) That there is a high probability the tariff would be found unlawful after investigation;
(B) That any unreasonable rate would not be corrected in a subsequent filing;
(C) That irreparable injury will result if the tariff filing is not suspended; and
(D) That the suspension would not otherwise be contrary to the public interest.

(2) When filed. All petitions seeking investigation, suspension, or rejection of a new or revised tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Common Carrier Bureau, the Chief, Tariff Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with §1.773(a)(4).

(i) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing pursuant to section 204(a)(3) of the Communications Act made on 7 days notice shall be filed and served within 3 calendar days after the date of the tariff filing.

(ii) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice shall be filed and served within 6 days after the date of the tariff filing.

(iii) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 15 but less than 30 days notice shall be filed and served within 7 days after the date of the tariff filing.

(iv) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 15 days after the date of the tariff filing.

(v) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 90 or more days notice shall be filed and served within 25 days after the date of the tariff filing.

(3) Computation of time. Intermediate holidays shall be counted in determining the above filing dates. If the date for filing the petition falls on a holiday, the petition shall be filed on the next succeeding business day.

(4) Copies, service. An original and four copies of each petition shall be filed with the Commission as follows: the original and three copies of each petition shall be filed with the Secretary, FCC room TW-A325, 445 12th Street, SW., Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor, International Transcription Service, Inc., 2100 M St., NW., Suite 140, Washington, DC. Additional, separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau, the Chief, Tariff and Price Analysis Branch of the Competitive Pricing Division.
§ 1.773 47 CFR Ch. 1 (10–1–00 Edition)

Petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served on the filing carrier by mail.

(b) Reply—(1) When filed. A publishing carrier’s reply to a petition for relief from a tariff filing shall be filed in accordance with the following periods:

(i) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing pursuant to section 204(a)(3) of the Act made on 7 days notice shall be filed and served within 2 days after the date the petition is filed with the Commission.

(ii) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice shall be filed and served within 3 days after the date the petition is due to be filed with the Commission.

(iii) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 15 but less than 30 days notice shall be filed and served within 4 days after service of the petition.

(iv) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 5 days after service of the petition.

(v) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 90 or more days notice shall be filed and served within 8 days after service of the petition.

(vi) Where all petitions against a tariff filing have not been filed on the same day, the publishing carrier may file a consolidated reply to all the petitions. The time for filing such a consolidated reply will begin to run on the last date for timely filed petitions, as fixed by paragraphs (a)(2) (i) through (iv) of this section, and the date on which the consolidated reply is due will be governed by paragraphs (b)(1) (i) through (iv) of this section.

(2) Computation of time. Intermediate holidays shall be counted in determining the 3-day filing date for replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice. Intermediate holidays shall not be counted in determining filing dates for replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 15 or more days notice. When a petition is permitted to be served upon the filing carrier by mail, an additional 3 days (counting holidays) may be allowed for filing the reply. If the date for filing the reply falls on a holiday, the reply may be filed on the next succeeding business day.

(3) Copies, service. An original and four copies of each reply shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, FCC room 222, 1919 M Street, N.W., Washington, DC 20554; one copy must be delivered directly to the Commission’s Copy contractor, International Transcription Service, Inc., 2100 M St., N.W., Suite 140, Washington, DC. Additional separate copies shall be served simultaneously upon the Chief, Common Carrier Bureau; the Chief, Competitive Division; and the Chief, Tariff and Price Analysis Branch of the Competitive Pricing Division and the petitioner. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served on petitioners personally or via facsimile. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served upon petitioners personally, by mail or via facsimile.

§ 1.774 Pricing flexibility.

(a) Petitions. (1) A petition seeking pricing flexibility for specific services pursuant to part 69, subpart H, of this chapter, with respect to a metropolitan statistical area (MSA), as defined in § 22.909(a) of this chapter, or the non-MSA parts of a study area, must show that the price cap LEC has met the relevant thresholds set forth in part 69, subpart H, of this chapter.

(2) The petition must make a separate showing for each MSA for which the petitioner seeks pricing flexibility, and for the portion of the study area that falls outside any MSA.

(3) Petitions seeking pricing flexibility for services described in §§ 69.709(a) and 69.711(a) of this chapter must include:
   (i) The total number of wire centers in the relevant MSA or non-MSA parts of a study area, as described in § 69.707 of this chapter;
   (ii) The number and location of the wire centers in which competitors have collocated in the relevant MSA or non-MSA parts of a study area, as described in § 69.707 of this chapter;
   (iii) In each wire center on which the price cap LEC bases its petition, the name of at least one collocator that uses transport facilities owned by a provider other than the price cap LEC to transport traffic from that wire center; and
   (iv)(A) The percentage of the wire centers in the relevant MSA or non-MSA area, as described in § 69.707 of this chapter, in which competitors have collocated and use transport facilities owned by a provider other than the price cap LEC to transport traffic from that wire center.

(b) Confidential treatment. A price cap LEC wishing to request confidential treatment of information contained in a pricing flexibility petition should demonstrate, by a preponderance of the evidence, that the information should be withheld from public inspection in accordance with the requirements of § 0.459 of this chapter.

(c) Oppositions. Any interested party may file comments or oppositions to a petition for pricing flexibility. Comments and oppositions shall be filed no later than 15 days after the petition is filed. Time shall be computed pursuant to § 1.4.

(d) Replies. The petitioner may file a reply to any oppositions filed in response to its petition for pricing flexibility. Replies shall be filed no later than 10 days after comments are filed. Time shall be computed pursuant to § 1.4.

(e) Copies, service. (1)(i) Any price cap LEC filing a petition for pricing flexibility must file an original and four copies of its petition with the Commission in accordance with § 1.102 of this chapter.

(ii) Any interested party filing comments or oppositions may file those comments through ETFS.

(ii) Any interested party electing to file an opposition or comment in response to a pricing flexibility petition through a method other than ETFS must file an original and four copies of the petition with the Commission in accordance with § 1.102 of this chapter.
§ 1.781 Requests for extension of filing time.

Requests for extension of time within which to file contracts, reports, and requests referred to in §§ 1.783 through 1.814 shall be made in writing and may be granted for good cause shown.

Contracts

§ 1.783 Filing.

Copies of carrier contracts, agreements, concessions, licenses, authorizations or other arrangements, shall be filed as required by part 43 of this chapter.

Financial and Accounting Reports and Requests

§ 1.785 Annual financial reports.

(a) An annual financial report shall be filed by telephone carriers and affiliates as required by part 43 of this chapter on form M.

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10-K, Form 1-MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person directly or indirectly controlling any communications common carrier in accordance with part 43 of this chapter.

(c) Carriers having separate departments or divisions for carrier and non-carrier operations shall file separate supplemental annual reports with respect to such carrier and non-carrier operations in accordance with part 43 of this chapter.


§ 1.786 [Reserved]

§ 1.787 Reports of proposed changes in depreciation rates.

Carriers shall file reports regarding proposed changes in depreciation rates as required by part 43 of this chapter.
§ 1.788 Reports regarding pensions and benefits.
Carriers shall file reports regarding pensions and benefits as required by part 43 of this chapter.

§ 1.789 Reports regarding division of international telegraph communication charges.
Carriers engaging in international telegraph communication shall file reports in regard to the division of communication charges as required by part 43 of this chapter.

§ 1.790 Reports relating to traffic by international carriers.
Carriers shall file periodic reports regarding international point-to-point traffic as required by part 43 of this chapter.

§ 1.791 Reports and requests to be filed under part 32 of this chapter.
Reports and requests shall be filed either periodically, upon the happening of specified events, or for specific approval by class A and class B telephone companies in accordance with and subject to the provisions of part 32 of this chapter.

§ 1.795 Reports regarding interstate rates of return.
Carriers shall file reports regarding interstate rates of return on FCC Form 492 as required by part 65 of this chapter.

§ 1.802 Reports relating to continuing authority to supplement facilities or to provide temporary or emergency service.
Carriers receiving authority under part 63 of this chapter shall file quarterly or semiannual reports as required therein.

§ 1.803 Reports relating to reduction in temporary experimental service.
As required in part 63 of this chapter, carriers shall report reductions in service which had previously been expanded on an experimental basis for a temporary period.

§ 1.805 Reports relating to service by carriers engaged in public radio service operations.
Monthly and quarterly reports must be filed with the Commission in connection with certain fixed public radio service operations. No form is prescribed. A complete description of the contents of these reports is contained in part 23 of this chapter.

§ 1.811 Reports regarding amendments to charters, by-laws and partnership agreements of carriers engaged in domestic public radio services.
Amendments to such documents shall be reported and filed in accordance with part 21 of this chapter.

§ 1.813 Reports of negotiations regarding foreign communication matters.
Pursuant to the requirements of part 43 of this chapter, carriers engaging or participating in foreign communications shall file monthly reports covering negotiations conducted.

§ 1.814 Reports regarding free service rendered the Government for national defense.
Carriers rendering free service in connection with the national defense to any agency of the United States Government shall file reports in accordance with part 2 of this chapter.

§ 1.815 Reports of annual employment.
(a) Each common carrier licensee or permittee with 16 or more full time employees shall file with the Commission, on or before May 31 of each year, on FCC Form 395, an annual employment report.
(b) A copy of every annual employment report filed by the licensee or permittee pursuant to the provisions herein; and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated herein by reference are open
§ 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.

[63 FR 68920, Dec. 14, 1998]

§ 1.822 General selection procedures. (a) Mutually exclusive applications for permits and licenses in the services specified in §1.821 may be designated for random selection according to the procedures established for each service. Following the random selection, the Commission shall determine whether the applicant is qualified to receive the permit or license. If, after reviewing the tentative selectee's application and pleadings properly filed against it, the Commission determines that a substantial and material question of fact exists, it shall designate the qualifying issue(s) for an expedited hearing.

(b) Expedited hearing procedures. (1) Hearings may be conducted by the Commission or an Administrative Law Judge. In the case of a question which requires oral testimony for its resolution, the hearing will be conducted by an Administrative Law Judge.

(2) Parties have ten (10) days from publication in the Federal Register of the hearing designation order to file notices of appearance.

(3) When the Commission, under §1.221, issues an order stating the time, place, and nature of the hearing, this order shall instruct the applicant to submit its direct case in writing within thirty (30) days from the order's release date, or as otherwise specified in the order. The direct written case must set forth all those facts and circumstances related to the issues in the designation order. Documentary evidence upon which the applicant relies must be attached. Each exhibit must be numbered and must be accompanied by an affidavit from someone who has personal knowledge of the facts in the submission and who attests to the truth of the submission.

(4) The order will also specify those petitioners that directly raised an issue which was designated and will inform these parties of their opportunity to submit a written rebuttal case within twenty (20) days after the direct case is due. The procedures in paragraph (b)(3) of this section will apply as to documentary evidence, exhibits, and affidavits.

(5) Appeal of initial decisions rendered by an Administrative Law Judge shall lie with the Commission.


§ 1.824 Random selection procedures for Multichannel Multipoint Distribution Service and Multichannel Distribution Service H-Channel stations.

(a) If there are mutually exclusive applications for an initial conditional license or license, the Commission may use the random selection process to select the conditional licensee or licensee. Each such random selection shall be conducted under the direction of the Office of the Managing Director in conjunction with the Office of the Secretary. Following the random selection, the Commission shall announce the tentative selectee and determine whether the applicant is qualified to receive the conditional license or license. If the Commission determines that the tentative selectee is qualified, it shall grant the application. In the event that the tentative selectee's application is denied, a second random selection will be conducted. Petitions for Reconsideration, Motions to Stay or Applications for Review may be submitted at the time the Commission grants or denies the application of the tentative selectee. The filing periods...
specifying in the rules shall apply for such pleadings.

(b) Competing applications for conditional licenses and licenses shall be designated for random selection in accordance with §§1.1621, 1.1622(a), (b), (c), (d), and (e), and 1.1623. No preferences pursuant to §1.1622(b)(2) or (b)(3) shall be granted to any MMDS or MDS H-channel applicant whose owners, when aggregated, have an ownership interest of more than 50 percent in the media of mass communication whose service areas, as set forth at §1.1622(e)(1) through (e)(7), wholly encompass or are encompassed by the protected service area contour, computed in accordance with §21.902(d) of this chapter, for which the license or conditional license is sought.

(c) Petitions to Deny may be filed only against the tentative selectee. These petitions must be filed within 30 days of the Public Notice announcing such tentative selection. A consolidated reply may be filed within 15 days of the due date for Petitions to Deny.


Subpart F—Wireless Telecommunications Services Applications and Proceedings

SOURCE: 28 FR 12454, Nov. 22, 1963, unless otherwise noted.

SCOPE AND AUTHORITY

§ 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.

[63 FR 68921, Dec. 14, 1998]

§ 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 art 1 shall govern.

[63 FR 68921, Dec. 14, 1998]

§ 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.

[63 FR 68921, Dec. 14, 1998]
§ 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 Isotopically 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, 48, 80, 87, 90, 95, 97 and 101 of this
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.

§ 1.914 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
§ 1.913

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.

[63 FR 68922, Dec. 14, 1998]

§ 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.

[63 FR 68923, Dec. 14, 1998]

§ 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.

[63 FR 68923, Dec. 14, 1998]

§ 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 x 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.

(i) Unless an exception is set forth elsewhere in this chapter, each applicant must specify an address where the applicant can receive mail delivery by the United States Postal Service. This address will be used by the Commission to serve documents or direct correspondence to the applicant.

§ 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:

<table>
<thead>
<tr>
<th>Frequency range</th>
<th>Field strength (mV/m)</th>
<th>Power flux density (dBW/m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 540 kHz</td>
<td>10</td>
<td>-65.8</td>
</tr>
<tr>
<td>540 to 1600 kHz</td>
<td>20</td>
<td>-59.8</td>
</tr>
<tr>
<td>1.6 to 470 MHz</td>
<td>10</td>
<td>-65.8</td>
</tr>
<tr>
<td>470 to 890 MHz</td>
<td>30</td>
<td>56.2</td>
</tr>
<tr>
<td>890 and above</td>
<td>1</td>
<td>85.8</td>
</tr>
</tbody>
</table>

Note: Equivalent values of power flux density are calculated assuming free space characteristic impedance of 376.7 omega (120π Ω).

(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 with 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/ES2, 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 dBW/m² power flux density assuming a free space characteristic impedance of 120π Ω) 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 office;

(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 these islands that may cause interference to the operations of the Arecibo Observatory 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.
§1.924

(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:
39°48'00" N. Lat. on the north
103°31'00" W. Long. on the east
105°58'00" W. Long. on the west

Rectangle 2:
38°50'00" N. Lat. on the north
107°00'00" W. Long. on the east
105°50'00" W. Long. on the west

Rectangle 3:
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
76°52'00" W. Long. on the west;

(2) Within a radius of 178 km of
39°48'00" N. Lat./76°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 coordinates:

Denver, CO area: 39°43'00" N. Lat./104°46'00" W. Long.
Washington, DC area: 38°46'00" 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" N., 70°31'58.3" W.,
(ii) 46°17'00" N., 148°10'00" W.,
(iii) 48°43'00" 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.,
§ 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.

(c) Amendments to 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 for competitive bidding, except as provided in paragraphs (b) through (e) of this section.

(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
§ 1.928 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950, had an arrangement with the Canadian Department of Communications for the exchange of frequency assignment information and engineering comments on proposed assignments along the Canada-United States borders in certain bands above 30 MHz. Except as provided in paragraph (b) of this section, this arrangement involves assignments in the following frequency bands.

<table>
<thead>
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<th>MHz</th>
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<tr>
<td>30.56-32.00</td>
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<td>35.00-36.00</td>
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<td>39.00-40.00</td>
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<tr>
<td>42.00-46.00</td>
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<tr>
<td>47.00-49.60</td>
<td></td>
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<tr>
<td>72.00-73.00</td>
<td></td>
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<td>75.40-76.00</td>
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<td>150.80-174.00</td>
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<tr>
<td>450-470</td>
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<tr>
<td>806.00-960.00</td>
<td></td>
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<tr>
<td>1850.0-2200.0</td>
<td></td>
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<tr>
<td>2450.0-2690.0</td>
<td></td>
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<tr>
<td>3700.0-4200.0</td>
<td></td>
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<tr>
<td>5925.0-7125.0</td>
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<tr>
<td>GHz</td>
<td></td>
</tr>
<tr>
<td>10.55-10.68</td>
<td></td>
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<tr>
<td>10.70-13.25</td>
<td></td>
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</table>

(b) The following frequencies are not involved in this arrangement because of the nature of the services:

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<thead>
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<th>MHz</th>
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<tbody>
<tr>
<td>156.3</td>
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<td>156.9</td>
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<tr>
<td>156.95</td>
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<td>157.0 and 161.6</td>
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<td>157.05</td>
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<td>157.35</td>
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(c) Assignments proposed in accordance with the railroad industry radio frequency allotment plan along the United States-Canada borders utilizing the Federal Communications Commission and the Department of Transport, respectively, may be excepted from this arrangement at the discretion of the referring agency.

(d) Assignments proposed in any radio service in frequency bands below 470 MHz appropriate to this arrangement, other than those for stations in the Domestic Public (land mobile or
fixed) category, may be excepted from this arrangement at the discretion of the referring agency if a base station assignment has been made previously under the terms of this arrangement or prior to its adoption in the same radio service and on the same frequency and in the local area, and provided the basic characteristics of the additional station are sufficiently similar technically to the original assignment to preclude harmful interference to existing stations across the border.

(e) For bands below 470 MHz, the areas which are involved lie between Lines A and B and between Lines C and D, which are described as follows:

Line A—Begins at Aberdeen, Wash., running by great circle arc to the intersection of 48 deg. N., 120 deg. W., thence along parallel 48 deg. N., to the intersection of 35 deg. W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45 deg. N., 85 deg. W., thence southward along meridian 85 deg. W., to its intersection with parallel 41 deg. N., thence along parallel 41 deg. N., to its intersection with meridian 82 deg. W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates; and

Line B—Begins at Tofino, B.C., running by great circle arc to the intersection of 50 deg. N., 125 deg. W., thence along parallel 50 deg. N., to the intersection of 90 deg. W., thence by great circle arc to the intersection of 45 deg. N., 79 deg. W., thence by great circle arc through the northernmost point of Drummondville, Quebec (lat: 45 deg. 52′ N., long: 72 deg. 30′ W.), thence by great circle arc to 48 deg. 30′ N., 70 deg. W., thence by great circle arc through the northernmost point of Liverpool, N.S., at which point it terminates.

Line C—Begins at the intersection of 70 deg. N., 144 deg. W., thence by great circle arc to the intersection of 60 deg. N., 143 deg. W., thence by great circle arc so as to include all of the Alaskan Panhandle; and

Line D—Begins at the intersection of 70 deg. N., 136 deg. W., thence by great circle arc to the intersection of 61 deg. 20′ N., 139 deg. W., (Burwash Landing), thence by great circle arc to the intersection of 60 deg. 45′ N., 135 deg. W., thence by great circle arc to the intersection of 56 deg. N., 128 deg. W., thence south along 128 deg. meridian to Lat. 55 deg. N., thence by great circle arc to the intersection of 54 deg. N., 130 deg. W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends.

(f) For all stations using bands between 470 MHz and 1000 MHz; and for any station of a terrestrial service using a band above 1000 MHz, the areas which are involved are as follows:

(1) For a station the antenna of which looks within the 200 deg. sector toward the Canada-United States borders, that area in each country within 35 miles of the borders;

(2) For a station the antenna of which looks within the 160 deg. sector away from the Canada-United States borders, that area in each country within 5 miles of the borders; and

(3) The area in either country within coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 in a receiving earth station in the other country which uses the same band.

(g) Proposed assignments in the space radiocommunication services and proposed assignments to stations in frequency bands allocated coequally to space and terrestrial services above 1 GHz are not treated by these arrangements. Such proposed assignments are subject to the regulatory provisions of the International Radio Regulations.

(h) Assignments proposed in the frequency band 806-890 MHz shall be in accordance with the Canada-United States agreement, dated April 7, 1982.

[64 FR 53238, Oct. 1, 1999]

§ 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, as any;

(2) Request that a CGSA boundary or portion of a CGSA 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; or,

(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) and in GMRS systems licensed to non-individuals:

(i) Change in frequency or modification of channel pairs;

(ii) Change in the type of emission;

(iii) Change in effective radiated power from that authorized or, for GMRS systems licensed to non-individuals, an increase in the transmitter power of a station;

(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 GMRS or 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 the microwave services:

(1) Except as specified in paragraph (d)(2) and (d)(3) of this section, the following, in addition to those filings listed in paragraph (a) of this section, 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:

(i) 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;
(ii) Any increase in frequency tolerance;
(iii) Any increase in bandwidth;
(iv) Any change in emission type;
(v) Any increase in EIRP greater than 3 dB;
(vi) Any increase in transmit antenna height (above mean sea level) more than 3 meters, except as specified in paragraph (d)(3) of this section;
(vii) Any increase in transmit antenna beamwidth, except as specified in paragraph (d)(3) of this section;
(viii) Any change in transmit antenna polarization;
(ix) Any change in transmit antenna azimuth greater than 1 degree, except as specified in paragraph (d)(3) of this section; or,
(x) 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.

(2) Changes to transmit antenna location of Multiple Address System (MAS) Remote Units and Digital Electronic Message Service (DEMS) User Units are not major.

(3) Changes in accordance with paragraphs (d)(1)(vi), (d)(1)(vii) and (d)(1)(ix) of this section are not major for the following:

(i) Fixed Two-Way MAS on the remote to master path,
(ii) Fixed One-Way Inbound MAS on the remote to master path,
(iii) Multiple Two-Way MAS on the remote to master and master to remote paths,
(iv) Multiple One-Way Outbound MAS on the master to remote path,
(v) Mobile MAS Master,
(vi) Fixed Two-Way DEMS on the user to nodal path, and
(vii) Multiple Two-Way DEMS on the nodal to user and user to nodal paths.

Note to paragraph (d)(3) of §1.929: For the systems and path types described in paragraph (d)(3) of this section, the data provided by applicants is either a typical value for a certain parameter or a fixed value given in the Form instructions.

(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 radiolocation 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.
§ 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.

(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.

(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.

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(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 a temporary permit, evidenced by a properly executed certification made on FCC Form 605.

(7) 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.

(8) 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.

(9) An applicant for an Aircraft 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.

(10) 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 ap-
plication for a period of up to 180 days
under a conditional permit. Condition-
al operations may commence upon
the filing of a properly completed ap-
plication that complies with § 90.127 if
the application, when frequency co-
ordination is required, is accompanied
by evidence of frequency coordination
in accordance with § 90.175 of this chap-
ter. Operation under such a permit is
evidenced by the properly executed
Form 601 with certifications that sat-
isfy the requirements of § 90.159(b).

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

[63 FR 68928, Dec. 14, 1998]

§ 1.933 Public notices.

(a) Generally. Periodically, the Com-
mmission issues Public Notices in the
Wireless Radio Services listing infor-
mation of public significance. Cat-
egories of Public Notice listings are as
follows:

(1) Accepted for filing. Acceptance for
filing of applications and major amend-
ments thereto.

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

(3) Environmental considerations. Spe-
cial 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 plead-
ings.

(b) Accepted for filing public notices.
The Commission will issue at regular
intervals public notices listing applica-
tions that have been received by the
Commission in a condition acceptable
for filing, or which have been returned
to an applicant for correction. Any ap-
plication that has been listed in a pub-
lic notice as acceptable for filing and is
(1) subject to a major amendment, or
(2) has been returned as defective or in-
complete and resubmitted to the Com-
mmission, shall be listed in a subsequent
public notice. Acceptance for filing
shall not preclude the subsequent dis-
missal of an application as defective.

(c) Public notice prior to grant. Appli-
cations for authorizations, major modi-
fications, major amendments to appli-
cations, and substantial assignment or
transfer applications for the following
categories of stations and services
shall be placed on Public Notice as ac-
cepted for filing prior to grant:

(1) Wireless Telecommunications
Services.

(2) Industrial radiopositioning sta-
tions for which frequencies are as-
signed 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, no-
tices, and other filings need not be
placed on Public Notice as accepted for
filing prior to grant:

(1) Applications or notifications con-
cerning minor modifications to author-
zations or minor amendments to appli-
cations.

(2) Applications or notifications con-
cerning non-substantial (pro forma) as-
signments and transfers.

(3) Consent to an involuntary assign-
ment 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 fa-
cilities.

(6) Requests for special temporary
authorization not to exceed 30 days
where the applicant does not con-
template 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 author-
zations under section 308(a) of the
Communications Act.

§ 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;

(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. However, if the failure to 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
§ 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 paid or will pay 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 withdrawal of applications pursuant to bona fide merger agreements;

(2) 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 any 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

(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.

[63 FR 68930, Dec. 14, 1998]
§ 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.

[63 FR 68931, Dec. 14, 1998]

§ 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, 445 Twelfth Street, S.W., Room TW-B204, Washington, DC 20554. 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 1/2" 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
§ 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.

[63 FR 68933, Dec. 14, 1998]

§ 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. Where other rule parts permit licensees to make permissive changes to technical parameters without notifying the Commission (e.g., adding, modifying, or deleting internal sites), no notification is required. For all other types of minor modifications (e.g., name, address, point of contact changes), licensees must notify the Commission by filing
§ 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 210-219 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 using FCC Form 603. The assignee or transferee is responsible for providing this notification, including the date the transaction was consummated. For transfers and assignments that require prior Commission approval, the transaction must be consummated and notification provided to the Commission within 180 days of public notice of approval, and notification of consummation must occur no later than 30 days after actual consummation, unless a request for an extension of time to consummate is filed on FCC Form 603 prior to the expiration of this 180-day period. For transfers and assignments that do not require prior Commission approval, notification of consummation must be provided on FCC Form 603 no later than 30 days.
§ 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...
Federal Communications Commission

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.

[63 FR 68934, Dec. 14, 1998]

§ 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.

[63 FR 68934, Dec. 14, 1998]

§ 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 §1.949 of this part. No authorization granted under the provisions of this part shall be for a term longer than ten years.

(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.


EDITORIAL NOTE: At 64 FR 53240, Oct. 1, 1999, §1.955 was amended by revising the last sentence of paragraph (b)(2) to read “See §1.946(c) of this part.”, effective Nov. 30, 1999. However, paragraph (b)(2) does not exist in the 1998 volume.

§ 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
§ 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.

[63 FR 68935, Dec. 14, 1998]

§ 1.981 Reports, annual and semi-annual.

(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.

[63 FR 68935, Dec. 14, 1998]

Subpart G—Schedule of Statutory Charges and Procedures for Payment

SOURCE: 52 FR 5289, Feb. 20, 1987, unless otherwise noted.

§ 1.1101 Authority.

Authority to impose and collect these charges is contained in title III, section 3001 of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), revising 47 U.S.C. 158, which directs the Commission to prescribe charges for certain of the regulatory services it provides to many of the communications entities within its jurisdiction. This law revises section 8 of the Communications Act of 1934, as amended, which contains a Schedule of Charges as well as procedures for modifying and collecting these charges.

[55 FR 19155, May 8, 1990]
§ 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.]

<table>
<thead>
<tr>
<th>Action</th>
<th>FCC Form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Marine Coast:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. New; Renewal</td>
<td>503 &amp; 159</td>
<td>$95.00</td>
<td>PBMR*</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>b. Modification; Public Coast GMRS; Non-Profit.</td>
<td>503 &amp; 159</td>
<td>95.00</td>
<td>PBMM</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>c. Assignment of Authorization.</td>
<td>503, 1046 &amp; 159</td>
<td>95.00</td>
<td>PBMM</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>d. Transfer of Control</td>
<td>703 &amp; 159</td>
<td>50.00</td>
<td>PATM</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>e. Duplicate License</td>
<td>Corres &amp; 159</td>
<td>50.00</td>
<td>PADM</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>f. Special Temporary Authority.</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>PCMM</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
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<td>g. Renewal</td>
<td>452R &amp; 159</td>
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<td>PBMR*</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358270, Pittsburgh, PA 15251–5270.</td>
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<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358270, Pittsburgh, PA 15251–5270.</td>
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<td>5. Private Operational Fixed Microwave:</td>
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<td>PEOR</td>
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Federal Communications Commission § 1.1102

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<td>6. Land Mobile, PMRS:</td>
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<td>a. New or Renew/Mod (Frequencies below 470 MHz except 220 MHz)</td>
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<td>c. New or Renew/Mod (Frequencies 470 MHz and above and 220 MHz Local)</td>
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<td>g. Modification: Non-Profit; For Profit Special Emergency and Public Safety; and CMRS</td>
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<td>50.00</td>
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<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
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Federal Communications Commission § 1.1102

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<td>b. Minor Mod; Renewal; Minor Renewal/Mod; (Per Call Sign) 900 MHz Nationwide Renewal New Organ; New Operator (Per Operator/Per City); Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic filing required).</td>
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<td>g. Combining Cellular Geographic Areas (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>70.00</td>
<td>CBC</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
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<tr>
<td>18. Rural Radio:</td>
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<tr>
<td>a. New; Major Renew/Mod; Additional Facility (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>145.00</td>
<td>CGRR</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>b. Major Mod; Major Amendment (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>145.00</td>
<td>CGRR</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>c. Minor Modification; (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>50.00</td>
<td>CARM</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>d. Assignment of License or Transfer of Control (Full or Partial) (Per Call Sign); Additional Calls (Per Call Sign) (Electronic Filing Required).</td>
<td>603 &amp; 159</td>
<td>$145.00</td>
<td>CARM</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>e. Renewal (Per Call Sign); Minor Renew/Mod (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>50.00</td>
<td>CARR</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
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§ 1.1103

[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.]

<table>
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<th>Action</th>
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<tr>
<td>f. Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>50.00</td>
<td>CARM</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
</tr>
<tr>
<td>g. Special Temporary Authority (Per Transmitter).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLRM</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>h. Special Temporary Authority (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLRM</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
</tr>
<tr>
<td>i. Combining Call Signs (Per Call Sign) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLRM</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
</tr>
<tr>
<td>j. Auxiliary Test Station (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLRM</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
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<tr>
<td>19. Offshore Radio:</td>
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<tr>
<td>a. New; Major Mod; Additional Facility; Major Amendment; Major Renewal Mod; Fill in Transmitters (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>145.00</td>
<td>CGF</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
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<tr>
<td>b. Consolidate Call Signs (Per Call Sign); Auxiliary Test (Per Transmitter) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLF</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
</tr>
<tr>
<td>c. Minor Modification (Per Transmitter) Notice of Completion of Construction or Extension of Time to Construct (Per Application); Renewal (Per Call Sign) (Electronic Filing Required).</td>
<td>601 &amp; 159</td>
<td>50.00</td>
<td>CAF</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
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<tr>
<td>d. Assignment of License or Transfer of Control (Full or Partial).</td>
<td>603 &amp; 159</td>
<td>145.00</td>
<td>CGF</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
</tr>
<tr>
<td>e. Special Temporary Authority (Per Transmitter).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLF</td>
<td>Federal Communications Commission, Wireless Bureau Applications, P.O. Box 358130, Pittsburgh, PA 15251–5130.</td>
</tr>
<tr>
<td>f. Special Temporary Authority (Per Transmitter) (Electronic Filing).</td>
<td>601 &amp; 159</td>
<td>270.00</td>
<td>CLF</td>
<td>Federal Communications Commission, Wireless Bureau ELT, P.O. Box 358994, Pittsburgh, PA 15251–5994.</td>
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20. Billing

<table>
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<th>Action</th>
<th>FCC Form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
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<tbody>
<tr>
<td>a. Receivers (except TV &amp; FM).</td>
<td>Electronic 731</td>
<td>$385.00</td>
<td>EEC</td>
<td>Federal Communications Commission, Equipment Approval Services P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>b. Devices Under Parts 11, 15 &amp; 18 (except TV and FM).</td>
<td>Electronic 731</td>
<td>985.00</td>
<td>EGC</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
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</tbody>
</table>
§ 1.1104 Schedule of charges for applications and other filings for the Mass Media Services.

[Those services designated with an asterisk in the Payment Type Code column accepts multiples if filing in the same post office box.]

<table>
<thead>
<tr>
<th>Action</th>
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<tbody>
<tr>
<td>c. All Other Devices ..........................</td>
<td>Electronic 731 &amp; Electronic or Paper 159.</td>
<td>495.00</td>
<td>EFT</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>d. Modifications and Class II Permissive Changes.</td>
<td>Electronic 731 &amp; Electronic or Paper 159.</td>
<td>50.00</td>
<td>EAC</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>e. Request for Confidentiality</td>
<td>Electronic 731 &amp; Electronic or Paper 159.</td>
<td>145.00</td>
<td>EBC</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>2. Advance Approval of Subscription TV Systems.</td>
<td>Electronic Corres &amp; Electronic or Paper 159.</td>
<td>3,010.00</td>
<td>EIS</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>a. Request for Confidentiality</td>
<td>Electronic Corres &amp; Electronic or Paper 159.</td>
<td>145.00</td>
<td>EBS</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>3. Assignment of Grantee Code: a. New Applicants for all Application Types, except Subscription TV.</td>
<td>Electronic Corres &amp; Electronic or Paper 159.</td>
<td>50.00</td>
<td>EAG</td>
<td>Federal Communications Commission, Equipment Approval Services, P.O. Box 358315, Pittsburgh, PA 15251–5315.</td>
</tr>
<tr>
<td>b. Modification of Authorization.</td>
<td>442 &amp; 159 .....</td>
<td>50.00</td>
<td>EAE</td>
<td>Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.</td>
</tr>
<tr>
<td>c. Renewal of Station Authorization.</td>
<td>442 &amp; 159 .....</td>
<td>50.00</td>
<td>EAE</td>
<td>Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.</td>
</tr>
<tr>
<td>d. Assignment of Transfer of Control.</td>
<td>702 &amp; 159 or 703 &amp; 159.</td>
<td>50.00</td>
<td>EAE</td>
<td>Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.</td>
</tr>
<tr>
<td>e. Special Temporary Authority Requirements.</td>
<td>Corres &amp; 159</td>
<td>50.00</td>
<td>EAE</td>
<td>Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.</td>
</tr>
<tr>
<td>f. Additional fee required for any of the above applications that request withholding from public inspection.</td>
<td>Corres &amp; 159</td>
<td>50.00</td>
<td>EAE</td>
<td>Federal Communications Commission, Equipment Radio Services, P.O. Box 358320, Pittsburgh, PA 15251–5320.</td>
</tr>
</tbody>
</table>

§ 1.1104 Schedule of charges for applications and other filings for the Mass Media Services.

[65 FR 49751, Aug. 15, 2000]
Federal Communications Commission

§ 1.1104

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<tr>
<td>c. Main Studio Request</td>
<td>Corres &amp; 159</td>
<td>755.00</td>
<td>MPT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165</td>
</tr>
<tr>
<td>d. New License (per application)</td>
<td>302–TV &amp; 159 or 302–CA &amp; 159</td>
<td>230.00</td>
<td>MPT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165</td>
</tr>
<tr>
<td>e. License Renewal</td>
<td>303–S &amp; 159</td>
<td>135.00</td>
<td>MGT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165</td>
</tr>
<tr>
<td>f. License Assignment: (1) Long Form</td>
<td>314 &amp; 159</td>
<td>755.00</td>
<td>MPT*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350</td>
</tr>
<tr>
<td>(2) Short Form</td>
<td>316 &amp; 159</td>
<td>110.00</td>
<td>MDT*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350</td>
</tr>
<tr>
<td>g. Transfer of Control: (1) Long Form</td>
<td>315 &amp; 159</td>
<td>755.00</td>
<td>MPT*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350</td>
</tr>
<tr>
<td>(2) Short Form</td>
<td>316 &amp; 159</td>
<td>110.00</td>
<td>MDT*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350</td>
</tr>
<tr>
<td>h. Hearing (New and Major/Minor Change Comparative Construction Permit Hearings)</td>
<td>Corres &amp; 159</td>
<td>9,020.00</td>
<td>MWT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170</td>
</tr>
<tr>
<td>i. Call Sign</td>
<td>380 &amp; 159</td>
<td>75.00</td>
<td>MBT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165</td>
</tr>
<tr>
<td>j. Special Temporary Authority</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165</td>
</tr>
<tr>
<td>k. Petition for Rulemaking for New Community of License</td>
<td>301 &amp; 159 or 302–TV &amp; 159</td>
<td>2,090.00</td>
<td>MRT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165</td>
</tr>
<tr>
<td>l. Ownership Report</td>
<td>323 &amp; 159 or Corres &amp; 159</td>
<td>50.00</td>
<td>MAT</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180</td>
</tr>
<tr>
<td>a. New or Major Change Construction Permit</td>
<td>301 &amp; 159</td>
<td>3,010.00</td>
<td>MUR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
</tr>
<tr>
<td>b. Minor Change</td>
<td>301 &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
</tr>
<tr>
<td>c. Main Studio Request</td>
<td>Corres &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
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<tr>
<td>d. New License</td>
<td>302–AM &amp; 159</td>
<td>495.00</td>
<td>MMR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
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<td>e. AM Directional Antenna</td>
<td>302–AM &amp; 159</td>
<td>570.00</td>
<td>MOR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
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<tr>
<td>f. AM Remote Control</td>
<td>301 &amp; 159</td>
<td>50.00</td>
<td>MAR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
</tr>
<tr>
<td>g. License Renewal</td>
<td>303–S &amp; 159</td>
<td>135.00</td>
<td>MGR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190</td>
</tr>
<tr>
<td>h. License Assignment: (1) Long Form</td>
<td>314 &amp; 159</td>
<td>755.00</td>
<td>MPR*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350</td>
</tr>
<tr>
<td>(2) Short Form</td>
<td>316 &amp; 159</td>
<td>110.00</td>
<td>MDR*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350</td>
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[Those services designated with an asterisk in the Payment Type Code column accepts multiples if filing in the same post office box.]

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<tr>
<td>I. Transfer of Control:</td>
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<tr>
<td>(1) Long Form</td>
<td>315 &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
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<td>(2) Short Form</td>
<td>316 &amp; 159</td>
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<td>MDR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
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<tr>
<td>j. Hearing (New or Major/Minor Change, Comparative Construction Permit)</td>
<td>Corres &amp; 159</td>
<td>9,020.00</td>
<td>MW</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.</td>
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<tr>
<td>k. Call Sign</td>
<td>380 &amp; 159</td>
<td>75.00</td>
<td>MBR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.</td>
</tr>
<tr>
<td>l. Special Temporary Authority</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.</td>
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<tr>
<td>m. Ownership Report</td>
<td>323 &amp; 159 or Corres &amp; 159</td>
<td>50.00</td>
<td>MAR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.</td>
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<tr>
<td>3. Commercial FM Radio Station:</td>
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<tr>
<td>a. New or Major Change Construction Permit</td>
<td>301 &amp; 159</td>
<td>2,710.00</td>
<td>MTR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
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<tr>
<td>b. Minor Change</td>
<td>301 &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
</tr>
<tr>
<td>c. Main Studio Request</td>
<td>Corres &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
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<tr>
<td>d. New License</td>
<td>302–FM &amp; 159</td>
<td>155.00</td>
<td>MHR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
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<tr>
<td>e. FM Directional Antenna</td>
<td>302–FM &amp; 159</td>
<td>475.00</td>
<td>MLR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
</tr>
<tr>
<td>f. License Renewal</td>
<td>303–S &amp; 159</td>
<td>135.00</td>
<td>MGR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358190, Pittsburgh, PA 15251–5190.</td>
</tr>
<tr>
<td>g. License Assignment:</td>
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<td></td>
</tr>
<tr>
<td>(1) Long Form</td>
<td>314 &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>(2) Short Form</td>
<td>316 &amp; 159</td>
<td>110.00</td>
<td>MDR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>h. Transfer of Control:</td>
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</tr>
<tr>
<td>(1) Long Form</td>
<td>315 &amp; 159</td>
<td>755.00</td>
<td>MPR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>(2) Short Form</td>
<td>316 &amp; 159</td>
<td>110.00</td>
<td>MDR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>i. Hearing (New and Major/Minor Change Comparative Construction Permit Hearings)</td>
<td>Corres &amp; 159</td>
<td>9,020.00</td>
<td>MWR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358170, Pittsburgh, PA 15251–5170.</td>
</tr>
<tr>
<td>j. Call Sign</td>
<td>380 &amp; 159</td>
<td>75.00</td>
<td>MBR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358165, Pittsburgh, PA 15251–5165.</td>
</tr>
<tr>
<td>k. Special Temporary Authority</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
</tr>
<tr>
<td>l. Petition for Rulemaking for For New Community of License or Higher Class Channel</td>
<td>301 &amp; 159 or 302–FM &amp; 159</td>
<td>2,090.00</td>
<td>MRR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358195, Pittsburgh, PA 15251–5195.</td>
</tr>
<tr>
<td>m. Ownership Report</td>
<td>323 &amp; 159 or Corres &amp; 159</td>
<td>50.00</td>
<td>MAR</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358180, Pittsburgh, PA 15251–5180.</td>
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Federal Communications Commission § 1.1104

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<td>4. FM Translators:</td>
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</tr>
<tr>
<td>a. New or Major Change Construction Permit.</td>
<td>349 &amp; 159</td>
<td>570.00</td>
<td>MDF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>b. New License</td>
<td>350 &amp; 159</td>
<td>115.00</td>
<td>MEF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>c. License Renewal</td>
<td>303–S &amp; 159</td>
<td>50.00</td>
<td>MAF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>d. Special Temporary Authority.</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>E. License Assignment</td>
<td>345 &amp; 159 or 314 &amp; 159 or 316 &amp; 159</td>
<td>110.00</td>
<td>MDF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>f. Transfer of Control</td>
<td>345 &amp; 159 or 315 &amp; 159 or 316 &amp; 159</td>
<td>110.00</td>
<td>MDF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>5. TV Translators and LPTV Stations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. New or Major Change Construction Permit.</td>
<td>346 &amp; 159</td>
<td>570.00</td>
<td>MOL</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>b. New License</td>
<td>347 &amp; 159</td>
<td>115.00</td>
<td>MEL</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>c. License Renewal</td>
<td>303–S &amp; 159</td>
<td>50.00</td>
<td>MAL*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>d. Special Temporary Authority.</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGL</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>e. License Assignment</td>
<td>345 &amp; 159 or 314 &amp; 159 or 316 &amp; 159</td>
<td>110.00</td>
<td>MDL*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>f. Transfer of Control</td>
<td>345 &amp; 159 or 315 &amp; 159 or 316 &amp; 159</td>
<td>110.00</td>
<td>MDL*</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358350, Pittsburgh, PA 15251–5350.</td>
</tr>
<tr>
<td>6. FM Booster Stations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. New or Major Change Construction Permit.</td>
<td>349 &amp; 159</td>
<td>570.00</td>
<td>MDF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>b. New License</td>
<td>350 &amp; 159</td>
<td>115.00</td>
<td>MEF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>c. Special Temporary Authority.</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358200, Pittsburgh, PA 15251–5200.</td>
</tr>
<tr>
<td>7. TV Booster Stations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. New or Major Change Construction Permit.</td>
<td>346 &amp; 159</td>
<td>570.00</td>
<td>MDF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>b. New License</td>
<td>347 &amp; 159</td>
<td>115.00</td>
<td>MEF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>c. Special Temporary Authority.</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGF</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, PA 15251–5185.</td>
</tr>
<tr>
<td>8. Multipoint Distribution Service (Including Multichannel MDS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Conditional License (Per Station)</td>
<td>304 &amp; 159 or 331 &amp; 159</td>
<td>210.00</td>
<td>CJM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 358155, Pittsburgh, PA 15251–5155.</td>
</tr>
</tbody>
</table>
§ 1.1105 Schedule of charges for applications and other filings in the common carrier services.

<table>
<thead>
<tr>
<th>Action</th>
<th>FCC Form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>b. Major Modifications of Conditional Licenses or License Authorization (Per Station).</td>
<td>304 &amp; 159 or 331 &amp; 159.</td>
<td>210.00</td>
<td>CJM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>c. Certificate of Completion of Construction (Per Channel).</td>
<td>304-A &amp; 159</td>
<td>610.0</td>
<td>CPM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>d. License Renewal (Per Station).</td>
<td>405 &amp; 159</td>
<td>210.00</td>
<td>CJM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>e. Assignment or Transfer: (1) First Station on Application.</td>
<td>702 &amp; 159 or 704 &amp; 159.</td>
<td>75.00</td>
<td>CCM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>(2) Each Additional Station.</td>
<td>702 &amp; 159 or 704 &amp; 159.</td>
<td>50.00</td>
<td>CAM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>f. Extension of Construction Authorization.</td>
<td>701 &amp; 159</td>
<td>175.00</td>
<td>CHM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization.</td>
<td>Corres &amp; 159</td>
<td>95.00</td>
<td>CEM</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>h. Signal Booster: (1) Application ...............</td>
<td>304 &amp; 159 or 331 &amp; 159.</td>
<td>70.00</td>
<td>CSB</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
<tr>
<td>(2) Certification of Completion of Construction.</td>
<td>304-A &amp; 159</td>
<td>70.00</td>
<td>CCB</td>
<td>Federal Communications Commission, Mass Media Services, P.O. Box 3581155, Pittsburgh, PA 15251–5155.</td>
</tr>
</tbody>
</table>

[65 FR 49752, Aug. 15, 2000]
§ 1.1106 Schedule of charges for applications and other filings in the cable services.

<table>
<thead>
<tr>
<th>Action</th>
<th>FCC Form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Waiver of part 69 Tariff Rules (per request).</td>
<td>Corres &amp; 159</td>
<td>655.00</td>
<td>CQK</td>
<td>Federal Communications Commission, Common Carrier Tariff Filing, P.O. Box 358150, Pittsburgh, PA 15251–5150.</td>
</tr>
<tr>
<td>5. Accounting and Audits:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Field Audit</td>
<td>Corres &amp; 159</td>
<td>83,090.00</td>
<td>BMA</td>
<td>Federal Communications Commission, Accounting and Audits, P.O. Box 358340 Pittsburgh, PA 15251–5340.</td>
</tr>
<tr>
<td>b. Review of Attest Audit</td>
<td>Corres &amp; 159</td>
<td>45,355.00</td>
<td>BLA</td>
<td>Federal Communications Commission, Accounting and Audits, P.O. Box 358340 Pittsburgh, PA 15251–5340.</td>
</tr>
<tr>
<td>c. Review of Depreciation Update Study:</td>
<td>Corres &amp; 159</td>
<td>27,595.00</td>
<td>BKA</td>
<td>Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.</td>
</tr>
<tr>
<td>(1) Single State</td>
<td></td>
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</tr>
<tr>
<td>(2) Each Additional State</td>
<td>Corres &amp; 159</td>
<td>910.00</td>
<td>CVA</td>
<td>Federal Communications Commission, Accounting and Audits, P.O. Box 358140 Pittsburgh, PA 15251–5140.</td>
</tr>
<tr>
<td>d. Petition for Waiver (per petition Waiver of Part 69 Accounting Rules &amp; Part 32 Accounting Rules, Part 36 Separation Rules, Part 43 Reporting Requirements Part 64 Allocation of Costs Rules Part 65 Rate of Return &amp; Rate Base Rules.</td>
<td>Corres &amp; 159</td>
<td>6,220.00</td>
<td>BEA</td>
<td>Federal Communications Commission, Accounting and Audits, P.O. Box 358140, Pittsburgh, PA 15251–5140.</td>
</tr>
<tr>
<td>e. Development and Review of Agreed-upon-Procedures Engagement Audit.</td>
<td>Corres &amp; 159</td>
<td>45,355.00</td>
<td>BLA</td>
<td>Federal Communications Commission, Accounting and Audits, P.O. Box 358140 Pittsburgh, PA 15251–5140.</td>
</tr>
<tr>
<td></td>
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<tr>
<td>[65 FR 49755, Aug. 15, 2000]</td>
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</tbody>
</table>

§ 1.1106 Schedule of charges for applications and other filings in the cable services.
§ 1.1107  Schedule of charges for applications and other filings in the international services.

<table>
<thead>
<tr>
<th>Action</th>
<th>FCC Form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. International Fixed Public Radio: (Public &amp; Control Station)</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Initial Construction Permit (per station).</td>
<td>407 &amp; 159</td>
<td>$685.00</td>
<td>CSN</td>
<td>Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>b. Assignment or Transfer (per Application).</td>
<td>702 &amp; 159 or 704 &amp; 159</td>
<td>685.00</td>
<td>CSN</td>
<td>Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>c. Renewal (per license)</td>
<td>405 &amp; 159</td>
<td>495.00</td>
<td>CON</td>
<td>Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>d. Modification (per station)</td>
<td>403 &amp; 159</td>
<td>495.00</td>
<td>CON</td>
<td>Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>e. Extension of Construction Authorization (per station)</td>
<td>701 &amp; 159</td>
<td>250.00</td>
<td>CKN</td>
<td>Federal Communications Commission, International Bureau—Fixed Public Radio, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>f. Special Temporary Authority or request for Waiver (per request)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Section 214 Applications:</td>
<td>Corres &amp; 159</td>
<td>12,175.00</td>
<td>BIT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>a. Overseas Cable Construction</td>
<td>Corres &amp; 159</td>
<td>1,370.00</td>
<td>CXT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>(1) Common Carrier</td>
<td>Corres &amp; 159</td>
<td>13,540.00</td>
<td>BJT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>(2) Non-Common Carrier</td>
<td>Corres &amp; 159</td>
<td>815.00</td>
<td>CUT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>c. All Other International 214 Applications.</td>
<td>Corres &amp; 159</td>
<td>815.00</td>
<td>CUT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>d. Special Temporary Authority (all services).</td>
<td>Corres &amp; 159</td>
<td>815.00</td>
<td>CUT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>e. Assignments or Transfers (all services).</td>
<td>Corres &amp; 159</td>
<td>815.00</td>
<td>CUT</td>
<td>Federal Communications Commission, International Bureau—Telecommunications, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
<tr>
<td>a. Initial Application (per station).</td>
<td>312 &amp; Schedule B &amp; 159</td>
<td>145.00</td>
<td>CGX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>b. Modification of License (per station).</td>
<td>312 &amp; Schedule B &amp; 159</td>
<td>405.00</td>
<td>CNX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
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### Federal Communications Commission § 1.1107

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<th>Action</th>
<th>FCC form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Each Additional Station.</td>
<td>Attachment to 312 Schedule A &amp; 159.</td>
<td>135.00</td>
<td>CFX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>d. Renewal of License (per station).</td>
<td>405 &amp; 159</td>
<td>145.00</td>
<td>CGX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).</td>
<td>Corres &amp; 159</td>
<td>145.00</td>
<td>CGX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>f. Amendment of Pending Application (per station).</td>
<td>312 &amp; Sched. A or B &amp; 159.</td>
<td>145.00</td>
<td>CGX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>g. Extension of Construction Permit (per station).</td>
<td>701 &amp; 159</td>
<td>145.00</td>
<td>CGX</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>4. Fixed Satellite transmit/Receive Earth Stations, (2 meters or less operating in the 4/6 GHz frequency band):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Lead Application</td>
<td>312 &amp; Schedule B &amp; 159.</td>
<td>4,510.00</td>
<td>BDS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>b. Routine Application (per station).</td>
<td>312 &amp; Schedule B &amp; 159.</td>
<td>50.00</td>
<td>CAS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>c. Modification of License (per station).</td>
<td>312 &amp; Schedule B &amp; 159.</td>
<td>145.00</td>
<td>CGS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>d. Assignment or Transfer: (1) First Station</td>
<td>312 &amp; Schedule A &amp; 159.</td>
<td>405.00</td>
<td>CNS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>(2) Each Additional Station.</td>
<td>Attachment to 312 Schedule A &amp; 159.</td>
<td>50.00</td>
<td>CAS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>e. Renewal of License (per station).</td>
<td>405 &amp; 159</td>
<td>145.00</td>
<td>CGS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).</td>
<td>Corres &amp; 159</td>
<td>145.00</td>
<td>CGS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>g. Amendment of Pending Application (per station).</td>
<td>312 &amp; Sched. A or B &amp; 159.</td>
<td>145.00</td>
<td>CGS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>h. Extension of Construction Permit (per station).</td>
<td>701 &amp; 159</td>
<td>145.00</td>
<td>CGS</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>5. Receive Only Earth Stations:</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>a. Initial Applications for Registration or License (per station).</td>
<td>312 &amp; Schedule B &amp; 159.</td>
<td>310.00</td>
<td>CMO</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>b. Modification of License or Registration (per station).</td>
<td>312 &amp; Schedule B &amp; 159.</td>
<td>145.00</td>
<td>CGO</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>c. Assignment or Transfer: (1) First Station</td>
<td>312 &amp; Schedule A &amp; 159.</td>
<td>405.00</td>
<td>CNO</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>(2) Each Additional Station.</td>
<td>Attachment to 312 Schedule A &amp; 159.</td>
<td>135.00</td>
<td>CFO</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>d. Renewal of License (per station).</td>
<td>405 &amp; 159</td>
<td>145.00</td>
<td>CGO</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>e. Amendment of Pending Application (per station).</td>
<td>312 &amp; Sched. A or B &amp; 159.</td>
<td>145.00</td>
<td>CGO</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
</tr>
<tr>
<td>Action</td>
<td>FCC form No.</td>
<td>Fee amount</td>
<td>Payment type code</td>
<td>Address</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>6. Fixed Satellite Very Small Aperture Terminal (AVSAT) System:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Initial Application (per station).</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>7,510.00</td>
<td>BGV Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>b. Modification of License (per station).</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>145.00</td>
<td>CGV Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>c. Assignment or Transfer of System.</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>2,010.00</td>
<td>CZS Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>d. Renewal of License (per system).</td>
<td>405 &amp; 159</td>
<td>145.00</td>
<td>CGV Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).</td>
<td>Corres &amp; 159</td>
<td>145.00</td>
<td>CGV Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>f. Amendment of Pending Application (per system).</td>
<td>312 &amp; Schedule A or B &amp; 159.</td>
<td>145.00</td>
<td>CGV Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>g. Extension of Construction Permit (per system).</td>
<td>701 &amp; 159</td>
<td>145.00</td>
<td>CGV Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>7. Mobile Satellite Earth Stations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Initial Application for Individual Earth Station.</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>1,805.00</td>
<td>CYB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>c. Modification of License (per system).</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>145.00</td>
<td>CGB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>d. Assignment or Transfer (per system).</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>2,010.00</td>
<td>CZB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>e. Renewal of License (per system).</td>
<td>405 &amp; 159</td>
<td>145.00</td>
<td>CGB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).</td>
<td>Corres &amp; 159</td>
<td>145.00</td>
<td>CGB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>g. Amendment of Pending Application (per system).</td>
<td>312 &amp; Schedule A or B &amp; 159.</td>
<td>145.00</td>
<td>CGB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>h. Extension of Construction Permit (per system).</td>
<td>701 &amp; 159</td>
<td>145.00</td>
<td>CGB Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>8. Radio Determination Satellite Earth Station:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Initial Application for Individual Earth Station.</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>1,805.00</td>
<td>CYH Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>c. Modification of License (per system).</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>145.00</td>
<td>CGH Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>d. Assignments or Transfer (per system).</td>
<td>312 &amp; Schedule A &amp; B &amp; 159.</td>
<td>2,010.00</td>
<td>CZH Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251-5160.</td>
<td></td>
</tr>
<tr>
<td>Action</td>
<td>FCC form No.</td>
<td>Fee amount</td>
<td>Payment type code</td>
<td>Address</td>
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<tr>
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</tr>
<tr>
<td>e. Renewal of License (per system).</td>
<td>405 &amp; 159</td>
<td>145.00</td>
<td>CGH</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>f. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).</td>
<td>Corres &amp; 159</td>
<td>145.00</td>
<td>CGH</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>g. Amendment of Pending Application (per system).</td>
<td>312 &amp; Sched. A or B &amp; 159</td>
<td>145.00</td>
<td>CGH</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>h. Extension of Construction Permit (per system).</td>
<td>701 &amp; 159</td>
<td>145.00</td>
<td>CGH</td>
<td>Federal Communications Commission, International Bureau—Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.</td>
</tr>
<tr>
<td>i. Space Stations (GSO):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Application for Authority to Launch &amp; Operate:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Initial Application</td>
<td>312 &amp; 159</td>
<td>93,375.00</td>
<td>BNY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>(2) Replacement Satellite.</td>
<td>312 &amp; 159</td>
<td>93,375.00</td>
<td>BNY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>b. Assignment or Transfer (per satellite).</td>
<td>312 &amp; Schedule A &amp; 159</td>
<td>6,670.00</td>
<td>BFY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>c. Modification</td>
<td>312 &amp; 159</td>
<td>6,670.00</td>
<td>BFY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>d. Special Temporary Authority (per request).</td>
<td>Corres &amp; 159</td>
<td>670.00</td>
<td>CRY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>e. Amendment of Pending Application (per request).</td>
<td>312 &amp; 159</td>
<td>1,335.00</td>
<td>CRY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>f. Extension of Launch Authority.</td>
<td>Corres &amp; 159</td>
<td>670.00</td>
<td>CRY</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>i. Space Stations (NGSO):</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>a. Application for Authority to Launch and Operate (per system of technically identical satellites).</td>
<td>312 &amp; 159</td>
<td>321,570.00</td>
<td>CLW</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>b. Assignment or Transfer (per request).</td>
<td>312 &amp; 159</td>
<td>9,195.00</td>
<td>CZW</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>c. Modification (per request)</td>
<td>312 &amp; 159</td>
<td>22,970.00</td>
<td>CGW</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>d. Special Temporary Authority (per request).</td>
<td>Corres &amp; 159</td>
<td>2,305.00</td>
<td>CXW</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>e. Amendment of Pending Application (per request).</td>
<td>312 &amp; 159</td>
<td>4,600.00</td>
<td>CAW</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>f. Extension of Launch Authority.</td>
<td>Corres &amp; 159</td>
<td>2,305.00</td>
<td>CXW</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>i. Direct Broadcast Satellites:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Authorization to Construct or Major Modification (per request).</td>
<td>Corres &amp; 159</td>
<td>2,710.00</td>
<td>MTD</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>b. Construction Permit and Launch authority (per request).</td>
<td>Corres &amp; 159</td>
<td>26,295.00</td>
<td>MXD</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>c. License to Operate (per request).</td>
<td>Corres &amp; 159</td>
<td>755.00</td>
<td>MPD</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
<tr>
<td>d. Special Temporary Authority (per request).</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGD</td>
<td>Federal Communications Commission, International Bureau—Satellites, P.O. Box 358210, Pittsburgh, PA 15251–5210.</td>
</tr>
</tbody>
</table>
### § 1.1108

**Attachment of charges.**

The charges required to accompany a request for the Commission regulatory services listed in §§ 1.1102 through 1.1107 of this subpart will not be refundable to the applicant irrespective of the Commission’s disposition of that request. Return or refund of charges will be made in certain limited instances as set out at §1.1113 of this subpart.

### § 1.1109

**Payment of charges.**

(a) Electronic fee payments do not require the use of a FCC Form 159, Remittance Advice. An electronic fee payment must be made on or before the day the application and appropriate processing form are filed.

(b) The schedule of fees for applications and other filings lists those applications and other filings that must be accompanied by a FCC Form 159, Remittance Advice. A separate FCC Form 159 will not be required once the information requirements of that form (payor information) is incorporated into the underlying application form.

(c) Applications and other filings that are not submitted in accordance with these instructions will be returned as unprocessable.

**NOTE:** This requirement for the simultaneous submission of fee forms with applications or other filings does not apply to the payment of fees for which the Commission has established a billing process. See §1.1118 of this subpart.

### Table: Fee Schedules

<table>
<thead>
<tr>
<th>Action</th>
<th>FCC form No.</th>
<th>Fee amount</th>
<th>Payment type code</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Hearing (New and Major Minor change, comparative construction permit hearings; comparative license renewal hearing).</td>
<td>Corres &amp; 159</td>
<td>9,020.00</td>
<td>MWD</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358270, Pittsburgh, PA 15251–5170.</td>
</tr>
<tr>
<td>12. International Broadcast Stations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. New Station &amp; Facilities Change Construction Permit (per application).</td>
<td>309 &amp; 159</td>
<td>2,275.00</td>
<td>MSN</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>b. New License (per application).</td>
<td>310 &amp; 159</td>
<td>515.00</td>
<td>MNN</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>c. License Renewal (per application).</td>
<td>311 &amp; 159</td>
<td>130.00</td>
<td>MFN</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>d. License Assignment or Transfer of Control (per station/license).</td>
<td>314 &amp; 159 or 315 &amp; 159 or 316 &amp; 159.</td>
<td>85.00</td>
<td>MCN</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>e. Frequency Assignment &amp; Coordination (per frequency hour).</td>
<td>Corres &amp; 159</td>
<td>50.00</td>
<td>MAN</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>f. Special Temporary Authorization (per application).</td>
<td>Corres &amp; 159</td>
<td>135.00</td>
<td>MGN</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>13. Permit to Deliver Programs to Foreign Broadcast Stations (per application):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Commercial TV Stations</td>
<td>308 &amp; 159</td>
<td>75.00</td>
<td>MBT</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>b. Commercial AM or FM Radio Stations.</td>
<td>308 &amp; 159</td>
<td>75.00</td>
<td>MBR</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358175, Pittsburgh, PA 15251–5175.</td>
</tr>
<tr>
<td>14. Recognized Private Operating Status (per application).</td>
<td>Corres &amp; 159</td>
<td>815.00</td>
<td>CUG</td>
<td>Federal Communications Commission, International Bureau, P.O. Box 358115, Pittsburgh, PA 15251–5115.</td>
</tr>
</tbody>
</table>

[65 FR 49757, Aug. 15, 2000]

[65 FR 49762, Aug. 15, 2000]
fee when resubmitted, unless the additional information results in an increase of the original fee amount. Those applications not requiring an additional fee should be resubmitted directly to the Bureau/Office requesting the additional information. The original fee will be forfeited if the additional information or corrections are not resubmitted to the appropriate Bureau/Office by the prescribed deadline. If an additional fee is required, the original fee will be returned and the application must be resubmitted with a new remittance in the amount of the required fee to the Commission's lockbox bank. Applicants should attach a copy of the Commission request for additional or corrected information to their resubmission.

(1) If the Bureau/Office staff discovers within 30 days after the resubmission that the required fee was not submitted, the application will be dismissed.

(2) If after 30 days the Bureau/Office staff discovers the required fee has not been paid, the application will be retained and a 25 percent late fee will be assessed on the deficient amount even if the Commission has completed its action on the application. Any Commission actions taken prior to timely payment of these charges are contingent and subject to recession.

(e) Should the staff change the status of an application, resulting in an increase in the fee due, the applicant will be billed for the remainder under the conditions established by §1.110(b) of the rules.

NOTE: Due to the statutory requirements applicable to tariff filings, the procedures for handling tariff filings may vary from the procedures set out in the rules.

§1.1110 Form of payment.

(a) Fee payments should be in the form of a check, bank draft, on money order denominated in U.S. dollars and drawn on a United States financial institution and made payable to the Federal Communications Commission or by a Visa or MasterCard credit card. No other credit card is acceptable. Fees for applications and other filings paid by credit card will not be accepted unless the credit card section of FCC Form 159 is completed in full. The Commission discourages applicants from submitting cash and will not be responsible for cash sent through the mail. Personal or corporate checks dated more than six months prior to their submission to the Commission's lockbox bank and postdated checks will not be accepted and will be returned as deficient. Third party checks (i.e., checks with a third party as maker or endorser) will not be accepted.

(1) Specific procedures for electronic payment will be announced by Public Notice. Applicants must submit a written request to the Commission for authorization to make electronic payments of a fee for applications and other filings, as follows.

(2) No electronic payment of an application fee will be accepted unless the payor has obtained the written authorization of the Commission to submit application fees electronically. It is the responsibility of the payor to insure that any electronic payment is made in the manner required by the Commission. Failure to comply with the Commission's procedures will result in the return of the application or other filing and the fee payment.

(3) Payments by wire transfer will be accepted. Prior to making a payment by wire, the payor shall obtain the approval of the Managing Director or his designee. A completed FCC Form 159 shall be submitted to the Managing Director or his designee prior to initiating the wire transfer.

(b) Applicants are required to submit one payment instrument (check, bank draft or money order) and FCC Form 159 with each application or filing. Multiple payment instruments for a single application or filing are not permitted. Except that a separate Fee Form (FCC Form 159) will not be required once the information requirements of that form (the Fee Code, fee amount, and total fee remitted) are incorporated into the underlying application form.

(c) The Commission may accept multiple money orders in payment of a fee.
§ 1.1111

for a single application where the fee exceeds the maximum amount for a money order established by the issuing agency and the use of multiple money orders is the only practical method available for fee payment.

(d) The Commission may require payment of fees with a cashier’s check upon notification to an applicant or filer or prospective group of applicants under the conditions set forth below in paragraphs (d) (1) and (2) of this section.

(1) Payment by cashier’s check may be required when a person or organization has made payment, on one or more occasions with a payment instrument on which the Commission does not receive final payment and such failure is not excused by bank error.

(2) The Commission will notify the party in writing that future payments must be made by cashier’s check until further notice. If, subsequent to such notice, payment is not made by cashier’s check, the party’s payment will not be accepted and its application or other filing will be returned.

(e) All fees collected will be paid into the general fund of the United States Treasury in accordance with Pub. L. 99-272.

(f) The Commission will furnish a stamped receipt of an application only upon request that complies with the following instructions. In order to obtain a stamped receipt for an application (or other filing), the application package must include a copy of the first page of the application, clearly marked “copy”, submitted expressly for the purpose of serving as a receipt of the filing. The copy should be the top document in the package. The copy will be date-stamped immediately and provided to the bearer of the submission, if hand delivered. For submissions by mail, the receipt copy will be provided through return mail if the filer has attached to the receipt copy a stamped self-addressed envelope of sufficient size to contain the date stamped copy of the application. No remittance receipt copies will be furnished.

§ 1.1111  Filing locations.

(a) Except as noted in this section, applications and other filings, with attached fees and FCC Form 159, must be submitted to the locations and addresses set forth in §§ 1.1102 through 1.1107.

(1) Tariff filings shall be filed with the Secretary, Federal Communications Commission, Washington, DC 20554. On the same day, the filer should submit a copy of the cover letter, the FCC Form 159, and the appropriate fee to the Commission’s lockbox bank at the address established in § 1.1105.

(2) Bills for collection will be paid at the Commission’s lockbox bank at the address of the appropriate service as established in §§ 1.1102 through 1.1107, as set forth on the bill sent by the Commission. Payments must be accompanied by the bill and a FCC Form 159 to ensure proper credit.

(3) Petitions for reconsideration or applications for review of fee decisions pursuant to § 1.1117(b) of this subpart must be accompanied by the required fee for the application or other filing being considered or reviewed.

(4) Applicants claiming an exemption from a fee requirement for an application or other filing under 47 U.S.C. 158(d)(1) or § 1.1114 of this subpart shall file their applications in the appropriate location as set forth in the rules for the service for which they are applying, except that request for waiver accompanied by a tentative fee payment should be filed at the Commission’s lockbox bank at the address for the appropriate service set forth in §§ 1.1102 through 1.1107.

(b) Except as provided for in paragraph (c) of this section, all materials must be submitted as one package. The
§ 1.1112 Conditionality of Commission or staff authorizations.

(a) Any instrument of authorization granted by the Commission, or by its staff under delegated authority, will be conditioned upon final payment of the applicable fee and timely payment of bills issued by the Commission. As applied to checks, bank drafts and money orders, final payment shall mean receipt by the Treasury of funds cleared by the financial institution on which the check, bank draft or money order is drawn.

(1) If, prior to a grant of an instrument of authorization, the Commission is notified that final payment has not been made, the application or filing will be:

(i) Dismissed and returned to the applicant;

(ii) Shall lose its place in the processing line;

(iii) And will not be accorded nunc pro tunc treatment if resubmitted after the relevant filing deadline.

(2) If, subsequent to a grant of an instrument of authorization, the Commission is notified that final payment has not been made, the Commission will:

(i) Automatically rescind that instrument of authorization for failure to meet the condition imposed by this subsection; and

(ii) Notify the grantee of this action; and

(iii) Not permit nunc pro tunc treatment for the resubmission of the application or filing if the relevant deadline has expired.

(3) Upon receipt of a notification of rescission of the authorization, the grantee will immediately cease operations initiated pursuant to the authorization.

(b) In those instances where the Commission has granted a request for deferred payment of a fee or issued a bill payable at a future date, further processing of the application or filing, or the grant of authority, shall be conditioned upon final payment of the fee, plus other required payments for late payments, by the date prescribed by the deferral decision or bill. Failure to comply with the terms of the deferral decision or bill shall result in the automatic dismissal of the submission or rescission of the Commission authorization for failure to meet the condition imposed by this subpart. The Commission reserves the right to return payments received after the date established on the bill and exercise the conditions attached to the application. The Commission shall:

(1) Notify the grantee that the authorization has been rescinded;

(i) Upon such notification, the grantee will immediately cease operations initiated pursuant to the authorization.

(2) Not permit nunc pro tunc treatment to applicants who attempt to refile after the original deadline for the underlying submission.

(c) Where the procedures outlined in paragraphs (a) and (b) of this section would not provide a meaningful incentive to pay a fee that is due or would not be a meaningful sanction for failure to pay such a fee, in the alternative to those procedures, the Commission may, in its discretion, withhold processing and/or grant of any other application or filing made by a person or organization who has failed to make full
§ 1.1113 Return or refund of charges.

(a) All refunds will be issued to the payer named in the appropriate block of the FCC Form 159. The full amount of any fee submitted will be returned or refunded, as appropriate, under the authority granted at §0.231.

1. When no fee is required for the application or filing.

2. When the fee processing staff or bureau/office determines that an insufficient fee has been submitted within 30 calendar days of receipt of the application or filing and the application or filing is dismissed.

3. When the application is filed by an applicant who cannot fulfill a prescribed age requirement.

4. When the Commission adopts new rules that nullify applications already accepted for filing, or new law or treaty would render useless a grant or other positive disposition of the application.

5. When a waiver is granted in accordance with this subpart.

NOTE: Payments in excess of an application fee will be refunded only if the overpayment is $8 or more.

6. When an application for new or modified facilities is not timely filed in accordance with the filing window as established by the Commission in a public notice specifying the earliest and latest dates for filing such applications.

(b) Comparative hearings are no longer required.

(c) Applicants in the Mass Media Services for first-come, first-served construction permits will be entitled to a refund of the fee, if, within fifteen days of the issuance of a Public Notice indicating that there is a previously filed pending application for the same vacant channel, such application notifies the Commission that they no longer wish their application to remain on file behind the first applicant and any other applicants filed before his or her application, and the applicant specifically requests a refund of the fee paid and dismissal of his or her applicant.

§ 1.1114 General exemptions to charges.

No fee established in §§1.1102 through 1.1106 of this subpart, unless otherwise qualified herein, shall be required for:

(a) Applications filed for the sole purpose of modifying an existing authorization (or a pending application for authorization) in order to comply with new or additional requirements of the Commission's rules or the rules of another Federal agency. However, if the applicant also requests an additional modification, renewal, or other action, the appropriate fee for such additional request must accompany the application. Cases in which a fee will be paid include applications by FM and TV licensees or permittees seeking to upgrade channel after a rulemaking.

(b) Applicants in the Special Emergency Radio and Public Safety Radio Services that are government entities or nonprofit entities. Applicants claiming nonprofit status must include a current Internal Revenue Service Determination Letter documenting this nonprofit status.
§ 1.1115 Adjustments to charges.

(a) The Schedule of Charges established by Sections 1.1102 through 1.1107 of this subpart shall be adjusted by the Commission on October 1, 1999 and every two years thereafter.

(1) The fees will be adjusted by the Commission to reflect the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) from the date of enactment of the authorizing legislation (December 19, 1989) to the date of adjustment, and every two years thereafter, to reflect the percentage change in the CPI-U in the period between the enactment date and the adjustment date.

(c) Applicants, permittees or licensees of noncommercial educational broadcast stations in the FM or TV services, as well as AM applicants, permittees or licensees who certify that the station will operate or does operate in accordance with §73.503 of the rules.

(d) Applicants, permittees, or licensees qualifying under paragraph (c) of this section requesting Commission authorization in any other mass media radio service (except the international broadcast (HF) service) private radio service, or common carrier radio communications service otherwise requiring a fee, if the radio service is used in conjunction with the noncommercial educational broadcast station on a noncommercial educational basis.

(e) Other applicants, permittees, or licensees providing, or proposing to provide, a noncommercial educational or instructional service, but not qualifying under paragraph (c) of this section, may be exempt from filing fees, or be entitled to a refund, in the following circumstances.

(1) An applicant is exempt from filing fees if it is an organization that, like the Public Broadcasting Service or National Public Radio, receives funding directly or indirectly through the Public Broadcasting Fund, 47 U.S.C. 396(k), distributed by the Corporation for Public Broadcasting, where the authorization requested will be used in conjunction with the organization on a noncommercial educational basis;

(2) An applicant for a translator or low power television station that proposes a noncommercial educational service will be entitled to a refund of fees paid for the filing of the application when, after grant, it provides proof that it has received funding for the construction of the station through the National Telecommunications and Information Administration (NTIA) or other showings as required by the Commission.

(3) An applicant that has qualified for a fee refund under paragraph (e)(2) of this section and continues to operate as a noncommercial education station is exempt from fees for broadcast auxiliary stations (subparts D, E, and F of part 74) or stations in the private radio or common carrier services where such authorization is to be used in conjunction with the noncommercial educational translator or low power station.

(f) Applicants, permittees or licensees who qualify as governmental entities. For purposes of this exemption a governmental entity is defined as any state, possession, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.

(g) Applications for Restricted Radio-telephone Operator Permits where the applicant intends to use the permit solely in conjunction with duties performed at radio facilities qualifying for fee exemption under paragraphs (c), (d), or (e) of this section.

NOTE: Applicants claiming exemptions under the terms of this subpart must certify as to their eligibility for the exemption through a cover letter accompanying the application or filing. This certification is not required if the applicable FCC Form requests the information justifying the exemption. [52 FR 5299, Feb. 20, 1987, as amended at 53 FR 40889, Oct. 19, 1988; 55 FR 19172, May 8, 1990; 56 FR 56602, Nov. 6, 1991; Redesignated and amended at 59 FR 30968, June 16, 1994; 60 FR 5526, Jan. 27, 1995; 65 FR 49762, Aug. 15, 2000]
§ 1.1116 Penalty for late or insufficient payments.

(a) Filings subject to fees and accompanied by defective fee submissions will be dismissed under §1.1108(b) of this subpart where the defect is discovered by the Commission's staff within 30 calendar days from the receipt of the application or filing by the Commission.

(1) A defective fee may be corrected by resubmitting the application or other filing, together with the entire correct fee.

(2) For purposes of determining whether the filing is timely, the date of resubmission with the correct fee will be considered the date of filing. However, in cases where the fee payment fails due to error of the applicant's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing.

(b) Applications or filings accompanied by insufficient fees or no fees which are inadvertently forwarded to Commission staff for substantive review will be billed for the amount due if the discrepancy is not discovered until after 30 calendar days from the receipt of the application or filing at the Commission. A penalty charge of 25 percent of the amount due will be added to each bill. Any Commission actions taken prior to timely payment of this bill are contingent and subject to rescission.

(c) Applicants to whom a deferral of payment is granted under the terms of this subsection will be billed for the amount due plus a charge equaling 25 percent of the amount due. Any Commission actions taken prior to timely payment of these charges are contingent and subject to rescission.


§ 1.1117 Petitions and applications for review.

(a) The fees established by this subpart may be waived or deferred in specific instances where good cause is shown and where waiver or deferral of the fee would promote the public interest.

(b) Requests for waivers or deferrals will only be considered when received from applicants acting in respect to their own applications. Requests for waivers or deferrals of entire classes of services will not be considered.

(c) Petitions for waivers, deferrals, fee determinations reconsideration and applications for review will be acted upon by the Managing Director. Petitions and applications for review submitted with a fee must be submitted to the Commission's lockbox bank at the address for the appropriate service set forth in §§ 1.1102 through 1.1107. If no fee payment is required, and the matter is within the scope of the fee rules in this subpart, the petition or application for review should be filed with the Commission's Secretary and clearly marked to the attention of the Managing Director. Requests for deferral of a fee payment for financial hardship must be accompanied by supporting documentation.

§ 1.1151 Authority to prescribe and collect regulatory fees.

Authority to impose and collect regulatory fees is contained in title VI, section 6002(a) of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66, 107 Stat. 397), enacting section 9 of the Communications Act, 47 U.S.C. 159, which directs the Commission to prescribe and collect annual regulatory fees from designated regulatees in order to recover the costs of certain of its regulatory activities in the private radio, mass media, common carrier, and cable television services.

[59 FR 30999, June 16, 1994]
§ 1.1152 Schedule of annual regulatory fees and filing locations for wireless radio services.

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee Amount</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Land Mobile (Above 470 MHz and 220 MHz Local, Base Station &amp; SMRS) (47 CFR, Part 90):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renew/Mod (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) New, Renew/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Renewal (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>220 MHz Nationwide (a) New, Renew/Mod (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) New, Renew/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(c) Renewal (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renew/Mod (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) New, Renew/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Renewal (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. 218–219 MHz Service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renew/Mod (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) New, Renew/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Renewal (FCC 601 &amp; 159)</td>
<td>$13.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Shared Use Services, Land Mobile (Frequencies Below 470 MHz—except 220 MHz):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renewal/Mod (FCC 601 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) New, Renewal/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Renewal (FCC 601 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Mobile Radio Service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renewal/Mod (FCC 601 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) New, Renewal/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Renewal (FCC 601 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Radio (Part 22):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Additional Facility, Major Renewal/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Renewal, Minor Renew/Mod (Electronic Filing) (FCC 601 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>Marine Coast:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New Renewal (FCC 503 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) Renewal (FCC 452R &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358270, Pittsburgh, PA, 15251–5270.</td>
</tr>
<tr>
<td>(c) Renewal (Electronic Filing) (FCC 900 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.</td>
</tr>
<tr>
<td>Aviation Ground:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renewal (FCC 406 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) Renewal (FCC 452R &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358270, Pittsburgh, PA, 15251–5270.</td>
</tr>
<tr>
<td>(c) Renewal (Electronic Filing) (FCC 601 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358994, Pittsburgh, PA, 15251–5994.</td>
</tr>
<tr>
<td>Marine Ship:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renewal (Electronic Filing) (FCC 506 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>Aviation Aircraft:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) New, Renewal/Mod (Electronic Filing) (FCC 605 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) New, Renewal/Mod (Electronic Filing) (FCC 605 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(c) Renewal (Electronic Filing) (FCC 605 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(d) Renewal (Electronic Filing) (FCC 605 &amp; 159)</td>
<td>$7.00</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>5. Amateur Vanity Call Signs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Initial or Renew (Electronic Filing) (FCC 605 &amp; 159)</td>
<td>$1.40</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>(b) Initial or Renew (Electronic Filing) (FCC 605 &amp; 159)</td>
<td>$1.40</td>
<td>FCC, P.O. Box 358130, Pittsburgh, PA, 15251–5130.</td>
</tr>
<tr>
<td>6. CMRS Mobile Services (per unit) (FCC 159)</td>
<td>$.30</td>
<td>FCC, P.O. Box 358835, Pittsburgh, PA, 15251–5835.</td>
</tr>
</tbody>
</table>
### § 1.1153 Schedule of annual regulatory fees and filing locations for mass media services.

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee amount</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMRS Messaging Services (per license)</td>
<td>.04</td>
<td>FCC, P.O. Box 358835, Pittsburgh, PA, 15251–5835.</td>
</tr>
</tbody>
</table>

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 5-10-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 be detailed in § 1.1102 of this chapter.

[65 FR 44612, July 18, 2000]
§ 1.1154 Schedule of annual regulatory charges and filing locations for common carrier services.

<table>
<thead>
<tr>
<th>Fee amount</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.150</td>
<td>FCC Satellite TV, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>2.800</td>
<td>FCC, Low Power, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>1.250</td>
<td>FCC, Auxiliary, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>445</td>
<td>P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>280</td>
<td>P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>12</td>
<td>P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>275</td>
<td>P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
</tbody>
</table>

§ 1.1155 Schedule of regulatory fees and filing locations for cable television services.

<table>
<thead>
<tr>
<th>Fee amount</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>$53</td>
<td>FCC, Cable, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>.47</td>
<td>FCC, Cable, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
</tbody>
</table>

§ 1.1156 Schedule of regulatory fees and filing locations for international services.

<table>
<thead>
<tr>
<th>Fee amount</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>$505</td>
<td>FCC, International, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>395</td>
<td>FCC, International, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>94,650</td>
<td>FCC, Space Stations, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>175,250</td>
<td>FCC, Space Stations, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>175</td>
<td>FCC, Earth Station, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
<tr>
<td>7.00</td>
<td>FCC, International, P.O. Box 358835, Pittsburgh, PA, 15251-5835.</td>
</tr>
</tbody>
</table>
§ 1.1157 Payment of charges for regulatory fees.

Payment of a regulatory fee, required under §§1.1152 through 1.1156, shall be filed in the following manner:

(a) Payments of regulatory fees shall be submitted with the filing of any application for a new, renewal or reassignment of a license or other authorization in the wireless radio services.

(1) Any regulatory fee submitted with an application in the wireless radio services shall include an advance payment of the total annual regulatory fee payment required for the entire term of the license or other authorization. The amount of the regulatory fee payment due with any application in the wireless radio service shall be the multiple of the number of years in the entire term of the requested license or other authorization multiplied by the annual fee payment required in the Schedule of Regulatory Fees, effective at the time the application is filed. Except as set forth in §1.1160, advance payments shall be final and shall not be readjusted during the term of the license or authorization, notwithstanding any subsequent increase or decrease in the annual amount of a fee required under the Schedule of Regulatory Fees.

(2) Failure to file the appropriate regulatory fee with an application in the wireless radio service will result in the return of the accompanying application, including an application for which the Commission has assigned a specific filing deadline.

(2) Failure to file the appropriate regulatory fee with an application in the wireless radio service will result in the return of the accompanying application, including an application, for which the Commission has assigned a specific filing deadline.

(b)(1) Payments of standard regulatory fees, applicable to mass media, common carrier, cable and international services, shall be filed in full on an annual basis at a time announced by the Commission or the Managing Director, pursuant to delegated authority, and published in the Federal Register.

(2) Large regulatory fees, as annually defined by the Commission, may be submitted in installment payments or in a single payment on a date certain as announced by the Commission or the Managing Director, pursuant to delegated authority, and published in the Federal Register.

(c) Standard regulatory fee payments, as well as any installment payment, must be filed with a FCC Form 159, FCC Remittance Advice, and a FCC Form 159C, Remittance Advice Continuation Sheet, if additional space is needed. Failure to submit a copy of FCC Form 159 with a standard regulatory fee payment, or an installment payment, will result in the return of the submission and a 25 percent penalty if the payment is resubmitted after the date the Commission establishes for the payment of standard regulatory fees and for any installment payment.

(1) Any late filed regulatory fee payment will be subject to the penalties set forth in section 1.1164.

(2) If one or more installment payments are untimely submitted or not submitted at all, the eligibility of the subject regulatee to submit installment payments may be cancelled.

(d) Any Commercial Mobile Radio Service (CMRS) licensee subject to payment of an annual regulatory fee shall retain for a period of two (2) years from the date on which the regulatory fee is paid, those business records which were used to calculate the amount of the regulatory fee.


§ 1.1158 Form of payment for regulatory.

Any regulatory fee payment must be submitted in the form of a check, bank draft or money order denominated in U.S. dollars and drawn on a United States financial institution and made payable to the Federal Communications Commission or by Visa or Mastercard credit cards only. The Commission discourages applicants from submitting cash payments and will not be responsible for cash sent through the mail. Personal or corporate checks dated more than six months prior to their submission to the Commission’s lockbox bank and postdated checks will not be accepted and will be returned as deficient.

(a) Upon authorization from the Commission following a written request, electronic fund transfer (EFT) payment of a regulatory fee may be made as follows:

159, FCC Remittance Advice, and a FCC Form 159C, Remittance Advice Continuation Sheet, if additional space is needed. Failure to submit a copy of FCC Form 159 with a standard regulatory fee payment, or an installment payment, will result in the return of the submission and a 25 percent penalty if the payment is resubmitted after the date the Commission establishes for the payment of standard regulatory fees and for any installment payment.

(1) Any late filed regulatory fee payment will be subject to the penalties set forth in section 1.1164.

(2) If one or more installment payments are untimely submitted or not submitted at all, the eligibility of the subject regulatee to submit installment payments may be cancelled.

(d) Any Commercial Mobile Radio Service (CMRS) licensee subject to payment of an annual regulatory fee shall retain for a period of two (2) years from the date on which the regulatory fee is paid, those business records which were used to calculate the amount of the regulatory fee.

(1)(i) The payor may instruct its bank to make payment of the regulatory fee directly to the Commission’s lockbox bank, or
(ii) The payor may authorize the Commission to direct its lockbox bank to withdraw funds directly from the payor’s bank account.

(2) No EFT payment of a regulatory fee will be accepted unless the payor has obtained the written authorization of the Commission to submit regulatory fees electronically. Procedures for electronic payment of regulatory fees will be announced by Public Notice. It is the responsibility of the payor to insure that any electronic payment is made in the manner required by the Commission. Failure to comply with the Commission’s procedures for electronic fee payment will result in the return of the fee payment, and a penalty fee of 25 percent if the subsequent refiling of the fee payment is late. Failure to comply will also subject the payor to the penalties set forth in §1.1164.

(b) Multiple payment instruments for a single regulatory fee are not permitted, except that the Commission will accept multiple money orders in payment of any fee where the fee exceeds the maximum amount for a money order established by the issuing entity and the use of multiple money orders is the only practicable means available for payment.

(c) Payment of multiple standard regulatory fees (including an installment payment) due on the same date, may be made with a single payment instrument and cover mass media, common carrier, international, and cable service fee payments. Each regulatee is solely responsible for accurately accounting for and listing each license or authorization and the number of subscribers, access lines, or other relevant units on the accompanying FCC Form 159 and, if needed, FCC Form 159C and for making full payment for every regulatory fee listed on the accompanying form. Any omission or payment deficiency of a regulatory fee will result in a 25 percent penalty of the amount due and unpaid.

(d) Any regulatory fee payment (including a regulatory fee payment submitted with an application in the wireless radio service) made by credit card or money order must be submitted with a completed FCC Form 159. Failure to accurately enter the credit card number and date of expiration and the payor’s signature in the appropriate blocks on FCC Form 159 will result in rejection of the credit card payment.

§1.1159 Filing locations and receipts for regulatory fees.

(a) Regulatory fee payments must be directed to the location and address set forth in §§1.1152 through 1.1156 for the specific category of fee involved. Any regulatory fee required to be submitted with an application must be filed as a part of the application package accompanying the application. The Commission will not take responsibility for matching fees, forms and applications submitted at different times or locations.

(b) Petitions for reconsideration or applications for review of fee decisions submitted with a standard regulatory fee payment pursuant to §§1.1152 through 1.1156 of the rules are to be filed with the Commission’s lockbox bank in the manner set forth in §§1.1152 through 1.1156 for payment of the fee subject to the petition for reconsideration or the application for review. Petitions for reconsideration and applications for review that are submitted with no accompanying payment should be filed with the Secretary, Federal Communications Commission, Attention: Managing Director, Washington, D.C. 20554.

(c) Any request for exemption from a regulatory fee shall be filed with the Secretary, Federal Communications Commission, Attention: Managing Director, Washington, D.C. 20554, except that requests for exemption accompanied by a tentative fee payment shall be filed at the lockbox set forth for the appropriate service in §§1.1152 through 1.1156.

(d) The Commission will furnish a receipt for a regulatory fee payment only upon request. In order to obtain a receipt for a regulatory fee payment, the package must include an extra copy of the Form FCC 159 or, if a Form 159 is not required with the payment, a copy of the first page of the application or
§ 1.1161 Conditional license grants and delegated authorizations.

(a) Grant of any application or an instrument of authorization or other filing, for which a regulatory fee is required to accompany the application or filing, will be conditioned upon final payment of the regulatory fee. Final payment shall mean receipt by the U.S. Treasury of funds cleared by the financial institution on which the check, bank draft, money order, credit card, wire or electronic payment is drawn.

(1) If, prior to a grant of an instrument of authorization, the Commission is notified that final payment of the regulatory fee has not been made, the application or filing:

(i) Will be dismissed and returned;
(ii) Shall lose its place in the processing line; and
(iii) Will not be treated as timely filed if resubmitted after the relevant filing deadline.

(2) If, subsequent to a grant of an instrument of authorization or other filing, the Commission is notified that final payment has not been made, the Commission will:

(i) Automatically rescind that instrument of authorization for failure to meet the condition imposed by this subsection;
(ii) Notify the grantee of this action; and
(iii) Treat as late filed any application resubmitted after the original deadline for filing the application.

(3) Upon receipt of a notification of rescission of the authorization, the grantee will immediately cease operations initiated pursuant to the authorization.

(b) In those instances where the Commission has granted a request for deferred payment of a regulatory fee, further processing of the application or filing or the grant of authority shall be conditioned upon final payment of the regulatory fee and any required penalties for late payment prescribed by

[c] No refunds will be issued based on unexpired partial years.
(d) No refunds will be processed without a written request from the applicant, permittee, licensee or agent.

the deferral decision. Failure to comply with the terms of the deferral decision shall result in the automatic dismissal of the submission or rescission of the Commission authorization. Further, the Commission shall:

(1) Notify the grantee that the authorization has been rescinded. Upon such notification, the grantee will immediately cease operations initiated pursuant to the authorization; and

(2) Treat as late filed any application resubmitted after the original deadline for filing the application.

(c) Where the procedures described in paragraphs (a) and (b) of this section would not provide a meaningful incentive to pay a regulatory fee that is due or would not be a meaningful sanction for failure to pay such a fee, the Commission may, in its discretion, whether the regulatory fee is required to be paid with an application for an instrument of authorization or otherwise, withhold processing and/or grant of any application or filing made by a person or organization who has failed to make full payment of any regulatory fee due.

(1) Before taking such action, the staff will make a written request for the fee, together with any penalties that may be rendered under this subpart. Such request shall inform the regulatee that failure to pay may result in the Commission withholding action on any application or request filed by the applicant. The staff shall also inform the regulatee of the procedures for seeking Commission review of the staff's fee determination.

(2) If, after final determination that the fee is due, payment is not made in a timely manner, the staff may terminate processing and/or withhold any grant or petition requested by the person or organization subject to the fee payment requirement, until the matter is resolved.

[60 FR 34032, June 29, 1995]

§1.1162 General exemptions from regulatory fees.

No regulatory fee established in §§1.1152 through 1.1156, unless otherwise qualified herein, shall be required for: (a) Applicants, permittees or licensees in the Amateur Radio Service, except that any person requesting a vanity call-sign shall be subject to the payment of a regulatory fee, as prescribed in §1.1152.

(b) Applicants, permittees, or licensees who qualify as government entities. For purposes of this exemption, a government entity is defined as any state, possession, city, county, town, village, municipal corporation, or similar political organization or subpart thereof controlled by publicly elected or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.

(c) Applicants and permittees who qualify as nonprofit entities. For purposes of this exemption, a nonprofit entity is defined as: an organization duly qualified as a nonprofit, tax exempt entity under section 501 of the Internal Revenue Code, 26 U.S.C. 501; or an entity with current certification as a nonprofit corporation or other nonprofit entity by state or other governmental authority.

(1) Any permittee, licensee or other entity subject to a regulatory fee and claiming an exemption from a regulatory fee based upon its status as a nonprofit entity, as described above, shall file with the Secretary of the Commission (Attn: Managing Director) written documentation establishing the basis for its exemption within 60 days of its coming under the regulatory jurisdiction of the Commission or at the time its fee payment would otherwise be due, whichever is sooner, or at such other time as required by the Managing Director. Acceptable documentation may include Internal Revenue Service determination letters, state or government certifications or other documentation that non-profit status has been approved by a state or other governmental authority. Applicants, permittees and licensees are required to file documentation of their nonprofit status only once, except upon request of the Managing Director.

(2) Within sixty (60) days of a change in nonprofit status, a licensee or permittee previously claiming a 501(C) exemption is required to file with the Secretary of the Commission (Attn: Managing Director) written notice of such change in its nonprofit status or
ownership. Additionally, for-profit purchasers or assignees of a license, station or facility previously licensed or operated by a non-profit entity not subject to regulatory fees must notify the Secretary of the Commission (Attn: Managing Director) of such purchase or reassignment within 60 days of the effective date of the purchase or assignment.

(d) Applicants, permittees or licensees in the Special Emergency Radio and Public Safety Radio services.

(e) Applicants, permittees or licensees of noncommercial educational broadcast stations in the FM or TV services, as well as AM applicants, permittees or licensees operating in accordance with §73.503 of this chapter.

(f) Applicants, permittees, or licensees qualifying under paragraph (e) of this section requesting Commission authorization in any other mass media radio service (except the international broadcast (HF) service), wireless radio service, common carrier radio service, or international radio service requiring payment of a regulatory fee, if the service is used in conjunction with their noncommercial educational broadcast station on a noncommercial educational basis.

(g) Other applicants, permittees or licensees providing, or proposing to provide, a noncommercial educational or instructional service, but not qualifying under paragraph (e) of this section, may be exempt from regulatory fees, or be entitled to a refund, in the following circumstances:

(1) The applicant, permittee or licensee is an organization that, like the Public Broadcasting Service or National Public Radio, receives funding directly or indirectly through the Public Broadcasting Fund, 47 U.S.C. 396(k), distributed by the Corporation for Public Broadcasting, where the authorization requested will be used in conjunction with the organization on a noncommercial educational basis;

(2) An applicant, permittee, or licensee of a translator or low power television station operating or proposing to operate a noncommercial educational service who, after grant, provides proof that it has received funding for the construction of the station through the National Telecommunications and Information Administration (NTIA) or other showings as required by the Commission;

(3) An applicant, permittee, or licensee provided a fee refund under §1.1160 and operating as a noncommercial education station, is exempt from fees for broadcast auxiliary stations (subparts D, E, and F of part 74 of this chapter) or stations in the wireless radio, common carrier, or international services where such authorization is to be used in conjunction with the noncommercial educational translator or low power station.

(h) An applicant, permittee or licensee that is the licensee of an instructional television fixed station (§§74.901 through 74.996 of this chapter) is exempt from regulatory fees where the authorization requested will be used by the applicant in conjunction with the provision of the instructional service.

(i) Applications filed in the wireless radio service for the sole purpose of modifying an existing authorization (or a pending application for authorization). However, if the applicant also requests a renewal or reinstatement of its license or other authorization for which the submission of a regulatory fee is required, the appropriate regulatory fee for such additional request must accompany the application.


§1.1163 Adjustments to regulatory fees.

(a) For Fiscal Year 1995, the amounts assessed for regulatory fees are set forth in §§1.1152 through 1.1156.

(b) For Fiscal Year 1996 and thereafter, the Schedule of Regulatory Fees, contained in §§1.1152 through 1.1156, may be adjusted annually by the Commission pursuant to section 9 of the Communications Act. 47 U.S.C. 159. Adjustments to the fees established for any category of regulatory fee payment shall include projected cost increases or decreases and an estimate of the volume of licensees or units upon which the regulatory fee is calculated.

(c) The fees assessed shall:
§ 1.1164 Penalties for late or insufficient regulatory fee payments.

Any late payment or insufficient payment of a regulatory fee, not excused by bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee of installment payment which was not paid in a timely manner. A timely fee payment or installment payment is one received at the Commission's lockbox bank by the due date specified by the Commission or by the Managing Director. A payment will also be considered late filed if the payment instrument (check, money order, bank draft or credit card) is uncollectible.

(a) The Commission may, in its discretion, following one or more late filed installment payments, require a regulatee to pay the entire balance of its regulatory fee by a date certain, in addition to assessing a 25 percent penalty.

(b) In cases were a fee payment fails due to error by the payor's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing.

(c) If a regulatory fee is paid in a timely manner, the regulatee will be notified of its deficiency. This notice will automatically assess a 25 percent penalty, subject the delinquent payor's pending applications to dismissal, and may require a delinquent payor to show cause why its existing instruments of authorization should not be subject to rescission.

(d)(1) Where a regulatee's new, renewal or reinstatement application is required to be filed with a regulatory fee (as is the case with wireless radio services), the application will be dismissed if the regulatory fee is not included with the application package. In the case of a renewal or reinstatement application, the application may not be refilled unless the appropriate regulatory fee plus the 25 percent penalty charge accompanies the refilled application.
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§ 1.1166 Waivers, reductions and deferrals of regulatory fees.

The fees established by sections 1.1152 through 1.1156 may be waived, reduced or deferred in specific instances, on a case-by-case basis, where good cause is shown and where waiver, reduction or deferral of the fee would promote the public interest. Requests for waivers, reductions or deferrals of regulatory fees for entire categories of payors will not be considered.

(a) Requests for waivers, reductions or deferrals will be acted upon by the Managing Director with the concurrence of the General Counsel. If the request for waiver, reduction or deferral is accompanied by a fee payment, the request must be submitted to the Commission's lockbox bank at the address for the appropriate service set forth in sections 1.1152 through 1.1156 of this subpart. If no fee payment is submitted and the matter is within the scope of the fee rules, the request should be filed with the Commission's Secretary and clearly marked to the attention of the Managing Director.

(b) Deferrals of fees will be granted for a period of six months following the date that the fee is initially due.

(c) Petitions for waiver of a regulatory fee must be accompanied by the required fee and FCC Form 159. Submitted fees will be returned if a waiver is granted. Waiver requests that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship.

(d) Petitions for reduction of a fee must be accompanied by the full fee

[60 FR 34034, June 29, 1995]

§ 1.1155 Payment by cashier's check for regulatory fees.

Payment by cashier's check may be required when a person or organization makes payment, on one or more occasions, with a payment instrument on which the Commission does not receive final payment and such error is not excused by bank error.

[60 FR 34034, June 29, 1995]
§ 1.1167 Error claims related to regulatory fees.

(a) Challenges to determinations of an insufficient regulatory fee payment should be made in writing. Challenges submitted with a fee payment must be submitted to the same location as the original fee payment, marked “Attention: Fee Supervisor”. Challenges not accompanied by a fee payment should be filed with the Commission’s Secretary and clearly marked to the attention of the Managing Director.

(b) The filing of a petition for reconsideration or an application for review of a fee determination will not relieve licensees from the requirement that full and proper payment of the underlying fee payment be submitted, as required by the Commission’s action, or delegated action, on a request for waiver, reduction or deferment. Petitions for reconsideration and applications for review submitted with a fee payment must be submitted to the same location as the original fee payment. Petitions for reconsideration and applications for review not accompanied by a fee payment should be filed with the Commission’s Secretary and clearly marked to the attention of the Managing Director.

(1) Failure to submit the fee by the date required will result in the assessment of a 25 percent penalty.

(2) If the fee payment should fail while the Commission is considering the matter, the petition for reconsideration or application for review will be dismissed.

[60 FR 34035, June 29, 1995]

§ 1.1181 Authority to prescribe and collect fees for competitive bidding-related services and products.

Authority to prescribe, impose, and collect fees for expenses incurred by the government is governed by the Independent Offices Appropriation Act of 1952, as amended, 31 U.S.C. 9701, which authorizes agencies to prescribe regulations that establish charges for the provision of government services and products. Under this authority, the Federal Communications Commission may prescribe and collect fees for competitive bidding-related services and products as specified in § 1.1182.

[60 FR 38280, July 26, 1995]

§ 1.1182 Schedule of fees for products and services provided by the Commission in connection with competitive bidding procedures.

<table>
<thead>
<tr>
<th>Product or service</th>
<th>Fee amount</th>
<th>Payment procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-line remote access 900 Number Telephone Service</td>
<td>2.30 per minute</td>
<td>Charges included on customer’s long distance telephone bill.</td>
</tr>
<tr>
<td>Remote Bidding Software</td>
<td>$175.00 per package</td>
<td>Payment to auction contractor by credit card or check. (Public Notice will specify exact payment procedures.)</td>
</tr>
<tr>
<td>Bidder Information Package</td>
<td>First package free; $16.00 per additional package (including postage) to same person or entity.</td>
<td>Payment to auction contractor by credit card or check. (Public Notice will specify exact payment procedures.)</td>
</tr>
</tbody>
</table>

[60 FR 38280, July 26, 1995]

Subpart H—Ex Parte Communications

SOURCE: 52 FR 21052, June 4, 1987, unless otherwise noted.

§ 1.1200 Introduction.

(a) Purpose. To ensure the fairness and integrity of its decision-making, the Commission has prescribed rules to regulate ex parte presentations in Commission proceedings. These rules specify “exempt” proceedings, in which ex parte presentations may be made freely
§ 1.1202 Definitions.

For the purposes of this subpart, the following definitions apply:

(a) Presentation. A communication directed to the merits or outcome of a proceeding, including any attachments to a written communication or documents shown in connection with an oral presentation directed to the merits or outcome of a proceeding. Excluded from this term are communications which are inadvertently or casually made, inquiries concerning compliance with procedural requirements if the procedural matter is not an area of controversy in the proceeding, statements made by decisionmakers that are limited to providing publicly available information about pending proceedings, and inquiries relating solely to the status of a proceeding, including inquiries as to the approximate time that action in a proceeding may be taken. However, a status inquiry which states or implies a view as to the merits or outcome of the proceeding or a preference for a particular party, which states why timing is important to a particular party or indicates a view as to the date by which a proceeding should be resolved, or which otherwise is intended to address the merits or outcome or to influence the timing of a proceeding is a presentation.

NOTE TO PARAGRAPH (a): A communication expressing concern about administrative delay or expressing concern that a proceeding be resolved expeditiously will be treated as a permissible status inquiry so long as no reason is given as to why the proceeding should be expedited other than the need to resolve administrative delay, no view is expressed as to the merits or outcome of the proceeding, and no view is expressed as to a date by which the proceeding should be resolved. A presentation by a party in a restricted proceeding not designated for hearing requesting action by a particular date gives reasons that a proceeding should be expedited other than the need to avoid administrative delay (and responsive presentations by other parties) may be made on an ex parte basis subject to the provisions of § 1.1204(a)(11).

(b) Ex parte presentation. Any presentation which:

(1) If written, is not served on the parties to the proceeding; or

(2) If oral, is made without advance notice to the parties and without opportunity for them to be present.

NOTE TO PARAGRAPH (b): Written communications include electronic submissions transmitted in the form of texts, such as by Internet electronic mail.

(c) Decision-making personnel. Any member, officer, or employee of the Commission, or, in the case of a Joint Board, its members or their staffs, who is or may reasonably be expected to be involved in formulating a decision, rule, or order in a proceeding. Any person who has been made a party to a proceeding or who otherwise has been excluded from the decisional process shall not be treated as a decision-maker with respect to that proceeding. Thus, any person designated as part of a separate trial staff shall not be considered a decision-making person in the designated proceeding. Unseparated Bureau or Office staff shall be considered decision-making personnel with respect to decisions, rules, and orders in which their Bureau or Office participates in enacting, preparing, or reviewing.

(d) Party. Unless otherwise ordered by the Commission, the following persons are parties:
§ 1.1202

(1) In a proceeding not designated for hearing, any person who files an application, waiver request, petition, motion, request for a declaratory ruling, or other filing seeking affirmative relief (including a Freedom of Information Act request), and any person (other than an individual viewer or listener filing comments regarding a pending broadcast application or members of Congress or their staffs or branches of the federal government or their staffs) filing a written submission referencing and regarding such pending filing which is served on the filer, or, in the case of an application, any person filing a mutually exclusive application;

NOTE 1 TO PARAGRAPH (d)(1): Parties who file mutually exclusive applications for services that the Commission has announced will be subject to competitive bidding or lotteries shall not be deemed parties with respect to each other's applications merely because their applications are mutually exclusive. Therefore, such applicants may make presentations to the Commission about their own applications provided that no one has become a party with respect to their application by other means, e.g., by filing a petition or other opposition against the applicant's application or another waiver request, if the petition or opposition has been served on the applicant.

(2) Any person who files a complaint or request to revoke a license or other authorization or for an order to show cause which shows that the complainant has served it on the subject of the complaint or which is a formal complaint under 47 U.S.C. 208 and § 1.1201 of this chapter or 47 U.S.C. 255 and either §§ 6.21 or 7.21 of this chapter, and the person who is the subject of such a complaint or request that shows service or is a formal complaint under 47 U.S.C. 208 and § 1.121 of this chapter or 47 U.S.C. 255 and either §§ 6.21 or 7.21 of this chapter;

(3) The subject of an order to show cause, hearing designation order, notice of apparent liability, or similar notice or order, or petition for such notice or order;

(4) In a proceeding designated for hearing, any person who has been given formal party status; and

(5) In an informal rulemaking proceeding conducted under section 553 of the Administrative Procedure Act (other than a proceeding for the allotment of a broadcast channel) or a proceeding before a Joint Board or before the Commission to consider the recommendation of a Joint Board, members of the general public after the issuance of a notice of proposed rulemaking or other order as provided under § 1.1209(a)(1) or (2);

(6) In an informal rulemaking proceeding conducted under section 553 of the Administrative Procedure Act (other than a proceeding for the allotment of a broadcast channel) or a proceeding before a Joint Board or before the Commission to consider the recommendation of a Joint Board, members of the general public after the issuance of a notice of proposed rulemaking or other order as provided under § 1.1209(a)(1) or (2).

NOTE 2 TO PARAGRAPH (d): To be deemed a party, a person must make the relevant filing with the Secretary, the relevant Bureau or Office, or the Commission as a whole. Written submissions made only to the Chairman or individual Commissioners will not confer party status.

NOTE 3 TO PARAGRAPH (d): The fact that a person is deemed a party for purposes of this subpart does not constitute a determination that such person has satisfied any other legal or procedural requirements, such as the operative requirements for petitions to deny or requirements as to timeliness. Nor does it constitute a determination that such person has any other procedural rights, such as the right to intervene in hearing proceedings. The Commission or the staff may also determine in particular instances that persons who qualify as “parties” under § 1.1202(d) should nevertheless not be deemed parties for purposes of this subpart.

NOTE 4 TO PARAGRAPH (d): Individual listeners or viewers submitting comments regarding a pending broadcast application pursuant to § 1.1204(a)(8) will not become parties simply by service of the comments. The Mass Media Bureau may, in its discretion, make such a commenter a party, if doing so would be conducive to the Commission’s consideration of the application or would otherwise be appropriate.

NOTE 5 TO PARAGRAPH (d): A member of Congress or his or her staff, or other agencies or branches of the federal government or their staffs will not become a party by service of a written submission regarding a pending proceeding that has not been designated for hearing unless the submission affirmatively seeks and warrants grant of party status.

(e) Matter designated for hearing. Any matter that has been designated for hearing before an administrative law
§ 1.1203 Sunshine period prohibition.

(a) With respect to any Commission proceeding, all presentations to decisionmakers concerning matters listed on a Sunshine Agenda, whether ex parte or not, are prohibited during the period prescribed in paragraph (b) of this section unless:

(1) The presentation is exempt under §1.1204(a);

(2) The presentation relates to settlement negotiations and otherwise complies with any ex parte restrictions in this subpart;

(3) The presentation occurs in the course of a widely attended speech or panel discussion and concerns a Commission action in an exempt or a permit-but-disclose proceeding that has been adopted (not including private presentations made on the site of a widely attended speech or panel discussion); or

(4) The presentation is made by a member of Congress or his or her staff, or by other agencies or branches of the Federal government or their staffs in a proceeding exempt under §1.1204 or subject to permit-but-disclose requirements under §1.1206. If the presentation is of substantial significance and clearly intended to affect the ultimate decision, the presentation (or, if oral, a summary of the presentation) must be placed in the record of the proceeding by Commission staff or by the presenter in accordance with the procedures set forth in §1.1206(b).

(b) The prohibition set forth in paragraph (a) of this section applies from the release of a public notice that a matter has been placed on the Sunshine Agenda until the Commission:

(1) Releases the text of a decision or order relating to the matter;

(2) Issues a public notice stating that the matter has been placed on the Sunshine Agenda; or

(3) Issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first.

§ 1.1204 Exempt ex parte presentations and proceedings.

(a) Exempt ex parte presentations. The following types of presentations are exempt from the prohibitions in restricted proceedings (§1.1208), the disclosure requirements in permit-but-disclose proceedings (§1.1206), and the prohibitions during the Sunshine Agenda period prohibition (§1.1203):

(1) The presentation is authorized by statute or by the Commission’s rules to be made without service, see, e.g., §1.333(d), or involves the filing of required forms;

(2) The presentation is made by or to the General Counsel and his or her staff and concerns judicial review of a matter that has been decided by the Commission;

(3) The presentation directly relates to an emergency in which the safety of life is endangered or substantial loss of property is threatened, provided that, if not otherwise submitted for the record, Commission staff promptly places the presentation or a summary of the presentation in the record and discloses it to other parties as appropriate.

(4) The presentation involves a military or foreign affairs function of the United States or classified security information;

(5) The presentation is to or from an agency or branch of the Federal Government or its staff and involves a matter over which that agency or branch and the Commission share jurisdiction provided that, any new factual information obtained through such a presentation that is relied on by the Commission in its decision-making process will, if not otherwise submitted for the record, be disclosed by the Commission no later than at the time of the release of the Commission’s decision;

(6) The presentation is to or from the United States Department of Justice or...
Federal Trade Commission and involves a telecommunications competition matter in a proceeding which has not been designated for hearing and in which the relevant agency is not a party or commenter (in an informal rulemaking or joint board proceeding) provided that, any new factual information obtained through such a presentation that is relied on by the Commission in its decision-making process will be disclosed by the Commission no later than at the time of the release of the Commission’s decision;

NOTE 1 TO PARAGRAPH (a): Under paragraphs (a)(5) and (a)(6) of this section, information will be relied on and disclosure will be made only after advance coordination with the agency involved in order to ensure that the agency involved retains control over the timing and extent of any disclosure that may have an impact on that agency’s jurisdictional responsibilities. If the agency involved does not wish such information to be disclosed, the Commission will not disclose it and will disregard it in its decision-making process, unless it fits within another exemption not requiring disclosure (e.g., foreign affairs). The fact that an agency’s views are disclosed under paragraphs (a)(5) and (a)(6) does not preclude further discussions pursuant to, and in accordance with, the exemption.

(7) The presentation is between Commission staff and an advisory coordinating committee member with respect to the coordination of frequency assignments to stations in the private land mobile services or fixed services as authorized by 47 U.S.C. 332;

(8) The presentation is a written presentation made by a listener or viewer of a broadcast station who is not a party under §1.1202(d)(1), and the presentation relates to a pending application that has not been designated for hearing for a new or modified broadcast station or license, for renewal of a broadcast station license or for assignment or transfer of control of a broadcast permit or license;

(9) The presentation is made pursuant to an express or implied promise of confidentiality to protect an individual from the possibility of reprisal, or there is a reasonable expectation that disclosure would endanger the life or physical safety of an individual;

(10) The presentation is requested by (or made with the advance approval of) the Commission or staff for the clarification or adduction of evidence, or for resolution of issues, including possible settlement, subject to the following limitations:

(i) This exemption does not apply to restricted proceedings designated for hearing;

(ii) In restricted proceedings not designated for hearing, any new written information elicited from such request or a summary of any new oral information elicited from such request shall promptly be served by the person making the presentation on the other parties to the proceeding. Information relating to how a proceeding should or could be settled, as opposed to new information regarding the merits, shall not be deemed to be new information for purposes of this section. The Commission or its staff may waive the service requirement if service would be too burdensome because the parties are numerous or because the materials relating to such presentation are voluminous. If the service requirement is waived, copies of the presentation or summary shall be placed in the record of the proceeding and the Commission or its staff shall issue a public notice which states that copies of the presentation or summary are available for inspection. The Commission or its staff may determine that service or public notice would interfere with the effective conduct of an investigation and dispense with the service and public notice requirements;

(iii) if the presentation is made in a proceeding subject to permit-but-disclose requirements, disclosure of any new written information elicited from such request or a summary of any new oral information elicited from such request must be made in accordance with the requirements of §1.1206(b), provided, however, that the Commission or its staff may determine that disclosure would interfere with the effective conduct of an investigation and dispense with the disclosure requirement. As in paragraph (a)(10)(ii) of this section, information relating to how a proceeding should or could be settled, as opposed to new information regarding the merits, shall not be deemed to be new information for purposes of this section;
NOTE 2 TO PARAGRAPHS (a) and (b): If the Commission or its staff dispenses with the service or notice requirement to avoid interference with an investigation, a determination will be made in the discretion of the Commission or its staff as to when and how disclosure should be made if necessary. See Amendment of Subpart H, Part I, 2 FCC Rcd 6053, 6054 ¶¶10-14 (1987).

(iv) If the presentation is made in a proceeding subject to the Sunshine period prohibition, disclosure must be made in accordance with the requirements of §1.1206(b) or by other adequate means of notice that the Commission deems appropriate;

(v) In situations where new information regarding the merits is disclosed during settlement discussions, and the Commission or staff intends that the product of the settlement discussions will be disclosed to the other parties or the public for comment before any action is taken, the Commission or staff in its discretion may defer disclosure of such new information until comment is sought on the settlement proposal or the settlement discussions are terminated.

(11) The presentation is an oral presentation in a restricted proceeding not designated for hearing requesting action by a particular date or giving reasons that a proceeding should be expedited other than the need to avoid administrative delay. A detailed summary of the presentation shall promptly be filed in the record and served by the person making the presentation on the other parties to the proceeding, who may respond in support or opposition to the request for expedited action, including by oral ex parte presentation, subject to the same service requirement.

(12) The presentation is between Commission staff and:

(i) The administrator of the inter-state telecommunications relay services fund relating to administration of the telecommunications relay services fund pursuant to 47 U.S.C. 225;

(ii) The North American Numbering Plan Administrator or the North American Numbering Plan Billing and Collection Agent relating to the administration of the North American Numbering Plan pursuant to 47 U.S.C. 251(e);

(iii) The Universal Service Administrative Company relating to the administration of universal service support mechanisms pursuant to 47 U.S.C. 254; or

(iv) The Number Portability Administrator relating to the administration of local number portability pursuant to 47 U.S.C. 251(b)(2) and (e); provided that the relevant administrator has not filed comments or otherwise participated as a party in the proceeding.

(b) Exempt proceedings. Unless otherwise provided by the Commission or the staff pursuant to §1.1200(a), ex parte presentations to or from Commission decision-making personnel are permissible and need not be disclosed with respect to the following proceedings, which are referred to as “exempt” proceedings:

(1) A notice of inquiry proceeding;

(2) A petition for rulemaking, except for a petition requesting the allotment of a broadcast channel (see also §1.1206(a)(1)), or other request that the Commission modify its rules, issue a policy statement or issue an interpretive rule, or establish a joint Board;

(3) A tariff proceeding (including directly associated waiver requests or requests for special permission) prior to it being set for investigation (see also §1.1206(a)(4));

(4) A proceeding relating to prescription of common carrier depreciation rates under section 220(b) of the Communications Act prior to release of a public notice of specific proposed depreciation rates (see also §1.1206(a)(9));

(5) An informal complaint proceeding under 47 U.S.C. 208 and §1.717 of this chapter or 47 U.S.C. 255 and either §§6.17 or 7.17 of this chapter; and

(6) A complaint against a cable operator regarding its rates that is not filed on the standard complaint form required by §76.951 of this chapter (FCC Form 329).

NOTES 1-3 TO PARAGRAPH (b): [Reserved]

NOTE 4 TO PARAGRAPH (b): In the case of petitions for rulemaking that seek Commission preemption of state or local regulatory authority, the petitioner must serve the original petition on any state or local government, the actions of which are specifically cited as a basis for requesting preemption. Service should be made on those bodies within the state or local governments that are legally authorized to accept service of legal
§ 1.1206 Permit-but-disclose proceedings.

(a) Unless otherwise provided by the Commission or the staff pursuant to §1.1200(a), until the proceeding is no longer subject to administrative reconsideration or review or to judicial review, ex parte presentations (other than ex parte presentations exempt under §1.1204(a)) to or from Commission decision-making personnel are permissible in the following proceedings, which are referred to as permit-but-disclose proceedings, provided that ex parte presentations to Commission decision-making personnel are disclosed pursuant to paragraph (b) of this section:

NOTE 1 TO PARAGRAPH (a) INTRODUCTORY TEXT: In the case of petitions for declaratory ruling that seek Commission preemption of state or local regulatory authority, the petitioner must serve the original petition on any state or local government, the actions of which are specifically cited as a basis for requesting preemption. Service should be made on those bodies within the state or local governments that are legally authorized to accept service of legal documents in a civil context. Such pleadings that are not served will be dismissed without consideration as a defective pleading and treated as a violation of the ex parte rules unless the Commission determines that the matter should be entertained by making it part of the record under §1.1212(d) and the parties are so informed.

(b) Unless otherwise provided by the Commission or the staff pursuant to §1.1200(a), until the proceeding is no longer subject to administrative reconsideration or review or to judicial review, ex parte presentations (other than ex parte presentations exempt under §1.1204(a)) to or from Commission decision-making personnel are permissible in the following proceedings, which are referred to as permit-but-disclose proceedings, provided that ex parte presentations to Commission decision-making personnel are disclosed pursuant to paragraph (b) of this section:

NOTE 1 TO PARAGRAPH (a) INTRODUCTORY TEXT: In the case of petitions for declaratory ruling that seek Commission preemption of state or local regulatory authority, the petitioner must serve the original petition on any state or local government, the actions of which are specifically cited as a basis for requesting preemption. Service should be made on those bodies within the state or local governments that are legally authorized to accept service of legal documents in a civil context. Such pleadings that are not served will be dismissed without consideration as a defective pleading and treated as a violation of the ex parte rules unless the Commission determines that the matter should be entertained by making it part of the record under §1.1212(d) of this section and the parties are so informed.

(1) An informal rulemaking proceeding conducted under section 553 of the Administrative Procedure Act other than a proceeding for the allotment of a broadcast channel, upon release of a Notice of Proposed Rulemaking (see also §1.1204(b)(2));

(2) A proceeding involving a rule change, policy statement or interpretive rule adopted without a Notice of Proposed Rule Making upon release of the order adopting the rule change, policy statement or interpretive rule;

(3) A declaratory ruling proceeding;

(4) A tariff proceeding which has been set for investigation under section 204 or 205 of the Communications Act (including directly associated waiver requests or requests for special permission) (see also §1.1204(b)(4));

(5) Unless designated for hearing, a proceeding under section 214(a) of the Communications Act that does not also involve applications under Title III of the Communications Act (see also §1.1208);

(6) Unless designated for hearing, a proceeding involving an application for a Cable Landing Act license that does not also involve applications under Title III of the Communications Act (see also §1.1208);

(7) A proceeding involving a request for information filed pursuant to the Freedom of Information Act;

NOTE 2 TO PARAGRAPH (a): Where the requested information is the subject of a request for confidentiality, the person filing the request for confidentiality shall be deemed a party.

(8) A proceeding before a Joint Board or a proceeding before the Commission involving a recommendation from a Joint Board;

(9) A proceeding conducted pursuant to section 220(b) of the Communications Act for prescription of common carrier depreciation rates upon release of a public notice of specific proposed depreciation rates (see also §1.1204(b)(4));

(10) A proceeding to prescribe a rate of return for common carriers under section 205 of the Communications Act; and

(11) A cable rate complaint proceeding pursuant to section 623(c) of the Communications Act where the complaint is filed on FCC Form 329;

(12) A modification request filed pursuant to §64.1001 of this chapter;

(13) Applications by Bell Operating Companies to provide in-region, interLATA services pursuant to §271(d) of the Communications Act; and

(14) Petitions for Commission preemption of authority to review interconnection agreements under §252(e)(5)
of the Communications Act and petitions for preemption under §253 of the Communications Act.

NOTE 3 TO PARAGRAPH (a): In a permit-but-disclose proceeding involving only one "party," as defined in §1.1202(d) of this section, the party and the Commission may freely make presentations to each other and need not comply with the disclosure requirements of paragraph (b) of this section.

(b) The following disclosure requirements apply to ex parte presentations in permit but disclose proceedings:

(1) Written presentations. A person who makes a written ex parte presentation subject to this section shall, no later than the next business day after the presentation, submit two copies of the presentation to the Commission's secretary under separate cover for inclusion in the public record. The presentation (and cover letter) shall clearly identify the proceeding to which it relates, including the docket number, if any, shall indicate that two copies have been submitted to the Secretary, and must be labeled as an ex parte presentation. If the presentation relates to more than one proceeding, two copies shall be filed for each proceeding. Alternatively, in rulemaking proceedings governed by §1.49(f), the person making the presentation may file one copy of the presentation electronically; no additional paper copies need to be filed.

(2) Oral presentations. A person who makes an oral ex parte presentation subject to this section that presents data or arguments not already reflected in that person's written comments, memoranda or other filings in that proceeding shall, no later than the next business day after the presentation, submit to the Commission's Secretary, an original and one copy of a memorandum which summarizes the new data or arguments. Except in proceedings subject to §1.49(f) in which pleadings are filed electronically, a copy of the memorandum must also be submitted to the Commissioners or Commission employees involved in the oral presentation. In proceedings governed by §1.49(f), the person making the presentation may, alternatively, electronically file one copy of the memorandum, which will be available to Commissioners and Commission employees involved in the presentation through the Commission's electronic comment filing system. Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. The memorandum (and cover letter) shall clearly identify the proceeding to which it relates, including the docket number, if any, shall indicate that an original and one copy have been submitted to the Secretary or that one copy has been filed electronically, and must be labeled as an ex parte presentation. If the presentation relates to more than one proceeding, two copies of the memorandum (or an original and one copy) shall be filed for each proceeding.

NOTE 1 TO PARAGRAPH (b): Where, for example, presentations occur in the form of discussion at a widely attended meeting, preparation of a memorandum as specified in the rule might be cumbersome. Under these circumstances, the rule may be satisfied by submitting a transcript or tape recording of the discussion as an alternative to a memorandum.

(3) Notwithstanding paragraphs (b)(1) and (b)(2) of this section, in permit-but-disclose proceedings presentations made by members of Congress or their staffs or by an agency or branch of the Federal Government or its staff shall be treated as ex parte presentations only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. The Commission staff shall prepare a written summary of any such oral presentations and place them in the record in accordance with paragraphs (b)(2) of this section and place any such written presentations in the record in accordance with paragraph (b)(1) of this section.

(4) Notice of ex parte presentations. The Commission's Secretary or, in the case of non-docketed proceedings, the relevant Bureau or Office shall place in the public file or record of the proceeding written ex parte presentations and memoranda reflecting oral ex parte presentations. The Secretary shall issue a public notice listing any written ex parte presentations or written
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summaries of oral ex parte presentations received by his or her office relating to any permit-but-disclose proceeding. Such public notices should generally be released at least twice per week.

NOTE 2 TO PARAGRAPH (b): Interested persons should be aware that some ex parte filings, for example, those not filed in accordance with the requirements of this paragraph (b), might not be placed on the referenced public notice. All ex parte presentations and memoranda filed under this section will be available for public inspection in the public file or record of the proceeding, and parties wishing to ensure awareness of all filings should review the public file or record.

NOTE 3 TO PARAGRAPH (b): As a matter of convenience, the Secretary may also list on the referenced public notices materials, even if not ex parte presentations, that are filed after the close of the reply comment period or, if the matter is on reconsideration, the reconsideration reply comment period. [62 FR 15856, Apr. 3, 1997, as amended at 63 FR 24126, May 1, 1998; 64 FR 68948, Dec. 9, 1999]

RESTRICTED PROCEEDINGS

§ 1.1208 Restricted proceedings.

Unless otherwise provided by the Commission or its staff pursuant to §1.1200(a) of this section, ex parte presentations (other than ex parte presentations exempt under §1.1204(a) of this section) to or from Commission decision-making personnel are prohibited in all proceedings not listed as exempt in §1.1204(b) or permit-but-disclose in §1.1206(a) of this section until the proceeding is no longer subject to administrative reconsideration or review or judicial review. Proceedings in which ex parte presentations are prohibited, referred to as “restricted” proceedings, include, but are not limited to, all proceedings that have been designated for hearing, proceedings involving amendments to the broadcast table of allotments, applications for authority under Title III of the Communications Act, and all waiver proceedings (except for those directly associated with tariff filings).

NOTE 1 TO §1.1208: In a restricted proceeding involving only one “party” as defined in §1.1202(d), the party and the Commission may freely make presentations to each other because there is no other party to be served or with a right to have an opportunity to be present. See §1.1202(b). Therefore, to determine whether presentations are permissible in a restricted proceeding without service or notice and an opportunity for other parties to be present the definition of a “party” should be consulted.

Examples: After the filing of an uncontested application or waiver request, the applicant or other filer would be the sole party to the proceeding. The filer would have no other party to serve with or give notice of any presentations to the Commission, and such presentations would therefore not be “ex parte presentations” as defined by §1.1202(b) and would not be prohibited. On the other hand, in the example given, because the filer is a party, a third person who wished to make a presentation to the Commission concerning the application or waiver request would have to serve or notice the filer. Further, once the proceeding involved additional “parties” as defined by §1.1202(d) (e.g., an opponent of the filer who served the opposition on the filer), the filer and other parties would have to serve or notice all other parties.

NOTE 2 TO §1.1208: Consistent with §1.1200(a), the Commission or its staff may determine that a restricted proceeding not designated for hearing involves primarily issues of broadly applicable policy rather than the rights and responsibilities of specific parties and specify that the proceeding will be conducted in accordance with the provisions of §1.1206 governing permit-but-disclose proceedings. [62 FR 15857, Apr. 3, 1997, as amended at 64 FR 68948, Dec. 9, 1999]

PROHIBITION ON SOLICITATION OF PRESENTATIONS

§ 1.1210 Prohibition on solicitation of presentations.

No person shall solicit or encourage others to make any improper presentation under the provisions of this section. [64 FR 68949, Dec. 9, 1999]

PROCEDURES FOR HANDLING OF PROHIBITED EX PARTE PRESENTATIONS

§ 1.1212 Procedures for handling of prohibited ex parte presentations.

(a) Commission personnel who believe that an oral presentation which is being made to them or is about to be made to them is prohibited shall promptly advise the person initiating the presentation that it is prohibited and shall terminate the discussion.
§ 1.1216 Sanctions.

(a) Parties. Upon notice and hearing, any party to a proceeding who directly or indirectly violates or causes the violation of any provision of this subpart, or who fails to report the facts and circumstances concerning any such violation as required by this subpart, may

(f) If the General Counsel determines that service on the parties would be unduly burdensome because the parties to the proceeding are numerous, he or she may issue a public notice in lieu of service. The public notice shall state that a prohibited presentation has been made and may also state that the presentation and related materials are available for public inspection.

(g) The General Counsel shall forward a copy of any statement describing the circumstances in which the prohibited ex parte presentation was made to the person who made the presentation. Within ten days thereafter, the person who made the presentation may file with the General Counsel a sworn declaration regarding the presentation and the circumstances in which it was made. The General Counsel may serve copies of the sworn declaration on the parties to the proceeding.

(h) Where a restricted proceeding precipitates a substantial amount of correspondence from the general public, the procedures in paragraphs (c) through (g) of this section will not be followed with respect to such correspondence. The correspondence will be placed in a public file and be made available for public inspection.


§ 1.1214 Disclosure of information concerning violations of this subpart.

Any party to a proceeding or any Commission employee who has substantial reason to believe that any violation of this subpart has been solicited, attempted, or committed shall promptly advise the Office of General Counsel in writing of all the facts and circumstances which are known to him or her.

be disqualified from further participation in that proceeding. In proceedings other than a rulemaking, a party who has violated or caused the violation of any provision of this subpart may be required to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected. In any proceeding, such alternative or additional sanctions as may be appropriate may also be imposed.

(b) Commission personnel. Commission personnel who violate provisions of this subpart may be subject to appropriate disciplinary or other remedial action as provided in part 19 of this chapter.

(c) Other persons. Such sanctions as may be appropriate under the circumstances shall be imposed upon other persons who violate the provisions of this subpart.


Subpart I—Procedures Implementing the National Environmental Policy Act of 1969

Source: 51 FR 15000, Apr. 22, 1986, unless otherwise noted.

§1.1301 Basis and purpose.

§1.1302 Cross-reference; Regulations of the Council on Environmental Quality.
A further explanation regarding implementation of the National Environmental Policy Act is provided by the regulations issued by the Council on Environmental Quality, 40 CFR 1500-1508.28.

§1.1303 Scope.
The provisions of this subpart shall apply to all Commission actions that may or will have a significant impact on the quality of the human environment. To the extent that other provisions of the Commission’s rules and regulations are inconsistent with the subpart, the provisions of this subpart shall govern.

[55 FR 20996, May 16, 1990]

§1.1304 Information and assistance.
For general information and assistance concerning the provisions of this subpart, the Office of General Counsel may be contacted, (202) 632-6990. For more specific information, the Bureau responsible for processing a specific application should be contacted.

§1.1305 Actions which normally will have a significant impact upon the environment, for which Environmental Impact Statements must be prepared.
Any Commission action deemed to have a significant effect upon the quality of the human environment requires the preparation of a Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) (collectively referred to as EISs) (see §§1.1314, 1.1315 and 1.1317). The Commission has reviewed representative actions and has found no common pattern which would enable it to specify actions that will thus automatically require EISs.

Note: Our current application forms refer applicants to §1.1305 to determine if their proposals are such that the submission of environmental information is required (see §1.1311). Until the application forms are revised to reflect our new environmental rules, applicants should refer to §1.1307. Section 1.1307 now delineates those actions for which applicants must submit environmental information.

§1.1306 Actions which are categorically excluded from environmental processing.
(a) Except as provided in §1.1307 (c) and (d), Commission actions not covered by §1.1307 (a) and (b) are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing.

(b) Specifically, any Commission action with respect to any new application, or minor or major modifications of existing or authorized facilities or equipment, will be categorically excluded, provided such proposals do not:
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(1) Involve a site location specified under § 1.1307(a) (1)–(7), or
(2) Involve high intensity lighting under § 1.1307(a)(8).

(3) Result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

NOTE 1: The provisions of § 1.1307(a) of this part requiring the preparation of EAs do not encompass the mounting of antenna(s) on an existing building or antenna tower unless § 1.1307(a)(4) of this part is applicable. Such antennas are subject to § 1.1307(b) of this part and require EAs if their construction would result in human exposure to radiofrequency radiation in excess of the applicable health and safety guidelines cited in § 1.1307(b) of this part. The provisions of § 1.1307(a) and (b) of this part do not encompass the installation of aerial wire or cable over existing aerial corridors of prior or permitted use or the underground installation of wire or cable along existing underground corridors of prior or permitted use, established by the applicant or others. The use of existing buildings, towers or corridors is an environmentally desirable alternative to the construction of new facilities and is encouraged. The provisions of § 1.1307(a) and (b) of this part do not encompass the construction of new submarine cable systems.

NOTE 2: The specific height of an antenna tower or supporting structure, as well as the specific diameter of a satellite earth station, in and of itself, will not be deemed sufficient to warrant environmental processing, see §§ 1.1307 and 1.1308.

NOTE 3: The construction of an antenna tower or supporting structure in an established "antenna farm": (i.e., an area in which similar antenna towers are clustered, whether or not such area has been officially designated as an antenna farm), will be categorically excluded unless one or more of the antennas to be mounted on the tower or structure are subject to the provisions of § 1.1307(b) and the additional radiofrequency radiation from the antenna(s) on the new tower or structure would cause human exposure in excess of the applicable health and safety guidelines cited in § 1.1307(b).


§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

(a) Commission actions with respect to the following types of facilities may significantly affect the environment and thus require the preparation of EAs by the applicant (see §§ 1.1308 and 1.1311) and may require further Commission environmental processing (see §§ 1.1314, 1.1315 and 1.1317):

1. Facilities that are to be located in an officially designated wilderness area.

2. Facilities that are to be located in an officially designated wildlife preserve.

3. Facilities that: (i) May affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973.

NOTE: The list of endangered and threatened species is contained in 50 CFR 17.11, 17.22, 222.23(a) and 227.4. The list of designated critical habitats is contained in 50 CFR 17.95, 17.96 and part 226. To ascertain the status of proposed species and habitats, inquiries may be directed to the Regional Director of the Fish and Wildlife Service, Department of the Interior.

4. Facilities that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places. (See 16 U.S.C. 470w(5); 36 CFR 60 and 800.)

NOTE: The National Register is updated each year in February. To ascertain whether a proposal affects a historical property of national significance, inquiries also may be made to the appropriate State Historic Preservation Officer, see 16 U.S.C. 470w(b); 36 CFR parts 63 and 800.

5. Facilities that may affect Indian religious sites.

6. Facilities to be located in a flood plain (See Executive Order 11988.)

7. Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion). (In the case of wetlands on Federal property, see Executive Order 11990.)

8. Antenna towers and/or supporting structures that are to be equipped with
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high intensity white lights which are to be located in residential neighborhoods, as defined by the applicable zoning law.

(b) In addition to the actions listed in paragraph (a) of this section, Commission actions granting construction permits, licenses to transmit or renewals thereof, equipment authorizations or modifications in existing facilities, require the preparation of an Environmental Assessment (EA) if the particular facility, operation or transmitter would cause human exposure to levels of radiofrequency radiation in excess of the limits in §§ 1.1310 and 2.1093 of this chapter. Applications to the Commission for construction permits, licenses to transmit or renewals thereof, equipment authorizations or modifications in existing facilities must contain a statement confirming compliance with the limits unless the facility, operation, or transmitter is categorically excluded, as discussed below. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(1) The appropriate exposure limits in §§ 1.1310 and 2.1093 of this chapter are generally applicable to all facilities, operations and transmitters regulated by the Commission. However, a determination of compliance with the exposure limits in § 1.1310 or § 2.1093 of this chapter (routine environmental evaluation), and preparation of an EA if the limits are exceeded, is necessary only for facilities, operations and transmitters that fall into the categories listed in table 1, or those specified in paragraph (b)(2) of this section. All other facilities, operations and transmitters are categorically excluded from making such studies or preparing an EA, except as indicated in paragraphs (c) and (d) of this section. For purposes of table 1, building-mounted antennas means antennas mounted in or on a building structure that is occupied as a workplace or residence. The term power in column 2 of table 1 refers to total operating power of the transmitting operation in question in terms of effective radiated power (ERP), equivalent isotropically radiated power (EIRP), or peak envelope power (PEP), as defined in § 2.1 of this chapter. For the case of the Cellular Radiotelephone Service, subpart H of part 22 of this chapter; the Personal Communications Service, part 24 of this chapter and the Specialized Mobile Radio Service, part 90 of this chapter, the phrase total power of all channels in column 2 of table 1 means the sum of the ERP or EIRP of all co-located simultaneously operating transmitters owned and operated by a single licensee. When applying the criteria of table 1, radiation in all directions should be considered. For the case of transmitting facilities using sectorized transmitting antennas, applicants and licensees should apply the criteria to all transmitting channels in a given sector, noting that for a highly directional antenna there is relatively little contribution to ERP or EIRP summation for other directions.

<table>
<thead>
<tr>
<th>Service (title 47 CFR rule part)</th>
<th>Evaluation required if</th>
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<tbody>
<tr>
<td>Experimental Radio Services (part 5)</td>
<td>Power &gt; 100 W ERP (164 W EIRP)</td>
</tr>
<tr>
<td>Multipoint Distribution Service (subpart K of part 21).</td>
<td>Non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1640 W EIRP Building-mounted antennas: power &gt; 1640 W EIRP MDS licensees are required to attach a label to subscriber transceiver or trans-</td>
</tr>
<tr>
<td>Paging and Radiotelephone Service (subpart E of part 22).</td>
<td>Non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1000 W ERP (1640 W EIRP) Building-mounted antennas: power &gt; 1000 W ERP (1640 W EIRP)</td>
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TABLE 1—TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION
### Table 1—Transmitters, Facilities and Operations Subject to Routine Environmental Evaluation—Continued

<table>
<thead>
<tr>
<th>Service (title 47 CFR rule part)</th>
<th>Evaluation required if</th>
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</thead>
<tbody>
<tr>
<td><strong>Cellular Radiotelephone Service</strong> (subpart H of part 22).</td>
<td>Non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 1000 W ERP (1640 W EIRP) Building-mounted antennas: total power of all channels &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
<tr>
<td><strong>Personal Communications Services</strong> (part 24)</td>
<td>(1) Narrowband PCS (subpart D): non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 1000 W ERP (1640 W EIRP) Building-mounted antennas: total power of all channels &gt; 1000 W ERP (1640 W EIRP) (2) Broadband PCS (subpart E): non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 2000 W ERP (3280 W EIRP) Building-mounted antennas: total power of all channels &gt; 2000 W ERP (3280 W EIRP)</td>
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<tr>
<td><strong>Satellite Communications</strong> (part 25)</td>
<td>All included.</td>
</tr>
<tr>
<td><strong>General Wireless Communications Service</strong> (part 26).</td>
<td>Total power of all channels &gt; 1640 W EIRP</td>
</tr>
<tr>
<td><strong>Wireless Communications Service</strong> (part 27)</td>
<td>All included.</td>
</tr>
<tr>
<td><strong>Experimental, auxiliary, and special broadcast and other program distributional services</strong> (part 74).</td>
<td>Subpart A, G, L: power &gt; 100 W ERP Subpart I: non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1640 W EIRP Building-mounted antennas: power &gt; 1640 W EIRP ITFS licensees are required to attach a label to subscriber transceiver or transponder antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in §1.1310.</td>
</tr>
<tr>
<td><strong>Stations in the Maritime Services</strong> (part 80)</td>
<td>Ship earth stations only</td>
</tr>
<tr>
<td><strong>Private Land Mobile Radio Services Paging Operations</strong> (part 90).</td>
<td>Non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1640 W EIRP Building-mounted antennas: power &gt; 1640 W EIRP</td>
</tr>
<tr>
<td><strong>Private Land Mobile Radio Services Specialized Mobile Radio</strong> (part 90).</td>
<td>Non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 1000 W ERP (1640 W EIRP) Building-mounted antennas: total power of all channels &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
<tr>
<td><strong>Amateur Radio Service</strong> (part 97)</td>
<td>Transmitter output power &gt; levels specified in §97.13(c)(1) of this chapter Non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1640 W EIRP Building-mounted antennas: power &gt; 1640 W EIRP LMDS licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in §1.1310 of this chapter</td>
</tr>
</tbody>
</table>
| **Local Multipoint Distribution Service** (subpart L of part 101). | (2) Mobile and portable transmitting devices that operate in the Cellular Radiotelephone Service, the Personal Communications Services (PCS), the Satellite Communications Services, the General Wireless Communications Service, the Wireless Communications Service, the Maritime Services (ship earth stations only) and the Specialized Mobile Radio Service authorized under Subpart H of parts 22, 24, 25, 26, 27, 80, and 90 of this chapter are subject to routine environmental evaluation for RF exposure prior to equipment authorization or use, as specified in §§2.1091 and 2.1093 of this chapter. Unlicensed PCS, unlicensed NII and millimeter wave devices are also subject to routine environmental evaluation for RF exposure prior to equipment authorization or use, as specified in §§15.253(f), 15.255(g), 15.319(i), and
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15.407(f) of this chapter. Portable transmitting equipment for use in the Wireless Medical Telemetry Service (WMTS) is subject to routine environment evaluation as specified in §§2.1093 and 95.1125 of this chapter. Equipment authorized for use in the Medical Implant Communications Service (MICS) as a medical implant transmitter (as defined in Appendix 1 to Subpart E of part 95 of this chapter) is subject to routine environmental evaluation for RF exposure prior to equipment authorization, as specified in §2.1093 of this chapter by finite difference time domain computational modeling or laboratory measurement techniques. Where a showing is based on computational modeling, the Commission retains the discretion to request that specific absorption rate measurement data be submitted. All other mobile, portable, and unlicensed transmitting devices are categorically excluded from routine environmental evaluation for RF exposure under §§2.1091, 2.1093 of this chapter except as specified in paragraphs (c) and (d) of this section.

(3) In general, when the guidelines specified in §1.1310 are exceeded in an accessible area due to the emissions from multiple fixed transmitters, actions necessary to bring the area into compliance are the shared responsibility of all licensees whose transmitters produce, at the area in question, power density levels that exceed 5% of the power density exposure limit applicable to their particular transmitter or field strength levels that, when squared, exceed 5% of the square of the electric or magnetic field strength limit applicable to that transmitter or facility. Owners of transmitter sites are expected to allow applicants and licensees to take reasonable steps to comply with the requirements contained in §1.1307(b) and, where feasible, should encourage co-location of transmitters and common solutions for controlling access to areas where the RF exposure limits contained in §1.1310 might be exceeded.

(i) Applicants for proposed (not otherwise excluded) transmitters, facilities or modifications that would cause non-compliance with the limits specified in §1.1310 at an accessible area previously in compliance must submit an EA if emissions from the applicant’s transmitter or facility would result, at the area in question, in a power density that exceeds 5% of the power density exposure limit applicable to that transmitter or facility or in a field strength that, when squared, exceeds 5% of the square of the electric or magnetic field strength limit applicable to that transmitter or facility.

(ii) Renewal applicants whose (not otherwise excluded) transmitters or facilities contribute to the field strength or power density at an accessible area not in compliance with the limits specified in §1.1310 must submit an EA if emissions from the applicant’s transmitter or facility results, at the area in question, in a power density that exceeds 5% of the power density exposure limit applicable to that transmitter or facility or in a field strength that, when squared, exceeds 5% of the square of the electric or magnetic field strength limit applicable to that transmitter or facility.

(4) Transition Provisions. Applications filed with the Commission prior to October 15, 1997 (or January 1, 1998, for the Amateur Radio Service only), for construction permits, licenses to transmit or renewals thereof, modifications in existing facilities or other authorizations or renewals thereof require the preparation of an Environmental Assessment if the particular facility, operation or transmitter would cause human exposure to levels of radio-frequency radiation that are in excess of the requirements contained in paragraphs (b)(4)(i) through (b)(4)(iii) of this section. In accordance with §1.1312, if no new application or Commission action is required for a licensee to construct a new facility or physically modify an existing facility, e.g., geographic area licensees, and construction begins on or after October 15, 1997, the licensee will be required to prepare an Environmental Assessment if construction or modification of the facility would not comply with the provisions of paragraph (b)(1) of this section. These transition provisions do not apply to applications for equipment authorization or use for mobile, portable and unlicensed devices as specified in paragraph (b)(2) of this section.
§ 1.1307

(i) For facilities and operations licensed or authorized under parts 5, 21 (subpart K), 25, 73, 74 (subparts A, G, I, and L), and 80 of this chapter, the “Radio Frequency Protection Guides” recommended in “American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz”, (ANSI C95.1-1982), issued by the American National Standards Institute (ANSI) and copyrighted 1982 by the Institute of Electrical and Electronics Engineers, Inc., New York, New York shall apply. With respect to subpart K of part 21 and subpart I of part 74 of this chapter, these requirements apply only to multipoint distribution service and instructional television fixed service stations transmitting with an equivalent isotropically radiated power (EIRP) in excess of 200 watts. With respect to subpart L of part 74 of this chapter, these requirements apply only to FM booster and translator stations transmitting with an effective radiated power (ERP) in excess of 100 watts. With respect to part 80 of this chapter, these requirements apply only to ship earth stations.

(ii) For facilities and operations licensed or authorized under part 24 of this chapter, licensees and manufacturers are required to ensure that their facilities and equipment comply with IEEE C95.1-1991 (ANSI/IEEE C95.1-1992), “Safety Levels With Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz.” Measurement methods are specified in IEEE C95.3-1991, “Recommended Practice for the Measurement of Potentially Hazardous Electromagnetic Fields—RF and Microwave.” Copies of these standards are available from the IEEE Standards Board, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855-1331. Telephone: 1-800-678-4333. The limits for both “controlled” and “uncontrolled” environments, as defined by IEEE C95.1-1991, will apply to all PCS base and mobile stations, as appropriate.

(iii) Applications for all other types of facilities and operations are categorically excluded from routine RF radiation evaluation except as provided in paragraphs (c) and (d) of this section.

(5) Existing transmitting facilities, devices and operations: All existing transmitting facilities, operations and devices regulated by the Commission must be in compliance with the requirements of paragraphs (b)(1) through (b)(3) of this section by September 1, 2000, or, if not in compliance, file an Environmental Assessment as specified in §1.1311.

(c) If an interested person alleges that a particular action, otherwise categorically excluded, will have a significant environmental effect, the person shall submit to the Bureau responsible for processing that action a written petition setting forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process. (See §1.1313). The Bureau shall review the petition and consider the environmental concerns that have been raised. If the Bureau determines that the action may have a significant environmental impact, the Bureau will require the applicant to prepare an EA (see §§1.1308 and 1.1311), which will serve as the basis for the determination to proceed with or terminate environmental processing.

(d) If the Bureau responsible for processing a particular action, otherwise categorically excluded, determines that the proposal may have a significant environmental impact, the Bureau, on its own motion, shall require the applicant to submit an EA. The Bureau will review and consider the EA as in paragraph (c) of this section.

(e) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the regulations contained in this chapter concerning the environmental effects of such emissions. For purposes of this paragraph:

(1) The term personal wireless service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;
§ 1.1307 Actions that may have a significant environmental effect

(a) Applicants shall prepare EAs for actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

(b) Mobile and portable transmitting devices that operate in the Cellular Radio-telephone Service, the Personal Communications Services (PCS), the Satellite Communications Services, the General Wireless Communications Service, the Wireless Communications Service, the Maritime Services (ship earth stations only) and the Specialized Mobile Radio Service authorized under Subpart H of parts 22, 24, 25, 26, 27, 80, and 90 of this part, except at the subscriber's premises or in the uplink process to the satellite.

(2) The term personal wireless service facilities means facilities for the provision of personal wireless services;

(3) The term unlicensed services means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services; and

(4) The term direct-to-home satellite services means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

§ 1.1308 Consideration of environmental assessments (EAs); findings of no significant impact.

(a) Applicants shall prepare EAs for actions that may have a significant environmental impact (see §1.1307). An EA is described in detail in §1.1311 of this part of the Commission rules.

(b) The EA is a document which shall explain the environmental consequences of the proposal and set forth sufficient analysis for the Bureau or the Commission to reach a determination that the proposal will or will not have a significant environmental effect. To assist in making that determination, the Bureau or the Commission may request further information from the applicant, interested persons, and agencies and authorities which have jurisdiction by law or which have relevant expertise.

Note: With respect to actions specified under §1.1307 (a)(3) and (a)(4), the Commission shall solicit and consider the comments of the Department of Interior, and the State Historic Preservation Officer and the Advisory Council on Historic Preservation, respectively, in accordance with their established procedures. See Interagency Cooperation–Endangered Species Act of 1973, as amended, 50 CFR part 402; Protection of Historic and Cultural Properties, 36 CFR part 800. In addition, when an action interferes with or adversely affects an American Indian tribe's religious site, the Commission shall solicit the views of that American Indian tribe. See §1.1307(a)(5).
imposed upon Federal agencies (see note above), that the proposal will have a significant environmental impact upon the quality of the human environment, it will so inform the applicant. The applicant will then have an opportunity to amend its application so as to reduce, minimize, or eliminate environmental problems. See §1.1309. If the environmental problem is not eliminated, the Bureau will publish in the Federal Register a Notice of Intent (see §1.1314) that EISs will be prepared (see §§1.1315 and 1.1317), or

(d) If the Bureau or Commission determines, based on an independent review of the EA, and any mandatory consultation requirements imposed upon Federal agencies (see the note to paragraph (b) of this section), that the proposal would not have a significant impact, it will make a finding of no significant impact. Thereafter, the application will be processed without further documentation of environmental effect. Pursuant to CEQ regulations, see 40 CFR 1501.4 and 1501.6, the applicant must provide the community notice of the Commission's finding of no significant impact.

§1.1309 Application amendments.

Applicants are permitted to amend their applications to reduce, minimize or eliminate potential environmental problems. As a routine matter, an applicant will be permitted to amend its application within thirty (30) days after the Commission or the Bureau informs the applicant that the proposal will have a significant impact upon the quality of the human environment (see §1.1308(c)). The period of thirty (30) days may be extended upon a showing of good cause.

§1.1310 Radiofrequency radiation exposure limits.

The criteria listed in Table 1 shall be used to evaluate the environmental impact of human exposure to radiofrequency (RF) radiation as specified in §1.1307(b), except in the case of portable devices which shall be evaluated according to the provisions of §2.1093 of this chapter. Further information on evaluating compliance with these limits can be found in the FCC’s OST/OET Bulletin Number 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation.”

NOTE TO INTRODUCTORY PARAGRAPH: These limits are generally based on recommended exposure guidelines published by the National Council on Radiation Protection and Measurements (NCRP) in “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” NCRP Report No. 86, Sections 17.4.1, 17.4.1.1, 17.4.2 and 17.4.3. Copyright NCRP, 1986, Bethesda, Maryland 20814. In the frequency range from 100 MHz to 1500 MHz, exposure limits for field strength and power density are also generally based on guidelines recommended by the American National Standards Institute (ANSI) in Section 4.1 of “IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” ANSI/IEEE C95.1-1992. Copyright 1992 by the Institute of Electrical and Electronics Engineers, Inc., New York, New York 10017.

<table>
<thead>
<tr>
<th>Frequency range (MHz)</th>
<th>Electric field strength (V/m)</th>
<th>Magnetic field strength (A/m)</th>
<th>Power density (mW/cm²)</th>
<th>Averaging time (minutes)</th>
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</thead>
<tbody>
<tr>
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<td>(A) Limits for Occupational/Controlled Exposures</td>
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(B) Limits for General Population/Uncontrolled Exposure

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<th>Frequency range (MHz)</th>
<th>Electric field strength (V/m)</th>
<th>Magnetic field strength (A/m)</th>
<th>Power density (mW/cm²)</th>
<th>Averaging time (minutes)</th>
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<tr>
<td>30-300</td>
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<td>0.073</td>
<td>0.2</td>
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</tr>
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<td>300-1500</td>
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</table>
### TABLE 1—LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)—Continued

<table>
<thead>
<tr>
<th>Frequency range (MHz)</th>
<th>Electric field strength (V/m)</th>
<th>Magnetic field strength (A/m)</th>
<th>Power density (mW/cm²)</th>
<th>Averaging time (minutes)</th>
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</thead>
<tbody>
<tr>
<td>1500–100,000</td>
<td></td>
<td></td>
<td>1.0</td>
<td>30</td>
</tr>
</tbody>
</table>

* = Plane-wave equivalent power density

**NOTE 1 TO TABLE 1:** Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

**NOTE 2 TO TABLE 1:** General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure.

[61 FR 41016, Aug. 7, 1996]
§ 1.1311 Environmental information to be included in the environmental assessment (EA).

(a) The applicant shall submit an EA with each application that is subject to environmental processing (see §1.1307). The EA shall contain the following information:

1. For antenna towers and satellite earth stations, a description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.

2. A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or Federal authorities on matters relating to environmental effect.

3. A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.

4. A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered.

5. Any other information that may be requested by the Bureau or Commission.

6. If endangered or threatened species or their critical habitats may be affected, the applicant’s analysis must utilize the best scientific and commercial data available, see 50 CFR 402.14(c).

(b) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission or Bureau, after an independent review of the EA, to reach a determination concerning the proposal’s environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness areas, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, the EA shall specify the effect of the facilities on any district, site, building, structure or object listed, or eligible for listing, in the National Register of Historic Places. It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

(c) The EA shall also be accompanied with evidence of site approval which has been obtained from local or Federal land use authorities.

(d) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA, but adequate cross-reference to such information shall be supplied.

(e) An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether the facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process.

§ 1.1312 Facilities for which no preconstruction authorization is required.

(a) In the case of facilities for which no Commission authorization prior to construction is required by the Commission’s rules and regulations the licensee or applicant shall initially ascertain whether the proposed facility may have a significant environmental impact as defined in §1.1307 of this part or is categorically excluded from environmental processing under §1.1306 of this part.
§ 1.1313

(b) If a facility covered by paragraph (a) of this section may have a significant environmental impact, the information required by § 1.1311 of this part shall be submitted by the licensee or applicant and ruled on by the Commission, and environmental processing (if invoked) shall be completed, see § 1.1308 of this part, prior to the initiation of construction of the facility.

c) If a facility covered by paragraph (a) of this section is categorically excluded from environmental processing, the licensee or applicant may proceed with construction and operation of the facility in accordance with the applicable licensing rules and procedures.

d) If, following the initiation of construction under this section, the licensee or applicant discovers that the proposed facility may have a significant environmental effect, it shall immediately cease construction which may have that effect, and submit the information required by § 1.1311 of this part. The Commission shall rule on that submission and complete further environmental processing (if invoked), see § 1.1308 of this part, before such construction is resumed.

e) Paragraphs (a) through (d) of this section shall not apply to the construction of mobile stations.

§ 1.1314

Environmental impact statements (EISs).

(a) Draft Environmental Impact Statements (DEISs) (§ 1.1315) and Final Environmental Impact Statements (FEISs) (referred to collectively as EISs) (§ 1.1317) shall be prepared by the Bureau responsible for processing the proposal when the Commission's or the Bureau's analysis of the EA (§ 1.1308) indicates that the proposal will have a significant effect upon the environment and the matter has not been resolved by an amendment.

(b) As soon as practically feasible, the Bureau will publish in the FEDERAL REGISTER a Notice of Intent to prepare EISs. The Notice shall briefly identify the proposal, concisely describe the environmental issues and concerns presented by the subject application, and generally invite participation from affected or involved agencies, authorities and other interested persons.

c) The EISs shall not address non-environmental considerations. To safeguard against repetitive and unnecessarily lengthy documents, the Statements, where feasible, shall incorporate by reference material set forth in previous documents, with only a brief summary of its content. In preparing the EISs, the Bureau will identify and address the significant environmental issues and eliminate the insignificant issues from analysis.

d) To assist in the preparation of the EISs, the Bureau may request further information from the applicant, interested persons and agencies and authorities, which have jurisdiction by law or which have relevant expertise. The Bureau may also consult experts in an effort to identify measures that could be taken to minimize the adverse effects and alternatives to the proposed facilities that are not, or are less, objectionable. The Bureau may also direct that objections be raised with appropriate local, state or Federal land use agencies or authorities (if their views have not been previously sought).

e) The Bureau responsible for processing the particular application and, thus, preparing the EISs shall draft supplements to Statements where significant new circumstances occur or information arises relevant to environmental concerns and bearing upon the application.
(f) The Application, the EA, the DEIS, and the FEIS and all related documents, including the comments filed by the public and any agency, shall be part of the administrative record and will be routinely available for public inspection.

(g) If EISs are to be prepared, the applicant must provide the community with notice of the availability of environmental documents and the scheduling of any Commission hearings in that action.

(h) The timing of agency action with respect to applications subject to EISs is set forth in 40 CFR 1506.10. No decision shall be made until ninety (90) days after the Notice of Availability of the Draft Environmental Impact Statement is published in the Federal Register, and thirty (30) days after the Notice of Availability of the Final Environmental Impact Statement is published in the Federal Register, which time period may run concurrently. See 40 CFR 1506.10(c); see also §§1.1315(b) and 1.1317(b).

(i) Guidance concerning preparation of the Draft and Final Environmental Statements is set out in 40 CFR part 1502.


§1.1315 The Draft Environmental Impact Statement (DEIS); Comments.

(a) The DEIS shall include:

(1) A concise description of the proposal, the nature of the area affected, its uses, and any specific feature of the area that has special environmental significance;

(2) An analysis of the proposal, and reasonable alternatives exploring the important consequent advantages and/or disadvantages of the action and indicating the direct and indirect effects and their significance in terms of the short and long-term uses of the human environment.

(b) When a DEIS and supplements, if any, are prepared, the Commission shall send five copies of the Statement, or a summary, to the Office of Federal Activities, Environmental Protection Agency. Additional copies, or summaries, will be sent to the appropriate regional office of the Environmental Protection Agency. Public Notice of the availability of the DEIS will be published in the Federal Register by the Environmental Protection Agency.

(c) When copies or summaries of the DEIS are sent to the Environmental Protection Agency, the copies or summaries will be mailed with a request for comment to Federal agencies having jurisdiction by law or special expertise, to the Council on Environmental Quality, to the applicant, to individuals, groups and state and local agencies known to have an interest in the environmental consequences of a grant, and to any other person who has requested a copy.

(d) Any person or agency may comment on the DEIS and the environmental effect of the proposal described therein within 45 days after notice of the availability of the statement is published in the Federal Register. A copy of those comments shall be mailed to the applicant by the person who files them pursuant to 47 CFR 1.47. An original and one copy shall be filed with the Commission. If a person submitting comments is especially qualified in any way to comment on the environmental impact of the facilities, a statement of his or her qualifications shall be set out in the comments. In addition, comments submitted by an agency shall identify the person(s) who prepared them.

(e) The applicant may file reply comments within 15 days after the time for filing comments has expired. Reply comments shall be filed with the Commission in the same manner as comments, and shall be served by the applicant on persons or agencies which filed comments.

(f) The preparation of a DEIS and the request for comments shall not open the application to attack on other grounds.

§1.1317 The Final Environmental Impact Statement (FEIS).

(a) After receipt of comments and reply comments, the Bureau will prepare a FEIS, which shall include a summary of the comments, and a response to the comments, and an analysis of the proposal in terms of its environmental consequences, and any reasonable alternatives, and recommendations, if any, and shall cite
§ 1.1319 Consideration of the environmental impact statements.

(a) If the action is subject to a hearing:

(1) In rendering his initial decision, the Administrative Law Judge shall utilize the FEIS in considering the environmental issues, together with all other non-environmental issues. In a comparative context, the respective parties shall be afforded the opportunity to comment on the FEIS, and the Administrative Law Judge's decision shall contain an evaluation of the respective applications based on environmental and non-environmental public interest factors.

(2) Upon review of an initial decision, the Commission will consider and assess all aspects of the FEIS and will render its decision, giving due consideration to the environmental and non-environmental issues.

(b) In all non-hearing matters, the Commission, as part of its decision-making process, will review the FEIS, along with other relevant issues, to ensure that the environmental effects are specifically assessed and given comprehensive consideration.


Subpart J—Pole Attachment Complaint Procedures

§ 1.1401 Purpose.

The rules and regulations contained in subpart J of this part provide complaint and enforcement procedures to ensure that telecommunications carriers and cable system operators have nondiscriminatory access to utility poles, ducts, conduits, and rights-of-way on rates, terms, and conditions that are just and reasonable.

[61 FR 45618, Aug. 29, 1996]
or a telecommunications carrier against whom a complaint is filed.

(g) The term State means any State, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof.

(h) For purposes of this subpart, the term telecommunications carrier means any provider of telecommunications services, except that the term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226) or incumbent local exchange carriers (as defined in 47 U.S.C. 251(h)).

(i) The term conduit means a structure containing one or more ducts, usually placed in the ground, in which cables or wires may be installed.

(j) The term conduit system means a collection of one or more conduits together with their supporting infrastructure.

(k) The term duct means a single enclosed raceway for conductors, cable and/or wire.

(l) With respect to poles, the term unusable space means the space on a utility pole below the usable space, including the amount required to set the depth of the pole.

(m) The term attaching entity includes cable operators, telecommunications carriers, incumbent local exchange carriers, utilities and governmental entities providing cable or telecommunications services.

(n) The term inner-duct means a duct-like raceway smaller than a duct that is inserted into a duct so that the duct may carry multiple wires or cables.

§1.1403 Duty to provide access; modifications; notice of removal, increase or modification; petition for temporary stay; and cable operator notice.

(a) A utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it. Notwithstanding this obligation, a utility may deny a cable television system or any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a non-discriminatory basis where there is insufficient capacity or for reasons of safety, reliability and generally applicable engineering purposes.

(b) Requests for access to a utility's poles, ducts, conduits or rights-of-way by a telecommunications carrier or cable operator must be in writing. If access is not granted within 45 days of the request for access, the utility must confirm the denial in writing by the 45th day. The utility's denial of access shall be specific, shall include all relevant evidence and information supporting its denial, and shall explain how such evidence and information relate to a denial of access for reasons of lack of capacity, safety, reliability or engineering standards.

(c) A utility shall provide a cable television system operator or telecommunications carrier no less than 60 days written notice prior to:

(1) Removal of facilities or termination of any service to those facilities, such removal or termination arising out of a rate, term or condition of the cable television system operator's or telecommunications carrier's pole attachment agreement;

(2) Any increase in pole attachment rates; or

(3) Any modification of facilities other than routine maintenance or modification in response to emergencies.

(d) A cable television system operator or telecommunications carrier may file a “Petition for Temporary Stay” of the action contained in a notice received pursuant to paragraph (c) of this section within 15 days of receipt of such notice. Such submission shall not be considered unless it includes, in concise terms, the relief sought, the reasons for such relief, including a showing of irreparable harm and likely cessation of cable television service or telecommunications service, a copy of the notice, and certification of service as required by §1.1404(b). The named respondent may file an answer within 7 days of the date the Petition for Temporary Stay was filed. No further filings under this section will be considered unless requested or authorized by the Commission and no extensions of

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§ 1.1404 Complaint.

(a) The complaint shall contain the name and address of the complainant, name and address of the respondent, and shall contain a verification (in the form in §1.721(b)), signed by the complainant or officer thereof if complainant is a corporation, showing complainant's direct interest in the matter complained of. Counsel for the complainant may sign the complaint. Complainants may join together to file a joint complaint. Complaints filed by associations shall specifically identify each utility, cable television system operator, or telecommunications carrier who is a party to the complaint and shall be accompanied by a document from each identified member certifying that the complaint is being filed on its behalf.

(b) The complaint shall be accompanied by a certification of service on the named respondent, and each of the Federal, State, and local governmental agencies that regulate any aspect of the services provided by the complainant or respondent.

(c) In a case where it is claimed that a rate, term, or condition is unjust or unreasonable, the complaint shall contain a statement that the State has not certified to the Commission that it regulates any aspect of the services provided by the complainant or respondent.

(d) The complaint shall contain a statement that the utility is not owned by any railroad, any person who is cooperatively organized or any person owned by the Federal Government or any State.

(e) The complaint shall state with specificity the pole attachment rate, term or condition which is claimed to be unjust or unreasonable.

(f) In any case, where it is claimed that a term or condition is unjust or unreasonable, the claim shall specify all information and argument relied upon to justify said claim.

(g) For attachments to poles, where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim.

(i) The gross investment by the utility for pole lines;

(ii) The investment in crossarms and other items which do not reflect the cost of owning and maintaining poles, if available;

(iii) The depreciation reserve from the gross pole line investment;

(iv) The depreciation reserve from the investment in crossarms and other items which do not reflect the cost of owning and maintaining poles, if available;

(v) The total number of poles:

(A) Owned; and

(B) Controlled or used by the utility.

If any of these poles are jointly owned, the complaint shall specify the number of each joint pole or the number of equivalent poles owned by the subject utility;

(vi) The total number of poles which are the subject of the complaint;

(vii) The number of poles included in paragraph (g)(1)(vi) of this section that are controlled or used by the utility...
through lease between the utility and other owner(s), and the annual amounts paid by the utility for such rental;

(viii) The number of poles included in paragraph (g)(1)(vi) of this section that are owned by the utility and that are leased to other users by the utility, and the annual amounts paid to the utility for such rental;

(ix) The annual carrying charges attributable to the cost of owning a pole. These charges may be expressed as a percentage of the net pole investment. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which determines the treatment of accumulated deferred taxes if it is at issue in the proceeding and shall note the section which specifically determines the treatment and amount of accumulated deferred taxes.

(x) The rate of return authorized for the utility for intrastate service. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which establishes this authorized rate of return if the rate of return is at issue in the proceeding and shall note the section which specifically establishes this authorized rate and whether the decision is subject to further proceedings before the state regulatory body or a court. In the absence of a state authorized rate of return, the rate of return set by the Commission for local exchange carriers shall be used as a default rate of return;

(xi) The average amount of usable space per pole for those poles used for pole attachments (13.5 feet may be in lieu of actual measurement, but may be rebutted);

(xii) The average amount of unusable space per pole for those poles used for pole attachments (24 foot presumption may be used in lieu of actual measurement, but the presumption may be rebutted); and

(xiii) Reimbursements received from CATV operators and telecommunication carriers for non-recurring costs.

(2) Data and information should be based upon historical or original cost methodology, insofar as possible. Data should be derived from ARMIS, FERC 1, or other reports filed with state or federal regulatory agencies (identify source). Calculations made in connection with these figures should be provided to the complainant. The complainant shall also specify any other information and argument relied upon to attempt to establish that a rate, term, or condition is not just and reasonable.

(h) With respect to attachments within a duct or conduit system, where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim.

(1) The data and information shall include, where applicable:

(i) The gross investment by the utility for conduit;

(ii) The accumulated depreciation from the gross conduit investment;

(iii) The system duct length or system conduit length and the method used to determine it;

(iv) The length of the conduit subject to the complaint;

(v) The number of ducts in the conduit subject to the complaint;

(vi) The number of inner-ducts in the conduit occupied, if any. If there are no inner-ducts, the attachment is presumed to occupy one-half duct.

(vii) The annual carrying charges attributable to the cost of owning conduit. These charges may be expressed as a percentage of the net linear cost of a conduit. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which determines the treatment of accumulated deferred taxes if it is at issue in the proceeding and shall note the section which specifically determines the treatment and amount of accumulated deferred taxes.

(viii) The rate of return authorized for the utility for intrastate service. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which establishes this authorized rate of return if the rate of return is at issue in the proceeding and shall note the section which specifically establishes this authorized rate and whether
the decision is subject to further proceedings before the state regulatory body or a court. In the absence of a state authorized rate of return, the rate of return set by the Commission for local exchange carriers shall be used as a default rate of return; and

(ix) Reimbursements received by utilities from CATV operators and telecommunications carriers for non-recurring costs.

(2) Data and information should be based upon historical or original cost methodology, insofar as possible. Data should be derived from ARMIS, FERC 1, or other reports filed with state or federal regulatory agencies (identify source). Calculations made in connection with these figures should be provided to the complainant. The complainant shall also specify any other information and argument relied upon to attempt to establish that a rate, term, or condition is not just and reasonable.

(i) With respect to rights-of-way, where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim. The data and information shall include, where applicable, equivalent information as specified in paragraph (g) of this section.

(j) If any of the information and data required in paragraphs (g), (h) and (i) of this section is not provided to the cable television operator or telecommunications carrier by the utility upon reasonable request, the cable television operator or telecommunications carrier shall include a statement indicating the steps taken to obtain the information from the utility, including the dates of all requests. No complaint filed by a cable television operator or telecommunications carrier shall be dismissed where the utility has failed to provide the information required under paragraphs (g), (h) or (i) of this section, as applicable, after such reasonable request. A utility must supply a cable television operator or telecommunications carrier the information required in paragraph (g), (h) or (i) of this section, as applicable, along with the supporting pages from its ARMIS, FERC Form 1, or other report to a regulatory body, within 30 days of the request by the cable television operator or telecommunications carrier. The cable television operator or telecommunications carrier, in turn, shall submit these pages with its complaint. If the utility did not supply these pages to the cable television operator or telecommunications carrier in response to the information request, the utility shall supply this information in its response to the complaint.

(k) The complaint shall include a brief summary of all steps taken to resolve the problem prior to filing. If no such steps were taken, the complaint shall state the reason(s) why it believed such steps were fruitless.

(l) Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

(m) In a case where a cable television system operator or telecommunications carrier claims that it has been denied access to a pole, duct, conduit or right-of-way despite a request made pursuant to section 47 U.S.C. §224(f), the complaint shall be filed within 30 days of such denial. In addition to meeting the other requirements of this section, the complaint shall include the data and information necessary to support the claim, including:

(1) The reasons given for the denial of access to the utility’s poles, ducts, conduits and rights-of-way;

(2) The basis for the complainant’s claim that the denial of access is improper;

(3) The remedy sought by the complainant;

(4) A copy of the written request to the utility for access to its poles, ducts, conduits or rights-of-way; and

(5) A copy of the utility’s response to the written request including all information given by the utility to support its denial of access. A complaint alleging improper denial of access will not
§ 1.1407

Response and reply.

(a) Respondent shall have 30 days from the date the complaint was filed within which to file a response. Complaint shall have 20 days from the date the response was filed within which to file a reply. Extensions of time to file are not contemplated unless justification is shown pursuant to §1.46. Except as otherwise provided in §1.1403, no other filings and no motions other than for extension of time will be considered unless authorized by the Commission. The response should set forth justification for the rate, term, or condition alleged in the complaint not to be just and reasonable. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts and exhibits shall be verified by the person who prepares them. The response, reply, and other pleadings may be signed by counsel.

(b) The response shall be served on the complainant and all parties listed in complainant’s certificate of service.

(c) The reply shall be served on the respondent and all parties listed in respondent’s certificate of service.
§ 1.1408

(d) Failure to respond may be deemed an admission of the material factual allegations contained in the complaint.

[44 FR 31650, June 1, 1979]

§ 1.1408 Number of copies and form of pleadings.

(a) An original and three copies of the complaint, response, and reply shall be filed with the Commission.

(b) All papers filed in the complaint proceeding must be drawn in conformity with the requirements of §§ 1.49, 1.50 and 1.52.

§ 1.1409 Commission consideration of the complaint.

(a) In its consideration of the complaint, response, and reply, the Commission may take notice of any information contained in publicly available filings made by the parties and may accept, subject to rebuttal, studies that have been conducted. The Commission may also request that one or more of the parties make additional filings or provide additional information. Where one of the parties has failed to provide information required to be provided by these rules or requested by the Commission, or where costs, values or amounts are disputed, the Commission may estimate such costs, values or amounts it considers reasonable, or may decide adversely to a party who has failed to supply requested information which is readily available to it, or both.

(b) The complainant shall have the burden of establishing a prima facie case that the rate, term, or condition is not just and reasonable or that the denial of access was lawful. In a case involving a denial of access, the utility shall have the burden of proving that the denial was lawful, once a prima facie case is established by the complainant.

(c) The Commission shall determine whether the rate, term or condition complained of is just and reasonable.

For the purposes of this paragraph, a rate is just and reasonable if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the utility attributable to the entire pole, duct, conduit, or right-of-way.

(d) The Commission shall deny the complaint if it determines that the complainant has not established a prima facie case, or that the rate, term or condition is just and reasonable, or that the denial of access was lawful.

(e) When parties fail to resolve a dispute regarding charges for pole attachments and the Commission’s complaint procedures under Section 1.1404 are invoked, the Commission will apply the following formulas for determining a maximum just and reasonable rate:

(1) The following formula shall apply to attachments to poles by cable operators providing cable services. This formula shall also apply to attachments to poles by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services until February 8, 2001:

\[
\text{Maximum Rate} = \frac{\text{Space Occupied by Attachment}}{\text{Total Usable Space}} \times \frac{\text{Net Cost of a Bare Pole}}{\text{Carrying Charge Rate}}
\]

(2) Subject to paragraph (f) the following formula shall apply to pole attachments on a pole by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services beginning on February 8, 2001:

\[
\text{Maximum Rate} = \frac{\text{Space Occupied by Attachment}}{\text{Total Usable Space}} \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}
\]
Maximum Pole Rate = Unusable Space Factor + Usable Space Factor

For purposes of this formula, the unusable space factor, as defined under Section 1.1417(b), and the usable space factor, as defined under Section 1.1418(b), shall apply per pole.

(3) The following formula shall apply to attachments to conduit by cable operators providing cable services. This formula shall also apply to attachments to conduit by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services until February 8, 2001:

\[
\text{Maximum Rate} = \left( \frac{1}{\text{Number of Ducts}} \times \frac{1}{\text{No. of Inner Ducts}} \right) \times \left( \frac{\text{No. of Ducts} \times \text{Net Conduit Investment}}{\text{System Duct Length}} \right) \times \text{Carrying Charge Rate}
\]

If no inner-duct is installed the fraction, ‘‘1 Duct divided by the No. of Inner-Ducts’’ is presumed to be 1/2.

(4) Subject to paragraph (f) the following formula shall apply to pole attachments within a conduit system beginning on February 8, 2001:

Maximum Conduit Rate = Conduit Unusable Space Factor + Conduit Usable Space Factor

For purposes of this formula, the conduit unusable space factor, as defined under Section 1.1417(c), and the conduit usable space factor, as defined under Section 1.1418(c), shall apply to each linear foot occupied.

(f) Paragraphs (e)(2) and (e)(4) of this section shall become effective February 8, 2001 (i.e., five years after the effective date of the Telecommunications Act of 1996). Any increase in the rates for pole attachments that results from the adoption of such regulations shall be phased in over a period of five years beginning on the effective date of such regulations in equal annual increments. The five-year phase-in is to apply to rate increases only. Rate reductions are to be implemented immediately. The determination of any rate increase shall be based on data currently available at the time of the calculation of the rate increase.

EFFECTIVE DATE NOTE 1: At 63 FR 12025, Mar. 12, 1998, §1.1409 was amended by revising paragraph (e). The text contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget. The text in effect until OMB clearance is obtained is set forth as follows:

§ 1.1409 Commission consideration of the complaint.

* * * * *

(e) Section 1.1404 shall apply to the rate for any pole attachment used by a cable system operator solely to provide cable service. Until 47 U.S.C. 224(e) is implemented, §1.1404 shall also apply to the rate for any pole attachment used by a cable system or any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) to provide any telecommunications service.

* * * * *

EFFECTIVE DATE NOTE 2: At 65 FR 31282, May 17, 2000, §1.1409 was amended by redesignating paragraph (e)(3) as paragraph (e)(4), revising paragraphs (e)(1) and (f), and adding new paragraph (e)(3). The revised and added text contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 1.1410 Remedies.

If the Commission determines that the rate, term, or condition complained of is not just and reasonable, it may prescribe a just and reasonable rate, term, or condition and may:

(a) Terminate the unjust and unreasonable rate, term, or condition;

(b) Substitute in the pole attachment agreement the just and reasonable
§ 1.1411 Meetings and hearings.

The Commission may decide each complaint upon the filings and information before it, may require one or more informal meetings with the parties to clarify the issues or to consider settlement of the dispute, or may, in its discretion, order evidentiary procedures upon any issues it finds to have been raised by the filings.

§ 1.1412 Enforcement.

If the respondent fails to obey any order imposed under this subpart, the Commission on its own motion or by motion of the complainant may order the respondent to show cause why it should not cease and desist from violating the Commission's order.

§ 1.1413 Forfeiture.

(a) If any person willfully fails to obey any order imposed under this subpart, or any Commission rule, or

(b) If any person shall in any written response to Commission correspondence or inquiry or in any application, pleading, report, or any other written statement submitted to the Commission pursuant to this subpart make any misrepresentation bearing on any matter within the jurisdiction of the Commission, the Commission may, in addition to any other remedies, including criminal penalties under section 1001 of Title 18 of the United States Code, impose a forfeiture pursuant to section 503(b) of the Communications Act, 47 U.S.C. 503(b).

§ 1.1414 State certification.

(a) If the Commission does not receive certification from a state that:

(1) It regulates rates, terms and conditions for pole attachments;

(2) In so regulating such rates, terms and conditions, the state has the authority to consider and does consider the interests of the subscribers of cable television services as well as the interests of the consumers of the utility services; and,

(3) It has issued and made effective rules and regulations implementing the state's regulatory authority over pole attachments (including a specific methodology for such regulation which has been made publicly available in the state), it will be rebuttably presumed that the state is not regulating pole attachments.

(b) Upon receipt of such certification, the Commission shall give public notice. In addition, the Commission shall compile and publish from time to time, a listing of states which have provided certification.

(c) Upon receipt of such certification, the Commission shall forward any pending case thereby affected to the state regulatory authority, shall so notify the parties involved and shall give public notice thereof.

(d) Certification shall be by order of the state regulatory body or by a person having lawful delegated authority under provisions of state law to submit such certification. Said person shall provide in writing a statement that he or she has such authority and shall cite the law, regulation or other instrument conferring such authority.

(e) Notwithstanding any such certification, jurisdiction will revert to this Commission with respect to any individual matter, unless the state takes final action on a complaint regarding such matter:

(1) Within 180 days after the complaint is filed with the state, or

(2) Within the applicable periods prescribed for such final action in such rules and regulations of the state, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

§ 1.1415 Other orders.

The Commission may issue such other orders and so conduct its proceedings as will best conduce to the proper dispatch of business and the ends of justice.

§ 1.1416 Imputation of rates; modification costs.

(a) A utility that engages in the provision of telecommunications services or cable services shall impute to its costs of providing such services (and charge any affiliate, subsidiary, or associate company engaged in the provision of such services) an equal amount to the pole attachment rate for which such company would be liable under this section.

(b) The costs of modifying a facility shall be borne by all parties that obtain access to the facility as a result of the modification. Each party described in the preceding sentence shall share proportionately in the cost of the modification. A party with a preexisting attachment to the modified facility shall be deemed to directly benefit from a modification if, after receiving notification of such modification as provided in subpart J of this part, it adds to or modifies its attachment. Notwithstanding the foregoing, a party with a preexisting attachment to a pole, conduit, duct or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment if such rearrangement or replacement is necessitated solely as a result of an additional attachment or the modification of an existing attachment sought by another party. If a party makes an attachment to the facility after the completion of the modification, such party shall share proportionately in the cost of the modification if such modification rendered possible the added attachment.

§ 1.1417 Allocation of Unusable Space Costs.

(a) A utility shall apportion the cost of providing unusable space on a pole, duct, conduit, or right-of-way so that such apportionment equals two-thirds of the costs of providing unusable space that would be allocated to such entity under an equal apportionment of such costs among all entities.

(b) With respect to poles, the following formula shall be used to establish the allocation of unusable space costs on a pole for telecommunications carriers and cable operators providing telecommunications services:

\[
Pole\ Unusable\ Space\ Factor = \frac{2}{3} \times \frac{Unusable\ Space}{Pole\ Height} \times \frac{Net\ Cost\ of\ Bare\ Pole}{Number\ of\ Attachers} \times \frac{Carrying\ Rate}{\text{Carrying}}
\]

All attaching entities shall be counted as separate attaching entities for purposes of apportioning the costs of usable space.

(c) With respect to conduit, the following formula shall be used to establish the allocation of unusable space costs for telecommunications carriers and cable operators providing telecommunications services within a conduit:

\[
Conduit\ Unusable\ Space\ Factor = \frac{2}{3} \times \frac{Unusable\ Conduit\ Space}{Number\ of\ Attachers} \times \frac{Carrying\ Rate}{\text{Carrying}}
\]
§ 1.1418 Allocation of Usable Space Costs.

(a) A utility shall apportion the amount of usable space among all entities according to the percentage of usable space required by each entity.

(b) With respect to poles, the following formula shall be used to establish the allocation of usable space costs on a pole for telecommunications carriers and cable operators providing telecommunications services:

\[
Pole\ Usable\ Space\ Factor = \frac{\text{Space\ Occupied\ by\ Attachment}}{\text{Total\ Usable\ Space}} \times \frac{\text{Total\ Usable\ Space}}{\text{Pole\ Height}} \times \frac{\text{Net\ Cost\ of\ Carrying}}{\text{Bare\ Pole \ Charge\ Rate}}
\]

The presumptive 13.5 feet of usable space may be used in lieu of the actual measurement of the total amount of usable space. The presumptive 37.5 feet of pole height may be used in lieu of the actual measurement of each pole. The presumptive one foot of space occupied by attachment is applicable to both cable operators and telecommunications carriers.

(c) With respect to conduit, the following formula shall be used to establish the allocation of usable space costs within a conduit system:

\[
Conduit\ Usable\ Space\ Factor = \frac{1}{2} \times \frac{1\ Duct}{\text{Average\ Number\ of Ducts\ less\ adjustments\ for\ maintenance\ ducts}} \times \frac{\text{Linear\ Cost\ of Usable\ Conduit}}{\text{Carrying Charge\ Rate}}
\]

With respect to conduit, an attacher is presumed to occupy one half-duct of usable space.

[63 FR 12026, Mar. 12, 1998]
Federal Communications Commission

Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

AUTHORITY: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

SOURCE: 47 FR 3786, Jan. 27, 1982, unless otherwise noted.

GENERAL PROVISIONS

§1.1501 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called the EAJA in this subpart), provides for the award of attorney’s fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called adversary adjudications) before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission’s position in the proceeding was substantially justified or special circumstances make an award unjust, or when the demand of the Commission is substantially in excess of the decision in the adversary adjudication and is unreasonable when compared with such decision, under the facts and circumstances of the case, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.


§1.1502 When the EAJA applies.

The EAJA applies to any adversary adjudication pending or commenced before the Commission on or after August 5, 1985. The provisions of §1.1505(b) apply to any adversary adjudications commenced on or after March 29, 1996.

[61 FR 39898, July 31, 1996]

§1.1503 Proceedings covered.

(a) The EAJA applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of the Commission or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which this Agency may fix a lawful present or future rate is not covered by the EAJA. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise “adversary adjudications”.

(b) The Commission may designate a proceeding as an adversary adjudication for purposes of the EAJA by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission’s failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the EAJA and matters specifically excluded from coverage, any awards made will include only fees and expenses related to covered issues.


§1.1504 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party, as defined in 5 U.S.C. 551(3), to the adversary adjudication for which it seeks an award. The applicant must show that it meets all conditions of eligibility set out in this paragraph and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $2 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $7 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable association as defined in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;
§ 1.1505 Standards for awards.

(a) A prevailing party may receive an award for fees and expenses incurred in connection either with an adversary adjudication, or with a significant and discrete substantive portion of an adversary adjudication in which the party has prevailed over the position of the Commission.

(1) The position of the Commission includes, in addition to the position taken by the Commission in the adversary adjudication, the action or failure to act by the agency upon which the adversary adjudication is based.

(2) An award will be reduced or denied if the Commission's position was substantially justified in law and fact, if special circumstances make an award unjust, or if the prevailing party unduly or unreasonably protracted the adversary adjudication.

(b) If, in an adversary adjudication arising from a Commission action to enforce a party's compliance with a statutory or regulatory requirement, the demand of the Commission is substantially in excess of the decision in the adversary adjudication and is unreasonable when compared with that decision, under the facts and circumstances of the case, the party shall be awarded the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust. The "demand" of the Commission means the express demand which led to the adversary adjudication, but it does not include a recitation by the Commission of the maximum statutory penalty in the administrative complaint, or elsewhere when accompanied by an express demand for a lesser amount.

(c) The burden of proof that an award should not be made is on the appropriate Bureau (see §1.21) whose representative shall be called "Bureau counsel" in this subpart K.

[61 FR 39899, July 31, 1996]
§ 1.1506 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00, or for adversary adjudications commenced on or after March 29, 1996, $125.00, per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may also include the reasonable expenses of the attorney; agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges its clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Administrative Law Judge shall consider the following:

1. The time actually spent in the representation of the applicant;
2. The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and
3. Such other factors as may bear on the value of the service provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after designation of a proceeding or after issuance of a show cause order.

§ 1.1508 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Commission and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency. Counsel for that agency shall be treated as Bureau counsel for the purpose of this subpart.

§ 1.1511 Contents of application.

(a) An application for an award of fees and expenses under EAJA shall identify the applicant and the proceeding for which an award is sought. Unless the applicant is an individual, the application shall state the number of employees of the applicant and describe briefly the type and purpose of circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than $125.00 per hour in some or all of the types of proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with subpart C of this chapter. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.
(1) Show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified; or

(2) Show that the demand by the agency or agencies in the proceeding was substantially in excess of, and was unreasonable when compared with, the decision in the proceeding.

(b) The application shall also include a declaration that the applicant is a small entity as defined in 5 U.S.C. 601 or a statement that the applicant’s net worth does not exceed $2 million (if an individual) or $7 million (for all other applicants, including their affiliates). However, an applicant may omit the statement concerning its net worth if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant’s belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 1.1512 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in §1.1504(f) of this part) at the time the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant’s and its affiliates’ assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The Administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Administrative Law Judge in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on Bureau counsel, but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission’s established procedures under the Freedom of Information Act, §§0.441 through 0.466 of this chapter.

§ 1.1513 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report,
test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.


§ 1.1514 When an application may be filed.
(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, or when the demand of the Commission is substantially in excess of the decision in the proceeding, but in no case later than 30 days after the Commission's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of
(1) The date on which an initial decision or other recommended disposition of the merits of the proceeding by an Administrative Law Judge becomes administratively final;
(2) Issuance of an order disposing of any petitions for reconsideration of the Commission's order in the proceeding;
(3) If no petition for reconsideration is filed, the last date on which such petition could have been filed;
(4) Issuance of a final order by the Commission or any other final resolution of a proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for reconsideration, or to a petition for judicial review; or
(5) Completion of judicial action on the underlying controversy and any subsequent Commission action pursuant to judicial mandate.


§ 1.1521 Filing and service of documents.
Any application for an award or other pleading relating to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in §1.1512(b) for confidential financial information.

§ 1.1522 Answer to application.
(a) Within 30 days after service of an application Bureau counsel may file an answer to the application. Unless Bureau counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) If Bureau counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Administrative Law Judge upon request by Bureau counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Bureau counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, Bureau counsel shall include with the answer either supporting affidavits or a request for further proceedings under §1.1526.

§ 1.1523 Reply.
Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts
§ 1.1524 Comments by other parties.

Any party to a proceeding other than the applicant and Bureau counsel may file comments on an application within 30 days after it is served or an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 1.1525 Settlement.

The applicant and Bureau counsel may agree on a proposed settlement of the amount before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Bureau counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement. If the Administrative Law Judge approves the proposed settlement, it shall be forwarded to the Commission for final approval.

§ 1.1526 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Bureau counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or, as to issues other than excessive demand or substantial justification, an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible. Whether or not the position of the agency embodied an excessive demand or was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

(b) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 1.1527 Decision.

The Administrative Law Judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall include written findings and conclusions regarding the applicant's eligibility and whether the applicant was a prevailing party or whether the demand by the agency or agencies in the proceeding was substantially in excess of, and was unreasonable when compared with, the decision in the adversary adjudication, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly protracted the proceedings, committed a willful violation of law, or otherwise acted in bad faith, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 1.1528 Commission review.

Either the applicant or Bureau counsel may seek Commission review of the initial decision on the application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1.276 through 1.292 of this chapter. Except as provided in
§ 1.1525 If neither the applicant nor Bureau counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 50 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.


§ 1.1529 Judicial review.
Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 1.1530 Payment of award.
An applicant seeking payment of an award from the Commission shall submit to the General Counsel a copy of the Commission’s final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts, or a copy of the court’s order directing payment. The Commission will pay the amount awarded to the applicant unless judicial review of the award or the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Subpart L—Random Selection Procedures for Mass Media Services

Source: 48 FR 27202, June 13, 1983, unless otherwise noted.

General Procedures

§ 1.1601 Scope.
The provisions of this subpart, and the provisions referenced herein, shall apply to applications for initial licenses or construction permits or for major changes in the facilities of authorized stations in the following services:

(a)-(b) [Reserved]

§ 1.1602 Designation for random selection.
Applications in the services specified in §1.1601 shall be tendered, accepted or dismissed, filed, publicly noted and subject to random selection and hearing in accordance with any relevant rules. Competing applications for an initial license or construction permit shall be designated for random selection and hearing in accordance with the procedures set forth in §§1.1603 through 1.1623 and §73.3572 of this chapter.

§ 1.1603 Conduct of random selection.
The random selection probabilities will be calculated in accordance with the formula set out in rules §§1.1621 through 1.1623.

§ 1.1604 Post-selection hearings.
(a) Following the random selection, the Commission shall announce the “tentative selectee” and, where permitted by §73.3584 invite Petitions to Deny its application.
(b) If, after such hearing as may be necessary, the Commission determines that the “tentative selectee” has met the requirements of §73.3591(a) it will make the appropriate grant. If the Commission is unable to make such a determination, it shall order that another random selection be conducted from among the remaining mutually exclusive applicants, in accordance with the provisions of this subpart.
(c) If, on the basis of the papers before it, the Commission determines that a substantial and material question of fact exists, it shall designate that question for hearing. Hearings may be conducted by the Commission or, in the case of a matter which requires oral testimony for its resolution, an Administrative Law Judge.
§ 1.1621 Definitions.

(a) Medium of mass communications means:
(1) A daily newspaper;
(2) A cable television system; and
(3) A license or construction permit for
   (i) A television station, including low power TV or TV translator,
   (ii) A standard (AM) radio station,
   (iii) An FM radio station,
   (iv) A direct broadcast satellite transponder under the editorial control of the licensee, and
   (v) A Multipoint Distribution Service station.
(b) Minority group means:
(1) Blacks,
(2) Hispanics
(3) American Indians,
(4) Alaska Natives,
(5) Asians, and
(6) Pacific Islanders.
(c) Owner means the applicant and any individual, partnership, trust, unincorporated association, or corporation which:
   (1) If the applicant is a proprietorship, is the proprietor,
   (2) If the applicant is a partnership, holds any partnership interest,
   (3) If the applicant is a trust, is the beneficiary thereof,
   (4) If the applicant is an unincorporated association or non-stock corporation, is a member, or, in the case of a nonmember association or corporation, a director,
   (5) If the applicant is a stock corporation, is the beneficial owner of voting shares.

NOTE 1: For purposes of applying the diversity preference to such entities only the other ownership interests of those with a 1% or more beneficial interest in the entity will be cognizable.

NOTE 2: For the purposes of this section, a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

NOTE 3: For the purposes of applying the diversity preference, the ownership interests of the spouse of an applicant’s principal will not presumptively be attributed to the applicant.

§ 1.1622 Preferences.

(a) Any applicant desiring a preference in the random selection shall so indicate as part of its application. Such an applicant shall list any owner who owns all or part of a medium of mass communications or who is a member of a minority group, together with a precise identification of the ownership interest held in such medium of mass communications or name of the minority group, respectively. Such an applicant shall also state whether more than 50% of the ownership interests in it are held by members of minority groups and the number of media of mass communications more than 50% of whose ownership interests are held by the applicant and/or its owners.

(b) Preference factors as incorporated in the percentage calculations in § 1.1623, shall be granted as follows:
   (1) Applicants, more than 50% of whose ownership interests are held by members of minority groups—2:1.
   (2) Applicants whose owners in the aggregate hold more than 50% of the ownership interests in no other media of mass communications—2:1.
   (3) Applicants whose owners in the aggregate hold more than 50% of the ownership interest in one, two or three other media of mass communications—1.5:1.
   (c) Applicants may receive preferences pursuant to § 1.1622(b)(1) and either § 1.1622(b)(2) or (b)(3).
   (d) Preferences will be determined on the basis of ownership interests as of the date of release of the latest Public Notice announcing the acceptance of the last-filed mutually exclusive application.
   (e) No preferences pursuant to § 1.1622(b)(2) or (b)(3) shall be granted to any LPTV or MDS applicant whose owners, when aggregated, have an ownership interest of more than 50 percent in the following media of mass communications, if the service areas of those media as described herein wholly encompass or are encompassed by the protected predicted contour, computed in accordance with § 74.707(a), of the low power TV or TV translator station for which the license or permit is sought, or computed in accordance
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with § 21.902(d), of the MDS station for which the license or permit is sought.

(1) AM broadcast station—predicted or measured 2 mV/m groundwave contour, computed in accordance with § 73.183 or § 73.186;

(2) FM broadcast station—predicted 1 mV/m contour, computed in accordance with § 73.313;

(3) TV broadcast station—Grade A contour, computed in accordance with § 73.684;

(4) Low power TV or TV translator station—protected predicted contour, computed in accordance with § 74.707(a);

(5) Cable television system franchise area, nor will the diversity preference be available to applicants whose proposed transmitter site is located within the franchise area of a cable system in which its owners, in the aggregate, have an ownership interest of more than 50 percent.

(6) Daily newspaper community of publication, nor will the diversity preference be available to applicants whose proposed transmitter site is located within the community of publication of a daily newspaper in which its owners, in the aggregate, have an ownership interest of more than 50 percent.

(7) Multipoint Distribution Service—station service area, computed in accordance with § 21.902(d).

§ 1.1623 Probability calculation.

(a) All calculations shall be computed to no less than three significant digits. Probabilities will be truncated to the number of significant digits used in a particular lottery.

(b) Divide the total number of applicants into 1.00 to determine pre-preference probabilities.

(c) Multiply each applicant's pre-preference probability by the applicable preference from § 1.1622 (b)(2) or (b)(3).

(d) Divide each applicant's probability pursuant to paragraph (c) of this section by the sum of such probabilities to determine intermediate probabilities.

(e) Add the intermediate probabilities of all applicants who received a preference pursuant to § 1.1622 (b)(2) or (b)(3).

(f)(1) If the sum pursuant to paragraph (e) of this section is .40 or greater, proceed to paragraph (g) of this section.

(2) If the sum pursuant to paragraph (e) of this section is less than .40, then multiply each such intermediate probability by the ratio of .40 to such sum. Divide .60 by the number of applicants who did not receive a preference pursuant to § 1.1622 (b)(2) or (b)(3) to determine their new intermediate probabilities.

(g) Multiply each applicant's probability pursuant to paragraph (f) of this section by the applicable preference ratio from § 1.1622(b)(1).

(h) Divide each applicant's probability pursuant to paragraph (g) of this section by the sum of such probabilities to determine the final selection percentage.

Subpart N—Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission


SOURCE: 52 FR 16258, May 4, 1987, unless otherwise noted.

§ 1.1801 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1.1802 Applications.

This part applies to all programs or activities conducted by the Federal Communications Commission. The programs or activities of entities that are licensed or certified by the Federal Communications Commission are not covered by these regulations.
§ 1.1803 Definitions.

For purposes of this part, the term—
Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Commission. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

Commission means Federal Communications Commission.

Complete complaint means a written statement that contains the complainant's name and address and describes the Commission's alleged discriminatory action in sufficient detail to inform the Commission of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

Individual with handicaps means any individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. As used in this definition, the phrase:

(1) Physical or mental impairment includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductively; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) Major life activities includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Commission as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the Commission as having such an impairment.

Qualified individual with handicaps means—

(1) With respect to any Commission program or activity under which an individual is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Commission can demonstrate would result in a fundamental alteration in its nature; and
§ 1.1830 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b)(1) The Commission, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

§ 1.1810 Self-evaluation.

(a) The Commission shall, within one year of the effective date of this part, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the Commission shall proceed to make the necessary modifications.

(b) The Commission shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The Commission shall, until three years following completion of the self-evaluation, maintain on file and make available for public inspection—

(1) A description of areas examined and any problems identified; and

(2) A description of any modifications made.

§ 1.1811 Notice.

The Commission shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the Commission, and make such information available to them in such manner as the Managing Director finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and these regulations.

§§ 1.1812–1.1829 [Reserved]

§ 1.1830 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b)(1) The Commission, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or
(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Commission may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The Commission may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(4) The Commission may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the Commission; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(5) The Commission, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(6) The Commission may not administer a licensing or certification program in a manner that subjects qualified individuals with handicaps to discrimination on the basis of handicap, nor may the Commission establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the Commission are not, themselves, covered by this part.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive order to a different class of individuals with handicaps is not prohibited by this part.

(d) The Commission shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 1.1831–1.1839 [Reserved]

§ 1.1840 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Commission. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791, as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, as well as the procedures set forth in the Basic Negotiations Agreement Between the Federal Communications Commission and National Treasury Employees Union (effective June 22, 1982) and Subchapter III of the Civil Service Reform Act of 1978, 5 U.S.C. 7121(d), shall apply to employment in federally conducted programs or activities.

§§ 1.1841–1.1848 [Reserved]

§ 1.1849 Program accessibility: Discrimination prohibited.

Except as otherwise provided in §1.1850, no qualified individual with handicaps shall, because the Commission's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

§ 1.1850 Program accessibility: Existing facilities.

(a) General. The Commission shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to
§ 1.1851 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on and usable by individuals with handicaps. This paragraph does not—

(1) Necessarily require the Commission to make each of its existing facilities accessible to and usable by individuals with handicaps;

(2) Require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Commission personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Commission has the burden of proving that compliance with § 1.1850(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Managing Director after considering all Commission resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the Commission shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

(b) Methods. The Commission may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with handicaps. The Commission is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Commission, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151—4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the Commission shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate.

(c) Time period for compliance. The Commission shall comply with the obligations established under this section within sixty (60) days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three (3) years of the effective date of this part, but in any event as expeditiously as possible.

(d) Transition plan. In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Commission shall develop, within six (6) months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The Commission shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the Commission's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one (1) year, identify steps that will be taken during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan.

§ 1.1851 Program accessibility: New construction and alterations.
§§ 1.1852–1.1859

behalf of, or for the use of the Commission shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements and standards of the Architectural Barriers Act, 42 U.S.C. 4151–4157, as established in 41 CFR 101–19.600 to 101–19.607, apply to buildings covered by this section.

§§ 1.1852–1.1859 [Reserved]

§ 1.1860 Communications.

(a) The Commission shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The Commission shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Commission.

(i) In determining what type of auxiliary aid is necessary, the Commission shall give primary consideration to the requests of the individual with handicaps.

(ii) The Commission need not provide individually prescribed devices, readers for personal use or study, or other devices, of a personal nature.

(2) Where the Commission communicates with applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDD’s) or equally effective telecommunications systems shall be used.

(b) The Commission shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The Commission shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Commission personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Commission has the burden of proving that compliance with §1.1860 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Managing Director after considering all Commission resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Commission shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 1.1861–1.1869 [Reserved]

§ 1.1870 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Commission.


(c) The Managing Director shall be responsible for coordinating implementation of this section. Complaints may be sent to the Handicapped Coordinator, Office of Managing Director, Federal Communications Commission, 445 12th Street, S.W., Room 1-A207, Washington, DC 20554.

(d) Acceptance of complaint. (1) The Commission shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within one-
hundred eighty (180) days of the alleged act of discrimination. The Commission may extend this time period for good cause.

(2) If the Commission receives a complaint that is not complete, the complainant will be notified within thirty (30) days of receipt of the incomplete complaint that additional information is needed. If the complainant fails to complete the complaint within thirty (30) days of receipt of this notice, the Commission shall dismiss the complaint without prejudice.

(e) If the Commission receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Commission shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended, 42 U.S.C. 4151-4157, is not readily accessible to and usable by individuals with handicaps.

(g) Within one-hundred eighty (180) days of the receipt of a complete complaint for which it has jurisdiction, the Commission shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;
(2) A description of a remedy for each violation found; and
(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within ninety (90) days of receipt from the Commission of the letter required by §1.1890(g). The Commission may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB-204, Washington, DC 20554.

(j) The Commission shall notify the complainant of the results of the appeal within sixty (60) days of the receipt of the request. If the Commission determines that it needs additional information from the complainant, it shall have sixty (60) days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The Commission may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

money or property which has been determined by an appropriate agency official to be owed to the United States from any person, organization, or entity, except another Federal agency. They include amounts owing to the United States on account of loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalties, damages, interest, taxes, and forfeitures (except those arising under the Uniform Code of Military Justice), and other similar sources.

(f) The term creditor agency means the agency to which the debt is owed.

(g) The term delinquent means a claim or debt which has not been paid by the date specified in the agency's written notification or applicable contractual agreement, unless other satisfactory payment arrangements have been made by that date, or, at any time thereafter, the debtor has failed to satisfy an obligation under a payment agreement with the agency.

(h) The term disposable pay means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized pay remaining after the deduction of any amount required by law to be withheld. Agencies must exclude deductions described in 5 CFR 581.105 through (f) to determine disposable pay subject to salary offset.

(i) The term employee means a current employee of the Commission or of another agency, including a current member of the Armed Forces or a Reserve of the Armed Forces.


(k) The term paying agency means the agency employing the individual and authorizing the payment of his or her current pay.

(l) The term referral for litigation means referral to the Department of Justice for appropriate legal proceedings except where the Commission has the statutory authority to handle the litigation itself.

(m) The term salary offset means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

(n) The term waiver means the cancellation, remission, forgiveness or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 710, 5 U.S.C. 8346(b), or any other law.

§ 1.1902 Exceptions.

(a) Claims arising from the audit of transportation accounts pursuant to 31 U.S.C. 3726 shall be determined, collected, compromised, terminated or settled in accordance with regulations published under the authority of 31 U.S.C. 3726 (see 41 CFR part 101-41).

(b) Claims arising out of acquisition contracts subject to the Federal Acquisition Regulations (FAR) shall be determined, collected, compromised, terminated, or settled in accordance with those regulations. (See 48 CFR part 32). If not otherwise provided for in the FAR system, contract claims that have been the subject of a contracting officer's final decision in accordance with section 6(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), may be determined, collected, compromised, terminated or settled under the provisions of this regulation, except that no additional review of the debt shall be granted beyond that provided by the contracting officer in accordance with the provisions of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605), and the amount of any interest, administrative charge, or penalty charge shall be subject to the limitations, if any, contained in the contract out of which the claim arose.

(c) Claims based in whole or in part on conduct in violation of the antitrust laws, or in regard to which there is an indication of fraud, the presentation of a false claim, or a misrepresentation on the part of the debtor or any other party having an interest in the claim, shall be referred to the Department of
§ 1.1911 Demand for payment.

Nothing contained in these regulations is intended to require the Commission to duplicate administrative or other proceedings required by contract or other laws or regulations, nor do these regulations supersede procedures required by other statutes or regulations. In particular, the assessment and collection of monetary forfeiture penalties imposed by the Commission will be governed initially by the procedures prescribed by 47 U.S.C. 503, 504 and 47 CFR 1.88. After compliance with those procedures, the Commission may determine that the collection of a monetary forfeiture under the collection alternatives prescribed by this subpart is appropriate but need not duplicate administrative or other proceedings.

§ 1.1906 Informal action.

Nothing contained in these regulations is intended to preclude utilization of informal administrative actions or remedies which may be available.

§ 1.1907 Return of property.

Nothing contained in this regulation is intended to deter the Commission from demanding the return of specific property or from demanding, in the alternative, either the return of property or the payment of its value.

§ 1.1908 Omissions not a defense.

The failure of the Commission to comply with any provision in this regulation shall not serve as a defense to the debt.

§ 1.1911 Demand for payment.

(a) Written demands for payment shall be made promptly upon a debtor in terms which inform the debtor of the consequences of failure to cooperate. A total of three progressively stronger written demands at not more than 30-day intervals will normally be made unless a response to the first or second demand indicates that a further demand would be futile and the debtor's response does not require rebuttal. In determining the timing of demand letters, the Commission will give due regard to the need to act promptly so that, as a general rule, if it becomes necessary to refer the debt to the Department of Justice for litigation, such referral can be made within one year of the agency's final determination of the fact and the amount of the debt. When necessary to protect the Government's interest (for example, to prevent the statute of limitations, 28 U.S.C. 2415, from expiring), written demand may be preceded by other appropriate actions under this chapter, including immediate referral for litigation.
§ 1.1912 Collection by administrative offset.

(a) Collection by administrative offset will be undertaken in accordance with these regulations on all claims which are liquidated or certain in amount, in every instance in which such collection is determined to be feasible and not otherwise prohibited.

(b) The initial demand letter will inform the debtor of:

(1) The basis for the indebtedness and the right of the debtor to request review within the agency;

(2) The applicable standards for assessing interest, penalties, and administrative costs (§§1.1940 and 1.1941 of this subpart) and;

(3) The date by which payment is to be made, which normally should not be more than 30 days from the date that the initial demand letter was mailed or hand-delivered.

(c) As appropriate to the circumstances, the Commission may include either in the initial demand letter or in subsequent letters, matters relating to alternative methods of payment, policies with respect to use of consumer reporting agencies and collection services, the agency’s intentions with respect to referral of the debt to the Department of Justice for litigation, and, depending on applicable statutory authority, the debtor’s entitlement to consideration of waiver.

(d) The Commission will respond promptly to communications from the debtor, within 30 days whenever feasible, and will advise debtors who dispute the debt that they must furnish available evidence to support their contentions.

(e) If, either prior to the initiation of, at any time during, or after completion of the demand cycle, the Commission determines to pursue administrative offset, then the procedures specified in §§1.1912 and 1.1913 as applicable, will be followed. The availability of funds for offset and the agency’s determination to pursue that remedy, release the agency from the necessity of further compliance with paragraphs (a), (b) and (c) of this section. If the agency has not already sent the first demand letter, the agency’s written notification of its intent to offset must give the debtor the opportunity to make voluntary payment, a requirement which will be satisfied by compliance with the notice requirements of §§1.1912 and 1.1913 as applicable.

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(d) The Commission will respond promptly to communications from the debtor, within 30 days whenever feasible, and will advise debtors who dispute the debt that they must furnish available evidence to support their contentions.

(e) If, either prior to the initiation of, at any time during, or after completion of the demand cycle, the Commission determines to pursue administrative offset, then the procedures specified in §§1.1912 and 1.1913 as applicable, will be followed. The availability of funds for offset and the agency’s determination to pursue that remedy, release the agency from the necessity of further compliance with paragraphs (a), (b) and (c) of this section. If the agency has not already sent the first demand letter, the agency’s written notification of its intent to offset must give the debtor the opportunity to make voluntary payment, a requirement which will be satisfied by compliance with the notice requirements of §§1.1912 and 1.1913 as applicable.
would result in undue financial hardship or would be against equity and good conscience.

(2) In cases where the procedural requirements specified in paragraph (b) of this section have previously been provided to the debtor in connection with the same debt under some other statutory or regulatory authority, such as pursuant to a notice of audit disallowance or pursuant to 47 U.S.C. 503, 504 and 47 CFR 1.80, the agency is not required to duplicate those requirements before taking administrative offset.

(3) The Commission may not initiate administrative offset to collect a debt under 31 U.S.C. 3716 more than 10 years after the Government’s right to collect the debt first accrued, unless facts material to the Government’s right to collect the debt were not known and could not reasonably have been known by the official or officials of the Government who were charged with the responsibility to discover and collect such debts. When the debt first accrued is to be determined according to existing law regarding the accrual of debts, such as under 28 U.S.C. 2415.

(4) The Commission is not authorized by 31 U.S.C. 3716 to use administrative offset with respect to:

(i) Debts owed by any State or local Government;

(ii) Debts arising under or payments made under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States; or

(iii) Any case in which collection of the claim or type of claim by administrative offset is explicitly provided for or prohibited by another statute.

(5) The Commission may effect administrative offset against a payment to be made to a debtor prior to completion of the procedures required by paragraph (b) of this section if:

(i) Failure to take the offset would substantially prejudice the Government’s ability to collect the debt, and

(ii) The time before the payment is to be made does not reasonably permit the completion of those procedures.

Such prior offset must be promptly followed by the completion of those procedures. Amounts recovered by offset but later found not to be owed to the Government shall be promptly refunded.

(6) The Commission will obtain credit reports on delinquent accounts to identify opportunities for administrative offset of amounts due to a delinquent debtor when other collection techniques have been unsuccessful.

(c) Type of hearing or review. (1) For purposes of this section, whenever the Commission is required to provide a hearing or review within the agency, it shall provide the debtor with a reasonable opportunity for an oral hearing when:

(i) Any applicable statute authorizes or requires the agency to consider waiver of the indebtedness involved, the debtor requests waiver of the indebtedness, and the waiver determination turns on an issue of credibility or veracity; or

(ii) The debtor requests reconsideration of the debt and the agency determines that the question of the indebtedness cannot be resolved by review of the documentary evidence; for example, when the validity of the debt turns on an issue of credibility or veracity.

Unless otherwise required by law, an oral hearing under this section is not required to be a formal evidentiary-type hearing, although the Commission will carefully document all significant matters discussed at the hearing.

(2) The section does not require an oral hearing with respect to debt collection systems in which determinations of indebtedness or waiver rarely involve issues of credibility or veracity and the agency has determined that review of the written record is ordinarily an adequate means to correct prior mistakes. In administering such a system, the agency is not required to sift through all of the requests received in order to accord oral hearings in those few cases which may involve issues of credibility or veracity.

(3) In those cases where an oral hearing is not required by this section, the agency will make its determination on the request for waiver or reconsideration based upon a "paper hearing," that is, a review of the written record.
§ 1.1913 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.

(a) Unless otherwise prohibited by law, the Commission may request that moneys which are due and payable to a debtor from the Civil Service Retirement and Disability Fund be administratively offset in reasonable amounts in order to collect in one full payment, or a minimal number of payments, debts owed to the United States by the debtor. Such requests shall be made to the appropriate officials of the Office of Personnel Management in accordance with such regulations as may be prescribed by the Director of that Office.

(b) When making a request for administrative offset under paragraph (a) of this section, the Commission shall include written certification that:

(1) The debtor owes the United States a debt, including the amount of the debt;

(2) The Commission has complied with the applicable statutes, regulations and procedures of the Office of Personnel Management; and

(3) The Commission has complied with the requirements of §1.1912 of this subpart, including any required hearing or review.

(c) Once the Commission decides to request administrative offset under paragraph (a) of this section, it will make the request as soon as practical after completion of the applicable procedures in order that the Office of Personnel Management may identify and “flag” the debtor’s account in anticipation of the time when the debtor requests or becomes eligible to receive payments from the Fund. This will satisfy any requirement that offset be initiated prior to expiration of the applicable statute of limitations. At such time as the debtor makes a claim for payments from the Fund, if at least a year has elapsed since the offset request was originally made, the debtor should be permitted to offer a satisfactory payment plan in lieu of offset upon establishing that changed financial circumstances would render the offset unjust.

(d) If the Commission collects part or all of the debt by other means before deductions are made or completed pursuant to paragraph (a) of this section, it shall act promptly to modify or terminate its request for offset under paragraph (a) of this section.

(e) This section does not require or authorize the Office of Personnel Management to review the merits of the Commission’s determination with respect to the amount and validity of the debt, its determination as to waiver under an applicable statute, or its determination to provide or not provide an oral hearing.

§ 1.1914 Collection in installments.

(a) Whenever feasible, and except as otherwise provided by law, debts owed to the United States, together with interest, penalties, and administrative costs as required by this subpart
§ 1.1918 Use of consumer reporting agencies.

(a) The term individual means a natural person, and the term consumer reporting agency has the meaning provided in the Federal Claims Collection Act, as amended, at 31 U.S.C. 3701(a)(3) or the Fair Credit Reporting Act, at 15 U.S.C. 168a(f).

(b) The Commission may disclose to a consumer reporting agency, from a system of records, information that an individual is responsible for a claim if—

(1) Notice required by section 5 U.S.C. 552a(e)(4) indicates that information in the system may be disclosed to a consumer reporting agency;

(2) The claim has been reviewed and it is decided that the claim is valid and overdue;

(3) The Commission has notified the individual in writing—

(i) That payment of the claim is overdue;

(ii) That, within not less than 60 days after sending the notice, the Commission intends to disclose to a consumer reporting agency that the individual is responsible for that claim;

(iii) Of the specific information to be disclosed to the consumer reporting agency; and

(iv) Of the rights the individual has to a complete explanation of the claim, to dispute information in the records of the agency about the claim, and to administrative appeal or review of the claim; and

(4) The individual has not—

(i) Repaid or agreed to repay the claim under a written repayment plan that the individual has signed and the agency has agreed to; or

(ii) Filed for review of the claim under paragraph (g) of this section;

(c) The Commission shall—
§ 1.1919 Contracting for collection services.

(a) The Commission has authority to contract for collection services to recover delinquent debts, provided that the following conditions are satisfied:

(1) The authority to resolve disputes, compromise claims, suspend or terminate collection action, and refer the matter for litigation is retained by the agency;

(2) The contractor shall be subject to the Privacy Act of 1974, as amended, to the extent specified in 5 U.S.C. 552a(m), and to applicable Federal and State laws and regulations pertaining to debt collection practices, such as the Fair Debt Collection Practices Act, 15 U.S.C. 1692;

(3) The contractor must be required to account strictly for all amounts collected;

(4) The contractor must agree that uncollectible accounts shall be returned with appropriate documentation to enable the Commission to determine whether to pursue collection through litigation or to terminate collection efforts; and

(5) The contractor must agree to provide any data contained in its files relating to paragraphs (a) (1), (2), and (3) of §105.2 of the Federal Claims Collection Standards (4 CFR part 105) upon returning an account to the Commission for subsequent referral to the Department of Justice for litigation.

(b) Funding of collection service contracts. (1) The Commission may fund a collection service contract on a fixed-fee basis, that is, payment of a fixed fee determined without regard to the amount actually collected under the contract. Payment of the fee under this type of contract must be charged to available agency appropriations.

(2) The Commission may also fund a collection service contract on a contingent-fee basis, that is, by including a provision in the contract permitting the contractor to deduct its fee from amounts collected under the contract. The fee should be based on a percentage of the amount collected, consistent with prevailing commercial practice.

(3) The Commission may enter into a contract under paragraph (b)(1) of this section only if and to the extent provided in advance appropriation acts or other legislation, except that this requirement does not apply to the use of a revolving fund authorized by statute.

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§ 1.1919 Contracting for collection services.

(a) The Commission has authority to contract for collection services to recover delinquent debts, provided that the following conditions are satisfied:

(1) Disclose promptly, to each consumer reporting agency to which the original disclosure was made, a substantial change in the condition or amount of the claim;

(2) Verify or correct promptly information about the claim, on request of a consumer reporting agency for verification of any or all information so disclosed; and

(3) Obtain satisfactory assurances from each consumer reporting agency that they are complying with all laws of the United States relating to providing consumer credit information.

(d) The Commission shall ensure that information disclosed to the consumer reporting agency is limited to—

(1) Information necessary to establish the identity of the individual, including name, address, and taxpayer identification number;

(2) The amount, status, and history of the claim; and

(3) The agency or program under which the claim arose.

(e) All accounts in excess of $100 that have been delinquent more than 31 days will normally be referred to a consumer reporting agency.

(f) Before disclosing information to a consumer reporting agency, the Commission shall take reasonable action to locate an individual for whom the head of the agency does not have a current address to send the notice.

(g) Before disclosing information to a consumer reporting agency, the Commission shall provide, on request of an individual alleged by the agency to be responsible for the claim, for a review of the obligation of the individual, including an opportunity for reconsideration of the initial decision on the claim.

(h) Under the same provisions as described above, the Commission may disclose to a credit reporting agency, information relating to a debtor other than a natural person. Such commercial debt accounts are not covered by the Privacy Act.

§ 1.1919 Contracting for collection services.

(a) The Commission has authority to contract for collection services to recover delinquent debts, provided that the following conditions are satisfied:

(1) Disclose promptly, to each consumer reporting agency to which the original disclosure was made, a substantial change in the condition or amount of the claim;

(2) Verify or correct promptly information about the claim, on request of a consumer reporting agency for verification of any or all information so disclosed; and

(3) Obtain satisfactory assurances from each consumer reporting agency that they are complying with all laws of the United States relating to providing consumer credit information.

(d) The Commission shall ensure that information disclosed to the consumer reporting agency is limited to—

(1) Information necessary to establish the identity of the individual, including name, address, and taxpayer identification number;

(2) The amount, status, and history of the claim; and

(3) The agency or program under which the claim arose.

(e) All accounts in excess of $100 that have been delinquent more than 31 days will normally be referred to a consumer reporting agency.

(f) Before disclosing information to a consumer reporting agency, the Commission shall take reasonable action to locate an individual for whom the head of the agency does not have a current address to send the notice.

(g) Before disclosing information to a consumer reporting agency, the Commission shall provide, on request of an individual alleged by the agency to be responsible for the claim, for a review of the obligation of the individual, including an opportunity for reconsideration of the initial decision on the claim.

(h) Under the same provisions as described above, the Commission may disclose to a credit reporting agency, information relating to a debtor other than a natural person. Such commercial debt accounts are not covered by the Privacy Act.
appropriation, or unless otherwise specifically provided by law, the Commission must deposit all amounts recovered under collection service contracts (or by agency employees on behalf of the agency) in the Treasury as miscellaneous receipts pursuant to 31 U.S.C. 3302.

(c) The Commission will consider the use of collection agencies at any time after the account is 61 days past due. In any case where an account is six months or more past due, the Commission may turn it over to a collection agency unless referred for litigation or unless arrangements have been made for a workout procedure or the Commission has exercised its authority to write off the debt pursuant to § 1.1916.

(d) The Commission will generally not use a collection agency to collect a delinquent debt owed by a currently employed or retired Federal employee, if collection by salary or annuity offset is available.

§ 1.1925 Purpose.
This section provides the standards to be followed by FCC in implementing 5 U.S.C. 5514 to recover a debt from the pay account of an FCC employee, and establishes procedural guidelines to recover debts when the employee’s creditor and paying agencies are not the same.

§ 1.1926 Scope.
(a) Coverage. This section applies to agencies and employees as defined by § 1.1901.

(b) Applicability. This section and 5 U.S.C. 5514 apply in recovering certain debts by offset, except where the employee consents to the recovery, from the current pay account of that employee. Because it is an administrative offset, debt collection procedures for salary offset which are not specified in 5 U.S.C. 5514 and these regulations should be consistent with the provisions of the Federal Claims Collection Standards (4 CFR parts 101-105).

(1) Excluded debts or claims. The procedures contained in this section do not apply to debts or claims arising under the Internal Revenue Code of 1954, as amended (26 U.S.C. 1 et seq.), the Social Security Act (42 U.S.C. 301 et seq.) or the tariff laws of the United States, or to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g. travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108).

(2) Waiver requests and claims to the General Accounting Office. This section does not preclude an employee from requesting waiver of a salary overpayment under 5 U.S.C. 5504, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to the General Accounting Office in accordance with procedures prescribed by the General Accounting Office. Similarly, in the case of other types of debts, it does not preclude an employee from requesting waiver, if waiver is available under any statutory provision pertaining to the particular debt being collected.

(c) Time Limit. Under 4 CFR 102.3(b)(3) offset may not be initiated more than 10 years after the Government’s right to collect the debt first accrued, unless an exception applies as stated in § 102.3(b)(3).

§ 1.1927 Notification.
(a) Salary offset deductions shall not be made unless the Managing Director of the Commission, or such other official as may be named in the future by the Managing Director of the Commission, provides the employee at least 30 days before any deduction written notice stating at a minimum:

(1) The agency’s determination that a debt is owed, including the origin, nature, and amount of the debt;

(2) The agency’s intention to collect the debt by means of deduction from the employee’s current disposable pay account;

(3) The amount, frequency, proposed beginning date, and duration of the intended deductions;

(4) An explanation of the agency’s policy concerning interest, penalties, and administrative costs (§§ 1.1940 and 1.1941 of this regulation), a statement that such assessments must be made unless excused in accordance with the FCCS;
§ 1.1928

(5) The employee’s right to inspect and copy Government records relating to the debt or, if the employee or his or her representative cannot personally inspect the records, to request and receive a copy of such records.

(6) If not previously provided, the opportunity (under terms agreeable to the agency) to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for repayment of the debt in lieu of offset. The agreement must be in writing, signed by both the employee and the Managing Director (or designee) of the Commission and documented in agency files (4 CFR 102.2(e)).

(7) The employee’s right to a hearing conducted by an official arranged by the agency (an administrative law judge, or alternatively, a hearing official not under the control of the head of the agency) if a petition is filed as prescribed by this subpart.

(8) The method and time period for petitioning for a hearing;

(9) That the timely filing of a petition for hearing will stay the commencement of collection proceedings;

(10) That the final decision in the hearing (if one is requested) will be issued at the earliest practical date, but not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) That any knowingly false, misleading, or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under Chapter 75 of Title 5, United States Code, part 752 of title 5, Code of Federal Regulations, or any other applicable statutes or regulations.

(ii) Penalties under the False Claims Act sections 3729-3731 of Title 31, United States Code, or any other applicable statutory authority; or

(iii) Criminal penalties under sections 286, 287, 1001, and 1002 of Title 18, United States Code, or any other applicable statutory authority.

(12) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are applicable contractual or statutory provisions to the contrary, that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

§ 1.1928 Hearing.

(a) Petition for Hearing. (1) A hearing may be requested by filing a written petition with the Managing Director of the Commission, or such other official as may be named by the Managing Director of the Commission, stating why the employee believes the determination of the agency concerning the existence or the amount of the debt is in error.

(2) The employee’s petition must be signed by the employee and fully identify and explain with reasonable specificity all the facts, evidence and witnesses, if any, which the employee believes support his or her position.

(3) The petition must be filed no later than fifteen (15) calendar days from the date that the notification was hand delivered or the date of delivery by certified mail, return receipt requested.

(4) If a petition is received after the fifteenth (15) calendar day deadline referred to above, the Commission will nevertheless accept the petition if the employee can show that the delay was due to circumstances beyond his or her control, or because of failure to receive notice of the time limit (unless otherwise aware of it).

(5) If a petition is not filed within the time limit specified in paragraph (3) above, and is not accepted pursuant to
paragraph (a)(4) of this section, the employee's right to hearing will be considered waived, and salary offset will be implemented by the Commission.

(b) Type of Hearing. (1) The form and content of the hearing will be determined by the hearing official who shall be a person outside the control or authority of the Commission except that nothing herein shall be construed to prohibit the appointment of an administrative law judge by the Commission. In determining the type of hearing, the hearing officer will consider the nature and complexity of the transaction giving rise to the debt. The hearing may be conducted as an informal conference or interview, in which the agency and employee will be given a full opportunity to present their respective positions, or as a more formal proceeding involving the presentation of evidence, arguments and written submissions.

(2) The employee may represent himself or herself, or may be represented by an attorney.

(3) The hearing official shall maintain a summary record of the hearing.

(4) The decision of the hearing officer shall be in writing, and shall state:

(i) The facts purported to evidence the nature and origin of the alleged debt;

(ii) The hearing official's analysis, findings, and conclusions, in the light of the hearing, as to—

(A) The employee's and/or agency's grounds,

(B) The amount and validity of the alleged debt, and,

(C) The repayment schedule, if applicable.

(5) The decision of the hearing official shall constitute the final administrative decision of the agency.

§ 1.1929 Deduction from pay.

(a) Deduction by salary offset, from an employee's current disposable pay, shall be subject to the following conditions:

(1) Ordinarily, debts to the United States should be collected in full, in one lump sum. This will be done when funds are available for payment in one lump sum, or, if the amount of the debt exceeds 15 percent of disposable pay for an officially established pay interval, collection will normally be made in installments.

(2) The installments shall not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a greater amount.

(3) Deduction will generally commence with the next full pay interval (ordinarily the next biweekly pay period) following the date: of the employee's written consent to salary offset, the waiver of hearing, or the decision issued by the hearing officer.

(4) Installment deductions must be made over a period not greater than the anticipated period of employment except as provided in §1.1930.

(b) [Reserved]

§ 1.1930 Liquidation from final check or recovery from other payment.

(a) If the employee retires or resigns or if his or her employment or period of active duty ends before collection of the debt is completed, offset of the entire remaining balance of the debt may be made from a final payment of any nature, including, but not limited to, final salary payment or lump-sum leave due the employee as the date of separation, to such extent as is necessary to liquidate the debt.

(b) If the debt cannot be liquidated by offset from a final payment, offset may be made from later payments of any kind due from the United States, including, but not limited to, the Civil Service Retirement and Disability Fund, pursuant to §1.1913 of this regulation.

§ 1.1931 Non-waiver of rights by payments.

An employee's involuntary payment of all or any portion of a debt being collected under 5 U.S.C. 5514 shall not be construed as a waiver of any rights which the employee may have under 5 U.S.C. 5514 or any other provision of contract or law, unless statutory or contractual provisions provide to the contrary.

§ 1.1932 Refunds.

(a) Refunds shall promptly be made when—

(1) A debt is waived or otherwise found not owing to the United States
§ 1.1933  Interest, penalties and administrative costs.

The assessment of interest, penalties and administrative costs shall be in accordance with §§ 1.1940 and 1.1941 of this regulation.

§ 1.1934  Recovery when paying agency is not creditor agency.

(a) Responsibilities of creditor agency. Upon completion of the procedures established under 5 U.S.C. 5514, the creditor agency must do the following:

(1) The creditor agency must certify, in writing, that the employee owes the debt, the amount and basis of the debt, the date on which payment(s) is due, the date of the Government's right to collect the debt first accrued, and that the creditor agency's regulations implementing 5 U.S.C. 5514 have been approved by OPM.

(2) If the collection must be made in installments, the creditor agency also must advise the paying agency of the number of installments to be collected, the amount of each installment, and the commencement date of the first installment (if a date other than the next officially established pay period is required).

(3) Unless the employee has consented to the salary offset in writing or signed a statement acknowledging receipt of the required procedures, and the written consent or statement is forwarded to the paying agency, the creditor agency also must advise the paying agency of the number of installments to be collected, the amount of each installment, and the commencement date of the first installment (if a date other than the next officially established pay period is required).

(4) Except as otherwise provided in this paragraph, the creditor agency must submit a debt claim containing the information specified in paragraphs (a) (1) through (3) of this section and an installment agreement (or other instruction on the payment schedule), if applicable to the employee's paying agency.

(5) If the employee is in the process of separating, the creditor agency must submit its claim to the employee's paying agency for collection pursuant to § 1.1930. The paying agency must certify the total amount of its collection and provide copies to the creditor agency and the employee as stated in paragraph (c)(1) of this section. If the paying agency is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund, or other similar payments, it must provide written notification to the agency responsible for making such payments that the debtor owes a debt (including the amount) and that there has been full compliance with the provisions of this section. However, the creditor agency must submit a properly certified claim to the agency responsible for making such payments before collection can be made.

(b) Responsibilities of paying agency—

(1) Complete claim. When the paying agency receives a properly certified debt claim from a creditor agency, deductions should be scheduled to begin prospectively at the next officially established pay interval. The employee must receive written notice that the paying agency has received a certified debt claim from the creditor agency (including the amount) and written notice of the date deductions from salary will commence and of the amount of such deductions.

(2) Incomplete claim. When the paying agency receives an incomplete debt claim from a creditor agency, the paying agency must return the debt claim with a notice that procedures under 5 U.S.C. 5514 and this subpart must be provided, and a properly certified debt claim received, before action will be
taken to collect from the employee’s current pay account.

(3) Review. The paying agency is not required or authorized to review the merits of the creditor agency’s determination with respect to the amount or validity of the debt certified by the creditor agency.

(c) Employees who transfer from one paying agency to another.

(1) If, after the creditor agency has submitted the debt claim to the employee’s paying agency, the employee transfers to a position served by a different paying agency before the debt is collected in full, the paying agency from which the employee separates must certify the total amount of the collection made on the debt. One copy of the certification must be furnished to the employee, another to the creditor agency along with notice of employee’s transfer. However, the creditor agency must submit a properly certified claim to the new paying agency before collection can be resumed.

(2) When an employee transfers to another paying agency, the creditor agency need not repeat the due process procedures described by 5 U.S.C. 5514 and this subpart to resume the collection. However, the creditor agency is responsible for reviewing the debt upon receiving the former paying agency’s notice of the employee’s transfer to make sure the collection is resumed by the new paying agency.

§ 1.1935 Obtaining the services of a hearing official.

(a) When the debtor does not work for the creditor agency and the creditor agency cannot provide a prompt and appropriate hearing before an administrative law judge or before a hearing official furnished pursuant to another lawful arrangement, the creditor agency may contact an agent of the paying agency designated in appendix A of 5 CFR part 581 for a hearing official, and the paying agency must then cooperate as provided by 4 CFR 102.1 and provide a hearing official.

(b) When the debtor works for the creditor agency, the creditor agency may contact any agent (of another agency) designated in appendix A of 5 CFR part 581 to arrange for a hearing official. Agencies must then cooperate as required by 4 CFR 102.1 and provide a hearing official.

INTEREST, PENALTIES, ADMINISTRATIVE COSTS AND OTHER SANCTIONS

§ 1.1940 Assessment.

(a) Except as provided in paragraph (h) of this section, or § 1.1941, the Commission shall assess interest, penalties and administrative costs on debts owed to the United States pursuant to 31 U.S.C. 3717. Before assessing these charges, the Commission will mail or hand-deliver a written notice to the debtor explaining the agency’s requirements concerning these charges.

(b) Interest shall accrue from the date on which notice of the debt and the interest requirements is first mailed or hand-delivered to the debtor, using the most current address that is available to the agency. If the Commission should use an “advance billing” procedure—that is, if it mails a bill before a debt is actually owed—it can include the required interest notification in the advance billing, but interest may not start to accrue before the debt is actually owed.

(c) The rate of interest assessed shall be the rate of the current value of funds to the United States Treasury (i.e., the Treasury Tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the FEDERAL REGISTER and the Treasury Financial Manual Bulletins annually or quarterly, in accordance with 31 U.S.C. 3717. The Commission may assess a higher rate of interest if it reasonably determines that a higher rate is necessary to protect the interests of the United States. The rate of interest, as initially assessed, shall remain fixed for the duration of the indebtedness except that where a debtor has defaulted on a repayment agreement and seeks to enter into a new agreement, the Commission may set a new interest rate which reflects the current value of funds to the Treasury at the time the new agreement is executed. Interest will not be assessed on accrued interest, penalties, or administrative costs required by this section. However, if the debtor defaults on a previous repayment agreement, charges which accrued but were not
§ 1.1941 Exemptions.

(a) The provisions concerning interest and penalty on claims contained in 31 U.S.C. 3717 do not apply:

(1) To debts owed by any State or local government;
(2) To debts arising under contracts which were executed prior to, and were in effect on (i.e., were not completed as of), October 25, 1982;
(3) To debts where an applicable statute, regulation required by statute, loan agreement, or contract either prohibits such charges or explicitly fixes the charges that apply to the debts arising under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States.

(b) However, the Commission is authorized to assess interest and related charges on debts which are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

§ 1.1942 Other sanctions.

The remedies and sanctions available to the Commission in this subpart are not exclusive. The Commission may impose other sanctions, where permitted by law, for any inexcusable, prolonged, or repeated failure of a debtor to pay such a claim. In such cases, the Commission will provide notice, as required by law, to the debtor prior to imposition of any such sanction.
§ 1.1950 Reporting discharged debts to the Internal Revenue Service.
When the Commission discharges a debt for less than the full value of the indebtedness, it will report the outstanding balance discharged, not including interest, to the Internal Revenue Service, using IRS Form 1099-G or any other form prescribed by the Service, when:
(a) The principal amount of the debt not in dispute is $600 or more; and
(b) The obligation has not been discharged in a bankruptcy proceeding; and
(c) The obligation is no longer collectible either because the time limit in the applicable statute for enforcing collection expired during the tax year, or because during the year a formal compromise agreement was reached in which the debtor was legally discharged of all or a portion of the obligation.

§ 1.1951 Offset against tax refunds.
The Commission will take action to effect administrative offset against tax refunds due to debtors under 26 U.S.C. 6402, in accordance with the provisions of 31 U.S.C. 3720A and Treasury Department regulations.

§ 1.1952 Interagency requests.
(a) Requests to the Commission by other Federal agencies for administrative or salary offset shall be in writing and forwarded to the Financial Operations Center, FCC, 445 12th Street, SW., Washington, DC 20554.
(b) Requests to the Commission to other Federal agencies holding funds payable to the debtor will be in writing and forwarded, certified return receipt, as specified by that agency in its regulations. If the agency's rules governing this matter are not readily available or identifiable, the request will be submitted to that agency's office of legal counsel with a request that it be processed in accordance with their internal procedures.

(c) Requests to and from the Commission shall be accompanied by a certification that the debtor owes the debt (including the amount) and that the procedures for administrative or salary offset contained in this subpart, or comparable procedures prescribed by the requesting agency, have been fully complied with. The Commission will cooperate with other agencies in effecting collection.
(d) Requests to and from the Commission shall be processed within 30 calendar days of receipt. If such processing is impractical or not feasible, notice to extend the time period for another 30 calendar days will be forwarded 10 calendar days prior to the expiration of the first 30-day period.

Subpart P—Implementation of the Anti-Drug Abuse Act of 1988

§ 1.2001 Purpose.
To determine eligibility for professional and/or commercial licenses issued by the Commission with respect to any denials of Federal benefits imposed by Federal and/or state courts under authority granted in 21 U.S.C. 862.

§ 1.2002 Applicants required to submit information.
(a) In order to be eligible for any new, modified, and/or renewed instrument of authorization from the Commission, including but not limited to, authorizations issued pursuant to sections 214, 301, 302, 303(1), 308, 310(d), 318, 319, 325(b), 351, 361(b), 362(b), 381, and 385 of the Communications Act of 1934, as amended, by whatever name that instrument may be designated, all applicants shall certify that neither the applicant nor any party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988. 21 U.S.C. 862. If a section 5301 certification has been incorporated into the FCC application
§ 1.2003 Applications affected.

The certification required by §1.2002 must be filed with the following applications as well as any other requests for authorization filed with the Commission, regardless of whether a specific form exists.

FCC 301 Application for Construction Permit for Commercial Broadcast Station;
FCC 301-A Application for Authority to Operate a Broadcast Station by Remote Control or to Make Changes in a Remote Control Authorization;
FCC 302 Application for New Broadcast Station License;
FCC 302-FM Application for FM Broadcast Station License;
FCC 303-S Application for Renewal of License for AM, FM, TV, Translator, or LPTV Station;
FCC 307 Application for Extension of Broadcast Construction Permit or to Replace Expired Construction Permit;
FCC 308 Application for Permit to Deliver Programs to Foreign Broadcast Stations;
FCC 309 Application for Authority to Construct or Make Changes in an International or Experimental Broadcast Station;
FCC 310 Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License;
FCC 311 Application for Renewal of an International or Experimental Broadcast License;
FCC 313 Application for Authorization in the Auxiliary Radio Broadcast Services;
FCC 313-R Application for Renewal of Auxiliary Broadcast License;
FCC 314 Application for Consent to Assignment of Broadcast Station Construction Permit or License;
FCC 315 Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License;
FCC 316 Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License;
FCC 327 Application for Cable Television Relay Service Station Authorization;
FCC 330 Application for Authorization to Construct New or Make Changes in an Instructional Television Fixed and/or Response Station(s), or to Assign or Transfer Such Stations;
FCC 330-L Application for Instructional Television Fixed Station License;
FCC 330-H Application for Renewal of Instructional Television Fixed Station and/or Response Station(s) and Low Power Relay Station(s) License;
FCC 340 Application for Construction Permit for Noncommercial Educational Broadcast Station;
FCC 345 Application for Transfer of Control of a Corporate Licensee or Permittee, or
Federal Communications Commission

§ 1.2101

Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station;
FCC 346 Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station;
FCC 347 Application for a Low Power TV, TV Translator or TV Booster Station License;
FCC 349 Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station;
FCC 350 Application for an FM Translator or FM Booster Station License;
FCC 401 Application for New or Modified Common Carrier Radio Station Authorization Under part 22 of this chapter;
FCC 402 Application for Station Authorization in the Private Operational Fixed Microwave Radio Service;
FCC 402-R Renewal Notice and Certification in the Private Operational Fixed Microwave Radio Service;
FCC 403 Application for Radio Station License or Modification Thereof Under parts 23 or 25 of this chapter;
FCC 404 Application for Aircraft Radio Station License;
FCC 405 Application for Renewal of Radio Station License;
FCC 405-A Application for Renewal of Radio Station License and/or Notification of Change to License Information;
FCC 405-B Ship/Aircraft License Expiration Notice and/or Renewal Application;
FCC 406 Application for Ground Station Authorization in the Aviation Services;
FCC 407 Application for New or Modified Radio Station Construction Permit;
FCC 409 Airborne Mobile Radio Telephone License Application;
FCC 410 Application for Registration of Equipment to be Connected to the Telephone Network;
FCC 412 Application for Equipment Authorization;
FCC 413 Application for Restricted Radiotelephone Operator Permit and/or Modification or Renewal of Permit;
FCC 414 Application for Restricted Radiotelephone Operator Permit—Limited Use;
FCC 415 Application for Commercial Radio Operator License.

Subpart Q—Competitive Bidding Proceedings

SOURCE: 59 FR 44293, Aug. 26, 1994, unless otherwise noted.

GENERAL PROCEDURES

§ 1.2101 Purpose.

The provisions of this subpart implement Section 309(j) of the Communications Act of 1934, as added by the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) and the Balanced Budget Act of 1997 (Pub. L. 105–33), authorizing the Commission to employ competitive bidding procedures to choose from among two or more mutually exclusive applications for certain initial licenses.

[63 FR 2340, Jan. 15, 1998]
§ 1.2102 Eligibility of applications for competitive bidding.

(a) Mutually exclusive initial applications are subject to competitive bidding.

(b) The following types of license applications are not subject to competitive bidding procedures:

1. Public safety radio services, including private internal radio services used by state and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that
   (i) Are used to protect the safety of life, health, or property; and
   (ii) Are not commercially available to the public;

2. Initial licenses or construction permits for digital television service given to existing terrestrial broadcast licensees to replace their analog television service licenses; or


(c) Applications in the following services or classes of services are not subject to competitive bidding:

1. Alaska-Private Fixed Stations (see 47 CFR part 80, subpart O);

2. Broadcast radio (AM and FM) and broadcast television (VHF, UHF, LPTV) under 47 CFR part 73;

3. Broadcast Auxiliary and Cable Television Relay Services (see 47 CFR part 74, subparts D, E, F, G, H and L and part 78, subpart B);

4. Instructional Television Fixed Service (see 47 CFR part 74, subpart I);

5. Maritime Support Stations (see 47 CFR part 80, subpart N);

6. Marine Operational Fixed Stations (see 47 CFR part 90, subpart L);

7. Marine Radiodetermination Stations (see 47 CFR part 90, subpart M);

8. Personal Radio Services (see 47 CFR part 95), except applications filed after July 26, 1993, in the interactive Video Data Service (see 47 CFR part 95, subpart F);

9. Public Safety, Industrial/Land Transportation, General and Business Radio categories above 800 MHz, including finder’s preference requests for frequencies not allocated to the SMR service (see 47 CFR 90.173), and including, until further notice of the Commission, the Automated Vehicle Monitoring Service (see 47 CFR 90.239);

10. Private Land Mobile Radio Services between 470-512 MHz (see 47 CFR part 90, subparts B-F), including those based on finder’s preferences, (see 47 CFR 90.173);

11. Private Land Mobile Radio Services below 470 MHz (see 47 CFR part 90, subpart T), including those based on finder’s preferences (see 47 CFR § 90.173); and


NOTE TO § 1.2102: To determine the rules that apply to competitive bidding, specific service rules should also be consulted.


§ 1.2103 Competitive bidding design options.

(a) The Commission will choose from one or more of the following types of auction designs for services or classes of services subject to competitive bidding:

1. Simultaneous multiple-round auctions (using remote or on-site electronic bidding);

2. Sequential multiple round auctions (using either oral ascending or remote and/or on-site electronic bidding);

3. Sequential or simultaneous single-round auctions (using either sealed paper or remote and/or on-site electronic bidding); and


(b) The Commission may use combinatorial bidding, which would allow bidders to submit all or nothing bids on combinations of licenses or authorizations, in addition to bids on individual licenses or authorizations. The Commission may require that to be declared the high bid, a combinatorial bid must exceed the sum of the individual bids by a specified amount. Combinatorial bidding may be used with any type of auction. The Commission may also allow bidders to submit contingent bids on individual and/or combinations of licenses.
§ 1.2104 Competitive bidding mechanisms.

(a) Sequencing. The Commission will establish the sequence in which multiple licenses will be auctioned.

(b) Grouping. In the event the Commission uses either a simultaneous multiple round competitive bidding design or combinatorial bidding, the Commission will determine which licenses will be auctioned simultaneously or in combination.

(c) Reservation Price. The Commission may establish a reservation price, either disclosed or undisclosed, below which a license subject to auction will not be awarded.

(d) Minimum Bid Increments, Minimum Opening Bids and Maximum Bid Increments. The Commission may, by announcement before or during an auction, require minimum bid increments in dollar or percentage terms. The Commission also may establish minimum opening bids and maximum bid increments on a service-specific basis.

(e) Stopping Rules. The Commission may establish stopping rules before or during multiple round auctions in order to terminate the auctions within a reasonable time.

(f) Activity Rules. The Commission may establish activity rules which require a minimum amount of bidding activity.

(g) Withdrawal, Default and Disqualification Payment. As specified below, when the Commission conducts an auction pursuant to §1.2103, the Commission will impose payments on bidders who withdraw high bids during the course of an auction, or who default on payments due after an auction closes or who are disqualified.

(1) Bid withdrawal prior to close of auction. A bidder that withdraws a high bid during the course of an auction is subject to a withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the winning bid in the same or subsequent auction(s). In the event that a bidding credit applies to any of the bids, the bid withdrawal payment is either the difference between the net withdrawn bid and the subsequent net winning bid, or the difference between the gross withdrawn bid and the subsequent gross winning bid, whichever is less. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids equals or exceeds that withdrawn bid. The withdrawal payment amount is deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission. In the case of multiple bid withdrawals on a single license, the payment for each bid withdrawal will be calculated based on the sequence of bid withdrawals and the amounts withdrawn in the same or subsequent auction(s). In the event that a license for which there have been withdrawn bids is not won in the same auction, those bidders for which a final withdrawal payment cannot be calculated will be assessed an interim bid withdrawal payment equal to 3 percent of the amount of their bid withdrawals. The 3 percent interim payment will be applied toward any final bid withdrawal payment that will be assessed at the close of the subsequent auction of the license.

Example 1 to paragraph (g)(1): Bidder A withdraws a bid of $100. Subsequently, Bidder B places a bid of $90 and withdraws. In that same auction, Bidder C wins the license at a bid of $95. Withdrawal payments are assessed as follows: Bidder A owes $5 ($100 – $95). Bidder B owes nothing.

Example 2 to paragraph (g)(1): Bidder A withdraws a bid of $100. Subsequently, Bidder B places a bid of $95 and withdraws. In that same auction, Bidder C wins the license at a bid of $90. Withdrawal payments are assessed as follows: Bidder A owes $5 ($100 – $95). Bidder B owes $5 ($95 – $90).

Example 3 to paragraph (g)(1): Bidder A withdraws a bid of $100. Subsequently, in that same auction, Bidder B places a bid of $90 and withdraws. In a subsequent auction,
§ 1.2104 Competitive bidding mechanisms.

Bidder C places a bid of $95 and withdraws. Bidder D wins the license in that auction at a bid of $80. Withdrawal payments are assessed as follows: At the end of the first auction, Bidder A and Bidder B are each assessed an interim withdrawal payment equal to 3 percent of their withdrawn bids pending Commission assessment of a final withdrawal payment: Bidder A would owe 3% of $100, or $3, and Bidder B would owe 3% of $90, or $2.70. At the end of the second auction, Bidder A would owe $5 ($100 – $95) less the $3 interim withdrawal payment for a total of $2. Because Bidder C placed a subsequent bid that was higher than Bidder B’s $90 bid, Bidder B would owe nothing. Bidder C would owe $15 ($95 – $80).

(2) Default or disqualification after close of auction. A bidder assumes a binding obligation to pay its full bid amount upon acceptance of the high bid at the close of an auction. If a high bidder defaults or is disqualified after the close of such an auction, the defaulting bidder will be subject to the payment in paragraph (g)(1) of this section plus an additional payment equal to 3 percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder’s bid amount, the 3 percent payment will be calculated based on the defaulting bidder’s bid amount. If either bid amount is subject to a bidding credit, the 3 percent credit will be calculated using the same bid amounts and basis (net or gross bids) as in the calculation of the payment in paragraph (g)(1) of this section. Thus, for example, if gross bids are used to calculate the payment in paragraph (g)(1) of this section, the 3 percent will be applied to the gross amount of the subsequent winning bid, or the gross amount of the defaulting bid, whichever is less.

The Commission will generally release information concerning the identities of bidders before each auction but may choose, on an auction-by-auction basis, to withhold the identity of the bidders associated with bidder identification numbers.

The Commission may delay, suspend, or cancel an auction in the event of a natural disaster, technical obstacle, evidence of security breach, unlawful bidding activity, administrative necessity, or for any other reason that affects the fair and efficient conduct of the competitive bidding. The Commission also has the authority, at its sole discretion, to resume the competitive bidding starting from the beginning of the current or some previous round or cancel the competitive bidding in its entirety.


Effective Date Note: At 65 FR 52344, Aug. 29, 2000, §1.2104 was amended by revising paragraphs (g)(1) and (g)(2), effective Oct. 30, 2000. For the convenience of the reader the superseded text is set forth as follows:

§ 1.2104 Competitive bidding mechanisms.

* * * * *

(g) * * *

(1) Bid withdrawal prior to close of auction. A bidder who withdraws a high bid during the course of an auction is subject to a payment equal to the difference between the amount bid and the amount of the winning bid the next time the license is offered by the Commission. The bid withdrawal payment is either the difference between the net withdrawn bid and the subsequent net winning bid, or the difference between the gross withdrawn bid and the subsequent gross winning bid, whichever is less. No withdrawal payment is assessed if the subsequent winning bid exceeds the withdrawn bid. This payment amount is deducted from any upfront payments or down payments that the withdrawing bidder has deposited with the Commission.

(2) Default or disqualification after close of auction. If a high bidder defaults or is disqualified after the close of such an auction, the defaulting bidder will be subject to the payment in paragraph (g)(1) of this section plus an additional payment equal to 3 percent of the subsequent winning bid. If the subsequent winning bid exceeds the defaulting bidder’s bid amount, the 3 percent payment will be calculated based on the defaulting bidder’s bid amount. If either bid amount is subject to a bidding credit, the 3 percent credit will be calculated using the same bid amounts and basis (net or gross bids) as in the calculation of the payment in paragraph (g)(1) of this section. Thus, for example, if gross bids are used to calculate the payment in paragraph (g)(1) of this section, the 3 percent will be applied to the gross amount of the subsequent winning bid, or the gross amount of the defaulting bid, whichever is less.

* * * * *
Federal Communications Commission

§ 1.2105 Bidding application and certification procedures; prohibition of collusion.

(a) Submission of Short-Form Application (FCC Form 175). In order to be eligible to bid, an applicant must timely submit a short-form application (FCC Form 175), together with any appropriate upfront payment set forth by Public Notice. Beginning January 1, 1999, all short-form applications must be filed electronically.

(i) All short-form applications will be due:

(ii) On the date(s) specified by public notice; or

(iii) In the case of application filing dates which occur automatically by operation of law (see, e.g., 47 CFR 22.902), on a date specified by public notice after the Commission has reviewed the applications that have been filed on those dates and determined that mutual exclusivity exists.

(b) The short-form application must contain the following information:

(i) Identification of each license on which the applicant wishes to bid;

(ii) (A) The applicant’s name, if the applicant is an individual. If the applicant is a corporation, then the short-form application will require the name and address of the corporate office and the name and title of an officer or director. If the applicant is a partnership, then the application will require the name, citizenship and address of all general partners, and, if a partner is not a natural person, then the name and title of a responsible person should be included as well. If the applicant is a trust, then the name and address of the trustee will be required. If the applicant is none of the above, then it must identify and describe itself and its principals or other responsible persons; and

(B) Applicant ownership information, as set forth in § 1.2112.

(iii) The identity of the person(s) authorized to make or withdraw a bid;

(iv) If the applicant applies as a designated entity pursuant to § 1.2110, a statement to that effect and a declaration, under penalty of perjury, that the applicant is qualified as a designated entity under § 1.2110.

(v) Certification that the applicant is legally, technically, financially and otherwise qualified pursuant to section 308(b) of the Communications Act of 1934, as amended. The Commission will accept applications certifying that a request for waiver or other relief from the requirements of section 310 is pending;

(vi) Certification that the applicant is in compliance with the foreign ownership provisions of section 310 of the Communications Act of 1934, as amended;

(vii) Certification that the applicant is and will, during the pendency of its application(s), remain in compliance with any service-specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications. The Commission may require certification in certain services that the applicant will, following grant of a license, come into compliance with certain service-specific rules, including, but not limited to, ownership eligibility limitations;

(viii) An exhibit, certified as truthful under penalty of perjury, identifying all parties with whom the applicant has entered into partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any such agreements relating to the post-auction market structure.

(ix) Certification under penalty of perjury that it has not entered and will not enter into any explicit or implicit agreements, arrangements or understandings of any kind with any parties other than those identified pursuant to paragraph (a)(2)(viii) regarding the amount of their bids, bidding strategies or the particular licenses on which they will or will not bid.

(x) Certification that the applicant is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency.

(xi) An attached statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission license or has ever been delinquent on any non-tax debt owed to any Federal agency.
Note to Paragraph (a): The Commission may also request applicants to submit additional information for informational purposes to aid in its preparation of required reports to Congress.

(b) Modification and Dismissal of Short-Form Application (FCC Form 175). (1) Any short-form application (FCC Form 175) that does not contain all of the certifications required pursuant to this section is unacceptable for filing and cannot be corrected subsequent to the applicable filing deadline. The application will be dismissed with prejudice and the upfront payment, if paid, will be returned.

(2) The Commission will provide bidders a limited opportunity to cure defects specified herein (except for failure to sign the application and to make certifications) and to resubmit a corrected application. During the resubmission period for curing defects, a short-form application may be amended or modified to cure defects identified by the Commission or to make minor amendments or modifications. After the resubmission period has ended, a short-form application may be amended or modified to make minor changes or correct minor errors in the application. Major amendments cannot be made to a short-form application after the initial filing deadline. Major amendments include changes in ownership of the applicant that would constitute an assignment or transfer of control, changes in an applicant’s size which would affect eligibility for designated entity provisions, and changes in the license service areas identified on the short-form application on which the applicant intends to bid. Minor amendments include, but are not limited to, the correction of typographical errors and other minor defects not identified as major. An application will be considered to be newly filed if it is amended by a major amendment and may not be resubmitted after applicable filing deadlines.

(3) Applicants who fail to correct defects in their applications in a timely manner as specified by public notice will have their applications dismissed with no opportunity for resubmission.

(c) Prohibition of collusion. (1) Except as provided in paragraphs (c)(2), (c)(3) and (c)(4) of this section, after the short-form application filing deadline, all applicants are prohibited from cooperating, collaborating, discussing or disclosing in any manner the substance of their bids or bidding strategies, or discussing or negotiating settlement agreements, with other applicants until after the down payment deadline, unless such applicants are members of a bidding consortium or other joint bidding arrangement identified on the bidder’s short-form application pursuant to §1.2105(a)(2)(viii).

(2) Applicants may modify their short-form applications to reflect formation of consortia or changes in ownership at any time before or during an auction, provided such changes do not result in a change in control of the applicant, and provided that the parties forming consortia or entering into ownership agreements have not applied for licenses in any of the same geographic license areas. Such changes will not be considered major modifications of the application.

(3) After the filing of short-form applications, applicants may make agreements to bid jointly for licenses, provided the parties to the agreement have not applied for licenses in any of the same geographic license areas.

(4) After the filing of short-form applications, a holder of a non-controlling attributable interest in an entity submitting a short-form application may acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with, other applicants for licenses in the same geographic license area, provided that:

(i) The attributable interest holder certifies to the Commission that it has not communicated and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has a consortium or joint bidding arrangement, and which have applied for licenses in the same geographic license area(s); and

(ii) The arrangements do not result in any change in control of an applicant; or

(iii) When an applicant has withdrawn from the auction, is no longer
§ 1.2106 Submission of upfront payments.

(a) The Commission may require applicants for licenses subject to competitive bidding to submit an upfront payment. In that event, the amount of the upfront payment and the procedures for submitting it will be set forth in a Public Notice. Any auction applicant that has previously been in default on any Commission license or has previously been delinquent on any non-tax debt owed to any Federal agency must submit an upfront payment equal to 50 percent more than that set for each particular license. No interest will be paid on upfront payments.

(b) Upfront payments must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission.

(c) If an upfront payment is not in compliance with the Commission's

Example: Company A is an applicant in area 1. Company B and Company C each own 10 percent of Company A. Company D is an applicant in area 1, area 2, and area 3. Company C is an applicant in area 3. Without violating the Commission's Rules, Company B can enter into a consortium arrangement with Company D or acquire an ownership interest in Company D if Company B certifies either (1) that it has communicated with and will communicate neither with Company A or anyone else concerning Company A's bids or bidding strategy, nor with Company C or anyone else concerning Company C's bids or bidding strategy, or (2) that it has not communicated with and will not communicate with Company D or anyone else concerning Company D's bids or bidding strategy.

Effective Date Note: At 65 FR 52345, Aug. 29, 2000, §1.2105 was amended by revising paragraphs (a)(2)(xi) and (c)(1), effective Oct. 30, 2000. For the convenience of the reader the superseded text is set forth as follows:

§ 1.2105 Bidding application and certification procedures; prohibition of collusion.

* * * * * * *

(a) * * *
(2) * * *
(xi) For C block and 218-219 MHz Service applicants, an attached statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any Federal agency.

* * * * * * *

(c) Prohibition of collusion. (1) Except as provided in paragraphs (c)(2), (c)(3) and (c)(4) of this section, after the filing of short-form applications, all applicants are prohibited from cooperating, collaborating, discussing or disclosing in any manner the substance of their bids or bidding strategies, or discussing or negotiating settlement agreements, with other applicants until after the high bidder makes the required down payment, unless such applicants are members of a bidding consortium or other joint bidding arrangement identified on the bidder's short-form application pursuant to §1.2105(a)(2)(viii).

* * * * * * *

§ 1.2106 Submission of upfront payments.

(a) The Commission may require applicants for licenses subject to competitive bidding to submit an upfront payment. In that event, the amount of the upfront payment and the procedures for submitting it will be set forth in a Public Notice. Any auction applicant that has previously been in default on any Commission license or has previously been delinquent on any non-tax debt owed to any Federal agency must submit an upfront payment equal to 50 percent more than that set for each particular license. No interest will be paid on upfront payments.

(b) Upfront payments must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission.

(c) If an upfront payment is not in compliance with the Commission's
§ 1.2107  Submission of upfront payment and filing of long-form applications.

(a) After bidding has ended, the Commission will identify and notify the high bidder and declare the bidding closed.

(b) Unless otherwise specified by public notice, within ten (10) business days after being notified that it is a high bidder on a particular license(s), a high bidder must submit to the Commission's lockbox bank such additional funds (the "upfront payment") as are necessary to bring its total deposits (not including upfront payments applied to satisfy bid withdrawal or default payments) up to twenty (20) percent of its high bid(s). (In single round sealed bid auctions conducted under §1.2103, however, bidders may be required to submit their down payments with their bids.) Unless otherwise specified by public notice, this upfront payment must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission. Down payments will be held by the Commission until the high bidder has been awarded the license and has paid the remaining balance due on the license or authorization, in which case it will not be returned, or until the winning bidder is found unqualified to be a licensee or has defaulted, in which case it will be returned, less applicable payments. No interest on any down payment will be paid to the bidders.

(c) A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder on a particular license(s), submit an additional application (the "long-form application") pursuant to the rules governing the service in which the applicant is the high bidder. Notwithstanding any other provision in title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications. Specific procedures for filing applications will be set out by Public Notice. Ownership disclosure requirements are set forth in §1.2112. Beginning January 1, 1999, all long-form applications must be filed electronically. An applicant that fails to submit the required long-form application under this paragraph and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the payments set forth in §1.2104.
§ 1.2108 Procedures for filing petitions to deny against long-form applications.

(a) Where petitions to deny are otherwise provided for under the Act or the Commission’s Rules, and unless other service-specific procedures for the filing of such petitions are provided for elsewhere in the Commission’s Rules, the procedures in this section shall apply to the filing of petitions to deny the long-form applications of winning bidders.

(b) Within a period specified by Public Notice and after the Commission by Public Notice announces that long-form applications have been accepted for filing, petitions to deny such applications may be filed. The period for filing petitions to deny shall be no more than ten (10) days. The appropriate licensing Bureau, within its discretion, may, in exigent circumstances, reduce this period of time to no less than five (5) days. Any such petitions must contain allegations of fact supported by affidavit of a person or persons with personal knowledge thereof.

(c) An applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition. Allegations of fact or denials thereof must be supported by affidavit of a person or persons with personal knowledge thereof. The time for filing such oppositions shall be at least five (5) days from the filing date for petitions to deny, and the time for filing replies shall be at least five (5) days from the filing date for oppositions. The Commission may grant a license based on any long-form application that has been accepted for filing. The Commission shall in no case grant licenses earlier than seven (7) days following issuance of a public notice announcing long-form applications have been accepted for filing.

(d) If the Commission determines that:

(1) An applicant is qualified and there is no substantial and material issue of fact concerning that determination, it will grant the application.

(2) An applicant is not qualified and that there is no substantial issue of fact concerning that determination, the Commission need not hold an evidentiary hearing and will deny the application.

(3) Substantial and material issues of fact require a hearing, it will conduct a hearing. The Commission may permit all or part of the evidence to be submitted in written form and may permit employees other than administrative law judges to preside at the taking of written evidence. Such hearing will be conducted on an expedited basis.

§ 1.2109  License grant, denial, default, and disqualification.

(b) Within a period specified by Public Notice, and after the Commission by public notice announces that long-form applications have been accepted for filing, petitions to deny such applications may be filed. In all cases, the period for filing petitions to deny shall be no shorter than five (5) days. Any such petitions must contain allegations of fact supported by affidavit of a person or persons with personal knowledge thereof.

* * * * *

§ 1.2109  License grant, denial, default, and disqualification.

(a) Unless otherwise specified by public notice, auction winners are required to pay the balance of their winning bids in a lump sum within ten (10) business days following the release of a public notice establishing the payment deadline. If a winning bidder fails to pay the balance of its winning bids in a lump sum by the applicable deadline as specified by the Commission, it will be allowed to make payment within ten (10) business days after the payment deadline, provided that it also pays a late fee equal to five percent of the amount due. When a winning bidder fails to pay the balance of its winning bid by the late payment deadline, it is considered to be in default on its license(s) and subject to the applicable default payments. Licenses will be awarded upon the full and timely payment of winning bids and any applicable late fees.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default payment specified in §1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids.

(d) Bidders who are found to have violated the antitrust laws or the Commission’s rules in connection with their participation in the competitive bidding process may be subject, in addition to any other applicable sanctions, to forfeiture of their upfront payment, down payment or full bid amount, and may be prohibited from participating in future auctions.


§ 1.2110  Designated entities.

(a) Designated entities are small businesses, businesses owned by members of minority groups and/or women, and rural telephone companies.

(b) Eligibility for small business provisions.

(1) Size attribution. The gross revenues of the applicant (or licensee), its controlling interests and their affiliates shall be attributed to the applicant and considered on a cumulative and aggregated basis for purposes of determining whether the applicant (or licensee) is eligible for status as a small business under this section. An applicant seeking status as a small business under this section must disclose on its short-and long-form applications, separately and in the aggregate, the gross revenues of the applicant (or licensee), its controlling interests and their affiliates for each of the previous three years.

(2) Aggregation of affiliate interests. Persons or entities that hold interests in an applicant (or licensee) that are affiliates of each other or have an identity of interests identified in §1.2110(c)(5)(ii) will be treated as though they were one person or entity and their ownership interests aggregated for purposes of determining whether the applicant (or licensee) is eligible for status as a small business under this section.

(c) A winning bidder who is found unqualified to be a licensee, fails to remit the balance of its winning bid in a timely manner, or defaults or is disqualified for any reason after having made the required down payment, will be deemed to have defaulted and will be liable for the payment set forth in §1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids.
Example 1 to paragraph (b)(2): ABC Corp. is owned by individuals, A, B and C, each having an equal one-third voting interest in ABC Corp. A and B together, with two-thirds of the stock have the power to control ABC Corp. and have an identity of interest. If A&B invest in DE Corp., a broadband PCS applicant for block C, A and B’s separate interests in DE Corp. must be aggregated because A and B are to be treated as one person or entity.

Example 2 to paragraph (b)(2): ABC Corp. has subsidiary BC Corp., of which it holds a controlling 51 percent of the stock. If ABC Corp. and BC Corp., both invest in DE Corp., their separate interests in DE Corp. must be aggregated because ABC Corp. and BC Corp. are affiliates of each other.

(3) Exceptions. (i) Small business consortia. Where an applicant (or licensee) is a consortium of small businesses, the gross revenues of each small business consortium member shall not be aggregated. Each small business consortium member must constitute a separate and distinct legal entity to qualify.

(ii) Applicants without identifiable controlling interests. Where an applicant (or licensee) cannot identify controlling interests under the standards set forth in this section, the gross revenues of all interest holders in the applicant, and their affiliates, will be attributable.

(c) Definitions. (1) Small businesses. The Commission will establish the definition of a small business on a service-specific basis, taking into consideration the characteristics and capital requirements of the particular service.

(2) Controlling interests. (i) For purposes of this section, controlling interest includes individuals or entities with either de jure or de facto control of the applicant. De jure control is evidenced by holdings of greater than 50 percent of the voting stock of a corporation, or in the case of a partnership, general partnership interests. De facto control is determined on a case-by-case basis. An entity must disclose its equity interest and demonstrate at least the following indicia of control to establish that it retains de facto control of the applicant:

(A) The entity constitutes or appoints more than 50 percent of the board of directors or management committee;
(B) The entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; and
(C) The entity plays an integral role in management decisions.

(ii) Calculation of certain interests. (A) Ownership interests shall be calculated on a fully diluted basis; all agreements such as warrants, stock options and convertible debentures will generally be treated as if the rights thereunder already have been fully exercised.

(B) Partnership and other ownership interests and any stock interest equity, or outstanding stock or outstanding voting stock shall be attributed as specified.

(C) Stock interests held in trust shall be attributed to any person who holds or shares the power to vote such stock, to any person who has the sole power to sell such stock, and to any person who has the right to revoke the trust at will or to replace the trustee at will. If the trustee has a familial, personal, or extra-trust business relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the stock interests held in trust.

(D) Non-voting stock shall be attributed as an interest in the issuing entity.

(E) Limited partnership interests shall be attributed to limited partners and shall be calculated according to both the percentage of equity paid in and the percentage of distribution of profits and losses.

(F) Officers and directors of an entity shall be considered to have a controlling interest in the entity. The officers and directors of an entity that controls a licensee or applicant shall be considered to have a controlling interest in the licensee or applicant.

(G) Ownership interests that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that if the ownership percentage for an interest in any link...
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in the chain exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

(H) Any person who manages the operations of an applicant or licensee pursuant to a management agreement shall be considered to have a controlling interest in such applicant or licensee if such person, or its affiliate, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence:

(1) The nature or types of services offered by such an applicant or licensee;
(2) The terms upon which such services are offered; or
(3) The prices charged for such services.

(I) Any licensee or its affiliate who enters into a joint marketing arrangement with an applicant or licensee, or its affiliate, shall be considered to have a controlling interest if such applicant or licensee, or its affiliate, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence:

(1) The nature or types of services offered by such an applicant or licensee;
(2) The terms upon which such services are offered; or
(3) The prices charged for such services.

(B) Any business owned by members of minority groups and/or women. Unless otherwise provided in rules governing specific services, a business owned by members of minority groups and/or women is one in which minorities and/or women are U.S. citizens control the applicant, have at least greater than 50 percent equity ownership and, in the case of a corporate applicant, have a greater than 50 percent voting interest. For applicants that are partnerships, every general partner must be either a minority and/or woman (or minorities and/or women) who are U.S. citizens and who individually or together own at least 50 percent of the partnership equity, or an entity that is 100 percent owned and controlled by minorities and/or women who are U.S. citizens. The interests of minorities and women are to be calculated on a fully diluted basis; agreements such as stock options and convertible debentures shall be considered to have a present effect on the power to control an entity and shall be treated as if the rights thereunder already have been fully exercised. However, upon a demonstration that options or conversion rights held by non-controlling principals will not deprive the minority and female principals of a substantial financial stake in the venture or impair their rights to control the designated entity, a designated entity may seek a waiver of the requirement that the equity of the minority and female principals must be calculated on a fully-diluted basis. The term minority includes individuals of Black or African American, Hispanic or Latino, American Indian or Alaskan Native, Asian, and Native Hawaiian or Pacific Islander extraction.

(d) The Commission may set aside specific licenses for which only eligible designated entities, as specified by the Commission, may bid.

(e) The Commission may permit partitioning of service areas in particular services for eligible designated entities.

(f) Bidding credits. (1) The Commission may award bidding credits (i.e., payment discounts) to eligible designated entities. Competitive bidding rules applicable to individual services will specify the designated entities eligible for bidding credits, the licenses for which bidding credits are available, the amounts of bidding credits and other procedures.

(2) Size of bidding credits. A winning bidder that qualifies as a small business or a consortium of small businesses may use the following bidding credits corresponding to their respective average gross revenues for the preceding 3 years:

(i) Businesses with average gross revenues for the preceding years, 3 years not exceeding $3 million are eligible for bidding credits of 35 percent;
(ii) Businesses with average gross revenues for the preceding years, 3 years not exceeding $15 million are eligible for bidding credits of 25 percent; and
(iii) Businesses with average gross revenues for the preceding years, 3 years not exceeding $40 million are eligible for bidding credits of 15 percent.
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(3) Bidding credit for serving qualifying tribal land. A winning bidder for a market will be eligible to receive a bidding credit for serving a qualifying tribal land within that market, provided that it complies with §1.2107(e). The following definition, terms, and conditions shall apply for the purposes of this section and §1.2107(e):

(i) Qualifying tribal land—"means any federally recognized Indian tribe’s reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688, and Indian allotments," (see 25 CFR 20.1(v)), that has a wireline telephone subscription rate equal to or less than seventy (70) percent based on the most recently available U.S. Census Data.

(ii)(A) Certification. Within ninety (90) days after the filing deadline for long-form applications, the winning bidder must amend its long-form application and attach a certification from the tribal government stating the following:

(1) The tribal government authorizes the winning bidder to site facilities and provide service on its tribal land;

(2) The tribal area to be served by the winning bidder constitutes qualifying tribal land; and

(3) The tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying tribal land.

(B) In addition, within ninety (90) days after the filing deadline for long-form applications, the winning bidder must amend its long-form application and file a certification that it will comply with the buildout requirements set forth in §1.2110(e)(vi) and consult with the tribal government regarding the siting of facilities and deployment of service on the tribal land.

(iii) Bidding credit formula. Subject to the applicable bidding credit limit set forth in §1.2110(e)(3)(iv), the bidding credit shall equal three hundred thousand (300,000) dollars for the first twohundred (200) square miles (518 square kilometers) of qualifying tribal land, and fifteen hundred (1500) dollars for each additional square mile (2.590 square kilometer) of qualifying tribal land above two hundred (200) square miles (518 square kilometers).

(iv) Bidding credit limit. If the high bid is equal to or less than one million (1,000,000) dollars, the maximum bidding credit calculated pursuant to §1.2110(e)(3)(iii) shall not exceed fifty (50) percent of the high bid. If the high bid is greater than one million (1,000,000) dollars, but equal to or less than two million (2,000,000) dollars, the maximum bidding credit calculated pursuant to §1.2110(e)(3)(iii) shall not exceed five hundred thousand (500,000) dollars. If the high bid is greater than two million (2,000,000) dollars, the maximum bidding credit calculated pursuant to §1.2110(e)(3)(iii) shall not exceed twenty-five (25) percent of the high bid.

(v) Application of credit. The bidding credit amount, if approved by the Commission, will be subtracted from the final net bid amount. The bidding credit will not affect calculation of the down payment.

(vi) Post-construction certification. Within fifteen (15) days of the third anniversary of the initial grant of its license, a recipient of a bidding credit under this section shall file a certification that the recipient has constructed and is operating a system capable of serving seventy-five (75) percent of the population of the qualifying tribal land for which the credit was awarded.

(vii) Performance penalties. If a recipient of a bidding credit under this section fails to provide the post-construction certification required by §1.2110(e)(3)(vi), then it shall repay the bidding credit amount in its entirety, plus interest. The interest will be based on the rate for ten year U.S. Treasury obligations applicable on the date the license is granted. Such payment shall be made within thirty (30) days of the third anniversary of the initial grant of its license.

(g) Installment payments. The Commission may permit small businesses (including small businesses owned by women, minorities, or rural telephone companies that qualify as small businesses) and other entities determined to be eligible on a service-specific
basis, which are high bidders for licenses specified by the Commission, to pay the full amount of their high bids in installments over the term of their licenses pursuant to the following:

(1) Unless otherwise specified by public notice, each eligible applicant paying for its license(s) on an installment basis must deposit by wire transfer in the manner specified in §1.2107(b) sufficient additional funds as are necessary to bring its total deposits to ten (10) percent of its winning bid(s) within ten (10) days after the Commission has declared it the winning bidder and closed the bidding. Failure to remit the required payment will make the bidder liable to pay a default payment pursuant to §1.2104(g)(2).

(2) Within ten (10) days of the conditional grant of the license application of a winning bidder eligible for installment payments, the licensee shall pay another ten (10) percent of the high bid, thereby commencing the eligible licensee's installment payment plan. If a winning bidder eligible for installment payments fails to submit this additional ten (10) percent of its high bid by the applicable deadline as specified by the Commission, it will be allowed to make payment within ten (10) business days after the payment deadline, provided that it also pays a late fee equal to five percent of the amount due. When a winning bidder eligible for installment payments fails to submit this additional ten (10) percent of its winning bid, plus the late fee, by the late payment deadline, it is considered to be in default on its license(s) and subject to the applicable default payments. Licenses will be awarded upon the full and timely payment of second down payments and any applicable late fees.

(3) Upon grant of the license, the Commission will notify each eligible licensee of the terms of its installment payment plan and that it must execute a promissory note and security agreement as a condition of the installment payment plan. Unless other terms are specified in the rules of particular services, such plans will:

(i) Impose interest based on the rate of U.S. Treasury obligations (with maturities closest to the duration of the license term) at the time of licensing;

(ii) Allow installment payments for the full license term;

(iii) Begin with interest-only payments for the first two years; and

(iv) Amortize principal and interest over the remaining term of the license.

(4) A license granted to an eligible entity that elects installment payments shall be conditioned upon the full and timely performance of the licensee's payment obligations under the installment plan.

(i) Any licensee that fails to submit its quarterly payment on an installment payment obligation (the “Required Installment Payment”) may submit such payment on or before the last day of the next quarter (the “first additional quarter”) without being considered delinquent. Any licensee making its Required Installment Payment during this period (the “first additional quarter grace period”) will be assessed a late payment fee equal to five percent (5%) of the amount of the past due Required Installment Payment. The late payment fee applies to the total Required Installment Payment regardless of whether the licensee submitted a portion of its Required Installment Payment in a timely manner.

(ii) If any licensee fails to make the Required Installment Payment on or before the last day of the first additional quarter set forth in paragraph (g)(4)(i) of this section, the licensee may submit its Required Installment Payment on or before the last day of the next quarter (the “second additional quarter”), except that no such additional time will be provided for the July 31, 1998 suspension interest and installment payments from C or F block licensees that are not made within 90 days of the payment resumption date for those licensees, as explained in Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, Order on reconsideration of the Second Report and Order, WT Docket No. 97-82, 13 FCC Rcd 8345 (1998). Any licensee making the Required Installment Payment during the second additional quarter (the “second additional quarter grace period”) will be assessed a late payment fee equal to ten percent (10%) of the
amount of the past due Required Installment Payment. Licensees shall not be required to submit any form of request in order to take advantage of the first and second additional quarter grace periods.

(iii) All licensees that avail themselves of these grace periods must pay the associated late payment fee(s) and the Required Installment Payment prior to the conclusion of the applicable additional quarter grace period(s). Payments made at the close of any grace period(s) will first be applied to satisfy any lender advances as required under each licensee’s “Note and Security Agreement,” with the remainder of such payments applied in the following order: late payment fees, interest charges, installment payments for the most back-due quarterly installment payment.

(iv) If an eligible entity obligated to make installment payments fails to pay the total Required Installment Payment, interest and any late payment fees associated with the Required Installment Payment within two quarters (6 months) of the Required Installment Payment due date, it shall be in default, its license shall automatically cancel, and it will be subject to debt collection procedures. A licensee in the PCS C or F blocks shall be in default, its license shall automatically cancel, and it will be subject to debt collection procedures, if the payment due on the payment resumption date, referenced in paragraph (g)(4)(ii) of this section, is more than ninety (90) days delinquent.

(k) The Commission may, on a service-specific basis, permit consortia, each member of which individually meets the eligibility requirements, to qualify for any designated entity provisions.

(l) The Commission may, on a service-specific basis, permit publicly-traded companies that are owned by members of minority groups or women to qualify for any designated entity provisions.

(m) Audits. (1) Applicants and licensees claiming eligibility under this section shall be subject to audits by the Commission, using in-house and contract resources. Selection for audit may be random, on information, or on the basis of other factors.

(2) Consent to such audits is part of the certification included in the short-form application (FCC Form 175). Such consent shall include consent to the audit of the applicant’s or licensee’s books, documents and other material (including accounting procedures and practices) regardless of form or type, sufficient to confirm that such applicant’s or licensee’s representations are, and remain, accurate. Such consent shall include inspection at all reasonable times of the facilities, or parts thereof, engaged in providing and transacting business, or keeping records regarding FCC-licensed service and shall also include consent to the interview of principals, employees, customers and suppliers of the applicant or licensee.

(n) Gross revenues. Gross revenues shall mean all income received by an entity, whether earned or passive, before any deductions are made for costs of doing business (e.g., cost of goods sold), as evidenced by audited financial statements for the relevant number of most recently completed calendar years or, if audited financial statements were not prepared on a calendar-year basis, for the most recently completed fiscal years preceding the filing.
of the applicant's short-form (FCC Form 175). If an entity was not in existence for all or part of the relevant period, gross revenues shall be evidenced by the audited financial statements of the entity's predecessor-in-interest or, if there is no identifiable predecessor-in-interest, unaudited financial statements certified by the applicant as accurate. When an applicant does not otherwise use audited financial statements, its gross revenues may be certified by its chief financial officer or its equivalent and must be prepared in accordance with Generally Accepted Accounting Principles.

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§ 1.2110 Designated entities.


EFFECTIVE DATE NOTE 2: At 65 FR 52345, Aug. 29, 2000, §1.2110 was amended by redesignating paragraphs (b) through (m) as (c) through (n), adding new paragraph (b), and revising newly redesignated paragraphs (c), (g)(4), and (j), effective Oct. 30, 2000. For the convenience of the reader the superseded text is set forth as follows:

§ 1.2110 Designated entities.

* * * * *

(c) Definitions.

(1) Small businesses. The Commission will establish the definition of a small business on a service-specific basis, taking into consideration the characteristics and capital requirements of the particular service.

(2) Businesses owned by members of minority groups and/or women. Unless otherwise provided in rules governing specific services, a business owned by members of minority groups and/or women is one in which minority and/or women who are U.S. citizens control the applicant, have at least 50.1 percent equity ownership and, in the case of a corporate applicant, a 50.1 percent voting interest. For applicants that are partnerships, every general partner either must be a minority and/or woman (or minorities and/or women) who is 100 percent owned and controlled by members of minority and/or women who are U.S. citizens and who individually or together own at least 50.1 percent of the partnership equity, or an entity that is 100 percent owned and controlled by minorities and/or women who are U.S. citizens. The interests of minorities and women are to be calculated on a fully-diluted basis; agreements such as stock options and convertible debentures shall be considered to have a present effect on the power to control an entity and shall be treated as if the rights thereunder already have been fully exercised. However, upon a demonstration that options or conversion rights held by non-controlling principals will not deprive the minority and female principals of a substantial financial stake in the venture or impair their rights to control the designated entity, a designated entity may seek a waiver of the requirement that the equity of the minority and female principals must be calculated on a fully-diluted basis. The term minority includes individuals of African American, Hispanic-surnamed, American Eskimo, Aleut, American Indian and Asian American extraction.

(3) Rural telephone companies. A rural telephone company is any local exchange carrier operating entity to the extent that such entity—

(i) Provides common carrier service to any local exchange carrier study area that does not include either

(A) Any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census, or

(B) Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1990;

(ii) Provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(iii) Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

(iv) Has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996.

(4) Affiliate. (i) An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant if such individual or entity—

(A) Directly or indirectly controls or has the power to control the applicant, or

(B) Is directly or indirectly controlled by the applicant, or

(C) Is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or

(D) Has an "identity of interest" with the applicant.

(ii) Nature of control in determining affiliation.

(A) Every business concern is considered to have one or more parties that directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example. An applicant owning 90 percent of the voting stock of another concern would have negative power to control such concern
since such party can block any action of the other stockholders. Also, the bylaws of a corporation may permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders in the other entity. Affiliation exists when the applicant has the power to control a concern while at the same time another person, or persons, are in control of the concern at the will of the party or parties with the power to control.

(B) Control can arise through stock ownership; occupancy of director, officer or key employee positions; contractual or other business relations; or combinations of these and other factors. A key employee is an employee who, because of his/her position in the concern, has a critical influence in or substantive control over the operations or management of the concern.

(C) Control can arise through management positions where a concern's voting stock is so widely distributed that no effective control can be established.

Example. In a corporation where the officers and directors own various size blocks of stock totaling 40 percent of the corporation's voting stock, but no officer or director has a block sufficient to give him or her control or the power to control and the remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control. If persons with such management control of the other entity are persons with attributable interests in the applicant, the other entity will be deemed an affiliate of the applicant.

(iii) Identity of interest between and among persons. Affiliation can arise between or among two or more persons with an identity of interest, such as members of the same family or persons with common investments. In determining if the applicant controls or has the power to control a concern, persons with an identity of interest will be treated as though they were one person.

Example. Two shareholders in Corporation Y each have attributable interests in the same PCS application. While neither shareholder has enough shares to individually control Corporation Y, together they have the power to control Corporation Y. The two shareholders with these common investments (or identity in interest) are treated as though they are one person and Corporation Y would be deemed an affiliate of the applicant.

(A) Spousal affiliation. Both spouses are deemed to own or control or have the power to control interests owned or controlled by either of them, unless they are subject to a legal separation recognized by a court of competent jurisdiction in the United States. In calculating their net worth, investors who are legally separated must include their share of interests in property held jointly with a spouse.

(B) Kinship affiliation. Immediate family members will be presumed to own or control or have the power to control interests owned or controlled by other immediate family members. In this context “immediate family member” means father, mother, husband, wife, son, daughter, brother, sister, father- or mother-in-law, son- or daughter-in-law, brother- or sister-in-law, step-father or -mother, step-brother or -sister, step-son or -daughter, half brother or sister. This presumption may be rebutted by showing that the family members are estranged, the family ties are remote, or the family members are not closely involved with each other in business matters.

Example. A owns a controlling interest in Corporation X. A's sister-in-law, B, has an attributable interest in a PCS application. Because A and B have a presumptive kinship affiliation, A's interest in Corporation Y is attributable to B, and thus to the applicant, unless B rebuts the presumption with the necessary showing.

(iv) Affiliation through stock ownership. (A) An applicant is presumed to control or have the power to control a concern if he or she owns or controls or has the power to control 50 percent or more of its voting stock.

(B) An applicant is presumed to control or have the power to control a concern even though he or she owns, controls or has the power to control less than 50 percent of the concern's voting stock, if the block of stock he or she owns, controls or has the power to control is large as compared with any other outstanding block of stock.

(C) If two or more persons each owns, controls or has the power to control less than 50 percent of the voting stock of a concern, such minority holdings are equal or approximately equal in size, and the aggregate of these minority holdings is large as compared with any other stock holding, the presumption arises that each one of these persons individually controls or has the power to control the concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(v) Affiliation arising under stock options, convertible debentures, and agreements to merge. Stock options, convertible debentures, and agreements to merge (including agreements in principle) are generally considered to have a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are generally treated as though the rights held thereunder had been exercised. However, an affiliate cannot use such
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options and debentures to appear to terminate its control over another concern before it actually does so.

Example 1. If company B holds an option to purchase a controlling interest in company A, who holds an attributable interest in a PCS application, the situation is treated as though company B had exercised its rights and had come owner of a controlling interest in company A. The gross revenues of company B must be taken into account in determining the size of the applicant.

Example 2. If a large company, BigCo, holds 70% (70 of 100 outstanding shares) of the voting stock of company A, who holds an attributable interest in a PCS application, and gives a third party, SmallCo, an option to purchase 50 of the 70 shares owned by BigCo, BigCo will be deemed to be an affiliate of company A, and thus the applicant, until SmallCo actually exercises its option to purchase such shares. In order to prevent BigCo from circumventing the intent of the rule which requires such options to be considered on a fully diluted basis, the option is not considered to have present effect in this case.

Example 3. If company A has entered into an agreement to merge with company B in the future, the situation is treated as though the merger has taken place.

(vii) Affiliation through common management. Affiliation generally arises where one concern shares office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operations, or where such concerns were formerly affiliated, and through these sharing arrangements one concern has control, or potential control, of the other concern.

(x) Affiliation through contractual relationships. Affiliation generally arises where one concern is dependent upon another concern for contracts and business to such a degree that one concern has control, or potential control, of the other concern.

(B) The parties to a joint venture are considered to be affiliated with each other. Nothing in this subsection shall be construed to define a small business consortium, for purposes of determining status as a designated entity, as a joint venture under attribution standards provided in this section.

(xi) Exclusion from affiliation coverage. For purposes of this section, Indian tribes or Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or entities owned and controlled by such tribes or corporations, are not considered affiliates of an applicant (or licensee) that is owned and controlled by such tribes, corporations or entities, and that otherwise complies with the requirements of this section, except that gross revenues derived from gaming activities conducted by affiliate entities pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) will be counted in determining such applicant's (or licensee's) compliance with the financial requirements of this section, unless such applicant establishes that it will not receive a substantial unfair competitive advantage because significant legal constraints restrict the applicant's ability to access such gross revenues.
conditioned upon the full and timely performance of the licensee’s payment obligations under the installment plan.

(i) Any licensee that fails to submit payment set forth in paragraph (i) of this section, is more than ninety (90) days in which to submit its required payment without being considered delinquent. Any licensee making its required payment during this period will be assessed a late payment fee equal to five percent (5%) of the amount of the past due payment. Late fees assessed under this paragraph will accrue on the next business day following the payment due date. Payments made at the close of any grace period will first be applied to satisfy any lender advances as required under each licensee’s “Note and Security Agreement.” Afterwards, payments will be applied in the following order: late charges, interest charges, principal payments.

(ii) If any licensee fails to make the required payment at the close of the 90-day period, the licensee will automatically be provided with a subsequent 90-day grace period, except that no subsequent automatic grace period will be provided for payments from C or F block licensees that are not made within 90 days of the payment resumption date for those licensees, as explained in Amendment of the Commission’s Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, Order on Reconsideration of the Second Report and Order, WT Docket No. 97-82, FCC 98-46 (rel. Mar. 24, 1998). Any licensee making a required payment during this subsequent period will be assessed a late payment fee equal to ten percent (10%) of the amount of the past due payment. Licensees shall not be required to submit any form of request in order to take advantage of the initial 90-day non-delinquency period and subsequent automatic 90-day grace period. All licensees that avail themselves of the automatic grace period must pay the required late fees, all interest accrued during the non-delinquency and grace periods, and the appropriate scheduled payment with the first payment made following the conclusion of the grace period.

(iii) If an eligible entity making installment payments is more than one hundred and eighty (180) days delinquent in any payment, it shall be in default, except that C and F block licensees shall be in default if their payment due on the payment resumption date, referenced in paragraph (f)(4)(ii) of this section, is more than ninety (90) days delinquent.

(iv) Any eligible entity that submits an installment payment after the due date but fails to pay any late fee, interest or principal at the close of the 90-day non-delinquency period and subsequent automatic grace period, if such a grace period is available, will be declared in default, its license will automatically cancel, and will be subject to debt collection procedures.

§ 1.2111 Assignment or transfer of control: unjust enrichment.

(a) Reporting requirement. An applicant seeking approval for a transfer of control or assignment (otherwise permitted under the Commission’s Rules) of a license within three years of receiving a new license through a competitive bidding procedure must, together with its application for transfer of control or assignment, file with the Commission’s statement indicating that its license was obtained through competitive bidding. 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). This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (e.g., management or consulting contracts either with or without an option to purchase; below market financing).

(b) Unjust enrichment payment: set-aside. As specified in this paragraph an applicant seeking approval for a transfer of control or assignment (otherwise permitted under the Commission’s Rules) of a license acquired by the transferor or assignor pursuant to a
§ 1.2111

set-aside for eligible designated entities under § 1.2110(c), or who proposes to take any other action relating to ownership or control that will result in loss of status as an eligible designated entity, must seek Commission approval and may be required to make an unjust enrichment payment (Payment) to the Commission by cashier's check or wire transfer before consent will be granted. The Payment will be based upon a schedule that will take account of the term of the license, any applicable construction benchmarks, and the estimated value of the set-aside benefit, which will be calculated as the difference between the amount paid by the designated entity for the license and the value of comparable non-set-aside license in the free market at the time of the auction. The Commission will establish the amount of the Payment and the burden will be on the applicants to disprove this amount. No payment will be required if:

(1) The license is transferred or assigned more than five years after its initial issuance, unless otherwise specified; or

(2) The proposed transferee or assignee is an eligible designated entity under § 1.2110(c) or the service-specific competitive bidding rules of the particular service, and so certifies.

(c) Unjust enrichment payment: installment financing. (1) If a licensee that utilizes installment financing under this section seeks to assign or transfer control of its license to an entity not meeting the eligibility standards for installment payments, the licensee must make full payment of the remaining unpaid principal and any unpaid interest accrued through the date of assignment or transfer as a condition of approval.

(2) If a licensee that utilizes installment financing under this section seeks to make any change in ownership structure that would result in the license losing eligibility for installment payments, the license shall first seek Commission approval and must make full payment of the remaining unpaid principal and any unpaid interest accrued through the date of such change as a condition of approval. A licensee's increased gross revenues or increased total assets due to nonattributable equity investments, debt financing, revenue from operations or other investments, business development or expanded service shall not be considered to result in the licensee losing eligibility for installment payments.

(3) If a licensee seeks to make any change in ownership that would result in the licensee losing eligibility for a less favorable installment plan under this section, the licensee shall seek Commission approval and must adjust its payment plan to reflect its new eligibility status. A licensee may not switch its payment plan to a more favorable plan.

(d) Unjust enrichment payment: bidding credits. (1) A licensee that utilizes a bidding credit, and that during the initial term seeks to assign or transfer control of a license to an entity that does not meet the eligibility criteria for a bidding credit, will be required to reimburse the U.S. Government for the amount of the bidding credit, plus interest based on the rate for ten year U.S. Treasury obligations applicable on the date the license was granted, as a condition of Commission approval of the assignment or transfer. If, within the initial term of the license, a licensee seeks to assign or transfer control of a license to an entity that is eligible for a lower bidding credit, the difference between the bidding credit obtained by the assigning party and the bidding credit for which the acquiring party would qualify, plus interest based on the rate for ten year U.S. Treasury obligations applicable on the date the license is granted, must be paid to the U.S. Government as a condition of Commission approval of the assignment or transfer. If, within the initial term of the license, a licensee that utilizes a bidding credit seeks to make any ownership change that would result in the licensee losing eligibility for a bidding credit (or qualifying for a lower bidding credit), the amount of the bidding credit (or the difference between the bidding credit originally obtained and the bidding credit for which the restructured licensee would qualify), plus interest based on the rate for ten year U.S. Treasury obligations applicable on the date the license is
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§ 1.2112

Ownership disclosure requirements for short- and long-form applications.

(a) Each application to participate in competitive bidding (i.e., short-form application (see 47 CFR 1.2105)), or for a license, authorization, assignment, or transfer of control shall disclose fully the real party or parties in interest and must list the following information:

(1) The name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;

(2) In the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);

(3) In the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;

(4) In the case of a limited liability company, the name, address and citizenship of each of its members whose interest in the applicant is 10 percent or greater.

(5) All parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest.

(6) Any FCC-licensed entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (5) of
§ 1.2112 Ownership disclosure requirements for short- and long-form applications.

(a) Each application for a license or authorization or for consent to assign or transfer control of a license or authorization shall disclose fully the real party or parties in interest and must include in an exhibit the following information:

(1) A list of any FCC-regulated business 10 percent or more of whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, attributable stockholder or key management personnel of the applicant. This list must include a description of each such business’s principal business and a description of each such business’s relationship to the applicant;

(2) As an exhibit to its long-form application (i.e., see 47 CFR 1.2107):

(i) A list of any party holding a 10 percent or greater interest in the applicant, including the specific amount of the interest;

(ii) A list of any party holding a 10 percent or greater interest in any entity holding or applying for any FCC-regulated business in which a 10 percent or more interest is held by another party which holds a 10 percent or more interest in the applicant (e.g., if company A owns 10 percent of Company B (the applicant) and 10 percent of Company C then Companies A and C must be listed on Company B’s application); and

(iii) A list separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests; and a consortium of small businesses, the members comprising the consortium.

(b) Designated Entity Status: In addition to the information required under paragraph (a) of this section, each applicant claiming eligibility for small business provisions shall disclose the following:

(1) On its application to participate in competitive bidding (i.e., short-form application (see 47 CFR 1.2105)),

(i) List the names, addresses, and citizenship of all officers, directors, and other controlling interests of the applicant, as described in § 1.2110;

(ii) List any FCC-licensed entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity’s principal business and a description of each such entity’s relationship to the applicant;

(iii) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests; and if a consortium of small businesses, the consortium of small businesses, the members comprising the consortium.

(2) A list of any party holding a 10 percent or greater interest in the applicant (e.g., see 47 CFR 1.2105),

(i) List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant’s eligibility as a small business under the applicable designated entity provisions, including the establishment of de facto or de jure control; such agreements and instruments include articles of incorporation and bylaws, shareholder agreements, voting or other trust agreements, franchise agreements, and any other relevant agreements (including letters of intent), oral or written; and

(ii) List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees.

(3) A list of the names, addresses, and citizenship of all officers, directors, attributable stockholder or key management personnel of the applicant, as set forth in § 1.2110;

[i] 47 CFR Ch. I (10–1–00 Edition)
§ 1.2113 Construction prior to grant of application.

Subject to the provisions of this section, applicants for licenses awarded by competitive bidding may construct facilities to provide service prior to grant of their applications, but must not operate such facilities until the FCC grants an authorization. If the conditions stated in this section are not met, applicants must not begin to construct facilities for licenses subject to competitive bidding.

(a) When applicants may begin construction. An applicant may begin construction of a facility upon release of the Public Notice listing the post-auction long-form application for that facility as acceptable for filing.

(b) Notification to stop. If the FCC for any reason determines that construction should not be started or should be stopped while an application is pending, and so notifies the applicant, orally (followed by written confirmation) or in writing, the applicant must not begin construction or, if construction has begun, must stop construction immediately.

(c) Assumption of risk. Applicants that begin construction pursuant to this section before receiving an authorization do so at their own risk and have no recourse against the United States for any losses resulting from:

(1) Applications that are not granted;
(2) Errors or delays in issuing public notices;
(3) Having to alter, relocate or dismantle the facility; or
(4) Incurring whatever costs may be necessary to bring the facility into compliance with applicable laws, or FCC rules and orders.

(d) Conditions. Except as indicated, all pre-grant construction is subject to the following conditions:

(1) The application does not include a request for a waiver of one or more FCC rules;
(2) For any construction or alteration that would exceed the requirements of § 17.7 of this chapter, the licensee has notified the appropriate Regional Office of the Federal Aviation Administration (FAA Form 7460-1), filed a request for antenna height clearance and obstruction marking and lighting specifications (FCC Form 854) with the FCC, PRB, Support Services Branch, Gettysburg, PA 17325;
(3) The applicant has indicated in the application that the proposed facility

(6) In the case of a general partnerships, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
(7) In the case of a limited partnerships, the name, address and citizenship of each limited partner whose interest in the applicant is equal to or greater than 10 percent (as calculated according to the percentage of equity paid in and the percentage of distribution of profits and losses);
(8) In the case of a limited liability corporation, the name, address and citizenship of each of its members; and
(9) A list of all parties holding indirect ownership interests in the applicant, as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest;

(b) In addition to the information required under paragraph (a) of this section, each applicant for a license or authorization claiming status as a small business shall, as an exhibit to its long-form application:

(1) Disclose separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: the applicant and its affiliates, the applicant’s attributable investors, affiliates of its attributable investors, and, if a consortium of small businesses, the members comprising the consortium;
(2) List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant’s eligibility as a small business under applicable laws, or FCC rules and orders.

(3) List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees.

[63 FR 2347, Jan. 15, 1998]
§ 1.3000 Purpose and scope.

The purpose of this subpart is to implement the Telecommunications Authorization Act of 1992 which amended the Communications Act by creating section 4(g)(3), 47 U.S.C. 154(g)(3). The provisions of this subpart shall apply to gifts, donations and bequests made to the Commission itself. Travel reimbursement for attendance at, or participation in, government-sponsored meetings or events required to carry out the Commission’s statutory or regulatory functions may also be accepted under this subpart. The acceptance of gifts by Commission employees, most notably gifts of food, drink and entertainment, is governed by the government-wide standards of employee conduct established at 5 CFR part 2635. Travel, subsistence and related expenses for non-government-sponsored meetings or events will continue to be accepted pursuant to the Government Employees Training Act, 41 U.S.C. 4111 or 31 U.S.C. 1353, and its General Services Administration’s implementing regulations, 41 CFR 304-1.8, as applicable.

§ 1.3001 Definitions.

For purposes of this subpart:
(a) The term agency means the Federal Communications Commission.
(b) The term gift means any unconditional gift, donation or bequest of real, personal and other property (including voluntary and uncompensated services as authorized under 5 U.S.C. 3109).
(c) The terms agency ethics official, designated agency ethics official, employee, market value, person, and prohibited source, have the same meaning as found in 5 CFR 2635.102, 2635.203.

§ 1.3002 Structural rules and prohibitions.

(a) General prohibitions. An employee shall not:
(1) Directly or indirectly, solicit or coerce the offering of a gift, donation or bequest to the Commission from a regulated entity or other prohibited source; or
(2) Accept gifts of cash pursuant to this subpart.
(b) Referral of offers to designated agency ethics official. Any person who seeks to offer any gift to the Commission under the provisions of this subpart shall make such offer to the Commission’s designated agency ethics official. In addition, any Commission employee who is contacted by a potential donor or the representative thereof for the purpose of discussing the possibility of making a gift, donation or bequest to the Commission shall immediately refer such person or persons to the Commission’s designated agency ethics official. The designated agency ethics official shall, in consultation with other agency ethics officials, make a determination concerning whether acceptance of such offers would create a conflict of interest or the appearance of a conflict of interest. Agency ethics officials may also advise potential donors and their representatives of the types of equipment, property or services that may be of use to the Commission and the procedures for effectuating gifts set forth in this subpart. The Commission may, in its discretion, afford public notice before accepting any gift under authority of this subpart.

§ 1.3003 Mandatory factors for evaluating conflicts of interest.

No gift shall be accepted under this subpart unless a determination is made that its acceptance would not create a conflict of interest or the appearance...
§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services

(a) Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulations, or any private covenant, contract provision, lease provision, homeowners' association rule or similar restriction, on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property that impairs the installation, maintenance, or use of:

(i) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska;

(ii) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement;

(iii) An antenna that is designed to receive television broadcast signals; or

(iv) A mast supporting an antenna described in paragraphs (a)(1)(i), (a)(1)(ii) or (a)(1)(iii) of this section; is prohibited to the extent it so impairs, subject to paragraph (b) of this section.

(b) For purposes of this section, a law, regulation or restriction impairs installation, maintenance or use of an antenna if it:

(i) Unreasonably delays or prevents installation, maintenance or use,

(ii) Unreasonably increases the cost of installation, maintenance or use, or

(iii) Precludes reception of an acceptable quality signal.
§ 1.4000

(3) Any fee or cost imposed on a viewer by a rule, law, regulation or restriction must be reasonable in light of the cost of the equipment or services and the rule, law, regulation or restriction's treatment of comparable devices. No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any restriction or regulation prohibited by this section except pursuant to paragraph (c) or (d) of this section. In addition, except with respect to restrictions pertaining to safety and historic preservation as described in paragraph (b) of this section, if a proceeding is initiated pursuant to paragraph (c) or (d) of this section, the entity seeking to enforce the antenna restrictions in question must suspend all enforcement efforts pending completion of review. No attorney's fees shall be collected or assessed and no fine or other penalties shall accrue against an antenna user while a proceeding is pending to determine the validity of any restriction. If a ruling is issued adverse to a viewer, the viewer shall be granted at least a 21-day grace period in which to comply with the adverse ruling; and neither a fine nor a penalty may be collected from the viewer if the viewer complies with the adverse ruling during this grace period, unless the proponent of the restriction demonstrates, in the same proceeding which resulted in the adverse ruling, that the viewer's claim in the proceeding was frivolous.

(b) Any restriction otherwise prohibited by paragraph (a) of this section is permitted if:

(1) It is necessary to accomplish a clearly defined, legitimate safety objective that is either stated in the text, preamble or legislative history of the restriction or described as applying to that restriction in a document that is readily available to antenna users, and would be applied to the extent practicable in a non-discriminatory manner to other appurtenances, devices, or fixtures that are comparable in size and weight and pose a similar or greater safety risk as these antennas and to which local regulation would normally apply; or

(2) It is necessary to preserve a prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion on, the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470, and imposes no greater restrictions on antennas covered by this rule than are imposed on the installation, maintenance or use of other modern appurtenances, devices or fixtures that are comparable in size, weight, and appearance to these antennas; and

(3) It is no more burdensome to affected antenna users than is necessary to achieve the objectives described in paragraph (b)(1) or (b)(2) of this section.

(c) Local governments or associations may apply to the Commission for a waiver of this section under § 1.3. Waiver requests must comply with the procedures in paragraphs (e) and (g) of this section and will be put on public notice. The Commission may grant a waiver upon a showing by the applicant of local concerns of a highly specialized or unusual nature. No petition for waiver shall be considered unless it specifies the restriction at issue. Waivers granted in accordance with this section shall not apply to restrictions amended or enacted after the waiver is granted. Any responsive pleadings must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies must be filed within 15 days thereafter.

(d) Parties may petition the Commission for a declaratory ruling under § 1.2, or a court of competent jurisdiction, to determine whether a particular restriction is permissible or prohibited under this section. Petitions to the Commission must comply with the procedures in paragraphs (e) and (g) of this section and will be put on public notice. Any responsive pleadings in a Commission proceeding must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies in a Commission proceeding must be served on all parties and filed within 15 days thereafter.

(e) Copies of petitions for declaratory rulings and waivers must be served on interested parties, including parties against whom the petitioner seeks to enforce the restriction or parties whose
restrictions the petitioner seeks to prohibit. A certificate of service stating on whom the petition was served must be filed with the petition. In addition, in a Commission proceeding brought by an association or a local government, constructive notice of the proceeding must be given to members of the association or to the citizens under the local government’s jurisdiction. In a court proceeding brought by an association, an association must give constructive notice of the proceeding to its members. Where constructive notice is required, the petitioner or plaintiff must file with the Commission or the court overseeing the proceeding a copy of the constructive notice with a statement explaining where the notice was placed and why such placement was reasonable.

(f) In any proceeding regarding the scope or interpretation of any provision of this section, the burden of demonstrating that a particular governmental or nongovernmental restriction complies with this section and does not impair the installation, maintenance or use of devices designed for over-the-air reception of video programming services shall be on the party that seeks to impose or maintain the restriction.

§ 1.5002 Contents of application and procedure for filing.

(a) A person seeking status as an exempt telecommunications company (applicant) must file with the Commission with respect to the company or companies which are eligible companies owned or operated by the applicant, and serve on the Securities and Exchange Commission and any affected State commission, the following:

(1) A brief description of the planned activities of the company or companies which are or will be eligible companies owned and/or operated by the applicant;

(g) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies of the petitions and related pleadings will be available for public inspection in the Reference Information Center, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies will be available for purchase from the Commission’s contract copy center, and Commission decisions will be available on the Internet.

§ 1.5001 Definitions.

(a) For the purpose of this part, the terms telecommunications services and information services shall have the same meanings as provided in the Communications Act of 1934, as amended;

(b) Commission shall be defined as the Federal Communications Commission; and

(c) ETC shall be defined as an exempt telecommunications company.
§ 1.5003  
(iv) Products or services that are related or incidental to the provision of a product or service described in paragraph (a)(1)(i), (a)(1)(ii), or (a)(1)(iii); and


§ 1.5003  Effect of filing.  
A person applying in good faith for a Commission determination of exempt telecommunications company status will be deemed to be an exempt telecommunications company from the date of receipt of the application until the date of Commission action pursuant to § 1.5004.

§ 1.5004  Commission action.  
If the Commission has not issued an order granting or denying an application within 60 days of receipt of the application, the application will be deemed to have been granted as a matter of law.

§ 1.5005  Notification of Commission action to the Securities and Exchange Commission.  
The Secretary of the Commission will notify the Securities and Exchange Commission whenever a person is determined to be an exempt telecommunications company.

§ 1.5006  Procedure for notifying Commission of material change in facts.  
If there is any material change in facts that may affect an ETC's eligibility for ETC status under Section 34(a)(1) of the Public Utility Holding Company Act of 1935, the ETC must, within 30 days of the change in fact, either:

(a) Apply to the Commission for a new determination of ETC status;  
(b) File a written explanation with the Commission of why the material change in facts does not affect the ETC's status; or

(c) Notify the Commission that it no longer seeks to maintain ETC status.
§ 1.6001 Retransmission consent complaint procedures.

By whom. If a television broadcast station believes that a satellite carrier has retransmitted its broadcast station's signal to any person in the local market of such station in violation of 47 U.S.C. 325(b)(1), the station may file a complaint with the Commission under this section.

§ 1.6002 Form and content.

(a) The following format shall be used for complaints of this type:

Before the Federal Communications Commission
Washington, D.C. 20554

In the Matter of Complainant, v. Defendant
File No. (to be inserted by the staff)

Complaint

To: The Commission.
The complainant (here insert the name, address, and call letters of the complaining television broadcast station) avers that: On (here insert the dates upon which the alleged transmission occurred), retransmission of the broadcast television station's signal was made by (insert here name and address of the satellite carrier) to (here insert the street address of at least one person in the local market of the station to whom the alleged retransmission was made). The complainant avers that (here insert a statement that the retransmission was not expressly authorized by the satellite carrier), and requests that the appropriate relief be granted by the Commission, as provided by the pertinent provisions of the Communications Act of 1934, as amended, and the Commission's Rules.

Date: (here insert the name and address of counsel for the complaining station).

(b) A complaint lacking any of the foregoing information shall be dismissed by the FCC without prejudice to the complaining station.

(c) Additional information may be provided, and, where applicable, should conform to the requirements set forth in §§ 1.48 through 1.52 of the Commission's rules.

§ 1.6003 Service requirements.

(a) General. Pursuant to 47 U.S.C. 325(e), for purposes of any proceeding under this subsection, any satellite carrier that retransmits the signal of any broadcast station shall be deemed to designate the Secretary of the Commission as its agent for service of process.

(b) Specific. (1) A television broadcast station shall serve a satellite carrier with a complaint concerning an alleged violation of 47 U.S.C. 325(b)(1) by filing the original and two copies of the complaint on the Secretary of the Commission and serving a copy of the complaint by means of two commonly used overnight delivery services, each addressed to the chief executive officer of the satellite carrier at its principal place of business and each marked "URGENT LITIGATION MATTER" on the outer packaging. Service shall be deemed complete one business day after a copy of the complaint is provided to the delivery services for overnight delivery. On receipt of a complaint filed by a television broadcast station under this subsection, the Secretary of the Commission shall send the original complaint by United States mail, postage prepaid, receipt requested, addressed to the chief executive officer of the satellite carrier at its principal place of business.

(2) Satellite carriers shall provide the name, address, and telephone number (including area code) of their chief executive officers to the Secretary of the Commission, no later than April 15, 2000. Satellite carriers shall update this information, as necessary, in the event that the identity or the address of their respective chief executive officers changes. These updates shall be made by United States mail within seven (7) days of such changes. Complaints sent to the last known address shall be deemed served if the satellite carrier fails to notify the Secretary of the Commission in accordance with this provision.

§ 1.6004 Answers.

Within five (5) business days after the date of service, without regard to § 1
§ 1.6005 Exclusive defenses.

(a) The defenses listed in paragraphs (a)(1) through (a)(4) of this section, are the only defenses available to a satellite carrier against which a complaint under this section is filed.

(1) The satellite carrier did not retransmit the television broadcast station's signal to any person in the “local market” of the television broadcast station, as that term is defined in 17 U.S.C. 122(j) (Designated Market Area as determined by Nielsen Media Research and county containing the station's community of license), during the time period specified in the complaint;

(2) The television broadcast station had, in a writing signed by an officer of the television broadcast station, expressly authorized the retransmission of the station by the satellite carrier to each person in the “local market” of the television broadcast station, as that term is defined in 17 U.S.C. 122(j), to which the satellite carrier made such retransmissions for the entire time period during which it is alleged that a violation of 47 U.S.C. 325(b)(1) has occurred;

(3) The retransmission was made after January 1, 2002, and the television broadcast station had elected to assert the right to carriage under 47 U.S.C. 338 as against the satellite carrier for the relevant period; or

(4) The television broadcast station whose signal is being retransmitted is a noncommercial television broadcast station.

(b) [Reserved]

§ 1.6006 Counting of violations.

Each day of retransmission without consent of a particular television broadcast station to one or more persons in the local market of the station shall be considered a separate violation of 47 U.S.C. 325(b)(1).

§ 1.6007 Burden of proof.

With respect to each alleged violation, the burden of proof shall be on a television broadcast station to establish that the satellite carrier retransmitted the station to at least one person in the local market of the station on the day in question. The burden of proof shall be on the satellite carrier with respect to all defenses other than the defense under § 1.6005(a)(1).

§ 1.6008 Determinations.

(a) In General. Within forty five (45) days after the filing of a complaint, the Commission shall issue a final determination in any proceeding brought under this subsection. The Commission's final determination shall specify the number of violations committed by the satellite carrier. The Commission shall hear witnesses only if it clearly appears, based on the written filings by the parties, that there is a genuine dispute about material facts. Except as provided in the preceding sentence, the Commission may issue a final ruling based on the written filings by the parties.

(b) Discovery. The Commission may direct the parties to exchange pertinent documents, and if necessary, to take prehearing depositions, on such schedule as the Commission may approve, but only if the Commission first determines that such discovery is necessary to resolve a genuine dispute about material facts, consistent with the obligation to make a final determination within forty five (45) days. In this connection, the Commission may utilize the discovery or other evidentiary procedures set forth in §§1.311 through 1.364 of the Commission's rules.

§ 1.6009 Relief.

If the Commission determines that a satellite carrier has retransmitted the television broadcast station to at least one person in the local market of such station and has failed to meet its burden of proving one of the defenses under § 1.6005(a)(2) through (a)(4) with respect to such retransmission, the Commission shall:

(a) Make a finding that the satellite carrier violated 47 U.S.C. 325(b)(1) with respect to that station; and
§ 1.7000 Purpose.

The purpose of this subpart is to set out the terms by which certain commercial and government-controlled entities report data to the Commission concerning the deployment of advanced telecommunications capability, defined pursuant to 47 U.S.C. 157 as “high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology,” and the deployment of services that are competitive with advanced telecommunications capability.
§ 1.7001 Scope and content of filed reports.

(a) Definitions. Terms used in this subpart have the following meanings:

(1) Facilities-based providers. Those entities that provide broadband services over their own facilities or over Unbundled Network Elements (UNEs), special access lines, and other leased lines and wireless channels that the entity obtains from a communications service provider and equips as broadband.

(2) Full broadband lines or wireless channels. Lines or wireless channels with information carrying capability in excess of 200 Kbps in both directions simultaneously.

(3) One-way broadband lines or wireless channels. Lines or wireless channels with information carrying capability in excess of 200 Kbps in at least one direction, but not both.

(4) Own facilities. Lines and wireless channels the entity actually owns and facilities that it obtained the right to use from other entities as dark fiber or satellite transponder capacity.

(b) All commercial and government-controlled entities, including but not limited to common carriers and their affiliates (as defined in 47 U.S.C. 153 (1)), cable television companies, Multichannel Multipoint Distribution Service (MMDS/MDS) “wireless cable” carriers, other fixed wireless providers, terrestrial and satellite mobile wireless providers, utilities and others, which are facilities-based providers and are providing at least 250 full or one-way broadband lines or wireless channels in a given state, or provide full or one-way broadband service to at least 250 end-user consumers in a given state, shall file with the Commission a completed FCC Form 477, in accordance with the Commission’s rules and the instructions to the FCC Form 477, for each state in which they exceed this threshold.

(c) Respondents identified in paragraph (b) of this section shall file the FCC Form 477 on diskette or via e-mail, as directed in the instructions to the FCC Form 477. Upon submission of each report, an original certification letter (as contained in the instructions to FCC Form 477) signed by the responsible official shall be mailed to the Commission.

(d) Respondents may make requests for Commission non-disclosure of provider-specific data contained in FCC Form 477 under §0.459 of this chapter by so indicating on Form 477 at the time that the subject data are submitted. The Commission shall make all decisions regarding non-disclosure of provider-specific information, except that the Chief of the Common Carrier Bureau may release provider-specific information to a state commission, provided that the state commission has protections in place that would preclude disclosure of any confidential information.

(e) Respondents identified in paragraph (b) of this section shall file a revised version of FCC Form 477 if and when they discover a significant error in their filed FCC Form 477. For counts, a difference amounting to 5 percent of the filed number is considered significant. For percentages, a difference of 5 percentage points is considered significant.

(f) Failure to file the FCC Form 477 in accordance with the Commission’s rules and the instructions to the Form 477 may lead to enforcement action pursuant to the Act and any other applicable law.

§ 1.7002 Frequency of reports.

Entities subject to the provisions of §1.7001 shall file reports semi-annually. Reports shall be filed each year on or before March 1st (reporting data about the status of their broadband deployment as of December 31 of the prior year) and September 1st (reporting data about the status of their broadband deployment as of June 31 of the current year). Entities becoming subject to the provisions of §1.7001 for the first time within a calendar year shall file data for the reporting period in which they become eligible and semi-annually thereafter. Entities subject to the provisions of §1.7001 shall make an initial filing of the FCC Form 477 on May 15, 2000 (reporting data about the status of their broadband deployment as of December 31, 1999).

[65 FR 19684, Apr. 12, 2000; 65 FR 24654, Apr. 27, 2000]
Preliminary Statement Concerning the Purpose and Effect of the Plan

Section 410 of the Communications Act of 1934 authorizes cooperation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State commissions of the several States, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest cooperation with respect to any proceedings or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

It is understood that each commission whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of cooperative procedure, which was jointly prepared by the Association's standing Committee on Cooperation between Federal and State commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of cooperative relations between the State commissions and said Federal Commission.

Notice of Institution of Proceeding

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier, the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the cooperative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commission, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such cooperation will be by joint conference or by reference to a joint board appointed under said sec. 410 (a), and, as hereinafter provided, when such cooperation will be by a joint hearing under said sec. 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.
missioners to sit with the Federal Commission, are invited to name Cooperating Commissioners that a joint hearing under said sec. 410(b) is desirable in connection with any matter pending before said Federal Commission, the commission or commissions, shall determine that it has, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by any interested State commission or commissions, shall determine that a joint hearing under said sec. 410(b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the general solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than eight States are within the territory affected by the proceeding, the State commissions interested, are invited to name Cooperating Commissioners to sit with the Federal Commission for a conference in which all interested State commissions will be invited to be present.

(b) Upon receipt of any notice from said Federal Commission inviting cooperation, if not more than eight States are involved, the general solicitor shall at once advise the State commissions of said States, they being represented in the membership of the association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will cooperate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the general solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding cooperative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than eight States are interested in the proceeding, because within territory for which rates will be under consideration therein, the general solicitor shall advise the president of the association that the association is invited to name a cooperating committee of State commissioners representing the States interested in said proceeding.

The president of the association shall thereupon advise the general solicitor in writing (1) whether the invitation is accepted on behalf of the association, and (2) the names of commissioners selected to sit as a cooperating committee. The president of the association shall have the authority to accept or to decline said invitation for the association, and to determine the number of commissioners who shall be named on the cooperating committee, provided that his action shall be concurred in by the chairman of the association’s executive committee. In the event of any failure of the president of the association and chairman of its executive committee to agree, the second vice president of the association (or the chairman of its committee on cooperation between State and Federal commissions, if there shall be no second vice president) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than eight States, is pending before the Federal Commission, in which cooperation has not been invited by that Commission, which the association’s president and the first and second vice presidents, or any two of them, consider should be made a cooperating proceeding, they may instruct the general solicitor to suggest to the Federal Commission that the proceeding be made a cooperative proceeding; and any State commission considering that said proceeding should be made
cooperative may request the president of the association or the chairman of its executive committee to make such suggestion after consideration with the executive officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the president of the association shall have the same authority to proceed, and shall proceed in the appointment of a cooperating committee, as is provided in other cases involving more than eight States, wherein the Federal Commission has invited cooperation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving eight States or less, which a commission of any of said States considers should be made cooperative, such commission, either directly or through the general solicitor of the association, may suggest to the Federal Commission that the proceeding be made cooperative. If said Federal Commission accedes to such suggestion, it will notify the general solicitor of the association to that effect and thereupon the general solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF COOPERATING COMMISSIONERS
BY THE PRESIDENT

In the appointment of any cooperating committee, the president of the association shall make appointments only from commissions of the States interested in the particular proceeding in which the committee is to serve. He shall exercise his best judgment to select cooperating commissioners who are especially qualified to serve upon cooperating committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a cooperating committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the committee is to serve, including the arguments therein, and the cooperative conferences, which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF COOPERATORS

(a) No State commissioner shall sit in a cooperative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving more than eight States or, has been selected by the president of the association to sit in a case involving more than eight States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a cooperating committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a cooperating committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any cooperating committee, in a proceeding involving more than eight States, by reason of the death of any cooperating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the president of the association to fill the vacancy by appointment, if, after communication with the chairman of the cooperating committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a cooperating committee involving not more than eight States, the vacancy shall be filled by the commission from which the vacancy occurs.

COOPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OF STATEMENT OF ITS ATTITUDE

(a) Whenever a cooperating committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the secretary of the association, or through the general solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or nonconcurrence of said cooperating committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and cooperation as hereinbefore provided because of nonmembership in the association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal
Commission and any officer of such association shall be conducted by the Federal Commission directly with the chairman of the commission of such State or States.


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Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.
§ 2.1 Terms and definitions.

(a) Where a term or definition appears in this part of the Commission’s Rules, it shall be the definitive term or definition and shall prevail throughout the Commission’s Rules.

(b) The source of each definition is indicated as follows:


FCC—Federal Communications Commission.

(c) The following terms and definitions are issued:

Accepted Interference. Interference at a higher level than defined as permissible interference and which has been agreed upon between two or more administrations without prejudice to other administrations. (RR)

Active Satellite. A satellite carrying a station intended to transmit or retransmit radiocommunication signals. (RR)

Active Sensor. A measuring instrument in the earth exploration-satellite service or in the space research service by means of which information is obtained by transmission and reception of radio waves. (RR)

Administration. Any governmental department or service responsible for discharging the obligations undertaken in the Convention of the International Telecommunication Union and the Regulations. (CONV)

Aeronautical Earth Station. An Earth station in the fixed-satellite service, or, in some cases, in the aeronautical mobile-satellite service, located at a specified fixed point on land to provide a feeder link for the aeronautical mobile-satellite service. (RR)

Aeronautical Fixed Service. A radiocommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air transport. (RR)

Aeronautical Fixed Station. A station in the aeronautical fixed service. (RR)

Aeronautical Mobile Off-Route (OR) Service. An aeronautical mobile service intended for communications, including those relating to flight coordination, primarily outside national or international civil air routes. (RR)

Aeronautical Mobile Route (R) Service. An aeronautical mobile service reserved for communications relating to safety and regularity of flight, primarily along national or international civil air routes. (RR)

Aeronautical Mobile-Satellite Off-Route (OR) Service. An aeronautical mobile-satellite service intended for communications, including those relating to flight coordination, primarily outside national and international civil air routes. (RR)

Aeronautical Mobile-Satellite Route (R) Service. An aeronautical mobile-satellite service reserved for communications relating to safety and regularity of flights, primarily along national or international civil air routes. (RR)

Aeronautical Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on board aircraft; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service. (RR)

Aeronautical Mobile Service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate; emergency position-indicating radiobeacon stations may also participate in this service on designated distress and emergency frequencies. (RR)

Aeronautical Radionavigation-Satellite Service. A radionavigation-satellite service in which earth stations are located on board aircraft. (RR)

Aeronautical Radionavigation Service. A radio-navigation service intended for the benefit and for the safe operation of aircraft. (RR)

Aeronautical Station. A land station in the aeronautical mobile service.

Note: In certain instances, an aeronautical station may be located, for example, on board ship or on a platform at sea. (RR)
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Aircraft Earth Station. A mobile earth station in the aeronautical mobile-satellite service located on board an aircraft. (RR)

Aircraft Station. A mobile station in the aeronautical mobile service, other than a survival craft station, located on board an aircraft. (RR)

Allocation (of a frequency band). Entry in the Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more terrestrial or space radiocommunication services or the radio astronomy service under specified conditions. This term shall also be applied to the frequency band concerned. (RR)

Allotment (of a radio frequency or radio frequency channel). Entry of a designated frequency channel in an agreed plan, adopted by a competent conference, for use by one or more administrations for a terrestrial or space radiocommunication service in one or more identified countries or geographical area and under specified conditions. (RR)

Altitude of the Apogee or Perigee. The altitude of the apogee or perigee above a specified reference surface serving to represent the surface of the Earth. (RR)

Amateur-Satellite Service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service. (RR)

Amateur Service. A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest. (RR)

Amateur Station. A station in the amateur service. (RR)

Assigned Frequency. The centre of the frequency band assigned to a station. (RR)

Assigned Frequency Band. The frequency band within which the emission of a station is authorized; the width of the band equals the necessary bandwidth plus twice the absolute value of the frequency tolerance. Where space stations are concerned, the assigned frequency band includes twice the maximum Doppler shift that may occur in relation to any point of the Earth’s surface. (RR)

Assignment (of a radio frequency or radio frequency channel). Authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions. (RR)

Base Earth Station. An earth station in the fixed-satellite service or, in some cases, in the land mobile-satellite service, located at a specified fixed point or within a specified area on land to provide a feeder link for the land mobile-satellite service. (RR)

Base Station. A land station in the land mobile service. (RR)

Broadcasting-Satellite Service. A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

NOTE: In the broadcasting-satellite service, the term direct reception shall encompass both individual reception and community reception. (RR)

Broadcasting Service. A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission. (CONV)

Broadcasting Station. A station in the broadcasting service. (RR)

Carrier Power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle taken under the condition of no modulation. (RR)

Characteristic Frequency. A frequency which can be easily identified and measured in a given emission.

NOTE: A carrier frequency may, for example, be designated as the characteristic frequency. (RR)

Class of Emission. The set of characteristics of an emission, designated by standard symbols, e.g., type of modulation, modulating signal, type of information to be transmitted, and also if appropriate, any additional signal characteristics. (RR)

Coast Earth Station. An earth station in the fixed-satellite service or, in some cases, in the maritime mobile-satellite service, located at a specified location or within a specified area on land. (RR)
fixed point on land to provide a feeder link for the maritime mobile-satellite service. (RR)

Coast Station. A land station in the maritime mobile service. (RR)

Community Reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennae larger than those for individual reception, and intended for use: (1) by a group of the general public at one location; or (2) through a distribution system covering a limited area. (RR)

Coordinated Universal Time (UTC). Time scale, based on the second (SI), as defined and recommended by the CCIR, and maintained by the Bureau International de l’Heure (BIH).

NOTE: For most practical purposes associated with the Radio Regulations, UTC is equivalent to mean solar time at the prime meridian (0 degrees longitude), formerly expressed in GMT. (RR)

Coordination Area. The area associated with an earth station outside of which a terrestrial station sharing the same frequency band neither causes nor is subject to interfering emissions greater than a permissible level. (RR)

Coordination Contour. The line enclosing the coordination area. (RR)

Coordination Distance. Distance on a given azimuth from an earth station beyond which a terrestrial causes nor is subject to interfering emissions greater than a permissible level. (RR)

Deep Space. Space at distance from the Earth equal to, or greater than, \(2 \times 10^6\) kilometers. (RR)

Direct Sequence Systems. A spread spectrum system in which the carrier has been modulated by a high speed spreading code and an information data stream. The high speed code sequence dominates the “modulating function” and is the direct cause of the wide spreading of the transmitted signal.

Duplex Operation. Operating method in which transmission is possible simultaneously in both directions of a telecommunication channel. (RR)

Earth Exploration-Satellite Service. A radiocommunication service between earth stations and one or more space stations, which may include links between space stations in which:

(1) Information relating to the characteristics of the Earth and its natural phenomena is obtained from active sensors or passive sensors on earth satellites;

(2) Similar information is collected from air-borne or earth-based platforms;

(3) Such information may be distributed to earth stations within the system concerned;

(4) Platform interrogation may be included.

NOTE: This service may also include feeder links necessary for its operation. (RR)

Earth Station. A station located either on the earth’s surface or within the major portion of earth’s atmosphere and intended for communication:

(1) With one or more space stations; or

(2) With one or more stations of the same kind by means of one or more reflecting satellites or other objects in space. (RR)

Effective Radiated Power (e.r.p) (in a given direction). The product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction. (RR)

Emergency Position-Indicating Radio-beacon Station. A station in the mobile service the emissions of which are intended to facilitate search and rescue operations. (RR)

Emission. Radiation produced, or the production of radiation, by a radio transmitting station.

NOTE: For example, the energy radiated by the local oscillator of a radio receiver would not be an emission but a radiation. (RR)

Equivalent Isotropically Radiated Power (e.i.r.p.). The product of the power supplied to the antenna and its gain relative to an isotropic antenna. (RR)

Equivalent Monopole Radiated Power (e.m.r.p.) (in a given direction). The product of the power supplied to the antenna and its gain relative to a short radiocommunication; simplex operation may use either one or two.
vertical antenna in a given direction. (RR)

Equivalent Satellite Link Noise Temperature. The noise temperature referred to the output of the receiving antenna of the earth station corresponding to the radio-frequency noise power which produces the total observed noise at the output of the satellite link excluding the noise due to interference coming from satellite links using other satellites and from terrestrial systems. (RR)

Experimental Station. A station utilizing radio waves in experiments with a view to the development of science or technique.

NOTE: This definition does not include amateur stations. (RR)

Facsimile. A form of telegraphy for the transmission of fixed images, with or without half-tones, with a view to their reproduction in a permanent form.

NOTE: In this definition the term telegraphy has the same general meaning as defined in the Convention. (RR)

Feeder Link. A radio link from an earth station at a given location to a space station, or vice versa, conveying information for a space radio-communication service other than for the fixed-satellite service. The given location may be at a specified fixed point, or at any fixed point within specified areas. (RR)

Fixed-Satellite Service. A radio-communication service between earth stations at given positions, when one or more satellites are used; the given position may be a specified fixed point or any fixed point within specified areas; in some cases this service includes satellite-to-satellite links, which may also be operated in the inter-satellite service; the fixed-satellite service may also include feeder links for other space radio-communication services. (RR)

Fixed Service. A radiocommunication service between specified fixed points. (RR)

Fixed Station. A station in the fixed service. (RR)

Frequency Hopping Systems. A spread spectrum system in which the carrier is modulated with the coded information in a conventional manner causing a conventional spreading of the RF energy about the frequency carrier. The frequency of the carrier is not fixed but changes at fixed intervals under the direction of a coded sequence. The wide RF bandwidth needed by such a system is not required by spreading of the RF energy about the carrier but rather to accommodate the range of frequencies to which the carrier frequency can hop. The test of a frequency hopping system is that the near term distribution of hops appears random, the long term distribution appears evenly distributed over the hop set, and sequential hops are randomly distributed in both direction and magnitude of change in the hop set.

Frequency-Shift Telegraphy. Telegraphy by frequency modulation in which the telegraph signal shifts the frequency of the carrier between predetermined values. (RR)

Frequency Tolerance. The maximum permissible departure by the centre frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency.

NOTE: The frequency tolerance is expressed in parts in $10^6$ or in hertz. (RR)

Full Carrier Single-Sideband Emission. A single-sideband emission without suppression of the carrier. (RR)

Gain of an Antenna. The ratio, usually expressed in decibels, of the power required at the input of a loss free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power flux density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. The gain may be considered for a specified polarization.

NOTE: Depending on the choice of the reference antenna a distinction is made between:
1. Absolute or isotropic gain ($G_i$), when the reference antenna is an isotropic antenna isolated in space;
2. Gain relative to a half-wave dipole ($G_d$), when the reference antenna is a half-wave dipole isolated in space whose equatorial plane contains the given direction;
3. Gain relative to a short vertical antenna ($G_v$), when the reference antenna is a...
linear conductor, much shorter than one quarter of the wavelength, normal to the surface of a perfectly conducting plane which contains the given direction. (RR)

General Purpose Mobile Service. A mobile service that includes all mobile communications uses including those within the Aeronautical Mobile, Land Mobile, or the Maritime Mobile Services.

Geostationary Satellite. A geosynchronous satellite whose circular and direct orbit lies in the plane of the Earth's equator and which thus remains fixed relative to the Earth; by extension, a satellite which remains approximately fixed relative to the Earth. (RR)

Geostationary Satellite Orbit. The orbit in which a satellite must be placed to be a geostationary satellite. (RR)

Geosynchronous Satellite. An Earth satellite whose period of revolution is equal to the period of rotation of the Earth about its axis. (RR)

Harmful Interference. Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with these [international] Radio Regulations. (RR)

Hybrid Spread Spectrum Systems. Hybrid spread spectrum systems are those which use combinations of two or more types of direct sequence, frequency hopping, time hopping and pulsed FM modulation in order to achieve their wide occupied bandwidths.

Inclination of an Orbit (of an earth satellite). The angle determined by the plane containing the orbit and the plane of the Earth's equator. (RR)

Individual Reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennas. (RR)

Industrial, Scientific and Medical (ISM) (of radio frequency energy) Applications. Operation of equipment or appliances designed to generate and use locally radio-frequency energy for industrial, scientific, medical, domestic or similar purposes, excluding applications in the field of telecommunications. (RR)

Instrument Landing System (ILS). A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing. (RR)

Instrument Landing System Glide Path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent. (RR)

Instrument Landing System Localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway. (RR)

Interference. The effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy. (RR)

Inter-Satellite Service. A radiocommunication service providing links between artificial earth satellites. (RR)

Ionospheric Scatter. The propagation of radio waves by scattering as a result of irregularities or discontinuities in the ionization of the ionosphere. (RR)

Land Earth Station. An earth station in the fixed-satellite service or, in some cases, in the mobile-satellite service, located at a specified fixed point or within a specified area on land to provide a feeder link for the mobile-satellite service. (RR)

Land Mobile Earth Station. A mobile earth station in the land mobile-satellite service capable of surface movement within the geographical limits of a country or continent. (RR)

Land Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on land. (RR)

Land Mobile Service. A mobile service between base stations and land mobile stations, or between land mobile stations. (RR)
Land Mobile Station. A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land Station. A station in the mobile service not intended to be used while in motion. (RR)

Left-Hand (or Anti-Clockwise) Polarized Wave. An elliptically or circularly-polarized wave, in fixed plane, normal to the direction of propagation, whilst looking in the direction of propagation, rotates with time in a left hand or anti-clockwise direction. (RR)

Line A. Begins at Aberdeen, Washington running by great circle arc to the intersection of 48° N., 120° W., thence along parallel 48° N., to the intersection of 98° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence south along meridian 85° W., to its intersection with parallel 42° N., thence along parallel 42° N., to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates. (FCC)

Line B. Begins at Tofino, B.C., running by great circle arc to the intersection of 50° N., 125° W., thence along parallel 50° N., to the intersection of 90° W., thence by great circle arc to the intersection of 45° N., 79°30′ W., thence by great circle arc through the northernmost point of Drummondville, Quebec (Lat. 45°52′ N., Long 72°30′ W.), thence by great circle arc to 48°30′ N., 70° W., thence by great circle arc through the northernmost point of Liverpool, N.S., at which point it terminates. (FCC)

Line C. Begins at the intersection of 70° N., 144° W., thence by great circle arc to the intersection of 60° N., 143° W., thence by great circle arc so as to include all of the Alaskan Panhandle. (FCC)

Line D. Begins at the intersection of 70° N., 138° W., thence by great circle arc to the intersection of 62°20′ N., 139° W. (Burwash Landing), thence by great circle arc to the intersection of 60°45′ N., 135° W., thence by great circle arc to the intersection of 56° N., 128° W., thence south along 128° meridian to Lat. 55° N., thence by great circle arc to the intersection of 54° N., 130° W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends. (FCC)

Maritime Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on board ships; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service. (RR)

Maritime Mobile Service. A mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communication stations; survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service. (RR)

Maritime Radiodetermination-Satellite Service. A radionavigation-satellite service in which earth stations are located on board ships. (RR)

Maritime Radionavigation Service. A radionavigation service intended for the benefit and for the safe operation of ships. (RR)

Marker Beacon. A transmitter in the aeronautical radionavigation service which radiates vertically a distinctive pattern for providing position information to aircraft. (RR)

Mean Power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during an interval of time sufficiently long compared with the lowest frequency encountered in the modulation taken under normal operating conditions. (RR)

Meteorological Aids Service. A radio-communication service used for meteorological, including hydrological, observation and exploration. (RR)

Meteorological-Satellite Service. An earth exploration-satellite service for meteorological purposes. (RR)

Mobile Earth Station. An earth station in the mobile-satellite service intended to be used while in motion or during halts at unspecified points. (RR)

Mobile-Satellite Service. A radio-communication service:
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(1) Between mobile earth stations and one or more space stations, or between space stations used by this service; or

(2) Between mobile earth stations by means of one or more space stations.

NOTE: This service may also include feeder links necessary for its operation. (RR)

Mobile Service. A radiocommunication service between mobile and land stations, or between mobile stations. (CONV)

Mobile Station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (RR)

Multi-Satellite Link. A radio link between a transmitting earth station and a receiving earth station through two or more satellites, without any intermediate earth station.

NOTE: A multisatellite link comprises one up-link, one or more satellite-to-satellite links and one down-link. (RR)

Necessary Bandwidth. For a given class of emission, the width of the frequency band which is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions. (RR)

Non-Voice, Non-Geostationary Mobile-Satellite Service. A mobile-satellite service reserved for use by non-geostationary satellites in the provision of non-voice communications which may include satellite links between land earth stations at fixed locations.

Occupied Bandwidth. The width of a frequency band such that, below the lower and above the upper frequency limits, the mean powers emitted are each equal to a specified percentage Beta/2 of the total mean power of a given emission.

NOTE: Unless otherwise specified by the CCIR for the appropriate class of emission, the value of Beta/2 should be taken as 0.5%. (RA)

On-Board Communication Station. A low-powered mobile station in the maritime mobile service intended for use for internal communications on board a ship, or between a ship and its lifeboats and life-rafts during lifeboat drills or operations, or for communication within a group of vessels being towed or pushed, as well as for line handling and mooring instructions. (RR)

Orbit. The path, relative to a specified frame of reference, described by the centre of mass of a satellite or other object in space subjected primarily to natural forces, mainly the force of gravity. (RR)

Out-of-band Emission. Emission on a frequency or frequencies immediately outside the necessary bandwidth which results from the modulation process, but excluding spurious emissions. (RR)

Passive Sensor. A measuring instrument in the earth exploration-satellite service or in the space research service by means of which information is obtained by reception of radio waves of natural origin. (RR)

Peak Envelope Power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the crest of the modulation envelope taken under normal operating conditions. (RR)

Period (of a satellite). The time elapsing between two consecutive passages of a satellite through a characteristic point on its orbit. (RR)

Permissible Interference. Observed or predicted interference which complies with quantitative interference and sharing criteria contained in these [international Radio] Regulations or in CCIR Recommendations or in special agreements as provided for in these Regulations. (RR)

Port Operations Service. A maritime mobile service in or near a port, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons.

NOTE: Messages which are of a public correspondence nature shall be excluded from this service. (RR)

Port Station. A coast station in the port operations service. (RR)

Power. Whenever the power of a radio transmitter, etc. is referred to it shall be expressed in one of the following forms, according to the class of emission, using the arbitrary symbols indicated:

(1) Peak envelope power (PX or pX);
(2) Mean power (PY or pY);
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(3) Carrier power (PZ or pZ).

NOTE 1: For different classes of emission, the relationships between peak envelope power, mean power and carrier power, under the conditions of normal operation and of no modulation, are contained in CCIR Recommendations which may be used as a guide.

NOTE 2: For use in formulae, the symbol “p” denotes power expressed in watts and the symbol “P” denotes power expressed in decibels relative to a reference level. (RR)

Primary Radar. A radiodetermination system based on the comparison of reference signals with radio signals reflected from the position to be determined. (RR)

Protection Ratio. The minimum value of the wanted-to-unwanted signal ratio, usually expressed in decibels, at the receiver input determined under specified conditions such that a specified reception quality of the wanted signal is achieved at the receiver output. (RR)

Public Correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission. (CONV)

Pulsed FM Systems. A pulsed FM system is a spread spectrum system in which a RF carrier is modulated with a fixed period and fixed duty cycle sequence. At the beginning of each transmitted pulse, the carrier frequency is frequency modulated causing an additional spreading of the carrier. The pattern of the frequency modulation will depend upon the spreading function which is chosen. In some systems the spreading function is a linear FM chirp sweep, sweeping either up or down in frequency.

Radar. A radiodetermination system based on the comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined. (RR)

Radar Beacon (RACON). A transmitter-receiver associated with a fixed navigational mark which, when triggered by a radar, automatically returns a distinctive signal which can appear on the display of the triggering radar, providing range, bearing and identification information. (RR)

Radiation. The outward flow of energy from any source in the form of radio waves. (RR)

Radio. A general term applied to the use of radio waves. (CONV)

Radio Altimeter. Radionavigation equipment, on board an aircraft or spacecraft or the spacecraft above the Earth's surface or another surface. (RR)

Radio Astronomy. Astronomy based on the reception of radio waves of cosmic origin. (RR)

Radio Astronomy Service. A service involving the use of radio astronomy. (RR)

Radio Astronomy Station. A station in the radio astronomy service. (RR)

Radiobeacon Station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to radiobeacon station. (RR)

Radiocommunication. Telecommunication by means of radio waves. (CONV)

Radiocommunication Service. A service as defined in this Section involving the transmission, emission and/or reception of radio waves for specific telecommunication purposes.

NOTE: In these [international] Radio Regulations, unless otherwise stated, any radiocommunication service relates to terrestrial radiocommunication. (RR)

Radiodetermination. The determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves. (RR)

Radiodetermination-Satellite Service. A radiocommunication service for the purpose of radiodetermination involving the use or one of more space stations. This service may also include feeder links necessary for its own operation. (RR)

Radiodetermination Service. A radiocommunication service for the purpose of radiodetermination. (RR)

Radiodetermination Station. A station in the radiodetermination service. (RR)

Radio Direction-Finding. Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object. (RR)
Radio Direction-Finding Station. A radiodetermination station using radio direction-finding. (RR)

Radiolocation. Radiodetermination used for purposes other than those of radionavigation. (RR)

Radiolocation Land Station. A station in the radiolocation service not intended to be used while in motion. (RR)

Radiolocation Mobile Station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points. (RR)

Radiolocation Service. A radiodetermination service for the purpose of radiolocation. (RR)

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radionavigation Land Station. A station in the radionavigation service not intended to be used while in motion. (RR)

Radionavigation Mobile Station. A station in the radionavigation service intended to be used while in motion or during halts at unspecified points. (RR)

Radionavigation-Satellite Service. A radiodetermination-satellite service used for the purpose of radionavigation. This service may also include feeder links necessary for its operation. (RR)

Radionavigation Service. A radiodetermination service for the purpose of radionavigation. (RR)

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, and which transmits meteorological data. (RR)

Radiotelegram. A telegram, originating in or intended for a mobile station or a mobile earth station transmitted on all or part of its route over the radiocommunication channels of the mobile service or the mobile-satellite service. (RR)

Radiotelephone Call. A telephone call, originating in or intended for a mobile station or a mobile earth station, transmitted on all or part of its route over the radiocommunication channels of the mobile service or of the mobile-satellite service. (RR)

Radiotelex Call. A telex call, originating in or intended for a mobile station or a mobile earth station, transmitted on all or part of its route over the radiocommunication channels of the mobile service or the mobile-satellite service. (RR)

Radio Waves or Hertzian Waves. Electromagnetic waves of frequencies arbitrarily lower than 3,000 GHz, propagated in space without artificial guide. (RR)

Reduced Carrier Single-Sideband Emission. A single-sideband emission in which the degree of carrier suppression enables the carrier to be reconstructed and to be used for demodulation. (RR)

Reference Frequency. A frequency having a fixed and specified position with respect to the assigned frequency. The displacement of this frequency with respect to the assigned frequency has the same absolute value and sign that the displacement of the characteristic frequency has with respect to the centre of the frequency band occupied by the emission. (RR)

Reflecting Satellite. A satellite intended to reflect radiocommunication signals. (RR)

Right-Hand (or Clockwise) Polarized Wave. An elliptically or circularly-polarized wave, in which the electric field vector, observed in any fixed plane, normal to the direction of propagation, whilst looking in the direction of propagation, rotates with time in a right-hand or clockwise direction. (RR)

Safety Service. Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property. (CONV)

Satellite. A body which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body. (RR)

Satellite Link. A radio link between a transmitting earth station and a receiving earth station through one satellite. A satellite link comprises one up-link and one down-link. (RR)

Satellite Network. A satellite system or a part of a satellite system, consisting of only one satellite and the cooperating earth stations. (RR)
Satellite System. A space system using one or more artificial earth satellites. (RR)

Secondary Radar. A radiodetermination system based on the comparison of reference signals with radio signals retransmitted from the position to be determined. (RR)

Semi-Duplex Operation. A method which is simplex operation at one end of the circuit and duplex operation at the other.5 (RR)

Ship Earth Station. A mobile earth station in the maritime mobile-satellite service located on board ship. (RR)

Ship Movement Service. A safety service in the maritime mobile service other than a port operations service, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement of ships. Messages which are of a public correspondence nature shall be excluded from this service. (RR)

Ship's Emergency Transmitter. A ship's transmitter to be used exclusively on a distress frequency for distress, urgency or safety purposes. (RR)

Ship Station. A mobile station in the maritime mobile service located on board a vessel which is not permanently moored, other than a survival craft station. (RR)

Simplex Operation. Operating method in which transmission is made possible alternatively in each direction of a telecommunication channel, for example, by means of manual control.5 (RR)

Single-Sideband Emission. An amplitude modulated emission with one sideband only. (RR)

Spacecraft. A man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere. (RR)

Space Operation Service. A radio-communication service concerned exclusively with the operation of spacecraft, in particular space tracking, space telemetry, and space telecommand.

NOTE: These functions will normally be provided within the service in which the space station is operating. (RR)

Space Radiocommunication. Any radiocommunication involving the use of one or more space stations or the use of one or more reflecting satellites or other objects in space. (RR)

Space Research Service. A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes. (RR)

Space Station. A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere. (RR)

Space System. Any group of cooperating Earth stations and/or space stations employing space radio-communication for specific purposes. (RR)

Space Telecommand. The use of radio-communication for the transmission of signals to a space station to initiate, modify or terminate functions of equipment on a space object, including the space station. (RR)

Space Telemetry. The use of telemetry for transmission for a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft. (RR)

Space Tracking. Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object. (RR)

Special Service. A radio-communication service, not otherwise defined in this Section, carried on exclusively for specific needs of general utility, and not open to public correspondence. (RR)

Spread Spectrum Systems. A spread spectrum system is an information bearing communications system in which: (1) Information is conveyed by modulation of a carrier by some conventional means, (2) the bandwidth is deliberately widened by means of a spreading function over that which would be needed to transmit the information alone. (In some spread spectrum systems, a portion of the information being conveyed by the system may be contained in the spreading function.)
Spurious Emission. Emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions. (RR)

Standard Frequency and Time Signal-Satellite Service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency and time signal service.

NOTE: This service may also include feeder links necessary for its operation. (RR)

Standard Frequency and Time Signal Service. A radiocommunication service for scientific, technical and other purposes, providing the transmission of specified frequencies, time signals, or both, of stated high precision, intended for general reception. (RR)

Standard Frequency and Time Signal Station. A station in the standard frequency and time signal service. (RR)

Station. One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

NOTE: Each station shall be classified by the service in which it operates permanently or temporarily. (RR)

Suppressed Carrier Single-Sideband Emission. A single-sideband emission in which the carrier is virtually suppressed and not intended to be used for demodulation. (RR)

Survival Craft Station. A mobile station in the maritime mobile service or the aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment. (RR)

Telecommand. The use of telecommunication for the transmission of signals to initiate, modify or terminate functions of equipment at a distance. (RR)

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. (CONV)

Telegram. Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

NOTE: In this definition the term telegraphy has the same general meaning as defined in the Convention. (CONV)

Telegraphy. A form of telecommunication concerning in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the [International] Radio Regulations, unless otherwise specified therein, telegraphy shall mean a form of telecommunication for the transmission of written matter by the use of a signal code. (RR)

Telemetry. The use of telecommunication for automatical indicating or recording measurements at a distance from the measuring instrument. (RR)

Telephony. A form of telecommunication set up for the transmission of speech or, in some cases, other sounds. (RR)

Television. A form of telecommunication for the transmission of transient images of fixed or moving objects. (RR)

Terrestrial Radiocommunication. Any radiocommunication other than space radiocommunication or radio astronomy. (RR)

Terrestrial Station. A station effecting terrestrial radiocommunication.

NOTE: In these [International Radio] Regulations, unless otherwise stated, any station is a terrestrial station. (RR)

Time Hopping Systems. A time hopping system is a spread spectrum system in which the period and duty cycle of a pulsed RF carrier are varied in a pseudorandom manner under the control of a coded sequence. Time hopping is often used effectively with frequency hopping to form a hybrid time-division,
§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 9 kHz and 400 GHz, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in §2.106.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization. Such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station for the development of techniques or equipment to be employed by services set forth in column 5 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations pursuant to part 5, may be authorized the use of any frequency or frequency band not exclusively allocated to the passive services (including the Radio Astronomy Service).

(4) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

(c) Non-Government stations may be authorized to use Government frequencies in the bands above 25 MHz if the Commission finds, after consultations with the appropriate Government agency or agencies, that such use is necessary for coordination of Government and non-Government activities: Provided, however, that:

(1) Non-Government operation on Government frequencies shall conform with the conditions agreed upon by the
Commission and the National Telecommunications and Information Administration (NTIA) (the more important of which are contained in paragraphs (c) (2), (3), and (4) of this section);

(2) Such operations shall be in accord-ance with NTIA rules governing the service to which the frequencies involved are allocated;

(3) Such operations shall not cause harmful interference to Government stations and, should harmful interference result, that the interfering non-Government operation shall immediately terminate; and

(4) Non-Government operation has been certified as necessary by the Government agency involved and this certification has been furnished, in writing, to the non-Government licensee with which communication is required.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conf orm to those provisions of the inter-national Radio Regulations which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.  

(e) Non-Government services operating on frequencies in the band 25-50 MHz must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to allocated services in immediately ad-jointing frequency bands.

(g) In the bands above 25 MHz which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such stations are authorized in the service shown in Column 5 of the Table of Frequency Allocations in the band in question;

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

(h) Special provisions regarding the use of spectrum allocated to the fixed and land mobile services below 25 MHz by non-Government stations.

(1) Only in the following circumstances will authority be extended to stations in the fixed service to operate on frequencies below 25 MHz.  

(i) With respect to aeronautical fixed stations, only when a showing can be made that more suitable facilities are not available.

(ii) With respect to fixed stations, except aeronautical fixed stations, only to:

(A) Provide communication circuits in emergency and/or disaster situations, where safety of life and property are concerned;

(B) Provide standby and/or backup facili-ties to satellite and cable circuits used for international public correspondence;

(C) Provide standby and/or backup communications circuits to regular domestic communication circuits which have been disrupted by disasters and/or emergencies;

(D) Provide communication circuits wholly within the State of Alaska and the United States insular areas in the Pacific; and

(E) Provide communication circuits to support operations which are highly important to the national interest and where other means of telecommunication are unavailable.
(2) Only in the following circumstances will authority be extended to stations in the land mobile service to operate below 25 MHz:
   (i) Provide communication circuits in emergency and/or disaster situations, where safety of life and property are concerned;
   (ii) Provide standby and/or backup communications circuits to regular domestic communication circuits which have been disrupted by disasters and/or emergencies;
   (iii) Provide communication circuits wholly within the State of Alaska and the United States insular areas in the Pacific; and
   (iv) Provide communication circuits to support operations which are highly important to the national interest and where other means of telecommunication are unavailable.

(3) Except in the State of Alaska and the United States Pacific insular areas, the Commission does not intend to seek international protection for assignments made pursuant to paragraphs (h)(1)(ii) and (2) of this section; this results in the following constraints upon the circuits/assignments.
   (i) The Commission will not accept responsibility for protection of the circuits from harmful interference caused by foreign operations.
   (ii) In the event that a complaint of harmful interference resulting from operation of these circuits is received from a foreign source, the offending circuit(s) must cease operation on the particular frequency concerned.
   (iii) In order to accommodate the situations described in paragraphs (h)(3)(i) and (ii) of this section, equipments shall be capable of transmitting and receiving on any frequency in the bands assigned to the particular operation and capable of immediate change among the frequencies.

§ 2.103 Government use of non-Government frequencies.

(a) Government stations may be authorized to use non-Government frequencies in the bands above 25 MHz (except the 764-776 MHz and 794-806 MHz public safety bands) if the Commission finds that such use is necessary for coordination of Government and non-Government activities: Provided, however, that:
   (1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the National Telecommunications and Information Administration (the more important of which are contained in paragraphs (a)(2), (a)(3) and (a)(4) of this section);
   (2) Such operations shall be in accordance with Commission rules governing the service to which the frequencies involved are allocated;
   (3) Such operations shall not cause harmful interference to non-Government stations and, should harmful interference result, that the interfering Government operation shall immediately terminate; and
   (4) Government operation has been certified as necessary by the non-Government licensees involved and this certification has been furnished, in writing, to the Government agency with which communication is required.

(b) Government stations may be authorized to use channels in the 764-776 MHz and 794-806 MHz public safety bands with non-Government entities if:
   (1) The stations are used for interoperability or part of a Government/non-Government shared or joint-use system;
   (2) The Government entity obtains the approval of the non-Government (State/local government) licensee(s) or applicant(s) involved;
   (3) Government operation is in accordance with the Commission’s Rules governing operation of this band and conforms with any conditions agreed upon by the Commission and the National Telecommunications and Information Administration; and
   (4) Interoperability, shared or joint-use systems are the subject of a mutual agreement between the Government and non-Government entities. This section does not preclude other arrangements or agreements as permitted under part 90 of the rules. See 47 CFR 90.179 and 90.421 of this chapter.

[63 FR 58650, Nov. 2, 1998]
§ 2.104 International Table of Frequency Allocations.

(a) The International Table of Frequency Allocations is subdivided into the Region 1 Table (column 1 of §2.106), the Region 2 Table (column 2 of §2.106), and the Region 3 Table (column 3 of §2.106). The International Table is included for informational purposes only.

(b) Regions. For the allocation of frequencies the International Telecommunication Union (ITU) has divided the world into three Regions as shown in Figure 1 of this section and described as follows:

(1) Region 1. Region 1 includes the area limited on the east by line A (lines A, B and C are defined below) and on the west by line B, excluding any of the territory of the Islamic Republic of Iran which lies between these limits. It also includes the whole of the territory of Armenia, Azerbaijan, Russian Federation, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, Turkey and Ukraine and the area to the north of Russian Federation which lies between lines A and C. 

(2) Region 2. Region 2 includes the area limited on the east by line B and on the west by line C.

(3) Region 3. Region 3 includes the area limited on the east by line C and on the west by line A, except any of the territory of Armenia, Azerbaijan, Russian Federation, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, Turkey and Ukraine and the area to the north of Russian Federation. It also includes that part of the territory of the Islamic Republic of Iran lying outside of those limits.

(4) The lines A, B and C are defined as follows:

(i) Line A. Line A extends from the North Pole along meridian 10° East of Greenwich to its intersection with parallel 72° North; thence by great circle arc to the intersection of meridian 50° East and parallel 40° North; thence by great circle arc to the intersection of meridian 20° West and parallel 10° South; thence along meridian 20° West to the South Pole.

(ii) Line B. Line B extends from the North Pole along meridian 10° West of Greenwich to its intersection with parallel 72° North; thence by great circle arc to the intersection of meridian 50° West and parallel 40° North; thence by great circle arc to the intersection of meridian 20° West and parallel 10° South; thence along meridian 20° West to the South Pole.

(iii) Line C. Line C extends from the North Pole by great circle arc to the intersection of parallel 65° 30′ North with the international boundary in Bering Strait; thence by great circle arc to the intersection of meridian 165° East of Greenwich and parallel 50° North; thence by great circle arc to the intersection of meridian 170° West and parallel 10° North; thence along parallel 10° North to its intersection with meridian 120° West; thence along meridian 120° West to the South Pole.

(c) Areas. To further assist in the international allocation of the radio spectrum, the ITU has established five special geographical areas and they are defined as follows:

(1) The term “African Broadcasting Area” means:

(i) African countries, parts of countries, territories and groups of territories situated between the parallels 40° South and 30° North;

(ii) Islands in the Indian Ocean west of meridian 60° East of Greenwich, situated between the parallel 40° South and the great circle arc joining the points 45° East, 11° 30′ North and 60° East, 15° North; and

(iii) Islands in the Atlantic Ocean east of line B, situated between the parallels 40° South and 30° North.

(2) The “European Broadcasting Area” is bounded on the west by the western boundary of Region 1, on the east by the meridian 40° East of Greenwich and on the south by the parallel 30° North so as to include the northern part of Saudi Arabia and that part of those countries bordering the Mediterranean within these limits. In addition, Iraq, Jordan and that part of the territory of Syria, Turkey and Ukraine lying outside of those limits are included in the European Broadcasting Area.

1It should be noted that where the words “regions” or “regional” are without a capital “R,” they do not relate to the three Regions here defined for purposes of frequency allocation.
Federal Communications Commission § 2.104

(3) The “European Maritime Area” is bounded to the north by a line extending along parallel 72° North from its intersection with meridian 55° East of Greenwich to its intersection with meridian 5° West, then along meridian 5° West to its intersection with parallel 67° North, thence along parallel 67° North to its intersection with meridian 32° West; to the west by a line extending along meridian 32° West to its intersection with parallel 30° North; to the south by a line extending along parallel 30° North to its intersection with meridian 43° East; to the east by a line extending along meridian 43° East to its intersection with parallel 60° North, thence along parallel 60° North to its intersection with meridian 55° East and thence along meridian 55° East to its intersection with parallel 72° North.

(4) The “Tropical Zone” (see Figure 1 of this section) is defined as:

(i) The whole of that area in Region 2 between the Tropics of Cancer and Capricorn.

(ii) The whole of that area in Regions 1 and 3 contained between the parallels 30° North and 35° South with the addition of:

(A) The area contained between the meridians 40° East and 80° East of Greenwich and the parallels 30° North and 40° North; and

(B) That part of Libya north of parallel 30° North.

(iii) In Region 2, the Tropical Zone may be extended to parallel 35° North, subject to special agreements between the countries concerned in that Region.

(5) A sub-Region is an area consisting of two or more countries in the same Region.

(d) Categories of services and allocations. (1) Primary and secondary services. Where, in a box of the International Table in § 2.106, a band is indicated as allocated to more than one service, either on a worldwide or Regional basis, such services are listed in the following order:

(i) Services the names of which are printed in “capitals” (example: FIXED); these are called “primary” services; and

(ii) Services the names of which are printed in “normal characters” (example: Mobile); these are called “secondary” services (see paragraph (d)(3) of this section).

(2) Additional remarks shall be printed in normal characters (example: MOBILE except aeronautical mobile).

(3) Stations of a secondary service:

(i) Shall not cause harmful interference to stations of primary services to which frequencies are already assigned or to which frequencies may be assigned at a later date;

(ii) Cannot claim protection from harmful interference from stations of a primary service to which frequencies are already assigned or may be assigned at a later date; and

(iii) Can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(4) Where a band is indicated in a footnote of the International Table as allocated to a service “on a secondary basis” in an area smaller than a Region, or in a particular country, this is a secondary service (see paragraph (d)(3) of this section).

(5) Where a band is indicated in a footnote of the International Table as allocated to a service “on a primary basis”, in an area smaller than a Region, or in a particular country, this is a primary service only in that area or country.

(e) Additional allocations. (1) Where a band is indicated in a footnote of the International Table as “also allocated” to a service in an area smaller than a Region, or in a particular country, this is an “additional” allocation, i.e. an allocation which is added in this area or in this country to the service or services which are indicated in the International Table.

(2) If the footnote does not include any restriction on the service or services concerned apart from the restriction to operate only in a particular area or country, stations of this service or these services shall have equality of right to operate with stations of the other primary service or services indicated in the International Table.

(3) If restrictions are imposed on an additional allocation in addition to the
restriction to operate only in a particular area or country, this is indicated in the footnote of the International Table.

(f) Alternative allocations. (1) Where a band is indicated in a footnote of the International Table as "allocated" to one or more services in an area smaller than a Region, or in a particular country, this is an "alternative" allocation, i.e. an allocation which replaces, in this area or in this country, the allocation indicated in the Table.

(2) If the footnote does not include any restriction on stations of the service or services concerned, apart from the restriction to operate only in a particular area or country, these stations of such a service or services shall have an equality of right to operate with stations of the primary service or services, indicated in the International Table, to which the band is allocated in other areas or countries.

(3) If restrictions are imposed on stations of a service to which an alternative allocation is made, in addition to the restriction to operate only in a particular country or area, this is indicated in the footnote.

(g) Miscellaneous provisions. (1) Where it is indicated that a service may operate in a specific frequency band subject to not causing harmful interference, this means also that this service cannot claim protection from harmful interference caused by other services to which the band is allocated under Chapter SII of the International Radio Regulations.

(2) Except if otherwise specified in a footnote, the term "fixed service", where appearing in the International Table, does not include systems using ionospheric scatter propagation.

(h) Description of the International Table of Frequency Allocations. (1) The heading of the International Table includes three columns, each of which corresponds to one of the Regions (see paragraph (b) of this section). Where an allocation occupies the whole of the width of the Table or only one or two of the three columns, this is a worldwide allocation or a Regional allocation, respectively.

(2) The frequency band referred to in each allocation is indicated in the left-hand top corner of the part of the Table concerned.

(3) Within each of the categories specified in paragraph (d)(1) of this section, services are listed in alphabetical order according to the French language. The order of listing does not indicate relative priority within each category.

(4) In the case where there is a parenthetical addition to an allocation in the International Table, that service allocation is restricted to the type of operation so indicated.

(5) The footnote references which appear in the International Table below the allocated service or services apply to the whole of the allocation concerned.

(6) The footnote references which appear to the right of the name of a service are applicable only to that particular service.

(7) In certain cases, the names of countries appearing in the footnotes have been simplified in order to shorten the text.
Figure 1 to §2.104—Map

[65 FR 4636, Jan. 31, 2000]
§ 2.105 United States Table of Frequency Allocations.

(a) The United States Table of Frequency Allocations (United States Table) is subdivided into the Federal Government Table of Frequency Allocations (Federal Government Table, column 4 of §2.106) and the Non-Federal Government Table of Frequency Allocations (Non-Federal Government Table, column 5 of §2.106). The United States Table is based on the Region 2 Table because the relevant area of jurisdiction is located primarily in Region 2 (i.e., the 50 States, the District of Columbia, the Caribbean insular areas and some of the Pacific insular areas). The Federal Government Table is administered by the National Telecommunications and Information Administration (NTIA), whereas the Non-Federal Government Table is administered by the Federal Communications Commission (FCC).

(b) In the United States, radio spectrum may be allocated to either Federal government or non-Federal government use exclusively, or for shared use. In the case of shared use, the type of service(s) permitted need not be the same (e.g., Federal government FIXED, non-Federal government MOBILE). The terms used to designate categories of services and allocations in columns 4 and 5 of §2.106 correspond to the terms employed by the International Telecommunication Union (ITU) in the International Radio Regulations.

(c) Category of services. (1) Any segment of the radio spectrum may be allocated to the Federal government and/or non-Federal government sectors either on an exclusive or shared basis for use by one or more radio services. In the case where an allocation has been made to more than one service, such services are listed in the following order:

(i) Services, the names of which are printed in "capitals" (example: FIXED); these are called "primary" services;

(ii) Services, the names of which are printed in "normal characters" (example: Mobile); these are called "secondary" services.

(2) Stations of a secondary service:

(i) Shall not cause harmful interference to stations of primary services to which frequencies are already assigned or to which frequencies may be assigned at a later date;

(ii) Cannot claim protection from harmful interference from stations of a primary service to which frequencies are already assigned or may be assigned at a later date; and

(iii) Can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(d) Format of the United States Table and the Rule Part Cross Reference Column.

(1) The frequency band referred to in each allocation, column 4 for Federal government and column 5 for non-Federal government, is indicated in the left-hand top corner of the column. If there is no service or footnote indicated for a band of frequencies in either column 4 or 5, then the Federal government or the non-Federal government sector, respectively, has no access to that band except as provided for in §2.102.

(2) When the Federal Government and Non-Federal Government Tables are exactly the same for a shared band, the line between columns 4 and 5 is deleted and the allocations are shown once.

(3) The Federal Government Table, given in column 4, is included for informational purposes only.
(4) In the case where there is a parenthetical addition to an allocation in the United States Table [example: FIXED-SATELLITE (space-to-earth)], that service allocation is restricted to the type of operation so indicated.

(5) The following symbols are used to designate footnotes in the United States Table:

(i) Any footnote consisting of "S5." followed by one or more digits, e.g., S5.53, or any footnote not prefixed by a letter, e.g., 459, denotes an international footnote. Where an international footnote is applicable, without modification, to the United States Table, the footnote appears in the United States Table (columns 4 and 5) and denotes a stipulation affecting both the Federal Government Table and the Non-Federal Government Table. If, however, an international footnote pertains to a service allocated only for Federal government or non-Federal government use, the international footnote will be placed only in the affected Table. For example, "AMATEUR S5.142" shall be shown only in the Non-Federal Government Table.

(ii) Any footnote consisting of the letters US followed by one or more digits, e.g., US7, denotes a stipulation affecting both the Federal Government Table and the Non-Federal Government Table.

(iii) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG2, denotes a stipulation applicable only to the Non-Federal Government Table (column 5).

(iv) Any footnote consisting of the letter G followed by one or more digits, e.g., G2, denotes a stipulation applicable only to the Federal Government Table (column 4).

(6) If a frequency or frequency band has been allocated to a radiocommunication service in the Non-Federal Government Table, then a cross reference may be added for the pertinent FCC Rule part (column 6 of §2.106). For example, the 849–851 MHz band is allocated to the non-Federal government aeronautical mobile service, rules for the use of the 849–851 MHz band have been added to Part 22—Public Mobile Services (47 CFR part 22), and a cross reference, Public Mobile (22), has been added in Column 6 of the Table. The exact use that can be made of any given frequency or frequency band (e.g., channeling plans, allowable emissions, etc.) is given in the FCC Rule part(s) so indicated. The FCC Rule parts in this column are not allocations and are provided for informational purposes only. This column also may contain explanatory notes for informational purposes only.

[65 FR 4640, Jan. 31, 2000]
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International Fixed (23)

Maritime (50)

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Note: The NTIA Manual (footnote 112) states that all relevant GPS stations may be authorized in the 108-117.975 MHz band, but the FCC has not yet addressed this footnote.

Aviation (87)

See next page for 123.5875-137 MHz

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**Notes:**
- Aviation (87)
- Satellite Communications (25)
- Satellite Communications (25)
- 137-137.225
- 137-137.025
- 137-137.175
- 137-175-137.825

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**International Table**

- 174-233: Broadcasting
- 256-220: Fixed
- 220-225: Amateur

**United States Table**

- 162.0125-173.2: Broadcasting
- 173.2-173.4: Mobile
- 173.4-174: G5

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**FCC Rule Part(s)**

- 74: Auxiliary Broadcasting
- 99: Private Land Mobile
- 73: Broadcast Radio (TV)
- 74: Auxiliary Broadcasting
- 80: Maritime
- 90: Private Land Mobile
- 95: Personal Radio
- 97: Amateur

Note: 216-220 MHz will become a mixed use band in January 2002.
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- Public Mobile (22)
- Maritime (90)
- Private Land Mobile (90)
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Satellite Communications (25) Maritime (80) Aviation (87)

Note: The A/F4 Manual (4-10A) states that differential GPS stations may be authorized in the 1559-1610 MHz band, but the FCC has not yet addressed this question.
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Source: Federal Communications Commission, Sec. 2.106
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Note: 1670-1710 MHz became shared-user band in January 1989

Proceeds from the auction of the 1710-1755 MHz frequencies are to be deposited not later than September 30, 2002.
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| S5.417    | S5.417    | S5.418    | S5.418    |

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S5.150 S753F US411 NG147

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Note: 3650-3700 MHz became mixed-use spectrum in January 1999.
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Note: The NTIA Manual (footnote G126) states that differential GPS stations may be authorized in the 5000-5100 MHz segment, but the FCC has not yet addressed this footnote.
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Note: In its Manual, NTIA has added a primary inter-satellite service allocation to the band 25.25-25.5 GHz, limited the use of this allocation by adopting footnote 55.536, and has changed the directional indicator for the Earth exploration-satellite service allocation in the band 25.5-27 GHz from space-to-space to space-to-Earth.
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INTERNATIONAL FOOTNOTES

NOTE: The International Telecommunication Union has recently re-numbered international footnotes using the "S" numbering scheme and has substantively revised the text of certain of these international footnotes. These international footnotes shall be listed immediately below this note in I. Until such time as the Commission has considered the substantively revised international footnotes that have previously been adopted domestically, the old international footnotes shall apply in the United States. These footnotes appear immediately after footnote §5.565 in II.

1. New "S" Numbering Scheme

§5.53 Administrations authorizing the use of frequencies below 9 kHz shall ensure that no harmful interference is caused thereby to the services to which the bands above 9 kHz are allocated.
§ 2.106

S5.54 Administrations conducting scientific research using frequencies below 9 kHz are urged to advise other administrations that may be concerned in order that such research may be afforded all practicable protection from harmful interference.

S5.55 Additional allocation: in Armenia, Azerbaijan, Bulgaria, Russian Federation, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Ukraine, the band 34-17 kHz is also allocated to the radionavigation service on a primary basis.

S5.56 The stations of services to which the bands 34-19.95 kHz and 20.05-70 kHz and in Region 1 also the bands 72-86 kHz and 86-90 kHz are allocated may transmit standard frequency and time signals. Such stations shall be afforded protection from harmful interference. In Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the frequencies 25 kHz and 50 kHz will be used for this purpose under the same conditions.

S5.57 The use of the bands 14-19.95 kHz, 20.05-70 kHz and 70-90 kHz (72-86 kHz and 86-90 kHz in Region 1) by the maritime mobile service is limited to coast radiotelegraph stations (A1A and F1B only). Exceptionally, the use of class J2F or J7B emissions is authorized subject to the necessary bandwidth not exceeding that normally used for class A1A or F1B emissions in the band concerned.

S5.58 Additional allocation: in Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 67-70 kHz is also allocated to the radionavigation service on a primary basis.

S5.59 Different category of service: in Bangladesh, the Islamic Republic of Iran and Pakistan, the allocation of the bands 112-117.6 kHz and 126-129 kHz to the fixed and maritime mobile services is on a primary basis (see No. S5.33).

S5.60 In the bands 70-90 kHz (70-86 kHz in Region 1) and 110-130 kHz (112-130 kHz in Region 1), pulsed radionavigation systems may be used on condition that they do not cause harmful interference to the radionavigation service in which these bands are allocated.

S5.61 In Region 2, the establishment and operation of stations in the maritime radionavigation service in the bands 70-90 kHz and 110-130 kHz shall be subject to agreement obtained under No. S9.21 with administrations whose services, operating in accordance with the Table, may be affected. However, stations of the fixed, maritime mobile and radiolocation services shall not cause harmful interference to stations in the maritime radionavigation service established under such agreements.

S5.62 Administrations which operate stations in the radionavigation service in the band 90-110 kHz are urged to coordinate technical and operating characteristics in such a way as to avoid harmful interference to the services provided by these stations.

S5.63 Only classes A1A or F1B, A2C, A3C, F1C or F3C emissions are authorized in the bands 20.05-70 kHz and 70-90 kHz (72-86 kHz and 86-90 kHz in Region 1) by the maritime mobile service for stations allocated to this service between 90 kHz and 160 kHz (148.5 kHz in Region 1) and for stations of the maritime mobile service in the bands allocated to this service between 110 kHz and 160 kHz (148.5 kHz in Region 1). Exceptionally, class J2F or J7B emissions are also authorized in the bands between 110 kHz and 160 kHz (148.5 kHz in Region 1) for stations of the maritime mobile service.

S5.64 Different category of service: in Bangladesh, the Islamic Republic of Iran and Pakistan, the allocation of the bands 112-117.6 kHz and 126-129 kHz to the fixed and maritime mobile services is on a primary basis (see No. S5.33).

S5.65 Different category of service: in Germany, the allocation of the band 115-137.6 kHz to the fixed and maritime mobile services is on a primary basis (see No. S5.33) and to the radionavigation service on a secondary basis (see No. S5.32).

S5.66 Additional allocation: in Azerbaijan, Bulgaria, Mongolia, Kyrgyzstan, Romania, Turkmenistan and Ukraine, the band 130-148.5 kHz is also allocated to the radionavigation service on a secondary basis. Within and between these countries this service shall have an equal right to operate.

S5.67 Additional allocation: in Angola, Botswana, Burundi, the Congo, Malawi, Dem. Rep. of the Congo, Rwanda and South Africa, the band 160-200 kHz is allocated to the fixed service on a primary basis.

S5.68 Additional allocation: in Angola, Botswana, Burundi, Cameroon, the Central African Republic, the Congo, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Nigeria, Oman, Dem. Rep. of the Congo, Rwanda, South Africa, Swaziland, Tanzania, Chad, Zambia and Zimbabwe, the band 200-255 kHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.69 Additional allocation: in Somalia, the band 200-255 kHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.70 Alternative allocation: in Angola, Botswana, Burundi, Cameroon, the Central African Republic, the Congo, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Nigeria, Oman, Dem. Rep. of the Congo, Rwanda, South Africa, Swaziland, Tanzania, Chad, Zambia and Zimbabwe, the band 200-255 kHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.71 Alternative allocation: in Tunisia, the band 250-283.5 kHz is allocated to the broadcasting service on a primary basis.

S5.72 Norwegian stations of the fixed service situated in northern areas (north of 67°N) subject to auroral disturbances are allowed to continue operation on four frequencies in the bands 283.5-490 kHz and 510-526.5 kHz.

S5.73 The band 285-325 kHz (283.5-325 kHz in Region 1) in the maritime radionavigation service may be used to transmit supplementary navigational information using narrow-band techniques, on condition that no
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harmful interference is caused to radio-
beacon stations operating in the radio-
navigation service.

S5.74 Additional allocation: in Region 1,
the frequency band 285.3-285.7 kHz is also al-
located to the maritime radionavigation
service (other than radio beacons) on a pri-
mary basis.

S5.75 Different category of service: in Arme-
nia, Azerbaijan, Belarus, Georgia, Kazak-
stan, Moldova, Kyrgyzstan, Russian
Federation, Tajikistan, Turkmenistan,
Ukraine and the Black Sea areas of Bulgar-
ia and Romania, the allocation of the band 315-
325 kHz to the maritime radionavigation
service is on a primary basis under the con-
dition that in the Baltic Sea area, the as-
signment of frequencies in this band to new
stations in the maritime or aeronautical
radionavigation services shall be subject to
prior consultation between the administra-
tions concerned.

S5.76 The frequency 410 kHz is designated
for radio direction-finding in the maritime
radionavigation service. The other radionav-
igation services to which the band 405-415
kHz is allocated shall not cause harmful in-
terference to radio direction-finding in the
band 406.5-413.5 kHz.

S5.77 Different category of service: in Aus-
tralia, China, the French Overseas Territ-
ories of Region 3, India, Indonesia, the Isla-
mic Republic of Iran, Japan, Pakistan,
Papua New Guinea and Sri Lanka, the allo-
cation of the band 415-495 kHz to the aero-
nautical radionavigation service is on a pri-
mary basis. Administrations in these coun-
tries shall take all practical steps necessary
to ensure that aeronautical radionavigation
stations in the band 435-495 kHz do not cause
interference to reception by coast stations of
ship stations transmitting on frequencies
designated for ship stations on a worldwide
basis (see No. S52.39).

S5.78 Different category of service: in Cuba,
the United States of America and Mexico,
the allocation of the band 415-435 kHz to the
aeronautical radionavigation service is on a
primary basis.

S5.79 The use of the bands 415-495 kHz and
505-526.5 kHz (505-510 kHz in Region 2) by the
maritime mobile service is limited to radio-
telegraphy.

S5.79A When establishing coast stations in
the NAVTEX service on the frequencies
400 kHz, 518 kHz and 4200.5 kHz, administra-
tions are strongly recommended to coordi-
nate the operating characteristics in accord-
ance with the procedures of the Interna-
tional Maritime Organization (IMO) (see
Resolution 339 (Rev. WRC-97)).

S5.80 In Region 2, the use of the band 435-
495 kHz by the aeronautical radionavigation
service is limited to non-directional beacons
not employing voice transmission.

S5.81 The bands 400-405 kHz and 505-510
kHz shall be subject to the provisions of Ap-
pendix S13, §15.1, Part A2.

S5.82 In the maritime mobile service, the
frequency 490 kHz is, from the date of full
implementation of the GMDSS (see Resolu-
tion 331 (Rev. WRC-97)), to be used exclu-
sively for the transmission by coast stations
of navigational and meteorological warnings
and urgent information to ships, by means of
the use of the frequency 490 kHz
nautical radionavigation service, adminis-
trations are requested to ensure that no
harmful interference is caused to the fre-
quency 490 kHz.

S5.83 The frequency 500 kHz is an inter-
national distress and calling frequency for
Morse radiotelegraphy. The conditions for
its use are prescribed in Articles S31 and S52,
and in Appendix S13.

S5.84 The conditions for the use of the fre-
quency 518 kHz by the maritime mobile ser-
vise are prescribed in Articles S31 and S52
and in Appendix S13.

S5.86 In Region 2, in the band 525-535 kHz
the carrier power of broadcasting stations
shall not exceed 1 kW during the day and 250
W at night.

S5.87 Additional allocation: in Angola, Bot-
swana, Lesotho, Malawi, Mozambique, Na-
mibia, South Africa, Swaziland, Zambia and
Zimbabwe, the band 526.5-535 kHz is also al-
located to the mobile service on a secondary
basis.

S5.87A Additional allocation: in Uzbekistan,
the band 526.5-1606.5 kHz is also allocated
to the radionavigation service on a primary
basis. Such use is subject to agree-
ment obtained under No. S9.21 with adminis-
trations concerned and limited to ground-
based radio beacons in operation on 27 Oc-
tober 1997 until the end of their lifetime.

S5.88 Additional allocation: in China, the
band 526.5-535 kHz is also allocated to the
aeronautical radionavigation service on a
secondary basis.

S5.89 In Region 2, the use of the band
1605-1705 kHz by stations of the broadcasting
service is subject to the Plan established by
the Regional Administrative Radio Con-
ference (Rio de Janeiro, 1988).

The examination of frequency assign-
ments to stations of the fixed and mobile services
in the band 1625-1705 kHz shall take account of
the allotments appearing in the Plan es-
ablished by the Regional Administrative

S5.90 In the band 1605-1705 kHz, in cases
where a broadcasting station of Region 2 is
concerned, the service area of the maritime
mobile stations in Region 1 shall be limited to
that provided by ground-wave propaga-
tion.
S5.91 Additional allocation: in the Philippines and Sri Lanka, the band 1606.5-1705 kHz is also allocated to the broadcasting service on a secondary basis.

S5.92 Some countries of Region 1 use radio-determination systems in the bands 1606.5-1625 kHz, 1635-1800 kHz, 1850-2160 kHz, 2194-2300 kHz, 2502-2850 kHz and 3000-3600 kHz, subject to agreement obtained under No. S9.21. The radiated mean power of these stations shall not exceed 50 W.

S5.93 Additional allocation: in Angola, Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Nigeria, Uzbekistan, Poland, Kyrgyzstán, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Chad, Turkmenistan and Ukraine, the bands 1625-1635 kHz, 1800-1810 kHz and 2160-2170 kHz are also allocated to the fixed and land mobile services on a primary basis, subject to agreement obtained under No. S9.21.

S5.94 In Germany, Armenia, Azerbaijan, Belarus, Denmark, Estonia, Finland, Georgia, Hungary, Ireland, Israel, Jordan, Kazakhstan, Latvia, Lithuania, Malta, Moldova, Norway, Uzbekistan, Poland, Kyrgyzstán, Slovakia, the Czech Republic, the United Kingdom, Russian Federation, Sweden, Tajikistan, Turkmenistan and Ukraine, administrations may allocate up to 200 kHz to their amateur service in the bands 1715-1800 kHz and 1850-2000 kHz. However, when allocating the bands within this range to their amateur service, administrations shall, after prior consultation with administrations of neighbouring countries, take such steps as may be necessary to prevent harmful interference from their amateur service to the fixed and mobile services of other countries. The mean power of any amateur station shall not exceed 10 W.

S5.95 In Region 3, the Loran system operates either on 1850 kHz or 1950 kHz, the bands occupied being 1825-1875 kHz and 1925-1975 kHz respectively. Other services to which the band 1800-2000 kHz is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 kHz or 1950 kHz.

S5.96 Alternative allocation: in Angola, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Cameroon, the Congo, Denmark, Egypt, Eritrea, Spain, Ethiopia, Georgia, Greece, Italy, Kazakhstan, Lebanon, Lithuania, Moldova, the Netherlands, Syria, Kyrgyzstán, Russian Federation, Somalia, Tajikistan, Tunisia, Turkmenistan, Turkey and Ukraine, the band 1810-1830 kHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.97 Additional allocation: in Saudi Arabia, Bosnia and Herzegovina, Iraq, Libya, Uzbekistan, Slovakia, the Czech Republic, Romania, Slovenia, Chad, Togo and Yugoslavia, the band 1830-1860 kHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.98 In Region 1, the authorization to use the band 1810-1830 kHz by the amateur service in countries situated totally or partially north of 40° N shall be given only after consultation with the countries mentioned in Nos. S5.96 and S5.97 to define the necessary steps to be taken to prevent harmful interference between amateur stations and stations of other services operating in accordance with Nos. S5.96 and S5.97.

S5.99 Alternative allocation: in Burundi and Lesotho, the band 1810-1850 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.100 In Region 1, the use of the band 1810-1830 kHz shall be limited to class J3E emissions and to a peak envelope power not exceeding 1 kW. Preferably, the following carrier frequencies should be used: 2065.0 kHz, 2070.0 kHz, 2072.5 kHz, 2082.5 kHz, 2086.0 kHz, 2093.0 kHz, 2096.5 kHz, 2100.0 kHz and 2103.5 kHz. In Argentina and Uruguay, the carrier frequencies 2065.5 kHz and 2075.5 kHz are also used for this purpose, while the frequencies within the band 2072-2075.5 kHz are used as provided in No. S5.105.

S5.101 In Region 2, except in Greenland, coast stations and ship stations using radiotelephony in the band 2065-2107 kHz shall be limited to class J3E emissions and to a peak envelope power not exceeding 1 kW. Preferably, the following carrier frequencies should be used: 2065.0 kHz, 2070.0 kHz, 2072.5 kHz, 2082.5 kHz, 2086.0 kHz, 2093.0 kHz, 2096.5 kHz, 2100.0 kHz and 2103.5 kHz. In Argentina and Uruguay, the carrier frequencies 2065.5 kHz and 2075.5 kHz are also used for this purpose, while the frequencies within the band 2072-2075.5 kHz are used as provided in No. S5.105.

S5.102 In Regions 2 and 3, provided no harmful interference is caused to the maritime mobile service, the frequencies between 2065 kHz and 2107 kHz may be used by stations of the fixed service communicating only within national borders and whose mean power does not exceed 50 W. In notifying the frequencies, the attention of the Bureau should be drawn to these provisions.

S5.103 Additional allocation: in Saudi Arabia, Botswana, Eritrea, Ethiopia, Iraq, Lesotho, Libya, Somalia, Swaziland and Zambia, the band 2100-2170 kHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services on a primary basis. The mean power of transmissions in these services shall not exceed 50 W.

S5.104 The carrier frequency 2182 kHz is an international distress and calling frequency for radiotelephony. The conditions for the use of the band 2173.5-2190.5 kHz are
prescribed in Articles S31 and S52 and in Appendix S13.

S5.109 The frequencies 2187.5 kHz, 4207.5 kHz, 6312 kHz, 8414.5 kHz, 12,577 kHz and 16,993 kHz are prescribed in Article S31.

S5.110 The frequencies 2174.5 kHz, 4177.5 kHz, 6268 kHz, 8376.5 kHz, 12,520 kHz and 16,995 kHz are international distress frequencies for digital selective calling. The conditions for the use of these frequencies are prescribed in Article S31.

S5.111 The carrier frequencies 2182 kHz, 3023 kHz, 5680 kHz, 8364 kHz and the frequencies 121.5 MHz, 156.8 MHz and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles. The conditions for the use of the frequencies are prescribed in Article S31 and in Appendix S13.

The same applies to the frequencies 10,003 kHz, 14,993 kHz and 19,993 kHz, but in each of these cases emissions must be confined in a band of ±3 kHz about the frequency.

S5.112 Alternative allocation: in Bosnia and Herzegovina, Cyprus, Denmark, France, Greece, Iceland, Italy, Malta, Norway, Sri Lanka, Turkey and Yugoslavia, the band 2,194-2,300 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.113 For the conditions for the use of the bands 2300-2495 kHz (2498 kHz in Region 1), 3200-3400 kHz, 4750-4995 kHz and 5005-5060 kHz by the broadcasting service, see Nos. S5.16 to S5.20, S5.21 and S23.3 to S23.10.

S5.114 Alternative allocation: in Bosnia and Herzegovina, Cyprus, Denmark, France, Greece, Iraq, Italy, Malta, Norway, Turkey and Yugoslavia, the band 2502-2625 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.115 The carrier (reference) frequencies 3023 kHz and 5680 kHz may also be used, in accordance with Article S31 and Appendix S13 by stations of the maritime mobile service engaged in coordinated search and rescue operations.

S5.116 Administrations are urged to authorize the use of the band 2155-2205 kHz to provide a common worldwide channel for low power wireless hearing aids. Additional channels for these devices may be assigned by administrations in the bands between 3155 kHz and 3400 kHz to suit local needs. It should be noted that frequencies in the range 3000 kHz to 4000 kHz are suitable for hearing aid devices which are designed to operate over short distances within the induction field.

S5.117 Alternative allocation: in Bosnia and Herzegovina, Cyprus, Cote d'Ivoire, Denmark, Egypt, France, Greece, Iceland, Italy, Liberia, Malta, Norway, Sri Lanka, Togo, Turkey and Yugoslavia, the band 3155-3200 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.118 Additional allocation: in the United States, Japan, Mexico, Peru and Uruguay, the band 3230-3400 kHz is also allocated to the radiolocation service on a secondary basis.

S5.119 Additional allocation: in Honduras, Mexico, Peru and Venezuela, the band 3900-3750 kHz is also allocated to the fixed and mobile services on a primary basis.

S5.120 For the use of the bands allocated to the amateur service at 3.5 MHz, 7.0 MHz, 10.1 MHz, 14.0 MHz, 18.068 MHz, 21.0 MHz, 24.89 MHz and 144 MHz in the event of natural disasters, see Resolution 640.*

*This Resolution was abrogated by WRC-97.

S5.122 Alternative allocation: in Argentina, Bolivia, Chile, Ecuador, Paraguay, Peru and Uruguay, the band 3750-4000 kHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.123 Additional allocation: in Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, the band 3900-3950 kHz is also allocated to the broadcasting service on a primary basis, subject to agreement obtained under No. S9.21.

S5.124 Additional allocation: in Canada, the band 3950-4000 kHz is also allocated to the broadcasting service on a primary basis. The power of broadcasting stations operating in this band shall not exceed that necessary for a national service within the frontier of this country and shall not cause harmful interference to other services operating in accordance with the Table.

S5.125 Additional allocation: in Greenland, the band 3950-4000 kHz is also allocated to the broadcasting service on a primary basis. The power of the broadcasting stations operating in this band shall not exceed that necessary for a national service and shall in no case exceed 5 kW.

S5.126 In Region 3, the stations of those services to which the band 3905-4005 kHz is allocated may transmit standard frequency and time signals.

S5.127 The use of the band 4000-4063 kHz by the maritime mobile service is limited to ship stations using radiotelephony (see No. S5.220 and Appendix S17).

S5.128 In Afghanistan, Argentina, Armenia, Azerbaijan, Belarus, Botswana, Burkina Faso, Central African Republic, China, Georgia, India, Kazakhstan, Mali, Niger, Kyrgyzstan, Russian Federation, Tajikistan, Chad, Turkmenistan and Ukraine, in the bands 4063-4123 kHz, 4130-4133 kHz and 4408-4438 kHz, stations of limited power in the fixed service which are situated at least 600 km from the coast may operate on condition
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that harmful interference is not caused to the maritime mobile service.

5.129 On condition that harmful interference is not caused to the maritime mobile service, the frequencies in the bands 4063-4123 kHz and 4130-4438 kHz may be used exceptionally by stations in the fixed service communicating only within the boundary of the country in which they are located with a mean power not exceeding 50 W.

5.130 The conditions for the use of the carrier frequencies 4025 kHz and 625 kHz are prescribed in Articles 5.31 and 5.32 and in Appendix 5.13.

5.131 The frequency 4209.5 kHz is used exclusively for the transmission by coast stations of meteorological and navigational warnings and urgent information to ships by means of narrow-band direct-printing techniques.

5.132 The frequencies 4210 kHz, 6314 kHz, 8416.5 kHz, 12,570 kHz, 16,806.5 kHz, 19,680.5 kHz, 22,376 kHz and 26,100.5 kHz are the international frequencies for the transmission of maritime safety information (MSI) (see Appendix 5.17).

5.133 Different category of service: in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Uzbekistan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 5130-5250 kHz to the mobile, except aeronautical mobile, service is on a primary basis (see No. 5.5.33).

5.134 The use of the bands 5000-5950 kHz, 7300-7350 kHz, 9400-9500 kHz, 11,600-11,650 kHz, 12,050-12,100 kHz, 13,570-13,600 kHz, 13,800-13,870 kHz, 15,600-15,800 kHz, 17,480-17,550 kHz and 19,800-19,900 kHz by the broadcasting service is limited to single-sideband emissions with the characteristics specified in Appendix 5.11 or to any other spectrum-efficient modulation techniques recommended by ITU-R. Access to these bands shall be subject to the decisions of a competent conference.

5.135 The band 5900-5950 kHz is allocated, until 1 April 2007, to the fixed service on a primary basis, as well as to the following services: in Region 1 to the land mobile service; in Region 2 to the mobile except aeronautical mobile (R) service; in Region 3 to the mobile except aeronautical mobile (R) service on a primary basis, and in Region 3 to the mobile except aeronautical mobile (R) service on a secondary basis, subject to application of the procedure referred to in Resolution 21 (Rev. WRC-95). After 1 April 2007, frequencies in this band may be used by stations in the above-mentioned services, communicating only within the boundary of the country in which they are located, on condition that harmful interference is not caused to the broadcasting service. When using frequencies for these services, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

5.136 On condition that harmful interference is not caused to the maritime mobile service, the bands 6205-625 kHz may be used exceptionally by stations in the fixed service, communicating only within the boundary of the country in which they are located with a mean power not exceeding 50 W. At the time of notification of these frequencies, the attention of the Bureau will be drawn to the above conditions.

5.137 The following bands: 6765-6795 kHz (centre frequency 6780 kHz), 7000-7050 kHz (centre frequency 7025 kHz), 8430-8479.75 kHz (centre frequency 8450 kHz) in Region 1 except in the countries mentioned in No. 55.280, 61-61.5 GHz (centre frequency 61.25 GHz), 122-123 GHz (centre frequency 122.5 GHz), and 244-246 GHz (centre frequency 245 GHz) are designated for industrial, scientific and medical (ISM) applications. The use of these frequency bands for ISM applications shall be subject to special authorization by the administration concerned, in agreement with other administrations whose radiocommunication services might be affected. In applying this provision, administrations shall have due regard to the latest relevant ITU-R Recommendations.

5.138 The following bands:

- 6765-6795 kHz (centre frequency 6780 kHz),
- 8430-8479.75 kHz (centre frequency 8450 kHz) in Region 1 except in the countries mentioned in No. 55.280, 61-61.5 GHz (centre frequency 61.25 GHz), 122-123 GHz (centre frequency 122.5 GHz), and 244-246 GHz (centre frequency 245 GHz) are designated for industrial, scientific and medical (ISM) applications. The use of these frequency bands for ISM applications shall be subject to special authorization by the administration concerned, in agreement with other administrations whose radiocommunication services might be affected. In applying this provision, administrations shall have due regard to the latest relevant ITU-R Recommendations.

- The following bands:
  - 6765-6795 kHz (centre frequency 6780 kHz),
  - 8430-8479.75 kHz (centre frequency 8450 kHz) in Region 1 except in the countries mentioned in No. 55.280, 61-61.5 GHz (centre frequency 61.25 GHz), 122-123 GHz (centre frequency 122.5 GHz), and 244-246 GHz (centre frequency 245 GHz) are designated for industrial, scientific and medical (ISM) applications. The use of these frequency bands for ISM applications shall be subject to special authorization by the administration concerned, in agreement with other administrations whose radiocommunication services might be affected. In applying this provision, administrations shall have due regard to the latest relevant ITU-R Recommendations.

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take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S.5.144 In Region 3, the stations of those services to which the band 7995-8005 kHz is allocated may transmit standard frequency and time signals.

S.5.145 The conditions for the use of the carrier frequencies 8001 kHz, 12,290 kHz and 16,420 kHz are prescribed in Articles S31 and S52 and in Appendix S13.

S.5.146 The bands 9400-9500 kHz, 11,600-11,650 kHz, 12,050-12,100 kHz, 15,600-15,800 kHz, 17,480-17,550 kHz and 18,900-19,020 kHz are allocated to the fixed service on a primary basis until 1 April 2007, subject to application of the procedure referred to in Resolution 21 (Rev. WRC-95). After 1 April 2007, frequencies in these bands may be used by stations in the fixed service, communicating only within the boundary of the country in which they are located, on condition that harmful interference is not caused to the broadcasting service. When using frequencies in the fixed service, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S.5.147 On condition that harmful interference is not caused to the broadcasting service, frequencies in the bands 9775-9900 kHz, 11,650-11,700 kHz and 11,975-12,050 kHz may be used by stations in the fixed service communicating only within the boundary of the country in which they are located, each station using a total radiated power not exceeding 24 dBW.

S.5.148 In making assignments to stations of other services to which the bands: 13,360±13,410 kHz, 25,550±25,670 kHz, 37.5±38.25 MHz of other services to which the bands: 13,553-13,567 kHz (centre frequency 13,560 kHz), 26,957-27,283 kHz (centre frequency 27,120 kHz), 40.66-40.70 MHz (centre frequency 40.68 MHz), 902-928 MHz in Region 2 (centre frequency 915 MHz), 2400-2500 MHz (centre frequency 2450 MHz), 5725-5875 MHz (centre frequency 5800 MHz), and 24-24.25 GHz (centre frequency 24.125 GHz) are allocated (* indicates radio astronomy use for spectral line observations), administrations are urged to take all practicable steps to protect the radio astronomy service from harmful interference. Emissions from spaceborne or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. S4.5 and S4.6 and Article S29).

S.5.150 The following bands: 13,553-13,567 kHz (centre frequency 13,560 kHz), 26,957-27,283 kHz (centre frequency 27,120 kHz), 40.66-40.70 MHz (centre frequency 40.68 MHz), 902-928 MHz in Region 2 (centre frequency 915 MHz), 2400-2500 MHz (centre frequency 2450 MHz), 5725-5875 MHz (centre frequency 5800 MHz), and 24-24.25 GHz (centre frequency 24.125 GHz) are also designated for industrial, scientific and medical (ISM) applications. Radiocommunication services operating within these bands must accept harmful interference which may be caused by these applications. ISM equipment operating in these bands is subject to the provisions of No. S.5.13.

S.5.151 The bands 13,570-13,600 kHz and 13,800-13,870 kHz are allocated, until 1 April 2007, to the fixed service on a primary basis and to the mobile except aeronautical mobile (R) service on a secondary basis, subject to application of the procedure referred to in Resolution 21 (Rev. WRC-95). After 1 April 2007, frequencies in these bands may be used by stations in the above-mentioned services, communicating only within the boundary of the country in which they are located, on the condition that harmful interference is not caused to the broadcasting service. When using frequencies in these services, administrations are urged to use the minimum power required and to take account of the seasonal use of frequencies by the broadcasting service published in accordance with the Radio Regulations.

S.5.152 Additional allocation: in Armenia, Azerbaijan, China, Cote d'Ivoire, Georgia, the Islamic Republic of Iran, Kazakhstan, Moldova, Uzbekistan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Ukraine, the band 14,250±14,350 kHz is also allocated to the fixed service on a primary basis. Stations of the fixed service shall not use a radiated power exceeding 24 dBW.

S.5.153 In Region 3, the stations of those services to which the band 15,995-16,005 kHz is allocated may transmit standard frequency and time signals.

S.5.154 Additional allocation: in Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Uzbekistan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 18,068±18,168 kHz is also allocated to the fixed service on a primary basis for use within their boundaries, with a peak envelope power not exceeding 1 kW.
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S5.155 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Belgium, Azerbaijan, United Kingdom, Turkey, Turkmenistan and Ukraine, the band 21,850-21,870 kHz is also allocated to the aeronautical mobile (R) services on a primary basis.

S5.155A In Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the use of the band 21,850-21,870 kHz by the fixed service is limited to provision of services related to aircraft flight safety.

S5.158 The band 21,870-21,924 kHz is used by the fixed service for provision of services related to aircraft flight safety.

S5.156 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the use of the band 21,850-21,870 kHz by the fixed service is limited to provision of services related to aircraft flight safety.

S5.159 The band 21,870-21,924 kHz is used by the fixed service for provision of services related to aircraft flight safety.

S5.156A The use of the band 23,200-23,350 kHz by the fixed service is limited to provision of services related to aircraft flight safety.

S5.157 The use of the band 23,350-24,000 kHz by the maritime mobile service is limited to inter-ship radiotelegraphy.

S5.156B The band 21,870±21,924 kHz is also allocated to the meteorological aids service (radiosondes) on a primary basis.

S5.156A The use of the band 23,200-23,350 kHz by the fixed service is also allocated to the meteorological aids service (radiosondes) on a primary basis.

S5.157 The use of the band 23,350-24,000 kHz by the maritime mobile service is also allocated to the aeronautical radiolocation service on a primary basis.

S5.156C The use of the band 23,200-23,350 kHz by the fixed service is also allocated to the meteorological aids service (radiosondes) on a primary basis.

S5.158 The use of the band 21,870-21,924 kHz by the fixed service is also allocated to the meteorological aids service (radiosondes) on a primary basis.

S5.159 The use of the band 21,870-21,924 kHz by the fixed service is also allocated to the meteorological aids service (radiosondes) on a primary basis.

S5.160 Additional allocation: in Botswana, Burundi, Lesotho, Malawi, Namibia, Dem. Rep. of the Congo, Rwanda and Swaziland, the band 44-47 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.161 Additional allocation: in the Islamic Republic of Iran and Japan, the band 44-47 MHz is also allocated to the radiolocation service on a secondary basis.

S5.162 Additional allocation: in Australia and New Zealand, the band 44-47 MHz is also allocated to the broadcast service on a primary basis.

S5.162A Additional allocation: in Germany, Austria, Belgium, Bosnia and Herzegovina, China, Vatican, Denmark, Spain, Estonia, Finland, France, Ireland, Iceland, Italy, Latvia, The Former Yugoslav Republic of Macedonia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Norway, the Netherlands, Poland, Portugal, Slovakia, the Czech Republic, the United Kingdom, Russian Federation, Sweden, Switzerland and Turkey, the band 46-68 MHz is also allocated to the radiolocation service on a secondary basis.

S5.163 Additional allocation: in Armenia, Azerbaijan, Belarus, Estonia, Georgia, Hungary, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the bands 47-48.5 MHz and 56.5-58 MHz are also allocated to the fixed and land mobile services on a secondary basis.

S5.164 Additional allocation: in Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cote d'Ivoire, Denmark, Spain, Finland, France, Gabon, Greece, Ireland, Israel, Italy, Jordan, Lebanon, Libya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Morocco, Mauritania, Monaco, Nigeria, Norway, the Netherlands, Poland, Syria, the United Kingdom, Senegal, Slovenia, Sweden, Switzerland, Swaziland, Togo, Tunisia, Turkey and Yugoslavia the band 47-68 MHz, in Romania the band 47-58 MHz and in the Czech Republic the band 66-68 MHz, are also allocated to the land mobile service on a primary basis. However, stations of the land mobile service in the countries mentioned in connection with each band referred to in this footnote shall not cause harmful interference to, or claim protection from, existing or planned broadcasting stations of countries other than those mentioned in connection with the band.

S5.165 Additional allocation: in Angola, Cameroon, the Congo, Madagascar, Mozambique, Somalia, Sudan, Tanzania and Chad, the band 47-68 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.166 Alternative allocation: in New Zealand, the band 50-51 MHz is allocated to the fixed, mobile and broadcasting services on a primary basis; the band 53-54 MHz is allocated to the fixed and mobile services on a primary basis.

S5.167 Alternative allocation: in Bangladesh, Brunei, Darussalam, India, Indonesia, the Islamic Republic of Iran, Malaysia, Pakistan, Singapore and Thailand, the band 50-54 MHz is allocated to the fixed, mobile and broadcasting services on a primary basis.

S5.168 Alternative allocation: in Australia, China and the Democratic People's Republic of Korea, the band 50-54 MHz is also allocated to the broadcasting service on a primary basis.

S5.169 Alternative allocation: in Botswana, Burundi, Lesotho, Malawi, Namibia, Dem. Rep. of the Congo, Rwanda, South Africa, Swaziland, Zambia and Zimbabwe, the band 50-54 MHz is allocated to the amateur service on a primary basis.

S5.170 Additional allocation: in New Zealand, the band 52-53 MHz is also allocated to the fixed and mobile services on a primary basis.

S5.171 Additional allocation: in Botswana, Burundi, Lesotho, Malawi, Mali, Namibia, Dem. Rep. of the Congo, Rwanda, South Africa, Swaziland and Zimbabwe, the band 54-68 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.
S5.172 Different category of service: in the French Overseas Departments in Region 2, Guayana, Jamaica and Mexico, the allocation of the band 54-68 MHz to the fixed and mobile services is on a primary basis (see No. S5.33).

S5.173 Different category of service: in the French Overseas Departments in Region 2, Guayana, Jamaica and Mexico, the allocation of the band 68-72 MHz to the fixed and mobile services is on a primary basis (see No. S5.33).

S5.174 Alternative allocation: in Bulgaria, Hungary, Poland and Romania, the band 68-73 MHz is allocated to the broadcasting service on a primary basis and used in accordance with the decisions in the Final Acts of the Special Regional Conference (Geneva, 1960).

S5.175 Alternative allocation: in Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Uzbekistan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the bands 68-73 MHz and 76-87.5 MHz are allocated to the broadcasting service on a primary basis. The services to which these bands are allocated in other countries and the broadcasting service in the countries listed above are subject to agreements with the neighbouring countries concerned.

S5.176 Additional allocation: in Australia, China, the Republic of Korea, the Philippines, the Democratic People's Republic of Korea and Western Samoa, the band 68-74 MHz is also allocated to the broadcasting service on a primary basis.

S5.177 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Estonia, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 73-74 MHz is also allocated to the broadcasting service on a primary basis, subject to agreement obtained under No. S9.21.

S5.178 Additional allocation: in Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Guyana, Honduras and Nicaragua, the band 73-74.6 MHz is also allocated to the fixed and mobile services on a secondary basis.

S5.179 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, China, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Mongolia, Kyrgyzstan, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the bands 74.6-74.8 MHz and 75.2-75.4 MHz are also allocated to the aeronautical radionavigation service, on a primary basis, for ground-based transmitters only.

S5.180 The frequency 75 MHz is assigned to marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guardband to stations of other services which, because of their power or geographical position, might cause harmful interference or otherwise place a constraint on marker beacons.

Every effort should be made to improve further the characteristics of airborne receivers and to limit the power of transmitting stations close to the limits 74.8 MHz and 75.2 MHz.

S5.181 Additional allocation: in Germany, Austria, Cyprus, Denmark, Egypt, France, Greece, Israel, Italy, Japan, Jordan, Lebanon, Malta, Morocco, Monaco, Norway, Syria, Sweden and Switzerland, the band 74.8-75.2 MHz is also allocated to the mobile service on a secondary basis, subject to agreement obtained under No. S9.21. In order to ensure that harmful interference is not caused to stations of the aeronautical radionavigation service, stations of the mobile service shall not be introduced in the band until it is no longer required for the aeronautical radionavigation service by any administration which may be identified in the application of the procedure invoked under No. S9.21.

S5.182 Additional allocation: in Western Samoa, the band 75.4-87 MHz is also allocated to the broadcasting service on a primary basis.

S5.183 Additional allocation: in China, the Republic of Korea, Japan, the Philippines and the Democratic People's Republic of Korea, the band 76-87 MHz is also allocated to the broadcasting service on a primary basis.

S5.184 Additional allocation: in Bulgaria and Romania, the band 76-87.5 MHz is also allocated to the broadcasting service on a primary basis and used in accordance with the decisions contained in the Final Acts of the Special Regional Conference (Geneva, 1960).

S5.185 Different category of service: in the United States, the French Overseas Departments in Region 2, Guayana, Jamaica, Mexico and Paraguay, the allocation of the band 76-88 MHz to the fixed and mobile services is on a primary basis (see No. S5.33).

S5.186 Alternative allocation: in Albania, the band 81-87.5 MHz is allocated to the broadcasting service on a primary basis and used in accordance with the decisions contained in the Final Acts of the Special Regional Conference (Geneva, 1960).

S5.187 Alternative allocation: in Australia, the band 85-87 MHz is allocated to the broadcasting service on a primary basis and used in accordance with the decisions contained in the Final Acts of the Special Regional Conference (Geneva, 1960).

S5.188 Additional allocation: in Australia, the band 85-87 MHz is also allocated to the land mobile service on a primary basis. The introduction of the broadcasting service in Australia is subject to special agreements between the administrations concerned.

S5.189 Additional allocation: in Monaco, the band 85-87 MHz is also allocated to the land mobile service on a primary basis, subject to agreement obtained under No. S9.21.

S5.190 Additional allocation: in China and the Republic of Korea, the bands 100-108 MHz is also allocated to the fixed and mobile services on a primary basis.

S5.191 Additional allocation: in Azerbaijan, Lebanon, Syria, Kyrgyzstan, Somalia and Turkmenistan, the band 104-108 MHz is also
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allocated to the mobile, except aeronautical mobile (R), service on a secondary basis.

S5.197 Additional allocation: in Germany, Austria, Cyprus, Denmark, Egypt, France, Israel, Japan, Jordan, Lebanon, Malta, Morocco, Monaco, Norway, Pakistan, Syria, and Sweden, the band 108-111.975 MHz is also allocated to the mobile service on a secondary basis, subject to agreement obtained under No. S9.21. In order to ensure that harmful interference is not caused to stations of the aeronautical radionavigation service, stations of the mobile service shall not be introduced in the band until it is no longer required for the aeronautical radionavigation service by any administration which may be identified in the application of the procedures invoked under No. S9.21.

S5.198 Additional allocation: the band 117.975-136 MHz is also allocated to the aeronautical mobile-satellite (R) service on a secondary basis, subject to agreement obtained under No. S9.21.

S5.199 The bands 121.45-121.55 MHz and 242.95-243.05 MHz are also allocated to the mobile-satellite service for the reception on board satellites of emissions from emergency position-indicating radiobeacons transmitting at 121.5 MHz and 243 MHz (see Appendix S13).

S5.200 In the band 117.975-136 MHz, the frequency 121.5 MHz is the aeronautical emergency frequency and, where required, the frequency 123.1 MHz is the aeronautical frequency auxiliary to 121.5 MHz. Mobile stations of the maritime mobile service may communicate on these frequencies under the conditions laid down in Article S31 and Appendix S13 for distress and safety purposes with stations of the aeronautical mobile service.

S5.201 Additional allocation: in Angola, Armenia, Azerbaijan, Belarus, Bulgaria, Estonia, Georgia, Hungary, the Islamic Republic of Iran, Iraq, Japan, Kazakhstan, Latvia, Moldova, Mongolia, Mozambique, Uzbekistan, Papua New Guinea, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 137-138 MHz is allocated to the mobile-satellite service on a primary basis (see No. S5.33).

S5.202 Additional allocation: in Australia, Armenia, Azerbaijan, Belarus, Bulgaria, United Arab Emirates, Georgia, the Islamic Republic of Iran, Jordan, Kazakhstan, Latvia, Moldova, Oman, Uzbekistan, Poland, Syria, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan, Turkey and Ukraine, the band 137-138 MHz is also allocated to the aeronautical mobile (OR) service on a primary basis. In assigning frequencies to stations of the aeronautical mobile (OR) service, the administration shall take account of the frequencies assigned to stations in the aeronautical mobile (R) service.

S5.203 In the band 136-137 MHz, existing operational meteorological satellites may continue to operate, under the conditions defined in No. S4.4 with respect to the aeronautical mobile service, until 1 January 2002. Administrations shall not authorize new frequency assignments in this band to stations in the meteorological-satellite service.

S5.203A Additional allocation: in Israel, Mauritania, Qatar and Zimbabwe, the band 136-137 MHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services on a secondary basis until 1 January 2005.

S5.204 Different category of service: in Afghanistan, Saudi Arabia, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, China, Cuba, the United Arab Emirates, India, Indonesia, the Islamic Republic of Iran, Iraq, Malaysia, Oman, Pakistan, Philippines, Qatar, Singapore, Sri Lanka, Thailand, Yemen and Yugoslavia, the band 137-138 MHz is allocated to the fixed and mobile, except aeronautical mobile (R), services on a primary basis (see No. S5.33).

S5.205 Different category of service: in Israel and Jordan, the allocation of the band 137-138 MHz to the fixed and mobile, except aeronautical mobile, services is on a primary basis (see No. S5.33).

S5.206 Different category of service: in Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Egypt, Finland, France, Georgia, Greece, Hungary, Kazakhstan, Lebanon, Moldova, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Syria, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 137-138 MHz to the aeronautical mobile (OR) service is on a primary basis (see No. S5.33).

S5.207 Additional allocation: in Australia, the band 137-144 MHz is also allocated to the broadcasting service on a primary basis until that service can be accommodated within regional broadcasting allocations.

S5.208 The use of the band 137-138 MHz by the mobile-satellite service is subject to coordination under No. S9.11A.

S5.209A In making assignments to space stations in the mobile-satellite service in the bands 137-138 MHz, 387-390 MHz and 400.15-403 MHz, administrations shall take all practicable steps to protect the radio astronomy service in the bands 150.05-153 MHz, 222-225 MHz, 406-410 MHz and 608-614 MHz from
harmful interference from unwanted emissions. The threshold levels of interference detrimental to the radio astronomy service are shown in Table 1 of Recommendation ITU-R RA.283.

S.5.209 The use of the bands 137-138 MHz, 146-150 MHz, 399.9-400.05 MHz, and 400.05-401 MHz by the mobile-satellite service is limited to non-geostationary-satellite systems.

S.5.210 Additional allocation: in Austria, France, Italy, Liechtenstein, Slovakia, the Czech Republic, the United Kingdom and Switzerland, the bands 138-143.6 MHz and 143.65-144 MHz are also allocated to the space research service (space-to-Earth) on a secondary basis.

S.5.211 Additional allocation: in Germany, Saudi Arabia, Austria, Bahrain, Belgium, Bosnia and Herzegovina, Denmark, the United Arab Emirates, Spain, Finland, Greece, Ireland, Israel, Kenya, Kuwait, The Former Yugoslav Republic of Macedonia, Liechtenstein, Luxembourg, Mali, Malta, Norway, the Netherlands, Qatar, the United Kingdom, Slovenia, Somalia, Sweden, Switzerland, Tanzania, Tunisia, Turkey and Yugoslavia, the band 138-144 MHz is also allocated to the maritime mobile and land mobile services on a primary basis.

S.5.212 Alternative allocation: in Angola, Botswana, Burundi, Cameroon, the Central African Republic, the Congo, Gabon, Gambia, Ghana, Guinea, Iraq, Jordan, Lesotho, Liberia, Libya, Malawi, Mozambique, Namibia, Nigeria, Oman, Dem. Rep. of the Congo, Rwanda, Sierra Leone, South Africa, Swaziland, Chad, Togo, Zaire, Zambia and Zimbabwe, the band 138-144 MHz is also allocated to the fixed and mobile services on a primary basis.

S.5.213 Additional allocation: in China, the band 138-144 MHz is also allocated to the radiolocation service on a primary basis.

S.5.214 Additional allocation: in Bosnia and Herzegovina, Croatia, Eritrea, Ethiopia, Kenya, The Former Yugoslav Republic of Macedonia, Malta, Slovenia, Somalia, Sudan, Tanzania and Yugoslavia, the band 138-144 MHz is also allocated to the fixed service on a primary basis.

S.5.214 Alternative allocation: in Afghanistan, Bangladesh, Cuba, Guyana and India, the band 146-148 MHz is allocated to the fixed and mobile services on a primary basis.

S.5.215 Additional allocation: the band 148-149 MHz is also allocated to the space operation service (Earth-to-space) on a primary basis, subject to agreement obtained under No. S9.21. The bandwidth of any individual transmission shall not exceed ±5 kHz.

S.5.216 The use of the band 148-149 MHz by the mobile-satellite service is subject to coordination under No. S9.11A. The mobile-satellite service shall not constrain the development and use of the fixed, mobile and space operation services in the band 148-149.9 MHz.

S.5.217 Additional allocation: in China, the band 146-148 MHz is also allocated to the aeronautical mobile (OR) service on a secondary basis.

S.5.218 Alternative allocation: in Afghanistan, Bangladesh, Cuba, Guyana and India, the band 146-148 MHz is allocated to the fixed and mobile services on a primary basis.

S.5.219 Additional allocation: the band 148-149.9 MHz is also allocated to the space operation service (Earth-to-space) on a primary basis, subject to agreement obtained under No. S9.21. The bandwidth of any individual transmission shall not exceed ±5 kHz.

S.5.220 The use of the bands 149.9-150.05 MHz and 399.9-400.05 MHz by the mobile-satellite service is subject to coordination under No. S9.11A. The mobile-satellite service shall not constrain the development and use of the radiolocation-satellite service in the bands 149.9-150.05 MHz and 399.9-400.05 MHz.

S.5.221 Stations of the mobile-satellite service in the band 148-149.9 MHz shall not cause harmful interference to, or claim protection from, stations of the fixed or mobile services operating in accordance with the Table of Frequency Allocations in the following countries: Albania, Algeria, Germany, Saudi Arabia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Cameroon, China, Cyprus, Congo, the Republic of Korea, Croatia, Cuba, Denmark, Egypt, the United Arab Emirates, Eritrea, Spain, Estonia, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guinea, Guinea Bissau, Hungary, India, the Islamic Republic of Iran, Ireland, Iceland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, The Former Yugoslav Republic of Macedonia, Lebanon, Libya, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Moldova, Mongolia, Mozambique, Namibia, Norway, New Zealand, Oman, Uganda, Uzbekistan, Pakistan, Panama, Papua New Guinea, Paraguay, the Netherlands, Philippines, Poland, Portugal, Qatar, Syria, Kyrgyzstan, Slovakia, Romania, the United Kingdom, Russian Federation, Senegal, Sierra Leone, Singapore, Slovenia, Sri Lanka, South Africa, Sweden, Switzerland, Swaziland, Tanzania, Chad, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Vietnam, Yemen, Yugoslavia, Zambia, and Zimbabwe.

S.5.222 Emissions of the radionavigation-satellite service in the bands 149.9-150.05 MHz and 399.9-400.05 MHz may also be used by receiving earth stations of the space research service.

S.5.223 Recognizing that the use of the band 149.9-150.05 MHz by the fixed and mobile services may cause harmful interference to the radionavigation-satellite service, administrations are urged not to authorize such use in application of No. S4.4. The use of the bands 149.9-150.05 MHz and 399.9-400.05 MHz by the mobile-satellite service (Earth-to-space) is limited to the land mobile-satellite service (Earth-to-space) until 1 January 2015.
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S5.224 Additional allocation: the allocation of the bands 149.9-150.05 MHz and 399.9-400.05 MHz to the radiodetermination-satellite service shall be effective until 1 January 2015.

S5.225 Additional allocation: in Australia and India, the band 150.05-153 MHz is also allocated to the radio astronomy service on a primary basis.

S5.226 The frequency 156.8 MHz is the international distress, safety and calling frequency for the maritime mobile VHF radiotelephone service. The conditions for the use of this frequency are contained in Article S31 and Appendix S13.

In the bands 156-156.7625 MHz, 156.8375-157.45 MHz, 160.6-160.975 MHz and 161.475-162.05 MHz, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by the administration (see Articles S31 and S52, and Appendix S13).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiocommunication service.

However, the frequency 156.8 MHz and the frequency bands in which priority is given to the maritime mobile service may be used for radiocommunications on inland waterways subject to agreement between interested and affected administrations and taking into account current frequency usage and existing agreements.

S5.227 In the maritime mobile VHF service the frequency 156.525 MHz is to be used exclusively for digital selective calling for distress, safety and calling. The conditions for the use of this frequency are prescribed in Articles S31 and S52, and Appendices S13 and S18.

S5.229 Alternative allocation: in Morocco, the band 162-174 MHz is allocated to the broadcasting service on a primary basis. The use of this band shall be subject to agreement with administrations having services, operating or planned, in accordance with the Table which are likely to be affected. Stations in existence on 1 January 1981, with their technical characteristics as of that date, are not affected by such agreement.

S5.230 Additional allocation: in China, the band 163-167 MHz is also allocated to the space operation service (space-to-Earth) on a primary basis, subject to agreement obtained under No. S9.21. These services shall not cause harmful interference to, or claim protection from, existing or planned broadcasting stations.

S5.231 Additional allocation: in Japan, the band 167-174 MHz is also allocated to the broadcasting service on a primary basis. The introduction of the broadcasting service into this band shall be subject to agreement with the neighboring countries in Region 3 whose services are likely to be affected.

S5.232 Additional allocation: in Japan, the band 170-174 MHz is also allocated to the broadcasting service on a primary basis.

S5.233 Additional allocation: in China, the band 174-184 MHz is also allocated to space research (space-to-Earth) and the space operation (space-to-Earth) services on a primary basis, subject to agreement obtained under No. S9.21. These services shall not cause harmful interference to, or claim protection from, existing or planned broadcasting stations.

S5.234 Different category of service: in Mexico, the allocation of the band 174-216 MHz to the fixed and mobile services is on a primary basis (see No. S5.33).

S5.235 Additional allocation: in Germany, Austria, Belgium, Denmark, Spain, Finland, France, Israel, Italy, Liechtenstein, Malta, Monaco, Norway, the Netherlands, the United Kingdom, Sweden and Switzerland, the band 174-223 MHz is also allocated to the land mobile service on a primary basis. However, the stations of the land mobile service shall not cause harmful interference to, or claim protection from, broadcasting stations, existing or planned, in countries other than those listed in this footnote.

S5.237 Additional allocation: in the Congo, Eritrea, Ethiopia, Gambia, Guinea, Libya, Malawi, Mali, Senegal, Sierra Leone, Somalia, Tanzania and Zimbabwe, the band 174-223 MHz is also allocated to the fixed and mobile services on a secondary basis.

S5.238 Additional allocation: in Bangladesh, India, Pakistan and the Philippines, the band 200-216 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.240 Additional allocation: in China and India, the band 216-223 MHz is also allocated to the aeronautical radionavigation service on a primary basis and to the radiolocation service on a secondary basis.

S5.241 In Region 2, no new stations in the radiolocation service may be authorized in the band 216-225 MHz. Stations authorized prior to 1 January 1990 may continue to operate on a secondary basis.

S5.242 Additional allocation: in Canada, the band 216-220 MHz is also allocated to the land mobile service on a primary basis.

S5.243 Additional allocation: in Somalia, the band 216-225 MHz is also allocated to the aeronautical radionavigation service on a primary basis, subject to not causing harmful interference to existing or planned broadcasting services in other countries.

S5.245 Additional allocation: in Japan, the band 222-223 MHz is also allocated to the aeronautical radionavigation service on a primary basis and to the radiolocation service on a secondary basis.

S5.246 Additional allocation: in Spain, France, Israel and Monaco, the band 223-230 MHz is allocated to the broadcasting and land mobile services on a primary basis (see...
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No. S5.33 on the basis that, in the preparation of frequency plans, the broadcasting service shall have prior choice of frequencies; and allocated to the fixed and mobile services, except land mobile, on a second basis. However, the stations of the land mobile service shall not cause harmful interference to, or claim protection from, existing or planned broadcasting stations in Morocco and Algeria.

S5.247 Additional allocation: in Saudi Arabia, Bahrain, the United Arab Emirates, Jordan, Oman, Qatar and Syria, the band 223-235 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.250 Additional allocation: in China, the band 225-235 MHz is also allocated to the radio astronomy service on a secondary basis.

S5.251 Additional allocation: in Nigeria, the band 230-235 MHz is also allocated to the aeronautical radionavigation service on a primary basis, subject to agreement obtained under No. S9.21.

S5.252 Alternative allocation: in Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, the bands 230-236 MHz and 246-254 MHz are allocated to the broadcasting service on a primary basis, subject to agreement obtained under No. S9.21.

S5.254 The bands 235-322 MHz and 335.4-399.9 MHz may be used by the mobile-satellite service, subject to agreement obtained under No. S9.21, on condition that stations in this service do not cause harmful interference to those of other services operating or planned to be operated in accordance with the Table of Frequency Allocations.

S5.255 The bands 312-315 MHz (Earth-to-space) and 367-390 MHz (space-to-Earth) in the mobile-satellite service may also be used by non-geostationary-satellite systems. Such use is subject to coordination under No. S9.11A.

S5.256 The frequency 243 MHz is the frequency in this band for use by survival craft stations and equipment used for survival purposes (see Appendix S13).

S5.257 The band 267-272 MHz may be used by administrations for space telemetry in their countries on a primary basis, subject to agreement obtained under No. S9.21.

S5.258 The use of the band 328.6-394.4 MHz by the aeronautical radionavigation service is limited to Instrument Landing Systems (glide path).

S5.259 Additional allocation: in Germany, Austria, Cyprus, the Republic of Korea, Denmark, Egypt, Spain, France, Greece, Israel, Italy, Japan, Jordan, Malta, Morocco, Monaco, Norway, the Netherlands, Syria and Sweden, the band 355.6-355.4 MHz is also allocated to the mobile service on a secondary basis, subject to agreement obtained under No. S9.21. In order to ensure that harmful interference is not caused to stations of the aeronautical radionavigation service, stations of the mobile service shall not be introduced in the band until it is no longer required for the aeronautical radionavigation service by any administration which may be identified in the application of the procedure invoked under No. S9.21.

S5.260 Recognizing that the use of the band 399.9-400.05 MHz by the fixed and mobile services may cause harmful interference to the radionavigation satellite service, administrations are urged not to authorize such use in application of No. S4.4.

S5.261 Emissions shall be confined in a band of ±25 kHz about the standard frequency 400.1 MHz.

S5.262 Additional allocation: in Saudi Arabia, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Bulgaria, Colombia, Costa Rica, Cuba, Egypt, the United Arab Emirates, Ecuador, Estonia, Georgia, Hungary, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kazakhstan, Kuwait, Libya, Malaysia, Moldova, Nigeria, Uzbekistan, Pakistan, the Philippines, Qatar, Syria, Kyrgyzstan, Slovakia, Romania, Russian Federation, Singapore, Somalia, Sri Lanka, Tajikistan, Turkmenistan, Ukraine and Yugoslavia, the band 400.05-401 MHz is also allocated to the fixed and mobile services on a primary basis.

S5.263 The band 400.15-401 MHz is also allocated to the space research service in the space-to-space direction for communications with manned space vehicles. In this application, the space research service will not be regarded as a safety service.

S5.264 The use of the band 400.15-401 MHz by the mobile-satellite service is subject to coordination under No. S9.11A. The power flux-density limit indicated in Annex 1 of Appendix S5 shall apply until such time as a competent world radiocommunication conference revises it.

S5.265 The use of the band 406-406.1 MHz by the mobile-satellite service is limited to low power satellite emergency position-indicating radiobeacons (see also Article S31 and Appendix S13).

S5.266 Any emission capable of causing harmful interference to the authorized uses of the band 406-406.1 MHz is prohibited.

S5.267 Use of the band 410-420 MHz by the space research service is limited to communications within a 5 km of an orbiting, manned space vehicle. The power flux-density at the surface of the Earth produced by emissions from extra-vehicular activities shall not exceed −153 dB(W/m²) for 0° ≤ ϕ ≤ 5°, −153 + 0.077 (δ − 5) dB(W/m²) for 5° ≤ ϕ ≤ 70° and −148 dB(W/m²) for 70° ≤ ϕ ≤ 90°, where δ is the angle of arrival of the radio-frequency wave and the reference bandwidth is 4 kHz. No. S4.10 does not apply to extra-vehicular activities. In this frequency band the space research
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(space-to-space) service shall not claim protection from, nor constrain the use and development of, stations of the fixed and mobile services.

S.5.269  Different category of service: in Australia, the United States, India, Japan and the United Kingdom, the allocation of the bands 420–430 MHz and 440–450 MHz to the radiolocation service is on a primary basis (see No. S.5.33).

S.5.270  Additional allocation: in Australia, the United States, Jamaica and the Philippines, the bands 420–430 MHz and 440–450 MHz are also allocated to the amateur service on a secondary basis.

S.5.271  Additional allocation: in Azerbaijan, Belarus, China, Estonia, India, Latvia, Lithuania, Kyrgyzstan, Turkmenistan and Ukraine, the band 420–460 MHz is also allocated to the aeronautical radionavigation service (radio altimeters) on a secondary basis.

S.5.272  Different category of service: in France, the allocation of the band 430–434 MHz to the amateur service is on a secondary basis (see No. S.5.32).

S.5.273  Different category of service: in Denmark, Libya and Norway, the allocation of the bands 430–432 MHz and 438–440 MHz to the radiolocation service is on a secondary basis (see No. S.5.32).

S.5.274  Alternative allocation: in Denmark, Norway and Sweden, the bands 430–432 MHz and 438–440 MHz are allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S.5.275  Additional allocation: in Bosnia and Herzegovina, Croatia, Estonia, Finland, Latvia, The Former Yugoslav Republic of Macedonia, Libya, Slovenia and Yugoslavia, the bands 430–432 MHz and 438–440 MHz are also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S.5.276  Additional allocation: in Afghanistan, Algeria, Saudi Arabia, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Burundi, Egypt, the United Arab Emirates, Ecuador, Eritrea, Ethiopia, Greece, Guinea, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Italy, Jordan, Kenya, Kuwait, Lebanon, Libya, Liechtenstein, Malaya, Malta, Nigeria, Oman, Pakistan, the Philippines, Qatar, Syria, Democratic People’s Republic of Korea, Singapore, Somalia, Switzerland, Tanzania, Thailand, Togo, Turkey and Yemen, the band 430–440 MHz is also allocated to the fixed service on a primary basis and the bands 430–435 MHz and 438–440 MHz are also allocated to the mobile, except aeronautical mobile, service on a primary basis.

S.5.277  Additional allocation: in Angola, Armenia, Azerbaijan, Belarus, Cameroon, the Congo, Djibouti, Gabon, Georgia, Hungary, Kazakhstan, Latvia, Mali, Moldova, Mongolia, Uzbekistan, Pakistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Rwanda, Tajikistan, Chad, Turkmenistan and Ukraine, the band 430–440 MHz is also allocated to the fixed service on a primary basis.

S.5.278  Different category of service: in Argentina, Colombia, Costa Rica, Cuba, Guyana, Honduras, Panama and Venezuela, the allocation of the band 430–440 MHz to the amateur service is on a primary basis (see No. S.5.33).

S.5.279  Additional allocation: in Mexico, the bands 430–435 MHz and 438–440 MHz are also allocated on a primary basis to the land mobile service, subject to agreement obtained under No. S.9.21.

S.5.280  In Germany, Austria, Bosnia and Herzegovina, Croatia, The Former Yugoslav Republic of Macedonia, Liechtenstein, Portugal, Slovenia, Switzerland and Yugoslavia, the band 433.05–434.79 MHz (centre frequency 433.92 MHz) is designated for industrial, scientific and medical (ISM) applications. Radiocommunication services of these countries operating within this band must accept harmful interference which may be caused by these applications. ISM equipment operating in this band is subject to the provisions of No. S.15.13.

S.5.281  Additional allocation: in the French Overseas Departments in Region 2 and India, the band 433.75–434.25 MHz is also allocated to the space operation service (Earth-to-space) on a primary basis. In France and in Brazil, the band is allocated to the same service on a secondary basis.

S.5.282  In the bands 435–438 MHz, 1260–1270 MHz, 2400–2450 MHz, 3400–3410 MHz (in Regions 2 and 3 only) and 5650–5670 MHz, the amateur-satellite service may operate subject to not causing harmful interference to other services operating in accordance with the Table (see No. S.5.43). Administrations authorizing such use shall ensure that any harmful interference caused by emissions from a station in the amateur-satellite service is immediately eliminated in accordance with the provisions of No. S.25.11. The use of the bands 1260–1270 MHz and 5650–5670 MHz by the amateur-satellite service is limited to the Earth-to-space direction.

S.5.283  Additional allocation: in Austria, the band 438–440 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S.5.284  Additional allocation: in Canada, the band 440–450 MHz is also allocated to the amateur service on a secondary basis.

S.5.285  Different category of service: in Canada, the allocation of the band 440–450 MHz to the radiolocation service is on a primary basis (see No. S.5.33).

S.5.286  The band 440.75–450.25 MHz may be used for the space operation service (Earth-to-space) and the space research service (Earth-to-space), subject to agreement obtained under No. S.9.21.
S5.286A The use of the bands 454–456 MHz and 459–460 MHz by the mobile-satellite service is subject to coordination under No. S9.1A.

S5.286B The use of the band 454–455 MHz in the countries listed in No. S5.286D, 455–456 MHz and 459–460 MHz in Region 2, and 454–456 MHz and 459–460 MHz in the countries listed in No. S5.286E, by stations in the mobile-satellite service, shall not cause harmful interference to, or claim protection from, stations of the fixed or mobile services operating in accordance with the Table of Frequency Allocations.

S5.286C The use of the band 454–455 MHz in the countries listed in No. S5.286D, 455–456 MHz and 459–460 MHz in Region 2, and 454–456 MHz and 459–460 MHz in the countries listed in No. S5.286E, by stations in the mobile-satellite service, shall not constrain the development and use of the fixed and mobile services operating in accordance with the Table of Frequency Allocations.

S5.286D Additional allocation: in Canada, the United States, Mexico and Panama, the band 454–455 MHz is also allocated to the mobile-satellite service (Earth-to-space) on a primary basis.

S5.286E Additional allocation: in Cape Verde, Indonesia, Nepal, Nigeria and Papua New Guinea, the bands 454–456 MHz and 459–460 MHz are also allocated to the mobile-satellite (Earth-to-space) service on a primary basis.

S5.287 In the maritime mobile service, the frequencies 457.525 MHz, 457.550 MHz, 457.575 MHz, 467.525 MHz, 467.550 MHz and 467.575 MHz may be used by on-board communication stations. Where needed, equipment designed for 12.5 kHz channel spacing using also the additional frequencies 457.5375 MHz, 457.5625 MHz, 457.575 MHz and 457.625 MHz may be introduced for on-board communications. The use of these frequencies in territorial waters may be subject to the national regulations of the administration concerned. The characteristics of the equipment used shall conform to those specified in Recommendation ITU-R M.1174 (see Resolution 341 (WRC–97)).

S5.288 In the territorial waters of the United States and the Philippines, the preferred frequencies for use by on-board communication stations shall be 457.525 MHz, 457.550 MHz, 457.575 MHz and 457.625 MHz, respectively, with 457.750 MHz, 457.775 MHz, 457.800 MHz and 457.825 MHz. The characteristics of the equipment used shall conform to those specified in Recommendation ITU-R M.1174.

S5.289 Earth exploration-satellite service applications, other than the meteorological-satellite service, may also be used in the bands 460–470 MHz and 1690–1710 MHz for space-to-Earth transmissions subject to not causing harmful interference to stations operating in accordance with the Table.

S5.290 Different category of service: in Afghanistan, Armenia, Azerbaijan, Belarus, China, Japan, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 460–470 MHz to the meteorological-satellite service (space-to-Earth) is on a primary basis (see No. S5.33) subject to agreement obtained under No. S9.21.

S5.291 Additional allocation: in China, the band 470–485 MHz is also allocated to the space research (space-to-Earth) and the space operation (space-to-Earth) services on a primary basis subject to agreement obtained under No. S9.21 and subject to not causing harmful interference to existing and planned broadcasting stations.

S5.292 Different category of service: in Mexico and Venezuela, the allocation of the band 470–512 MHz to the fixed and mobile services, and in Argentina and Uruguay to the mobile service, is on a primary basis (see No. S5.33) subject to agreement obtained under No. S9.21.

S5.293 Different category of service: in Chile, Colombia, Cuba, the United States, Guyana, Honduras, Jamaica, Mexico and Panama, the allocation of the bands 470–512 MHz and 604–606 MHz to the fixed and mobile services is on a primary basis (see No. S5.33) subject to agreement obtained under No. S9.21.

S5.294 Additional allocation: in Burundi, Cameroon, the Congo, Ethiopia, Israel, Kenya, Lebanon, Libya, Malawi, Senegal, Sudan, Syria, and Yemen, the band 470–582 MHz is also allocated to the fixed service on a secondary basis.

S5.295 Different category of service: in Germany, Austria, Belgium, Cyprus, Denmark, Spain, Finland, France, Ireland, Israel, Italy, Libya, Malta, Morocco, Monaco, Norway, the Netherlands, Portugal, Syria, the United Kingdom, Sweden, Switzerland, Swaziland and Tunisia, the band 470–730 MHz is also allocated on a secondary basis to the land mobile service, intended for applications ancillary to broadcasting. Stations of the land mobile service in the countries listed in this footnote shall not cause harmful interference to existing or planned stations operating in accordance with the Table of Frequency Allocations in countries other than those listed in this footnote.

S5.296 Additional allocation: in Germany, Austria, Belgium, Cyprus, Denmark, Spain, Finland, France, Ireland, Israel, Italy, Libya, Malta, Morocco, Monaco, Norway, the Netherlands, Portugal, Syria, the United Kingdom, Sweden, Switzerland, Swaziland and Tunisia, the band 470–730 MHz is also allocated on a secondary basis to the land mobile service, intended for applications ancillary to broadcasting. Stations of the land mobile service in the countries listed in this footnote shall not cause harmful interference to existing or planned stations operating in accordance with the Table of Frequency Allocations in countries other than those listed in this footnote.

S5.297 Additional allocation: in Costa Rica, Cuba, El Salvador, the United States, Guatemala, Guyana, Honduras, Jamaica, Mexico and Venezuela, the band 512–608 MHz is also
allocated to the fixed and mobile services on a primary basis, subject to agreement obtained under No. S9.21.

S5.301 Additional allocation: in India, the band 540.75±550.25 MHz is also allocated to the space operation service (space-to-Earth) on a secondary basis.

S5.300 Additional allocation: in Israel, Libya, Syria and Sudan, the band 592-790 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a secondary basis.

S5.302 Additional allocation: in the United Kingdom, the band 590-596 MHz is also allocated to the aeronautical radionavigation service on a primary basis. All new assignments to stations in the aeronautical radio-navigation service, including those transferred from the adjacent bands, shall be subject to coordination with the Administrations concerned and those having services, operating in accordance with the Table, which may be limited to transmissions from aircraft stations and the use of the band 849±851 MHz is limited to operation within national boundaries. However, stations of the mobile service in the countries mentioned in connection with each band referred to in this footnote shall not cause harmful interference to, or claim protection from, services operating in accordance with the Table in countries other than those mentioned in connection with the band.

S5.303 Additional allocation: in Region 2 (except Brazil and the United States), the band 806-890 MHz is also allocated to the mobile-satellite, except aeronautical mobile-satellite (R), service on a primary basis, subject to agreement obtained under No. S9.21. The use of this service is intended for operation within national boundaries.

S5.304 Additional allocation: in Canada, the United States and Mexico, the bands 849-851 MHz and 894-896 MHz are also allocated to the aeronautical mobile service on a primary basis, for public correspondence with aircraft. The use of the band 849-851 MHz is limited to transmissions from aeronautical stations and the use of the band 894-896 MHz is limited to transmissions from aircraft stations.

S5.305 Additional allocation: in Belarus, Russian Federation and Ukraine, the bands 806-840 MHz (Earth-to-space) and 856-890 MHz (space-to-Earth) are also allocated to the mobile-satellite, except aeronautical mobile-satellite (R), service. The use of these bands by this service shall not cause harmful interference to, or claim protection from, services in other countries operating in accordance with the Table of Frequency Allocations and is subject to special agreements between the administrations concerned.

S5.306 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Latvia, Lithuania, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 685-862 MHz is also allocated to the aeronautical radionavigation service on a primary basis.

S5.307 Additional allocation: in Austria, Italy, Uzbekistan, the United Kingdom and Swaziland, the band 790-832 MHz is also allocated to the land mobile service on a secondary basis.

S5.308 Additional allocation: in Greece, Italy, Morocco and Tunisia, the band 790-838 MHz is allocated to the broadcasting service on a primary basis.

S5.309 Different category of service: in Costa Rica, El Salvador and Honduras, the allocation of the band 624-686 MHz to the fixed service is on a primary basis (see No. S5.33), subject to agreement obtained under No. S9.21.

S5.310 In Region 1, except in the African Broadcasting Area (see Nos. S5.10 to S5.13), the band 606-614 MHz is also allocated to the radio astronomy service on a primary basis.

S5.311 Within the frequency band 620-790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions 33 (Rev. WRC-97) and 507). Such stations shall not produce a power flux-density in excess of the value—129 dB(W/m2) for angles of arrival less than 20° (see Recommendation 705) within the territories of other countries without the consent of the administrations of those countries.

S5.312 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Latvia, Lithuania, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 685-862 MHz is also allocated to the aeronautical radionavigation service on a primary basis.
boundaries. In seeking such agreement, appropriate protection shall be afforded to services operating in accordance with the Table, to ensure that no harmful interference is caused to such services.

S.5.321 Alternative allocation: in Italy, the band 838-854 MHz is allocated to the broadcasting service on a primary basis as from 1 January 1996.

S.5.322 In Region 1, in the band 862-960 MHz, stations of the broadcasting service shall be operated only in the African Broadcasting Area (see Nos. S.5.10 to S.5.13) excluding Algeria, Egypt, Spain, Libya, Morocco, Nigeria, South Africa, Tanzania and Zimbabwe, subject to agreement obtained under No. S.9.21.

S.5.323 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Hungary, Kazakhstan, Latvia, Moldova, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 862-960 MHz is also allocated to the aeronautical radionavigation service on a primary basis. Such use is subject to agreement obtained under No. S.9.21 with administrations concerned and limited to ground-based radiobeacons in operation on 27 October 1997 until the end of their lifetime.

S.5.325 Different category of service: in the United States, the allocation of the band 890-942 MHz to the radiolocation service is on a primary basis (see No. S.5.33), subject to agreement obtained under No. S.9.21.

S.5.326 Different category of service: in Chile, the band 903-905 MHz is allocated to the mobile, except aeronautical mobile, service on a primary basis, subject to agreement obtained under No. S.9.21.

S.5.327 Different category of service: in Australia, the allocation of the band 915-928 MHz to the radiolocation service is on a primary basis (see No. S.5.33).

S.5.328 The band 960-1215 MHz is reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

S.5.329 Use of the radionavigation-satellite service in the band 1215-1260 MHz shall be subject to the condition that no harmful interference is caused to the radionavigation service authorized under No. S.5.331.

S.5.330 Additional allocation: in Angola, Saudi Arabia, Bahrain, Bangladesh, Cameroon, China, the United Arab Emirates, Eritrea, Ethiopia, Guyana, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Libya, Morocco, Mozambique, Nepal, Nigeria, Pakistan, the Philippines, Qatar, Syria, Somalia, Sudan, Sri Lanka, Chad, Togo and Yemen, the band 1215-1300 MHz is also allocated to the fixed and mobile services on a primary basis.

S.5.331 Additional allocation: in Algeria, Germany, Austria, Bahrain, Belgium, Benin, Bosnia and Herzegovina, Burundi, Cameroon, China, Croatia, Denmark, the United Arab Emirates, France, Greece, India, the Islamic Republic of Iran, Iraq, Kenya, The Former Yugoslav Republic of Macedonia, Liechtenstein, Luxembourg, Mali, Mauritania, Norway, Oman, Pakistan, the Netherlands, Portugal, Qatar, Senegal, Slovenia, Somalia, Sudan, Sri Lanka, Sweden, Switzerland, Turkey and Yugoslavia, the band 1215-1300 MHz is also allocated to the radionavigation service on a primary basis.

S.5.332 In the band 1215-1300 MHz, active spaceborne sensors in the earth exploration-satellite and space research services shall not cause harmful interference to, claim protection from, or otherwise impose constraints on operation or development of the radiolocation service, the radionavigation-satellite service and other services allocated on a primary basis.

S.5.333 In the bands 1215-1300 MHz, 3100-3300 MHz, 5250-5350 MHz, 8550-8650 MHz, 9500-9800 MHz and 13.4-14.0 GHz, radiolocation stations installed on spacecraft may also be employed for the earth exploration-satellite and space research services on a secondary basis. (SUP—WRC—97)

S.5.334 Additional allocation: in Canada and the United States, the bands 1240-1300 MHz and 1350-1370 MHz are also allocated to the aeronautical radionavigation service on a primary basis.

S.5.335 In Canada and the United States in the band 1240-1300 MHz, active spaceborne sensors in the earth exploration-satellite and space research services shall not cause interference to, claim protection from, or otherwise impose constraints on operation or development of the aeronautical radionavigation service.

S.5.336 The use of the bands 1300-1350 MHz, 2700-2900 MHz and 9000-9200 MHz by the aeronautical radionavigation service is restricted to ground-based radars and to associated airborne transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

S.5.337 In Azerbaijan, Bulgaria, Mongolia, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Turkmenistan and Ukraine, existing installations of the radionavigation service may continue to operate in the band 1350-1400 MHz.

S.5.338 The bands 1370-1400 MHz, 2640-2655 MHz, 4960-4990 MHz and 15.20-15.35 GHz are also allocated to the space research (passive) and earth exploration-satellite (passive) services on a secondary basis.

S.5.340 All emissions are prohibited in the following bands:

- 1400-1427 MHz, 2690-2700 MHz, except those provided for by Nos. S.5.421 and S.5.422, 10.68-10.7 GHz, except those provided for by
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No. S5.483. In Region 2, the use of the band 1400–1727 MHz, 101–120 GHz and 197–220 GHz, passive research is being conducted by some countries in a programme for the search for intentional emissions of extraterrestrial origin.

S5.342 Additional allocation: in Belarus, Russian Federation and Ukraine, the band 1429–1535 MHz is also allocated to the aeronautical mobile service on a primary basis exclusively for the purposes of aeronautical telemetry within the national territory. As of 1 April 2007, the use of the band 1452–1492 MHz is subject to agreement between the administrations concerned.

S5.343 In Region 2, the use of the band 1435–1535 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile service.

S5.344 Alternative allocation: in the United States, the band 1452–1525 MHz is allocated to the fixed and mobile services on a primary basis (see also No. S5.343).

S5.345 Use of the band 1452–1492 MHz by the broadcasting-satellite service, and by the broadcasting service, is limited to digital audio broadcasting and is subject to the provisions of Resolution 528 (WARC-92).

S5.347 Different category of service: in Bangladesh, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cuba, Denmark, Egypt, Greece, Ireland, Italy, Jordan, Kenya, Mozambique, Portugal, Sri Lanka, Swaziland, Yemen, Yugoslavia and Zimbabwe, the allocation of the band 1452–1492 MHz to the broadcasting-satellite service and the broadcasting service is on a secondary basis until 1 April 2007.

S5.348 The use of the band 1 402–1 525 MHz by the mobile-satellite service is subject to coordination under No. S9.11A. However, no coordination threshold in Article S2.1 for space stations of the mobile-satellite service with respect to terrestrial services shall apply to the situation referred to in No. S5.343. With respect to the situation referred to in No. S5.343, the requirement for coordination in the band 1492–1525 MHz will be determined by band overlap.

2The allocation to the earth exploration-satellite service (passive) and the space research service (passive) in the band 50.2–50.4 GHz should not impose undue constraints on the use of the adjacent bands by the primary allocated services in those bands.

S5.348A In the band 1 402–1 525 MHz, the coordination threshold in terms of the power flux-density levels at the surface of the Earth in application of No. S9.11A for space stations in the mobile-satellite (space-to-Earth) service, with respect to the land mobile service use for specialized mobile radios or used in conjunction with public switched telecommunication networks (PSTN) operating within the territory of Japan, shall be—150 dB(W/m²) in any 4 kHz band for all angles of arrival, instead of those given in Table S5-2 of Appendix S5. The above threshold level of the power flux-density shall apply until it is changed by a competent world radiocommunication conference.

S5.349 Additional allocation: in Saudi Arabia, Azerbaijan, Kyrgyzstan, Turkmenistan and Ukraine, the band 1525–1530 MHz is allocated to the mobile service, service is on a primary basis (see No. S5.33).

S5.350 Different category of service: in Russia, Turkmenistan, and Ukraine, the band 1525–1530 MHz is also allocated to the aeronautical mobile service on a primary basis.

S5.351 The bands 1525–1544 MHz, 1545–1559 MHz, 1626.5–1645.5 MHz and 1646.5–1660.5 MHz shall not be used for feeder links of any service in exceptional circumstances, however, an earth station at a specified fixed point in any of the mobile-satellite services may be authorized by an administration to communicate via space stations using these bands.

S5.352A In the band 1525–1530 MHz, stations in the mobile-satellite service, except stations in the maritime mobile-satellite service, shall not cause harmful interference to, or claim protection from, stations of the fixed service in France and French overseas territories in Region 3, Algeria, Saudi Arabia, Egypt, Guinea, India, Israel, Italy, Jordan, Kuwait, Mali, Malta, Morocco, Mauritania, Nigeria, Oman, Pakistan, Philippines, Qatar, Syria, Tanzania, Viet Nam and Yemen notified prior to 1 April 1998.

S5.353A In applying the procedures of No. S9.11A to the mobile-satellite service in the bands 1530–1544 MHz and 1626.5–1645.5 MHz, priority shall be given to accommodating the spectrum requirements for distress, urgency and safety communications of the Global Maritime Distress and Safety System (GMDSS). Maritime mobile-satellite distress, urgency and safety communications shall have priority access and immediate availability or all other mobile satellite communications operating within a network.
Mobile-satellite systems shall not cause unacceptable interference to, or claim protection from, distress, urgency and safety communications of the GMDSS. Account shall be taken of the priority of safety-related communications in the other mobile-satellite services. (See Resolution 218 (WRC-97).) The use of the bands 1525-1599 MHz and 1626.5-1660.5 MHz by the mobile-satellite services is subject to coordination under No. S9.11A.

Additional allocation: in Bahrain, Bangladesh, the Congo, Egypt, the United Arab Emirates, Eritrea, Ethiopia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Malta, Morocco, Oman, Qatar, Syria, Somalia, Sudan, Sri Lanka, Chad, Togo, Yemen and Zambia, the bands 1540-1545 MHz and 1646.5-1660 MHz are also allocated to the fixed service on a secondary basis.

The use of the band 1544-1545 MHz by the mobile-satellite service (space-to-Earth) is limited to distress and safety communications (see Article S31). Transmissions in the band 1545-1555 MHz from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links. In applying the procedures of No. S9.11A to the mobile-satellite service in the bands 1545-1555 MHz and 1646.5-1660.5 MHz, priority shall be given to accommodating the spectrum requirements of the aeronautical mobile-satellite (R) service providing transmission of messages with priority 1 to 6 in Article S44. Aeronautical mobile-satellite (R) service communications with priority 1 to 6 in Article S44 shall have priority access and immediate availability, by pre-emption if necessary, over all other mobile-satellite communications operating within a network. Mobile-satellite systems shall not cause unacceptable interference to, or claim protection from, aeronautical mobile-satellite communications operating in the other mobile-satellite services.

The use of the band 1610-1626.5 MHz by the mobile-satellite service (Earth-to-space) and by the radiodetermination-satellite service (Earth-to-space) is subject to coordination under No. S9.11! A mobile earth station operating in either of the services in this band shall not produce a peak e.i.r.p. density in excess of 15 dB(4 kHz) in the part of the band used by systems operating in accordance with the provisions of No. S5.366 (to which No. S4.10 applies), unless otherwise agreed by the affected administrations. In the part of the band where such systems are not operating, the mean e.i.r.p. density of a mobile earth station shall not exceed 3 dB(W/4 kHz). Stations of the mobile-satellite service shall not claim protection from stations in the aeronautical radio-navigation service, stations operating in accordance with the provisions of No. S5.366 and stations in the fixed service operating in accordance with the provisions of No. S5.359. Administrations responsible for the coordination of mobile-satellite networks shall make all practicable efforts to ensure protection of stations operating in accordance with the provisions of No. S5.366. The use of the band 1613.8-1626.5 MHz by the mobile-satellite service (space-to-Earth) is subject to coordination under No. S9.11A.

The band 1610-1626.5 MHz is reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities. Such satellite use is subject to agreement obtained under No. S9.21. Additional allocation: The bands 1610-1626.5 MHz and 5000-5150 MHz are also allocated to the aeronautical mobile-satellite (R) service on a primary basis, subject to agreement obtained under No. S9.21.
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S5.368 With respect to the radiodetermination-satellite and mobile-satellite services the provisions of No. S4.10 do not apply in the band 1610-1626.5 MHz, with the exception of the aeronautical radionavigation-satellite service.

S5.369 Different category of service: in Angola, Australia, Burundi, China, Cote d’Ivoire, Eritrea, Ethiopia, India, the Islamic Republic of Iran, Israel, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Pakistan, Papua New Guinea, Dem. Rep. of the Congo, Syria, Senegal, Sudan, Swaziland, Togo and Zambia, the allocation of the band 1610-1626.5 MHz to the radiodetermination-satellite service (Earth-to-space) is on a primary basis (see No. S5.33), subject to agreement obtained under No. S9.21 from countries not listed in this provision.

S5.370 Different category of service: in Venezuela, the allocation to the radiodetermination-satellite service in the band 1610-1626.5 MHz (Earth-to-space) is on a secondary basis.

S5.371 Additional allocation: In Region 1, the bands 1610-1626.5 MHz (Earth-to-space) and 2483.5-2500 MHz (space-to-Earth) are also allocated to the radiodetermination-satellite service on a secondary basis, subject to agreement obtained under No. S9.21.

S5.372 Harmful interference shall not be caused to stations of the radio astronomy service using the band 1610.6-1613.8 MHz by stations of the radiodetermination-satellite and mobile-satellite services (No. S39.13 applies).

S5.374 Mobile earth stations in the mobile-satellite service operating in the bands 1631.5-1634.5 MHz and 1656.5-1660 MHz shall not cause harmful interference to stations in the fixed service operating in the countries listed in No. S5.39.

S5.375 The use of the band 1645.5-1646.5 MHz by the mobile-satellite service (Earth-to-space) and for inter-satellite links is limited to distress and safety communications (see Article S32).

S5.376 Transmissions in the band 1646.5-1656.5 MHz from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

S5.376A Mobile earth stations operating in the band 1660.5-1668.4 MHz shall not cause harmful interference to stations in the radio astronomy service.

S5.377 In the band 1675-1710 MHz, stations in the mobile-satellite service shall not cause harmful interference to, nor constrain the development of, the meteorological-satellite and meteorological aids services (see Resolution 213 (Rev. WRC-95)) and the use of this band shall be subject to coordination under No. S9.11A.

S5.379 Additional allocation: in Bangladesh, India, Indonesia, Nigeria and Pakistan, the band 1660.5-1668.4 MHz is also allocated to the meteorological aids service on a secondary basis.

S5.379A Administrations are urged to give all practicable protection in the band 1660.5-1668.4 MHz for future research in radio astronomy, particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1664.4-1668.4 MHz as soon as practicable.

S5.380 The bands 1670-1675 MHz and 1800-1805 MHz are intended for use, on a world-wide basis, by administrations wishing to implement aeronautical public correspondence. The use of the band 1670-1675 MHz by stations in the systems for public correspondence with aircraft is limited to transmissions from aeronautical stations and the use of the band 1800-1805 MHz is limited to transmissions from aircraft stations.

S5.381 Additional allocation: in Afghanistan, Costa Rica, Cuba, India, the Islamic Republic of Iran, Malaysia, Pakistan and Sri Lanka, the band 1690-1700 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.382 Different category of service: in Saudi Arabia, Armenia, Austria, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Bulgaria, the Congo, Egypt, the United Arab Emirates, Eritrea, Ethiopia, Guinea, Hungary, Iraq, Israel, Jordan, Kazakhstan, Kuwait, the Former Yugoslav Republic of Macedonia, Lebanon, Mauritania, Moldova, Mongolia, Oman, Uzbekistan, Poland, Qatar, Syria, Kyrgyzstan, Romania, Russian Federation, Somalia, Tajikistan, Tanzania, Turkmenistan, Ukraine, Yemen and Yugoslavia, the allocation of the band 1690-1700 MHz to the fixed and mobile, except aeronautical mobile, services is on a primary basis (see No. S5.33) and in the Democratic People’s Republic of Korea, the allocation of the band 1690-1700 MHz to the fixed service is on a primary basis (see No. S5.39) and to the mobile, except aeronautical mobile, service on a secondary basis.

S5.384 Additional allocation: in India, Indonesia and Japan, the band 1700-1710 MHz is also allocated to the space research service (space-to-Earth) on a primary basis.

S5.385 Additional allocation: the bands 1718.8-1722.2 MHz, 150-151 GHz, 174.42-175.02 GHz, 177-177.4 GHz, 178.2-178.6 GHz, 181-181.46 GHz, 182.2-186.6 GHz and 257.5-258 GHz are also allocated to the radio astronomy service on a secondary basis for spectral line observations.

S5.386 Additional allocation: the band 1750-1850 MHz is also allocated to the space operation (Earth-to-space) and space research (Earth-to-space) services in Region 2, in Australia, India, Indonesia and Japan on a primary basis, subject to agreement obtained under No. S9.21, having particular regard to troposcatter systems.
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S5.387 Additional allocation: in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Mali, Mongolia, Uzbekistan, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russia, Tajikistan, Turkmenistan and Ukraine, the band 1770-1790 MHz is also allocated to the meteorological-satellite service on a primary basis, subject to agreement obtained in accordance with Resolution 716 (WRC-95).

S5.388 The bands 1885-2025 MHz and 2110-2200 MHz are intended for use, on a worldwide basis, by administrations wishing to implement International Mobile Telecommunications-2000 (IMT-2000). Such use does not preclude the use of these bands by other services to which they are allocated. The bands should be made available for IMT-2000 in accordance with Resolution 212 (Rev. WRC-97).

S5.389 The use of the bands 1980-2010 MHz and 2170-2200 MHz by the mobile-satellite service is subject to coordination under No. S9.11A and to the provisions of Resolution 716 (WRC-95). The use of these bands shall not commence before 1 January 2000; however the use of the band 1980-1990 MHz in Region 2 shall not commence before 1 January 2005.

S5.390 The use of the bands 1980-1990 MHz by the mobile-satellite service shall not cause harmful interference to or constrain the development of the fixed and mobile services in Argentina, Brazil, Canada, Chile, Ecuador, the United States, Honduras, Jamaica, Mexico, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

S5.391 The use of the bands 2010-2025 MHz and 2160-2170 MHz in Region 2 by the mobile-satellite service shall not commence before 1 January 2002 and is subject to coordination under No. S9.11A and to the provisions of Resolution 716 (WRC-95).

S5.392 The use of the bands 2010-2025 MHz and 2160-2170 MHz by the mobile-satellite service shall not commence before 1 January 2000.

S5.393 The use of the bands 2010-2025 MHz and 2160-2170 MHz by the mobile-satellite service in Region 2 shall not cause harmful interference to or constrain the development of the fixed and mobile services in Regions 1 and 3.

S5.394 In Algeria, Benin, Cape Verde, Egypt, Mali, Syria and Tunisia, the use of the bands 1980-2010 MHz and 2170-2200 MHz by the mobile-satellite service shall neither cause harmful interference to the fixed and mobile services, nor hamper the development of those services prior to 1 January 2005, nor shall the former service request protection from the latter services.

S5.395 In Argentina, Brazil, Chile, Colombia, Cuba, Ecuador and Suriname, the use of the bands 2010-2025 MHz and 2160-2170 MHz by the mobile-satellite services shall not cause harmful interference to stations in the fixed and mobile services before 1 January 2005.

After this date, the use of these bands is subject to coordination under No. S9.11A and to the provisions of Resolution 716 (WRC-95).

S5.396 In making assignments to the mobile service in the bands 2025-2110 MHz and 2200-2290 MHz, administrations shall not introduce high-density mobile systems, as described in Recommendation ITU-R SM.1545, and shall take that Recommendation into account for the introduction of any other type of mobile system.

S5.397 Administrations are urged to take all practicable measures to ensure that space-to-space transmissions between two or more non-geostationary satellites, in the space research, space operations and Earth exploration-satellite services in the bands 2025-2110 MHz and 2200-2290 MHz, shall not impose any constraints on Earth-to-space, space-to-Earth and other space-to-space transmissions of those services and in those bands between geostationary and non-geostationary satellites.

For the purpose of implementing International Mobile Telecommunications-2000 (IMT-2000), administrations are urged to take all practicable measures to ensure that space-to-space transmissions between two or more non-geostationary satellites, in the space research, space operations and Earth exploration-satellite services in the bands 2025-2110 MHz and 2200-2290 MHz, shall not impose any constraints on Earth-to-space, space-to-Earth and other space-to-space transmissions of those services and in those bands between geostationary and non-geostationary satellites.

S5.398 In the United States, India and Mexico, the band 2310-2360 MHz is also allocated to the broadcasting-satellite service (sound) and complementary terrestrial sound broadcasting service on a primary basis. Such use is limited to digital audio broadcasting and is subject to the provisions of Resolution 528 (WARC-92).

S5.399 In the United States, the use of the band 2300-2390 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile services. In Canada, the use of the band 2300-2483.5 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile services.

S5.400 In France, the use of the band 2310-2360 MHz by the aeronautical mobile service for telemetry has priority over other uses by the mobile service.

S5.401 Space stations of the broadcasting-satellite service in the band 2320-2360 MHz operating in accordance with No. S5.393 that may affect the services to which this band is allocated in other countries shall be coordinated and notified in accordance with Resolution 33 (Rev. WRC-97). Complementary terrestrial broadcasting stations shall be subject to bilateral coordination with neighbouring countries prior to their bringing into use.

S5.402 Different category of service: in France, the band 2450-2500 MHz is allocated on a primary basis to the radiolocation service (see No. S5.33). Such use is subject to
agreement with administrations having services operating or planned to operate in accordance with the Table of Frequency Allocations which may be affected.

S5.399 In respect of the radiodetermination-satellite service in the band 2483.5-2500 MHz, the provisions of No. 5.4 vary do not apply.

S5.400 In Region 1, in countries other than those listed in No. S5.401, harmful interference shall not be caused to, or protection shall not be claimed from, stations of the radiodetermination service by stations of the radiodetermination satellite service.

S5.401 Different category of service: in Angola, Australia, Bangladesh, Burundi, China, Eritrea, Ethiopia, India, the Islamic Republic of Iran, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Pakistan, Papua New Guinea, Dem. Rep. of the Congo, Syria, Sudan, Swaziland, Togo and Zambia, the allocation of the band 2483.5-2500 MHz to the radiodetermination-satellite service (space-to-Earth) is on a primary basis (see No. S5.39), subject to agreement obtained under No. S9.21 from countries not listed in this provision.

S5.402 The use of the band 2483.5-2500 MHz by the mobile-satellite and the radiodetermination-satellite services is subject to the coordination under No. S9.11A. Administrations are urged to take all practicable steps to prevent harmful interference to the radio astronomy service from emissions in the 2483.5-2500 MHz band, especially those caused by second-harmonic radiation that would fall into the 4990-5000 MHz band allocated to the radio astronomy service worldwide.

S5.403 Subject to agreement obtained under No. S9.21, the band 2500-2520 MHz (until 1 January 2005 the band 2500-2535 MHz) may also be used for the mobile-satellite (space-to-Earth), except aeronautical mobile-satellite, service for operation limited to within national boundaries, subject to agreement obtained under No. S9.21.

S5.404 Additional allocation: in India and the Islamic Republic of Iran, the band 2500-2535 MHz may also be used for the radiodetermination-satellite service (space-to-Earth) for operation limited to within national boundaries, subject to agreement obtained under No. S9.21.

S5.405 Additional allocation: in France, the band 2500-2500 MHz is also allocated to the radiodetermination service on a primary basis. Such use is subject to agreement with the administrations having services operating or planned to operate in accordance with the Table which may be affected.

S5.407 The power flux-density at the surface of the Earth from space stations operating in the mobile-satellite (space-to-Earth) service shall not exceed 11 dB (W/m²/4 kHz) in Argentina, unless otherwise agreed by the administrations concerned.

S5.408 Additional allocation: in the United Kingdom, the band 2500-2600 MHz is also allocated to the radiolocation service on a secondary basis.

S5.409 Administrations shall make all practicable efforts to avoid developing new tropospheric scatter systems in the band 2500-2690 MHz.

S5.410 The band 2500-2690 MHz may be used for tropospheric scatter systems in Region 1, subject to agreement obtained under No. S9.21.

S5.411 When planning new tropospheric scatter radio-relay links in the band 2500-2690 MHz, all possible measures shall be taken to avoid directing the antennae of these links towards the geostationary-satellite orbit.

S5.412 Alternative allocation: in Azerbaijan, Bulgaria, Kyrgyzstan, Turkmenistan and Ukraine, the band 2500-2690 MHz is allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis.

S5.413 In the design of systems in the broadcasting-satellite service in the bands between 2500 MHz and 2690 MHz, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2600-2700 MHz.

S5.414 The allocation of the frequency band 2500-2520 MHz to the mobile-satellite service (space-to-Earth) shall be effective on 1 January 2005 and is subject to coordination under No. S9.11A.

S5.415 The use of the bands 2500-2690 MHz in Region 2 and 2500-2535 MHz and 2655-2690 MHz in Region 3 by the fixed-satellite service is limited to national and regional systems, subject to agreement obtained under No. S9.21, giving particular attention to the broadcasting-satellite service in Region 1. In the direction space-to-Earth, the power flux-density at the Earth’s surface shall not exceed the values given in Article S21, Table S21-4.

S5.416 The use of the band 2500-2670 MHz by the broadcasting-satellite service is limited to national and regional systems for community reception, subject to agreement obtained under No. S9.21. The power flux-density at the Earth’s surface shall not exceed the values given in Article S21, Table S21-4.

S5.417 Alternative allocation: in Germany and Greece, the band 2500-2670 MHz is allocated to the fixed service on a primary basis.

S5.418 Additional allocation: in Bangladesh, Belarus, China, Rep. of Korea, India, Japan, and Greece, the band 2520-2670 MHz is also allocated to the fixed service on a primary basis.
S.5.419 The allocation of the frequency band 2670±2690 MHz to the mobile-satellite service shall be effective from 1 January 2005. When introducing systems of the mobile-satellite service in this band, administrations shall take all necessary steps to protect the satellite systems operating in this band prior to 3 March 1992. The coordination of mobile-satellite systems in the band shall be in accordance with No. S9.11A.

S.5.420 The band 2655-2670 MHz (until 1 January 2005 the band 2655-2690 MHz) may also be used for the mobile-satellite (Earth-to-space), except aeronautical mobile-satellite, service for operation limited to within national boundaries, subject to agreement obtained under No. S9.11A. The coordination under No. S9.11A applies.

S.5.420A Additional allocation: in Japan, subject to agreement obtained under No. S9.21, the band 2670-2690 MHz may also be used for the aeronautical mobile-satellite service (Earth-to-space) for operation limited to within its national boundary from 1 January 2000.

S.5.421 In Germany and Austria, the band 2690-2695 MHz is also allocated to the fixed service on a primary basis. Such use is limited to equipment in operation by 1 January 1985.

S.5.422 Additional allocation: in Saudi Arabia, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Brunei Darussalam, the Central African Republic, the Congo, Cote d'Ivoire, Cuba, Egypt, the United Arab Emirates, Eritrea, Ethiopia, Gabon, Georgia, Guinea, Guinea-Bissau, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kazakhstan, Lebanon, Malaysia, Mali, Morocco, Mauritania, Moldova, Mongolia, Nigeria, Oman, Pakistan, the Philippines, Qatar, Syria, Kyrgyzstan, Dem Rep. of the Congo, Romania, Russian Federation, Somalia, Tajikistan, Tunisia, Turkmenistan, Ukraine, Yemen, Yugoslavia and Zambia, the band 2690-2700 MHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis. Such use is limited to equipment in operation by 1 January 1985.

S.5.423 In the band 2700-2900 MHz, ground-based radars used for meteorological purposes are authorized to operate on a basis of equality with stations of the aeronautical radionavigation service.

S.5.424 Additional allocation: in Canada, the band 2850-2900 MHz is also allocated to the maritime radionavigation service, on a primary basis, for use by shore-based radars.

S.5.425 In the band 2900-2950 MHz, the use of the shipborne interrogator-transponder system (SIT) shall be confined to the sub-band 2900-2950 MHz.

S.5.426 The use of the band 2900-3100 MHz by the aeronautical radionavigation service is limited to ground-based radars.

S.5.427 Additional allocation: in Azerbaijan, Bulgaria, Cuba, Kazakhstan, Mongolia, Poland, Kyrgyzstan, Romania, Turkmenistan and Ukraine, the band 3100-3300 MHz is also allocated to the radionavigation service on a primary basis.

S.5.428 Additional allocation: in Saudi Arabia, Bahrain, Bangladesh, Brunei Darussalam, China, the Congo, the Republic of Korea, the United Arab Emirates, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Pakistan, Qatar, Syria, Democratic People's Republic of Korea and Yemen, the band 3300-3400 MHz is also allocated to the fixed and mobile services on a primary basis. The countries bordering the Mediterranean shall not claim protection for their fixed and mobile services from the radiolocation service.

S.5.430 Additional allocation: in Azerbaijan, Bulgaria, Cuba, Mongolia, Poland, Kyrgyzstan, Romania, Turkmenistan and Ukraine, the band 3400-3475 MHz is also allocated to the radionavigation service on a primary basis.

S.5.431 Additional allocation: in Germany, Israel, Nigeria and the United Kingdom, the band 3400-3475 MHz is also allocated to the amateur service on a secondary basis.

S.5.432 Different category of service: in the Republic of Korea, Indonesia, Japan and Pakistan, the allocation of the band 3400-3500 MHz to the mobile, except aeronautical mobile, service is on a primary basis (see No. S5.33).

S.5.433 In Regions 2 and 3, in the band 3400-3600 MHz the radiolocation service is allocated on a primary basis. However, all administrations operating radiolocation systems in this band are urged to cease operations by 1985. Thereafter, administrations shall take all practicable steps to protect the fixed-satellite service and coordination requirements shall not be imposed on the fixed-satellite service.

S.5.435 In Japan, in the band 3620-3700 MHz, the radiolocation service is excluded.
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S5.437 Additional allocation: in Germany and Norway, the band 4200–4210 MHz is also allocated to the fixed service on a secondary basis.

S5.438 Use of the band 4200–4400 MHz by the aeronautical radionavigation service is reserved exclusively for radio altimeters installed on board aircraft and for the associated transponders on the ground. However, passive sensing in the earth exploration-satellite and space research services may be authorized in this band on a secondary basis (no protection is provided by the radio altimeters).

S5.439 Additional allocation: in China, the Islamic Republic of Iran and Libya, the band 4200–4400 MHz is also allocated to the fixed service on a secondary basis.

S5.440 The standard frequency and time signal-satellite service may be authorized to use the frequency 4202 MHz for space-to-Earth transmissions and the frequency 6427 MHz for Earth-to-space transmissions. Such transmissions shall be confined within the limits of ± 2 MHz of these frequencies, subject to agreement obtained under No. S9.21.

S5.441 The use of the bands 4500–4800 MHz (space-to-Earth), 6725–7025 MHz (Earth-to-space) by the fixed-satellite service shall be in accordance with the provisions of Appendix S30B. The use of the bands 10.7–10.95 GHz (space-to-Earth) and 11.2–11.45 GHz (Earth-to-space) by geostationary-satellite systems in the fixed-satellite service shall be in accordance with the provisions of Appendix S30B. The use of the bands 10.7–10.95 GHz (space-to-Earth), 11.2–11.45 GHz (space-to-Earth) and 12.75–13.25 GHz (Earth-to-space) by non-geostationary-satellite systems in the fixed-satellite service shall be in accordance with the provisions of Resolution 130 (WRC-97).

S5.442 In the bands 4825–4835 MHz and 4950–4990 MHz, the allocation to the mobile service is restricted to the mobile, except aeronautical mobile, service.

S5.443 Different category of service: in Argentina, Australia and Canada, the allocation of the bands 4825–4835 MHz and 4950–4990 MHz to the radio astronomy service is on a primary basis (see No. S5.33).

S5.444 The band 5000–5150 MHz is to be used for the operation of the international standard system (microwave landing system) for precision approach and landing. The requirements of this system shall take precedence over other uses of this band. For the use of this band, No. S5.444A and Resolution 114 (WRC-95) apply.

S5.444A Additional allocation: the band 5000–5150 MHz is also allocated to the fixed-satellite service (Earth-to-space) on a primary basis. This allocation is limited to feeder links of non-geostationary mobile-satellite systems and is subject to coordination under No. S9.11A.

In the band 5091–5150 MHz, the following conditions also apply:

—prior to 1 January 2010, the use of the band 5091–5150 MHz by feeder links of non-geostationary-satellite systems in the mobile-satellite service shall be made in accordance with Resolution 114 (WRC-95);

—prior to 1 January 2010, the requirements of existing and planned international standard systems for the aeronautical radionavigation service which cannot be met in the 5000–5091 MHz band, shall take precedence over other uses of this band—after 1 January 2008, no new assignments shall be made to stations providing feeder links of non-geostationary mobile-satellite systems;

—after 1 January 2010, the fixed-satellite service will become secondary to the aeronautical radionavigation service.

S5.446 Additional allocation: in the countries listed in Nos. S5.369 and S5.400, the band 5150–5216 MHz is also allocated to the radiodetermination-satellite service (space-to-Earth) on a primary basis, subject to agreement obtained under No. S9.21. In Region 2, the band is also allocated to the radiodetermination-satellite service (space-to-Earth) on a primary basis. In Regions 1 and 3, except those countries listed in Nos. S5.369 and S5.400, the band is also allocated to the radiodetermination-satellite service (space-to-Earth) on a secondary basis. The use by the radiodetermination-satellite service is limited to feeder links in conjunction with the radiodetermination-satellite service operating in the bands 1610–1626.5 MHz and/or 2483.5–2500 MHz. The total power flux-density at the Earth's surface shall in no case exceed –159 dBm2 in any 4 kHz band for all angles of arrival.

S5.447 Additional allocation: in Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Israel, Italy, Japan, Jordan, Lebanon, Liechtenstein, Luxembourg, Malta, Morocco, Norway, Pakistan, the Netherlands, Portugal, Syria, the United Kingdom, Sweden, Switzerland and Tunisia, the band 5150–5250 MHz is also allocated to the mobile service, on a primary basis, subject to agreement obtained under No. S9.21.

S5.447A The allocation to the fixed-satellite service (Earth-to-space) is limited to feeder links of non-geostationary-satellite systems in the mobile-satellite service and is subject to coordination under No. S9.11A.

S5.448B Additional allocation: the band 5150–5216 MHz is also allocated to the fixed-satellite service (space-to-Earth) on a primary basis. This allocation is limited to feeder links of non-geostationary-satellite systems in the mobile-satellite service and is subject to provisions of No. S9.11A. The power flux-density at the Earth's surface produced by space stations of the fixed-satellite service operating in the space-to-Earth
direction in the band 5150–5216 MHz shall in no case exceed – 164 dB(W/m²) in any 4 kHz band for all angles of arrival.

§ 5.447. Administrations responsible for fixed-satellite networks in the band 5150–5250 MHz operated under Nos. S.447A and S.447B shall coordinate on an equal basis with stations of the maritime mobile service on a secondary basis. The power limits specified in Nos. S.447A and S.447B shall apply to the land mobile service on a secondary basis. The power limits specified in Nos. S.447A and S.447B shall not claim protection from, and shall not cause harmful interference to, stations of the fixed-satellite service operated under Nos. S.447A and S.447B.

§ 5.447D. The allocation of the band 5250–5255 MHz to the space research service on a primary basis is limited to active spaceborne sensors. Other uses of the band by the space research service are on a secondary basis.

§ 5.448. Additional allocation: in Austria, Azerbaijan, Bulgaria, Hungary, Kazakstan, Mongolia, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Turkmenistan and Ukraine, the band 5250–5350 MHz is also allocated to the radionavigation service on a primary basis.

§ 5.448A. The use of the frequency band 5250–5350 MHz by the earth exploration-satellite (active) and space research (active) services shall not constrain the future development and deployment of the radiolocation service.

§ 5.448B. The earth exploration-satellite (active) service operating in the band 5300–5400 MHz shall not cause harmful interference to, or constrain the use and development of, the aeronautical radionavigation service.

§ 5.449 The use of the band 5350–5470 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

§ 5.450. Additional allocation: in Austria, Azerbaijan, Bulgaria, the Islamic Republic of Iran, Mongolia, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Turkmenistan and Ukraine, the band 5470–5650 MHz is also allocated to the aeronautical radionavigation service on a primary basis.


§ 5.452. Between 5600 MHz and 5650 MHz, ground-based radars used for meteorological purposes are authorized to operate on a basis of equality with stations of the maritime radionavigation service.

§ 5.453. Additional allocation: in Saudi Arabia, Bahrain, Bangladesh, Brunei Darussalam, Cameroon, the Central African Republic, China, the Congo, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Guinea, India, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Nigeria, Oman, Pakistan, the Philippines, Qatar, Syria, Democratic People's Republic of Korea, Singapore, Swaziland, Tanzania, Chad, and Yemen, the band 5650–5850 MHz is also allocated to the fixed and mobile services on a primary basis.

§ 5.454. Different category of service: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 5670–5725 MHz to the space research service is on a primary basis (see No. S.5.33).

§ 5.455 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Cuba, Georgia, Hungary, Kazakhstan, Latvia, Moldova, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Slovakia, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 5670–5850 MHz is also allocated to the fixed service on a primary basis.

§ 5.456 Additional allocation: in Germany and in Cameroon, the band 5755–5850 MHz is also allocated to the fixed service on a primary basis.

§ 5.458. In the band 6425–7075 MHz, passive microwave sensor measurements are carried out over the oceans. In the band 7075–7250 MHz, passive microwave sensor measurements are carried out. Administrations should bear in mind the needs of the Earth exploration-satellite (passive) and space research (passive) services in their future planning of the bands 6425–7025 MHz and 7075–7250 MHz.

§ 5.459A. In making assignments in the band 6700–7075 MHz to space stations of the fixed-satellite service, administrations are urged to take all practicable steps to protect spectral line observations of the radio astromony service in the band 6690–6675.2 MHz from harmful interference from unwanted emissions.

§ 5.459B. The space-to-Earth allocation to the fixed-satellite service in the band 6700–7075 MHz is limited to feeder links for non-geostationary satellite systems of the mobile-satellite service and is subject to coordination under No. S.9.11A. The use of the band 6700–7075 MHz (space-to-Earth) by feeder links for non-geostationary satellite systems in the mobile-satellite service is not subject to No. S.22.2.

§ 5.459C. Administrations making submissions in the band 7025–7075 MHz (Earth-to-space) for geostationary satellite systems in the fixed-satellite service after 17 November 1995 shall consult on the basis of relevant ITU-R Recommendations with the administrations that have notified and brought into use non-geostationary-satellite systems in this frequency band before 18 November 1995 upon request of the latter administrations.
This consultation shall be with a view to facilitating shared operation of both geostationary-satellite systems in the fixed-satellite service and non-geostationary-satellite systems in this band.

S.5.469 Additional allocation: in Russian Federation, the frequency bands 7100-7155 MHz and 7190-7235 MHz are also allocated to the space operation service (Earth-to-space) on a primary basis, subject to agreement obtained under No. S.9.21.

S.5.460 Additional allocation: the band 7145-7225 MHz is also allocated to the space research (Earth-to-space) service on a primary basis, subject to agreement obtained under No. S.9.21. The use of the band 7145-7190 MHz is restricted to deep space; no emissions to deep space shall be effected in the band 7190-7225 MHz.

S.5.461 Additional allocation: the bands 7250-7375 MHz (space-to-Earth) and 7900-8025 MHz (Earth-to-space) are also allocated to the mobile-satellite service on a primary basis, subject to agreement obtained under No. S.9.21.

S.5.461A The use of the band 7450-7550 MHz by the meteorological-satellite service (space-to-Earth) is limited to geostationary-satellite systems. Non-geostationary meteorological-satellite systems in this band notified before 30 November 1997 may continue to operate on a primary basis until the end of their lifetime.

S.5.461B The use of the band 7750-7850 MHz by the meteorological-satellite service (space-to-Earth) is limited to non-geostationary-satellite systems.

S.5.462A In Regions 1 and 3 (except for Japan), in the band 8025-9400 MHz, the earth exploration-satellite service using geostationary satellites shall not produce a power flux-density in excess of the following provisional values for angles of arrival (θ), without the consent of the affected administration:

\[ P(\theta) = \begin{cases} 
-174 \text{ dB(W/m}^2\text{)} & \text{in a } 4 \text{ kHz band for } 0^\circ \leq \theta < 5^\circ \\
-174 + 0.5 (\theta - 5) \text{ dB(W/m}^2\text{)} & \text{in a } 4 \text{ kHz band for } 5^\circ \leq \theta < 25^\circ \\
-164 \text{ dB(W/m}^2\text{)} & \text{in a } 4 \text{ kHz band for } 25^\circ \leq \theta \leq 90^\circ 
\end{cases} \]

These values are subject to study under Resolution 124 (WR-C-97).

S.5.463 Aircraft stations are not permitted to transmit in the band 8025-9400 MHz.

S.5.465 In the space research service, the use of the band 8400-8450 MHz is limited to deep space.

S.5.466 Different category of service: in Israel, Malaysia, Singapore and Sri Lanka, the allocation of the band 8400-8900 MHz to the space research service is on a secondary basis (see No. S.5.32).

S.5.467 Alternative allocation: in the United Kingdom, the band 8400-8500 MHz is allocated to the radiolocation and space research services on a primary basis.

S.5.468 Additional allocation: in Saudi Arabia, Bahrain, Bangladesh, Brunei Darussalam, Burundi, Cameroon, China, the Congo, Costa Rica, Egypt, the United Arab Emirates, Gabon, Guyana, Indonesia, the Islamic Republic of Iran, Iraq, Jamaica, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Morocco, Mauritania, Nepal, Nigeria, Oman, Pakistan, Qatar, Syria, Democratic People’s Republic of Korea, Senegal, Singapore, Somalia, Swaziland, Tanzania, Chad, Togo, Tunisia and Yemen, the band 8500-8750 MHz is also allocated to the fixed and mobile services on a primary basis.

S.5.469 Additional allocation: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Hungary, Kazakhstan, Lithuania, Moldova, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the band 8500-8750 MHz is also allocated to the land mobile and radionavigation services on a primary basis.

S.5.469A In the band 8550-8650 MHz, stations in the earth exploration-satellite service (active) and space research service (active) shall not cause harmful interference to, or constrain the use and development of, stations of the radiolocation service.

S.5.470 The use of the band 8750-8950 MHz by the aeronautical radionavigation service is limited to airborne Doppler navigation aids on a centre frequency of 8800 MHz.

S.5.471 Additional allocation: in Algeria, Germany, Bahrain, Belgium, China, the United Arab Emirates, France, Greece, Indonesia, the Islamic Republic of Iran, Libya, the Netherlands, Qatar and Sudan, the bands 8825-8850 MHz and 9000-9200 MHz are also allocated to the maritime radionavigation service, on a primary basis, for use by shore-based radars only.

S.5.472 In the bands 8850-9000 MHz and 9200-9225 MHz, the maritime radionavigation service is limited to shore-based radars.

S.5.473 Additional allocation: in Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Cuba, Georgia, Hungary, Kazakhstan, Moldova, Mongolia, Uzbekistan, Poland, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the bands 8850-9000 MHz and 9200-9300 MHz are also allocated to the radio-navigation service on a primary basis.

S.5.474 In the band 9200-9300 MHz, search and rescue transponders (SART) may be used, having due regard to the appropriate ITU-R Recommendation (see also Article S31).

S.5.475 The use of the band 9300-9500 MHz by the aeronautical radionavigation service is limited to airborne weather radars and ground-based radars. In addition, ground-based radar beacons in the aeronautical radionavigation service are permitted in the United States of America.
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band 9300-9220 MHz on condition that harmful interference is not caused to the maritime radionavigation service. In the band 9300-9500 MHz, ground-based radars used for meteorological purposes have priority over other radiolocation devices.

S5.476 In the band 9300-9320 MHz in the radionavigation service, the use of shipborne radars other than those existing on 1 January 1976, is not permitted until 1 January 2001.

S5.476A In the band 9500-9900 MHz, stations in the earth exploration-satellite service (active) and space research service (active) shall not cause harmful interference to, or constrain the use and development of, stations of the radionavigation and radiolocation services.

S5.477 Different category of service: in Algeria, Saudi Arabia, Austria, Bahrain, Bangladesh, Brunei Darussalam, Cameroon, the Republic of Korea, Egypt, the United Arab Emirates, Eritrea, Ethiopia, Guyana, India, Indonesia, the Islamic Republic of Iran, Iraq, jamaica, Japan, Jordan, Kuwait, Lebanon, Liberia, Malaysia, Nigeria, Oman, Pakistan, Qatar, Democratic People's Republic of Korea, Singapore, Somalia, Sudan, Sweden, Trinidad and Tobago, and Yemen, the allocations of the band 9800-10,000 MHz to the fixed service is on a primary basis (see No. S5.33).

S5.478 Additional allocation: in Azerbaijan, Bulgaria, Kazakhstan, Mongolia, Kyrgyzstan, Slovakia, the Czech Republic, Romania, Turkmenistan and Ukraine, the band 9800-10,000 MHz is also allocated to the radiolocation service on a primary basis.

S5.479 The band 9750-10,025 MHz is also allocated to the meteorological-satellite service on a secondary basis for use by weather radars.

S5.480 Additional allocation: in Brazil, Costa Rica, Ecuador, Guatemala, Honduras, and Mexico, the band 10-10.45 GHz is also allocated to the fixed and mobile services on a primary basis.

S5.481 Additional allocation: in Germany, Angola, China, Ecuador, Spain, Japan, Morocco, Nigeria, Oman, Democratic People's Republic of Korea, Sweden, Tanzania and Thailand, the band 10.45-10.5 GHz is also allocated to the fixed and mobile services on a primary basis.

S5.482 In the band 10.6-10.68 GHz, stations of the fixed and mobile, except aeronautical mobile, services shall be limited to a maximum equivalent isotropically radiated power of 40 dBW and the power delivered to the antenna shall not exceed –6 dBW. These limits may be exceeded subject to agreement obtained under No. S5.21. However, in Saudi Arabia, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, China, the United Arab Emirates, Georgia, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Moldova, Nigeria, Uzbekistan, Pakistan, the Philippines, Qatar, Syria, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the restrictions on the fixed and mobile, except aeronautical mobile, services are not applicable.

S5.483 Additional allocation: in Saudi Arabia, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, China, Colombia, the Republic of Korea, the United Arab Emirates, Georgia, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Lebanon, Moldova, Mongolia, Uzbekistan, Pakistan, Qatar, Kyrgyzstan, Democratic People's Republic of Korea, Romania, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Yemen and Yugoslavia, the band 10.68-10.7 GHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a primary basis. Such use is limited to equipment in operation by 1 January 1985.

S5.484 In Region 1, the use of the band 10.7-11.7 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service.

S5.484A The use of the bands 10.95-11.2 GHz (space-to-Earth), 11.45-11.7 GHz (space-to-Earth), 11.7-12.2 GHz (space-to-Earth) in Region 2, 12.2-12.75 GHz (space-to-Earth) in Region 3, 12.5-12.75 GHz (space-to-Earth) in Region 1, 13.75-14.5 GHz (Earth-to-space), 17.8-18.6 GHz (space-to-Earth), 19.7-20.2 GHz (space-to-Earth), 27.5-28.6 GHz (Earth-to-space), 29.5-30 GHz (Earth-to-space) by non-geostationary- and geostationary-satellite systems in the fixed-satellite service is subject to the provisions of Resolution 130 (WRC-97). The use of the band 17.8-18.1 GHz (space-to-Earth) by non-geostationary fixed-satellite service systems is also subject to the provisions of Resolution 538 (WRC-97).

S5.485 In Region 2, in the band 11.7-12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignments. With respect to the space services, this band shall be used principally for the fixed-satellite service.

S5.486 Different category of service: in Mexico and the United States, the allocation of the band 11.7-12.1 GHz to the fixed service is on a secondary basis (see No. S5.32).

S5.487 In the band 11.7-12.5 GHz in Regions 1 and 3, the fixed, fixed-satellite, mobile, except aeronautical mobile, and broadcasting services, in accordance with their respective allocations, shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the provisions of Appendix S5.
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S5.487A Additional allocation: in Region 1, the band 11.7–12.5 GHz, in Region 2, the band 12.2–12.7 GHz and, in Region 3, the band 11.7–12.2 GHz, are also allocated to the fixed-satellite service (space-to-Earth) on a primary basis, limited to non-geostationary systems and subject to the provisions of Resolution 338 (WRC-97).

S5.488 The use of the bands 11.7–12.2 GHz by the fixed-satellite service in Region 2 and 12.2–12.7 GHz by the broadcasting-satellite service in Region 2 is subject to previous agreement between the administrations concerned and those having services, operating or planned to operate in accordance with the Table, which may be affected (see Articles 59 and S11). For the use of the band 12.2–12.7 GHz by the broadcasting-satellite service in Region 2, see Appendix S30.

S5.489 Additional allocation: in Peru, the band 12.3–12.2 GHz is also allocated to the fixed service on a primary basis.

S5.490 In Region 2, in the band 12.2–12.7 GHz, existing and future terrestrial radiocommunication services shall not cause harmful interference to the space services, operating in conformity with this Plan. With respect to the space services, this band shall be used principally for the broadcasting-satellite service transmissions operating in conformity with this Plan. With respect to the space services, this band shall be used principally for the broadcasting-satellite service.

S5.491 Additional allocation: in Region 3, the band 12.2–12.5 GHz is also allocated to the fixed-satellite (space-to-Earth) service on a primary basis, limited to national and subregional systems. The power flux-density limits in Article S21, Table S21-4 shall apply to this frequency band. The introduction of the service in relation to the broadcasting-satellite service in Region 1 shall follow the procedures specified in Article 7 of Appendix S30, with the applicable frequency band extended to cover 12.2–12.5 GHz.

S5.492 Assignments to stations of the broadcasting-satellite service in conformity with the appropriate regional Plan in Appendix S30 may also be used for transmissions in the fixed-satellite service (space-to-Earth), provided that such transmissions do not cause more interference or require more protection from interference than the broadcasting-satellite service transmissions operating in conformity with this Plan. With respect to the space services, this band shall be used principally for the broadcasting-satellite service.

S5.493 The broadcasting-satellite service in the band 12.5–12.75 GHz in Region 3 is limited to a power flux-density not exceeding –111 dB (W/m²)/27 MHz for all conditions and for all methods of modulation at the edge of the service area.

S5.494 Additional allocation: in Algeria, Angola, Saudi Arabia, Bahrain, Brunei Darussalam, Cameroon, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Morocco, Mauritania, Nigeria, Pakistan, Qatar, Syria, Senegal, Singapore, Sudan, Chad and Tunisia, the band 13.4–14 GHz is also allocated to the fixed and mobile services on a primary basis.

S5.495 Additional allocation: in Bosnia and Herzegovina, Croatia, Denmark, France, Greece, Liechtenstein, Monaco, Norway, Portugal, Romania, Slovenia, Switzerland, Tanzania, Tunisia and Yugoslavia, the band 12.5–12.75 GHz is also allocated to the fixed and mobile, except aeronautical mobile, services on a secondary basis.

S5.496 Additional allocation: in Austria, Azerbaijan, Kyrgyzstan, Turkmenistan and Ukraine, the band 12.5–12.75 GHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service on a primary basis. However, stations in these services shall not cause harmful interference to fixed-satellite service earth stations of countries in Region 1 other than those listed in this footnote. Coordination of these earth stations is not required with stations of the fixed and mobile services of the countries listed in this footnote. The power flux-density limit at the Earth's surface given in Article S21, Table S21-4, for the fixed-satellite service shall apply on the territory of the countries listed in this footnote.

S5.497 The use of the band 13.25–13.4 GHz by the aeronautical radionavigation service is limited to Doppler navigation aids.

S5.498A The Earth exploration-satellite (active) and space research (active) services operating in the band 13.25–13.4 GHz shall not cause harmful interference to, or constrain the use and development of, the aeronautical radionavigation service.

S5.499 Additional allocation: in Bangladesh, India and Pakistan, the band 13.25–14 GHz is also allocated to the fixed service on a primary basis.

S5.500 Additional allocation: in Algeria, Angola, Saudi Arabia, Bahrain, Brunei Darussalam, Cameroon, the Republic of Korea, Egypt, the United Arab Emirates, Gabon, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Morocco, Mauritania, Nigeria, Pakistan, Qatar, Syria, Senegal, Singapore, Sudan, Chad and Tunisia, the band 13.4–14 GHz is also allocated to the fixed and mobile services on a primary basis.

S5.501 Additional allocation: in Austria, Azerbaijan, Bulgaria, Hungary, Japan, Mongolia, Kyrgyzstan, Romania, the United Kingdom, Turkmenistan and Ukraine, the band 13.4–14 GHz is also allocated to the radionavigation service on a primary basis.

S5.501A The allocation of the band 13.4–13.75 GHz to the space research service on a
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The use of the band 14-14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service.

The use of the band 14.5±14.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. Such use of feeder links is reserved for countries outside Europe.

The use of the band 14.5-14.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. This use is reserved for countries outside Europe.

The use of the band 14.5-14.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. This use is reserved for countries outside Europe.

The use of the band 14-14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service.

The use of the band 14-14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service.

The use of the band 14.5±14.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. Such use of feeder links is reserved for countries outside Europe.

The use of the band 14.5-14.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. This use is reserved for countries outside Europe.

The use of the band 14-14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service.

The use of the band 14-14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service.

The use of the band 14-14.3 GHz by the radionavigation service shall be such as to provide sufficient protection to space stations of the fixed-satellite service.
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limits which are detrimental to the radio astronomy service are given in Recommendation ITU-R RA.769-1. Special measures will need to be employed to protect the radio astronomy service from other services allocated on a primary basis. Additional allocation: in Algeria, Germany, Angola, Saudi Arabia, Austria, Bahrain, Bangladesh, Bosnia and Herzegovina, Cameroon, Costa Rica, El Salvador, the United Arab Emirates, Finland, Georgia, Ghana, Guatemala, Honduras, India, the Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Libya, Nepal, Nicaragua, Oman, Pakistan, Qatar, Slovenia, Sudan, Sweden and Yugoslavia, the band 17.3-17.7 GHz is also allocated to the fixed and mobile services on a secondary basis. The power limits given in Nos. 51.3 and 51.5 shall apply.

S.515 In the band 17.3-17.8 GHz, sharing between the fixed-satellite service (Earth-to-space) and the broadcasting-satellite service shall also be in accordance with the provisions of §1 of Annex 4 of Appendix S3A/30A.

S.516 The use of the band 17.3-18.1 GHz by geostationary-satellite systems in the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service. For the use of the band 17.3-17.8 GHz in Region 2 by feeder links for the broadcasting-satellite service in the band 12.2-12.7 GHz, see Article S11. The use of the bands 17.3-18.1 GHz (Earth-to-space) in Regions 1 and 3 and 17.8-18.1 GHz (Earth-to-space) in Region 2 by non-geostationary-satellite systems in the fixed-satellite service is subject to the provisions of Resolution 538 (WRC-97).

S.517 In Region 2, the allocation to the broadcasting-satellite service in the band 17.3-17.8 GHz shall come into effect on 1 April 2007. After that date, use of the fixed-satellite (space-to-Earth) service in the band 17.7-17.8 GHz shall not claim protection from and shall not cause harmful interference to operating systems in the broadcasting-satellite service.

S.518 Different category of service: in Region 2, the allocation of the band 17.7-17.8 GHz to the mobile service is on a primary basis until 31 March 2007.

S.519 Additional allocation: the band 18.1-18.3 GHz is also allocated to the meteorological-satellite service (space-to-Earth) on a primary basis. Its use is limited to geostationary satellites and shall be in accordance with the provisions of Article S21, Table S21-4.

S.520 The use of the band 18.1-18.4 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for the broadcasting-satellite service.

S.521 Alternative allocation: in Germany, Denmark, the United Arab Emirates, Greece, Slovakia and the Czech Republic, the band 18.1-18.4 GHz is allocated to the fixed, geostationary-satellite (space-to-Earth) and mobile services on a primary basis (see No. 55.39). The provisions of No. 55.519 also apply.

S.522 In making assignments to stations in the fixed and mobile services, administrations are invited to take account of passive sensors in the Earth-exploration satellite and space research services operating in the
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In the band 18.6-18.8 GHz. In this band, administrations should endeavour to limit as far as possible both the power delivered by the transmitter to the antenna and the e.i.r.p. in order to reduce the power flux-density at the Earth's surface in the band 18.6-18.8 GHz, in order to reduce the risk of interference to passive sensors in the earth exploration-satellite and space research services.

S5.523 The use of the bands 18.3-19.3 GHz (space-to-Earth) and 28.6-29.1 GHz (Earth-to-space) by geostationary and non-geostationary fixed-satellite service networks is subject to the application of the provisions of No. S9.11A and No. S22.2 does not apply. Administrations having geostationary-satellite networks under coordination prior to 18 November 1995 shall cooperate to the maximum extent possible to coordinate pursuant to No. S9.11A with non-geostationary-satellite networks for which notification information has been received by the Bureau prior to that date, with a view to reaching results acceptable to all the parties concerned. Non-geostationary-satellite networks shall not cause unacceptable interference to geostationary fixed-satellite service networks for which complete Appendix S4 coordination information is considered as having been received by the Bureau prior to 18 November 1995.

S5.523A The use of the bands 19.3-19.6 GHz (Earth-to-space) by the fixed-satellite service is limited to feeder links for non-geostationary-satellite systems in the mobile-satellite service. Such use is subject to the application of the provisions of No. S9.11A, and No. S22.2 does not apply.

S5.523C No. S22.2 of the Radio Regulations shall continue to apply in the bands 19.6-19.7 GHz and 29.4-29.5 GHz, between feeder links of non-geostationary mobile-satellite service networks and those fixed-satellite service networks for which complete Appendix S4 coordination information, or notification information, is considered as having been received by the Bureau by 21 November 1997.

S5.524 Additional allocation: in Afghanistan, Algeria, Angola, Saudi Arabia, Bahrain, Bangladesh, Brunei Darussalam, Cameroon, China, the Congo, the Republic of Korea, Costa Rica, Egypt, the United Arab Emirates, Gabon, Guatemala, Guinea, India, Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mali, Morocco, Mauritania, Nepal, Nigeria, Oman, Pakistan, the Philippines, Qatar, Dem. Rep. of the Congo, Syria, Democratic People's Republic of Korea, Singapore, Somalia, Sudan, Tanzania, Chad, Togo and Tunisia, the band 19.7-21.2 GHz is also allocated to the fixed and mobile services on a primary basis. This additional use shall not impose any limitation on the power flux-density of space stations in the fixed-satellite service in the band 19.7-21.2 GHz and of space stations in the mobile-satellite service in the band 19.7-20.2 GHz where the allocation to the mobile-satellite service is on a primary basis in the latter band.

S5.525 In order to facilitate interregional coordination between networks in the mobile-satellite and fixed-satellite services, carriers in the mobile-satellite service that are most susceptible to interference shall, to the extent practicable, be located in the higher parts of the bands 19.7-20.2 GHz and 29.5-30 GHz.

S5.526 In the bands 19.7-20.2 GHz and 29.5-30 GHz in Region 2, and in the bands 20.1-20.2 GHz and 29.9-30 GHz in Regions 1 and 3, networks which are both in the fixed-satellite service and in the mobile-satellite service may include links between earth stations at specified or unspecified points or while in motion, through one or more satellites for point-to-point and point-to-multipoint communications.

S5.527 In the bands 19.7-20.2 GHz and 29.5-30 GHz, the provisions of No. S4.10 do not apply with respect to the mobile-satellite service.

S5.528 The allocation to the mobile-satellite service is intended for use by networks which use narrow spot-beam antennas and other advanced technology at the space stations. Administrations operating systems in the mobile-satellite service in a band 19.7-20.1 GHz in Region 2 and in the band 20.1-20.2 GHz shall take all practicable steps to ensure the continued availability of these bands for administrations operating fixed
and mobile systems in accordance with the provisions of No. S.5.525.

S.5.529 The use of the bands 19.7-20.1 GHz and 29.5-29.9 GHz by the mobile-satellite service in Region 2 is limited to satellite networks which are both in the fixed-satellite service and in the mobile-satellite service as described in No. S.5.526.

S.5.530 In Regions 1 and 3, the allocation to the broadcasting-satellite service in the band 21.4-22 GHz shall come into effect on 1 April 2007. The use of this band by the broadcasting-satellite service after that date and on an interim basis prior to that date is subject to the provisions of Resolution 525 (WARC-92).

S.5.531 Additional allocation: in Japan, the band 21.4-22 GHz is also allocated to the broadcasting service on a primary basis.

S.5.532 The use of the band 22.21-22.5 GHz by the Earth exploration-satellite (passive) and space research (passive) services shall not impose constraints upon the fixed and mobile, except aeronautical mobile, services. The inter-satellite service shall not claim protection from harmful interference from airport surface detection equipment stations of the radionavigation service.

S.5.533 Additional allocation: in Japan, the band 24.65-25.25 GHz is also allocated to the radionavigation service on a primary basis until 2008.

S.5.534 In the band 24.75-25.25 GHz, feeder links to stations of the broadcasting-satellite service shall have priority over other uses in the fixed-satellite service (Earth-to-space). Such other uses shall protect and shall not claim protection from existing and future operating feeder-link networks to such broadcasting satellite stations.

S.5.535 The use of the band 29.1-29.5 GHz (Earth-to-space) by the fixed-satellite service is limited to geostationary-satellite systems and feeder links to non-geostationary-satellite systems in the mobile-satellite service. Such use is subject to the application of the provisions of No. S.9.11A, but not subject to the provisions of No. S.22.2, except as indicated in Nos. S.5.523C and S.5.523E where such use is not subject to the provisions of No. S.9.11A and shall continue to be subject to Articles S9 (except No. S.9.11A) and S.11 procedures, and to the provisions of No. S.22.2.

S.5.536 Use of the 25.25-27.5 GHz band by the inter-satellite service is limited to space research and Earth exploration-satellite applications, and also transmissions of data originating from industrial and medical activities in space.

S.5.536A Administrations installing earth exploration-satellite earth stations cannot claim protection from fixed and mobile stations operated by neighbouring administrations. In addition, earth stations operating in the deep space exploration-satellite service should take into account Recommendation ITU-R SA.1278.

S.5.536B In Germany, Saudi Arabia, Austria, Belgium, Brazil, Bulgaria, China, the Republic of Korea, Denmark, Egypt, United Arab Emirates, Spain, Estonia, Finland, France, Hungary, India, Islamic Republic of Iran, Ireland, Italy, Jordan, Korea, Kuwait, Lebanon, Libya, Liechtenstein, Lithuania, Moldova, Norway, Oman, Uganda, Pakistan, the Philippines, Poland, Portugal, Syria, Slovakia, Czech Republic, Romania, the United Kingdom, Singapore, Sweden, Switzerland, Tanzania, Turkey, Viet Nam and Zimbabwe, earth stations operating in the Earth exploration-satellite service in the band 25.5 GHz shall not claim protection from, or constrain the use and deployment of, stations of the fixed and mobile services. S.5.537 Space services using non-geostationary satellites operating in the inter-satellite service in the band 27-27.5 GHz are exempt from the provisions of No. S.22.2.

S.5.538 Additional allocation: the bands 27.500-27.501 GHz and 29.999-30.000 GHz are also allocated to the fixed-satellite service (space-to-Earth) on a primary basis for the beacon transmissions intended for up-link power control. Such space-to-Earth transmissions shall not exceed an equivalent isotropically radiated power (e.i.r.p.) of +10 dBW in the direction of adjacent satellites on the geostationary-satellite orbit. In the band 27.500-27.501 GHz, such space-to-Earth transmissions shall not produce a power flux-density in excess of the values specified in Article S21, Table S21-4 on the Earth’s surface.

S.5.539 The band 27.5-30 GHz may be used by the fixed-satellite service (Earth-to-space) for the provision of feeder links for the broadcasting-satellite service.

S.5.540 Additional allocation: the band 27.501-29.999 GHz is also allocated to the fixed-satellite service (space-to-Earth) on a secondary basis for beacon transmissions intended for up-link power control.

S.5.541 In the band 28.5-30 GHz, the earth exploration-satellite service is limited to the transfer of data between stations and not to the primary collection of information by means of active or passive sensors.

S.5.541A Feeder links of non-geostationary networks in the mobile-satellite service and geostationary networks in the fixed-satellite service operating in the band 29.1-29.5 GHz (Earth-to-space) shall employ uplink adaptive power control or other methods of fade compensation, such that the earth station transmissions shall be conducted at the power level required to meet the desired link performance while reducing the level of mutual interference between both networks. These methods shall apply to networks for which Appendix S4 coordination information is considered as having been received by the Bureau after 17 May 1996 and until they are...
changed by a future competent world radiocommunication conference. Administrations submitting Appendix S4 information for coordination before this date are encouraged to utilize these techniques to the extent practicable. These methods are also subject to review by ITU-R (see Resolution 121 (Rev.WRC-97)).

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Additional allocation: in Algeria, Saudi Arabia, Bahrain, Bangladesh, Brunei Darussalam, Cameroon, China, the Congo, the Republic of Korea, Egypt, the United Arab Emirates, Eritrea, Ethiopia, Guinea, India, the Islamic Republic of Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mali, Morocco, Mauritania, Nepal, Pakistan, the Philippines, Qatar, Syria, Democratic People’s Republic of Korea, Somalia, Sudan, Sri Lanka and Chad, the band 29.5-31 GHz is also allocated to the fixed and mobile services on a secondary basis. The power limits specified in Nos. S21.3 and S21.5 shall apply.

The band 29.95-30 GHz may be used for space-to-space links in the Earth exploration-satellite service for telemetry, tracking, and control purposes, on a secondary basis.

In the band 31-31.3 GHz the power flux-density limits specified in Article S21, Table S21-4 shall apply to the space research service.

Different category of service: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Kazakhstan, Mongolia, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 31-33.3 GHz to the space research service is on a primary basis (see No. S5.33).

Different category of service: in Saudi Arabia, Armenia, Azerbaijan, Belarus, Bulgaria, Egypt, United Arab Emirates, Spain, Estonia, Finland, Georgia, Hungary, the Islamic Republic of Iran, Israel, Jordan, Kazakhstan, Latvia, Lebanon, Moldova, Mongolia, Uzbekistan, Poland, Syria, Kyrgyzstan, Romania, the United Kingdom, Russian Federation, Tajikistan, Turkmenistan, Turkey and Ukraine, the allocation of the band 31.5-31.8 GHz to the fixed and mobile, except aeronautical mobile, services is on a primary basis (see No. S5.33).

The bands 31.8-33.4 GHz, 51.4-52.6 GHz, 57.7-59 GHz and 64-66 GHz are available for high-density applications in the fixed service (see Resolution 726 (WRC-97)).

Use of the band 31.8-33.4 GHz by the fixed service shall be in accordance with Resolution 126 (WRC-97).

Alternative allocation: in the United States, the band 31.8-32 GHz is allocated to the inter-satellite and radionavigation and space research (deep space) (space-to-Earth) services on a primary basis.

Alternative allocation: in the United States, the band 32-32.3 GHz is allocated to the inter-satellite and radionavigation and space research (deep space) (space-to-Earth) on a primary basis.

Alternative allocation: in the United States, the band 33-33.4 GHz is allocated to the radionavigation service on a primary basis.

In designing systems for the inter-satellite and radionavigation services in the band 32-33 GHz, and for the space research service (deep space) in the band 31.8-32.3 GHz, administrations shall take all necessary measures to prevent harmful interference between these services, bearing in mind the safety aspects of the radionavigation service (see Recommendation 707).

Additional allocation: in Saudi Arabia, Bahrain, Bangladesh, Egypt, the United Arab Emirates, Gabon, Indonesia, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Malta, Morocco, Mauritania, Nepal, Nigeria, Oman, Pakistan, the Philippines, Qatar, Dem. Rep. of the Congo, Syria, Senegal, Singapore, Somalia, Sudan, Sri Lanka, Togo, Tunisia and Yemen, the band 33.4-36 GHz is also allocated to the fixed and mobile services on a primary basis.

Different category of service: in Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Ukraine, the allocation of the band 34.7-35.2 GHz to the space research service is on a primary basis (see No. S5.33).

Radars located on spacecraft may be operated on a primary basis in the band 35.5-35.6 GHz. (SUP-WRC-97). The use of the band 35.5-36.0 GHz, active spaceborne sensors in the earth exploration-satellite and space research services shall not cause harmful interference to, claim protection from, or otherwise impose constraints on operation or development of the radiolocation service, the meteorological aids service and other services allocated on a primary basis.

The use of the band 41.5-42.5 GHz by the fixed-satellite service (space-to-Earth) is subject to Resolution 128 (WRC-97). The use of the band 40.5-42.5 GHz is allocated to the broadcasting, broadcasting-satellite and fixed services on a primary basis.

Additional allocation: in Algeria, Saudi Arabia, Bahrain, Benin, Cameroon, Egypt, United Arab Emirates, Israel, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Mauritania, Nigeria, Oman, Qatar, Syria, Tunisia and Yemen, the band 40.5-42.5 GHz is also allocated to the fixed-satellite service (space-to-Earth) on a primary basis. The use...
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of this band by the fixed-satellite service shall be in accordance with Resolution 134 (WR-C–97).

S 5.551 Use of the band 40.5–42.5 GHz by the fixed-satellite service shall be in accordance with Resolution 134 (WR-C–97).

S 5.552 Different category of service: in Japan, the allocation of the band 41.5–42.5 GHz to the mobile service is on a primary basis (see No. 5.53).

S 5.553 The allocation of the spectrum for the fixed-satellite service in the bands 42.5–43.5 GHz and 47.2–50.2 GHz for Earth-to-space transmission is greater than that in the band 37.5–39.5 GHz for space-to-Earth transmission in order to accommodate feeder links to broadcasting satellites. Administrations are urged to take all practicable steps to reserve the band 47.2–48.2 GHz for feeder links for the broadcasting-satellite service operating in the band 40.5–42.5 GHz.

S 5.552a The allocation to the fixed service in the bands 47.2–47.5 GHz and 47.9–48.2 GHz is designated for use by high altitude platform stations. The use of the bands 47.2–47.5 GHz and 47.9–48.2 GHz is subject to the provisions of Resolution 122 (WR-C–97).

S 5.553 In the bands 43.5–47 GHz, 66–71 GHz, 95–100 GHz, 134–142 GHz, 190–200 GHz and 252–265 GHz, stations in the land mobile service may be operated subject to not causing harmful interference to the space radiocommunication services to which these bands are allocated (see No. 5.54).

S 5.554 In the bands 43.5–47 GHz, 66–71 GHz, 95–100 GHz, 134–142 GHz, 190–200 GHz and 252–265 GHz, satellite links connecting land stations at specified fixed points are also authorized when used in conjunction with the mobile-satellite service or the radio-navigation-satellite service.

S 5.555 Additional allocation: the bands 49.49–49.6 GHz, 77.98–78.08 GHz, 140.69–140.98 GHz, 144.68–144.98 GHz, 145.45–145.75 GHz, 146.82–147.12 GHz, 250–251 GHz and 262.24–262.76 GHz are also allocated to the radio astronomy service on a primary basis.

S 5.555a The band 50.0–50.4 GHz is also allocated, on a primary basis, to the fixed and mobile services until 1 July 2000.

S 5.554 In the bands 51.5–51.7 GHz, 77.7–78 GHz, 93–95 GHz, radio astronomy observations may be carried out under national arrangements.

S 5.556a Use of the bands 54.25–55.9 GHz, 57–58.2 GHz and 59–59.3 GHz by the inter-satellite service is limited to satellites in the geostationary-satellite orbit. The single-entry power flux-density at all altitudes from 0 km to 1000 km above the Earth’s surface, for all conditions and for all methods of modulation, shall not exceed 147 dB(W/m²/100 MHz) for all angles of arrival.

S 5.556b Additional allocation: in Japan, the band 54.25–55.78 GHz is also allocated to the mobile service on a primary basis for low-density use.

S 5.557 Additional allocation: in Japan, the band 55.78–56.2 GHz is also allocated to the radiolocation service on a primary basis.

S 5.558 In the bands 55.78–56.2 GHz, 59–64 GHz, 66–71 GHz, 116–134 GHz, 170–182 GHz and 185–190 GHz, stations in the aeronautical mobile service may be operated subject to not causing harmful interference to the inter-satellite service (see No. 5.53).

S 5.559A Use of the band 56.9–57 GHz by inter-satellite systems is limited to links between satellites in geostationary-satellite orbit and to transmissions from non-geostationary satellites in high-Earth orbit to those in low-Earth orbit. For links between satellites in the geostationary-satellite orbit, the single entry power flux-density at all altitudes from 0 km to 1000 km above the Earth’s surface, for all conditions and for all methods of modulation, shall not exceed 147 dB(W/m²/100 MHz) for all angles of arrival.

S 5.559 In the bands 59–64 GHz and 126–134 GHz, airborne radars in the radiolocation service may be operated subject to not causing harmful interference to the inter-satellite service (see No. 5.53).

S 5.560 In the band 78–79 GHz radars located on space stations may be operated on a primary basis in the Earth exploration-satellite service and in the space research service.

S 5.561 In the band 84–86 GHz, stations in the fixed, mobile and broadcasting services shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the decisions of the appropriate frequency assignment planning conference for the broadcasting-satellite service.

S 5.562 The use of the band 94–94.1 GHz by the Earth exploration-satellite (active) and space research (active) services is limited to spaceborne cloud radars.

S 5.564 Additional allocation: in Germany, Argentina, Spain, Finland, France, India, Italy and the Netherlands, the band 261–265 GHz is also allocated to the radio astronomy service on a primary basis.

S 5.565 The frequency band 275–400 GHz may be used by administrations for experimentation with, and development of, various active and passive services. In this band a need has been identified for the following spectral line measurements for passive services:

- radio astronomy service: 278–280 GHz and 343–348 GHz;
- Earth exploration-satellite service (passive) and space research service (passive): 275–277 GHz, 300–302 GHz, 324–326 GHz, 345–347 GHz, 363–365 GHz and 379–381 GHz.

Future research in this largely unexplored spectral region may yield additional spectral
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lines and continuum bands of interest to the passive services. Administrations are urged to take all practicable steps to prevent these passive services from harmful interference until the next competent world radiocommunication conference.

11. Old Numbering Scheme

459 In the Region 2 polar areas (north of 60°N and south of 60°S), which are subject to auroral disturbances, the aeronautical fixed service is the primary service in the band 160–190 kHz.

471 The bands 400–495 kHz and 505–510 kHz shall be subject to the provisions of No. 3018 until the entry into force of the reduced guardband in accordance with Resolution 210 (Mob–87).

472 The frequency 500 kHz is the international distress and calling frequency for Morse radiotelegraphy. The conditions for its use are prescribed in Articles 37, 38, N 38 and 60.

473A In the maritime mobile service, the frequency 490 kHz is, from the date of full implementation of the GMDSS (see Resolution 331 (Mob–87)), to be used exclusively for the transmission by coast stations of navigational and meteorological warnings and urgent information to ships, by means of narrowband direct-printing telegraphy. The conditions for use of the frequency 490 kHz are prescribed in Articles N 38 and 60, and Resolution 329 (Mob–87). In using the band 415–495 kHz for the aeronautical radiocommunication service, administrations are requested to ensure that no harmful interference is caused to the frequency 490 kHz.

474 The conditions for the use of frequency 518 kHz by the maritime mobile service are prescribed in Articles 38, N 38 and 60 (see Resolution 324 (Mob–87) and Article 1A).

480 In Region 2, the use of the band 1605–1705 kHz by stations of the broadcasting service is subject to the plan established by the Regional Administrative Radio Conference (Rio de Janeiro, 1988).

In Region 2, in the band 1625–1705 kHz, the relationship between the broadcasting, fixed and mobile services is shown in No. 419. However, the examination of frequency assignments to stations of the fixed and mobile services in the band 1625–1705 kHz under No. 1241 shall take account of the allotments appearing in the Plan established by the Regional Administrative Radio Conference (Rio de Janeiro, 1988).

591 Subject to agreement obtained under the procedure set forth in Article 14, the band 117.975–137 MHz is also allocated to the aeronautical mobile-satellite (R) service on a secondary basis and on the condition that harmful interference is not caused to the aeronautical mobile (R) service.

599A The use of the band 137–138 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution 46. However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds 125 dB(W/m²/4 kHz) at the Earth’s surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to prevent the radio astronomy service in the 150.05–153 MHz band from harmful interference from unwanted emissions.

609B The use of the bands 137–138 MHz, 148–149.9 MHz, and 400.15–401 MHz by the mobile-satellite service in the band 149.9–150.05 MHz by the land mobile-satellite service is limited to non-geostationary-satellite systems.

609A The use of the band 149–150.05 MHz by the mobile-satellite service in the band 149.9–150.05 MHz by the land mobile-satellite service shall not produce power flux-density in excess of 150 dB(W/m²/4 kHz) outside national boundaries.

608B The use of the band 149.9–150.05 MHz by the land mobile-satellite service in the band 149.9–150.05 MHz by the land mobile-satellite service shall not produce power flux-density in excess of 150 dB(W/m²/4 kHz) at the Earth’s surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to prevent the radio astronomy service in the band 400.1–410 MHz from harmful interference from unwanted emissions.

669 In the maritime mobile service, the frequencies 457.525 MHz, 457.550 MHz, 457.575 MHz, 457.600 MHz, 457.625 MHz, and 457.650 MHz by the maritime mobile service are prescribed in Articles 37, 38, N 38 and 60.
MHz, 467.525 MHz, 467.550 MHz and 467.575 MHz may be used by onboard communication stations. The use of these frequencies in territorial waters may be subject to the national regulations of the administration concerned. The characteristics of the equipment used shall conform to those specified in Appendix 20.

733 The bands 1610-1626.5 MHz, 5000-5250 MHz and 15.4-15.7 GHz are also allocated to the aeronautical mobile-satellite (R) service on a primary basis. Such use is subject to agreement obtained under the procedure set forth in Article 14.

753 The use of the band 2483.5-2500 MHz by the mobile-satellite and the radionavigation-satellite services is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC-92). Coordination of space stations of the mobile-satellite and radionavigation-satellite services with respect to terrestrial services is required only if the power flux-density produced at the Earth’s surface exceeds the limits in No. 2566. In respect of assignments operating in this band, the provisions of Section II, paragraph 2.2 of Resolution 46 (WARC-92) shall also be applied to geostationary transmitting space stations with respect to terrestrial stations.

763 The use of the bands 4500-4600 MHz, 6725-7025 MHz, 10.7-10.95 GHz, 11.2-11.45 GHz and 12.75-13.25 GHz by the fixed-satellite service shall be in accordance with the provisions of Appendix 30B.

766 The band 5000-5250 MHz is to be used for the operation of the international standard system (microwave landing system) for precision approach and landing. The requirements of this system shall take precedence over other uses of this band.

797 The bands 5000-5250 MHz and 15.4-15.7 GHz are also allocated to the fixed-satellite service and the inter-satellite service, for connection between one or more earth stations at specified fixed points on the Earth and space stations, when these services are used in conjunction with the aeronautical radionavigation and/or aeronautical mobile (R) service. Such use shall be subject to agreement obtained under the procedure set forth in Article 14.

909 In the bands 54.25-58.2 GHz, 59-64 GHz, 116-134 GHz, 170-182 GHz and 185-190 GHz, stations in the aeronautical mobile service may be operated subject to not causing harmful interference to the inter-satellite service (see No. 435). In the bands 140.69-140.98 GHz all emissions from airborne stations, and from space stations in the space-to-Earth direction, are prohibited.

United States (US) Footnotes

(These footnotes, each consisting of the letters US followed by one or more digits, denote stipulations applicable to both Government and non-Government stations.)

US7 In the band 420-450 MHz and within the following areas, the peak envelope power output of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable district office and the military area frequency coordinator at the applicable military base. For areas (e) through (i), the appropriate military coordinator is located at Peterson AFB, CO.

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31° 45’ North, on the east by longitude 104° 00’ West, on the north by latitude 34° 30’ North, and on the west by longitude 107° 30’ West;
(b) The entire State of Florida including the Key West area and the areas enclosed within a 322-kilometer (200-mile) radius of Patrick Air Force Base, Florida (latitude 29° 21’ North, longitude 80° 43’ West), and within a 322-kilometer (200-mile) radius of Eglin Air Force Base, Florida (latitude 30° 30’ North, longitude 88° 30’ West);
(c) The entire State of Arizona;
(d) Those portions of California and Nevada south of latitude 37° 10’ North, and the areas enclosed within a 322-kilometer (200-mile) radius of the Pacific Missile Test Center, Point Mugu, California (latitude 34° 09’ North, longitude 119° 11’ West);
(e) In the State of Massachusetts within a 160-kilometer (100-mile) radius of Otis Air Force Base, Massachusetts (latitude 41° 45’ North, longitude 70° 32’ West).
(f) In the State of California within a 240-kilometer (150-mile) radius around locations at Beale Air Force Base, California (latitude 39° 08’ North, longitude 121° 26’ West).
(g) In the State of Alaska within a 160-kilometer (100-mile) radius of Clear, Alaska (latitude 64° 17’ North, longitude 149° 10’ West).
(h) In the State of North Dakota within a 160-kilometer (100-mile) radius of Concrete, North Dakota (latitude 46° 43’ North, longitude 97° 54’ West).
(i) In the States of Alabama, Georgia and South Carolina within a 200-kilometer (124-mile) radius of Warner Robins Air Force Base, Georgia (latitude 32° 38’ North, longitude 83° 25’ West).
(j) In the State of Texas within a 200-kilometer (124-mile) radius of Goodfellow Air Force Base, Texas (latitude 31° 25’ North, longitude 100° 24’ West).

US8 The use of the frequencies 170.475, 171.425, 171.575, and 172.275 MHz east of the Mississippi River, and 170.425, 170.575, 171.475, 172.225 and 172.375 MHz west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-

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Federal forest firefighting agencies. In addition, land stations and mobile stations operated by non-Federal conservation agencies, for mobile relay operation only, may be authorized to use the frequency 172.275 MHz east of the Mississippi River and the frequency 171.475 MHz west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

US10 The use of the frequencies 26.62, 26.75, 26.90 and 26.15 MHz may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations.

US11 The use of the frequencies 166.250 and 170.150 MHz may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerence is not to exceed 25 kHz, except that authorizations in existence as of December 20, 1974, using a larger bandwidth are permitted to continue in operation until December 20, 1979) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30’ N., and on the east and south by that arc of the circle with center at Springfield, Illinois, and Montgomery, Alabama, subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 MHz. The use of these frequencies by remote pickup broadcast stations will not be authorized except for locations within 150 miles of New York City; and use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations.

| MHz   | 169.425 | 169.450 | 169.475 | 169.500 | 169.525 | 170.025 | 170.250 | 170.275 | 170.300 | 170.325 | 171.025 | 171.050 | 171.075 | 171.100 | 171.125 | 171.150 | 171.175 | 171.200 | 171.225 | 171.250 | 171.275 | 171.300 | 171.325 | 171.925 |
|-------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 170.425 | 170.450 | 170.475 | 170.500 | 170.525 | 170.025 | 170.250 | 170.275 | 170.300 | 170.325 | 171.025 | 171.050 | 171.075 | 171.100 | 171.125 | 171.150 | 171.175 | 171.200 | 171.225 | 171.250 | 171.275 | 171.300 | 171.325 | 171.925 |

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375 or 171.975 MHz may continue to be authorized for such operations on the condition that harmful interference will not be caused to Government stations.

US14 When 500 kHz is being used for distress purposes, ship and coast stations using morse telegraph may use 512 kHz for calling.

US18 Navigation aids in the US and possessions in the bands 9–14 kHz, 90–110 kHz, 190–415 kHz, 510–535 kHz, 2700–2900 MHz are normally operated by the U.S. Government. However, authorizations may be made by the FCC for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the FCC and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

US25 The use of frequencies in the band 25.85–26.1 MHz may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service.

US26 The bands 117.975–121.4125 MHz, 123.585–128.8125 MHz and 132.0125–136.0 MHz are for air traffic control communications.

US28 The band 121.975–121.975 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US30 The band 121.975–122.075 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below the band 121.975–122.075 MHz is for use by private aircraft stations.

The frequencies 122.700, 122.725, 122.750, 122.800, 122.900, 122.975, 123.000, 123.050 and 123.075 MHz may be assigned to aeronautical advisory stations. In addition, at landing areas having a part-time or no air traffic control tower or FAA flight service station, these frequencies may be assigned on a secondary non-interference basis to aeronautical utility mobile stations, and may be used by FAA ground vehicles for safety related communications during inspections conducted at such landing areas.

The frequencies 122.850, 122.900 and 122.925 MHz may be assigned to aeronautical multicom stations. In addition, 122.850 MHz may be assigned on a secondary non-interference basis to aeronautical utility mobile stations. In case of 122.925 MHz, US213 applies.

Air carrier aircraft stations may use 122.000 and 122.050 MHz for communication.
with aeronautical stations of the Federal Aviation Administration and 122.700, 122.800, 122.900 and 123.000 MHz for communications with aeronautical stations pertaining to safety of flight with and in the vicinity of landing areas not served by a control tower.

Frequencies in the band 121.9375-122.6875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only, except that 122.000 and 122.050 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

US32 Except for the frequencies 123.3 and 123.5 MHz, which are not authorized for Government use, the band 123.1125-123.5875 MHz is available for FAA communications incident to flight test and inspection activities pertinent to aircraft and facility certification on a secondary noninterference basis.

US33 The band 123.1125-123.5875 MHz is for use by flight test and aviation instructional stations. The frequency 123.950 MHz is available for aviation instructional stations.

US41 The Government radiolocation service is permitted in the band 2450-2500 MHz on condition that harmful interference is not caused to non-Government services.

US44 The non-Government radiolocation service may be authorized in the band 3000-3100 MHz on the condition that no harmful interference is caused to Government services.

US48 The non-Government radiolocation service may be authorized in the bands 5350-5460 MHz and 9000-9200 MHz on the condition that it does not cause harmful interference to the aeronautical radiolocation service or to the Government radiolocation service.

US49 The non-Government radiolocation service may be authorized in the band 5460-5490 MHz on the condition that it does not cause harmful interference to the aeronautical or maritime radionavigation services or to the Government radiolocation service.

US50 The non-Government radiolocation service may be authorized in the band 5470-5600 MHz on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiolocation service.

US51 In the band 5600-5650 MHz and 9000-9200 MHz, the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US52 In view of the fact that the band 13.25-13.4 GHz is allocated to doppler navigation aids, Government, and non-Government airborne doppler radars in the aeronautical radionavigation service are permitted in the band 8750-8850 MHz only on the condition that they must accept any interference that may be experienced from stations in the radiolocation service in the band 8500-10000 MHz.

US54 Temporarily, and until certain operations of the radiolocation service in the band 9000-9200 MHz can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiolocation service.

US58 In the band 10000-10500 MHz, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10000-10025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US108.

US59 The band 10.5-10.55 GHz is restricted to systems using type NON (AO) emission with a power not to exceed 40 watts into the antenna.

US65 The use of the band 5460-5650 MHz by the maritime radionavigation service is limited to shipborne radars.

US66 The use of the band 9300-9500 MHz by the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons. In addition, ground-based radar beacons in the aeronautical radionavigation service are permitted in the band 9300-9520 MHz on the condition that harmful interference is not caused to the maritime radionavigation service.

US67 The use of the band 9300-9500 MHz by the meteorological aids service is limited to ground-based radars. Radionavigation installations will be coordinated with the meteorological aids service and, insofar as practicable, will be adjusted to meet the requirements of the meteorological aids service.

US69 In the band 31.8-33.4 GHz, ground-based radionavigation aids are not permitted except where they operate in cooperation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.15-406.0 MHz does not preclude the operation therein of associated ground transmitters.

US71 In the band 9300-9520 MHz, low-powered maritime radionavigation stations shall be protected from harmful interference caused by the operation of land-based equipment.

US74 In the bands 25.55-25.67, 73.0-74.6, 406.1-410.0, 608-614, 1400-1427, 1660.5-1670.0, 2690-2700 and 4990-5000 MHz and in the bands 10.65-10.7, 15.35-15.4, 23.6-24.0, 31.3-31.5, 86-92, 105-116 and 217-231 GHz, the radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical
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standards or criteria applicable to the service in which it operates.

US77 Government stations may also be authorized:

(a) All operations by Government stations shall be restricted to the purpose for which the frequency is authorized to non-Government stations, and shall be in accordance with the appropriate provisions of the Commission's Rules and Regulations, Part 87, Aviation Services;

(b) Use of the frequency is required for coordination of activities with Commission licensees operating on this frequency; and

(c) Government stations will not be authorized for operation at fixed locations.

US91 The band 38.0-38.25 MHz is used by both Government and non-Government radio astronomy observatories. No new fixed or mobile assignments are to be made and Government stations in the band 38.0-38.25 MHz will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of the Chief Engineer, Federal Communications Commission, Washington, D.C. 20554.

US92 Until July 1, 1991, the assignable frequencies in the bands 4143.6-4146.6 kHz, 6218.6-6224.6 kHz, 8291.1-8297.3 kHz, 12429.2-12439.5 kHz, 16587.1-16596.4 kHz and 22124-22139.5 kHz may be authorized on a shared nonpriority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kW). Effective July 1, 1991, the assignable frequencies in the bands 4146-4152 kHz, 6224-6233 kHz, 8294-8300 kHz, 12393-12398 kHz, 16528-16540 kHz, 18825-18846 kHz, 22159-22180 kHz, and 25300-25321 kHz may be authorized on a shared non-priority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kW).

US93 In the conterminous United States, the frequency 108.0 MHz may be authorized for use by VOR test facilities, the operation of which is not essential for the safety of life or property, subject to the condition that no interference is caused to the reception of FM broadcasting stations operating in the band 88-108 MHz. In the event that such interference does occur, the licensee or other agency authorized to operate the facility shall discontinue operation on 108 MHz and shall not resume operation until the interference has been eliminated or the complaint otherwise satisfied. VOR test facilities operating on 108 MHz will not be protected against interference caused by FM broadcasting stations operating in the band 88-108 MHz not shall the authorization of a VOR test facility on 108 MHz preclude the Commission from authorizing additional FM broadcasting stations.

US99 In the band 1668.4-1670.0 MHz, the meteorological aids service (radiosonde) will
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avoid operations to the maximum extent practicable. Whenever it is necessary to operate radiosondes in the band 1668.4–1670 MHz within the United States, notification of the operation shall be sent as far in advance as possible to the Electromagnetic Management Unit, National Science Foundation, Washington, D.C. 20355.

US102 In Alaska only, the frequency 122.1 MHz may also be used for air carrier air traffic control purposes at locations where other frequencies are not available to air carrier aircraft stations for air traffic control.

US104 The LORAN Radionavigation System has priority in band 90–110 kHz in the United States and possessions. Radiolocation land stations making use of LORAN type equipment may be authorized to both Government and non-Government on a secondary service basis for offshore radiolocation activities only at specific locations and subject to such technical and operational conditions (e.g., power, emission, pulse rate and phase code, hours of operation), including on-the-air testing, as may be required on a case-by-case basis to ensure protection of the LORAN radionavigation system from harmful interference and to ensure mutual compatibility among radio-location operators. Such authorizations to stations in the radiolocation service are further subject to showing of need for service which is not currently provided and which the Government is not yet prepared to render by way of the radiodetection service.

US106 The frequency 156.75 MHz is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan.

US107 The frequency 156.8 MHz is the national distress, safety and calling frequency for the maritime mobile VHF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625–156.7875 and 156.8125–156.8375 MHz are maintained.

US108 Within the bands 3300–3500 MHz and 10000–10500 MHz, survey operations, using transmitters with a peak power not to exceed five watts into the antenna, may be authorized for Government and non-Government use on a secondary basis to other Government radiolocation operations.

US110 In the frequency bands 3100–3300 MHz, 3500–3700 MHz, 5250–5350 MHz, 8500–9000 MHz, 9200–9300 MHz, 9500–10000 MHz, 13.4–14.0 GHz, 15.7–16.2 GHz, 24.05–24.25 GHz and 33.4–36.0 GHz, the non-Government radiolocation service shall be secondary to the Government radiolocation service and to airborne doppler radars at 8800 MHz, and shall provide protection to airport surface detection equipment (ASDE) operating between 15.7–16.2 GHz.

US112 The frequency 123.1 MHz is for search and rescue communications. This frequency may be assigned for air traffic control communications at special aeronautical events on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US116 In the bands 800–902 MHz and 935–941 MHz, no new assignments are to be made to Government radio stations after July 10, 1970 except on case-by-case basis, to experimental stations and to additional stations of existing networks in Alaska. Government assignments existing prior to July 10, 1970 to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment or removal from the bands 890–902 MHz, 928–929 MHz and 935–941 MHz at the request of the FCC.

US117 In the band 406–410 MHz, all new authorizations will be limited to a maximum 7 watts per MHz of necessary bandwidth; existing authorizations as of November 30, 1970 exceeding this power are permitted to continue in use.

New authorizations in this band stations, other than mobile stations, within the following areas are subject to prior coordination by the applicant through the Electromagnetic Spectrum Management Unit, National Science Foundation, Washington, D.C. 20355, (202–357–9090).

Arecibo Observatory:

Rectangular areas are subject to prior coordination by the applicant through the Electromagnetic Spectrum Management Unit, National Science Foundation, Washington, D.C. 20355, (202–357–9090).

Table Mountain Solar Observatory (NOAA), Boulder, Colorado (407–409 MHz only):

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<th>39°30′N. and 104°30′W.</th>
<th>106°00′W.</th>
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Two contiguous rectangles, one between latitudes 39°30′N. and 104°30′W. and northerly to the Continental Divide whichever is farther east.

The non-Government use of this band is limited to the radio astronomy service and as provided by footnote US13.

US201 In the band 460–470 MHz, space stations in the earth exploration-satellite service may be authorized for space-to-earth transmissions on a secondary basis with respect to the fixed and mobile services. When operating in the meteorological-satellite service, such stations shall be protected from harmful interference from other applications of the earth exploration-satellite service.
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The power flux produced at the earth’s surface by any space station in this band shall not exceed \(-152\) dBW/m² at k Hz.

US203 Radio astronomy observations of the formaldehyde line frequencies 4825±4835 MHz and 14.470±14.500 GHz may be made at certain radio astronomy observatories as indicated below:

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Every practicable effort will be made to avoid the assignment of frequencies to stations in the fixed or mobile services in these bands. Should such assignments result in harmful interference to these observations, the situation will be remedied to the extent practicable.

US205 Tropospheric scatter systems are prohibited in the band 2500-2690 MHz.

US208 Planning and use of the band 1599-1626.5 MHz necessitate the development of technical and/or operational sharing criteria to ensure the maximum degree of electromagnetic compatibility with existing and planned systems within the band.


US210 Use of frequencies in the bands 40.66-40.70 and 216-220 MHz may be authorized to Government and non-Government stations on a secondary basis for the tracking of, and telemetering of scientific data from, ocean buoys and wildlife. Airborne wildlife telemetry in the 216-220 MHz band will be limited to the 216-216.1 MHz portion of the band. Operation in these two bands is subject to the technical standards specified in: (a) Section 8.2.42 of the NTIA Manual for Government use, or (b) Section 5.108 of the Commission’s Rules for non-Government use.

US211 In the bands 1670-1690, 5000-5250 MHz and 10.7-11.1 MHz, all available space stations in these bands may be used, subject to the technical standards specified in: (a) Section 5.108 of the NTIA Manual for Goverment use, or (b) Section 8.2.42 of the NTIA Manual for Government use, or (c) Section 5.108 of the NTIA Manual for non-Government use, or (d) Section 8.2.42 of the NTIA Manual for non-Government use, or (e) Section 8.2.42 of the NTIA Manual for non-Government use. Applications for assignments to space stations in these bands must be limited to the contiguous United States. All assignments must be limited to the contiguous United States.

US212 In the State of Alaska, the carrier frequency 5167.5 kHz (assigned frequency 5168.9 kHz) is designated for emergency communications. This frequency may also be used in the Alaska-Private Fixed Service for calling and listening, but only for establishing communications before switching to another frequency. The maximum power is limited to 150 watts peak envelope power (PEP).

US213 The frequency 122.925 MHz is for use only for communications with or between aircraft when coordinating natural resources programs of Federal or State natural resources agencies, including forestry management and fire suppression, fish and game management and protection and environmental monitoring and protection.

US214 The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the United States Coast Guard.

US215 Emissions from microwave ovens manufactured on and after January 1, 1980, for operation on the frequency 915 MHz must be confined within the band 902-928 MHz. Emissions from microwave ovens manufactured prior to January 1, 1980, for operation on the frequency 915 MHz must be confined within the band 902-940 MHz. Radiocommunications services operating in the band 928-940 MHz must accept any harmful interference from the operation of microwave ovens manufactured before January 1, 1980.

US216 The frequencies 150.775 and 150.790, and the bands 152-152.050, 163.375-163.425, 462.9375-463.1875, and 467.9375-468.1875 MHz are authorized for Government/non-Government operations in medical radio communication systems.

US217 Pulse-ranging radio location systems may be authorized for Government and non-Government use in the 420-450 MHz band along the shorelines of Alaska and the contiguous 48 States. Spread spectrum radio-location systems may be authorized in the 420-425 MHz portion of the band for operation within the contiguous 48 States and Alaska. Authorization will be granted on a case-by-case basis; however, operations proposed to be located within the zones set forth in US228 should not expect them to be accommodated. All stations operating in accordance with this provision will be secondary to stations operating in accordance with the Table of Frequency Allocations.
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US218 The band 902-928 MHz is available for Location and Monitoring Service (LMS) systems subject to not causing harmful interference to the operation of all Government stations authorized in these bands. These systems must tolerate interference from the operation of industrial, scientific, and medical (ISM) devices and the operation of Government stations authorized in these bands.

US220 The frequencies 36.25 and 41.71 MHz may be authorized to Government stations and non-Government stations in the petroleum radio service, for oil spill containment and cleanup operations. The use of these frequencies for oil spill containment or cleanup operations is limited to the inland and coastal waterway regions.

US221 Use of the mobile service in the bands 525-535 kHz and 1605-1615 kHz is limited to distribution of public service information from Travelers Information stations operating on 530 kHz and 1610 kHz.

US222 In the band 2025-2035 MHz geostationary or stationary operational environmental satellite Earth stations in the space research and Earth exploration-satellite services may be authorized on a coequal basis for Earth-to-space transmissions for tracking, telemetry and telecommand at the sites listed below:

- Wallops Is., Va. 37°50′48″ N., 75°27′33″ W.
- Seattle, Wash. 47°34′15″ N., 122°33′10″ W.
- Honolulu, Hawaii 21°21′12″ N., 157°52′36″ W.

US223 Within 75 miles of the United States/Canada border on the Great Lakes, the St. Lawrence Seaway, and the Puget Sound and the Strait of Juan de Fuca and its approaches, use of coast transmit frequency 162.025 MHz and ship station transmit frequency 157.425 MHz (VHF maritime mobile service Channel 88) may be authorized for use by the maritime service for public correspondence.

US224 Government systems utilizing spread spectrum techniques for terrestrial communication, navigation and identification may be authorized to operate in the band 960-1215 MHz on the condition that harmful interference will not be caused to the aeronautical radionavigation service. These systems will be handled on a case-by-case basis. Such systems shall be subject to a review at the national level for operational requirements and electromagnetic compatibility prior to development, procurement or modification.

US225 In addition to its present Government use, the frequency band 510-525 kHz is available to Government and non-Government aeronautical radionavigation stations inland of the Territorial Base Line as coordinated with the military services. In addition, the frequency 510 kHz is available for non-Government ship-helicopter operations when beyond 100 nautical miles from shore and required for aeronautical radionavigation.

US226 In the State of Hawaii, stations in the aeronautical radionavigation service shall not cause harmful interference to U.S. Navy reception from its station at Honolulu on 158 kHz.

US228 Applicants for operation in the band 420 to 450 MHz under the provisions of US217 should not expect to be accommodated if their area of service is within the following geographic areas:

(a) Those portions of Texas and New Mexico bounded on the south by latitude 31°45’ North, on the east by longitude 104°00’ West, on the north by latitude 34°30’ North, and on the West by longitude 10°30’ West.

(b) In the State of Massachusetts within a 100 kilometers (100 miles) radius around the locations of Otis Air Force Base, Massachusetts (latitude 41°45’ North, longitude 70°32’ West).

(c) In the State of California within a 240 kilometer (150 mile) radius of Beale Air Force Base, California (latitude 39°08’ North, longitude 121°26’ West).

(d) In the State of Alaska, within a 160 kilometer (100 mile) radius of Clear, Alaska (latitude 64°17’ North, longitude 149°10’ West).

(e) In the State of North Dakota, within a 160 kilometer (100 mile) radius of Concrete, North Dakota (latitude 48°43’ North, longitude 97°54’ West).

(f) Those portions of Texas and New Mexico bounded on the south by latitude 31°45’ North, on the east by longitude 104°100’ West, on the north by latitude 34°30’ North, and on the West by longitude 10°30’ West.

(g) In the State of Alaska within a 160 kilometer (100 mile) radius of Clear, Alaska (latitude 64 degrees 17 north, longitude 149 degrees 10 west).

(h) In the state of North Dakota within a 160 kilometer (100 mile) radius of Concrete, North Dakota (latitude 48 degrees 43 north, longitude 97 degrees 54 west).

(i) In the States of Alabama, Florida, Georgia and South Carolina within a 200 kilometer (124 mile) radius of Warner Robins Air Force Base, Georgia (latitude 32°38’ North, longitude 83°25’ West).

(j) In the State of Texas within a 200 kilometer (124 mile) radius of Goodfellow Air Force Base, Texas (latitude 31°25’ North, longitude 100°24’ West).

US229 Assignments to stations in the fixed and mobile services may be made on the condition that no harmful interference is caused to the Navy SPASUR system currently operating in the southern United States in the frequency band 216.88-217.08 MHz.

US230 Non-government land mobile service is allocated on a primary basis in the bands 422.1875-425.4875 MHz and 427.1875-429.9875 MHz within 50 statute miles of Detroit, MI, and Cleveland, OH, and in the bands 423.8125-
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425.4875 and 428.8125–429.9875 MHz within 50 statute miles of Buffalo, NY.

US231. When an assignment cannot be obtained in the bands between 200 and 525 kHz, which are allocated to aeronautical radiolocation purposes, assignments may be made to aeronautical radio beacons in the maritime mobile band 435–490 kHz, on a secondary basis, subject to the coordination and agreement of those agencies having assignments within the maritime mobile band which may be affected. Assignments to aeronautical radio beacons in the band 435–490 kHz shall not be a bar to any required changes to the maritime mobile radio service and shall be limited to Government not employing voice emissions.

US235. Until implementation procedures and schedules are determined by future conferences of the International Telecommunications Union, the bands 975–990 kHz, 11650–11700 kHz, 11975–12050 kHz, 13600–13800 kHz, 15450–15600 kHz, 17550–17700 kHz, and 21750–21850 kHz to be implemented by the broadcasting service are allocated as an alternative allocation to the fixed service. The bands 12250–12300 kHz, 16960–16960 kHz, 17360–17410 kHz, 17860–18000 kHz, 19680–19800 kHz, 22720–22855 kHz, 25110–25210 kHz, and 26100–26175 kHz to be implemented by the maritime mobile service are also allocated as an alternative allocation to the fixed service until July 1, 1991, when these bands are to be allocated exclusively to the maritime mobile service.

US236. Until implementation procedures and schedules are determined by future conferences of the International Telecommunications Union (See Resolution 338), the bands 4000–4063 and 8100–8195 kHz are also allocated on a primary basis to the fixed service.

US238. The 1605–1705 kHz band is allocated to the radiolocation service on a secondary basis.

US239. Aeronautical radio beacons (aerials) may be authorized, primarily for off-shore use, in the band 252–296 kHz on a non-interference basis to travelers information stations.

US240. The bands 1715–1725 and 1740–1750 kHz are allocated on a primary basis to the aeronautical radio navigation service, (radio beacons).

US244. The band 136.000–137.000 MHz is allocated to the non-Government aeronautical mobile (R) service on a primary basis, and is subject to pertinent international treaties and agreements. The frequencies 136.000 MHz, 136.025 MHz, 136.050 MHz, 136.075 MHz, 136.125 MHz, 136.150 MHz, 136.175 MHz, 136.225 MHz, 136.250 MHz, 136.300 MHz, 136.425 MHz and 136.450 MHz are available on a shared basis to the Federal Aviation Administration for air traffic control purposes, such as automatic weather observation services (AWOS), automatic terminal information services (ATIS) and airport control tower communications. Stations licensed prior to January 2, 1990, using the 136–137 MHz band for space operation (space-to-earth), meteorological-satellite service (space-to-earth) and the space research service (space-to-earth) may continue to use this band on a secondary basis to aeronautical mobile (R) service. No new assignments will be made to stations in the above space services.

US245. The fixed-satellite service is limited to international inter-continental systems and subject to case-by-case electromagnetic compatibility analysis.

US246. Except for medical telemetry equipment operating in the band 608–614 MHz, no stations shall be authorized to transmit in the following bands: 608–614 MHz, 1400–1427 MHz, 1600.5–1618 MHz, 2690–2700 MHz, 4990–5000 MHz, 10.68–10.70 GHz, 15.35–15.40 GHz, 23.6–24.0 GHz, 31.3–31.8 GHz, 51.4–54.25 GHz, 58.2–59.0 GHz, 64–65 GHz, 86–92 GHz, 100–102 GHz, 106–116 GHz, 164–168 GHz, 192–195 GHz and 217–231 GHz. Medical telemetry equipment shall not cause harmful interference to radio astronomy operations in the band 608–614 MHz and shall be coordinated under the requirements found in 47 CFR 95.1119.

US247. The band 10000–10159 kHz is allocated to the fixed service on a primary basis outside the United States and possessions. Transmissions of stations in the amateur service shall not cause harmful interference to this fixed service use and stations in the amateur service shall make all necessary adjustments (including termination of transmission) if harmful interference is caused.

US251. The band 12.75–13.25 GHz is also allocated to the space research, (deep space) (space-to-earth) service for reception only at Goldstone, California, 35°18’ N, 116°54’ W.

US252. The bands 2110–2120, 7145–7190 MHz, and 34.2–34.7 GHz are also allocated for earth-to-space transmissions in the space research service, limited to deep space communications at Goldstone, California.

US254. In the band 18.6–18.8 GHz the fixed and mobile services shall be limited to a maximum equivalent isotropically radiated power of +35 dBW and the power delivered to the antenna shall not exceed 3 dBW.

US255. In addition to any other applicable limits, the power flux-density across the 200 MHz band 18.6–18.8 GHz produced at the surface of the Earth by emissions from a space station under assumed free-space propagation conditions shall not exceed –95 dB (W/m²) for all angles of arrival. This limit may be exceeded by up to 3 dB for no more than 5% of the time.

US256. Radio astronomy observations may be made in the band 1718.8–1722.2 MHz on an unprotected basis. Agencies providing other services in this band in the geographic areas listed below should bear in mind that their
operations may affect those observations, and those agencies are encouraged to minimize potential interference to the observations insofar as it is practicable.

| Hat Creek Observatory, Hat Creek, California. | Rectangle between latitudes 40° 00’ N and 42° 00’ N and between latitudes 120° 15’ W and 122° 15’ W. |
| Owens Valley Radio Observatory, Big Pine, California. | Two contiguous rectangles, one between 36° 00’ N and 37° 00’ N and between longitudes 117° 40’ W and 118° 30’ W and the second between latitudes 37° 00’ N and 36° 00’ N and between longitudes 118° 00’ W and 118° 50’ W. |
| Haystack Radio Observatory, Tyngsboro, Massachusetts. | Rectangle between latitudes 41° 00’ N and 43° 00’ N and between longitudes 71° 00’ W and 73° 00’ W. |
| National Astronomy and Ionosphere Center, Arecibo, Puerto Rico. | Rectangle between latitudes 17° 30’ N and 19° 00’ N and between longitudes 65° 10’ W and 68° 00’ W. |
| National Radio Astronomy Observatory, Green Bank, West Virginia. | Rectangle between latitudes 37° 30’ N and 39° 15’ N and between longitudes 78° 30’ W and 80° 30’ W. |
| National Astronomy and Ionosphere Center, Arecibo, Puerto Rico. | Rectangle between latitudes 17° 30’ N and 19° 00’ N and between longitudes 65° 10’ W and 68° 00’ W. |
| Haystack Radio Observatory, Tyngsboro, Massachusetts. | Rectangle between latitudes 41° 00’ N and 43° 00’ N and between longitudes 71° 00’ W and 73° 00’ W. |
| National Radio Astronomy Observatory, Green Bank, West Virginia. | Rectangle between latitudes 37° 30’ N and 39° 15’ N and between longitudes 78° 30’ W and 80° 30’ W. |
| National Radio Astronomy Observatory, Socorro, New Mexico. | Rectangle between latitudes 32° 30’ N and 35° 30’ N and between longitudes 106° 00’ W and 109° 00’ W. |
| Owens Valley Radio Observatory, Big Pine, California. | Two contiguous rectangles, one between latitudes 36° 00’ N and 37° 00’ N and between longitudes 117° 40’ W and 118° 30’ W and the second between latitudes 37° 00’ N and 38° 00’ N and between longitudes 118° 00’ W and 118° 50’ W. |
| Hat Creek Observatory, Hat Creek, California. | Rectangle between latitudes 40° 00’ N and 42° 00’ N and between longitudes 120° 15’ W and 122° 15’ W. |

Every practicable effort will be made to avoid the assignment of frequencies in the band 4950–4990 MHz to stations in the fixed and mobile services within the geographic areas given above. In addition, every practicable effort will be made to avoid the assignment of frequencies in this band to stations in the aeronautical mobile service which operate outside of those geographic areas, but which may cause harmful interference to the listed observatories. Should such assignments result in harmful interference to these observatories, the situation will be remedied to the extent practicable.

US258 In the band 8025–8400 MHz, the non-Government earth exploration-satellite service (space-to-earth) is allocated on a primary basis. Authorizations are subject to a case-by-case electromagnetic compatibility analysis.

US259 Stations in the radiolocation service in the band 17.3-17.7 GHz, shall be restricted to operating powers of less than 51 dBW eirp after feeder link stations for the broadcasting-satellite service are authorized and brought into use.

US260 Aeronautical mobile communications which are an integral part of aeronautical radionavigation systems may be satisfied in the bands 1559-1626.5 MHz, 5000-5250 MHz and 15.4-15.7 GHz.

US261 The use of the band 4200-4400 MHz by the aeronautical radionavigation service is reserved exclusively for airborne radio altimeters. Experimental stations will not be authorized to develop equipment for operational use in this band other than equipment related to altimeter stations. However, passive sensing in the earth-exploration satellite and space research services may be authorized in this band on a secondary basis (no protection is provided from the radio altimeters).

US262 The band 31.8-32.3 GHz is also located for space-to-earth transmissions in the space research service, limited to deep space communications at Goldstone, California.

US263 In the frequency bands 21.2-21.4, 22.21-22.5, 36-37, 50.2-50.4, 54.25-58.2, 116-126, 150-151, 174.5-176.5, 200-202 and 235-236 GHz, the space research and earth exploration-satellite services shall not receive protection from the fixed and mobile services operating in accordance with the Table of Frequency Allocations.

US264 In the band 48.94–49.04 GHz, airborne stations shall not be authorized.

US265 In the band 10.6-10.68 GHz, the fixed service shall be limited to a maximum equivalent isotropically radiated power of 40 dBW and the power delivered to the antenna shall not exceed – 3dBW per 250 kHz.

US266 Licensees in the public safety radio services holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27-157.47 MHz or on the frequencies 161.85, 161.91 or 161.97 MHz may, upon proper application, continue to be authorized for
such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the public safety radio service.

US267 In the band 902-928 MHz, amateur radio stations shall not operate within the States of Colorado and Wyoming, bounded by the area of latitude 39°N. to 42°N. and longitude 103°W. to 108°W.

US268 The bands 890-902 MHz and 928-942 MHz are also allocated to the radiolocation service for Government ship stations (offshore ocean areas) on the condition that harmful interference is not caused to non-Government land mobile stations. The provisions of footnote US116 apply.

US269 In the band 2500-2690 MHz, applicants for space station assignments are urged to take all practicable steps to protect radio astronomy observations in the adjacent band, 2690-2700 MHz, from harmful interference. Further, all applicants are urged to coordinate their proposed system through the Electromagnetic Management Unit, National Science Foundation, Washington, D.C. 20550, prior to system development.

US270 The band 72.77-72.91 GHz is also allocated to the radio astronomy service. Applicants for frequency assignments in this band are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

US271 The use of the band 17.3-17.8 GHz by the fixed-satellite service (earth-to-space) is limited to feeder links for broadcasting-satellite service.

US272 In the 74.6-74.8 MHz and 75.2-75.4 MHz bands stations in the fixed and mobile services are limited to a maximum power of 1 watt from the transmitter into the antenna transmission line.

US273 In the 216-220 MHz band fixed, aeronautical mobile and land mobile stations are limited to telemetering and associated telecommand operations.

US274 The band 902-928 MHz is allocated on a secondary basis to the amateur service subject to not causing harmful interference to the operations of Government stations authorized in this band or to Location and Monitoring Service (LMS) systems. Stations in the Amateur service must tolerate any interference from the operations of industrial, scientific, and medical (ISM) devices, LMS systems, and the operations of Government stations authorized in this band. Further, the Amateur Service is prohibited in those portions of Texas and New Mexico bounded on the south by latitude 31°41′ North, on the east by longitude 104°11′ West, and on the north by latitude 34°30′ North, and on the west by longitude 107°30′ West; in addition, outside this area but within 150 miles of these boundaries of White Sands Missile Range the service is restricted to a maximum transmitter peak envelope power output of 50 watts.

US276 Except as otherwise provided for herein, use of the bands 2300-2346 and 2360-2390 MHz by the mobile service is limited to aeronautical telemetering and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles or major components thereof. The following four frequencies are shared on a co-equal basis by Government and non-Government stations for telemetering and associated telecommand operations of expendable and reusable launch vehicles whether or not such operations involve flight testing: 2323.5, 2364.5, 2370.5, and 2382.5 MHz. All other mobile telemetering uses shall be secondary to the above uses.

US277 The band 10.6-10.68 GHz is also allocated on a primary basis to the radio astronomy service. However, the radio astronomy service shall not receive protection from stations in the fixed service which are licensed to operate in the one hundred most populous urbanized areas as defined by the U.S. Census Bureau. The following radio astronomy sites have been coordinated for observations in this band: National Radio Astronomy Observatory, Green Bank, West Virginia; (38°26′08″N.; 79°49′42″W.) National Radio Astronomy Observatory, Socorro, New Mexico; (34°04′43″N.; 107°37′04″W.), Harvard Radio Astronomy Station, Fort Davis, Texas; (30°38′06″N.; 103°56′42″W.), Hat Creek Observatory, Hart Creek, California; (40°40′03″N.; 121°28′24″W.), Owens Valley Radio Observatory, Big Pine, California; (37°13′54″N.; 118°17′36″W.), Naval Research Laboratory, Maryland Point, Maryland (38°22′26″N.; 77°14′00″W.).

US278 In the 22.55-23.55 and 32-33 GHz bands non-geostationary intersatellite links may operate on a secondary basis to geostationary intersatellite links.

US279 The frequency 2182 kHz may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

US281 In the band 25.07-25.11 MHz non-Government stations in the industrial radio services shall not cause harmful interference to, and must accept interference from, stations in the maritime mobile service operating in accordance with the International Table of Frequency Allocations.

US282 In the band 4650-4700 kHz frequencies may be authorized for non-Government communication with helicopters in support of off-shore drilling operations on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

US283 In the bands 2850-3025 kHz, 3400-3500 kHz, 4650-4700 kHz, 5450-5680 kHz, 6525-6685 kHz.
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kHz, 10005-10100 kHz, 11275-11400 kHz, 13260-13360 kHz and 17000-17970 kHz frequencies in these bands may be authorized for non-Government flight test purposes on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

US285. Under exceptional circumstances, the carrier frequency 2635, 2638, and 2738 kHz may be authorized to coast stations.

US290. In the band 1900-2000 kHz amateur stations may continue to operate on a secondary basis to the radiolocation service, pending a decision as to their disposition through a future rule making proceeding in conjunction with the implementation of the standard broadcasting service in the 1625-1705 kHz band.

US291. Television pickup stations in the mobile service may be authorized to use frequencies in the band 38.6-40 GHz on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

US292. In the band 14.0-14.2 GHz stations in the radionavigation service shall operate on a secondary basis to the fixed-satellite service.

US294. In the spectrum below 490 kHz electric utilities operate Power Line Carrier (PLC) systems on power transmission lines for communications important to the reliability and security of electric service to the public. These PLC systems operate under the provisions of Part 15 of the Federal Communications Commission's Rules and Regulations or Chapter 7 of the National Telecommunications and Information Administration's Manual of Regulations and Procedures for Federal Radio Frequency Management, on an unprotected and noninterference basis with respect to authorized radio users. Notification of intent to place new or revised radio frequency assignments or PLC frequency uses in the bands below 490 kHz is to be made in accordance with the Rules and Regulations of the FCC and NTIA, and users are urged to minimize potential interference to the degree practicable. This footnote does not provide any allocation status to PLC radio frequency uses.

US296. In the bands designated for ship wide-band telegraphy, facsimile and special transmission systems, the following assignable frequencies are available to non-federal government stations on a shared basis with Federal government stations: 2070.5, 2072.5, 2074.5, 2076.5, 4154.5, 4169.5, 6235.5, 6259.5, 6326.5, 6338.5, 12270.5, 12418.5, 16651.5, 16654.5, 18847.5, 18868.5, 22181.5, 22238.5, 25123.5, and 25159.5 kHz.

US297. The bands 47.2-49.2 GHz and 74.0-75.5 GHz are also available for feeder links in the fixed satellite service for feeder links in conjunction with the radionavigation satellite service operating in the bands 1610-1626.5 MHz and 2483.5-2500 MHz. The total power flux density at the earth’s surface shall in no case exceed 159 dBW/m per 4 kHz for all angles of arrival.

US298. Channels 27555, 27615, 27635, 27655, 27765, and 27860 kHz are available to eligibles in the Forest Products Radio Service on a secondary basis to Government operations including experimental stations. Operations in the Forest Products Radio Service on these channels will not exceed 150 watts and are limited to the states of Washington, Oregon, Maine, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas (eastern portion).

US299. The 1615-1705 kHz band in Alaska is also allocated to the maritime mobile services and the Alaska fixed service on a secondary basis to Region 2 broadcast operations.


US301. Except as provided in US302, broadcast auxiliary stations licensed as of November 21, 1984, to operate in the band 942-944 MHz may continue to operate on a co-equal primary basis to other stations and services operating in the band in accordance with the Table of Frequency Allocations.

US302. The band 942-944 MHz in Puerto Rico is allocated as an alternative allocation to the fixed service for broadcast auxiliary stations only.

US303. In the band 2285-2290 MHz, non-Federal government space stations in the space research, space operations and earth exploration-satellite services may be authorized to transmit to the Tracking and Data Relay Satellite System subject to such conditions as may be applied on a case-by-case basis. Such transmissions shall not cause harmful interference to authorized Federal government stations. The power flux density at the Earth’s surface from such non-Federal government stations shall not exceed –144 to –154 dBW/m/4 kHz, depending on angle of arrival, in accordance with ITU Radio Regulation 5.21.16.

US306. The band 1610-1626.5 MHz is also allocated for use by the radiodetermination satellite service in the Earth-to-space direction.

US307. The sub-band 5150-5216 MHz is also allocated for space-to-Earth transmissions in the fixed satellite service for feeder links in conjunction with the radiodetermination satellite service operating in the bands 1610-1626.5 MHz and 2483.5-2500 MHz. The total power flux density at the earth’s surface shall in no case exceed 159 dBW/m per 4 kHz for all angles of arrival.

US308. In the frequency bands 1549.5-1598.5 MHz and 1651-1660 MHz, the Aeronautical Mobile-Satellite (A) requirements that cannot be accommodated in the 1545-1549.5 MHz, 1598-1599 MHz, 1646.5-1651 MHz and 1660-1660.5 MHz bands shall have priority access with real-time preemptive capability for
communications in the mobile satellite service. Systems not interoperable with the aeronautical mobile-satellite (R) service shall operate on a secondary basis. Account shall be taken of the priority of safety-related communications in the mobile-satellite service.

US 309. Transmissions in the bands 1545-1559 MHz from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links. Transmissions in the band 1646.5-1660.5 MHz from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

US 310. In the bands 14.896-15.121 GHz, non-Government space stations in the space research service may be authorized on a secondary basis to transmit to Tracking and Data Relay Satellites subject to such conditions as may be applied on a case-by-case basis. Such transmissions shall not cause harmful interference to authorized Government stations. The power flux density at the earth’s surface from such non-Government stations shall not exceed –138 to –148 dBW/m²/kHz, depending on the angle of arrival, in accordance with CCIR Recommendation 310-1.

US 311. Radio astronomy observations may be made in the band 1200-1400 MHz on an unprotected basis at certain Radio Astronomy Observatories indicated below:

<table>
<thead>
<tr>
<th>National Radio Astronomy Observatory, Very Long Baseline Array Stations</th>
<th>Latitude (North)</th>
<th>Longitude (West)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brester, WA .......... 48° 06’ 119° 41’</td>
<td>Owens Valley, CA .... 37° 14’ 118° 17’</td>
<td>Saint Croix, VI .... 17° 46’ 64° 35’</td>
</tr>
<tr>
<td>Mauna Kea, HI .......... 19° 48’ 155° 27’</td>
<td>Hancock, NH .......... 42° 56’ 71° 59’</td>
<td></td>
</tr>
</tbody>
</table>

Every practicable effort will be made to avoid the assignment of frequencies in the band 1350-1400 MHz to stations in the fixed and mobile services which could interfere with radio astronomy observations within the geographic areas given above. In addition, every practicable effort will be made to avoid assignment of frequencies in this band to stations in the aeronautical mobile service which operate outside of those geographic areas, but which may cause harmful interference to the listed observatories. Should such assignments result in harmful interference to these observatories, the situation will be remedied to the extent practicable.

US 312 The frequency 173.075 MHz may also be authorized on a primary basis to non-Government stations in the Police Radio Service (with a maximum authorized bandwidth of 20 kHz) for stolen vehicle recovery systems.

US 313. In the bands 1530-1544 MHz and 1626.5-1645.5 MHz maritime mobile-satellite distress and safety communications, e.g., GMDSS, shall have priority access with real-time preemptive capability in the mobile-satellite service. Communications of mobile-satellite system stations not participating in the GMDSS shall operate on a secondary basis to distress and safety communications of stations operating in the GMDSS. Account shall be taken of the priority of safety-related communications in the mobile-satellite service.

US 314. The band 2900-3100 MHz is also allocated on a primary basis to the Meteorological Aids Service. Operations in this service are limited to Government Next Generation Weather Radar (NEXRAD) systems where accommodation in the 2700-2900 MHz band is not technically practical and are subject to coordination with existing authorized stations."

US 315. The band 2180.0-2190.0 MHz is allocated on a primary basis to the Interactive Video and Data operations.

US 316 Until January 1, 2000, the use of the 137-138 MHz band by the mobile-satellite service will be secondary to Government satellite operations in the subbands: 137.333-137.367, 137.485-137.515, 137.605-137.635 and 137.753-137.787 MHz.

US 319 In the bands 137-138 MHz, 148-149.9 MHz, 149.9-150.05 MHz, 399.9-400.05 MHz, 499.9-500.05 MHz, 599.9-600.05 MHz, 699.9-700.05 MHz, 799.9-800.05 MHz, 899.9-900.05 MHz, 999.9-1000.05 MHz, 1099.9-1100.05 MHz, 1199.9-1200.05 MHz, 1299.9-1300.05 MHz, 1399.9-1400.05 MHz, 1499.9-1500.05 MHz, 1599.9-1600.05 MHz, 1699.9-1700.05 MHz, 1799.9-1800.05 MHz, 1899.9-1900.05 MHz, 1999.9-2000.05 MHz, 2099.9-2100.05 MHz, 2199.9-2200.05 MHz, 2299.9-2300.05 MHz, 2399.9-2400.05 MHz, 2499.9-2500.05 MHz, 2599.9-2600.05 MHz, 2699.9-2700.05 MHz, 2799.9-2800.05 MHz, 2899.9-2900.05 MHz, 2999.9-3000.05 MHz, 3099.9-3100.05 MHz, 3199.9-3200.05 MHz, 3299.9-3300.05 MHz, 3399.9-3400.05 MHz, 3499.9-3500.05 MHz, 3599.9-3600.05 MHz, 3699.9-3700.05 MHz, 3799.9-3800.05 MHz, 3899.9-3900.05 MHz, 3999.9-4000.05 MHz, 4099.9-4100.05 MHz, 4199.9-4200.05 MHz, 4299.9-4300.05 MHz, 4399.9-4400.05 MHz, 4499.9-4500.05 MHz, 4599.9-4600.05 MHz, 4699.9-4700.05 MHz, 4799.9-4800.05 MHz, 4899.9-4900.05 MHz, 4999.9-5000.05 MHz, 5099.9-5100.05 MHz, 5199.9-5200.05 MHz, 5299.9-5300.05 MHz, 5399.9-5400.05 MHz, 5499.9-5500.05 MHz, 5599.9-5600.05 MHz, 5699.9-5700.05 MHz, 5799.9-5800.05 MHz, 5899.9-5900.05 MHz, 5999.9-6000.05 MHz, 6099.9-6100.05 MHz, 6199.9-6200.05 MHz.
400.15-401. MHz, 1610-1626.5 MHz, and 2483.5-2500 MHz. Federal government stations in the mobile-satellite service shall be limited to earth stations operating with non-Federal government entities.

US320 Use of the 137-138, 148-149.9, and 400.15-401 MHz bands by the mobile-satellite service is limited to non-voice, non-geostationary systems not claim any satellite links between land earth stations at fixed locations.

US321 The 525-1705 kHz band is also allocated to the mobile service on a secondary basis for the distribution of public service information from non-government Traveler's Information Stations operating in the Local Government Radio Service on 10 kHz spaced channels from 540 to 1700 kHz.

US322 Use of the bands 149.9-150.5 MHz and 361.9-400.0 MHz by the mobile-satellite service (Earth-to-space) is limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations.

US323 In the 148-149.9 MHz band, no individual mobile earth station shall transmit, on the same frequency being actively used by fixed and mobile stations and shall transmit no more than 0.7% of the time during any 15 minute period; except, individual mobile earth stations in this band that do not avoid frequencies actively being used by the fixed and mobile service shall not exceed a power density of –16 dBW/µHz and shall transmit no more than 0.25% of the time during any 15 minute period. Any single transmission from any individual mobile earth station operating in this band shall not exceed 450 ms in duration and consecutive transmissions from a single mobile earth station on the same frequency shall be separated by at least 15 seconds. Land earth stations in this band shall be subject to electromagnetic compatibility analysis and coordination with terrestrial fixed and mobile stations.

US324 Government and non-Government satellite systems in the 400.15-401 MHz band shall be subject to electromagnetic compatibility analysis and coordination.

US325 In the band 148-149.9 MHz fixed and mobile stations shall not claim any protection from land earth stations in the mobile-satellite service that have been previously coordinated; Government fixed and mobile stations exceeding 27 dBW EIRP, or an emission bandwidth greater than 38 kHz, will be coordinated with existing mobile-satellite service space stations.

US327 In the band 2310-2360 MHz is allocated to the broadcasting-satellite service (sound) and complementary terrestrial broadcasting service on a primary basis. Such use is limited to digital audio broadcasting and is subject to the provisions of Resolution 528.

US328 In the band 2300-2345 MHz, the mobile and radiolocation services are allocated on a primary basis until a broadcasting-satellite (sound) service has been brought into use in such a manner as to affect or be affected by the mobile and radiolocation services in those service areas. The broadcasting-satellite (sound) service during implementation should also take cognizance of the expendable and reusable launch vehicle frequency of 2302.5 MHz, to minimize the impact this mobile service use to the extent possible.

US334 In the band 17.8-20.2 GHz, Government space stations in both geostationary (GSO) and non-geostationary satellite orbits (NGSO) and associated earth stations in the fixed-satellite service (space-to-Earth) may be authorized on a primary basis. For a Government geostationary satellite network to operate on a primary basis, the space station shall be located outside the arc, measured from east to west, 70 West Longitude to 120 West Longitude. Coordination between Government fixed-satellite systems and non-Government space and terrestrial systems operating in accordance with the United States Table of Frequency Allocations is required.

(a) In the sub-band 17.8-19.7 GHz, the power flux-density at the surface of the Earth produced by emissions from a Government GSO space station or from a Government space station in a NGSO constellation of 30 or fewer satellites, for all conditions and for all methods of modulation, shall not exceed the following values in any 1 MHz band:

1. $115 + X$ dB(W/m$^2$) for angles of arrival between the horizontal plane (6) between 0° and 5°.
2. $115 + 0.5 (\sigma - 5)$ dB(W/m$^2$) for $\sigma$ between 5° and 25°, and
3. $105$ dB(W/m$^2$) for $\sigma$ between 25° and 90°.

(b) In the sub-band 17.8-19.3 GHz, the power flux-density at the surface of the Earth produced by emissions from a Government space station in an NGSO constellation of 51 or more satellites, for all conditions and for all methods of modulation, shall not exceed the following values in any 1 MHz band:

1. $115 - X$ dB(W/m$^2$) for $\sigma$ between 0° and 5°,
2. $115 - X + ((10 + X) / 20) (\sigma - 5)$ dB(W/m$^2$) for $\sigma$ between 5° and 25°, and
3. $105$ dB(W/m$^2$) for $\sigma$ between 25° and 90°, where $X$ is defined as a function of the number of satellites, $n$, in an NGSO constellation as follows:

For $n \leq 288$, $X = (5/119) (n - 50)$ dB; and

For $n > 288$, $X = (1/69) (n + 402)$ dB.

US335 The primary government and non-Government allocations for the various segments of the 220-222 MHz band are divided as follows: (1) the 220.0-220.52/221.0-221.55, 220.6-220.6/221.6-222.0, 220.85-220.925/221.85-222.0, and 220.925-221.0/221.925-222.0 MHz bands (Channels 1-110, 121-160, 171-180, and 186-200, respectively) are available for exclusive non-Government use; (2) the 220.55-220.6/221.55-221.60 MHz bands (Chains 111-120) are available...
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for exclusive Government use; and (3) the
220.8-220.85/221.85-230 MHz and 220.9-220.95/221.9-221.925 MHz bands (Channels 161-170 and 181-185, respectively) are available for shared Government and non-Government use. The exclusive non-Government band segments are also available for temporary fixed geophysical telemetry operations on a secondary basis to the fixed and mobile services.

US337 In the band 13.75-13.80 GHz, earth stations and non-Government satellite service shall be coordinated on a case-by-case basis through the Frequency Assignment Subcommittee of the Interdepartment Radio Advisory Committee in order to minimize harmful interference to the Tracking and Data Relay Satellite System's forward-space-to-space link (TDRSS forward link-to-LEO).

US338 In the 2305-2310 MHz band, space-to-Earth operations are prohibited. Additionally, in the 2305-2320 MHz band, all Wireless Communications Service (WCS) operations within 50 kilometers of 35° 20' North Latitude and 116° 55' West Longitude shall be coordinated through the Frequency Assignment Subcommittee of the Interdepartment Radio Advisory Committee in order to minimize harmful interference to NASA's Goldstone Deep Space facility.

US339 The bands 2310-2320 and 2345-2360 MHz are also available for aeronautical telemetry and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles or major components thereof on a secondary basis to the Wireless Communications Service. The following two frequencies are shared on a co-equal basis by Government and non-Government stations for telemetering and associated telecommand operations of expendable and reusable launch vehicles whether or not such operations involve flight testing: 2312.5 and 2352.5 MHz. Other mobile telemetering uses may be provided on a non-interference basis to the above uses. The broadcasting-satellite (sound) service during implementation should also take cognizance of the expendable and reusable launch vehicle frequencies 2312.5 and 2352.5 MHz, to minimize the impact on this mobile service use to the extent possible.

US340 The 2-30 MHz band is available on a secondary non-interference basis to Government and non-Government maritime and aeronautical stations for the purposes of measuring the quality of reception on radio channels. See 47 C.F.R. § 87.149 for the list of protected frequencies and bands within this frequency range. Actual communications shall be limited to those frequencies specifically allocated to the maritime mobile and aeronautical mobile services.

US341 In making assignments to stations of other services to which the bands:
1330-1400 MHz
1610.6-1613.8 MHz
1660-1670 MHz
3260-3267 MHz
3325-3339 MHz
3345.8-3352.5 MHz
4825-4835 MHz
14.47-14.5 GHz
22.01-22.21 GHz
22.21-22.5 GHz
22.81-22.86 GHz
31.2-31.3 GHz
36.43-36.5 GHz
42.5-43.5 GHz
48.94-49.04 GHz
97.88-98.08 GHz
140.69-140.98 GHz
144.66-144.98 GHz
145.45-145.75 GHz
147.62-147.12 GHz
202.24-202.76 GHz
265-275 GHz
are allocated (* indicates radio astronomy use for spectral line observations), all practicable steps shall be taken to protect the radio astronomy service from harmful interference. Emissions from spaceborne or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343/5.45 and 345/4.6 and Article 36529 of the ITU Radio Regulations).

US345 In the band 402-405 MHz, the mobile, except mobile aeronautical, service is allocated on a secondary basis and is limited to, with the exception of military tactical mobile stations, Medical Implant Communications Service (MICS) operations. MICS stations are authorized by rule on the condition that harmful interference is not caused to stations in the meteorological aids, meteorological-satellite, and earth exploration-satellite services, and that MICS stations accept interference from stations in the meteorological aids, meteorological-satellite, and earth exploration-satellite services.

US346 Except as provided by footnote US221, the use of the band 2025-2110 MHz by the Government space operation service (Earth-to-space), Earth exploration-satellite service (Earth-to-space), and space research service (Earth-to-space) shall not constrain the deployment of the Television Broadcast Auxiliary Service, the Cable Television Relay Service, or the Local Television Transmission Service. To facilitate compatible operations between non-Government terrestrial receiving stations at fixed sites and Government earth station transmitters, coordination is required. To facilitate compatible operations between non-government terrestrial transmitting stations and Government spacecraft receivers, the terrestrial transmitters shall not be high-density systems (see Recommendations ITU-R SA.1154 and ITU-R F.1247).
US347 In the band 2025-2130 MHz, non-Government Earth-to-space and space-to-space transmissions may be authorized in the space research and Earth exploration-satellite services subject to such conditions as may be applied on a case-by-case basis. Such transmissions shall not cause harmful interference to Government and non-Government stations operating in accordance with the Table of Frequency Allocations.

US350 In the bands 608-614 MHz, 1395±1400 MHz, and 1429-1432 MHz may be used on secondary basis for non-Government land mobile telemetry and telecommand and fixed telemetry.

US351 In the band 1390-1400 MHz, Government operations, except for medical telemetry operations, are on a non-interference basis to authorized non-Government operations and shall not hinder implementation of any non-Government operations. However, Government operations authorized as of March 22, 1995 at 17 sites identified below will be continued on a fully protected basis until January 1, 2004.

US352 In the band 1429-1432 MHz, Government operations, except for medical telemetry operations, are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations. However, Government operations authorized as of March 22, 1995 at 14 sites identified below will be continued on a fully protected basis until January 1, 2004.

<table>
<thead>
<tr>
<th>Sites</th>
<th>Lat/Long</th>
<th>Radius (km)</th>
<th>Sites</th>
<th>Lat/Long</th>
<th>Radius (km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eglin AFB, FL</td>
<td>30°28'N/86°31'W</td>
<td>80</td>
<td>Ft. Greely, AK</td>
<td>63°47'N/145°52'W</td>
<td>80</td>
</tr>
<tr>
<td>Dugway PG, UT</td>
<td>40°11'N/112°53'W</td>
<td>80</td>
<td>Ft. Rucker, AL</td>
<td>31°13'N/085°49'W</td>
<td>80</td>
</tr>
<tr>
<td>China Lake, CA</td>
<td>35°41'N/117°41'W</td>
<td>80</td>
<td>Redstone, AL</td>
<td>34°35'N/086°35'W</td>
<td>80</td>
</tr>
<tr>
<td>Ft. Huachuca, AZ</td>
<td>31°33'N/110°18'W</td>
<td>80</td>
<td>Utah Test Range, UT</td>
<td>40°57'N/113°05'W</td>
<td>80</td>
</tr>
<tr>
<td>Cherry Point, NC</td>
<td>34°57'N/076°56'W</td>
<td>80</td>
<td>WSM Range, NM</td>
<td>32°10'N/106°21'W</td>
<td>80</td>
</tr>
<tr>
<td>Patuxent River, MD</td>
<td>38°17'N/076°25'W</td>
<td>80</td>
<td>Holloman AFB, NM</td>
<td>33°29'N/106°50'W</td>
<td>80</td>
</tr>
<tr>
<td>Aberdeen PG, MD</td>
<td>39°29'N/076°08'W</td>
<td>80</td>
<td>Yuma, AZ</td>
<td>32°29'N/114°20'W</td>
<td>80</td>
</tr>
<tr>
<td>Wright-Patterson AFB, OH</td>
<td>39°50'N/084°03'W</td>
<td>80</td>
<td>Pacific Missile Range, CA</td>
<td>34°07'N/119°30'W</td>
<td>80</td>
</tr>
<tr>
<td>Edwards AFB, CA</td>
<td>34°54'N/117°53'W</td>
<td>80</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Non-Federal Government (NG) Footnotes**

(These footnotes, each consisting of the letters "NG" followed by one or more digits, denote stipulations applicable only to the non-Federal Government.)

NG2 Facsimile broadcasting stations may be authorized in the band 88-108 MHz.

NG3 Control stations in the domestic public mobile radio service may be authorized in the band 72-73 and 75.4-76 MHz on the condition that harmful interference will not be caused to operational fixed stations.

NG4 The use of the frequencies in the band 152.84-153.36 MHz may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG6 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 195.51-161.79 MHz in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05-161.37 MHz. No new public radio service system will be authorized to operate on these frequencies.
Federal Communications Commission

NG12 Frequencies in the bands 454.40-455 MHz and 459.40-460 MHz may be assigned to domestic public land and mobile stations to provide a two-way air-ground public radio-telephone service.

NG17 Stations in the land transportation radio services authorized as of May 15, 1958 to operate on the frequency 161.61 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new land transportation radio service system will be authorized to operate on 161.61 MHz.

NG19 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG23 Frequencies in the band 2100-2200 MHz may also be assigned to stations in the International Fixed Public Radiocommunication Services located south of 25° 30' North Latitude in the State of Florida and in U.S. insular areas in the Caribbean, except that no new assignments in the band 2150-2162 MHz will be made to such stations after February 25, 1974 and no new assignments in the band 2165-2200 MHz will be made to such stations after June 27, 2000.

NG28 The frequency band 160.86-161.40 MHz is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only on a shared basis with the land transportation radio service.

NG31 Stations in the Rural Radio Service licensed for Basic Exchange Telecommunications Radio Service may be authorized to use some frequencies in the bands 816-820 MHz (fixed subscriber) and 861-865 MHz (central office or base), on a co-primary basis with private land mobile radio licensees, pursuant to part 22 subpart H.

NG41 Frequencies in the bands 3700-4200 MHz, 5925-6425 MHz, and 10.7-11.7 GHz may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

NG42 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

NG47 In Alaska, frequencies within the band 2655-2690 MHz are not available for assignment to terrestrial stations.

NG49 The following frequencies may be authorized for mobile operations in the Manufacturers Radio Service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5 and that their use is limited to a manufacturing facility:

<table>
<thead>
<tr>
<th>MHz</th>
<th>MHz</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.02</td>
<td>72.22</td>
</tr>
<tr>
<td>72.04</td>
<td>72.24</td>
</tr>
<tr>
<td>72.06</td>
<td>72.26</td>
</tr>
<tr>
<td>72.08</td>
<td>72.28</td>
</tr>
<tr>
<td>72.10</td>
<td>72.30</td>
</tr>
<tr>
<td>72.12</td>
<td>72.32</td>
</tr>
<tr>
<td>72.14</td>
<td>72.34</td>
</tr>
<tr>
<td>72.16</td>
<td>72.36</td>
</tr>
<tr>
<td>72.18</td>
<td>72.38</td>
</tr>
<tr>
<td>72.20</td>
<td>72.40</td>
</tr>
</tbody>
</table>

Further, the following frequencies may be authorized for mobile operations in the Special Industrial Radio Service, Manufacturers Radio Service, Railroad Radio Service and Forest Products Radio Service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5; and that their use is limited to a railroad yard, manufacturing plant, logging site, mill, or similar industrial facility.

<table>
<thead>
<tr>
<th>MHz</th>
<th>MHz</th>
</tr>
</thead>
<tbody>
<tr>
<td>72.44</td>
<td>75.44</td>
</tr>
<tr>
<td>72.48</td>
<td>75.48</td>
</tr>
<tr>
<td>72.52</td>
<td>75.52</td>
</tr>
<tr>
<td>72.56</td>
<td>75.56</td>
</tr>
<tr>
<td>72.60</td>
<td>75.60</td>
</tr>
</tbody>
</table>

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8-150.98 MHz and 150.98-151.49 MHz are allocated exclusively to the business radio service.

NG53 In the band 12.7-13.15 GHz, television pickup stations and CARS pickup stations shall be assigned channels on a co-equal basis and shall operate on a secondary basis to fixed stations operating in accordance with the Table of Frequency Allocations. In the 13.15-13.20 GHz band television pickup stations and CARS pickup stations shall be assigned on an exclusive basis in the top one hundred markets, as set out in Section 76.5.

NG56 In the bands 72.0-73.0 and 75.4-76.0 MHz, the use of mobile radio remote control of models is on a secondary basis to all other fixed and mobile operations. Such operations are subject to the condition that interference will not be caused to common carrier domestic public stations, to remote control of industrial equipment operating in the 72-76 MHz band, or to the reception of television signal on channels 4 (66-72 MHz) or 5 (76-82 MHz). Television interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signal or the distance to the television station.
NG59 The frequencies 37.60 and 37.85 MHz may be authorized only for use by base, mobile, and operational fixed stations participating in an interconnected or coordinated power service utility system.

NG63 Television Broadcast translator stations holding valid licenses on November 15, 1971, to operate in the frequency band 806-890 MHz (channels 70±83), may continue to operate in this band, pursuant to periodic license renewals, on a secondary basis to the land mobile radio service.

NG66 The frequency band 470-512 MHz is allocated for use in the broadcasting and land mobile radio services. In the land mobile services, it is available for assignment in the domestic public, public safety, industrial, and land transportation radio services at, or in the vicinity of 11 urbanized areas of the United States, as set forth in the following table. Additionally, in the land mobile services, TV channel 16 is available for assignment in the public safety radio services at, or in the vicinity of, Los Angeles. Such use in the land mobile services is subject to the conditions set forth in parts 22 and 90 of this chapter.

<table>
<thead>
<tr>
<th>Urbanized area</th>
<th>TV channel</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York, NY-Northeastern New Jersey</td>
<td>14, 15</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>14, 20</td>
</tr>
<tr>
<td>Chicago, IL-Northwestern Indiana</td>
<td>14, 15</td>
</tr>
<tr>
<td>Philadelphia, PA-New Jersey</td>
<td>19, 20</td>
</tr>
<tr>
<td>San Francisco-Oakland, CA</td>
<td>16, 17</td>
</tr>
<tr>
<td>Boston, MA</td>
<td>14, 16</td>
</tr>
<tr>
<td>Washington, D.C.-Maryland-Virginia</td>
<td>17, 18</td>
</tr>
<tr>
<td>Pittsburgh, PA</td>
<td>14, 18</td>
</tr>
<tr>
<td>Miami, FL</td>
<td>14</td>
</tr>
<tr>
<td>Houston, TX</td>
<td>17</td>
</tr>
<tr>
<td>Dallas, TX</td>
<td>16</td>
</tr>
</tbody>
</table>

NG70 In Puerto Rico and the Virgin Islands only, the bands 159.240-159.435 and 160.410-160.620 MHz are also available for assignment to base stations and mobile stations in the special industrial radio service.

NG101 The use of the band 2500-2655 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception of educational television programming and public service information. Such use is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected. In the band 2500-2655 MHz, unless such agreement includes the use of higher values, the power flux density at the Earth’s surface produced by emissions from a space station in this service shall not exceed those values set forth in part 73 of the rules for this frequency band.

NG102 Use of the fixed-satellite service in the bands 2500-2655 MHz (space-to-Earth) and 2655-2690 MHz (Earth-to-space) is limited as follows:

(a) For common carrier use in Alaska, for intra-Alaska service only, and in the mid- and western-Pacific areas, including American Samoa, Guam, the Northern Mariana Islands, and Hawaii, and under the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands.

(b) For educational use in the contiguous United States, Alaska, and the mid- and western-Pacific areas, including American Samoa, Guam, the Northern Mariana Islands, and Hawaii.

Such use is subject to agreement with administrations having services operating in accordance with the Table, which may be affected. In the band 2500-2655 MHz, unless such agreement includes the use of higher values, the power flux density at the Earth’s surface produced by emissions from a space station in this service shall not exceed the values set forth in part 25 of the Rules for this frequency band.

NG104 The use of the bands 10.7-11.7 and 12.75-13.25 GHz in the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

NG111 The band 157.4375-157.4625 MHz may be used for one way paging operations in the special emergency radio service.

NG112 The frequencies 25.04, 25.08, 150.980, 154.585, 158.445, 159.480, 454.000 and 459.000 MHz may be used for one way paging operations in the emergency radio service and secondarily in regular land mobile communication.

NG114 In the Gulf of Mexico offshore from the Louisiana-Texas coast, the frequency band 476-494 MHz (TV channels 15, 16 and 17) is allocated to the Domestic Public and Private Land Mobile Radio Services in accordance with the regulations set forth in parts 22 and 90 respectively.

NG115 In the 14 to 216 MHz band wireless microphones may be authorized to operate on a secondary, non-interfering basis, subject to terms and conditions set forth in part 74 of these Rules and Regulations.

NG117 The frequency 156.050 and 156.175 MHz may be assigned to stations in the maritime mobile service for commercial and port operations in the New Orleans Vessel Traffic Service (VTS) area and the frequency 156.250 MHz may be assigned to stations in the maritime mobile service for port operating in the New Orleans and Houston VTS areas.

NG118 In the band 2025-2110 MHz, television translator relay stations may be authorized to use frequencies on a secondary basis to other stations in the Television Broadcast Auxiliary Service that are operating in accordance with the Table of Frequency Allocations.

NG120 Frequencies in the band 928-960 MHz may be assigned for use in the broadcasting and television translator relay stations may be authorized to use frequencies on a secondary basis to other stations in the Television Broadcast Auxiliary Service that are operating in accordance with the Table of Frequency Allocations.
§ 2.106

Within designated segments of the bands that comprise 30.85-47.41 MHz, 150.8-159.456 MHz, and 453.0125-467.9875 MHz, police licensees are authorized to operate low power radio transmitters on a secondary, non-interference basis in accordance with the provisions of 47 CFR 2.803 and 90.20(e)(5).

In Hawaii, the frequency band 494-495 MHz is allocated exclusively to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communications only.

NG152 The band 219-220 MHz is also allocated to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communications only.

NG124 Within designated segments of the bands that comprise 30.85-47.41 MHz, 150.8-159.456 MHz, and 453.0125-467.9875 MHz, police licensees are authorized to operate low power radio transmitters on a secondary, non-interference basis in accordance with the provisions of 47 CFR 2.803 and 90.20(e)(5).

NG127 In Hawaii, the frequency band 494-495 MHz is allocated exclusively to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communications only.

NG128 In the band 535-1705 kHz, AM broadcast licensees or permittees may use their AM carrier on a secondary basis to transmit signals intended for both broadcast and non-broadcast purposes. In the band 88-108 MHz, FM broadcast licensees or permittees are permitted to use subcarriers on a secondary basis to transmit signals intended for both broadcast and non-broadcast purposes. In the bands 54-72, 76-88, 174-216, 470-512, 512-608 MHz, TV broadcast licensees or permittees are permitted to use subcarriers on a secondary basis for both broadcast and non-broadcast purposes.

NG129 In Alaska, the bands 76-88 MHz and 88-100 MHz are also allocated to the Fixed service on a secondary basis. Broadcast station operations in these bands shall not cause interference to non-Government fixed operations authorized prior to January 1, 1982.

NG130 In the bands 10.45-10.5 GHz non-Government stations in the radiolocation service shall not cause harmful interference to the amateur and amateur-satellite services.

NG135 In the 420-430 MHz band the amateur service is not allocated north of line A (def §2.1).

NG141 The frequencies 42.40 MHz and 44.10 MHz are authorized on a primary basis in the State of Alaska for meteor burst communications by fixed stations in the Rural Radio Service operating under the provisions of part 22 of this chapter. The frequencies 44.20 MHz and 45.90 kHz are authorized on a primary basis in Alaska for meteor burst communications by fixed private radio stations operating under the provisions of part 90 of this chapter. The private radio station frequencies may be used by Common Carrier stations on a secondary, noninterference basis and the Common Carrier frequencies may be used by private radio stations for meteor burst communications on a secondary, noninterference basis. Users shall cooperate to the extent practical to minimize potential interference. Stations utilizing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the Table of Frequency Allocations.

NG142 TV broadcast stations authorized to operate in the bands 54-72, 76-88, 174-216, 470-512, and 512-806 MHz may use a portion of the television vertical blanking interval for the transmission of telecommunications signals, on the condition that harmful interference will not be caused to the reception of primary services, and that such telecommunications services must accept any interference caused by primary services operating in these bands.

NG133 In the band 11.7-12.2 GHz protection from harmful interference shall be afforded to transmissions from space stations not in conformance with international footnote 839 only if the operations of such space stations impose no unacceptable constraints on operations or orbit locations of space stations in conformance with 839.

NG134 Stations authorized as of September 9, 1983 to use frequencies in the bands 17.7-18.58 GHz and 19.3-19.7 GHz may, upon proper application, continue operations. Fixed stations authorized in the band 18.58-19.3 GHz that remain co-primary under the provisions of §§21.901(e), 74.502c, 74.602(g), 78.18(a)(4), and 101.174(r) of this chapter may continue operations consistent with the provisions of those sections.

NG135 In the band 11.7-12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignments. With respect to the space services, this band shall be used principally for the fixed-satellite service.

NG136 Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a primary basis with the mobile-satellite service and the radiodetermination satellite service.

NG137 The frequencies 154.505 MHz, 159.480 MHz, 160.725 MHz, 160.785 MHz, 454.000 MHz and 459.000 MHz may be authorized to maritime mobile stations for offshore radio-location and associated telemeter operations.

NG138 The frequency bands 54-72 MHz, 76-88 MHz, 174-216 MHz, 470-512 MHz, 512-608 MHz, and 614-746 MHz are also allocated to the fixed service to permit subscription television operations in accordance with Part 73 of the rules.

NG139 In the frequency bands 824-849 MHz and 869-894 MHz, cellular land mobile licensees are permitted to offer auxiliary services on a secondary basis subject to the provisions of part 22.

NG140 The frequency bands 824-849 MHz and 869-894 MHz, cellular land mobile licensees are permitted to offer auxiliary services on a secondary basis subject to the provisions of part 22.

NG141 In the frequency bands 824-849 MHz and 869-894 MHz, cellular land mobile licensees are permitted to offer auxiliary services on a secondary basis subject to the provisions of part 22.

NG142 TV broadcast stations authorized to operate in the bands 54-72, 76-88, 174-216, 470-512, and 512-806 MHz may use a portion of the television vertical blanking interval for the
basis for stations participating, as forwarding stations, in point-to-point fixed digital message forwarding systems, including intercity packet backbone networks.

NG153 The bands 2100-2150 MHz and 2160-2165 MHz are reserved for future emerging technologies on a co-primary basis with the fixed and mobile services. Allocations to specific services will be made in future proceedings.

NG155 The bands 159.900-159.675 MHz and 161.375-161.550 MHz are allocated to the maritime service as described in Part 80 of this chapter. Additionally, the frequencies 159.550, 159.575 and 159.600 MHz are available for low-power intership communications.

NG156 The band 1900-2025 MHz is also allocated to the fixed and mobile services on a primary basis for facilities where the receipt date of the initial application was prior to June 27, 2000, and on a secondary basis for all other initial applications. Not later than September 6, 2010, the band 1900-2025 MHz is allocated to the fixed and mobile services on a secondary basis.

NG158 The frequency bands 764-776 MHz and 794-806 MHz are available for assignment exclusively to the public safety services, to be defined in Docket No. WT 96-86.

NG159 Full power analog television stations licensed pursuant to applications filed before January 2, 2001, and new digital television (DTV) broadcasting operations in the 746-806 MHz band will be entitled to protection from harmful interference until the end of the DTV transition period. After the end of the DTV transition period, the Commission may assign licenses in the 746-806 MHz band without regard to existing television and DTV operations.

Low power television and television translators in the 746-806 MHz band must cease operations in the band at the end of the DTV transition period.

NG160 In the 5850-5925 MHz band, the use of the non-Federal government mobile services is limited to Dedicated Short Range Communications operating in the Intelligent Transportation System radio service.

NG163 The allocation to the broadcasting-satellite service in the band 17.3-17.7 GHz shall come into effect on April 1, 2007.

NG164 The use of the band 18.3-18.8 GHz by the fixed-satellite service (space-to-Earth) is limited to systems in the geostationary-satellite orbit.

NG165 The use of the band 18.8-19.3 GHz by the fixed-satellite service (space-to-Earth) is limited to systems in non-geostationary-satellite orbits.

NG166 The use of the band 19.3-19.7 GHz by the fixed-satellite service (space-to-Earth) is limited to feeder links for the mobile-satellite service.

NG167 The use of the fixed-satellite service (Earth-to-space) in the band 24.75-25.25 GHz is limited to feeder links for the broad-casting-satellite service operating in the band 17.3-17.7 GHz. The allocation to the fixed-satellite service (Earth-to-space) in the band 24.75-25.25 shall come into effect on 1 April 2007.

NG168 The band 2165-2200 MHz is also allocated to the fixed and mobile services on a primary basis for facilities where the receipt date of the initial application was prior to January 16, 1992, and on a secondary basis for all other initial applications. Not later than September 6, 2010, the band 2165-2200 MHz is allocated to the fixed and mobile services on a secondary basis.

Federal Government (G) Footnotes

(These footnotes, each consisting of the letter “G” followed by one or more digits, denote stipulations applicable only to the Federal Government.)

G2 In the bands 216-225, 420-450 (except as provided by US217), 890-902, 928-942, 1300-1400, 2310-2390, 2417-2450, 2700-2900, 3560-3650, and 9000-9200 MHz, the Government radiolocation service is limited to the military services.

G5 In the bands 162.0125-173.2, 173.4-174, 406.1-410 and 410-420 MHz, the fixed and mobile services are all allocated on a primary basis to the Government non-military agencies.

G6 Military tactical fixed and mobile operations may be conducted nationally on a secondary basis: (1) To the meteorological aids service in the band 403-406 MHz; and (2) to the radio astronomy service in the band 406.1-410 MHz. Such fixed and mobile operations are subject to local coordination to ensure that harmful interference will not be caused to the services to which the bands are allocated.

G8 Low power Government radio control operations are permitted in the band 420-450 MHz.

G11 Government fixed and mobile radio services, including low power radio control operations, are permitted in the band 902-928 MHz on a secondary basis.

G15 Use of the band 2700-2900 MHz by the military fixed and shipborne air defense radiolocation installations will be fully coordinated with the meteorological aids and aeronautical radionavigation services. The military air defense installations will be moved from the band 2700-2900 MHz at the earliest practicable date. Until such time as military air defense installations can be accommodated satisfactorily elsewhere in the spectrum, such operations will, insofar as practicable, be adjusted to meet the requirements of the aeronautical radionavigation service.

G19 Use of the band 9000-9200 MHz by military fixed and shipborne air defense radiolocation installations will be fully coordinated with the aeronautical radionavigation service, recognizing fully the safety aspects
of the latter. Military air defense installations will be accommodated ultimately outside this band. Until such time as military defense installations can be accommodated satisfactorily, the spectrum will, insofar as practicable, be adjusted to meet the requirements of the aeronautical radionavigation services.

G10 In the bands 225-230 MHz, 335.4-399.9 MHz, and 1300-1395 MHz, the fixed and mobile services are limited to the military services. G13 In the bands 135-144, 148-149.9, 150.05-150.8, 1427-1429, and 1432-1435 MHz, the fixed and mobile services are limited primarily to operations by the military services. G11 In the bands 2300-3500 MHz, the Government radiolocation is limited to the military services, except as provided by footnote.

G12 Except for weather radars on meteorological satellites in the band 9975-10025 MHz and for Government survey operations (see footnote US108), Government radiolocation in the band 10000-10050 MHz is limited to the military services.

G13 In the band 34.4-34.5 GHz, weather radars on board meteorological satellites for cloud detection are authorized to operate on the basis of equality with military radiolocation devices. All other non-military radiolocation in the band 33.4-36.0 GHz shall be secondary to the military services.

G14 Space command, control, range and range rate systems for earth station transmission only (including installations on certain Navy ships) may be accommodated on a co-equal basis with the fixed and mobile services in the band 1763-1842 MHz. Specific frequencies required to be used at any location will be satisfied on a coordinated case-by-case basis.

G15 Government radiolocation in the bands 1215-1300, 2900-3100, 5350-5650 and 5900-6000 MHz is primarily for the military services; however, limited secondary use is permitted by other Government agencies in support of experimentation and research programs. In addition, limited secondary use is permitted for survey operations in the bands 2900-3100 MHz.

G16 In the bands 902-908 MHz, 3100-3300 MHz, 3500-3700 MHz, 5250-5350 MHz, 8500-9000 MHz, 9200-9300 MHz, 13.4-14.0 GHz, 15.7-17.7 GHz and 24.05-24.25 GHz, all Government non-military radiolocation shall be secondary to military radiolocation, except in the subband 15.7-16.2 GHz airport surface detection equipment (ASDE) is permitted on a co-equal basis subject to coordination with the military departments.

G17 In the bands 335.4-399.9 MHz are also allocated on a primary basis to the mobile-satellite service, limited to military operations.

G18 In the bands 7450-7550 and 8175-8215 MHz, it is agreed that although the military space radio communication systems, which include earth stations near the proposed meteorological-satellite installations will precede the meteorological-satellite installations, engineering adjustments to either the military or the meteorological-satellite systems or both will be made as mutually required to assure compatible operations of the systems concerned.

G19 The bands 2501-2902 kHz, 5003-5005 kHz, 10003-10005 kHz, 15005-15010 kHz, 19990-19995 kHz, 20005-20010 kHz and 25005-25010 kHz are also allocated, on a secondary basis, to the space research service. The space research transmissions are subject to immediate temporary or permanent shutdown in the event of interference to the reception of the standard frequency and time broadcasts.

G20 All assignments in the band 157.0375-157.1875 MHz are subject to adjustment to other frequencies in this band as long term U.S. maritime VHF planning develops, particularly that planning incident to support of the National VHF-FM Radiotelephone Safety and Distress System (See Doc. 15624/1-19.111/1.9.125).

G21 Government ground-based stations in the aeronautical radionavigation service may be authorized between 3500-3700 MHz where accommodation in the 2700-2900 MHz band is not technically and/or economically feasible.

G22 In the band 1350-1395 MHz, the frequency 1381.05 MHz with emissions limited to ±12 MHz is also allocated to fixed and mobile satellite services (space-to-earth) for the relay of nuclear burst data.

G23 In the band 13360-13410 kHz, the fixed service is allocated on a primary basis outside the conterminous United States. Within the conterminous United States, assignments in the fixed service are permitted, and will be protected for national defense purposes or, if they are to be used only in an emergency jeopardizing life, public safety, or important property under conditions calling for immediate communication where other means of communication do not exist.

G24 The bands 7125-7155 MHz is also allocated for earth-to-space transmissions in the Space Operations Service at a limited number of sites (not to exceed two), subject to established coordination procedures.

G25 In the bands 7.25-7.5 GHz, 7.9-8.4 GHz, 17.8-21.2 GHz, 30-31 GHz, 39.5-40.5 GHz, 43.5-45.5 GHz and 50.4-51.4 GHz the Government fixed-satellite and mobile-satellite services are limited to military systems.

G26 Government fixed stations may be authorized in the band 1700-1710 MHz only if spectrum is not available in the band 1710-1850 MHz.

G27 Development of airborne primary radars in the band 2310-2390 MHz with peak transmitter power in excess of 250 watts for use in the United States is not permitted.

G28 The bands 2900-2400, 2402-2417 and 4660-4685 MHz were identified for immediate
§ 2.106 Table of Frequency Allocations.

UNITED STATES (US) FOOTNOTES

US246 The bands 2300-2310 and 2400-2402 MHz were identified for reallocation, effective August 10, 1994, for exclusive non-Government use under Title VI of the Omnibus Budget Reconciliation Act of 1993. Effective August 10, 1994, any Government operations in these bands are on a non-interference basis to authorized non-Government operations.

G123 The bands 2300-2310 and 2400-2402 MHz were identified for reallocation, effective August 10, 1994, for exclusive non-Government use under Title VI of the Omnibus Budget Reconciliation Act of 1993. Effective August 10, 1994, any Government operations in these bands are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations.

G124 The band 2417-2450 MHz was identified for reallocation, effective August 10, 1995, for mixed Government and non-Government use under Title VI of the Omnibus Budget Reconciliation Act of 1993.

EDITORIAL NOTE 1: For Federal Register citations affecting § 2.106, see the List of CFR Sections Affected in the Finding Aids section of this volume.

EDITORIAL NOTE 2: At 58 FR 27949, May 12, 1993, the following footnote US246 to the table in § 2.106 was published. Footnote US246 was not codified due to ambiguities in the amendatory instructions. For the convenience of the user footnote US246 as published at 58 FR 27949, May 12, 1993, is set forth as follows:

§ 2.106 Table of Frequency Allocations.

NON-GOVERNMENT (NG) FOOTNOTES

NG147 Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a radiodetermination satellite service.

EDITORIAL NOTE 2: At 58 FR 27949, May 12, 1993, the following footnote US321 to the table in § 2.106 was published. Footnote US321 was not codified due to ambiguities in the amendatory instructions. For the convenience of the user footnote US321 as published at 58 FR 27949, May 12, 1993, is set forth as follows:

§ 2.106 Table of frequency allocations.

US321 The 535-1705 kHz band is also allocated to the mobile service on a secondary basis for the distribution of public service information from non-government Travelers Information stations operation in the Local Government Radio Service on 10 kHz spaced channels from 540 to 1700 kHz.

EDITORIAL NOTE 3: At 59 FR 9417, Feb. 28, 1994, the following footnote NG147 to the table in § 2.106 was published. Footnote NG147 was not codified due to ambiguities in the amendatory instructions. For the convenience of the user footnote NG147 as published at 59 FR 9417, Feb. 28, 1994, is set forth as follows:

§ 2.106 Table of frequency allocations.

NG147 Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a radiodetermination satellite service.

EDITORIAL NOTE 1: At 59 FR 9417, Feb. 28, 1994, the following footnote NG147 to the table in § 2.106 was published. Footnote NG147 was not codified due to ambiguities in the amendatory instructions. For the convenience of the user footnote NG147 as published at 59 FR 9417, Feb. 28, 1994, is set forth as follows:

§ 2.106 Table of Frequency Allocations.

NON-GOVERNMENT (NG) FOOTNOTES

NG147 Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a radiodetermination satellite service.
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No stations will be authorized to transmit in the bands 608±614 MHz, 1400±1427 MHz, 1660.5±1668.4 MHz, 2690±2700 MHz, 4990±5000 MHz, 10.68±10.70 GHz, 15.35±15.40 GHz, 23.6±24.0 GHz, 31.3±31.8 GHz, 51.4±54.25 GHz, 58.2±59.0 GHz, 64±65 GHz, 86±92 GHz, 100±102 GHz, 105±116 GHz, 164±168 GHz, 182±185 GHz, and 217±231 GHz.
Federal Communications Commission

Federal Government (G) Footnotes

* * * * *

G27 In the bands 225±328.6, 335.4±399.9, and 1350±1400 MHz, the fixed and mobile services are limited to the military services.

G30 In the bands 138±144, 148±149.9, 150.05±150.8, 1427±1429, and 1429±1435 MHz, the fixed and mobile services are limited primarily to operations by the military services.

* * * * *

G114 In the band 1350±1400 MHz, the frequency 1381.05 MHz with emissions limited to ±12 MHz is also allocated to fixed and mobile satellite services (space-to-earth) for the relay of nuclear burst data.

* * * * *

Effective Date Note 2: At 65 FR 54163, Sept. 7, 2000, §2.106 was amended by revising pages 67, 68, 69, 70, 71, and 72 of the Table of Frequency Allocations; by revising footnotes US255 and US334 in the United States footnotes; and by revising footnote NG144 and adding footnotes NG163, NG164, NG165, NG166, and NG167 in the non-Federal government footnotes, effective Oct. 10, 2000. For the convenience of the user, the superseded text is set forth as follows:

§ 2.106 Table of frequency allocations.

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<tr>
<td>24.24-05</td>
<td>AMATEUR</td>
<td>AMATEUR-SATELLITE</td>
</tr>
<tr>
<td>24.25-24.45</td>
<td>FIXED</td>
<td>RADIONAVIGATION</td>
</tr>
</tbody>
</table>
In the band 18.6±18.8 GHz the fixed satellite service shall be limited to a power flux density at the Earth's surface of $10^{-1}$ dBW/M² in a 200 MHz band for all angles of arrival.

In the band 17.8±20.2 GHz, Government space stations and associated earth stations in the fixed satellite (space-to-Earth) service may be authorized on a primary basis. For a Government geostationary satellite, in the 25.5-27.5 GHz band, the earth exploration satellite service allocation in the space-to-Earth band will be limited to the bands comprising 25.5-27.5 GHz, limited the use of these allocations by adopting footnote 35-530, and has changed the directional indicator for the earth exploration satellite service allocation in the 25.5-27 GHz band from space-to-space to space-to-Earth.
§ 2.107 Radio astronomy station notification.

(a) Pursuant to No. 1492 of Article 13 and Section F of Appendix 3 to the international Radio Regulations (Geneva, 1982), operators of radio astronomy stations desiring international recognition of their use of specific radio astronomy frequencies or bands of frequencies for reception, should file the following information with the Commission for inclusion in the Master International Frequency Register:

1. The center of the frequency band observed, in kilohertz up to 28,000 KHz inclusive, in megahertz above 28,000 KHz to 10,500 MHz inclusive and in gigahertz above 10,500 MHz.
2. The date (actual or foreseen, as appropriate) when reception of the frequency band begins.
3. The name and location of the station, including geographical coordinates in degrees and minutes.
4. The width of the frequency band (in kHz) observed by the station.
5. The antenna type and dimensions, effective area and angular coverage in azimuth and elevation.
6. The regular hours of reception (in UTC) of the observed frequency.
7. The overall receiving system noise temperature (in kelvins) referred to the output of the receiving antenna.
8. The class of observations to be taken. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.
9. The name and mailing address of the operator.
(b) The permanent discontinuance of observations, or any change to the information above, should also be filed with the Commission.
(c) Observations being conducted on frequencies or frequency bands not allocated to the radio astronomy service should be reported as in paragraph (a) of this section for information purposes. Information in this category will not be submitted for entry in the Master International Frequency Register and protection from interference will not be afforded such operations by stations in other services.

§ 2.108 Policy regarding the use of the fixed-satellite allocations in the 3.6±3.7, 4.5±4.8, and 5.85±5.925 GHz bands.

The use of the fixed-satellite allocations in the United States in the above bands will be governed by footnote US245. Use of the fixed-satellite service allocations in these bands is for the international fixed-satellite service, that is, for international inter-continental communications. Case-by-case electromagnetic compatibility analysis is required with all users of the bands. It is anticipated that one earth station on each coast can be successfully coordinated. Specific locations of these earth stations depend upon service requirements and case-by-case EMC analyses that demonstrate compatible operations.

Subpart C—Emissions

§ 2.201 Emission, modulation, and transmission characteristics.

The following system of designating emission, modulation, and transmission characteristics shall be employed.

(a) Emissions are designated according to their classification and their necessary bandwidth.
(b) A minimum of three symbols are used to describe the basic characteristics of radio waves. Emissions are classified and symbolized according to the following characteristics:
Federal Communications Commission

§ 2.201

(1) First symbol—type of modulation of the main character;
(2) Second symbol—nature of signal(s) modulating the main carrier;
(3) Third symbol—type of information to be transmitted.

NOTE: A fourth and fifth symbol are provided for additional information and are shown in Appendix 6, part A of the ITU Radio Regulations. Use of the fourth and fifth symbol is optional. Therefore, the symbols may be used as described in Appendix 6, but are not required by the Commission.

(c) First Symbol—types of modulation of the main carrier:

(1) Emission of an unmodulated carrier ............................................... N
(2) Emission in which the main carrier is amplitude-modulated (including cases where sub-carriers are angle-modulated):
  —Double-sideband ................................. A
  —Single-sideband, full carrier ......... H
  —Single-sideband, reduced or variable level carrier ............ R
  —Single-sideband, suppressed carrier .......................... J
  —Independent sidebands .............. B
  —Vestigial sideband .................. C
(3) Emission in which the main carrier is angle-modulated:
  —Frequency modulation .............. F
  —Phase modulation .................. G

NOTE: Whenever frequency modulation “F” is indicated, Phase modulation “G” is also acceptable.

(4) Emission in which the main carrier is amplitude and angle-modulated either simultaneously or in a pre-established sequence ..
(5) Emission of pulses:
  —Sequence of unmodulated pulses ........................................ P
  —A sequence of pulses:
    —Modulated in amplitude ......... K
    —Modulated in width/duration ...... L
    —Modulated in position/phase .. M
    —In which the carrier is angle-modulated during the period of the pulse ................................ Q
    —Which is a combination of the foregoing or is produced by other means ..................... V
(6) Cases not covered above, in which an emission consists of the main carrier modulated, either simultaneously or in a pre-established sequence, in a combination of two or more of the following modes: amplitude, angle, pulse ... W
(7) Cases not otherwise covered ... X

(d) Second Symbol—nature of signal(s) modulating the main carrier:

(1) No modulating signal ............. 0
(2) A single channel containing quantized or digital information without the use of a modulating sub-carrier, excluding time-division multiplex .................. 1
(3) A single channel containing quantized or digital information with the use of a modulating sub-carrier, excluding time-division multiplex .................. 2
(4) A single channel containing analogue information .................. 3
(5) Two or more channels containing quantized or digital information .................. 7
(6) Two or more channels containing analogue information .... 8
(7) Composite system with one or more channels containing quantized or digital information, together with one or more channels containing analogue information 9
(8) Cases not otherwise covered ... X

(e) Third Symbol—type of information to be transmitted:

(1) No information transmitted ... N
(2) Telegraphy—for aural reception ................................................. A
(3) Telegraphy—for automatic reception ........................................ B
(4) Facsimile .............................................. C
(5) Data transmission, telemetry, telecommand ........................................ D
(6) Telephony (including sound broadcasting) .......................... E
(7) Television (video) .............. F

1Emissions where the main carrier is directly modulated by a signal which has been coded into quantized form (e.g. pulse code modulation) should be designated under (2) or (3).
2In this context the word “information” does not include information of a constant, unvarying nature such as is provided by standard frequency emissions, continuous wave and pulse radars, etc.
(8) Combination of the above ...... W
(9) Cases not otherwise covered ... X

(f) Type B emission: As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission. The use of type B emissions is forbidden.

(g) Whenever the full designation of an emission is necessary, the symbol for that emission, as given above, shall be preceded by the necessary bandwidth of the emission as indicated in §2.202(b)(1).

§ 2.202 Bandwidths.

(a) Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multi-channel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

(b) Necessary bandwidth. For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment as, for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

(1) The necessary bandwidth shall be expressed by three numerals and one letter. The letter occupies the position of the decimal point and represents the unit of bandwidth. The first character shall be neither zero nor K, M or G.

(2) Necessary bandwidths:

- between 0.001 and 999 Hz shall be expressed in Hz (letter H);
- between 1.00 and 999 kHz shall be expressed in kHz (letter K);
- between 1.00 and 999 MHz shall be expressed in MHz (letter M);
- between 1.00 and 999 GHz shall be expressed in GHz (letter G).

(c) The necessary bandwidth may be determined by one of the following methods:

(1) Use of the formulas included in the table, in paragraph (g) of this section, which also gives examples of necessary bandwidths and designation of corresponding emissions;

(2) For frequency modulated radio systems which have a substantially linear relationship between the value of input voltage to the modulator and the resulting frequency deviation of the carrier and which carry either single sideband suppressed carrier frequency division multiplex speech channels or television, computation in accordance with provisions of paragraph (f) of this section and formulas and methods indicated in the table, in paragraph (g) of this section;

(3) Computation in accordance with Recommendations of the International Radio Consultative Committee (C.C.I.R.);

(4) Measurement in cases not covered by paragraph (c) (1), (2), or (3) of this section.

(d) The value so determined should be used when the full designation of an emission is required. However, the necessary bandwidth so determined is not the only characteristic of an emission to be considered in evaluating the interference that may be caused by that emission.

(e) In the formulation of the table in paragraph (g) of this section, the following terms are employed:

- \( B_n \) = Necessary bandwidth in hertz
- \( B \) = Modulation rate in bauds
- \( N \) = Maximum possible number of black plus white elements to be transmitted per second, in facsimile
- \( M \) = Maximum modulation frequency in hertz
- \( C \) = Sub-carrier frequency in hertz
- \( D \) = Peak frequency deviation, i.e., half the difference between the maximum and minimum values of the instantaneous frequency. The instantaneous frequency in
(f) Determination of values of D and B<sub>n</sub> for systems specified in paragraph (c)(2) of this section:

(i) Determination of D in systems for multichannel telephony:

The rms value of the per-channel deviation for the system shall be specified. (In the case of systems employing preemphasis or phase modulation, this value of per-channel deviation shall be specified at the characteristic baseband frequency.)

(ii) The value of D is then calculated by multiplying the rms value of the per-channel deviation by the appropriate factors, as follows:

<table>
<thead>
<tr>
<th>Number of message circuits</th>
<th>Multiplying factors</th>
<th>Limits of X (P&lt;sub&gt;avg&lt;/sub&gt; (dBmO))</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 3, but less than 12</td>
<td>4.47 [a factor specified by the equipment manufacturer or station licensee, subject to Commission approval]</td>
<td>X: -2 to +2.6.</td>
</tr>
<tr>
<td>At least 12, but less than 60</td>
<td>3.76 antilog (X+2 log&lt;sub&gt;10&lt;/sub&gt; N&lt;sub&gt;c&lt;/sub&gt;)/20</td>
<td>X: -5.6 to -1.0.</td>
</tr>
<tr>
<td>At least 60, but less than 240</td>
<td>3.76 antilog (X+4 log&lt;sub&gt;10&lt;/sub&gt; N&lt;sub&gt;c&lt;/sub&gt;)/20</td>
<td>X: -19.6 to -15.0.</td>
</tr>
<tr>
<td>240 or more</td>
<td>3.76 antilog (X+10 log&lt;sub&gt;10&lt;/sub&gt; N&lt;sub&gt;c&lt;/sub&gt;)/20</td>
<td></td>
</tr>
</tbody>
</table>

(3) As an exception to paragraph (f)(2)(i) of this section, the necessary bandwidth (B<sub>n</sub>) for such systems is numerically equal to 2P or 2M+2D<sub>K</sub>, whichever is greater, provided the following conditions are met:

(i) The modulation index of the main carrier due to the continuity pilot subcarrier does not exceed 0.25, and

(ii) In a radio system of multichannel telephony, the rms frequency deviation of the main carrier due to the continuity pilot subcarrier does not exceed 70 percent of the rms value of the per-channel deviation, or, in a radio system for television, the rms deviation of the main carrier due to the pilot does not exceed 3.55 percent of the peak deviation of the main carrier.

(g) Table of necessary bandwidths:

<table>
<thead>
<tr>
<th>Description of emission</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous wave emis-sion.</td>
<td>N0N (zero)</td>
<td></td>
</tr>
</tbody>
</table>
### II. AMPLITUDE MODULATION

#### 1. Signal With Quantized or Digital Information

<table>
<thead>
<tr>
<th>Description of emission</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous wave telegraphy.</td>
<td>( B_n = BK, K=5 ) for fading circuits, ( K=3 ) for non-fading circuits</td>
<td>100HA1A</td>
</tr>
<tr>
<td>Telegraphy by on-off keying of a tone modulated carrier.</td>
<td>( B_n = BK+2M, K=5 ) for fading circuits, ( K=3 ) for non-fading circuits</td>
<td>2K10A2A</td>
</tr>
<tr>
<td>Selective calling signal, single-sideband full carrier.</td>
<td>( B_n = M )</td>
<td>2K11H2B</td>
</tr>
<tr>
<td>Direct-printing telegraphy using a frequency shifted modulating sub-carrier single-sideband suppressed carrier.</td>
<td>( B_n = 2M+2DK, M=3 )</td>
<td>134HJ2B</td>
</tr>
<tr>
<td>Telegraphy, single sideband reduced carrier.</td>
<td>( B_n = \text{central frequency} + M + 2DK, M=B \div 2 )</td>
<td>2K89R7B</td>
</tr>
</tbody>
</table>

#### 2. Telephony (Commercial Quality)

<table>
<thead>
<tr>
<th>Description of emission</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephony double-sideband.</td>
<td>( B_n = 2M )</td>
<td>6K00A3E</td>
</tr>
<tr>
<td>Telephony, single-sideband, full carrier.</td>
<td>( B_n = 2M )</td>
<td>3K00H3E</td>
</tr>
<tr>
<td>Telephony, single-sideband suppressed carrier.</td>
<td>( B_n = M )</td>
<td>2K70J3E</td>
</tr>
<tr>
<td>Telephony with separate frequency modulated signal to control the level of demodulated speech signal, single-sideband, reduced carrier.</td>
<td>( B_n = N, M ) – lowest modulation frequency in the lowest channel</td>
<td>5K75J8E</td>
</tr>
<tr>
<td>Telephony with privacy, single-sideband, suppressed carrier (two or more channels).</td>
<td>( B_n = \text{sum of } M \text{ for each sideband} )</td>
<td>6K00B8E</td>
</tr>
</tbody>
</table>

#### 3. Sound Broadcasting

<table>
<thead>
<tr>
<th>Description of emission</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sound broadcasting, double-sideband.</td>
<td>( B_n = 2M, M ) may vary between 4000 and 10000 depending on the quality desired.</td>
<td>8K00A3E</td>
</tr>
<tr>
<td>Sound broadcasting, single-sideband reduced carrier (single channel).</td>
<td>( B_n = M ), ( M ) may vary between 4000 and 10000 depending on the quality desired</td>
<td>4K00R3E</td>
</tr>
<tr>
<td>Sound broadcasting, single-sideband suppressed carrier.</td>
<td>( B_n = M ) – lowest modulation frequency</td>
<td>4K45J3E</td>
</tr>
</tbody>
</table>

#### 4. Television

<table>
<thead>
<tr>
<th>Description of emission</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television, vision and sound.</td>
<td>Refer to CCIR documents for the bandwidths of the commonly used television systems</td>
<td>5M75C3F</td>
</tr>
</tbody>
</table>
### 5. Facsimile

<table>
<thead>
<tr>
<th>Description</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Analogue facsimile by sub-carrier frequency modulation of a single-sideband emission with reduced carrier.</strong></td>
<td>( B_n = C - N - 2 + D K ), ( K = 1.1 ) (typically)</td>
<td>( N = 1100 ) corresponding to an index of cooperation of 352 and a cylinder rotation speed of 60 rpm. Index of cooperation is the product of the drum diameter and number of lines per unit length ( C = 1900 ), ( D = 400 ) Hz, Bandwidth: 2.890 Hz = 2.89 kHz</td>
</tr>
<tr>
<td><strong>Analogue facsimile; frequency modulation of an audio frequency sub-carrier which modulates the main carrier, single-sideband suppressed carrier.</strong></td>
<td>( B_n = 2M + 2DK ), ( M = N/2 ), ( K = 1.1 ) (typically)</td>
<td>( N = 1100 ), ( D = 400 ) Hz, Bandwidth: 1980 Hz = 1.98 kHz</td>
</tr>
</tbody>
</table>

### 6. Composite Emissions

<table>
<thead>
<tr>
<th>Description</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Double-sideband, television relay.</strong></td>
<td>( B_n = 2C + 2M + 2D )</td>
<td>Video limited to 5 MHz; audio on 6.5 MHz frequency modulated subcarrier deviation=50 kHz; ( C = 6.5 \times 10^6 ); ( D = 50 \times 10^3 ) Hz, ( M = 15,000 ), Bandwidth: 13.13( \times 10^6 ) Hz = 13.13 MHz</td>
</tr>
<tr>
<td><strong>Double-sideband radio relay system.</strong></td>
<td>( B_n = 2M )</td>
<td>10 voice channels occupying baseband between 1 kHz and 164 kHz; ( M = 164,000 ) bandwith=328,000 Hz = 328 kHz</td>
</tr>
<tr>
<td><strong>Double-sideband emission of VOR with voice (VOR=VHF omnidirectional radio range).</strong></td>
<td>( B_n = 2C_{max} + 2M + 2DK ), ( K = 1 ) (typically)</td>
<td>The main carrier is modulated by: — a 30 Hz sub-carrier—a carrier resulting from a 9960 Hz tone frequency modulated by a 30 Hz tone—a telephone channel—a 1020 Hz keyed tone for continual Morse identification. ( C_{max} = 9960 ), ( M = 30 ), ( D = 480 ) Hz, Bandwidth: 20,940 Hz = 20.94 kHz</td>
</tr>
<tr>
<td><strong>Independent sidebands; several telegraph channels together with several telephone channels.</strong></td>
<td>( B_n = \text{sum of } M \text{ for each sideband} )</td>
<td>Normally composite systems are operated in accordance with standardized channel arrangements, (e.g. CCIR Rec. 348—2) 3 telephone channels and 15 telegaphy channels require the bandwidth 12,000 Hz = 12 kHz</td>
</tr>
</tbody>
</table>

### III—A. FREQUENCY MODULATION

#### 1. Signal With Quantized or Digital Information

<table>
<thead>
<tr>
<th>Description</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Telegraphy without error-correction (single channel).</strong></td>
<td>( B_n = 2M + 2DK ), ( M = B/2 ), ( K = 1.2 ) (typically)</td>
<td>( B = 100 ), ( D = 85 ) Hz (170 Hz shift), Bandwidth: 304 Hz</td>
</tr>
<tr>
<td><strong>Four-frequency duplex telegraphy.</strong></td>
<td>( B_n = 2M + 2DK ), ( B = \text{Modulation rate in bands of the faster channel.} ) If the channels are synchronized: ( M = B/2 ), otherwise ( M = 2B ), ( K = 1.1 ) (typically)</td>
<td>Spacing between adjacent frequencies=400 Hz; Synchronized channels; ( B = 100 ), ( M = 50 ), ( D = 600 ) Hz, Bandwidth: 1420 Hz = 1.42 kHz</td>
</tr>
</tbody>
</table>

#### 2. Telephony (Commercial Quality)

<table>
<thead>
<tr>
<th>Description</th>
<th>Necessary bandwidth</th>
<th>Designation of emission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial telephony</strong></td>
<td>( B_n = 2M + 2DK ), ( K = 1 ) (typically), but under conditions a higher value may be necessary</td>
<td>For an average case of commercial telephony, ( M = 3,000 ), Bandwidth: 16,000 Hz = 16 kHz</td>
</tr>
<tr>
<td>Description of emission</td>
<td>Formula</td>
<td>Designation of emission</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Sound Broadcasting</td>
<td>( B_n = 2M + 2DK, K = 1 ) (typically)</td>
<td>180KF3E</td>
</tr>
<tr>
<td>Monaural. ( D = 75,000 \text{ Hz} ), ( M = 15,000 ). Bandwidth: 18,000 Hz=180 kHz</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facsimile by direct frequency modulation of the carrier; black and white.</td>
<td>( B_n = 2M + 2DK, M = N/2, K = 1.1 ) (typically)</td>
<td>1K98F1C</td>
</tr>
<tr>
<td>( N = 1100 ) elements/sec; ( D = 400 \text{ Hz} ), Bandwidth: 1980 Hz=1.98 kHz</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analogue facsimile ......</td>
<td>( B_n = 2M + 2DK, M = N/2, K = 1.1 ) (typically)</td>
<td>1K98F3C</td>
</tr>
<tr>
<td>( N = 1100 ) elements/sec; ( D = 400 \text{ Hz} ), Bandwidth: 1980 Hz=1.98 kHz</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio-relay system, frequency division multiplex.</td>
<td>( B_n = 2P + 2DK ), ( K = 1 )</td>
<td>2M45F8E</td>
</tr>
<tr>
<td>Microwave radio relay system specifications: 60 telephone channels occupying baseband between 60 and 300 kHz; rms per-channel deviation 200 kHz; pilot at 331 kHz produces 200 kHz rms deviation of main carrier. Computation of ( B_n ): ( D = (200 \times 10^3 \times 3.76 \times 3.86) = 2.75 \times 10^6 \text{ Hz} ); ( M = 5.64 \times 10^6 \text{ Hz} ); ( 2DK \leq 2P \text{ Bandwidth: } 0.895 \times 10^6 \text{ Hz} )</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio-relay system frequency division multiplex.</td>
<td>( B_n = 2M + 2DK ), ( K = 1 )</td>
<td>16M8F6E</td>
</tr>
<tr>
<td>Microwave radio relay system specifications: 1200 telephone channels occupying baseband between 60 and 5564 kHz; continuity pilot at 6199 kHz produces 140 kHz rms deviation of main carrier. Computation of ( B_n ): ( D = (200 \times 10^3 \times 3.76 \times 3.63) = 2.23 \times 10^6 \text{ Hz} ); ( P = 6.5 \times 10^6 \text{ Hz} ); ( 2DK = 2P \text{ Bandwidth: } 2.452 \times 10^6 \text{ Hz} )</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio-relay system frequency division multiplex.</td>
<td>( B_n = 2P )</td>
<td>17M0F6E</td>
</tr>
<tr>
<td>Microwave radio relay system specifications: Multiplex 600 telephone channels occupying baseband between 60 and 2540 kHz; continuity pilot at 8500 kHz produces 140 kHz rms deviation of main carrier. Computation of ( B_n ): ( D = (200 \times 10^3 \times 3.76 \times 3.56) = 1.93 \times 10^6 \text{ Hz} ); ( M = 2.54 \times 10^6 \text{ Hz} ); ( 2DK \leq 2P \text{ Bandwidth: } 17 \times 10^6 \text{ Hz} )</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unmodulated pulse emission.</td>
<td>( B_n = 2K/t ), ( K ) depends upon the ratio of pulse rise time. Its value usually falls between 1 and 10 and in many cases it does not need to exceed 6</td>
<td>3M00P0N</td>
</tr>
<tr>
<td>Primary Radar Range resolution: 150 m, ( K = 1.5 ) (triangular pulse where ( t_c ), ( t_r ), only components down to 27 dB from the strongest are considered) Then ( t = 2 \text{ seconds} \text{ Bandwidth: } 3 \times 10^6 \text{ Hz} = 3 \text{ MHz} )</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio-relay system ........</td>
<td>( B_n = 2K/t ), ( K = 1.6 )</td>
<td>8M00M7E</td>
</tr>
<tr>
<td>Pulse position modulated by 36 voice channel baseband; pulse width at half amplitude=0.4 us, Bandwidth: 8\times10^6 \text{ Hz}=8 \text{ MHz} (Bandwidth independent of the number of voice channels)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Federal Communications Commission

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions


§ 2.301 Station identification requirement.

Each station using radio frequencies shall identify its transmissions according to the procedures prescribed by the rules governing the class of station to which it belongs with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements, and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission’s rules.

[34 FR 5104, Mar. 12, 1969]

§ 2.302 Call signs.

The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required by the rules pertaining to particular classes of stations. When stations operating in two or more classes are authorized to the same licensee for the same location, the Commission may elect to assign a separate call sign to each station in a different class. (In addition to the U.S. call sign allocations listed below, call sign blocks AAA through AEZ and ALA through ALZ have been assigned to the Department of the Army; call sign block AFA through AKZ has been assigned to the Department of the Air Force; and call sign block NAA through NZZ has been assigned jointly to the Department of the Navy and the U.S. Coast Guard.

<table>
<thead>
<tr>
<th>Class of station</th>
<th>Composition of call sign</th>
<th>Call sign blocks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coast (Class I) except for coast telephone in Alaska.</td>
<td>3 letters</td>
<td>KAA through KZZ.</td>
</tr>
<tr>
<td>Coast (Classes II and III) and maritime radio</td>
<td>3 letters, 3 digits</td>
<td>WAA through WZZ.</td>
</tr>
<tr>
<td>determination.</td>
<td></td>
<td>KAA200 through KZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAA200 through WZZ999.</td>
</tr>
<tr>
<td>Coast telephone in Alaska.</td>
<td>3 letters, 2 digits</td>
<td>KAA20 through KZZ999.</td>
</tr>
<tr>
<td></td>
<td>3 letters, 3 digits</td>
<td>WAA20 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WZZ200 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA200 through KZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAA200 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA20 through KZZ999.</td>
</tr>
<tr>
<td>Fixed</td>
<td>3 letters, 2 digits</td>
<td>WAA20 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WZZ200 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td>3 letters, 3 digits</td>
<td>WAA200 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA20 through KZZ999.</td>
</tr>
<tr>
<td>Marine receiver test</td>
<td>3 letters, 3 digits</td>
<td>KAA200 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAA200 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA through KZZZ.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA through WZZZ.</td>
</tr>
<tr>
<td>Ship telegraph</td>
<td>4 letters</td>
<td>WA2000 through WZZ9999.</td>
</tr>
<tr>
<td>Ship telephone</td>
<td>2 letters, 4 digits, or</td>
<td>KAA2000 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td>3 letters, 4 digits</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA20 through KZZZ999.</td>
</tr>
<tr>
<td>Ship telegraph plus telephone</td>
<td>4 letters</td>
<td>WAA20 through WZZZ.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WA2000 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA through KZZZ.</td>
</tr>
<tr>
<td>Ship radar</td>
<td>Same as ship telephone</td>
<td>WA2000 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td>and/or telegraph call</td>
<td>KAA2000 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td>sign, or, if ship has no</td>
<td>KAA20 through KZZ999.</td>
</tr>
<tr>
<td></td>
<td>telephone or telegraph:</td>
<td>WAA20 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td>2 letters, 4 digits, or</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td></td>
<td>3 letters, 4 digits</td>
<td>KAA20 through KZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAA20 through WZZ999.</td>
</tr>
<tr>
<td>Ship survival craft</td>
<td>Call sign of the parent</td>
<td>KAA2000 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td>ship followed by 2 dots.</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Cable-repair ship marker buoy</td>
<td>Call sign of the parent</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td></td>
<td>ship followed by the</td>
<td>KAA20 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td>letters “BT” and the</td>
<td>WAA20 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td>identifying number of the</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td></td>
<td>buoy.</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Marine utility</td>
<td>2 letters, 4 digits</td>
<td>KAA2000 through WZZ9999.</td>
</tr>
<tr>
<td>Shipyard mobile</td>
<td>2 letters, 4 digits</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Aircraft telegraph</td>
<td>5 letters</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Aircraft telegraph and telephone</td>
<td>5 letters</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Aircraft telephone</td>
<td>5 letters</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Aircraft survival craft</td>
<td>Whenever a call sign is</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td></td>
<td>assigned, call sign of</td>
<td>KAA20 through WZZ9999.</td>
</tr>
<tr>
<td></td>
<td>the parent aircraft</td>
<td>WAA20 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td>followed by a single digit other than 0 or 1.</td>
<td>WZZZ999.</td>
</tr>
<tr>
<td>Aeronautical</td>
<td>3 letters, 1 digit</td>
<td>KAA2 through KZZ999.</td>
</tr>
<tr>
<td>Land mobile (base)</td>
<td>3 letters, 3 digits</td>
<td>WAA2 through WZZ999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAA2000 through KZZ9999.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WZZZ999.</td>
</tr>
</tbody>
</table>
### § 2.303  Other forms of identification of stations.

(a) The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating parameters, or any other combination of these which is agreed to by the parties concerned.

<table>
<thead>
<tr>
<th>Class of station</th>
<th>Composition of call sign</th>
<th>Call sign blocks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land mobile (mobile telegraph)</td>
<td>4 letters, 1 digit</td>
<td>KAAA2 through KZZZ9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA2 through WZZZ9</td>
</tr>
<tr>
<td>Land mobile (mobile telephone)</td>
<td>2 letters, 4 digits</td>
<td>KA2000 through KZ2999</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WA2000 through WZ2999</td>
</tr>
<tr>
<td>Broadcasting (standard)</td>
<td>4 letters (plus location)</td>
<td>KAAA through KZZZ</td>
</tr>
<tr>
<td></td>
<td>of station</td>
<td>WAAA through WZZZ</td>
</tr>
<tr>
<td>Broadcasting (FM)</td>
<td>4 letters (plus location)</td>
<td>KA through KZZZ</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA through WZZZ</td>
</tr>
<tr>
<td>Broadcasting with suffix “FM”</td>
<td>6 letters (plus location)</td>
<td>KAAA-FM through KZZZ-FM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA-FM through WZZZ-FM</td>
</tr>
<tr>
<td>Broadcasting (television)</td>
<td>4 letters (plus location)</td>
<td>KA through KZZZ</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA through WZZZ</td>
</tr>
<tr>
<td>Broadcasting with suffix “TV”</td>
<td>6 letters (plus location)</td>
<td>KAAA-TV through KZZZ-TV</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA-TV through WZZZ-TV</td>
</tr>
<tr>
<td>Television broadcast translator</td>
<td>1 letter—output channel</td>
<td>K02AA through K83ZZ</td>
</tr>
<tr>
<td></td>
<td>number—2 letters</td>
<td>W02AA through W03ZZ</td>
</tr>
<tr>
<td>Disaster station, except U.S. Government</td>
<td>4 letters, 1 digit</td>
<td>KAAA2 through KZZZ9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WAAA2 through WZZZ9</td>
</tr>
<tr>
<td>Experimental (letter “X” follows the digit)</td>
<td>2 letters, 1 digit, 3</td>
<td>K1A through K0Z</td>
</tr>
<tr>
<td></td>
<td>letters</td>
<td>N1A through N0Z</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1A through W0Z</td>
</tr>
<tr>
<td>Amateur (letter “X” may not follow digit)</td>
<td>1 letter, 1 digit, 1</td>
<td>K1A through K0Z</td>
</tr>
<tr>
<td></td>
<td>letter</td>
<td>N1A through N0Z</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1A through W0Z</td>
</tr>
<tr>
<td>Amateur</td>
<td>1 letter, 1 digit, 2</td>
<td>K1AA through K0ZZ</td>
</tr>
<tr>
<td></td>
<td>letters</td>
<td>N1AA through N0ZZ</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1AA through W0ZZ</td>
</tr>
<tr>
<td>Do</td>
<td>1 letter, 1 digit, 3</td>
<td>K1AAA through K0ZZ9</td>
</tr>
<tr>
<td></td>
<td>letters</td>
<td>N1AAA through N0ZZ9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1AAA through W0ZZ9</td>
</tr>
<tr>
<td>Do</td>
<td>2 letters, 1 digit, 1</td>
<td>K1A through K0Z</td>
</tr>
<tr>
<td></td>
<td>letter</td>
<td>N1A through N0Z</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1A through W0Z</td>
</tr>
<tr>
<td>Do</td>
<td>2 letters, 1 digit, 2</td>
<td>K1AAA through K0ZZ9</td>
</tr>
<tr>
<td></td>
<td>letters</td>
<td>N1AAA through N0ZZ9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1AAA through W0ZZ9</td>
</tr>
<tr>
<td>Amateur (letter “X” may not follow digit)</td>
<td>2 letters, 1 digit, 3</td>
<td>A1AAA through A0ZZ9</td>
</tr>
<tr>
<td></td>
<td>letters</td>
<td>N1AAA through N0ZZ9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>W1AAA through W0ZZ9</td>
</tr>
<tr>
<td>Standard frequency</td>
<td>WWV, WVB through WWVI,</td>
<td>WWVL, WWVS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WWVS</td>
</tr>
<tr>
<td>Personal radio</td>
<td>3 letters, 4 digits, or</td>
<td>KAAA0001 through KZZ9999</td>
</tr>
<tr>
<td></td>
<td>4 letters, 4 digits</td>
<td>WAAA0001 through WPZ9999</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAAA0001 through KZZ9999</td>
</tr>
<tr>
<td>Personal radio, temporary permit</td>
<td>3 letters, 5 digits</td>
<td>KAA00000 through KZZ9999</td>
</tr>
<tr>
<td></td>
<td></td>
<td>K0001 through K9999</td>
</tr>
<tr>
<td>Personal radio in trust territories</td>
<td>1 letter, 4 digits</td>
<td>K0001 through K9999</td>
</tr>
<tr>
<td>Business radio temporary permit</td>
<td>2 letters, 7 digits</td>
<td>WT plus local telephone number</td>
</tr>
<tr>
<td>Part 90 temporary permit</td>
<td>2 letters, 7 digits</td>
<td>WT plus local telephone number</td>
</tr>
<tr>
<td>Part 90 conditional permit</td>
<td>2 letters, 7 digits</td>
<td>WT plus business or residence telephone number</td>
</tr>
<tr>
<td>General Mobile Radio Service, temporary permit</td>
<td>2 letters, 7 digits</td>
<td>WT plus business or residence telephone number</td>
</tr>
</tbody>
</table>

NOTE: The symbol 0 indicates the digit zero.

1 Ships with transmitter-equipped survival craft shall be assigned four letter call signs.
2 See § 2.303.
3 A 3 letter call sign now authorized for and in continuous use by a licensee of a standard broadcasting station may continue to be used by that station. The same exception applies also to frequency modulation and television broadcasting stations using 5 letter call signs consisting of 3 letters with the suffix “FM” or “TV”.
4 Plus other identifying data as may be specified.

agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete information on identification procedures for each service.

<table>
<thead>
<tr>
<th>Class of station</th>
<th>Identification, other than assigned call sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircraft (U.S. registry) telephone</td>
<td>Registration number preceded by the type of the aircraft, or the radiotelephony designator of the aircraft operating agency followed by the flight identification number.</td>
</tr>
<tr>
<td>Aircraft (foreign registry) telephone</td>
<td>Foreign registry identification consisting of five characters. This may be preceded by the radiotelephony designator of the aircraft operating agency or it may be preceded by the type of the aircraft.</td>
</tr>
<tr>
<td>Aeronautical</td>
<td>Name of the city, area, or airbase served together with such additional identification as may be required.</td>
</tr>
<tr>
<td>Aircraft survival craft</td>
<td>Appropriate reference to parent aircraft, e.g., the air carrier parent aircraft flight number or identification, the aircraft registration number, the name of the aircraft manufacturer, the name of the aircraft owner, or any other pertinent information.</td>
</tr>
<tr>
<td>Ship telegraph</td>
<td>When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. Digital selective call.</td>
</tr>
<tr>
<td>Ship telegraph</td>
<td>The approximate geographic location in a format approved by the Commission.</td>
</tr>
<tr>
<td>Public coast (radiotelegraph) and Limited Coast (Radiotelephone)</td>
<td>Coast station identification number.</td>
</tr>
<tr>
<td>Public coast (radiotelegraph)</td>
<td>Coast station identification number.</td>
</tr>
<tr>
<td>Fixed</td>
<td>Geographic location. When an approved method of superimposed identification is used, QTT DE (abbreviated name of company or station). Assigned telephone number.</td>
</tr>
<tr>
<td>Fixed: Rural subscriber service</td>
<td>Name of station licensee (in abbreviated form if practicable), or location of station, or name of city, area, or facility served. Individual stations may be identified by additional digits following the more general identification.</td>
</tr>
<tr>
<td>Land mobile: Public safety, forestry conservancy</td>
<td>Mobile unit cochannel with its base station: Unit identifier on file in the base station records. Mobile unit not cochannel with its base station: Unit identifier on file in the base station records and the assigned call sign of either the mobile or base station. Temporary base station: Unit designator in addition to base station identification.</td>
</tr>
<tr>
<td>Land mobile: Public safety, forestry conservancy</td>
<td>Special mobile unit designation assigned by licensee or by assigned telephone number.</td>
</tr>
<tr>
<td>Land mobile: Railway radio service</td>
<td>Name of railroad, train number, car number, engine number, or name of fixed wayside station or such other number or name as may be specified for use of railroad employees to identify a specific fixed point or mobile unit. A railroad’s abbreviated name or initial letters may be used where such are in general usage. Unit designators may be used in addition to the station identification to identify an individual unit or transmitter of a base station.</td>
</tr>
<tr>
<td>Land mobile: Broadcasting (remote pickup)</td>
<td>Identification of associated broadcasting station.</td>
</tr>
<tr>
<td>Land mobile: Broadcasting (Emergency Broadcast System)</td>
<td>State and operational area identification.</td>
</tr>
<tr>
<td>Broadcasting (aural STL and intercity relay)</td>
<td>Call sign of the broadcasting station with which it is associated.</td>
</tr>
<tr>
<td>Broadcasting (television auxiliary)</td>
<td>Call sign of the TV broadcasting station with which it is licensed as an auxiliary, or call sign of the TV broadcasting station whose signals are being relayed, or by network identification.</td>
</tr>
<tr>
<td>broadcasting (television booster)</td>
<td>Retransmission of the call sign of the primary station.</td>
</tr>
<tr>
<td>Disaster station</td>
<td>By radiotelephony: Name, location, or other designation of station when same as that of an associated station in some other service. Two or more separate units of a station operated at different locations are separately identified by the addition of a unit name, number, or other designation at the end of its authorized means of identification.</td>
</tr>
</tbody>
</table>

(b) Digital selective calls will be authorized by the Commission and will be formed by groups of numbers (0 through 9), however, the first digit must be other than 0, as follows:

1. Coast station identification number: 4 digits.

2. Ship station selective call number: 5 digits.

3. Predetermined group of ship stations: 5 digits.

(c) Ship stations operating under a temporary operating authority shall identify by a call sign consisting of the
§ 2.401 Distress messages.

Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 Control of distress traffic.

The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of §2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 Retransmission of distress message.

Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:
(a) When the station in distress is not itself in a position to transmit the message.
(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.
(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 Resumption of operation after distress.

No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.405 Operation during emergency.

The licensee of any station (except amateur, standard broadcast, FM broadcast, noncommercial educational FM broadcast, or television broadcast) may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: Provided:
(a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and
(b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and that
(c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: Provided further,
(d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power
§ 2.803 Marketing of radio frequency devices prior to equipment authorization.

(a) Except as provided elsewhere in this section, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: And provided further,

(e) That any such emergency communication undertaken under this section shall terminate upon order of the Commission.

NOTE: Part 73 of this chapter contains provisions covering emergency operation of standard F M, noncommercial educational F M, and television broadcast stations. Part 97 of this chapter contains such provisions for amateur stations.

[28 FR 13785, Dec. 18, 1963]

§ 2.406 National defense; free service.

Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 National defense; emergency authorization.

The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

Subparts F–G  [Reserved]

Subpart H—Prohibition Against Eavesdropping

§ 2.701 Prohibition against use of a radio device for eavesdropping.

(a) No person shall use, either directly or indirectly, a device required to be licensed by section 301 of the Communications Act of 1934, as amended, for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

[31 FR 3400, Mar. 4, 1966]

Subpart I—Marketing of Radio-frequency Devices

SOURCE: 35 FR 7898, May 22, 1970, unless otherwise noted.

§ 2.801 Radiofrequency device defined.

As used in this part, a radiofrequency device is any device which in its operation is capable of emitting radiofrequency energy by radiation, conduction, or other means. Radiofrequency devices include, but are not limited to:

(a) The various types of radio communication transmitting devices described throughout this chapter.

(b) The incidental, unintentional and intentional radiators defined in part 15 of this chapter.

(c) The industrial, scientific, and medical equipment described in part 18 of this chapter.

(d) Any part or component thereof which in use emits radiofrequency energy by radiation, conduction, or other means.


§ 2.803 Marketing of radio frequency devices prior to equipment authorization.

(a) Except as provided elsewhere in this section, no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale
§ 2.803

or lease, any radio frequency device unless:

(1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labelled as required by §2.925 and other relevant sections in this chapter; or

(2) In the case of a device that is not required to have a grant of equipment authorization issued by the Commission, but which must comply with the specified technical standards prior to use, such device also complies with all applicable administrative (including verification of the equipment or authorization under a Declaration of Conformity, where required), technical, labelling and identification requirements specified in this chapter.

(b) The provisions of paragraph (a) of this section do not prohibit conditional sales contracts between manufacturers and wholesalers or retailers where delivery is contingent upon compliance with the applicable equipment authorization and technical requirements, nor do they prohibit agreements between such parties to produce new products, manufactured in accordance with designated specifications.

(c) Notwithstanding the provisions of paragraphs (a), (b), (d) and (f) of this section, a radio frequency device may be advertised or displayed, e.g., at a trade show or exhibition, prior to equipment authorization or, for devices not subject to the equipment authorization requirements, prior to a determination of compliance with the applicable technical requirements provided that the advertising contains, and the display is accompanied by, a conspicuous notice worded as follows:

This device has not been authorized as required by the rules of the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased, until authorization is obtained.

(1) If the product being displayed is a prototype of a product that has been properly authorized and the prototype, itself, is not authorized due to differences between the prototype and the authorized product, the following disclaimer notice may be used in lieu of the notice stated in paragraph (c) introductory text of this section:

Prototype. Not for sale.

(2) Except as provided elsewhere in this chapter, devices displayed under the provisions of paragraphs (c) introductory text, and (c)(1) of this section may not be activated or operated.

(d) Notwithstanding the provisions of paragraph (a) of this section, the offer for sale solely to business, commercial, industrial, scientific or medical users (but not an offer for sale to other parties or to end users located in a residential environment) of a radio frequency device that is in the conceptual, developmental, design or pre-production stage is permitted prior to equipment authorization or, for devices not subject to the equipment authorization requirements, prior to a determination of compliance with the applicable technical requirements provided that the prospective buyer is advised in writing at the time of the offer for sale that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or to centers of distribution. If a product is marketed in compliance with the provisions of this paragraph, the product does not need to be labelled with the statement in paragraph (c) of this section.

(e)(1) Notwithstanding the provisions of paragraph (a) of this section, prior to equipment authorization or determination of compliance with the applicable technical requirements any radio frequency device may be operated, but not marketed, for the following purposes and under the following conditions:

(i) Compliance testing;

(ii) Demonstrations at a trade show provided the notice contained in paragraph (c) of this section is displayed in a conspicuous location on, or immediately adjacent to, the device;

(iii) Demonstrations at an exhibition conducted at a business, commercial, industrial, scientific, or medical location, but excluding locations in a residential environment, provided the notice contained in paragraphs (c) or (d)
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of this section, as appropriate, is displayed in a conspicuous location on, or immediately adjacent to, the device;

(iv) Evaluation of product performance and determination of customer acceptability, provided such operation takes place at the manufacturer’s facilities during developmental, design, or pre-production states; or

(v) Evaluation of product performance and determination of customer acceptability where customer acceptability of a radio frequency device cannot be determined at the manufacturer’s facilities because of size or unique capability of the device, provided the device is operated at a business, commercial, industrial, scientific, or medical user’s site, during the development, design or pre-production stages. A product operated under this provision shall be labelled, in a conspicuous location, with the notice in paragraph (c) of this section.

(2) For the purpose of paragraphs (e)(1)(iv) and (e)(1)(v) of this section, the term manufacturer’s facilities includes the facilities of the party responsible for compliance with the regulations and the manufacturer’s premises, as well as the facilities of other entities working under the authorization of the responsible party in connection with the development and manufacture, but not marketing, of the equipment.

(e)(3) The provisions of paragraphs (e)(1)(i), (e)(1)(ii), (e)(1)(iii), (e)(1)(iv), and (e)(1)(v) of this section do not eliminate any requirements for station licenses for products that normally require a license to operate, as specified elsewhere in this chapter.

(1) Manufacturers should note that station licenses are not required for some products, e.g., products operating under part 15 of this chapter and certain products operating under part 95 of this chapter.

(ii) In order to obtain a special temporary authorization or an experimental license, a manufacturer may operate its product for demonstration or evaluation purposes under the authority of a local FCC licensed service provider. However, the licensee must grant permission to the manufacturer to operate in this manner. Further, the licensee continues to remain responsible for complying with all of the operating conditions and requirements associated with its license.

(4) Marketing, as used in this section, includes sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease.

(5) Products operating under the provisions of this paragraph (e) shall not be recognized to have any recognizable right to continued use of any frequency. Operation is subject to the conditions that no harmful interference is caused and that any interference received must be accepted. Operation shall be required to cease upon notification by a Commission representative that the device is causing harmful interference and shall not resume until the condition causing the harmful interference is corrected.

(f) For radio frequency devices subject to verification and sold solely to business, commercial, industrial, scientific, and medical users (excluding products sold to other parties or for operation in a residential environment), parties responsible for verification of the devices shall have the option of ensuring compliance with the applicable technical specifications of this chapter at each end user’s location after installation, provided that the purchase or lease agreement contains this proviso and the responsible party has the product measured to ensure compliance at the end user’s location, the product does not need to be labelled with the statement in paragraph (c) of this section.

(g) The provisions in paragraphs (b) through (f) of this section apply only to devices that are designed to comply with, and to the best of the responsible party’s knowledge will, upon testing, comply with all applicable requirements in this chapter. The provisions in paragraphs (b) through (f) of this section do not apply to radio frequency devices that could not be authorized or legally operated under the current
§ 2.807 Statutory exceptions.

As provided by Section 302(c) of the Communications Act of 1934, as amended, § 2.803 shall not be applicable to:
(a) Carriers transporting radio-frequency devices without trading in them.
(b) Radiofrequency devices manufactured solely for export.
(c) The manufacture, assembly, or installation of radiofrequency devices for its own use by a public utility engaged in providing electric service. Provided, however, that no such device shall be operated if it causes harmful interference to radio communications.
(d) Radiofrequency devices for use by the Government of the United States or any agency thereof. Provided, however, that this exception shall not be applicable to any device after it has been disposed of by such Government or agency.


§ 2.811 Transmitters operated under part 73 of this chapter.

Section 2.803(a) through (d) shall not be applicable to a transmitter operated in any of the Radio Broadcast Services regulated under part 73 of this chapter, provided the conditions set out in part 73 of this chapter for the acceptability of such transmitter for use under licensing are met.


§ 2.813 Transmitters operated in the Instructional Television Fixed Service.

Section 2.803(a) through (d) shall not be applicable to a transmitter operated in the Instructional Television Fixed Service regulated under part 74 of this chapter, provided the conditions in §74.952 of this chapter for the acceptability of such transmitter for licensing are met.


§ 2.815 External radio frequency power amplifiers.

(a) As used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

(b) After April 27, 1978, no person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies between 24 and 35 MHz.

NOTE: For purposes of this part, the amplifier will be deemed incapable of operation between 24 and 35 MHz if:
(1) The amplifier has no more than 6 decibels of gain between 24 and 26 MHz and between 28 and 35 MHz. (This gain is determined by the ratio of the input RF driving signal (mean power measurement) to the mean RF output power of the amplifier); and
(2) The amplifier exhibits no amplification (0 decibels of gain) between 26 and 28 MHz.

(c) No person shall manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier or amplifier kit capable of operation on any frequency or frequencies below 144 MHz unless the amplifier has received a grant of type acceptance in accordance with subpart J of this part and subpart C of part 97 or other relevant parts of this chapter.

No more than 10 external radio frequency power amplifiers or amplifier kits may be constructed for evaluation purposes in preparation for the submission of an application for a grant of type acceptance.
NOTE: For the purposes of this part, an amplifier will be deemed incapable of operation below 144 MHz if the amplifier is not capable of being easily modified to increase its amplification characteristics below 120 MHz, and either:

(1) The mean output power of the amplifier decreases, as frequency decreases from 144 MHz, to a point where 0 decibels or less gain is exhibited at 120 MHz and below 120 MHz; or

(2) The amplifier is not capable of even short periods of operation below 120 MHz without sustaining permanent damage to its amplification circuitry.

(d) The proscription in paragraph (b) of this section shall not apply to the marketing, as defined in paragraph (b) of this section, by a licensed amateur radio operator to another licensed amateur radio operator of an external radio frequency power amplifier fabricated in not more than one unit of the same model in a calendar year by that operator provided the amplifier is for the amateur operator’s personal use at his licensed amateur radio station and the requirements of §§97.315 and 97.317 of this chapter are met.

(e) The proscription in paragraph (c) of this section shall not apply to the marketing, as defined in paragraph (c) of this section, by a licensed amateur radio operator to another licensed amateur radio operator of an external radio frequency power amplifier if the amplifier is for the amateur operator’s personal use at his licensed amateur radio station and the requirements of §§97.315 and 97.317 of this chapter are met.

§ 2.906 Declaration of Conformity.

(a) A Declaration of Conformity is a procedure where the responsible party, as defined in §2.909, makes measurements or takes other necessary steps to ensure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission pursuant to §2.957, of this part.

(b) Verification attaches to all items subsequently marketed by the manufacturer or importer which are identical as defined in §2.908 to the sample tested and found acceptable by the manufacturer.

§ 2.907 Certification.

(a) Certification is an equipment authorization issued by the Commission, based on representations and test data submitted by the applicant.

(b) Certification attaches to all units subsequently marketed by the grantee which are identical (see §2.908) to the sample tested except for permissive changes or other variations authorized by the Commission pursuant to §2.1043.


§ 2.908 Identical defined.

As used in this subpart, the term identical means identical within the variation that can be expected to arise as a result of quantity production techniques.


[46 FR 23249, Apr. 24, 1981]

§ 2.909 Responsible party.

The following parties are responsible for the compliance of radio frequency equipment with the applicable standards:

(a) In the case of equipment which requires the issuance by the Commission of a grant of equipment authorization, the party to whom that grant of authorization is issued (the grantee) if the radio frequency equipment is modified by any party other than the grantee and that party is not working under the authorization of the grantee pursuant to §2.929(b), the party performing the modification is responsible for compliance of the product with the applicable administrative and technical provisions in this chapter.

(b) In the case of equipment subject to authorization under the verification procedure, the manufacturer or, in the case of imported equipment, the importer. If subsequent to manufacture and importation, the radio frequency equipment is modified by any party not working under the authority of the responsible party, the party performing the modification becomes the new responsible party.

(c) In the case of equipment subject to authorization under the Declaration of Conformity procedure:

(1) The manufacturer or, if the equipment is assembled from individual component parts and the resulting system is subject to authorization under a Declaration of Conformity, the assembler.

(2) If the equipment, by itself, is subject to a Declaration of Conformity and that equipment is imported, the importer.

(3) Retailers or original equipment manufacturers may enter into an agreement with the responsible party designated in paragraph (c)(1) or (c)(2) of this section to assume the responsibilities to ensure compliance of equipment and become the new responsible party.

(d) If, because of modifications performed subsequent to authorization, a new party becomes responsible for ensuring that a product complies with the technical standards and the new party does not obtain a new equipment authorization, the equipment shall be labelled, following the specifications in §2.925(d), with the following: “This product has been modified by [insert name, address and telephone number of the party performing the modifications].”

§ 2.911 Written application required.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall be accompanied by all information required by this subpart and by those parts of the rules governing operation of the equipment, and by requisite test data, diagrams, etc., as specified in this subpart and in those sections of rules whereunder the equipment is to be operated.

(c) Each application including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: Provided, however, That the application may be signed by the applicant's authorized representative who shall indicate his title, such as plant manager, project engineer, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests. The person signing the test data shall attest to the accuracy of such data. The Commission may require such person to submit a statement showing that he is qualified to make use of an air courier/package delivery service, the following address must appear on the outside of the package/envelope: Federal Communications Commission, Equipment Authorization Division, c/o Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th floor, Room 153-2713, Pittsburgh, Pennsylvania 15259-0001, Attention: Wholesale Lockbox Supervisor.

§ 2.913 Submittal of equipment authorization application or information to the Commission.

(a) Unless otherwise directed, applications with fees attached for the equipment authorization, pursuant to § 1.1103 of this chapter, must be submitted following the procedures described in § 0.401(b) of this chapter. The address for applications submitted by mail is: Federal Communications Commission, Equipment Approval Services, P. O. Box 358315, Pittsburgh, PA 15251-5315. If the applicant chooses to make use of an air courier/package delivery service, the following address must appear on the outside of the package/envelope: Federal Communications Commission, c/o Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th floor, Room 153-2713, Pittsburgh, Pennsylvania 15259-0001, Attention: Wholesale Lockbox Supervisor.

(b) Any information or equipment samples requested by the Commission pursuant to the provisions of subpart J of this part shall, unless otherwise directed, be submitted to the Federal Communications Commission, Equipment Authorization Division, 7435 Oakland Mills Road, Columbia, Maryland 21046.

(c) Effective October 5, 1999, all applications for equipment authorization must be filed electronically. The Commission will be amenable to consideration of waiver requests from small businesses that find it a hardship to file applications electronically. Information on the procedures for electronically filing equipment authorization applications can be obtained from the address in paragraph (b) of this section.

§ 2.915 Grant of application.

§ 2.917 and supporting data, or other matter which it may officially notice, that:

(1) The equipment is capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated; and,

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

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Certification shall not attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.


§ 2.919 Denial of application.

If the Commission is unable to make the findings specified in §2.915(a), it will deny the application. Notification to the applicant will include a statement of the reasons for the denial.

§ 2.921 Hearing on application.

Whenever it is determined that an application for equipment authorization presents substantial factual questions relating to the qualifications of the applicant or the equipment (or the effects of the use thereof), the Commission may designate the application for hearing. A hearing on an application for an equipment authorization shall be conducted in the same manner as a hearing on a radio station application as set out in subpart B of part 1 of this chapter.

§ 2.923 Petition for reconsideration; application for review.

Persons aggrieved by virtue of an equipment authorization action may file with the Commission a petition for reconsideration or an application for review. Rules governing the filing of petitions for reconsideration and applications for review are set forth in §§1.106 and 1.115, respectively, of this chapter.

§ 2.924 Marketing of electrically identical equipment having multiple trade names and models or type numbers under the same FCC Identifier.

The grantee of an equipment authorization may market devices having different model/type numbers or trade names without additional authorization from the Commission, provided that such devices are electrically identical and the equipment bears an FCC Identifier validated by a grant of equipment authorization. A device will be considered to be electrically identical if no changes are made to the device authorized by the Commission, or if the changes made to the device would be treated as class I permissive changes within the scope of §2.1043(b)(1). Changes to the model number or trade name by anyone other than the grantee, or under the authorization of the grantee, shall be performed following the procedures in §2.933.


§ 2.925 Identification of equipment.

(a) Each equipment covered in an application for equipment authorization shall bear a nameplate or label listing the following:

(1) FCC Identifier consisting of the two elements in the exact order specified in §2.926. The FCC Identifier shall be preceded by the term FCC ID in capital letters on a single line, and shall be of a type size large enough to be legible without the aid of magnification.

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(2) Any other statements or labeling requirements imposed by the rules governing the operation of the specific class of equipment, except that such statement(s) of compliance may appear on a separate label at the option of the applicant/grantee.

(3) Equipment subject only to registration will be identified pursuant to part 68 of this chapter.

(b) Any device subject to more than one equipment authorization procedure may be assigned a single FCC Identifier. However, a single FCC Identifier is required to be assigned to any device consisting of two or more sections assembled in a common enclosure, on a common chassis or circuit board, and with common frequency controlling circuits. Devices to which a single FCC Identifier has been assigned shall be identified pursuant to paragraph (a) of this section.

(1) Separate FCC Identifiers may be assigned to a device consisting of two or more sections assembled in a common enclosure, but constructed on separate sub-units or circuit boards with independent frequency controlling circuits. The FCC Identifier assigned to any transmitter section shall be preceded by the term TX FCC ID, the FCC Identifier assigned to any receiver section shall be preceded by the term RX FCC ID and the identifier assigned to any remaining section(s) shall be preceded by the term FCC ID.

(2) Where telephone equipment subject to part 68 of this chapter, and a radiofrequency device subject to equipment authorization requirements are assembled in a common enclosure, the nameplate/label shall display the FCC Registration Number in the format specified in part 68 and the FCC Identifier in the format specified in paragraph (a) of this section.

(3) Applications filed on or after May 1, 1981, and applications filed earlier requesting equipment authorization using the single system of identification pursuant to section (a)(1) will receive a review of the identification portion by the Commission's Laboratory with respect to nameplate/label design within 30 days after receipt at the Laboratory. Failure by the Laboratory to reject a nameplate design proposed in any particular application within this time period will constitute de-facto acceptance of the nameplate/label design for that particular equipment. Such de-facto acceptance will be limited to the equipment covered by the particular application and will not be considered to establish a precedent for other applications. This review deadline applies only to the proposed nameplate/label design, not to the remainder of the application.

(4) For a transceiver, the receiver portion of which is subject to verification pursuant to § 15.101 of this chapter, the FCC Identifier required for the transmitter portion shall be preceded by the term FCC ID.

(c) [Reserved]

(d) In order to validate the grant of equipment authorization, the nameplate or label shall be permanently affixed to the equipment and shall be readily visible to the purchaser at the time of purchase.

(1) As used here, permanently affixed means that the required nameplate data is etched, engraved, stamped, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment enclosure. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other material fastened to the equipment enclosure by welding, riveting, etc., or with a permanent adhesive. Such a nameplate must be able to last the expected lifetime of the equipment in the environment in which the equipment will be operated and must not be readily detachable.

(2) As used here, readily visible means that the nameplate or nameplate data must be visible from the outside of the equipment enclosure. It is preferable that it be visible at all times during normal installation or use, but this is not a prerequisite for grant of equipment authorization.

(e) Where it is shown that a permanently affixed nameplate is not desirable or is not feasible, an alternative method of positively identifying the equipment may be used if approved by the Commission. The proposed alternative method of identification and the justification for its use must be included with the application for equipment authorization.
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NOTE: As an example, a device intended to be implanted within the body of a test animal or person would probably require an alternate method of identification.

(f) The term FCC ID and the coded identification assigned by the Commission shall be in a size of type large enough to be readily legible, consistent with the dimensions of the equipment and its nameplate. However, the type size for the FCC Identifier is not required to be larger than eight-point.

§ 2.926 FCC identifier.

(a) A grant of equipment authorization issued by the Commission will list the validated FCC Identifier consisting of the grantee code assigned by the FCC pursuant to paragraph (b) of this section, and the equipment product code assigned by the grantee pursuant to paragraph (c) of this section. See §2.925.

(b) The grantee code assigned pursuant to paragraph (c) of this section is assigned permanently to applicants/grantees and is valid only for the party specified as the applicant/grantee in the code assignment(s).

(c) A grantee code will have three characters consisting of Arabic numerals, capital letters, or combination thereof. A prospective grantee or his authorized representative may submit a written request to the Commission for assignment of a grantee code at any time. However, it is preferred that grantee codes be requested prior to filing applications for equipment authorization. If a grantee code is not requested in advance, one will be assigned at the time an application is received by the FCC Laboratory and the applicant will be notified to make any necessary label revisions in order to comply fully with application procedural rules.

(d) The equipment product code assigned by the grantee shall consist of a series of Arabic numerals, capital letters or a combination thereof, and may include the dash or hyphen (-). The total of Arabic numerals, capital letters and dashes or hyphens shall not exceed 14 and shall be one which has not been previously used in conjunction with:

(1) The same grantee code, or
(2) An application denied pursuant to §2.919 of this chapter.

(e) No FCC Identifier may be used on equipment to be marketed unless that specific identifier has been validated by a grant of equipment authorization issued by the Commission. This shall not prohibit placement of an FCC Identifier on a transceiver which includes a verified receiver subject to §15.101, provided that the transmitter portion of such transceiver is covered by a valid grant of type acceptance or certification. The FCC Identifier is uniquely assigned to the grantee and may not be placed on the equipment without authorization by the grantee. See §2.903 for conditions applicable to the display at trade shows of equipment which has not been granted equipment authorization where such grant is required prior to marketing. Labelling of such equipment may include model or type numbers, but shall not include a purported FCC Identifier.

§ 2.927 Limitations on grants.

(a) A grant of equipment authorization is valid only when the FCC Identifier is permanently affixed on the device and remains effective until revoked or withdrawn, rescinded, surrendered, or a termination date is otherwise established by the Commission.

(b) A grant of an equipment authorization signifies that the Commission has determined that the equipment has
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been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. The issuance of a grant of equipment authorization shall not be construed as a finding by the Commission with respect to matters not encompassed by the Commission's rules, especially with respect to compliance with 18 U.S.C. 2512.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to an equipment authorization in a deceptive or misleading manner or convey the impression that such equipment authorization reflects more than a Commission determination that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.


§ 2.931 Responsibility of the grantee.

In accepting a grant of an equipment authorization, the grantee warrants that each unit of equipment marketed under such grant and bearing the identification specified in the grant will conform to the unit that was measured and that the data (design and rated operational characteristics) filed with the application for certification continues to be representative of the equipment being produced under such grant within the variation that can be expected due to quantity production and testing on a statistical basis.

[63 FR 36998, July 7, 1998]

§ 2.932 Modification of equipment.

(a) A new application for an equipment authorization shall be filed whenever there is a change in the design, circuitry or construction of an equipment or device for which an equipment authorization has been issued, except as provided in paragraphs (b) through (d) of this section.

(b) Permissive changes may be made in certificated equipment, and equipment that was authorized under the former type acceptance procedure, pursuant to §2.1043.
§ 2.933 Change in identification of equipment.

(a) A new application for equipment authorization shall be filed whenever there is a change in the FCC Identifier for the equipment with or without a change in design, circuitry or construction. However, a change in the model/type number or trade name performed in accordance with the provisions in §2.924 of this chapter is not considered to be a change in identification and does not require additional authorization from the Commission.

(b) An application filed pursuant to paragraph (a) of this section where no change in design, circuitry or construction is involved, need not be accompanied by a resubmission of equipment or measurement or test data customarily required with a new application, unless specifically requested by the Commission. In lieu thereof, the applicant shall attach a statement setting out:

(1) The original identification used on the equipment prior to the change in identification.

(2) The date of the original grant of the equipment authorization.

(3) How the equipment bearing the modified identification differs from the original equipment.

(4) Whether the original test results continue to be representative of and applicable to the equipment bearing the changed identification.

(5) The photographs required by §2.1033(b)(7) or §2.1033(c)(12) showing the exterior appearance of the equipment, including the operating controls available to the user and the identification label. Photographs of the construction, the component placement on the chassis, and the chassis assembly are not required to be submitted unless specifically requested by the Commission.

(c) If the change in the FCC Identifier also involves a change in design or circuitry which falls outside the purview of a permissive change described in §2.1043, a complete application shall be filed pursuant to §2.911.

[63 FR 36598, July 7, 1998]

§ 2.936 FCC inspection.

Upon reasonable request, each responsible party shall submit the following to the Commission or shall make the following available for inspection:

(a) The records required by §§2.938, 2.955, and 2.1075.

(b) A sample unit of the equipment covered under an authorization.

(c) The manufacturing plant and facilities.


§ 2.937 Equipment defect and/or design change.

When a complaint is filed with the Commission concerning the failure of equipment subject to this chapter to comply with pertinent requirements of the Commission’s rules, and the Commission determines that the complaint is justified and arises out of an equipment fault attributable to the responsible party, the Commission may require the responsible party to investigate such complaint and report the results of such investigation to the Commission. The report shall also indicate what action if any has been taken or is proposed to be taken by the responsible party to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers and distributors.

[61 FR 31046, June 19, 1996]

§ 2.938 Retention of records.

(a) For each equipment subject to the Commission’s equipment authorization standards, the responsible party shall maintain the records listed as follows:
§ 2.941 Availability of information relating to grants.

(a) Grants of equipment authorization, other than for receivers and equipment authorized for use under parts 15 or 18 of this chapter, will be publicly announced in a timely manner by the Commission. Information about the authorization of a device using a particular FCC Identifier may be obtained by contacting the Commission’s Office of Engineering and Technology Laboratory.

(b) Information relating to equipment authorizations, such as data submitted by the applicant in connection with an authorization application, laboratory tests of the device, etc., shall

§ 2.939 Revocation or withdrawal of equipment authorization.

(a) The Commission may revoke any equipment authorization:

(1) For false statements or representations made either in the application or in materials or response submitted in connection therewith or in records required to be kept by § 2.938.

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.

(3) If it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission.

(4) Because of conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application.

(b) Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses.

(c) The Commission may withdraw any equipment authorization in the event of changes in its technical standards. The procedure to be followed will be set forth in the order promulgating such new technical standards (after appropriate rulemaking proceedings) and will provide a suitable amortization period for equipment in hands of users and in the manufacturing process.

§ 2.943 Submission of equipment for testing.

(a) The Commission may require an applicant to submit one or more sample units for measurement at the Commission’s laboratory.

(b) In the event the applicant believes that shipment of the sample to the Commission’s laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the applicant may submit a written explanation why such shipment is impractical and should not be required.

§ 2.945 Sampling tests of equipment compliance.

The Commission will, from time to time, request the responsible party to submit equipment subject to this chapter to determine the extent to which subsequent production of such equipment continues to comply with the data filed by the applicant (or on file with the responsible party for equipment subject to notification or a Declaration of Conformity). Shipping costs to the Commission’s laboratory and return shall be borne by the responsible party.

§ 2.946 Penalty for failure to provide test samples and data.

(a) Any responsible party, as defined in § 2.909, or any party who markets equipment subject to the provisions of this chapter, shall provide test sample(s) or data upon request by the Commission. Failure to comply with such a request within 14 days may be cause for forfeiture, pursuant to § 1.80 of this chapter, or other administrative sanctions such as suspending action on any applications for equipment authorization submitted by such party while the matter is being resolved.

(b) The Commission may consider extensions of time upon submission of a showing of good cause.

§ 2.947 Measurement procedure.

(a) The Commission will accept data which have been measured in accordance with the following standards or measurement procedures:

(1) Those set forth in bulletins or reports prepared by the Commission’s Office of Engineering and Technology. These will be issued as required, and specified in the particular part of the rules where applicable.

(2) Those acceptable to the Commission and published by national engineering societies such as the Electronic Industries Association, the Institute of Electrical and Electronic Engineers, Inc., and the American National Standards Institute.

(3) Any measurement procedure acceptable to the Commission may be used to prepare data demonstrating compliance with the requirements of this chapter.

(b) Information submitted pursuant to paragraph (a) of this section shall completely identify the specific standard or measurement procedure used.

(c) In the case of equipment requiring measurement procedures not specified in the references set forth in paragraphs (a) (1) and (2) of this section, the applicant shall submit a detailed description of the measurement procedures actually used.

(d) A listing of the test equipment used shall be submitted.

(e) If deemed necessary, the Commission may require additional information concerning the measurement procedures employed in obtaining the data submitted for equipment authorization purposes.

§ 2.948 Description of measurement facilities.

(a) Each party making measurements of equipment that is subject to an equipment authorization under part 15 or part 18 of this chapter, regardless of whether the measurements are filed...
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with the Commission or kept on file by
the party responsible for compliance of
equipment marketed within the U.S. or
its possessions, shall compile a descrip-
tion of the measurement facilities em-
ployed.

(1) If the measured equipment is sub-
ject to the verification procedure, the
description of the measurement facili-
ties shall be retained by the party re-
sponsible for verification of the equip-
ment.

(i) If the equipment is verified
through measurements performed by
an independent laboratory, it is accept-
able for the party responsible for
verification of the equipment to rely
upon the description of the measure-
ment facilities retained by or placed on
file with the Commission by that lab-
oratory. In this situation, the party re-
sponsible for verification of the equip-
ment is not required to retain a duplic-
ate copy of the description of the measure-
ment facilities.

(ii) If the equipment is verified based
on measurements performed at the in-
stallation site of the equipment, no
specific site calibration data is re-
quired. It is acceptable to retain the
description of the measurement facili-
ties at the site at which the measure-
ments were performed.

(2) If the equipment is to be author-
ized by the Commission under the cer-
tification procedure, the description of
the measurement facilities shall be
filed with the Commission’s Labora-
tory in Columbia, Maryland. The data
describing the measurement facilities
need only be filed once but must be up-
dated as changes are made to the meas-
urement facilities or as otherwise de-
scribed in this section. At least every
three years, the organization respon-
sible for filing the data with the Com-
mision shall certify that the data on
file is current.

(3) If the equipment is to be author-
ized under a Declaration of Con-
formity, the description of the meas-
urement facilities shall be retained by
the party performing the measure-
ments.

(b) The description shall contain the
following information:

(1) Location of the test site.

(2) Physical description of the test
site accompanied by photographs of
size A4 (21 cm × 29.7 cm) or 8.5×11 inches
(20.3 cm × 25.4 cm). Smaller photo-
graphs may be used if they clearly
show the details of the test site and are
mounted on full size sheets of paper.

(3) A drawing showing the dimensions
of the site, physical layout of all sup-
porting structures, and all structures
within 5 times the distance between
the measuring antenna and the device
being measured.

(4) Description of structures used to
support the device being measured and
the test instrumentation.

(5) List of measuring equipment used.

(6) Information concerning the cali-
bration of the measuring equipment,
i.e., the date the equipment was last
calibrated and how often the equip-
ment is calibrated.

(7) If desired, a statement as to
whether the test site is available to do
measurement services for the public on
a fee basis.

(8) A plot of site attenuation data.

(i) For a measurement facility that
will be used for testing radiated emis-
sions from a digital device on or after
May 1, 1994, or for testing intentional
and other unintentional radiators au-
thorized under part 15 of the rules on or
after June 1, 1995, the site attenuation
data shall be taken pursuant to the
procedures contained in Sections 5.4.6
through 5.5 of the following procedure:
American National Standards Institute
(ANSI) C63.4-1992, entitled “Methods of
Measurement of Radio-Noise Emissions
from Low-Voltage Electrical and Elec-
tronic Equipment in the Range of 9
kHz to 40 GHz,” published by the Insti-
tute of Electrical and Electronics Engi-
neers, Inc. on July 17, 1992 as docu-
ment number SH15180. This incorpora-
tion by reference was approved by the Direc-
tor of the Federal Register in accordance
with 5 U.S.C. 552(a) and 1 CFR part 51.
Copies of ANSI C63.4-1992 may be ob-
tained from: IEEE Standards Depart-
ment, 455 Hoes Lane, P.O. Box 1331,
Piscataway, NJ 08855-1331, telephone 1-
800-678-4333. Copies of ANSI C63.4-1992
may be inspected at the following loca-
tions:

(A) Federal Communications Com-
mission, 445 12th Street, SW., Office of
Engineering and Technology, Wash-
ington, DC 20554.
§ 2.948  
Federal Communications Commission Laboratory, 7435 Oak-  
(1) In addition to the above  
form Mills  
 requirements, the accreditations  
Road, Columbia, MD 21046,  
of laboratories located outside of  
or  
(C) Office of the Federal Register, 800  
the United States or its possessions  
North Capitol Street, NW., suite 700,  
will be acceptable only under one of  
Washington, DC.  
the following conditions:  
(ii) For a measurement facility  
(ii) If there is a mutual recogni-  
that will be used for testing radiated  
tion agreement between that coun-  
emissions from a digital device prior  
try and the United States and that  
to May 1, 1994, or from intentional  
laboratory is covered by the agreement;  
and other unintentional radiators  
(iii) If the country already ac-  
authorized under part 15 prior to June  
cepts the accreditation of U.S.  
1, 1995, or from devices authorized  
laboratories;  
under part 18 of the rules, the site  
(1) Organizations outside of the  
attenuation data shall be taken  
United States that seek to become  
pursuant to either ANSI  
accreditors may seek agreements  
C63.4-1992, Sections 5.4.6 through  
with approved United States accre-  
5.5, or FCC/OET Bulletin 55.  
ditng bodies to mutually recognize  
(iii) If the country already accepts  
the accreditation of U.S. laborato-  
the accreditation of laboratories.  
(2) The Commission will publish a  
The Commission will review such  
list of those parties who have filed  
agreements and will consult with  
the information required by this sec-  
the Office of the United States  
tion, provided they indicate that  
Trade Representative and other  
they wish to perform measurement  
Executive Branch agencies  
services for the public on a fee  
before accepting them for purposes  
basis. However, it should be  
of the DoC procedure in order to  
noted that the Commission  
ensure that the respective foreign  
does not endorse or approve any  
countries accept United States  
facility on this list.  
accreditations and do not impose  
dimentary bodies located outside of  
(d) If the equipment is to be au-  
additional barriers upon United States  
the United States will only be  
thorized under a Declaration of Con-  
companies. Accred- 
mitted laboratories within their own  
f ormity, the party performing the  
itating bodies located outside of the  
country for DoC testing.  
measurements shall be accredited for  
(3) To facilitate use of the DoC  
performing such measurements by an  
the DoC procedure, the FCC will  
authorized accreditation body based  
procedure, the FCC will accept a  
authorized accreditation body based  
(3) To facilitate use of the DoC  
on the International Organization for  
 laboratory that submits documenta-  
to ISO/  
tion to OET’s Equipment  
the International Organization for  
must be approved by the FCC’s  
ed official for the Competence of  
IEC 58, “Calibration and Testing  
Engineering and Technology, as  
Calibration and Testing Laboratories.”  
performed by the accrediting orga- 
Laboratories—General  
dicated in §0.241 of this chapter, to  
Accreditation bodies must be  
Requirements for Operation and  
requirements. General  
perform such accreditation based on  
must be approved by the FCC’s  
Recognition.” The frequency for  
Recognition.” The frequency for  
recognized by the United States or  
Office of Engineering and Tech- 
revalidation of the test site and the  
revalidation of the test site and the  
and the United States will only be  
tical Commission (ISO/IEC) Guide  
required to be filed or retained  
information required to be filed or re-  
only be permitted to  
25, “General Requirements for the  
required to be filed or retained  
retained by the testing party shall  
accreditation laboratories within  
the Competence of Calibration and  
tained by the testing party shall  
their own country for DoC testing.  
Calibration and Testing Laboratories.”  
required to be filed or retained  
accreditation is granted by the  
(2) To facilitate use of the DoC  
Laboratories.”  
accordance with the requirements  
(2) To facilitate use of the DoC  
and Testing Laboratories.”  
required to be filed or retained  
by an approved  
was granted by the accrediting  
procedure, the FCC will accept a  
procedure, the FCC will accept a  
by an approved  
by an approved
accreditation body will lose its provisional acceptance. However, any DoCs that were issued will remain valid.


§ 2.955 Retention of records.

(a) For each equipment subject to verification, the responsible party, as
§ 2.956 FCC inspection and submission of equipment for testing.

(a) Each responsible party shall upon receipt of reasonable request:

(1) Submit to the Commission the records required by §2.955.

(2) Submit one or more sample units for measurements at the Commission's Laboratory.

(i) Shipping costs to the Commission's Laboratory and return shall be borne by the responsible party.

(ii) In the event the responsible party believes that shipment of the sample to the Commission's Laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the responsible party may submit a written explanation why such shipment is impractical and should not be required.

(b) Requests for the submission of the records in §2.955 or for the submission of sample units are covered under the provisions of §2.946.

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§ 2.962 Designation of Telecommunication Certification Bodies (TCBs).

(a) The Commission may designate Telecommunication Certification Bodies (TCBs) to approve equipment as required under this part. Certification of equipment by a TCB shall be based on an application with all the information specified in this part. The TCB shall process the application to determine whether the product meets the Commission's requirements and shall issue a written grant of equipment authorization. The grant shall identify the TCB and the source of authority for issuing it.

(b) The Federal Communications Commission shall designate TCBs in the United States to approve equipment subject to certification under the Commission's rules. TCBs shall be accredited by the National Institute of Standards and Technology (NIST) under its National Voluntary Conformity Assessment Evaluation (NVCASE) program, or other recognized programs based on ISO/IEC Guide 65, to comply with the Commission's qualification criteria for TCBs. NIST may, in accordance with its procedures, allow other appropriately qualified accrediting bodies to accredit TCBs and testing laboratories. TCBs shall comply with the requirements in §2.962 of this part.

(c) In accordance with the terms of an effective bilateral or multilateral mutual recognition agreement or arrangement (MRA) to which the United States is a party, bodies outside the United States shall be permitted to authorize equipment in lieu of the Commission. A body in an MRA partner economy may authorize equipment to U.S. requirements only if that economy permits bodies in the United States to authorize equipment to its requirements. The authority designating these telecommunication certification bodies shall meet the following criteria.

(1) The organization accrediting the prospective telecommunication certification body shall be capable of meeting the requirements and conditions of ISO/IEC Guide 65.

(2) The organization assessing the telecommunication certification body shall appoint a team of qualified experts to perform the assessment covering all of the elements within the scope of accreditation. For assessment of telecommunications equipment, the areas of expertise to be used during the assessment shall include, but not be limited to, electromagnetic compatibility and telecommunications equipment (wired and wireless).

[64 FR 4095, Feb. 2, 1999]

§ 2.962 Requirements for Telecommunication Certification Bodies.

(a) Telecommunication certification bodies (TCBs) designated by the Commission, or designated by another authority pursuant to an effective bilateral or multilateral mutual recognition agreement or arrangement to which the United States is a party, shall comply with the following requirements.

(b) Certification methodology. (1) The certification system shall be based on type testing as identified in sub-clause 1.2(a) of ISO/IEC Guide 65.

(2) Certification shall normally be based on testing no more than one unmodified representative sample of each product type for which certification is sought. Additional samples may be requested if clearly warranted, such as when certain tests are likely to render a sample inoperative.

(c) Criteria for Designation. (1) To be designated as a TCB under this section, an entity shall, by means of accreditation, meet all the appropriate specifications in ISO/IEC Guide 65 for the scope of equipment it will certify. The accreditation shall specify the group of equipment to be certified and the applicable regulations for product evaluation.

(2) The TCB shall demonstrate expert knowledge of the regulations for each product with respect to which the body seeks designation. Such expertise shall include familiarity with all applicable technical regulations, administrative provisions or requirements, as well as the policies and procedures used in the application thereof.

(3) The TCB shall have the technical expertise and capability to test the equipment it will certify and shall also be accredited in accordance with ISO/
§ 2.962

IEC Guide 25 to demonstrate it is competent to perform such tests.

(4) The TCB shall demonstrate an ability to recognize situations where interpretations of the regulations or test procedures may be necessary. The appropriate key certification and laboratory personnel shall demonstrate a knowledge of how to obtain current and correct technical regulation interpretations. The competence of the telecommunication certification body shall be demonstrated by assessment. The general competence, efficiency, experience, familiarity with technical regulations and products included in those technical regulations, as well as compliance with applicable parts of the ISO/IEC Guides 25 and 65, shall be taken into consideration.

(5) A TCB shall participate in any consultative activities, identified by the Commission or NIST, to facilitate a common understanding and interpretation of applicable regulations.

(6) The Commission will provide public notice of the specific methods that will be used to accredit TCBs, consistent with these qualification criteria.

(d) Sub-contractors. (1) In accordance with the provisions of sub-clause 4.4 of ISO/IEC Guide 65, the testing of a product, or a portion thereof, may be performed by a sub-contractor of a designated TCB, provided the laboratory has been assessed by the TCB as competent and in compliance with the applicable provisions of ISO/IEC Guide 65 and other relevant standards and guides.

(2) When a subcontractor is used, the TCB shall be responsible for the test results and shall maintain appropriate oversight of the subcontractor to ensure reliability of the test results. Such oversight shall include periodic audits of products that have been tested.

(e) Designation of TCBs. (1) The Commission will designate as a TCB any organization that meets the qualification criteria and is accredited by NIST or its recognized accreditor.

(2) The Commission will withdraw the designation of a TCB if the TCB's accreditation by NIST or its recognized accreditor is withdrawn, if the Commission determines there is just cause for withdrawing the designation, or if the TCB requests that it no longer hold the designation. The Commission will provide a TCB with 30 days notice of its intention to withdraw the designation and provide the TCB with an opportunity to respond.

(3) A list of designated TCBs will be published by the Commission.

(f) Scope of responsibility. (1) TCBs shall certify equipment in accordance with the Commission's rules and policies.

(2) A TCB shall accept test data from any source, subject to the requirements in ISO/IEC Guide 65, and shall not unnecessarily repeat tests.

(3) TCBs may establish and assess fees for processing certification applications and other tasks as required by the Commission.

(4) A TCB may rescind a grant of certification within 30 days of grant for administrative errors. After that time, a grant can only be revoked by the Commission through the procedures in §2.939 of this part. A TCB shall notify both the applicant and the Commission when a grant is rescinded.

(5) A TCB may not:

(i) Grant a waiver of the rules, or certify equipment for which the Commission rules or requirements do not exist or for which the application of the rules or requirements is unclear.

(ii) Take enforcement actions; or

(iii) Authorize a transfer of control of a grantee.

(6) All TCB actions are subject to Commission review.

(g) Post-certification requirements. (1) A TCB shall supply an electronic copy of each approved application form and grant of certification to the Commission.

(2) In accordance with ISO/IEC Guide 65, a TCB is required to conduct appropriate post-market surveillance activities. These activities shall be based on type testing a few samples of the total number of product types which the certification body has certified. Other types of surveillance activities of a product that has been certified are permitted, provided they are no more onerous than testing type. The Commission may at any time request a list of products certified by the certification
§ 2.1033

Certification

§ 2.1031 Cross reference.

The general provisions of this subpart §2.901 et seq. shall apply to applications for and grants of certification.

§ 2.1033 Application for certification.

(a) An application for certification shall be filed on FCC Form 731 with all questions answered. Items that do not apply shall be so noted.

(b) Applications for equipment operating under Parts 11, 15 and 18 of the rules shall be accompanied by a technical report containing the following information:

1. The full name and mailing address of the manufacturer of the device and the applicant for certification.

2. FCC identifier.

3. A copy of the installation and operating instructions to be furnished the user. A draft copy of the instructions may be submitted if the actual document is not available. The actual document shall be furnished to the FCC when it becomes available.

4. A brief description of the circuit functions of the device along with a statement describing how the device operates. This statement should contain a description of the ground system and antenna, if any, used with the device.

5. A block diagram showing the frequency of all oscillators in the device. The signal path and frequency shall be indicated at each block. The tuning range(s) and intermediate frequency(ies) shall be indicated at each block. A schematic diagram is also required for intentional radiators.

6. A report of measurements showing compliance with the pertinent FCC technical requirements. This report shall identify the test procedure used (e.g., specify the FCC test procedure, or industry test procedure that was used), the date the measurements were made, the location where the measurements were made, and the device that was tested (model and serial number, if available). The report shall include sample calculations showing how the measurement results were converted for comparison with the technical requirements.

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(7) A sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis, and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device (if any), the controls available to the user, and the required identification label in sufficient detail so that the name and FCC identifier can be read. In lieu of a photograph of the label, a sample label (or facsimile thereof) may be submitted together with a sketch showing where this label will be placed on the equipment. Photographs shall be of size A4 (21 cm × 29.7 cm) or 8½×10 inches (20.3 cm × 25.4 cm). Smaller photographs may be submitted provided they are sharp and clear, show the necessary detail, and are mounted on A4 (21 cm × 29.7 cm) or 8¼×11 inch (21.6 cm × 27.9 cm) paper. A sample label or facsimile together with the sketch showing the placement of this label shall be on the same size paper.

(8) If the equipment for which certification is being sought must be tested with peripheral or accessory devices connected or installed, a brief description of those peripherals or accessories. The peripheral or accessory devices shall be unmodified, commercially available equipment.

(9) For equipment subject to the provisions of part 15 of this chapter, the application shall indicate if the equipment is being authorized pursuant to the transition provisions in § 15.37 of this chapter.

(10) Applications for the certification of direct sequence spread spectrum transmitters under part 15 shall be accompanied by an exhibit demonstrating compliance with the processing gain provisions of §15.247(e) of this chapter. Applications for the certification of frequency hopping transmitters under part 15 shall be accompanied by an exhibit describing compliance of the associated receiver or receivers with §15.247(a)(1) of this chapter.

(11) Applications for the certification of scanning receivers shall include a statement describing the methods used to comply with the design requirements of all parts of §15.121 of this chapter. The application must specifically include a statement assessing the vulnerability of the equipment to possible modification and describing the design features that prevent the modification of the equipment by the user to receive transmissions from the Cellular Radiotelephone Service. The application must also demonstrate compliance with the signal rejection requirements of §15.121 of this chapter, including details on the measurement procedures used to demonstrate compliance.

(c) Applications for equipment other than that operating under parts 15 and 18 of the rules shall be accompanied by a technical report containing the following information:

(1) The full name and mailing address of the manufacturer of the device and the applicant for certification.

(2) FCC identifier.

(3) A copy of the installation and operating instructions to be furnished the user. A draft copy of the instructions may be submitted if the actual document is not available. The actual document shall be furnished to the FCC when it becomes available.

(4) Type or types of emission.

(5) Frequency range.

(6) Range of operating power values or specific operating power levels, and description of any means provided for variation of operating power.

(7) Maximum power rating as defined in the applicable part(s) of the rules.

(8) The dc voltages applied to and dc currents into the several elements of the final radio frequency amplifying device for normal operation over the power range.

(9) Tune-up procedure over the power range, or at specific operating power levels.

(10) A schematic diagram and a description of all circuitry and devices provided for determining and stabilizing frequency, for suppression of spurious radiation, for limiting modulation, and for limiting power.
(11) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

(12) Photographs (8×10") of the equipment of sufficient clarity to reveal equipment construction and layout, including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chasis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied with the certification request, additional photographs are necessary only to complete the required showing.

(13) For equipment employing digital modulation techniques, a detailed description of the modulation system to be used, including the response characteristics (frequency, phase and amplitude) of any filters provided, and a description of the modulating wavetrain, shall be submitted for the maximum rated conditions under which the equipment will be operated.

(14) The data required by §§ 2.1046 through 2.1057, inclusive, measured in accordance with the procedures set out in §§ 2.1041.

(15) The application for certification of an external radio frequency power amplifier under part 97 of this chapter need not be accompanied by the data required by paragraph (b)(14) of this section. In lieu thereof, measurements shall be submitted to show compliance with the technical specifications in subpart C of part 97 of this chapter and such information as required by § 2.1060 of this part.

(16) An application for certification of an AM broadcast stereophonic exciter-generator intended for interconnecting with existing certified, or formerly type accepted or notified transmitters must include measurements made on a complete stereophonic transmitter. The instruction book must include complete specifications and circuit requirements for interconnecting with existing transmitters. The instruction book must also provide a full description of the equipment and measurement procedures to monitor modulation and to verify that the combination of stereo exciter-generator and transmitter meet the emission limitations of § 73.44.

(17) A single application may be filed for a composite system that incorporates devices subject to certification under multiple rule parts, however, the appropriate fee must be included for each device. Separate applications must be filed if different FCC Identifiers will be used for each device.

§ 2.1035 [Reserved]

§ 2.1041 Measurement procedure.

For equipment operating under parts 15 and 18, the measurement procedures are specified in the rules governing the particular device for which certification is requested. For equipment operating in the authorized radio services, measurements are required as specified in §§ 2.1046, 2.1047, 2.1049, 2.1051, 2.1053, 2.1055 and 2.1057. See also § 2.947.

[63 FR 36600, July 7, 1998]

§ 2.1043 Changes in certificated equipment.

(a) Changes to the basic frequency determining and stabilizing circuitry (including clock or data rates), frequency multiplication stages, basic modulator circuit or maximum power or field strength ratings shall not be performed without application for and authorization of a new grant of certification. Variations in electrical or mechanical construction, other than these indicated items, are permitted provided the variations either do not affect the characteristics required to be reported to the Commission or the variations are made in compliance with the other provisions of this section.

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the
§ 2.1043

characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, the grantee shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(3) Except as specified below, permissive changes, as detailed above, shall be made only by the holder of the grant of certification. Changes by any party other than the grantee require a new application for and grant of certification.

(c) A grantee desiring to make a change other than a permissive change shall file an application on FCC Form 731 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change is authorized.

(d) A modification which results in a change in the identification of a device with or without change in circuitry requires a new application for, and grant of certification. If the changes affect the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of § 2.933 may be used.

(e) Equipment that has been certified or formerly type accepted for use in the Amateur Radio Service pursuant to the requirements of part 97 of this chapter may be modified without regard to the conditions specified in paragraph (b) of this section, provided the following conditions are met:

(1) Any person performing such modifications on equipment used under part 97 of this chapter must possess a valid amateur radio operator license of the class required for the use of the equipment being modified.

(2) Modifications made pursuant to this paragraph are limited to equipment used at licensed amateur radio stations.

(3) Modifications specified or performed by equipment manufacturers or suppliers must be in accordance with the requirements set forth in paragraph (b) of this section.

(4) Modifications specified or performed by licensees in the Amateur Radio Service on equipment other than that at specific licensed amateur radio stations must be in accordance with the requirements set forth in paragraph (b) of this section.

(5) The station licensee shall be responsible for ensuring that modified equipment used at his station will comply with the applicable technical standards in part 97 of this chapter.

(f) For equipment other than that operating under parts 15 or 18, when a Class II permissive change is made by other than the grantee of certification, the information and data specified in paragraph (b)(2) of this section shall be supplied by the person making the change. The modified equipment shall not be operated under an authorization of the Commission prior to acknowledgement by the Commission that the change is acceptable.

(g) The interconnection of a certificated or formerly type accepted AM broadcast stereophonic exciter-generator with a certificated or formerly type accepted AM broadcast transmitter in accordance with the manufacturer's instructions and upon completion of measurements showing that the modified transmitter meets the emission limitation requirements of § 73.44 is defined as a Class I permissive change for compliance with this section.

(h) The interconnection of a multiplexing exciter with a certificated or formerly type accepted AM broadcast transmitter in accordance with the manufacturer's instructions without electrical or mechanical modification
§ 2.1046 Measurements required: RF power output.

(a) For transmitters other than single sideband, independent sideband and controlled carrier radiotelephone, power output shall be measured at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in §2.1033(c)(8). The electrical characteristics of the radio frequency load attached to the output terminals when this test is made shall be stated.

(b) For single sideband, independent sideband, and single channel, controlled carrier radiotelephone transmitters the procedure specified in paragraph (a) of this section shall be employed and, in addition, the transmitter shall be modulated during the test as follows. In all tests, the input level of the modulating signal shall be such as to develop rated peak envelope power or carrier power, as appropriate, for the transmitter.

(1) Single sideband transmitters in the A3A or A3J emission modes—by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(2) Single sideband transmitters in the A3H emission mode—by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(3) As an alternative to paragraphs (b)(1) and (2) of this section other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order intermodulation product must fall within the 35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(4) Independent sideband transmitters having two channels by 1700 Hz tones applied simultaneously in both channels, the input levels of the tones...
so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(5) Independent sideband transmitters having more than two channels by an appropriate signal or signals applied to all channels simultaneously. The input signal or signals shall simulate the input signals specified by the manufacturer for normal operation.

(6) Single-channel controlled-carrier transmitters in the A3 emission mode—by a 2500 Hz tone.

(c) For measurements conducted pursuant to paragraphs (a) and (b) of this section, all calculations and methods used by the applicant for determining carrier power or peak envelope power, as appropriate, on the basis of measured power in the radio frequency load attached to the transmitter output terminals shall be shown. Under the test conditions specified, no components of the emission spectrum shall exceed the limits specified in the applicable rule parts as necessary for meeting occupied bandwidth or emission limitations.


§ 2.1047 Measurements required: Modulation characteristics.

(a) Voice modulated communication equipment. A curve or equivalent data showing the frequency response of the audio modulating circuit over a range of 100 to 5000 Hz shall be submitted. For equipment required to have an audio low-pass filter, a curve showing the frequency response of the filter, or of all circuitry installed between the modulation limiter and the modulated stage shall be submitted.

(b) Equipment which employs modulation limiting. A curve or family of curves showing the percentage of modulation versus the modulation input voltage shall be supplied. The information submitted shall be sufficient to show modulation limiting capability throughout the range of modulating frequencies and input modulating signal levels employed.

(c) Single sideband and independent sideband radiotelephone transmitters which employ a device or circuit to limit peak envelope power. A curve showing the peak envelope power output versus the modulation input voltage shall be supplied. The modulating signals shall be the same in frequency as specified in paragraph (c) of §2.1049 for the occupied bandwidth tests.

(d) Other types of equipment. A curve or equivalent data which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.


§ 2.1049 Measurements required: Occupied bandwidth.

The occupied bandwidth, that is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission shall be measured under the following conditions as applicable:

(a) Radiotelegraph transmitters for manual operation when keyed at 16 dots per second.

(b) Other keyed transmitters—when keyed at the maximum machine speed.

(c) Radiotelephone transmitters equipped with a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal shall be 10 dB greater than that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 Hz tone at an input level 16 dB greater than that necessary to produce 50 percent modulation. The input level shall be established at the frequency of maximum response of the audio modulating circuit.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.
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(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (c) (2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(d) Radiotelephone transmitters without a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal should be that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 Hz tone of sufficient level to produce at least 85 percent modulation. If 85 percent modulation is unattainable, the highest percentage modulation shall be used.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(e) Transmitters for use in the Radio Broadcast Services:

(1) AM broadcast transmitters for monaural operation—when amplitude modulated 85% by a 7,500 Hz input signal.

(2) AM broadcast stereophonic operation—when the transmitter operated under any stereophonic modulation condition not exceeding 100% on negative peaks and tested under the conditions specified in § 73.128 in part 73 of the FCC rules for AM broadcast stations.

(3) FM broadcast transmitter not used for multiplex operation—when modulated 85 percent by a 15 kHz input signal.

(4) FM broadcast transmitters for multiplex operation under Subsidiary
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Communication Authorization (SCA)—when carrier is modulated 70 percent by a 15 kHz main channel input signal, and modulated an additional 15 percent simultaneously by a 67 kHz subcarrier (unmodulated).

(5) FM broadcast transmitter for stereophonic operation—when modulated by a 15 kHz input signal to the main channel, a 15 kHz input signal to the stereophonic subchannel, and the pilot subcarrier simultaneously. The input signals to the main channel and stereophonic subchannel each shall produce 38 percent modulation of the carrier. The pilot subcarrier should produce 9 percent modulation of the carrier.

(6) Television broadcast monaural transmitters—when modulated 85% by a 15 kHz input signal.

(7) Television broadcast stereophonic sound transmitters—when the transmitter is modulated with a 15 kHz input signal to the main channel and the stereophonic subchannel, any pilot subcarrier(s) and any unmodulated auxiliary subcarrier(s) which may be provided. The signals to the main channel and the stereophonic subchannel must be representative of the system being tested and when combined with any pilot subcarrier(s) or other auxiliary subcarriers shall result in 85% deviation of the maximum specified aural carrier deviation.

(f) Transmitters for which peak frequency deviation (D) is determined in accordance with §2.202(f), and in which the modulating baseband comprises more than 3 independent speech channels—when modulated by a test signal determined in accordance with the following:

(1) A modulation reference level is established for the characteristic baseband frequency. (Modulation reference level is defined as the average power level of a sinusoidal test signal delivered to the modulator input which provides the specified value of per-channel deviation.)

(2) Modulation reference level being established, the total rms deviation of the transmitter is measured when a test signal consisting of a band of random noise extending from below 20 kHz to the highest frequency in the baseband, is applied to the modulator input through any preemphasis networks used in normal service. The average power level of the test signal shall exceed the modulation reference level by the number of decibels determined using the appropriate formula in the following table:

<table>
<thead>
<tr>
<th>Number of message circuits that modulate the transmitter</th>
<th>Number of dB by which the average power ($P_{avg}$) level test signal shall exceed the modulation reference level</th>
<th>Limits of $P_{avg}$ (dBm0)</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 3, but less than 12 ................................</td>
<td>To be specified by the equipment manufacturer subject to FCC approval.</td>
<td>X: -2 to +2.6</td>
</tr>
<tr>
<td>At least 12, but less than 60 ..............................</td>
<td>X+2 log_10 N, principal channel</td>
<td>X: -5.6 to -1.0</td>
</tr>
<tr>
<td>At least 60, but less than 240 ................................</td>
<td>X+4 log_10 N, stereophonic subchannel</td>
<td>X: -19.6 to -15.0</td>
</tr>
<tr>
<td>240 or more ..................................................</td>
<td>X+10 log_10 N, pilot subcarrier(s)</td>
<td>X: -19.6 to -15.0</td>
</tr>
</tbody>
</table>

Where X represents the average power in a message circuit in dBm0; N, is the number of circuits in the multiplexed message load. $P_{avg}$ shall be selected by the transmitter manufacturer and included with the technical data submitted with the application for type acceptance. (See §2.202(e) in this chapter.)

(g) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the tests should provide the manufacturer’s maximum rated condition.

(h) Transmitters employing digital modulation techniques—when modulated by an input signal such that its amplitude and symbol rate represent the maximum rated conditions under which the equipment will be operated. The signal shall be applied through any filter networks, pseudo-random generators or other devices required in normal service. Additionally, the occupied bandwidth shall be shown for operation with any devices used for modifying the spectrum when such devices are optional at the discretion of the user.
Federal Communications Commission

§ 2.1055 Measurements required: Frequency stability.

(a) The frequency stability shall be measured with variation of ambient temperature as follows:

1. From –30° to +50° centigrade for all equipment except that specified in paragraphs (a) (2) and (3) of this section.

2. From –20° to +50° centigrade for equipment to be licensed for use in the Maritime Services under part 80 of this chapter, except for Class A, B, and S Emergency Position Indicating Radio beacons (EPIRBs), and equipment to be licensed for use above 952 MHz at operational fixed stations in all services, stations in the Local Television Transmission Service and Point-to-Point Microwave Radio Service under part 21 of this chapter, and equipment licensed for use aboard aircraft in the Aviation Services under part 87 of this chapter.
§ 2.1057 Frequency spectrum to be investigated.

(a) In all of the measurements set forth in §§2.1051 and 2.1053, the spectrum shall be investigated from the effective beginning ambient temperature level.

(3) From 0° to +50° centigrade for equipment to be licensed for use in the Radio Broadcast Services under part 73 of this chapter.

(b) Frequency measurements shall be made at the extremes of the specified temperature range and at intervals of not more than 10° centigrade through the range. A period of time sufficient to stabilize all of the components of the oscillator circuit at each temperature level shall be allowed prior to frequency measurement. The short term transient effects on the frequency of the transmitter due to keying (except for broadcast transmitters) and any heating element cycling normally occurring at each ambient temperature level also shall be shown. Only the portion or portions of the transmitter containing the frequency determining and stabilizing circuitry need be subjected to the temperature variation test.

(c) In addition to all other requirements of this section, the following information is required for equipment incorporating heater type crystal oscillators to be used in mobile stations, for which type acceptance is first requested after March 25, 1974, except for battery powered, hand carried, portable equipment having less than 3 watts mean output power.

(1) Measurement data showing variation in transmitter output frequency from the specified starting and the elapsed time necessary for the frequency to stabilize within the applicable tolerance. Tests shall be made after temperature stabilization at each of the ambient temperature levels; the lower temperature limit, 0° centigrade and +30° centigrade with no primary power applied.

(2) Beginning at each temperature level specified in paragraph (c)(1) of this section, the frequency shall be measured within one minute after application of primary power to the transmitter and at intervals of no more than one minute thereafter until ten minutes have elapsed or until sufficient measurements are obtained to indicate clearly that the frequency has stabilized within the applicable tolerance, whichever time period is greater. During each test, the ambient temperature shall not be allowed to rise more than 10° centigrade above the respective beginning ambient temperature level.

(3) The elapsed time necessary for the frequency to stabilize within the applicable tolerance from each beginning ambient temperature level as determined from the tests specified in this paragraph shall be specified in the instruction book for the transmitter furnished to the user.

(4) When it is impracticable to subject the complete transmitter to this test because of its physical dimensions or power rating, only its frequency determining and stabilizing portions need be tested.

(d) The frequency stability shall be measured with variation of primary supply voltage as follows:

(1) Vary primary supply voltage from 85 to 115 percent of the nominal value for other than hand carried battery equipment.

(2) For hand carried, battery powered equipment, reduce primary supply voltage to the battery operating end point which shall be specified by the manufacturer.

(3) The supply voltage shall be measured at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided. Effects on frequency of transmitter keying (except for broadcast transmitters) and any heating element cycling at the nominal supply voltage and at each extreme also shall be shown.

(e) When deemed necessary, the Commission may require tests of frequency stability under conditions in addition to those specifically set out in paragraphs (a), (b), (c), and (d) of this section. (For example measurements showing the effect of proximity to large metal objects, or of various types of antennas, may be required for portable equipment.)

lowest radio frequency signal generated in the equipment, without going below 9 kHz, up to at least the frequency shown below:

(1) If the equipment operates below 10 GHz: to the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower.

(2) If the equipment operates at or above 10 GHz and below 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 100 GHz, whichever is lower.

(3) If the equipment operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower.

(b) Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked.

(c) The amplitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be reported.

(d) Unless otherwise specified, measurements above 40 GHz shall be performed using a minimum resolution bandwidth of 1 MHz.

§ 2.1060 Equipment for use in the amateur radio service.

(a) The general provisions of §§2.925, 2.1031, 2.1033, 2.1041, 2.1043, 2.1051, 2.1053 and 2.1057 shall apply to applications for, and grants of, certification for equipment operated under the requirements of part 97 of this chapter, the Amateur Radio Service.

(b) When performing the tests specified in §§2.1051 and 2.1053 of this part, the center of the transmitted bandwidth shall be within the operating frequency band by an amount equal to 50 percent of the bandwidth utilized for the tests. In addition, said tests shall be made on at least one frequency in each of the bands within which the equipment is capable of tuning.

(c) Any supplier of an external radio frequency power amplifier kit as defined by §97.3(a)(17) of this chapter shall comply with the following requirements:

(1) Assembly of one unit of a specific type shall be made in exact accordance with the instructions being supplied with the product being marketed. If all of the necessary components are not normally furnished with the kit, assembly shall be made using the recommended components.

(2) The measurement data required for certification shall be obtained for this unit and submitted with the certification application. Unless otherwise requested, it is not necessary to submit this unit with the application.

(3) A copy of the exact instructions which will be provided for assembly of the equipment shall be provided in addition to other material required by §2.1033 of this part.

(4) The identification label required by §2.925 of this part shall be permanently affixed to the assembled unit and shall be of sufficient size so as to be easily read. The following information shall be shown on the label:

(Name of Grantee of Certification)
FCC ID: (The number assigned to the equipment by the grantor)

This amplifier can be expected to comply with part 97 of the FCC Regulations when assembled and aligned in strict accordance with the instruction manual using components with the kit or an exact equivalent thereof.

(Title and signature of responsible representative of Grantee)
Statement of Compliance
I state that I have constructed this equipment in accordance with the instruction manual and using the parts furnished by the supplier of this kit.
(Signature)
(Date)
(Amateur call sign) (Class of license)
(Expiration date of license)
(To be signed by the person responsible for proper assembly of kit.)

(5) If requested, an unassembled unit shall be provided for assembly and test by the Commission. Shipping charges to and from the Commission's Laboratory shall be borne by the applicant.

(d) Certification of external radio frequency power amplifiers and amplifier kits may be denied when denial serves the public interest, convenience and necessity by preventing the use of
§ 2.1061 Submission of technical information for application reference.

An application for station authorization in some services requires a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for the submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit all information required by the application form and the rules for the services in which the equipment is to be used. An application for a station authorization submitted subsequent to such filing may refer to the technical information so filed.

§ 2.1063 Disclaimer re technical information filed for application reference.

Receipt by the Commission of data for application purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.1065 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type number shall not exceed 17. The type number shall be shown on an identification plate or label affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of equipment modification, a new identification plate or label bearing the new type number shall be affixed to the modified equipment.

NOTE: It is recommended that such equipment be identified with a nameplate pursuant to §2.925, except for deletion of the FCC Identifier, which will not be assigned to nor listed for such equipment.

(39 FR 28160, Aug. 5, 1974, as amended at 44 FR 17180, Mar. 21, 1979)

§ 2.1071 Cross reference.

The general provisions of this subpart, shall apply to equipment subject to a Declaration of Conformity.

§ 2.1072 Limitation on Declaration of Conformity.

(a) The Declaration of Conformity signifies that the responsible party, as defined in §2.909, has determined that the equipment has been shown to comply with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the responsible party with respect to matters not encompassed by the Commission's rules.

(b) A Declaration of Conformity by the responsible party is effective until a termination date is otherwise established by the Commission.

(c) No person shall, in any advertising matter, brochure, etc., use or
make reference to a Declaration of Conformity in a deceptive or misleading manner or convey the impression that such a Declaration of Conformity reflects more than a determination by the responsible party that the device or product has been shown to be capable of complying with the applicable technical standards of the Commission's rules.

[61 FR 31046, June 19, 1996]

§ 2.1073 Responsibilities.

(a) The responsible party, as defined in §2.909, must warrant that each unit of equipment marketed under a Declaration of Conformity is identical to the unit tested and found acceptable with the standards and that the records maintained by the responsible party continue to reflect the equipment being produced under the Declaration of Conformity within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) The responsible party, if different from the manufacturer, may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical standards rely on the manufacturer or independent testing agency to determine compliance. However, the test records required by §2.1075 shall be in the English language and shall be made available to the Commission upon a reasonable request in accordance with the provisions of §2.1076.

(c) In the case of transfer of control of the equipment, as in the case of sale or merger of the responsible party, the new responsible party shall bear the responsibility of continued compliance of the equipment.

(d) Equipment shall be retested to demonstrate continued compliance with the applicable technical standards if any modifications or changes that could adversely affect the emanation characteristics of the equipment are made by the responsible party. The responsible party bears responsibility for the continued compliance of subsequently produced equipment.

(e) If any modifications or changes are made by anyone other than the responsible party for the Declaration of Conformity, the party making the modifications or changes, if located within the U.S., becomes the new responsible party. The new responsible party must comply with all provisions for the Declaration of Conformity, including having test data on file demonstrating that the product continues to comply with all of the applicable technical standards.

[61 FR 31046, June 19, 1996]

§ 2.1074 Identification.

Devices subject only to a Declaration of Conformity shall be uniquely identified by the responsible party. This identification shall not be of a format which could be confused with the FCC Identifier required on certified, notified, type accepted or type approved equipment. The responsible party shall maintain adequate identification records to facilitate positive identification for each device.

[61 FR 31047, June 19, 1996]

§ 2.1075 Retention of records.

(a) Except as shown in paragraph (b) of this section, for each product subject to a Declaration of Conformity, the responsible party, as shown in §2.909, shall maintain the following records:

1. A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of §2.1073.

2. A record of the procedures used for production inspection and testing (if tests were performed) to insure the conformance required by §2.1073. (Statistical production line emission testing is not required.)

3. A record of the measurements made on an appropriate test site that demonstrates compliance with the applicable regulations. The record shall contain:

   (i) The actual date or dates testing was performed;

   (ii) The name of the test laboratory, company, or individual performing the testing. The Commission may request additional information regarding the test site, the test equipment or the qualifications of the company or individual performing the tests;

   (iii) A description of how the device was actually tested, identifying the
§ 2.1076 FCC inspection and submission of equipment for testing.

(a) Each responsible party, upon receipt of a reasonable request, shall submit to the Commission the records required by §2.1075 or one or more sample units for measurements at the Commission's laboratory.

(b) Shipping costs to the Commission's Laboratory and return shall be borne by the responsible party. In the event the responsible party believes that shipment of the sample to the Commission's Laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the responsible party may submit a written explanation why such shipment is impractical and should not be required.

[61 FR 31047, June 19, 1996]

§ 2.1077 Compliance information.

(a) If a product must be tested and authorized under a Declaration of Conformity, a compliance information statement shall be supplied with the
§ 2.1091  Radiofrequency radiation exposure evaluation: mobile devices.

(a) Requirements of this section are a consequence of Commission responsibilities under the National Environmental Policy Act to evaluate the environmental significance of its actions. See subpart I of part 1 of this chapter, in particular §1.1307(b).

(b) For purposes of this section, a mobile device is defined as a transmitting device designed to be used in other than fixed locations and to generally be used in such a way that a separation distance of at least 20 centimeters is normally maintained between the transmitter’s radiating structure(s) and the body of the user or nearby persons. In this context, the term “fixed location” means that the device is physically secured at one location and is not able to be easily moved to another location. Transmitting devices designed to be used by consumers or workers that can be easily re-located, such as wireless devices associated with a personal computer, are considered to be mobile devices if they meet the 20 centimeter separation requirement.

(c) Mobile devices that operate in the Cellular Radiotelephone Service, the Personal Communications Services, the Satellite Communications Service, the Wireless Communications Service, the Maritime Services and the Specialized Mobile Radio Service authorized under subpart H of part 22 of this chapter, part 24 of this chapter, part 25 of this chapter, part 27 of this chapter, part 80 of this chapter (ship earth stations devices only) and part 90 of this chapter are subject to routine environmental evaluation for RF exposure prior to equipment authorization or use if they operate at frequencies of 1.5 GHz or below and their effective radiated power (ERP) is 1.5 watts or more.
§ 2.1093 Radiofrequency radiation exposure evaluation: portable devices.

(a) Requirements of this section are a consequence of Commission responsibilities under the National Environmental Policy Act to evaluate the environmental significance of its actions. See subpart I of part 1 of this chapter, in particular §1.1307(b).

(b) For purposes of this section, a portable device is defined as a transmitting device designed to be used so that the radiating structure(s) of the device is/are within 20 centimeters of the body of the user.

(c) Portable devices that operate in the Cellular Radiotelephone Service, the Personal Communications Service (PCS), the Satellite Communications Services, the General Wireless Communications Service, the Maritime Services, the Specialized Mobile Radio Service, the Wireless Medical Telemetry Service (WMTS) and the Medical Implant Communications Service (MICS), authorized under subpart H of part 22 of this chapter, part 24 of this chapter, part 25 of this chapter, part 26 of this chapter, part 27 of this chapter, multiple-access (TDMA) scheme for transmission of a signal. In general, maximum average power levels must be used to determine compliance.

(3) If appropriate, compliance with exposure guidelines for devices in this section can be accomplished by the use of warning labels and by providing users with information concerning minimum separation distances from transmitting structures and proper installation of antennas.

(4) In some cases, e.g., modular or desktop transmitters, the potential conditions of use of a device may not allow easy classification of that device as either mobile or portable (also see §2.1093). In such cases, applicants are responsible for determining minimum distances for compliance for the intended use and installation of the device based on evaluation of either specific absorption rate (SAR), field strength or power density, whichever is most appropriate.

part 80 of this chapter (ship earth station devices only), part 90 of this chapter, subparts H and I of part 95, and unlicensed personal communication service, unlicensed NII devices and millimeter wave devices authorized under subparts D and E, § 15.253 and § 15.255 of part 15 of this chapter are subject to routine environmental evaluation for RF exposure prior to equipment authorization or use. All other portable transmitting devices are categorically excluded from routine environmental evaluation for RF exposure prior to equipment authorization or use, except as specified in §§ 1.1307(c) and 1.1307(d) of this chapter. Applications for equipment authorization of portable transmitting devices subject to routine environmental evaluation must contain a statement confirming compliance with the limits specified in paragraph (d) of this section as part of their application. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(d) The limits to be used for evaluation are based generally on criteria published by the American National Standards Institute (ANSI) for localized specific absorption rate ("SAR") in Section 4.2 of "IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," ANSI/IEEE C95.1-1992, Copyright 1992 by the Institute of Electrical and Electronic Engineers, Inc., New York, New York 10017. These criteria for SAR evaluation are similar to those recommended by the National Council on Radiation Protection and Measurements (NCRP) in "Biological Effects and Exposure Criteria for Radio-frequency Electromagnetic Fields," NCRP Report No. 86, Section 17.4.5. Copyright NCRP, 1986, Bethesda, Maryland 20814. SAR is a measure of the rate of energy absorption due to exposure to an RF transmitting source. SAR values have been related to threshold levels for potential biological hazards. The criteria to be used are specified in paragraphs (d)(1) and (d)(2) of this section and shall apply for portable devices transmitting in the frequency range from 100 kHz to 6 GHz. Portable devices that transmit at frequencies above 6 GHz are to be evaluated in terms of the MPE limits specified in § 1.1310 of this chapter. Measurements and calculations to demonstrate compliance with MPE field strength or power density limits for devices operating above 6 GHz should be made at a minimum distance of 5 cm from the radiating source.

(1) Limits for Occupational/Controlled exposure: 0.4 W/kg as averaged over the whole-body and spatial peak SAR not exceeding 8 W/kg as averaged over any 1 gram of tissue (defined as a tissue volume in the shape of a cube). Exceptions are the hands, wrists, feet and ankles where the spatial peak SAR shall not exceed 20 W/kg, as averaged over any 10 grams of tissue (defined as a tissue volume in the shape of a cube). Occupational/Controlled limits apply when persons are exposed as a consequence of their employment provided these persons are fully aware of and exercise control over their exposure. Awareness of exposure can be accomplished by use of warning labels or by specific training or education through appropriate means, such as an RF safety program in a work environment.

(2) Limits for General Population/Uncontrolled exposure: 0.08 W/kg as averaged over the whole-body and spatial peak SAR not exceeding 1.6 W/kg as averaged over any 1 gram of tissue (defined as a tissue volume in the shape of a cube). Exceptions are the hands, wrists, feet and ankles where the spatial peak SAR shall not exceed 4 W/kg, as averaged over any 10 grams of tissue (defined as a tissue volume in the shape of a cube). General Population/Uncontrolled limits apply when the general public may be exposed, or when persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or do not exercise control over their exposure. Warning labels placed on consumer devices such as cellular telephones will not be sufficient reason to allow these devices to be evaluated subject to limits for occupational/controlled exposure in paragraph (d)(1) of this section.

(3) Compliance with SAR limits can be demonstrated by either laboratory measurement techniques or by computational modeling. Methodologies
§ 2.1201

and references for SAR evaluation are described in numerous technical publications including “IEEE Recommended Practice for the Measurement of Potentially Hazardous Electromagnetic Fields—RF and Microwave,” IEEE CS6.3-1991.

(4) For purposes of analyzing portable transmitting devices under the occupational/controlled criteria, the time-averaging provisions of the MPE guidelines identified in §1.1310 of this chapter can be used in conjunction with typical maximum duty factors to determine maximum likely exposure levels.

(5) Time-averaging provisions of the MPE guidelines identified in §1.1310 of this chapter may not be used in determining typical exposure levels for portable devices intended for use by consumers, such as hand-held cellular telephones, that are considered to operate in general population/uncontrolled environments as defined above. However, “source-based” time-averaging based on an inherent property or duty-cycle of a device is allowed. An example of this would be the determination of exposure from a device that uses digital technology such as a time-division multiple-access (TDMA) scheme for transmission of a signal. In general, maximum average power levels must be used to determine compliance.

Subpart K—Importation of Devices Capable of Causing Harmful Interference

§ 2.1201 Purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards, the rules governing the service may require that such equipment receive an equipment authorization from the Commission as a prerequisite for marketing and importing this equipment into the U.S.A. The marketing rules, §2.801 et seq., were adopted pursuant to the authority in section 302 of the Communications Act of 1934, as amended (47 U.S.C. 302).

(b) The rules in this section set out the conditions under which radio frequency devices as defined in §2.801 that are capable of causing harmful interference to radio communications may be imported into the U.S.A.

(c) Nothing in this section prevents importers from shipping goods into foreign trade zones or Customs bonded

EFFECTIVE DATE NOTE: At 65 FR 44007, July 17, 2000, §2.1093 was amended by revising paragraph (c), effective Oct. 16, 2000. For the convenience of the user, the superseded text is set forth as follows:

§2.1093 Radiofrequency radiation exposure evaluation: portable devices.

Subpart K—Importation of Devices Capable of Causing Harmful Interference

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(c) Nothing in this section prevents importers from shipping goods into foreign trade zones or Customs bonded

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warehouses, such as is the prescribed procedure under §2.1204(a)(5). Radio frequency devices capable of causing harmful interference, however, cannot be withdrawn from these areas except in accordance with the provisions of this section.

§ 2.1202 Exclusions.

The provisions of this section do not apply to the importation of:

(a) Cameras, musical greeting cards, quartz watches and clocks, modules of quartz watches and clocks, hand-held calculators and electronic games, and other similar unintentional radiators which utilize low level battery power and which do not contain provisions for operation while connected to AC power lines.

(b) Unintentional radiators which are exempted from technical standards and other requirements as specified in §15.103 of this chapter.

(c) Radio frequency devices manufactured and assembled in the U.S.A. that meet applicable FCC technical standards and which have not been modified or received further assembly.

(d) Radio frequency devices previously properly imported that have been exported for repair and re-imported for use.

(e) Subassemblies, parts, or components of radio frequency devices unless they constitute an essentially completed device which requires only the addition of cabinets, knobs, speakers, or similar minor attachments before marketing or use. Form 140 information will be required to be submitted for computer circuit boards that are actually peripheral devices as defined in §15.3(r) of this chapter and all devices that, by themselves, are subject to FCC marketing rules.

§ 2.1203 General requirement for entry into the U.S.A.

(a) No radio frequency device may be imported into the Customs territory of the United States unless the importer or ultimate consignee, or their designated customs broker, declares that the device meets one of the conditions for entry set out in this section.

(b) A separate declaration shall be used for each line item in the entry or entry summary containing an RF device, or for each different radio frequency device within a line item when the elements of the declaration are not identical.

(c) Failure to properly declare the importation category for an entry of radio frequency devices may result in refused entry, refused withdrawal for consumption, required redelivery to the Customs port, and other administrative, civil and criminal remedies provided by law.

(d) Whoever makes a declaration pursuant to §2.1203(a) must provide, upon request made within one year of the date of entry, documentation on how an imported radio frequency device was determined to be in compliance with Commission requirements.

§ 2.1204 Import conditions.

(a) Radio frequency devices may be imported only if one or more of these conditions are met:

(1) The radio frequency device has been issued an equipment authorization by the FCC.

(2) The radio frequency device is not required to have an equipment authorization and the device complies with FCC technical administrative regulations.

(3) The radio frequency device is being imported in limited quantities for testing and evaluation to determine compliance with the FCC Rules and Regulations or suitability for marketing. The devices will not be offered for sale or marketed. The phrase “limited quantities,” in this context means:

(i) 2000 or fewer units, provided the product is designed solely for operation within one of the Commission's authorized radio services for which an operating license is required to be issued by the Commission; or

(ii) 200 or fewer units for all other products.

(iii) Prior to importation of a greater number of units than shown above, written approval must be obtained.
from the Chief, Office of Engineering and Technology, FCC.

(iv) Distinctly different models of a product and separate generations of a particular model under development are considered to be separate devices.

(4) The radio frequency device is being imported in limited quantities for demonstration at industry trade shows and the device will not be offered for sale or marketed. The phrase “limited quantities,” in this context means:

(i) 200 or fewer units, provided the product is designed solely for operation within one of the Commission’s authorized radio services for which an operating license is required to be issued by the Commission; or

(ii) 10 or fewer units for all other products.

(iii) Prior to importation of a greater number of units than shown above, written approval must be obtained from the Chief, Office of Engineering and Technology, FCC.

(iv) Distinctly different models of a product and separate generations of a particular model under development are considered to be separate devices.

(5) The radio frequency device is being imported solely for export. The device will not be marketed or offered for sale in the U.S., except:

(i) If the device is a foreign standard cellular phone solely capable of functioning outside the U.S.

(ii) If the device is a multi-mode wireless handset that has been certified under the Commission’s rules and a component (or components) of the handset is a foreign standard cellular phone solely capable of functioning outside the U.S.

(6) The radio frequency device is being imported for use exclusively by the U.S. Government.

(7) Three or fewer radio receivers, computers, or other unintentional radiators as defined in part 15 of this chapter, are being imported for the individual’s personal use and are not intended for sale.

(8) The radio frequency device is being imported for repair and will not be offered for sale or marketed.

(9) The radio frequency device is a medical implant programmer/controller transmitter associated with such an implanted transmitter, provided, however that the transmitters covered by this provision otherwise comply with the technical requirements applicable to transmitters authorized to operate in the Medical Implant Communications Service under part 95 of this chapter. Such transmitters are permitted to be imported without the issuance of a grant of equipment authorization only for the personal use of the person in whom the medical implant transmitter has been inserted.

(b) The ultimate consignee must be able to document compliance with the selected import condition and the basis for determining the import condition applied.


§ 2.1205 Filing of required declaration.

(a) For points of entry where electronic filing with Customs has not been implemented, use FCC Form 740 to provide the needed information and declarations. Attach a copy of the completed FCC Form 740 to the Customs entry papers.

(b)(1) For points of entry where electronic filing with Customs is available, submit the following information to Customs when filing the entry documentation and the entry summary documentation electronically. Follow procedures established by Customs for electronic filing.

(i) The terms under which the device is being imported, as indicated by citing the import condition number specified in §2.1204(a).

(ii) The FCC identifier as specified in §2.925, if the device has been granted an equipment authorization;

(iii) The quantity of devices being imported, regardless of what unit is specified in the Harmonized Tariff Schedule of the United States; and

(iv) A commercial product description which is to include the trade name, a model/type number (or model/type name) and other descriptive information about the device being imported.
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(2) For importers unable to participate in the electronic filing process with Customs for good cause, declarations are to be made in accordance with paragraph (a) of this section.


§ 2.1207 Examination of imported equipment.

In order to determine compliance with its regulations, Commission representatives may examine or test any radio frequency device that is imported. If such radio frequency device has already entered the U.S., the ultimate consignee or subsequent owners of that device must, upon request, made within one year of the date of entry, make that device available for examination or testing by the Commission.

[56 FR 26620, June 10, 1991]

Subpart L—Registration of Telephone Terminal Equipment

REGISTRATION PROCEDURE

§ 2.1300 Cross reference.

The general provisions of this part, §§ 2.911, 2.923, 2.925, 2.935, 2.936, and 2.946 shall apply to applications for and grants of registration for telephone terminal equipment pursuant to part 68 of this chapter.


§ 2.1302 Application for registration under part 68.

An original application for registration and one copy shall be filed on FCC Form 730 by the party who will be responsible for the conformance of the equipment with the standards specified in part 68 of this chapter and shall include the information specified by the form and in § 68.200 of this chapter.


Subpart M—Advance Approval of Subscription TV Transmission Systems

ADVANCE APPROVAL PROCEDURE

§ 2.1400 Application for advance approval under part 73.

(a) An original application for advance approval of a subscription TV (STV) system and one copy thereof must be filed by the party who will be responsible for the conformance of the system with the subscription TV standards specified in part 73 of the Rules. The application must include information to show that the system conforms to the requirements of § 73.644(b).

(b) Advance approval may be applied for and granted in accordance with and subject to the following conditions and limitations:

(1) A separate request for each different technical system must be made by the applicant in writing.

(2) The applicant must certify that the application was prepared by or under the direction of the applicant and that the facts set forth are true and correct to the best of the applicant's knowledge and belief.

(3) The applicant must identify the technical system by a name or type number and define the system in terms of its technical characteristics; a functional block diagram must be included. In addition, a complete description of the encoded aural and visual baseband and transmitted signals and of the encoding equipment used by the applicant must be supplied. These descriptions must include equipment circuit diagrams and photographs, and diagrams or oscillographs of both baseband and transmitted aural and visual signal waveforms and of the signal basebands and occupied bandwidths. If aural subcarriers are to be used for transmitting aural portion of the subscription program, for decoder control, or for other purposes, a full description and specifications of the multiplex subcarrier signals and all modulation levels must be included.

(4) Preliminary test data must be submitted to show system capability with regard to compliance with the criteria set forth in § 73.644(b).
(5) The applicant must identify the specific requirements of §§73.682, 73.687 and 73.699 (Figures 6 and 7) from which the transmitted signal will normally deviate.

(6) The applicant must specify the method to be used in determining and maintaining the operating power of the transmitter if the procedures given in §73.663 cannot be used due to suppression of the synchronizing pulses or for other reasons. If the operating power of the station must be reduced to accommodate the encoded aural or video signal, the operating power limitations must be specified.

(7) The applicant must supply any additional information and test data requested by the FCC, to show to its satisfaction that the criteria given in §73.644(b) are met.

(8) The information submitted by the applicant may be subject to check by field tests conducted without expense to the FCC or, if deemed necessary, at the laboratory or in the field by FCC personnel. This may include the actual submission of equipment for system testing under the provisions of §2.945 of part 2 of the Rules.

(9) No technical system will be deemed approved unless and until the FCC has notified the applicant in writing of the approval. Such notification of approval will be by letter to the applicant.

(10) Approval by the FCC is limited to a determination that the particular technical system (the scheme for encoding and decoding the subscription TV signal) is capable of meeting the criteria given in §73.644(b).

(11) The FCC will maintain a listing of approved technical systems.

Subpart N—FCC Procedure for Testing Class A, B and S Emergency Position Indicating Radiobeacons (EPIRBs)

SOURCE: 56 FR 11683, Mar. 20, 1991, unless otherwise noted.

§ 2.1501 Introduction.

The procedure described herein sets forth uniform methods for testing Class A, B and S Emergency Position Indicating Radiobeacons (EPIRBs) for compliance with the applicable portions of the FCC Rules and Regulations. Other methods and test results may be used provided they are fully documented and deemed by the Commission to yield results equivalent to the procedures set forth in this section.

§ 2.1503 Test environment.

(a) Measurement sites. Radiated emission tests for peak effective radiated power (PERP), spurious emissions and power in the test mode are to be performed on an open field test site as shown in Figure 1. The site is to be located on level ground with an obstruction-free, 60 m by 52 m, elliptical area. The site is to be equipped with an antenna mast capable of adjustment from 1 to 4 m. The center of a metal ground plane at least one wavelength in diameter at 121.5 MHz (2.47 m) is to be located 30 m from the receiving antenna. The ground plane is to have provisions for mounting removable quarter-wave vertical elements to produce a monopole antenna at both 121.5 and 243 MHz with the VSWR of less than 1.5.

NOTE: It is desirable that the level of radiated ambient EME at the test site be at least 6 dB below the FCC limits applicable to the EPIRB. It is, of course, not always possible to meet this condition. If the ambient field strength at some frequencies within the specified measurement ranges is too high, it
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It is recommended that one or more of the following corrective steps be employed:

(1) Perform measurements in critical frequency bands during hours when broadcast and other radio stations are off-the-air and ambient levels from industrial equipment are lower.

(2) Insofar as is possible, orient the axis of an open area test site to discriminate against strong ambient signals.

(3) Vary the bandwidth of the measuring instrument to separate ambient EME from emissions from the EPIRB.

(b) Temperature. Except as otherwise noted, the ambient temperature during testing is to be within the range of 4 to 35 °C (40 to 95 °F).

§ 2.1505 Test instrumentation and equipment.

(a) Receiver (field intensity meter). A calibrated field intensity meter (FIM) with a frequency range of 30 to 1000 MHz is required for measuring radiated emission levels. This instrument should be capable of making peak measurements with a bandwidth of 100 kHz.

(b) Spectrum analyzer. Spectral measurements are to be made with a spectrum analyzer with a minimum resolution bandwidth no greater than 10 Hz. The video filter, if used, should have a bandwidth wide enough so as to not affect peak readings. A linear video output is desirable for performing measurements of modulation characteristics.

(c) Storage oscilloscope. Measurements of modulation characteristics are to be made using a calibrated storage oscilloscope. This instrument is to be DC coupled and capable of manually triggered single sweeps.

(d) Frequency counter. A frequency counter with an accuracy of at least 5 parts per million is required for measuring the carrier frequency.

(e) Signal generator. A calibrated signal generator with an output of at least 75 mW at 121.5 and 243 MHz is required for generating a reference signal for site calibration.

(f) Antenna. Radiated emissions are to be measured with calibrated, tuned, half-wave dipole antennas covering the frequency range of 30 to 1000 MHz.

(g) Temperature chamber. Tests which call for subjecting the EPIRB to temperature levels other than the ambient temperature are to be performed in a temperature test chamber which can be adjusted to stable temperatures from −20 to +55 °C. This chamber is to be of sufficient size to accommodate the EPIRB under test.

(h) Vibration table. A vibration table capable of vibrating the EPIRB with a sinusoidal motion is required. The table must be capable of varying the frequency of vibration either linearly or logarithmically over a range of 4 to 33 Hz with maximum peak amplitudes of up to 2.5 mm.

(i) Salt fog chamber. A chamber capable of producing salt fog at a temperature of 35 °C for 48 hours is required. This chamber is to be of sufficient size to accommodate the EPIRB under test.

(j) Drop test facility. A facility which will permit dropping an EPIRB from a height of 20 m into water is required. The water must be deep enough so that the EPIRB will not touch bottom when dropped.

Environmental and operational test procedures

§ 2.1507 Test frequencies.

Testing of an EPIRB for compliance outside a shielded room on a distress frequency is prohibited, since this may interfere with emergency communications. Therefore, all compliance testing outside a shielded room should be conducted on one of the pairs of alternate frequencies specified below:

121.600/243.200 MHz
121.650/243.300 MHz
121.700/243.400 MHz
121.750/243.500 MHz
121.800/243.600 MHz
121.850/243.700 MHz
121.900/243.800 MHz

The above frequencies are to be used for limited testing of EPIRBs for compliance with FCC Rules, subject to the following conditions:

(a) The testing shall not cause harmful interference to authorized communications on these frequencies.

(b) The testing shall be coordinated with the nearest FCC district office.

For simplicity, 121.5 MHz and 243 MHz will be used throughout this test procedure to indicate the alternate test frequency.
§ 2.1509 Environmental and duration tests.

The environmental and operational tests in § 2.1509 (a) through (e) are to be conducted on a single test unit in the order given below. This sequence of tests also includes the electrical tests in §§ 2.1511, 2.1513 and 2.1515 of this part. The test unit is not to be adjusted, nor is the battery to be replaced during these tests, and a log of battery on-time should be maintained. The above tests are to be performed on the same test unit. The tests in § 2.1509 (f) through (l) may be run in any sequence or may be performed on separate test units.

(a) Vibration test.

Step (1) Secure the EPIRB to the vibration table. The EPIRB is not to be operated and should not activate while being vibrated.

Step (2) Subject the EPIRB to sinusoidal motion parallel to one of the three major orthogonal axes under the following conditions:

A. Frequency (Hz) Peak amplitude (mm)

<table>
<thead>
<tr>
<th>Frequency (Hz)</th>
<th>Peak amplitude (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-10</td>
<td>2.5</td>
</tr>
<tr>
<td>10-15</td>
<td>0.8</td>
</tr>
<tr>
<td>15-25</td>
<td>0.4</td>
</tr>
<tr>
<td>25-33</td>
<td>0.2</td>
</tr>
</tbody>
</table>

B. The frequency is to be changed either linearly or logarithmically with time between 4 Hz and 33 Hz such that a complete cycle (4 Hz to 33 Hz to 4 Hz) takes approximately 5 minutes.

C. The EPIRB is to be vibrated for at least 30 minutes or six complete cycles.

Step (3) Remount the EPIRB, if necessary, and repeat step 2 for each of the other two major orthogonal axes.

Step (4) Upon completion of the test, perform an exterior mechanical inspection and verifying operation by turning the unit on and observing the RF power indicator on the unit or monitoring the transmission with a receiver. Record test results.

(b) Thermal shock tests. These tests are to be performed on EPIRBs which are required or intended to float.

(1) Low temperature thermal shock test.

Step (1) Place the EPIRB in a temperature chamber for at least 3 hours at −20 °C or colder. The EPIRB is not to be operated while being cooled.

Step (2) Immediately place the EPIRB in water that has been maintained at +10 °C or warmer.

Step (3) After 15 minutes, perform an exterior mechanical inspection and verifying operation by turning the unit on and observing the RF power indicator on the unit or monitoring the transmission with a receiver. Record test results.

(2) High temperature thermal shock test.

Step (1) Place the EPIRB in a temperature chamber for at least 3 hours at +55 degrees C or warmer. The EPIRB is not to be operated while being heated.

Step (2) Immediately float the EPIRB in water that is maintained at +25 degrees C or colder.

Step (3) After 15 minutes, perform an exterior mechanical inspection and verifying operation by turning the unit on and observing the RF power indicator on the unit or monitoring the transmission with a receiver. Record test results.

(c) Salt fog test.

Step (1) Place the EPIRB in a salt fog chamber for a period of at least 2 hours at a temperature of 35 °C (95 °F) before exposing it to salt fog. The EPIRB is to be turned off during this test.

Step (2) With the chamber temperature maintained at 35 °C, introduce salt fog at the saturation point for 48 hours. The salt fog is to be prepared from a 5% (±2%) salt (sodium chloride solution. For detailed guidance on the preparation of the solution and the apparatus for generating salt fog, refer to MIL-STD-810D (19 July 1983), method 502.2.

Step (3) Upon completion of the salt fog exposure, the EPIRB is to be airdried at room temperature for 12 hours and operation verified by turning the unit on and observing the RF power indicator on the unit or monitoring the transmission with a receiver. Record observations.

(d) Drop test. This test is to be performed on EPIRB which are required or intended to float.

Step (1) Turn the EPIRB on, log the time and drop it three times into water from a height of 20 meters. The water is to be deep enough so that the EPIRB does not touch bottom when dropped. Each drop should be initiated from a different orientation as follows: antenna vertical up; antenna vertical down; antenna horizontal.

Step (2) Upon completion of the drop test, an exterior mechanical inspection is to be performed and operation verified by observing the RF power indicator on the unit or monitoring the transmission with a receiver. Record observations. Turn the test unit off and log the total on-time.

(e) Forty-eight hour operational test. This test includes the battery life test and all the electrical tests given in §§ 2.1511, 2.1513 and 2.1515 of this part, at various temperatures. The tests are to be performed on the same EPIRB in the

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sequence specified herein. Be sure to record the on-time of the unit during each test. No more than 8 hours of total on-time is permitted before commencing step 4. When operating the EPIRB in the environmental chamber, a non-radiating load may be substituted for the antenna provided it is electrically equivalent to the standard antenna and does not reduce the battery current drain.

Step (1) Perform the radiated emissions test in §2.1511 of this part.
Step (2) Perform the modulation characteristic tests in §2.1513 of this part.
Step (3) Perform the spectral tests in §2.1515 of this part.
Step (4) With the EPIRB off, place unit in an environmental chamber at a temperature of $-20\degree$C for at least 2 hours.
Step (5) With the EPIRB in the chamber, repeat the carrier frequency test in §2.1515(d) of this part. (Leave the EPIRB turned on.)
Step (6) Near the end of 48 hours of total on-time for the EPIRB, repeat the carrier frequency test in §2.1515(d) of this part. (Leave the EPIRB turned on.)
Step (7) At the end of 48 hours of total on-time, remove EPIRB from the chamber and immediately repeat the PERP test for the fundamental emissions in §2.1511(c) of this part. The unit should be maintained at $-20\degree$C to the extent possible for this test.

(f) Float free and activation test. This test is required only for Class A EPIRBs.

Step (1) The EPIRB is to be installed in the automatic release mechanism and the assembly is to be mounted on a fixture simulating a deck or bulkhead as per manufacturers' installation instructions.
Step (2) Submerge the fixture in water in its normal mounted orientation. The EPIRB must float free before reaching a depth of 4 meters and should automatically activate. Activation is to be verified by observing the RF power indicator on the unit or monitoring the transmission with a receiver.

If the EPIRB is equipped with an automatically deployable antenna, the antenna must properly deploy during each immersion. Record observations.

(g) Stability and buoyancy test. This test is to be performed on EPIRBs which are required or intended to float. This test is to be conducted in fresh water.

Step (1) With the antenna deployed in its normal operating position, submerge the EPIRB in a horizontal position just below the surface of the water.

Step (2) Release the EPIRB and observe the amount of time required for it to come to an upright position. It must reach its upright position within one second from each position.

The EPIRB must have a reserve buoyancy of at least 5% of its gross weight. It must also float upright in calm water with the base of the antenna a minimum of 5 cm above the water. Record the time required for the test unit to right itself.

(h) Temperature/frequency test. The frequency stability shall be measured over an ambient temperature from $-20\degree$ to $+55\degree$C at intervals of not more than 10°C. A period of time sufficient to stabilize all of the components of the oscillator circuit at each temperature level shall be allowed prior to frequency measurement.

Step (1) Place the EPIRB in the environmental test chamber.
Step (2) Adjust the temperature in the chamber to $+20\degree$C and allow sufficient time for the oscillator to stabilize at that temperature.
Step (3) Measure the carrier frequency in accordance with the procedure in §2.1515(d) of this part. Record the carrier frequency in Hertz. The carrier frequency at $+20\degree$C is the reference for determining the frequency tolerance.
Step (4) Increase the temperature in the chamber to $+55\degree$C and allow sufficient time for the oscillator to stabilize at that temperature. Measure the carrier frequency using the procedure in §2.1515(d) of this part.
Step (5) Reduce the temperature in the chamber in 10°C maximum increments until $-20\degree$C is reached. At each new temperature, allow sufficient time for the oscillator to stabilize at that temperature. Measure the temperature and frequency in each case and plot the frequency vs temperature from $-20\degree$ to $+55\degree$C.

(i) Leakage and immersion test.

Step (1) Completely submerge the EPIRB in water for 48 hours. The EPIRB is to be turned off during this test.
Step (2) Remove the EPIRB from the water and wipe dry.
Step (3) Verify operation by briefly turning the EPIRB on and observing the RF power indicator on the unit or monitoring the transmission with a receiver.
Step (4) Open the EPIRB for examination. There is to be no water inside the unit. Record observations.
§ 2.1511 Measurements of radiated emissions.

The Commission's Rules require that the peak effective radiated power (PERP) of a Class A, B or S EPIRB not be less than 75 mW under certain specified conditions. The PERP of an EPIRB transmitter is determined by comparing its level to a reference PERP generated by a standard quarter-wave monopole antenna located on a one wavelength minimum diameter metal ground plane. The Rules also require that all spurious and harmonic emissions be attenuated by a specified amount with respect to the reference PERP. In addition, there is a limit on the PERP of radiated emissions with the switch in the test mode. These measurements are to be made in accordance with the following procedure.

(a) General set-up instructions. Measurements of radiated electromagnetic emissions (EME) are to be performed on the 30 meter open field test site described in § 2.1503(a) of this part and on one of the pair of frequencies listed in § 2.1507 of this part. A receiver, tuned dipole antennas and a calibrated signal generator as described in § 2.1505 of this part are required. The EPIRB should be powered by its own internal battery with its standard antenna attached and deployed.

(b) Set-up for radiated EME tests.

Step (1) Place a 121.5 MHz quarter-wave vertical antenna element at the center of the ground plane and connect the output of the calibrated signal generator to the antenna.

Step (2) Mount the tuned dipole antenna on the antenna mast, tune the elements to 121.5 MHz and connect the antenna to the receiver.

Step (3) After an appropriate warm up, turn the receiver to the frequency of the test unit, set the detector to peak mode and the bandwidth to 100 kHz.

( NOTE: It is sometimes helpful to monitor the receiver audio output with a speaker. The EPIRB signal may be identified by its distinctive modulation.)

(c) Radiated EME tests.

Fundamental emissions-peak effective radiated power

Step (1) Turn on the signal generator and adjust the output to 75 mW at 121.5 MHz.

Step (2) Vary the antenna height from one to four meters in both vertical and horizontal polarization. Record the highest receiver reading in dBm as the reference level. The EPIRB is to be positioned directly on the surface of and in the center of the metal ground plane.

Step (4) Activate the EPIRB.

Step (5) Vary the receive antenna height from one to four meters in both vertical and horizontal polarization. Record the highest receiver reading in dBm and the instrument settings, antenna height and direction for maximum radiation, antenna polarization and conversion factors, if any, associated with that reading.

Step (6) Repeat Step 5 with the EPIRB switch in the test position. Return the switch to the normal operation position.

Step (7) Rotate the EPIRB 30 degrees and repeat Steps 5 and 6. Repeat this step for all successive 30 degrees segments of a full, 360 degree rotation of the EPIRB.

Step (8) Repeat § 2.1511(b) and Steps 1 through 7 for 243 MHz.

Step (9) Compute the peak effective radiated power for the maximum level of each measured emission using the following formula:

\[
\text{PERP} = 75 \times 10^{\frac{\text{dBm}_{\text{meas}} - \text{dBm}_{\text{ref}}}{10}}
\]

where:

- \( \text{dBm}_{\text{meas}} \) is the measured receiver reading in dBm,
- \( \text{dBm}_{\text{ref}} \) is the reference receiver reading found in step 2 of § 2.1511(c).

Step (10) Record the PERP in mW. The FCC limit for minimum power in the normal operation mode (i.e., with the EPIRB switch in the normal operating position) is 75 mW. The FCC limit for maximum power in the test mode is 0.0001 mW.

Spurious emissions

Step (11) Reset the signal generator to operate at 121.5 MHz.

Step (12) For each spurious and harmonic emission to be measured, retune the receive antenna to the appropriate frequency and repeat Steps 5 and 7.

Step (13) Determine the FCC limit on power for spurious emissions on the frequency of each measured emission as follows:

The rules require that spurious emissions be attenuated at least 30 decibels below the transmit power level. Therefore, the maximum received power limit for a spurious emission can be calculated from the formula:

\[ \text{dBm}_{\text{spur}} = \text{dBm}_{\text{meas}} + \text{AF}_{121.5} - \text{AF}_{\text{spurfreq}} - 30 \]

where:
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§ 2.1513 Measurements of modulation characteristics.

(a) Set-up. Test of modulation characteristics are to be performed in an RF shielded room.

Step (1) Place the EPIRB directly on a metal ground plane, such as the shielded room floor.

Step (2) Place a suitable receiving antenna at a convenient distance from the EPIRB and connect it to the input of the spectrum analyzer or receiver to observe the radiated signal from the EPIRB.

Step (3) Set the spectrum analyzer or receiver controls as follows:

I.F. bandwidth: 300 kHz minimum
Video filter: OFF or as wide as possible
Amplitude scale: Linear
Frequency: 121.5 MHz
Scan width: 0 Hz

Step (4) Connect the detected output of the spectrum analyzer or receiver to the input of the storage oscilloscope.

Step (5) Set the oscilloscope controls as necessary to allow the demodulated waveform to be viewed. The input signal is to be DC coupled.

(b) Measurement of Audio Frequencies.

Step (1) Activate the EPIRB.

Step (2) Trigger the oscilloscope and store at least one complete cycle of the audio waveform. The input signal is to be DC coupled or erroneous results will be obtained.

Step (3) Measure the maximum voltage ($V_{\text{max}}$), and the minimum voltage ($V_{\text{min}}$) for the cycle. The modulation factor ($M$) is calculated from the following formula:

$$M = \frac{V_{\text{max}} - V_{\text{min}}}{V_{\text{max}} + V_{\text{min}}}$$

Step (4) Repeat Steps 2 and 3 until the lowest modulation factor is found.

Step (5) Record instrument settings and the lowest modulation factor, expressed as a ratio between 0 and 1.

Step (6) Repeat the above measurements for 243 MHz.

(c) Modulation Duty Cycle.

Step (1) Activate the EPIRB.

Step (2) Trigger the oscilloscope and store at least one complete cycle of the audio waveform.

Step (3) Measure the period (T) of the waveform. The period is the time difference between the half voltage points at the beginning and end of one complete cycle of the waveform. See Figure 2.

Step (4) Measure the pulse width ($t_p$) of the waveform. The pulse width is the time difference between the half voltage points on the rising and falling portions of the waveform. See Figure 2.

Step (5) Calculate the duty cycle (D) as follows:

$$D = \frac{t_p}{T}$$

Step (6) Repeat Steps 2 through 5 a sufficient number of times to determine the highest and lowest duty cycles.

Step (7) Record instrument settings and the highest and lowest duty cycles in percent.

Step (8) Repeat Steps 1-7 for 243 MHz.

(d) Sweep repetition rate.

Step (1) Connect a speaker to the detected output of the spectrum analyzer or receiver so the audio frequencies are audible. Alternatively, an FM radio tuned to 108 MHz placed in the vicinity of the EPIRB may be used.

Step (2) Activate the EPIRB.

Step (7) Record instrument settings and the lowest and highest audio frequencies. Record the audio frequency range in Hertz.

Step (8) Repeat Steps 1-7, above, for 243 MHz.
§ 2.1515  Spectral measurements.

(a) Set-up. Spectral measurements are to be performed in a shielded room.

Step (1) Place the EPIRB directly on a metal ground plane, such as the shielded room floor. The EPIRB should be powered by its own internal battery with its standard antenna attached and deployed.

Step (2) Place a suitable receiving antenna at a convenient distance from the EPIRB and connect it to the input of the spectrum analyzer to observe the radiated signal from the EPIRB. A signal generator and frequency counter capable of operating at 121.5 and 243 MHz are also required for these tests.

(b) Occupied bandwidth test.

Step (1) Activate the EPIRB and observe the fundamental frequency on a spectrum analyzer. Adjust location of receiving antenna and spectrum analyzer controls to obtain a suitable signal level (i.e., a level which will not overload the spectrum analyzer, but is far enough above the noise floor to allow determination of whether or not the sidebands are attenuated by at least the amount required in the rules).

Step (2) Set spectrum analyzer controls as follows:
- I.F. bandwidth: 10 kHz
- Video filter: OFF or as wide as possible
- Scan time: 100 ms/div.
- Amplitude scale: 10 dB/div.
- Scan width: 20 Hz/div.
- Center frequency: 121.5 MHz

Step (3) Record the signal level in dbm.

Step (4) Calculate the mean power reference level by adding $10 \log_{10}(D)$, where D is the modulation duty cycle determined in §2.1513(d) of this part, to the recorded signal level.

Step (5) Set spectrum analyzer controls as follows:
- I.F. bandwidth: 10 Hz
- Video filter: OFF or as wide as possible
- Scan time: 100 ms/div.
- Amplitude scale: 10 dB/div.
- Scan width: 20 Hz/div.
- Center frequency: 121.5 MHz

Step (6) Measure and record the carrier power dBm as displayed on the spectrum analyzer.

Step (7) Calculate the ratio of carrier power to total power from Steps 4 and 6 using the following formula:

$$\frac{\text{carrier power}}{\text{total power}} = \log_{10}^{-1} \left( \frac{10^{\frac{dB_c - dB_T}{10}}}{10} \right)$$

where:
- $dB_c$ = carrier power in dBm
- $dB_T$ = total power in dB

Step (8) Record instrument settings, sample calculation and the percent of power within ±30 Hz at 121.5 MHz or ±60 Hz at 243 MHz of the carrier frequency.

(c) Signal enhancement test. The setup specified in §2.1515(a) is to be used in this method of measuring signal enhancement. Other methods may be used if shown to give results equivalent to or more accurate than this method.

Step (1) Activate the EPIRB and locate the carrier frequency at 121.5 MHz on the spectrum analyzer. Adjust location of receiving antenna and spectrum analyzer controls to obtain a suitable signal level (i.e., a level which will not overload the analyzer, but is far enough above the noise floor to allow sidebands at least 40 dB below the carrier to be viewed).

Step (2) Set the spectrum analyzer controls as follows:
- I.F. bandwidth: 10 kHz
- Video filter: OFF or as wide as possible
- Scan time: 100 ms/div.
- Amplitude scale: 10 dB/div.
- Scan width: 20 Hz/div.
- Center frequency: 121.5 MHz

Step (3) Record the amplitude in dBm.

Step (4) Calculate the total power output by adding $10 \log_{10}(D)$, where D is the modulation duty cycle determined in §2.1513(d) of this part, to the recorded signal level.

Step (5) Set the spectrum analyzer controls as follows:
- I.F. bandwidth: 10 kHz
- Video filter: OFF or as wide as possible
- Scan time: 100 ms/div.
- Amplitude scale: 10 dB/div.
- Scan width: 20 Hz/div.
- Center frequency: 121.5 MHz

Step (6) Measure and record the carrier power dBm as displayed on the spectrum analyzer.

Step (7) Calculate the ratio of carrier power to total power from Steps 4 and 6 using the following formula:

$$\frac{\text{carrier power}}{\text{total power}} = \log_{10}^{-1} \left( \frac{10^{\frac{dB_c - dB_T}{10}}}{10} \right)$$

Step (8) Repeat Steps 1 through 7 for the signal at 243 MHz.

(d) Carrier frequency test. The setup specified in §2.1515(a) is to be used in measuring the carrier frequency.

\[ \text{carrier power} = \log_{10}^{-1} \left( \frac{10^{\frac{dB_c - dB_T}{10}}}{10} \right) \]

where:
- $dB_c$ = carrier power in dBm
- $dB_T$ = total power in dB

Step (8) Record instrument settings, sample calculation and the percent of power within ±30 Hz at 121.5 MHz or ±60 Hz at 243 MHz of the carrier frequency.

Step (9) Repeat the above measurement Steps 1 through 8 for 243 MHz. For the higher frequency, the I.F. bandwidth in step 5 must be 120 Hz or less.

(d) Carrier frequency test. The setup specified in §2.1515(a) is to be used in measuring the carrier frequency.
Federal Communications Commission

§ 2.1517

(a) Specific identification, including the FCC ID, model and serial numbers, of the EPIRB under test.
(b) The name and location of the test sites used for the measurements.
(c) A description of the instrumentation and equipment, including antennas, used to perform the tests. For purchased equipment, the type, manufacturer and model number are generally sufficient as a description.
(d) The test results and associated comparative information.
(e) A description of any modifications made to the EUT or other system components during the testing.
(f) A description and justification of all deviations from the procedures described herein.
(g) The name and qualifications of the person responsible for the tests.
(h) The date the tests were performed.
(i) A statement signed by the individual responsible for the test that the EPIRB as tested complies or does not comply with the applicable FCC rules.
(j) A statement signed by the individual responsible, either directly or indirectly, for production or marketing of the device tested that the unit tested is representative of the equipment that all be marketed.

DATA RECORDING/REPORTING REQUIREMENTS

§ 2.1517 Data recording/reporting requirements.

The test report for an EPIRB shall contain the following information:

(a) Specific identification, including the FCC ID, model and serial numbers, of the EPIRB under test.
(b) The name and location of the test sites used for the measurements.
(c) A description of the instrumentation and equipment, including antennas, used to perform the tests. For purchased equipment, the type, manufacturer and model number are generally sufficient as a description.
(d) The test results and associated comparative information.
(e) A description of any modifications made to the EUT or other system components during the testing.
(f) A description and justification of all deviations from the procedures described herein.
(g) The name and qualifications of the person responsible for the tests.
(h) The date the tests were performed.
(i) A statement signed by the individual responsible for the test that the EPIRB as tested complies or does not comply with the applicable FCC rules.
(j) A statement signed by the individual responsible, either directly or indirectly, for production or marketing of the device tested that the unit tested is representative of the equipment that all be marketed.

[56 FR 11683, Mar. 20, 1991; 60 FR 47302, Sept. 12, 1995]
Figure 1 - Measurement Site
**Figure 2 - Typical Audio Waveform**

- **Frequency:** \( f = \frac{1}{T} \)
- **Duty cycle:** \( D = \frac{t_p}{T} \)
- **Modulation factor:** \( M = \frac{V_{\text{max}} - V_{\text{min}}}{V_{\text{max}} + V_{\text{min}}} \)
Figure 3 - Example of ideal EPIRB Spectrum
Federal Communications Commission

PART 3—AUTHORIZATION AND ADMINISTRATION OF ACCOUNTING AUTHORITIES IN MARITIME AND MARITIME MOBILE-SATELLITE RADIO SERVICES

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Figure 4 – Example of EPIRB Carrier Component

Frequency (20 Hz/div)
§ 3.1 Scope, basis, purpose.

By these rules the Federal Communications Commission (FCC) is delineating its responsibilities in certifying and monitoring accounting authorities in the maritime mobile and maritime mobile-satellite radio services. These entities settle accounts for messages transmitted at sea by or between maritime mobile stations located on board ships subject to U.S. registry and utilizing foreign coast and coast earth station facilities. These rules are intended to ensure that settlements of accounts for U.S. licensed ship radio stations are conducted in accordance with the International Telecommunication Regulations (ITR), taking into account the applicable ITU-T Recommendations.

§ 3.2 Terms and definitions.

(a) Accounting Authority. The Administration of the country that has issued the license for a mobile station or the recognized operating agency or other entities designated by the Administration in accordance with ITR, Appendix 2 and ITU-T Recommendation D.90 to whom maritime accounts in respect of mobile stations licensed by that country may be sent.

(b) Accounting Authority Certification Officer. The official designated by the Managing Director, Federal Communications Commission, who is responsible, based on the coordination and review of information related to applicants, for granting certification as an accounting authority in the maritime mobile and maritime mobile-satellite radio services. The Accounting Authority Certification Officer may initiate action to suspend or cancel an accounting authority certification if it is determined to be in the public's best interest.

(c) Accounting Authority Identification Codes (AAICs). The discrete identification code of an accounting authority responsible for the settlement of maritime accounts (Annex A to ITU-T Recommendation D.90).

(d) Administration. Any governmental department or service responsible for discharging the obligations undertaken in the Convention of the International Telecommunication Union and the Radio Regulations. For purposes of these rules, "Administration" refers to a foreign government or the U.S. Government, and more specifically, to the Federal Communications Commission.

(e) Authorization. Approval by the Federal Communications Commission to operate as an accounting authority. Synonymous with "certification".

(f) CCITT. The internationally recognized French acronym for the International Telegraph and Telephone Consultative Committee, one of the former entities of the International Telecommunication Union (ITU). The CCITT (ITU-T) is responsible for developing international telecommunications recommendations relating to standardization of international telecommunications services and facilities, including matters related to international charging and accounting principles and the settlement of international telecommunications accounts.

Such recommendations are, effectively, the detailed implementation...
provisions for topics addressed in the International Telecommunication Regulations (ITR).

(g) Certification. Approval by the FCC to operate as an accounting authority. Synonymous with “authorization”.

(h) Coast Earth Station. An earth station in the fixed-satellite service or, in some cases, in the maritime mobile-satellite service, located at a specified fixed point on land to provide a feeder link for the maritime mobile-satellite service.

(i) Coast Station. A land station in the maritime mobile service.

(j) Commission. The Federal Communications Commission. The FCC.

(k) Gold Franc. A monetary unit representing the value of a particular nation’s currency to a gold par value. One of the monetary units used to effect accounting settlements in the maritime mobile and the maritime mobile-satellite services.

(l) International Telecommunication Union (ITU). One of the United Nations family organizations headquartered in Geneva, Switzerland along with several other United Nations (UN) family organizations. The ITU is the UN agency responsible for all matters related to international telecommunications. The ITU has over 180 Member Countries, including the United States, and provides an international forum for dealing with all aspects of international telecommunications, including radio, telecom services and telecom facilities.

(m) Linking Coefficient. The ITU mandated conversion factor used to convert gold francs to Special Drawing Rights (SDRs). Among other things, it is used to perform accounting settlements in the maritime mobile and the maritime mobile-satellite services.

(n) Maritime Mobile Service. A mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communications stations. Survival craft stations and emergency position-indicating radio beacon stations may also participate in this service.

(o) Maritime Mobile-Satellite Service. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position-indicating radio beacon stations may also participate in this radio service.

(p) Public Correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission. This usually applies to maritime mobile and maritime mobile-satellite stations.

(q) Recognized Operating Agencies (ROAs). Individuals, companies or corporations, other than governments or agencies, recognized by administrations, which operate telecommunications installations or provide telecommunications services intended for international use or which are capable of causing interference to international telecommunications. ROAs which settle debtor accounts for public correspondence in the maritime mobile and maritime mobile-satellite radio services must be certified as accounting authorities.

(r) Ship Station. A mobile station in the maritime mobile service located on board a vessel which is not permanently moored, other than a survival craft station.

(s) Special Drawing Right (SDR). A monetary unit of the International Monetary Fund (IMF) currently based on a market basket of exchange rates for the United States, West Germany, Great Britain, France and Japan but is subject to IMF’s definition. One of the monetary units used to effect accounting settlements in the maritime mobile and maritime mobile-satellite services.

(t) United States. The continental U.S., Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States.

§ 3.10 Basic qualifications.

(a) Applicants must meet the requirements and conditions contained in these rules in order to be certified as an accounting authority. No individual or other entity, including accounting authorities approved by other administrations, may act as a United States accounting authority and settle accounts of U.S. licensed vessels in the

2Id.
§ 3.11 Location of settlement operation.

(a) Within the United States. A certified accounting authority maintaining all settlement operations, as well as associated documentation, within the United States will be assigned an AAIC with a “US” prefix.

(b) Outside the United States. A certified accounting authority maintaining settlement operations outside the United States will be assigned the same AAIC as that originally assigned to such entity by the administration of the country of origin. However, in no case will an entity be certified as an accounting authority for settlement of U.S. licensed vessel accounts unless the entity is requesting to conduct a settlement operation in the United States or has already been issued an AAIC by another administration.

APPLICATION PROCEDURES

§ 3.20 Application form.

Written application must be made to the Federal Communications Commission on FCC Form 44, “Application For Certification As An Accounting Authority” in order to be considered for certification as an accounting authority. No other application form may be used. No consideration will be given to applicants not submitting applications in accordance with these rules or in accordance with any other instructions the Commission may issue. FCC Form 44 may be obtained from the Commission by writing to the address shown in §3.61.

§ 3.21 Order of consideration.

(a) Accounting Authority applications will be processed on a first-come, first-served basis. When applications are received on the same day, the application with the earliest mailing date, as evidenced by the postmark, will be processed first. Interim accounting authorities seeking permanent certifications through the “grandfathering” process will not compete with other applicants during the first 60 days following the effective date of these rules which is allowed for submission of their applications. After the “grandfathering” process is completed, all other applicants will be processed as in paragraph (a) of this section.

(b) At any given time, there will be no more than 25 certified accounting authorities within the United States. A certified accounting authority maintaining settlement operations outside the United States will be assigned the same AAIC as that originally assigned to such entity by the administration of the country of origin. However, in no case will an entity be certified as an accounting authority for settlement of U.S. licensed vessel accounts unless the entity is requesting to conduct a settlement operation in the United States or has already been issued an AAIC by another administration.

§ 3.11 Location of settlement operation.

(a) Within the United States. A certified accounting authority maintaining all settlement operations, as well as associated documentation, within the United States will be assigned an AAIC with a “US” prefix.

(b) Outside the United States. A certified accounting authority maintaining settlement operations outside the United States will be assigned the same AAIC as that originally assigned to such entity by the administration of the country of origin. However, in no case will an entity be certified as an accounting authority for settlement of U.S. licensed vessel accounts unless the entity is requesting to conduct a settlement operation in the United States or has already been issued an AAIC by another administration.

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(b) At any given time, there will be no more than 25 certified accounting authorities within the United States. A certified accounting authority maintaining all settlement operations, as well as associated documentation, within the United States will be assigned an AAIC with a “US” prefix.

§ 3.11 Location of settlement operation.

(a) Within the United States. A certified accounting authority maintaining all settlement operations, as well as associated documentation, within the United States will be assigned an AAIC with a “US” prefix.
Federal Communications Commission § 3.28

authorities with a minimum of 15 “US” AAICs reserved for use by accounting authorities conducting settlement operations within the United States. The Commission will retain all valid applications received after the maximum number of accounting authorities have been approved and will inform such applicants that should an AAIC become available for reassignment in the future, the Commission will conditionally certify as an accounting authority the oldest of the qualified pending applicants, as determined by the order of receipt. Final certification would be conditional upon filing of an amended application (if necessary). The Commission will inform the applicant of his/her conditional selection in writing to confirm the applicant’s continued interest in becoming an accounting authority.

§ 3.22 Number of accounting authority identification codes per applicant.

(a) No entity will be entitled to or assigned more than one AAIC.

(b) AAICs may not be reassigned, sold, bartered or transferred and do not convey upon sale or absorption of a company or firm without the express written approval of the Commission. Only the FCC may certify accounting authorities and assign U.S. AAICs for entities settling accounts of U.S. licensed vessels in the maritime mobile and maritime mobile-satellite services.

(c) Accounting authorities who are “grandfathered” during the initial application period may retain their interim AAIC.

§ 3.23 Legal applicant.

The application shall be signed by the individual, partner or primary officer of a corporation who is legally able to obligate the entity for which he or she is a representative.

§ 3.24 Evidence of financial responsibility.

All applicants must provide evidence of sound financial status. To the extent that the applicant is a business, formal financial statements will be required. Other applicants may submit documentation proving all assets, liabilities, income and expenses which support their ability to meet their personal obligations. Applicants must provide any additional information deemed necessary by the Commission.

§ 3.25 Number of copies.

One original and one copy of FCC Form 44, “Application For Certification As An Accounting Authority” will be required. Only applications mailed to the Commission on official, Commission approved application forms will be considered. Applications should be mailed at least 90 days prior to planned commencement of settlement activities to allow time for the Commission to review the application and to allow for the informal public comment period.

§ 3.26 Where application is to be mailed.

All applications shall be mailed to the Accounting Authority Certification Officer in Washington, D.C. The designated address will be provided on the FCC Form 44, “Application for Certification As An Accounting Authority”.

§ 3.27 Amended application.

Changes in circumstances that cause information previously supplied to the FCC to be incorrect or incomplete and that could affect the approval process, require the submission of an amended application. The amended application should be mailed to the Commission immediately following such change. See also §§ 3.24 and 3.51.

§ 3.28 Denial of privilege.

(a) The Commission, in its sole discretion, may refuse to grant an application to become an accounting authority for any of the following reasons:

(1) Failure to provide evidence of acceptable financial responsibility;

(2) If the applicant, in the opinion of the FCC reviewing official, does not possess the qualifications necessary to the proper functioning of an accounting authority;

(3) Application is not personally signed by the proper official(s);

(4) Applicant does not provide evidence that accounting operations will take place in the United States or its territories and the applicant does not
§ 3.29

already possess an AAIC issued by another administration;
(5) Application is incomplete, the applicant fails to provide additional information requested by the Commission or the applicant indicates that it cannot meet a particular provision; or
(6) When the Commission determines that the grant of an authorization is contrary to the public interest.

(b) These rules provide sufficient latitude to address defects in applications. Entities seeking review should follow procedures set forth in §1.106 or §1.115 of this chapter.

§ 3.29 Notifications.

(a) The Commission will publish the name of an applicant in a Public Notice before granting certification and will invite informal public comment on the qualifications of the applicant from any interested parties. Comments received will be taken into consideration by the Commission in making its determination as to whether to approve an applicant as an accounting authority. Thirty days will be allowed for submission of comments.

(b) The Commission will notify each applicant in writing as to whether the applicant has been approved as an accounting authority. If the application is not approved, the Commission will provide a brief statement of the grounds for denial.

(c) The names and addresses of all newly certified accounting authorities will be published in a Public Notice issued by the Commission. Additionally, the Commission will notify the ITU within 30 days of any changes to its approved list of accounting authorities.

SETTLEMENT OPERATIONS

§ 3.40 Operational requirements.

All accounting authorities must conduct their operations in conformance with the provisions contained in this section and with relevant rules and guidance issued from time to time by the Commission.

§ 3.41 Amount of time allowed before initial settlements.

An accounting authority must begin settling accounts no later than six months from the date of certification. Failure to commence settlement operations is cause for suspension or cancellation of an accounting authority certification.

§ 3.42 Location of processing facility.

Settlement of maritime mobile and maritime mobile-satellite service accounts must be performed within the United States by all accounting authorities possessing the “US” prefix. Other accounting authorities approved by the Commission may settle accounts either in the U.S. or elsewhere. See also §§3.11 and 3.21(b).

§ 3.43 Applicable rules and regulations.

Accounting authority operations must be conducted in accordance with applicable FCC rules and regulations, the International Telecommunication Regulations (ITR), and other international rules, regulations, agreements, and, where appropriate, ITU-T Recommendations. In particular, the following must be adhered to or taken into account in the case of ITU-T.

(a) The latest basic treaty instrument(s) of the International Telecommunication Union (ITU);
(b) Binding agreements contained in the Final Acts of World Administrative Radio Conferences and/or World International Telecommunication Conferences;
(c) ITU Radio Regulations;
(d) ITU International Telecommunication Regulations (ITR);
(e) ITU-T Recommendations (particularly D.90 and D.195); and
(f) FCC Rules and Regulations (47 CFR part 3).

§ 3.44 Time to achieve settlements.

All maritime telecommunications accounts should be timely paid in accordance with applicable ITU Regulations, Article 66 and International Telecommunication Regulations (Melbourne, 1988). Accounting authorities are deemed to be responsible for remitting, in a timely manner, all valid amounts due to foreign administrations or their agents.
§ 3.45 Amount of charges.
Accounting Authorities may charge any reasonable fee for their settlement services. Settlements themselves, however, must adhere to the standards set forth in these rules and must be in accordance with the International Telecommunication Regulations (ITR) taking into account the applicable ITU-T Recommendations and other guidance issued by the Commission.

§ 3.46 Use of gold francs.
An accounting authority must accept accounts presented to it from foreign administrations in gold francs. These gold francs must be converted on the date of receipt of the bill to the applicable Special Drawing Right (SDR) rate (as published by the International Monetary Fund) on that date utilizing the linking coefficient of 3.061 gold francs = 1 SDR. An equivalent amount in U.S. dollars must be paid to the foreign administration. Upon written concurrence by the FCC, an accounting authority may make separate agreements, in writing, with foreign administrations or their agents for alternative settlement methods, in accordance with ITU-T Recommendation D.195.

§ 3.47 Use of SDRs.
An accounting authority must accept accounts presented to it from foreign administrations in Special Drawing Rights (SDRs). These SDRs must be converted to dollars on the date of receipt by the accounting authority and an equivalent amount in US dollars must be paid to the foreign administration. The conversion rate will be the applicable rate published by the International Monetary Fund (IMF) for the date of receipt of the account from the foreign administration. Upon written concurrence by the FCC, any accounting authority may make separate agreements, in writing, with foreign administrations or their agents for alternative settlement methods, provided account is taken of ITU-T Recommendation D.195.

§ 3.48 Cooperation with the Commission.
Accounting authorities must cooperate fully with the FCC in all respects concerning international maritime settlements issues, including the resolution of questions of fact or other issues arising as a result of settlement operations.

§ 3.49 Agreement to be audited.
Accounting authorities accept their certifications on condition that they are subject to audit of their settlement activities by the Commission or its representative. Additionally, the Commission reserves the right to verify any statement(s) made or any materials submitted to the Commission under these rules. Verification may involve discussions with ship owners or others as well as the requirement to submit additional information to the Commission. Failure to respond satisfactorily to any audit findings is grounds for forfeiture or suspension or cancellation of authority to act as an accounting authority for U.S. vessels.

§ 3.50 Retention of settlement records.
Accounting authorities must maintain, for the purpose of compliance with these rules, all settlement records for a period of at least seven years following settlement of an account with a foreign administration or agent.

§ 3.51 Cessation of operations.
The FCC must be notified immediately should an accounting authority plan to relinquish its certification or cease to perform settlements as authorized. Additionally, the Commission must be advised in advance of any proposed transfer of control of an accounting authority’s firm or organization, by any means, to another entity.

(a) When an accounting authority is transferred, merged or sold, the new entity must apply for certification in its own right if it is interested in becoming an accounting authority. Provided the new applicant is eligible and completes the application process satisfactorily, the AAIC will be transferred to the new applicant. In the case of a merger of two accounting authorities, the merged entity must decide which AAIC to retain.

(b) Section 3.21(a) will be waived for these applicants.
§ 3.52 Complaint/inquiry resolution procedures.

(a) Accounting authorities must maintain procedures for resolving complaints and/or inquiries from its contractual customers (vessels for which it performs settlements), the FCC, the ITU, and foreign administrations or their agents. These procedures must be available to the Commission upon request.

(b) If a foreign administration requests assistance in collection of accounts from ships licensed by the FCC, the appropriate accounting authority will provide all information requested by the Commission in a timely manner to enable the Commission to determine the cause of the complaint and to resolve the issue. If accounts are in dispute, the Commission will determine the amount due the foreign administration, accounting authority or ROA, and may direct the accounting authority to pay the accounts to the foreign administration. If the accounting authority does not pay the disputed accounts within a reasonable timeframe, the Commission may take action to levy a forfeiture, cancel the AAIC privilege and/or revoke any operating authority or licenses held by that accounting authority. (See also §3.72).

§ 3.53 FCC notification of refusal to provide telecommunications service to U.S. registered vessel(s).

An accounting authority must inform the FCC immediately should it receive notice from any source that a foreign administration or facility is refusing or plans to refuse legitimate public correspondence to or from any U.S. registered vessel.

§ 3.54 Notification of change in address.

The Commission must be notified in writing within 15 days of any change in address of an accounting authority.

§ 3.60 Reports.

(a) Initial Inventory of Vessels. Within 60 days after receiving final approval from the FCC to be an accounting authority, each certified accounting authority must provide to the FCC an initial list of vessels for which it is performing settlements. This list should contain only U.S. registered vessels. Such list shall be typewritten or computer generated, be annotated to indicate it is the initial inventory and be in the general format of the following and provide the information shown:

```
Vessel Name   Call Sign
```

(b) Semi-Annual Additions/Modifications/Deletions to Vessel Inventory. Beginning with the period ending on the last day of March or September following submission of an accounting authority’s Initial Inventory of Vessels (See paragraph (a) of this section.) and each semi-annual period thereafter, each accounting authority is required to submit to the FCC a report on additions, modifications or deletions to its list of vessels for which it is performing or intending to perform settlements, whether or not settlements actually have taken place. The list should contain only U.S. registered vessels. The report shall be typewritten or computer generated and be in the following general format:

```
ADDITIONS TO CURRENT VESSEL INVENTORY
Vessel Name   Call Sign   Effective Date

MODIFICATIONS TO CURRENT VESSEL INVENTORY
Previous Vessel Name  Previous Call Sign   New Vessel Name  New Call Sign   Effective Date

DELETIONS TO CURRENT VESSEL INVENTORY
Vessel Name   Call Sign   Effective Date
```
§ 3.72 Grounds for further enforcement action.

(a) The Commission may take further enforcement action, including forfeiture, suspension or cancellation of an accounting authority certification, if it is determined that the public interest so requires. Reasons for which such action may be taken include, inter alia:

(1) Failure to initiate settlements within six months of certification or failure to perform settlements during any subsequent six month period;

(2) Illegal activity or fraud;

(3) Non-payment or late payment to a foreign administration or agent;

(4) Failure to follow ITR requirements and procedures;

(5) Failure to take into account ITU-T Recommendations;

(6) Failure to follow FCC rules and regulations;

(b) The Commission may also take further enforcement action, including forfeiture, suspension or cancellation of an accounting authority certification, for reasons not specified in paragraph (a) of this section, if it is determined that the public interest so requires. Reason for which such action may be taken include, inter alia:

(1) Failure to provide timely and accurate information to the Commission;

(2) Failure to maintain adequate records of settlements;

(3) Failure to cooperate with the Commission in investigating complaints or other matters.

(c) The Commission may also take further enforcement action, including forfeiture, suspension or cancellation of an accounting authority certification, for reasons not specified in paragraphs (a) or (b) of this section, if it is determined that the public interest so requires. Reason for which such action may be taken include, inter alia:

(1) Failure to maintain adequate internal controls to ensure compliance with the Commission’s rules and regulations;

(2) Failure to comply with applicable ITU Regulations and other international maritime accounting procedures;

(3) Failure to comply with the Commission’s enforcement orders;

(4) Failure to comply with the Commission’s notices of deficiency.

§ 3.62 Request for confidentiality.

Applicants should comply with §0.459 of this chapter when requesting confidentiality and cannot assume that it will be offered automatically.

ENFORCEMENT

§ 3.70 Investigations.

The Commission may investigate any complaints made against accounting authorities to ensure compliance with the Commission’s rules and with applicable ITU Regulations and other international maritime accounting procedures.

§ 3.71 Warnings.

The Commission may issue written warnings or forfeitures to accounting authorities which are found not to be operating in accordance with established rules and regulations. Warnings will generally be issued for violations which do not seriously or immediately affect settlement functions or international relations. Continued or unresolved violations may lead to further enforcement action by the Commission, including any or all legally available sanctions, including but not limited to, forfeitures (Communications Act of 1934, Sec. 503), suspension or cancellation of the accounting authority certification.

§ 3.72 Grounds for further enforcement action.

(a) The Commission may take further enforcement action, including forfeiture, suspension or cancellation of an accounting authority certification, if it is determined that the public interest so requires. Reasons for which such action may be taken include, inter alia:

(1) Failure to initiate settlements within six months of certification or failure to perform settlements during any subsequent six month period;

(2) Illegal activity or fraud;

(3) Non-payment or late payment to a foreign administration or agent;

(4) Failure to follow ITR requirements and procedures;

(5) Failure to take into account ITU-T Recommendations;

(6) Failure to follow FCC rules and regulations;

(b) The Commission may also take further enforcement action, including forfeiture, suspension or cancellation of an accounting authority certification, for reasons not specified in paragraph (a) of this section, if it is determined that the public interest so requires. Reason for which such action may be taken include, inter alia:

(1) Failure to provide timely and accurate information to the Commission;

(2) Failure to maintain adequate records of settlements;

(3) Failure to cooperate with the Commission in investigating complaints or other matters.

(4) Failure to maintain adequate internal controls to ensure compliance with the Commission’s rules and regulations;

(5) Failure to comply with applicable ITU Regulations and other international maritime accounting procedures;

(6) Failure to comply with the Commission’s enforcement orders;

(7) Failure to comply with the Commission’s notices of deficiency.

§ 3.62 Request for confidentiality.

Applicants should comply with §0.459 of this chapter when requesting confidentiality and cannot assume that it will be offered automatically.
§ 3.73 Bankruptcy; or

(8) Providing false or incomplete information to the Commission or failure to comply with or respond to requests for information.

(b) Prior to taking any of the enforcement actions in paragraph (a) of this section, the Commission will give notice of its intent to take the specified action and the grounds therefor, and afford a 30-day period for a response in writing; provided that, where the public interest so requires, the Commission may temporarily suspend a certification pending completion of these procedures. Responses must be forwarded to the Accounting Authority Certification Officer. See §3.61.

§ 3.73 Waiting period after cancellation.

An accounting authority whose certification has been cancelled must wait a minimum of three years before reapplying to be an accounting authority.

§ 3.74 Ship stations affected by suspension, cancellation or relinquishment.

(a) Whenever the accounting authority privilege has been suspended, cancelled or relinquished, the accounting authority is responsible for immediately notifying all U.S. ship licensees for which it was performing settlements of the circumstances and informing them of the requirement contained in paragraph (b) of this section.

(b) Those ship stations utilizing an accounting authority’s AAIC for which the subject accounting authority certification has been suspended, cancelled or relinquished, should make contractual arrangements with another properly authorized accounting authority to settle its accounts.

(c) The Commission will notify the ITU of all accounting authority suspensions, cancellations and relinquishments, and

(d) The Commission will publish a Public Notice detailing all accounting authority suspensions, cancellations and relinquishments.

§ 3.75 Licensee’s failure to make timely payment.

Failure to remit proper and timely payment to the Commission or to an accounting authority may result in one or more of the following actions against the licensee:

(a) Forfeiture or other authorized sanction.

(b) The refusal by foreign countries to accept or refer public correspondence communications to or from the vessel or vessels owned, operated or licensed by the person or entity failing to make payment. This action may be taken at the request of the Commission or independently by the foreign country or coast station involved.

(c) Further action to recover amounts owed utilizing any or all legally available debt collection procedures.

§ 3.76 Licensee’s liability for payment.

The U.S. ship station licensee bears ultimate responsibility for final payment of its accounts. This responsibility cannot be superseded by the contractual agreement between the ship station licensee and the accounting authority. In the event that an accounting authority does not remit proper and timely payments on behalf of the ship station licensee:

(a) The ship station licensee will make arrangements for another accounting authority to perform future settlements, and

(b) The ship station licensee will settle any outstanding accounts due to foreign entities.

(c) The Commission will, upon request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts of the ship station licensee. As circumstances warrant, this may include issuing warnings to ship station licensees when it becomes apparent that an accounting authority is failing to settle accounts. See also §§3.70 through 3.74.
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§ 5.5 Definition of terms.

For the purpose of this part, the following definitions shall be applicable.

For other definitions, refer to part 2 of this chapter (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations).

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization.

Experimental radio service. A service in which radio waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects that could not be conducted without the benefit of such communications.

Experimental station. A station utilizing radio waves in experiments with a view to the development of science or technique.

Fixed service. A radiocommunication service between specified fixed points.

Fixed station. A station in the fixed service.

Harmful interference. Any radiation or induction that endangers the functioning of a radionavigation or safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and other provisions of part 2 of this chapter.

Landing area. As defined by 49 U.S.C. 40102(a)(28) of the Civil Aeronautics Act of 1938, as amended, any locality, either of land or water, including airports and intermediate landing fields, that is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Land station. A station in the mobile service not intended for operation while in motion.

Mobile service. A radiocommunication service between mobile and land stations, or between mobile stations.

Mobile station. A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Person. An individual, partnership, association, joint stock company, trust, or corporation.

Public correspondence. Any telecommunication that offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

Radio service. An administrative subdivision of the field of radiocommunication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

Station authorization. Any license or special temporary authorization issued by the Commission.

Subpart B—Applications and Licenses

§ 5.51 Eligibility of license.

(a) Authorizations for stations in the Experimental Radio Service will be issued only to persons qualified to conduct experimentation utilizing radio waves for scientific or technical operation data directly related to a use of radio not provided by existing rules; or for communications in connection with research projects when existing communications facilities are inadequate.

(b) Applicants eligible for authorizations in an established service, and seeking to develop operational data or techniques directed toward the improvement or extension of that service shall file applications and conduct such projects under the developmental rules of the established service.

(c) A station license shall not be granted to or held by a foreign government or a representative thereof.
§ 5.53 Station authorization required.

(a) No radio transmitter shall be operated in the Experimental Radio Service except under and in accordance with a proper station authorization granted by the Commission. However, construction of proposed experimental satellite facilities may begin prior to Commission grant of an authorization. Such construction will be entirely at the applicant's risk and will not entitle the applicant to any assurances that its proposed experiment will be subsequently approved or regular services subsequently authorized. Additionally, the applicant must notify the Commission's Office of Engineering and Technology in writing that it plans to begin construction at its own risk.

(b) Persons desiring to install and operate radio transmitting equipment under this part should first submit an application for a radio station license in accordance with § 5.59 of this part.

(c) If installation and/or operation of the equipment may significantly impact the environment, see § 1.1307 of this chapter, an environmental assessment as defined in § 1.1311 of this chapter must be submitted with the application.

§ 5.55 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Experimental Radio Service are discussed in § 5.59 of this part, and may be obtained by calling the FCC FORMS hotline, (202) 418-FORM. If no standard form is applicable, the informal application procedure outlined in § 5.59(f) of this part should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's Office of Engineering and Technology, Washington, DC 20554. Applications requiring fees as set forth in part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of this chapter.

(c) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and this part.

(d) Applications involving temporary operation: When an experimental program is expected to last no more than six months, its operation shall be considered temporary and the special temporary authorization procedure outlined in § 5.61 of this part shall apply.

§ 5.57 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, 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 of his/her absence from the United States. The attorney shall in that event 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 belief only (rather than his/her knowledge), he/she shall separately set forth reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false
§ 5.59 Forms to be used.

(a) Application for experimental radio license. Entities requesting an experimental authorization must submit FCC Form 442 (application). A single FCC Form 442 may be used for several radio components of an experimental program, however, unrelated experimental programs should be filed on separate applications.

(b) Application for modification of experimental license. An application for modification of experimental authorization shall be submitted on FCC Form 442. A blanket application may be submitted for modification of a group of authorizations of the same class as long as the scope of the modifications are specified in the application. The individual authorizations covered by such an application shall be clearly identified therein. However, application for modification to change location of an experimental authorization shall be filed as a separate application.

(c) Application for renewal of experimental authorization. Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class as those in which the renewal is requested in exact accordance with the terms of the existing authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(d) Application for consent to assign an experimental authorization. Application on FCC Form 702 shall be submitted when the legal right to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a station authorization or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, by operation of law in any other manner. Such application must be accompanied by the FCC Form 442 of which only the certification need be signed by the proposed assignee. No other information is required to be submitted on this form.

(e) Application for consent to transfer control of Corporation holding experimental authorization. Application for consent to transfer control shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporation holding a station authorization.

[63 FR 64202, Nov. 19, 1998; 64 FR 43095, Aug. 9, 1999]

§ 5.61 Procedure for obtaining a special temporary authorization.

(a) The Commission may issue a special temporary authorization under this part in cases in which a need is shown for operation of a station for six months or less, provided such operation is not in conflict with the Commission's rules in this part. In cases in which an applicant sets forth compelling reasons why a special temporary authorization must be granted expeditiously, preference will be given to processing the application.

(b) Extensions of a special temporary authorization will be granted provided that an application for a regular experimental license has been filed at least 15 days prior to the expiration of the licensee's temporary authority. When such an application is timely filed, operations may continue in accordance with the terms and conditions of the temporary authority pending disposition of the application, unless the
applicant is notified otherwise by the Commission.

(c) An application for special temporary authorization may be filed in letter form and shall contain the following information:

(1) Name, address, phone number (also e-mail address and facsimile number, if available) of the applicant.

(2) Description of why an STA is needed.

(3) Description of the operation to be conducted and its purpose.

(4) Time and dates of proposed operation.

(5) Class(es) of station (fixed, mobile, fixed and mobile) and call sign of station (if applicable).

(6) Description of the location(s) and, if applicable, geographical coordinates of the proposed operation.

(7) Equipment to be used, including name of manufacturer, model and number of units.

(8) Frequency(ies) desired.

(9) Maximum effective radiated power (ERP) or equivalent isotropically radiated power (EIRP).

(10) Emission designator (see §2.201 of this chapter) or describe emission (bandwidth, modulation, etc.)

(11) Overall height of antenna structure above the ground (if greater than 6 meters above the ground or an existing structure, see part 17 of this Chapter concerning notification to the FAA).

[63 FR 64202, Nov. 19, 1998; 64 FR 43095, Aug. 9, 1999]

§ 5.65 Defective applications.

(a) Applications that are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character may not be received for filing by the Commission, and may be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications that are not in accordance with the Commission's rules, regulations, or other requirements will be considered defective unless accompanied either by:

§ 5.63 Supplementary statements required.

(a) Each applicant for an authorization in the Experimental Radio Service must enclose with the application a narrative statement describing in detail the program of research and experimentation proposed, the specific objectives sought to be accomplished; and how the program of experimentation has a reasonable promise of contribution to the development, extension, or expansion, or utilization of the radio art, or is along lines not already investigated. An applicant may request non-disclosure of proprietary information submitted under this part. These requests should follow the procedures for submission set forth in §0.459 of this chapter.

(b) If the authorization is to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government, the applicant shall submit a narrative statement describing the project, the name of the contracting agency, and the contract number.

(c) If the authorization is to be used for the sole purpose of developing equipment for exportation to be employed by stations under the jurisdiction of a foreign government, the applicant shall submit a narrative statement describing the project, any associated contract number, and the name of the foreign government concerned.

(d) The provisions of paragraph (a) of this section shall not be applicable to applications for an authorization in the Experimental Radio Service to be used for communications essential to a research project in which other means of communications are inadequate or not available. In such cases, applicants shall include as part of the application for an authorization the following:

(1) A description of the nature of the research project being conducted.

(2) A showing that communications facilities are necessary for the research project involved.

(3) A showing that existing communications facilities are inadequate or unavailable.
(1) a petition to amend any rule, regulation, or requirement with which the application is in conflict; or
(2) a request of the applicant for waiver of, or an exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 5.67 Amendment or dismissal of applications.

(a) Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material that the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.
(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice.

§ 5.69 Partial grants.

In cases in which the Commission grants an application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made or from its effective date if a later date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will coordinate with the applicant in an attempt to resolve problems arising from the grant.

§ 5.71 License period.

(a) The regular license period for stations in the Experimental Radio Service is either 2 or 5 years. An applicant desiring to apply for a 5-year license must provide justification for its need for a license of that duration. A license may be renewed upon an adequate showing of need.
(b) A license will not be granted for a period longer than that which is required for completion of the experimental project. If such period is estimated to be less than 2 years, or between 2-5 years, a statement to that effect by the applicant may facilitate grant of the application. See also § 5.69 of this part.

§ 5.73 Experimental report.

(a) Unless specifically stated as a condition of the authorization, licensees are not required to file a report on the results of the experimental program carried on under this subpart.
(b) The Commission may, as a condition of authorization, request the licensee to forward periodic reports in order to evaluate the progress of the experimental program.
(c) An applicant may request that the Commission withhold from the public certain reports and associated material and the Commission will do so unless the public interest requires otherwise. These requests should follow the procedures for submission set forth in § 0.459 of this chapter.

§ 5.75 Number of licenses required.

An application for a station embracing widely divergent and unrelated experimentations will normally require a separate license for each experiment. However, if the experiments are related or conducted by the same manufacturer, an applicant may apply for a blanket license encompassing the entire experimental program. If a blanket license is granted, licensees will be required to notify the Commission of the specific details of each individual experiment, including location, number of base and mobile units, power, emission designator, and any other pertinent technical information not specified by the blanket license.
§ 5.77 Change in equipment and emission characteristics.

(a) A change may be made in a licensed transmitter without specific authorization from the Commission provided that the change does not result in operations inconsistent with any term of the outstanding authorization for the station involved.

(b) Discrete changes in emission characteristics may be made without specific authorization from the Commission provided that the Commission is given written notification demonstrating that such changes will not exceed the maximum emissions envelope established in the existing authorization. Changes made pursuant to such notification that become a permanent part of the licensee's experimental program must be listed in the licensee's next application for renewal.

(c) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

1. Any change that will either increase the height of a structure supporting the radiating portion of the antenna or decrease the height of a lighted antenna structure.

2. Any change in the location of an antenna when such relocation involves a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

§ 5.79 Transfer and assignment of station authorization.

A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, unless the Commission shall, after securing full information, decide that such a transfer is in the public interest and give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by §5.59 of this part.

§ 5.81 Discontinuance of station operation.

In case of permanent discontinuance of operation of a fixed or land station in the Experimental Radio Service, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in the Experimental Radio Service, the licensee shall forward the station license to the Commission's Office of Engineering and Technology for cancellation.

§ 5.83 Cancellation provisions.

The applicant for a station in the Experimental Radio Services accepts the license with the express understanding:

(a) that the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and

(b) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises. However, a petition for reconsideration or application for review may be filed to such Commission action.

§ 5.85 Frequencies and policy governing their assignment.

(a) Stations operating in the Experimental Radio Service may be authorized to use any government or non-government frequency designated in the Table of Frequency Allocations set forth in part 2 of this chapter, provided that the need for the frequency requested is fully justified by the applicant.

(b) Each frequency or band of frequencies available for assignment to stations in the Experimental Radio Service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Not more than one frequency in a band of frequencies will normally be assigned for the use of a single applicant.
unless a showing is made demon-
strating that need for the assign-
ment of additional frequencies is essen-
tial to the proposed program of experi-
mentation.

(c) Frequency assignments will be
made only on the condition that harm-
ful interference will not be caused to
any station operating in accordance
with the Table of Frequency Allocation
of part 2 of this chapter.

(d) Use of Public Safety Frequencies.
Applicants in the Experimental Radio
Service must avoid use of public safety
frequencies except when a compelling
showing can be made that use of such
frequencies is in the public interest.
Public safety frequencies are identified
in subpart B (Public Safety Radio Serv-
ices) and subpart C (Special Emergency
Radio Service) of part 90 of this Chap-
ter. In addition, subpart S of part 90 of
this chapter contains rules for the as-
signment of frequencies that may be
used by Public Safety Radio Services
in the 806-824 MHz and 851-869 MHz
bands. If an experimental license to use
public safety radio frequencies is
granted, the authorization will be con-
tioned to require coordination be-
tween the experimental licensee and
the appropriate frequency coordinator
and/or all of the public safety licensees
in its intended area of operation.

(e) The Commission may, at its dis-
cretion, condition any experimental li-
cense or STA on the requirement that
before commencing operation, the new
licensee coordinate its proposed facil-
ity with other licensees that may re-
ceive interference as a result of the
new licensee’s operations.

(f) Protection of FCC monitoring sta-
tions. (1) Applicants are advised to give
consideration, prior to filing applica-
tions, to the need to protect FCC moni-
toring stations from harmful inter-
ference. Geographical coordinates of
such stations are listed in §0.121(b) of
this chapter. Applications for stations
(except mobile stations) that will
produce on any frequency a direct wave
fundamental field strength of greater
than 10 mV/m in the authorized band-
width of service (-65.8 dBW/m² power
flux density assuming a free space
characteristic impedance of 120Ω ohms)
at the referenced coordinates, may be
examined to determine the extent of
possible interference. Depending on the
theoretical field strength value or other ambient radio field signal levels
at the indicated coordinates, a clause
protecting the monitoring station may
be added to the station authorization.

(2) In the event that calculated value
of expected field strength exceeds 10
mV/m (-65.8 dBW/m²) at the reference
coordinates, or if there is any question
whether field strength levels might ex-
ceed the threshold value, advance con-
sultation with the FCC to discuss any
protection necessary should be consid-
ered. Prospective applicants may com-
municate with the Technology Divi-
sion, Compliance and Information Bu-
reau, telephone (202) 418-1210, Federal
Communications Commission, Wash-
ington, DC 20554.

(3) Advance consultation is suggested
particularly for those applicants who
have no reliable data that indicates
whether the field strength or power
flux density figure indicated would be
exceeded by their proposed radio facili-
ties (except mobile stations). In such
instances, the following is a suggested
guide for determining whether an ap-
plicant should coordinate:

(i) All stations within 2.4 kilometers
(1.5 statute miles);

(ii) Stations within 4.8 kilometers (3
statute miles) with 50 watts or more
average ERP in the primary plane of
polarization in the azimuthal direction
of the Monitoring Station;

(iii) Stations within 16 kilometers (10
statute miles) with 1 kW or more aver-
age ERP in the primary plane of po-
larization in the azimuthal direction
of the Monitoring Station;

(iv) Stations within 80 kilometers (50
statute miles) with 25 kW or more av-
verage ERP in the primary plane of po-
larization in the azimuthal direction
of the Monitoring Station.

(4) Advance coordination for stations
operating above 1000 MHz is rec-
ommended only where the proposed
station is in the vicinity of a moni-
toring station designated as a satellite
monitoring facility in §0.121(c) of this
Chapter and also meets the criteria
outlined in paragraphs (d) (2) and (3) of
this section.

(5) The Commission will not screen
applications to determine whether ad-
advance consultation has taken place.
Federal Communications Commission

§ 5.87 Frequencies for field strength surveys or equipment demonstrations.
(a) Authorizations issued under §§ 5.3 (e) and (f) of this part will normally not have specific frequencies designated in a station license. Prior to the commencement of a survey or demonstration, the licensee will request a specific frequency assignment and submit the following information:
(1) Time, date and duration of survey.
(2) Frequency to be used.
(3) Location of transmitter and geographical area to be covered.
(4) Purpose of survey.
(5) Method and equipment to be used.
(6) Names and addresses of persons for whom the survey is conducted.
(b) [Reserved]

§ 5.89 School and student authorizations.
The Commission may issue an authorization to schools or students for the purpose of presenting experiments or technical demonstrations for school or school approved projects that require the use of radio for a limited period of time. Such authorizations may be granted at the discretion of the Commission.
(a) An application for a school or student authorization may be filed in letter form and must comply with the provisions of § 5.63, of this part except where specified below. The application must be accompanied by a signed statement from a member of faculty of the school, on appropriate letterhead, indicating the person under whose general supervision the project will be conducted. In the case of student authorizations, the letter must state that the project has the approval of the school.
(b) Frequencies in the following bands are available for assignment in authorizations issued under this section:

27.23–27.28 MHz.
460–461 MHz.
462.525–467.475 MHz.
2402–2483.5 MHz.
10.00–10.50 GHz.
(c) Operations under this section are limited to 4 watts equivalent isotropically radiated power (EIRP). The Commission may authorize a greater power if a satisfactory showing is made that such greater power is necessary and that appropriate measures will be taken to prevent interference.
(d) The frequency of operation must be measured or checked prior to each time of operation.
(e) Subject to the provisions of (b), (c) and (d), the provisions in subpart C of this part are waived insofar as such provisions require a station authorized under this section to observe the technical and operating restrictions set forth therein.
(f) The licensee holding an authorization issued under this section shall maintain a record of operation containing the following information:
(1) A brief description of the experimentation being conducted.
(2) The date and time of each period of operation.
(3) The frequency of operation as measured or checked at the beginning of each period of operation.
(g) The record of operation shall be retained for one month after the termination of the authorization.

§ 5.91 Notification of the National Radio Astronomy Observatory.

In order to minimize possible harmful 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, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, or a construction permit to construct a new station or to modify an existing station license in a manner that would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39 deg. 15′ N on the north, 78 deg. 30′ W on the east, 37 deg. 30′ N on the south and 80 deg. 30′
§ 5.93 Limited market studies.

Unless otherwise stated in the instrument of authorization, licenses granted for the purpose of limited market studies pursuant to §5.3(j) of this part are subject to the following conditions:

(a) All transmitting and/or receiving equipment used in the study shall be owned by the licensee.

(b) The licensee is responsible for informing anyone participating in the experiment that the service or device is granted under an experimental authorization and is strictly temporary.

(c) The size and scope of the experiment are subject to limitations as the Commission shall establish on a case-by-case basis. If the Commission subsequently determines that a market study is not so limited, the study shall be immediately terminated.

Subpart C—Technical Standards and Operating Requirements

§ 5.101 Frequency stability.

An applicant must propose to use a frequency tolerance that would confine emissions within the band of operation, unless permission is granted to use a greater frequency tolerance. Equipment is presumed to operate over the temperature range –20 to +50 degrees celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

§ 5.103 Types of emission.

Stations in the Experimental Radio Service may be authorized to use any of the classifications of emissions covered in part 2 of this chapter.

§ 5.105 Authorized bandwidth.

Each authorization issued to a station operating in this service will show, as the prefix to the emission classification, a figure specifying the maximum necessary bandwidth for the emission used. The authorized bandwidth is considered to be the occupied or necessary bandwidth, whichever is greater. This bandwidth should be determined in accordance with §2.202 of this chapter.

§ 5.107 Transmitter control requirements.

Each licensee shall be responsible for maintaining control of the transmitter authorized under its station authorization. This includes both ensuring that transmissions are in conformance with the operating characteristics prescribed in the station authorization and that the station is operated only by persons duly authorized by the licensee.

§ 5.109 Antenna and tower requirements.

(a) Applicants with fixed stations that use antennas that exceed 6 meters in height above the ground level or more than 6 meters in height above an existing building must comply with the requirements of part 17 of this chapter.

(b) The licensee of any radio station that has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and part 17 of this chapter, shall perform the inspections and maintain the tower marking and lighting, and associated control equipment.
§ 5.111 General limitations on use.

(a) The following transmission limitations are applicable to all classes of stations in the Experimental Radio Service:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in the application for license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to ensure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of part 2 of this chapter and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

(b) If experimental stations are to be used to retransmit signals of any other station or to render any communications service to third parties, a full disclosure of this must be made in the application for license.

§ 5.113 Adherence to program of research.

(a) The program of experimentation as stated by an applicant in its application for license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

(b) Where some phases of the experimental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience, or necessity.

§ 5.115 Station identification.

Each class of station in the experimental services shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: Provided, however, that the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes. The station identification shall be transmitted in clear voice or Morse code. All digital encoding and digital modulation shall be disabled during station identification.

§ 5.117 Suspension of transmission required.

The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 5.119 Posting station licenses.

The current original authorization for each station shall be retained as a permanent part of the station records but need not be posted.

§ 5.121 Retention of station records.

Records required to be kept by this part shall be retained for a period of at least one year.

§ 5.123 Inspection of stations.

All stations and records of stations in the Experimental Radio Service shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.
§ 5.125 Authorized points of communication.

Generally, stations in the Experimental Radio Service may communicate only with other stations licensed in the Experimental Radio Service. Nevertheless, upon a satisfactory showing that the proposed communications are essential to the conduct of the research project, authority may be granted to communicate with stations in other services and U.S. Government stations.

PART 6—ACCESS TO TELECOMMUNICATIONS SERVICE, TELECOMMUNICATIONS EQUIPMENT AND CUSTOMER PREMISES EQUIPMENT BY PERSONS WITH DISABILITIES

Subpart A—Scope—Who Must Comply With These Rules?

§ 6.1 Applicability.

The rules in this part apply to:
(a) Any provider of telecommunications service;
(b) Any manufacturer of telecommunications equipment or customer premises equipment; and
(c) Any telecommunications carrier.

Subpart B—Definitions

§ 6.3 Definitions.

(a) The term accessible shall mean that:
(i) Input, control, and mechanical functions shall be locatable, identifiable, and operable in accordance with each of the following, assessed independently:
(ii) Operable without vision. Provide at least one mode that does not require user vision.
(iii) Operable with low vision and limited or no hearing. Provide at least one mode that permits operation by users with visual acuity between 20/70 and 20/200, without relying on audio output.
(iv) Operable with little or no color perception. Provide at least one mode that does not require user color perception.
(v) Operable without hearing. Provide at least one mode that does not require user auditory perception.
(vi) Operable with limited manual dexterity. Provide at least one mode that does not require user fine motor control or simultaneous actions.
(vii) Operable with limited reach and strength. Provide at least one mode that is operable with user limited reach and strength.
(viii) Operable with a Prosthetic Device. Controls shall be operable without requiring body contact or close body proximity.
(ix) Operable without time-dependent controls. Provide at least one mode that does not require a response time or allows response time to be by-passed or adjusted by the user over a wide range.
(x) Operable without speech. Provide at least one mode that does not require user speech.
(x) Operable with limited cognitive skills. Provide at least one mode that minimizes the cognitive, memory, language, and learning skills required of the user.

(2) All information necessary to operate and use the product, including but not limited to, text, static or dynamic images, icons, labels, sounds, or incidental operating cues, comply with each of the following, assessed independently:

(i) Availability of visual information. Provide visual information through at least one mode in auditory form.

(ii) Availability of visual information for low vision users. Provide visual information through at least one mode to users with visual acuity between 20/70 and 20/200 without relying on audio.

(iii) Access to moving text. Provide moving text in at least one static presentation mode at the option of the user.

(iv) Availability of auditory information. Provide auditory information through at least one mode in visual form and, where appropriate, in tactile form.

(v) Availability of auditory information for people who are hard of hearing. Provide audio or acoustic information, including any auditory feedback tones that are important for the use of the product, through at least one mode in enhanced auditory fashion (i.e., increased amplification, increased signal-to-noise ratio, or combination).

(vi) Prevention of visually-induced seizures. Visual displays and indicators shall minimize visual flicker that might induce seizures in people with photosensitive epilepsy.

(vii) Availability of audio cutoff. Where a product delivers audio output through an external speaker, provide an industry standard connector for headphones or personal listening devices (e.g., phone-like handset or earcup) which cuts off the speaker(s) when used.

(viii) Non-interference with hearing technologies. Reduce interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) to the lowest possible level that allows a user to utilize the product.

(ix) Hearing aid coupling. Where a product delivers output by an audio transducer which is normally held up to the ear, provide a means for effective wireless coupling to hearing aids.

(b) The term compatibility shall mean compatible with peripheral devices and specialized customer premises equipment commonly used by individuals with disabilities to achieve accessibility to telecommunications services, and in compliance with the following provisions, as applicable:

(1) External electronic access to all information and control mechanisms. Information needed for the operation of products (including output, alerts, icons, on-line help, and documentation) shall be available in a standard electronic text format on a cross-industry standard port and all input to and control of a product shall allow for real-time operation by electronic text input into a cross-industry standard external port and in cross-industry standard format. The cross-industry standard port shall not require manipulation of a connector by the user.

(2) Connection point for external audio processing devices. Products providing auditory output shall provide the auditory signal at a standard signal level through an industry standard connector.

(3) TTY connectability. Products which provide a function allowing voice communication and which do not themselves provide a TTY functionality shall provide a standard non-acoustic connection point for TTYs. It shall also be possible for the user to easily turn any microphone on and off to allow the user to intermix speech with TTY use.

(4) TTY signal compatibility. Products, including those providing voice communication functionality, shall support use of all cross-manufacturer non-proprietary standard signals used by TTYs.

(c) The term customer premises equipment shall mean equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(d) The term disability shall mean a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a
record of such an impairment; or being regarded as having such an impairment.

(e) The term manufacturer shall mean an entity that makes or produces a product.

(f) The term peripheral devices shall mean devices employed in connection with equipment covered by this part to translate, enhance, or otherwise transform telecommunications into a form accessible to individuals with disabilities.

(g) The term readily achievable shall mean, in general, easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

(1) The nature and cost of the action needed;
(2) The overall financial resources of the manufacturer or service provider involved in the action (the covered entity); the number of persons employed by such manufacturer or service provider; the effect on expenses and resources, or the impact otherwise of such action upon the operations of the manufacturer or service provider;
(3) If applicable, the overall financial resources of the parent of the entity; the overall size of the business of the parent entity with respect to the number of its employees; the number, type, and location of its facilities; and
(4) If applicable, the type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; and the geographic separateness, administrative or fiscal relationship of the covered entity in question to the parent entity.

(h) The term specialized customer premises equipment shall mean customer premise equipment which is commonly used by individuals with disabilities to achieve access.

(i) The term telecommunications equipment shall mean equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades).

(j) The term telecommunications service shall mean the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(k) The term usable shall mean that individuals with disabilities have access to the full functionality and documentation for the product, including instructions, product information (including accessible feature information), documentation, bills and technical support which is provided to individuals without disabilities.

Subpart C—Obligations—What Must Covered Entities Do?

§6.5 General obligations.

(a) Obligation of Manufacturers. (1) A manufacturer of telecommunications equipment or customer premises equipment shall ensure that the equipment is designed, developed and fabricated so that the telecommunications functions of the equipment are accessible to and usable by individuals with disabilities, if readily achievable.

(2) Whenever the requirements of paragraph (a)(1) of this section are not readily achievable, the manufacturer shall ensure that the equipment is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.

(b) Obligation of Service Providers. (1) A provider of a telecommunications service shall ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.

(2) Whenever the requirements of paragraph (b)(1) of this section are not readily achievable, the service provider shall ensure that the service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.

(c) Obligation of Telecommunications Carriers. Each telecommunications carrier must not install network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to this part or part 7 of this chapter.
§ 6.7 Product design, development, and evaluation.

(a) Manufacturers and service providers shall evaluate the accessibility, usability, and compatibility of equipment and services covered by this part and shall incorporate such evaluation throughout product design, development, and fabrication, as early and consistently as possible. Manufacturers and service providers shall identify barriers to accessibility and usability as part of such a product design and development process.

(b) In developing such a process, manufacturers and service providers shall consider the following factors, as the manufacturer deems appropriate:

(1) Where market research is undertaken, including individuals with disabilities in target populations of such research;

(2) Where product design, testing, pilot demonstrations, and product trials are conducted, including individuals with disabilities in such activities;

(3) Working cooperatively with appropriate disability-related organizations; and

(4) Making reasonable efforts to validate any unproven access solutions through testing with individuals with disabilities or with appropriate disability-related organizations that have established expertise with individuals with disabilities.

§ 6.9 Information pass through.

Telecommunications equipment and customer premises equipment shall pass through cross-manufacturer, nonproprietary, industry-standard codes, translation protocols, formats or other information necessary to provide telecommunications in an accessible format, if readily achievable. In particular, signal compression technologies shall not remove information needed for access or shall restore it upon decompression.

§ 6.11 Information, documentation, and training.

(a) Manufacturers and service providers shall ensure access to information and documentation it provides to its customers, if readily achievable. Such information and documentation includes user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product. Manufacturers shall take such other readily achievable steps as necessary including:

(1) Providing a description of the accessibility and compatibility features of the product upon request, including, as needed, in alternate formats or alternate modes at no additional charge;

(2) Providing end-user product documentation in alternate formats or alternate modes upon request at no additional charge; and

(3) Ensuring usable customer support and technical support in the call centers and service centers which support their products at no additional charge.

(b) Manufacturers and service providers shall include in general product information the contact method for obtaining the information required by paragraph (a) of this section.

(c) In developing, or incorporating existing training programs, manufacturers and service providers, shall consider the following topics:

(1) Accessibility requirements of individuals with disabilities;

(2) Means of communicating with individuals with disabilities;

(3) Commonly used adaptive technology used with the manufacturer’s products;

(4) Designing for accessibility; and

(5) Solutions for accessibility and compatibility.

Subpart D—Enforcement

§ 6.15 Generally.

(a) All manufacturers of telecommunications equipment or customer premise equipment (CPE) and all providers of telecommunications services, as defined under this subpart, are subject to the enforcement provisions specified in the Act and the Commission’s rules.

(b) For purposes of §§ 6.15 through 6.23, the term “manufacturers” shall denote manufacturers of telecommunications equipment or CPE and the term “providers” shall denote providers of telecommunications services.
§ 6.16 Informal or formal complaints.

Complaints against manufacturers or providers, as defined under this subpart, for alleged violations of this subpart may be either informal or formal.

§ 6.17 Informal complaints; form and content.

(a) An informal complaint alleging a violation of section 255 of the Act or this subpart may be transmitted to the Commission by any reasonable means, e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, and braille.

(b) An informal complaint shall include:

(1) The name and address of the complainant;
(2) The name and address of the manufacturer or provider against whom the complaint is made;
(3) A full description of the telecommunications equipment or CPE and/or the telecommunications service about which the complaint is made;
(4) The date or dates on which the complainant either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made;
(5) A complete statement of the facts, including documentation where available, supporting the complainant’s allegation that: such telecommunications service, such telecommunications equipment or CPE, is not accessible to, or usable by, a person with a particular disability or persons with disabilities within the meaning of this subpart and section 255 of the Act; or that the defendant has otherwise failed to comply with the requirements of this subpart;
(6) The specific relief or satisfaction sought by the complainant, and
(7) The complainant’s preferred format or method of response to the complaint by the Commission and defendant (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, braille; or some other method that will best accommodate the complainant’s disability).

§ 6.18 Procedure; designation of agents for service.

(a) The Commission shall promptly forward any informal complaint meeting the requirements of §6.17 to each manufacturer and provider named in or determined by the staff to be implicated by the complaint. Such manufacturer(s) or provider(s) shall be called on to satisfy or answer the complaint within the time specified by the Commission.

(b) To ensure prompt and effective service of informal and formal complaints filed under this subpart, every manufacturer and provider subject to the requirements of section 255 of the Act and this subpart, shall designate an agent, and may designate additional agents if it so chooses, upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. Such designation shall include, for both the manufacturer or the provider, a name or department designation, business address, telephone number, and, if available TTY number, facsimile number, and Internet e-mail address.

Effective Date Note: At 64 FR 63254, Nov. 19, 1999, §6.18 was added. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 6.19 Answers to informal complaints.

Any manufacturer or provider to whom an informal complaint is directed by the Commission under this subpart shall file an answer within the time specified by the Commission. The answer shall:

(a) Be prepared or formatted in the manner requested by the complainant pursuant to §6.17, unless otherwise permitted by the Commission for good cause shown;
(b) Describe any actions that the defendant has taken or proposes to take to satisfy the complaint;
(c) Advise the complainant and the Commission of the nature of the defense(s) claimed by the defendant;
(d) Respond specifically to all material allegations of the complaint; and
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(e) Provide any other information or materials specified by the Commission as relevant to its consideration of the complaint.

§ 6.20 Review and disposition of informal complaints.

(a) Where it appears from the defendant’s answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider the informal complaint closed, without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information, the nature of which is specified in paragraphs (b) through (d) of this section, shall be transmitted to the complainant and defendant in the manner requested by the complainant, e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, or braille.

(b) In the event the Commission determines, based on a review of the information provided in the informal complaint and the defendant’s answer thereto, that no further action is required by the Commission with respect to the allegations contained in the informal complaint, the informal complaint shall be closed and the complainant and defendant shall be duly informed of the reasons therefor. A complainant unsatisfied with the defendant’s response to the informal complaint and the staff decision to terminate action on the informal complaint may file a formal complaint with the Commission, as specified in §6.22.

(c) In the event the Commission determines, based on a review of the information presented in the informal complaint and the defendant’s answer thereto, that a material and substantial question remains as to the defendant’s compliance with the requirements of this subpart, the Commission may conduct such further investigation or such further proceedings as may be necessary to determine the defendant’s compliance with the requirements of this subpart and to determine what, if any, remedial actions and/or sanctions are warranted.

(d) In the event that the Commission determines, based on a review of the information presented in the informal complaint and the defendant’s answer thereto, that the defendant has failed to comply with or is presently not in compliance with the requirements of this subpart, the Commission may order or prescribe such remedial actions and/or sanctions as are authorized under the Act and the Commission’s rules and which are deemed by the Commission to be appropriate under the facts and circumstances of the case.

§ 6.21 Formal complaints, applicability of §§1.720 through 1.736 of this chapter.

Formal complaints against a manufacturer or provider, as defined under this subpart, may be filed in the form and in the manner prescribed under §§1.720 through 1.736 of this chapter. Commission staff may grant waivers of, or exceptions to, particular requirements under §§1.720 through 1.736 of this chapter for good cause shown; provided, however, that such waiver authority may not be exercised in a manner that relieves, or has the effect of relieving, a complainant of the obligation under §§1.720 and 1.728 of this chapter to allege facts which, if true, are sufficient to constitute a violation or violations of section 255 of the Act or this subpart.

§ 6.22 Formal complaints based on unsatisfied informal complaints.

A formal complaint filing based on an unsatisfied informal complaint filed pursuant to §4.16 of this chapter shall be deemed to relate back to the filing date of the informal complaint if it is filed within ninety days from the date that the Commission notifies the complainant of its disposition of the informal complaint and based on the same operative facts as those alleged in the informal complaint.

§ 6.23 Actions by the Commission on its own motion.

The Commission may on its own motion conduct such inquiries and hold
such proceedings as it may deem necessary to enforce the requirements of this subpart and section 255 of the Communications Act. The procedures to be followed by the Commission shall, unless specifically prescribed in the Act and the Commission’s rules, be such as in the opinion of the Commission will best serve the purposes of such inquiries and proceedings.

PART 7—ACCESS TO VOICEMAIL AND INTERACTIVE MENU SERVICES AND EQUIPMENT BY PEOPLE WITH DISABILITIES

Sec.

Subpart A—Scope—Who Must Comply With These Rules?

§ 7.1 Who must comply with these rules?

The rules in this part apply to:

(a) Any provider of voicemail or interactive menu service;
(b) Any manufacturer of telecommunications equipment or customer premises equipment which performs a voicemail or interactive menu function.

Subpart B—Definitions

§ 7.3 Definitions.

(a) The term accessible shall mean that:

(1) Input, control, and mechanical functions shall be locatable, identifiable, and operable in accordance with each of the following, assessed independently:
   (i) Operable without vision. Provide at least one mode that does not require user vision.
   (ii) Operable with low vision and limited or no hearing. Provide at least one mode that permits operation by users with visual acuity between 20/70 and 20/200, without relying on audio output.
   (iii) Operable with little or no color perception. Provide at least one mode that does not require user color perception.
   (iv) Operable without hearing. Provide at least one mode that does not require user auditory perception.
   (v) Operable with limited manual dexterity. Provide at least one mode that does not require user fine motor control or simultaneous actions.
   (vi) Operable with limited reach and strength. Provide at least one mode that is operable with user limited reach and strength.
   (vii) Operable with a Prosthetic Device. Controls shall be operable without requiring body contact or close body proximity.
   (viii) Operable without time-dependent controls. Provide at least one mode that does not require a response time or allows a response to be by-passed or adjusted by the user over a wide range.
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(ix) Operable without speech. Provide at least one mode that does not require user speech.

(x) Operable with limited cognitive skills. Provide at least one mode that minimizes the cognitive, memory, language, and learning skills required of the user.

(2) All information necessary to operate and use the product, including but not limited to, text, static or dynamic images, icons, labels, sounds, or incidental operating cues, comply with each of the following, assessed independently:

(i) Availability of visual information. Provide visual information through at least one mode in auditory form.

(ii) Availability of visual information for low vision users. Provide visual information through at least one mode to users with visual acuity between 20/70 and 20/200 without relying on audio.

(iii) Access to moving text. Provide moving text in at least one static presentation mode at the option of the user.

(iv) Availability of auditory information. Provide auditory information through at least one mode in visual form and, where appropriate, in tactile form.

(v) Availability of auditory information for people who are hard of hearing. Provide audio or acoustic information, including any auditory feedback tones that are important for the use of the product, through at least one mode in enhanced auditory fashion (i.e., increased amplification, increased signal-to-noise ratio, or combination).

(vi) Prevention of visually-induced seizures. Visual displays and indicators shall minimize visual flicker that might induce seizures in people with photosensitive epilepsy.

(vii) Availability of audio cutoff. Where a product delivers audio output through an external speaker, provide an industry standard connector for headphones or personal listening devices (e.g., phone-like handset or earcup) which cuts off the speaker(s) when used.

(viii) Non-interference with hearing technologies. Reduce interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) to the lowest possible level that allows a user to utilize the product.

(ix) Hearing aid coupling. Where a product delivers output by an audio transducer which is normally held up to the ear, provide a means for effective wireless coupling to hearing aids.

(b) The term compatibility shall mean compatible with peripheral devices and specialized customer premises equipment commonly used by individuals with disabilities to achieve accessibility to voicemail and interactive menus, and in compliance with the following provisions, as applicable:

(1) External electronic access to all information and control mechanisms. Information needed for the operation of products (including output, alerts, icons, on-line help, and documentation) shall be available in a standard electronic text format on a cross-industry standard port and all input to and control of a product shall allow for real time operation by electronic text input into a cross-industry standard external port and in cross-industry standard format. The cross-industry standard port shall not require manipulation of a connector by the user.

(2) Connection point for external audio processing devices. Products providing auditory output shall provide the auditory signal at a standard signal level through an industry standard connector.

(3) TTY connectability. Products which provide a function allowing voice communication and which do not themselves provide a TTY functionality shall provide a standard non-acoustic connection point for TTYs. It shall also be possible for the user to easily turn any microphone on and off to allow the user to intermix speech with TTY use.

(4) TTY signal compatibility. Products, including those providing voice communication functionality, shall support use of all cross-manufacturer non-proprietary standard signals used by TTYs.

(c) The term customer premises equipment shall mean equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(d) The term disability shall mean a physical or mental impairment that
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substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

(e) The term interactive menu shall mean a feature that allows a service provider or operator of CPE to transmit information to a caller in visual and/or audible format for the purpose of management, control, or operations of a telecommunications system or service; and/or to request information from the caller in visual and/or audible format for the purpose of management, control, or operations of a telecommunications system or service; and/or to receive information from the caller in visual and/or audible format in response to a request, for the purpose of management, control, or operations of a telecommunications system or service. This feature, however, does not include the capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications for any purpose other than management, control, or operations of a telecommunications system or service.

(f) The term manufacturer shall mean an entity that makes or produces a product.

(g) The term peripheral devices shall mean devices employed in connection with equipment covered by this part to translate, enhance, or otherwise transform telecommunications into a form accessible to individuals with disabilities.

(h) The term readily achievable shall mean, in general, easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

(1) The nature and cost of the action needed;

(2) The overall financial resources of the manufacturer or service provider involved in the action (the covered entity); the number of persons employed by such manufacturer or service provider; the effect on expenses and resources, or the impact otherwise of such action upon the operations of the manufacturer or service provider;

(3) If applicable, the overall financial resources of the parent of the covered entity; the overall size of the business of the parent of the covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(4) If applicable, the type of operations or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; and the geographic separateness, administrative or fiscal relationship of covered entity in question to the parent entity.

(i) The term specialized customer premises equipment shall mean customer premise equipment which is commonly used by individuals with disabilities to achieve access.

(j) The term telecommunications equipment shall mean equipment, other than customer premise equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades).

(k) The term telecommunications service shall mean the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(l) The term usable shall mean that individuals with disabilities have access to the full functionality and documentation for the product, including instructions, product information (including accessible feature information), documentation, bills and technical support which is provided to individuals without disabilities.

(m) The term Voicemail shall mean the capability of answering calls and recording incoming messages when a line is busy or does not answer within a pre-specified amount of time or number of rings; receiving those messages at a later time; and may also include the ability to determine the sender and time of transmission without hearing the entire message; the ability to forward the message to another voice massaging customer, with and/or without an appended new message; the ability for the sender to confirm receipt of a message; the ability to send, receive,
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and/or store facsimile messages; and possibly other features.

Subpart C—Obligations—What Must Covered Entities Do?

§ 7.5 General Obligations.

(a) Obligation of Manufacturers. (1) A manufacturer of telecommunications equipment or customer premises equipment covered by this part shall ensure that the equipment is designed, developed and fabricated so that the voicemail and interactive menu functions are accessible to and usable by individuals with disabilities, if readily achievable;

(2) Whenever the requirements of paragraph (a)(1) of this section are not readily achievable, the manufacturer shall ensure that the equipment is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.

(b) Obligation of Service Providers. (1) A provider of voicemail or interactive menu shall ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable.

(2) Whenever the requirements of paragraph (a)(1) of this section are not readily achievable, the service provider shall ensure that the service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.

§ 7.7 Product design, development, and evaluation.

(a) Manufacturers and service providers shall evaluate the accessibility, usability, and compatibility of equipment and services covered by this part and shall incorporate such evaluation throughout product design, development, and fabrication, as early and consistently as possible. Manufacturers and service providers shall identify barriers to accessibility and usability as part of such a product design and development process.

(b) In developing such a process, manufacturers and service providers shall consider the following factors, as the manufacturer deems appropriate:

1. Where market research is undertaken, including individuals with disabilities in target populations of such research;
2. Where product design, testing, pilot demonstrations, and product trials are conducted, including individuals with disabilities in such activities;
3. Working cooperatively with appropriate disability-related organizations; and
4. Making reasonable efforts to validate any unproven access solutions through testing with individuals with disabilities or with appropriate disability-related organizations that have established expertise with individuals with disabilities.

§ 7.9 Information pass through.

Telecommunications equipment and customer premises equipment shall pass through cross-manufacturer, non-proprietary, industry-standard codes, translation protocols, formats or other information necessary to provide telecommunications in an accessible format, if readily achievable. In particular, signal compression technologies shall not remove information needed for access or shall restore it upon decompression.

§ 7.11 Information, documentation, and training.

(a) Manufacturers and service providers shall ensure access to information and documentation it provides to its customers, if readily achievable. Such information and documentation includes user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product. Manufacturers shall take such other readily achievable steps as necessary including:

1. Providing a description of the accessibility and compatibility features of the product upon request, including, as needed, in alternate formats or alternate modes at no additional charge;
2. Providing end-user product documentation in alternate formats or alternate modes upon request at no additional charge; and
§ 7.15 Generally.
(a) For purposes of §§ 7.15-7.23 of this subpart, the term “manufacturers” shall denote any manufacturer of telecommunication equipment or customer premises equipment which performs a voicemail or interactive menu function.
(b) All manufacturers of telecommunications equipment or customer premise equipment (CPE) and all providers of voicemail and interactive menu services, as defined under this subpart, are subject to the enforcement provisions specified in the Act and the Commission’s rules.

§ 7.16 Informal or formal complaints.
Complaints against manufacturers or providers, as defined under this subpart, for alleged violations of this subpart may be either informal or formal.

§ 7.17 Informal complaints; form and content.
(a) An informal complaint alleging a violation of section 255 of the Act or this subpart may be transmitted to the Commission by any reasonable means, e.g., letter, facsimile transmission, telephone (voice/TTY), Internet e-mail, ASCII text, audio-cassette recording, and braille.
(b) An informal complaint shall include:
(1) The name and address of the complainant;
(2) The name and address of the manufacturer or provider against whom the complaint is made;
(3) A full description of the telecommunications equipment or CPE and/or the telecommunications service about which the complaint is made;
(4) The date or dates on which the complainant either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made;
(5) A complete statement of the facts, including documentation where available, supporting the complainant’s allegation that: such telecommunications service, or such telecommunications equipment or CPE, is not accessible to, or usable by, a person with a particular disability or persons with disabilities within the meaning of this subpart and section 255 of the Act; or that the defendant has otherwise failed to comply with the requirements of this subpart.
(6) The specific relief or satisfaction sought by the complainant, and
(7) The complainant’s preferred format or method of response to the complaint by the Commission and defendant (e.g., letter, facsimile transmission, telephone (voice/TTY), Internet e-mail, ASCII text, audio-cassette recording, braille; or some other method that will best accommodate the complainant’s disability).

§ 7.18 Procedure; designation of agents for service.
(a) The Commission shall promptly forward any informal complaint meeting the requirements of § 7.17 to each manufacturer and provider named in or determined by the staff to be implicated by the complaint. Such manufacturer(s) or provider(s) shall be called on to satisfy or answer the complaint within the time specified by the Commission.
(b) To ensure prompt and effective service of informal and formal complaints filed under this subpart, every manufacturer and provider subject to the requirements of section 255 of the Act and this subpart, shall designate an agent, and may designate additional agents if it so chooses, upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. Such designation shall include, for both the manufacturer or the provider, a name or department designation, business address, telephone number, and, if available TTY number, facsimile number, and Internet e-mail address.

EFFECTIVE DATE NOTE: At 64 FR 63257, Nov. 19, 1999, §7.18 was added. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 7.19 Answers to informal complaints.
Any manufacturer or provider to whom an informal complaint is directed by the Commission under this subpart shall file an answer within the time specified by the Commission. The answer shall:
(a) Be prepared or formatted in the manner requested by the complainant pursuant to §7.17, unless otherwise permitted by the Commission for good cause shown;
(b) Describe any actions that the defendant has taken or proposes to take to satisfy the complaint;
(c) Advise the complainant and the Commission of the nature of the defense(s) claimed by the defendant;
(d) Respond specifically to all material allegations of the complaint; and
(e) Provide any other information or materials specified by the Commission as relevant to its consideration of the complaint.

§ 7.20 Review and disposition of informal complaints.
(a) Where it appears from the defendant’s answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider the informal complaint closed, without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information, the nature of which is specified in paragraphs (b) through (d) of this section, shall be transmitted to the complainant and defendant in the manner requested by the complainant, (e.g., letter, facsimile transmission, telephone (voiceTRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, or braille).
(b) In the event the Commission determines, based on a review of the information provided in the informal complaint and the defendant’s answer thereto, that no further action is required by the Commission with respect to the allegations contained in the informal complaint, the informal complaint shall be closed and the complainant and defendant shall be duly informed of the reasons therefor. A complainant unsatisfied with the defendant’s response to the informal complaint and the staff decision to terminate action on the informal complaint may file a formal complaint with the Commission, as specified in §7.22 of this subpart.
(c) In the event the Commission determines, based on a review of the information presented in the informal complaint and the defendant’s answer thereto, that a material and substantial question remains as to the defendant’s compliance with the requirements of this subpart, the Commission may conduct such further investigation or such further proceedings as may be necessary to determine the defendant’s compliance with the requirements of this subpart and to determine what, if any, remedial actions and/or sanctions are warranted.
(d) In the event that the Commission determines, based on a review of the information presented in the informal complaint and the defendant’s answer thereto, that the defendant has failed to comply with or is presently not in compliance with the requirements of this subpart, the Commission may
§ 7.21

order or prescribe such remedial actions and/or sanctions as are authorized under the Act and the Commission's rules and which are deemed by the Commission to be appropriate under the facts and circumstances of the case.

§ 7.21 Formal complaints, applicability of §§ 1.720 through 1.736 of this chapter.

Formal complaints against a manufacturer or provider, as defined under this subpart, may be filed in the form and in the manner prescribed under §§ 1.720 through 1.736 of this chapter. Commission staff may grant waivers of, or exceptions to, particular requirements under §§ 1.720 through 1.736 for good cause shown; provided, however, that such waiver authority may not be exercised in a manner that relieves, or has the effect of relieving, a complainant of the obligation under §§ 1.720 and 1.728 of this chapter to allege facts which, if true, are sufficient to constitute a violation or violations of section 255 of the Act or this chapter.

§ 7.22 Formal complaints based on unsatisfied informal complaints.

A formal complaint filing based on an unsatisfied informal complaint filed pursuant to § 4.16 of this chapter shall be deemed to relate back to the filing date of the informal complaint if it is filed within ninety days from the date that the Commission notifies the complainant of its disposition of the informal complaint and based on the same operative facts as those alleged in the informal complaint.

§ 7.23 Actions by the Commission on its own motion.

The Commission may on its own motion conduct such inquiries and hold such proceedings as it may deem necessary to enforce the requirements of this part and Section 256 of the Communications Act. The procedures to be followed by the Commission shall, unless specifically prescribed in the Act and the Commission's rules, be such as in the opinion of the Commission will best serve the purposes of such inquiries and proceedings.
§ 11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of broadcast networks; cable networks and program suppliers; AM, FM Low Power FM (LPFM) and TV broadcast stations; Class A television (CA) stations; Low Power TV (LPTV) stations; cable systems; wireless cable systems which may consist of Multichannel Multipoint Distribution Service (MMDS), Multichannel Multiple Distribution Service (MMDS), or Instructional Television Fixed Service (ITFS) stations; and other entities and industries operating on an organized basis during emergencies at the National, State and local levels. It requires that at a minimum all participants use a common EAS protocol, as defined in §11.31, to send and receive emergency alerts in accordance with the effective dates in the following tables:

### Timetable Broadcast Stations

<table>
<thead>
<tr>
<th>Requirement</th>
<th>AM and FM</th>
<th>TV</th>
<th>FM Class D</th>
<th>LPTV</th>
<th>Class A TV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-tone encoder</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Two-tone decoder</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>EAS decoder</td>
<td>Y 1/1/97</td>
<td>Y 1/1/97</td>
<td>Y 1/1/97</td>
<td>Y 1/1/97</td>
<td>Y 1/1/97</td>
</tr>
<tr>
<td>Audio message</td>
<td>Y 1/1/97</td>
<td>Y 1/1/97</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Video message</td>
<td>N/A</td>
<td>Y 1/1/97</td>
<td>Y 1/1/97</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

1. LPTV stations that operate as television broadcast translator stations are exempt from the requirement to have EAS equipment.
2. Effective July 1, 1995, the two-tone signal must be 8–25 seconds.
3. Effective January 1, 1998, the two-tone signal may only be used to provide audio alerts to audiences before EAS emergency messages and the required monthly tests.
4. Effective January 1, 1998, the two-tone decoder will no longer be used.

### EAS Requirements

#### Cable Systems

A. Cable systems serving fewer than 5,000 subscribers from a headend must either provide the national level EAS message on all programmed channels—including the required testing—by October 1, 2002, or comply with the following EAS requirements. All other cable systems must comply with B.

#### System size and effective dates

<table>
<thead>
<tr>
<th></th>
<th>≥10,000 subscribers</th>
<th>&gt;5,000 but &lt;10,000 subscribers</th>
<th>&lt;5,000 subscribers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-tone signal from storage device</td>
<td>Y 12/31/98</td>
<td>Y 10/1/02</td>
<td>Y 10/1/02</td>
</tr>
<tr>
<td>Two-tone decoder</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>EAS decoder</td>
<td>Y</td>
<td>Y 10/1/02</td>
<td>Y 10/1/02</td>
</tr>
<tr>
<td>Audio and Video EAS Message on all channels</td>
<td>Y 12/31/98</td>
<td>Y 10/1/02</td>
<td>N</td>
</tr>
<tr>
<td>Video interrupt and audio alert message on all channels</td>
<td>Y 12/31/98</td>
<td>Y 10/1/02</td>
<td>Y 10/1/02</td>
</tr>
</tbody>
</table>

1. The two-tone signal is only used to provide an audio alert to audience before EAS emergency messages and required monthly test. The two-tone signal must be 8–25 seconds in duration.
2. Audio and Video interrupt must cause all channels that carry programming to flash for the duration of the EAS emergency message. The audio alert must give the channel where the EAS messages are carried and be repeated for the duration of the EAS message.

Note: Programmed channels do not include channels used for the transmission of data such as interactive games.
§ 11.12 Two-tone Attention Signal encoder and decoder.

Existing two-tone Attention Signal encoder and decoder equipment type accepted for use as Emergency Broadcast System equipment under part 73 of this chapter may be used by broadcast stations until January 1, 1998, provided that such equipment meets the requirements of §11.32(a)(9) and 11.33(b). Effective January 1, 1998, the two-tone Attention Signal decoder will no longer be required and the two-tone Attention Signal will be used to provide an audio alert.

[60 FR 55999, Nov. 6, 1995]
§ 11.13 Emergency Action Notification (EAN) and Emergency Action Termination (EAT).

(a) The Emergency Action Notification (EAN) is the notice to all broadcast stations, cable systems and wireless cable systems, other regulated services of the FCC, participating industry entities, and to the general public that the EAS has been activated for a national emergency.

(b) The Emergency Action Termination (EAT) is the notice to all broadcast stations, cable systems and wireless cable systems, other regulated services of the FCC, participating industry entities, and to the general public that the EAN has terminated.

[63 FR 29663, June 1, 1998]

§ 11.14 EAN Network and Primary Entry Point (PEP) System.

(a) The EAN network is a dedicated communications service connecting industry networks, wire services and common carriers with government activation points. It is used to distribute EAN and EAT messages. The industry control locations retransmit the EAN message, the Presidential message, and the EAT message on their facilities to their affiliates.

(b) The PEP system is a nationwide network of broadcast stations connected with government activation points. It can also be used to distribute EAN and EAT.

§ 11.15 EAS Operating Handbook.

The EAS Operating Handbook states in summary form the actions to be taken by personnel at broadcast stations, cable systems and wireless cable systems, and other participating entities upon receipt of an EAN, an EAT, tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations. A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions.

[63 FR 29663, June 1, 1998]

§ 11.16 National Control Point Procedures.

The National Control Point Procedures are written instructions issued by the FCC to national level EAS control points. They are for use by the participating radio and television networks, cable networks and program suppliers, common carriers and wire services. The procedures are divided into sections as follows:

(a) National Level EAS Activation. This section contains the activation and termination instructions for Presidential messages.

(b) EAS Test Transmissions. This section contains the instructions for testing the EAS at the National level.

(c) National Information Center (NIC). This section contains instructions for distributing United States Government official information messages after completion of the National Level EAS activation and termination actions.

§ 11.18 EAS Designations.

(a) National Primary (NP) is a source of EAS Presidential messages.

(b) Local Primary (LP) is a source of EAS Local Area messages. An LP source is responsible for coordinating the carriage of common emergency messages from sources such as the National Weather Service or local emergency management offices as specified in its EAS Local Area Plan. If it is unable to carry out this function, other LP sources in the Local Area may be assigned the responsibility as indicated in State and Local Area Plans. LP sources are assigned numbers (LP−1, 2, 3, etc.) in the sequence they are to be monitored by other broadcast stations in the Local Area.

(c) State Primary (SP) is a source of EAS State messages. These messages can originate from the Governor or a designated representative in the State Emergency Operating Center (EOC) or State Capital. Messages are sent via the State Relay Network.

(d) State Relay (SR) is a source of EAS State messages. It is part of the State Relay Network and relays National and State common emergency messages into Local Areas.

(e) Participating National (PN) sources transmit EAS National, State

This authorization letter is issued by the FCC to broadcast station licensees and cable systems and wireless cable systems. It states that the licensee, cable operator or wireless cable operator has agreed to go off the air or in the case of cable discontinue programming on all channels during a national level EAS message. For Broadcast licensees this authorization will remain in effect through the period of the initial license and subsequent renewals from the time of issuance unless returned by the holder or suspended, modified or withdrawn by the Commission.

[63 FR 29663, June 1, 1998]

§ 11.20 State Relay Network.

This network is composed of State Relay (SR) sources, leased common carrier communications facilities or any other available communication facilities. It states that the licensee, cable operator or wireless cable operator has agreed to go off the air or in the case of cable discontinue programming on all channels during a national level EAS message. For Broadcast licensees this authorization will remain in effect through the period of the initial license and subsequent renewals from the time of issuance unless returned by the holder or suspended, modified or withdrawn by the Commission.

Subpart B—Equipment Requirements

§ 11.31 EAS protocol.

(a) The EAS uses a four part message for an emergency activation of the EAS. The four parts are: Preamble and EAS Header Codes; audio Attention Signal; message; and, Preamble and EAS End Of Message (EOM) Codes.

(1) The Preamble and EAS Codes must use Audio Frequency Shift Keying at a rate of 520.83 bits per second to transmit the codes. Mark frequency is 2083.3 Hz and space frequency is 1562.5 Hz. Mark and space time must be 1.92 milliseconds. Characters are ASCII seven bit characters as defined in ANSI X3.4-1977 ending with an eighth null bit (either 0 or 1) to constitute a full eight-bit byte.
(2) The Attention Signal must be made up of the fundamental frequencies of 853 and 960 Hz. The two tones must be transmitted simultaneously. The Attention Signal must be transmitted after the EAS header codes.

(3) The message may be audio, video or text.

(b) The ASCII dash and plus symbols are required and may not be used for any other purpose. FM or TV call signs must use a slash ASCII character number 47 (/) in lieu of a dash.

(c) The EAS protocol, including any codes, must not be amended, extended or abridged without FCC authorization. The EAS protocol and message format are specified in the following representation. Examples are provided in FCC Public Notices.

\[ \text{[PREAMBLE] ZCZC - ORG - EEE - PSSCCC} \]
\[ +TTTT - JJJHHMM - LLLLLLLL - \]
\[ \text{(one second pause)} \]
\[ \text{[PREAMBLE] ZCZC - ORG - EEE - PSSCCC} \]
\[ +TTTT - JJJHHMM - LLLLLLLL - \]
\[ \text{(one second pause)} \]
\[ \text{[PREAMBLE] ZCZC - ORG - EEE - PSSCCC} \]
\[ +TTTT - JJJHHMM - LLLLLLLL - \]
\[ \text{(at least a one second pause)} \]
\[ \text{[PREAMBLE] This is the consecutive string of bits (sixteen bytes of AB hexadecimal [8 bit byte 10101011]) sent to clear the system, set AGC and set asynchronous decoder clocking cycles. The preamble must be transmitted before each header and End Of Message code.} \]

ZCZC- This is the identifier, sent as ASCII characters ZCZC to indicate the start of ASCII code.

ORG- This is the Originator code and indicates who originally initiated the activation of the EAS. These codes are specified in paragraph (d) of this section.

EEE- This is the Event code and indicates the nature of the EAS activation. The codes are specified in paragraph (e) of this section. The Event codes must be compatible with the codes used by the NWS Weather Radio Specific Area Message Encoder (WRSAME).
§ 11.32  EAS Encoder.

(a) EAS Encoders must at a minimum be capable of encoding the EAS protocol described in §11.31 and providing the EAS code transmission requirements described in §11.51. EAS encoders must additionally provide the following minimum specifications:

1. Encoder programming. Access to encoder programming shall be protected by a lock or other security measures and be configured so that authorized personnel can readily select and program the EAS Encoder with Originator, Event and Location codes for either manual or automatic operation.

2. Inputs. The encoder shall have two inputs, one for audio messages and one for data messages (RS-232C with standard protocol and 1200 baud rate).

3. Outputs. The encoder shall have two outputs, one audio port and one data port (RS-232C with standard protocol and 1200 baud rate).

4. Calibration. EAS Encoders must provide a means to comply with the modulation levels required in §11.51(f).

5. Day-Hour-Minute and Identification Stamps. The encoder shall affix...
§ 11.33 EAS Decoder.

(a) An EAS Decoder must at a minimum be capable of decoding the EAS protocol described in §11.31, provide the EAS monitoring functions described in §11.52, and the following minimum specifications:

(1) Inputs. Decoders must have the capability to receive at least 2 audio inputs from EAS monitoring assignments, and one data input (RS-232C with standard protocol and 1200 baud rate). The data input may be used to monitor other communications modes such as Radio Broadcast Data System (RBDS), NWR, satellite, public switched telephone network, or any other source that uses the EAS protocol.

(2) Time Period for Transmission of Tones. The encoder shall have timing circuitry that automatically generates the two tones simultaneously for a time period of not less than 8 nor longer than 25 seconds. NOTE: Prior to July 1, 1995, the Attention Signal must be at least 20 and not more than 25 seconds.

(3) Storage. Decoders must provide the means to:

(i) Record and store, either internally or externally, at least two minutes of audio or text messages. A decoder manufactured without an internal means to record and store audio or text must be equipped with a means (such as an audio or digital jack connection) to couple to an external recording and storing device.

(ii) Store at least 10 preselected event and originator header codes, in addition to the eight mandatory event/originator codes for tests and national activations, and store any preselected location codes for comparison with incoming header codes. A non-preselected header code that is manually transmitted must be stored for comparison with later incoming header codes. The header codes of the last ten received valid messages which still
have valid time periods must be stored for comparison with the incoming valid header codes of later messages. These last received header codes will be deleted from storage as their valid time periods expire.

(4) Display. A visual message shall be developed from any valid EAS header codes received. The message will include the Originator, Event, Location, the valid time period of the message and the local time the message was transmitted. The message shall be in the primary language of the broadcast station or cable system and be fully displayed on the decoder and readable in normal light and darkness.

(5) Indicators. EAS decoders must have a distinct and separate aural or visible means to indicate when any of the following conditions occurs:

(i) Any valid EAS header codes are received as specified in §11.33(a)(10).

(ii) Preprogrammed header codes, such as those selected in accordance with §11.52(d)(2) are received.

(iii) A signal is present at each audio input that is specified in §11.33(a)(1).

(6) Program Data Retention. The program data must be retained even with power removed.

(7) Outputs. Decoders shall have the following outputs: a data port or ports (RS-232C with standard protocol and 1200 baud rate) where received valid EAS header codes and received preselected header codes are available; one audio port that is capable of monitoring each decoder audio input; and, an internal speaker to enable personnel to hear audio from each input.

(8) Decoder Programming. Access to decoder programming shall be protected by a lock or other security measures and be configured so that authorized personnel can readily select and program the EAS Decoder with preselected Originator, Event and Location codes for either manual or automatic operation.

(9) Reset. There shall be a method to automatically or manually reset the decoder to the normal monitoring condition. Operators shall be able to select a time interval, not less than two minutes, in which the decoder would automatically reset if it received an EAS header code but not an end-of-message (EOM) code. Messages received with the EAN Event codes shall disable the reset function so that lengthy audio messages can be handled. The last message received with valid header codes shall be displayed as required by paragraph (a)(4) of this section before the decoder is reset.

(10) Message Validity. An EAS Decoder must provide error detection and validation of the header codes of each message to ascertain if the message is valid. Header code comparisons may be accomplished through the use of a bit-by-bit compare or any other error detection and validation protocol. A header code must only be considered valid when two of the three headers match exactly. Duplicate messages must not be relayed automatically.

(11) A header code with the EAN Event code specified in §11.31(c) that is received through any of the audio inputs must override all other messages.

(b) Attention Signal. EAS Decoders at broadcast stations shall have detection and activation circuitry that will demute a receiver upon detection of the two audio tones of 853 Hz and 960 Hz. To prevent false responses, decoders designed to use the two tones for broadcast receiver demuting shall comply with the following:

(1) Time Delay. A minimum time delay of 8 but not more than 16 seconds of tone reception shall be incorporated into the demuting or activation process to insure that the tones will be audible for a period of at least 4 seconds. After July 1, 1995, the time delay shall be 3-4 seconds.

(2) Operation Bandwidth. The decoder circuitry shall not respond to tones which vary more than ±5 Hz from each of the frequencies, 853 Hz and 960 Hz.

(3) Reset Ability. The decoder shall have a means to manually or automatically reset the associated broadcast receiver to a muted state.

(c) Decoders shall be capable of operation within the tolerances specified in this section as well as those in §11.32 (b), (c) and (d).

[59 FR 67092, Dec. 28, 1994, as amended at 60 FR 55999, Nov. 6, 1995]

§ 11.34 Acceptability of the equipment.

(a) An EAS Encoder used for generating the EAS codes and the Attention Signal must be Certified in accordance
with the procedures in part 2, subpart J, of this chapter. The data and information submitted must show the capability of the equipment to meet the requirements of this part as well as the requirements contained in part 15 of this chapter for digital devices.

(b) Decoders used for the detection of the EAS codes and receiving the Attention Signal must be Certified in accordance with the procedures in part 2, subpart J, of this chapter. The data and information submitted must show the capability of the equipment to meet the requirements of this part as well as the requirements contained in part 15 of this chapter for digital devices.

(c) The functions of the EAS decoder, Attention Signal generator and receiver, and the EAS encoder specified in §§11.31, 11.32 and 11.33 may be combined and Certified as a single unit provided that the unit complies with all specifications in this rule section.

(d) Manufacturers must include instructions and information on how to install, operate and program an EAS Encoder, EAS Decoder, or combined unit and a list of all State and county FIPS numbers with each unit sold or marketed in the U.S.

(e) Waiver requests of the Certification requirements for EAS Encoders or EAS Decoders which are constructed for use at a broadcast station or subject cable system, but are not offered for sale will be considered on an individual basis in accordance with part 1, subpart G, of this chapter.

§ 11.35 Equipment operational readiness.

(a) Broadcast stations and cable systems and wireless cable systems are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, broadcast stations and cable systems and wireless cable systems must determine the cause of any failure to receive the required tests or activations specified in §§11.61(a) (1) and (2). Appropriate entries must be made in the broadcast station log as specified in §73.1820 and §73.1840 of this chapter, cable system record as specified in §§76.1700, 76.1708, and 76.1711 of this chapter, MDS/MMDS station records as specified in §21.304 of this chapter, indicating reasons why any tests were not received.

(b) If the EAS Encoder or EAS Decoder becomes defective, the broadcast station, cable system or wireless cable system may operate without the defective equipment pending its repair or replacement for 60 days without further FCC authority. Entries shall be made in the broadcast station log, cable system or wireless cable system station records showing the date and time the equipment was removed and restored to service. For personnel training purposes, the required monthly test script must still be transmitted even though the equipment for generating the EAS message codes, Attention Signal and EOM code is not functioning.

(c) If repair or replacement of defective equipment is not completed within 60 days, an informal request shall be submitted to the District Director of the FCC field office serving the area in which the broadcast station, cable system or wireless cable system is located for additional time to repair the defective equipment. This request must explain what steps have been taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service, and when the defective equipment will be repaired or replaced.

§ 11.41 Participation in EAS.

(a) All broadcast stations and cable systems and wireless cable systems specified in §11.11 are categorized as Participating National (PN) sources unless authorized by the FCC to be a Non-Participating (NN) source.

(b) A broadcast station and cable system and wireless cable system may...
submit a written request to the FCC asking to be a Non-Participating National (NN) source. The FCC may then issue a Non-participating National Authorization letter. NN sources must go off the air during a national EAS activation after transmitting specified information.

(1) A station or system that is a Non-participating National (NN) source under §11.18(f) that wants to become a Participating National (PN) source in the national level EAS must submit a written request to the FCC.

(2) NN sources may voluntarily participate in the State and Local Area EAS. Participation is at the discretion of broadcast station and cable system and wireless cable system management and should comply with State and Local Area EAS Plans.

(c) All sources, including NN, must have immediate access to an Operating Handbook. They should contact the FCC to ensure that they are on the FCC EAS mailing list.

[63 FR 29664, June 1, 1998, as amended at 65 FR 21658, Apr. 24, 2000]

§ 11.42 Participation by communications common carriers.

(a) During activation of the National level EAS, communications common carriers which have facilities available in place may, without charge, connect:

(1) An originating source from the nearest service area to a selected Test Center and then to the radio and television broadcast networks, and cable networks and program suppliers for the duration of the emergency, provided an Emergency Action Notification is issued by the White House and the originating source has a local channel from the originating point to the nearest service area.

(2) An independent broadcast station to the radio and television broadcast networks, and cable networks and program suppliers for the duration of the emergency, provided an Emergency Action Notification is issued by the White House and the originating source has a local channel from the originating point to the nearest service area.

(b) Upon receipt of the Emergency Action Termination, the common carriers shall disconnect the originating independent stations and restore the networks and program suppliers to their original configurations.

(c) During a National level EAS Closed Circuit Test, common carriers which have facilities in place may, without charge, connect an originating source from the nearest service area to a selected Test Center and then to the radio networks and, if participating, any television networks and cable networks and program suppliers. Independent stations will not be connected during the test unless authorized by the FCC. Upon test termination, participants shall be restored to their original configurations.

(d) A common carrier rendering free service shall file with the FCC, on or before July 31st and January 31st of each year, reports covering the six months ending on June 30th and December 31st respectively. These reports shall state what free service was rendered under this rule and the charges in dollars which would have accrued to the carrier for this service if charges had been collected at the published tariff rates if such carriers are required to file tariffs.

§ 11.43 National level participation.

The industry entities voluntarily participating in the national level EAS are:

(a) Radio Networks.

(1) ABC.

(2) Associated Press (APR).

(3) CBS.

(4) CNN.

(5) Jones Satellite Audio.

(6) Moody Broadcasting Network.

(7) Mutual Broadcasting System (MBS).

(8) MUZAK.

(9) NBC.

(10) National Public (NPR).

(11) Unistar.

(12) United Press International (UPI).

(b) Television Networks.

(1) ABC.

(2) CBS.

(3) FOX.

(4) NBC.

(5) PBS.

(c) Cable Program Suppliers.

(1) Cable News Network (CNN) and CNN Headline News.
§ 11.47 Optional use of other communications methods and systems.

(a) Broadcast stations may additionally transmit EAS messages through other communications means than the main audio channel. For example, on a voluntary basis, FM stations may use subcarriers to transmit the EAS codes including 57 kHz using the RBDS standard produced by the National Radio Systems Committee (NRSC) and television stations may use subsidiary communications services.

(b) Other technologies and public service providers, such as DBS, low earth orbiting satellites, etc., that wish to participate in the EAS may contact the FCC’s Technical and Public Safety Division, Enforcement Bureau, or their State Emergency Communications Committee for information and guidance.

[60 FR 56000, Nov. 6, 1995, as amended at 65 FR 21658, Apr. 24, 2000]
§ 11.51  EAS code and Attention Signal Transmission requirements.

(a) Broadcast stations must transmit, either automatically or manually, national level EAS messages and required tests by sending the EAS header codes, Attention Signal, emergency message and End of Message (EOM) using the EAS Protocol. The Attention Signal must precede any emergency audio message. After January 1, 1998, the shortened Attention Signal may only be used as an audio alert signal and the EAS codes will become the minimum signalling requirement for National level messages and tests.

(b) When relaying EAS messages, broadcast stations and cable systems and wireless cable systems may transmit only the EAS header codes and the EOM code without the Attention Signal and emergency message for State and local emergencies. Television stations, cable systems and wireless cable systems should ensure that pauses in video programming before EAS message transmission do not cause television receivers to mute EAS audio messages. No Attention Signal is required for EAS messages that do not contain audio programming, such as a Required Weekly Test.

(c) Effective January 1, 1997, all radio and television stations shall transmit EAS messages in the main audio channel.

(d) By the above date, television stations shall transmit a visual message containing the Originator, Event, Location and the valid time period of an EAS message. If the message is a video crawl, it shall be displayed at the top of the television screen or where it will not interfere with other visual messages.

(e) Class D non-commercial educational FM stations as defined in §73.506 of this chapter, Low Power FM (LPFM) stations as defined in §§73.811 and 73.853 of this chapter, and low power TV (LPTV) stations as defined in §74.701(f) of this chapter are not required to have equipment capable of generating the EAS codes and Attention Signal specified in §11.31.

(f) Broadcast station equipment generating the EAS codes and the Attention Signal shall modulate a broadcast station transmitter so that the signal broadcast to other broadcast stations and cable systems and wireless cable systems alerts them that the EAS is being activated or tested at the National, State or Local Area level. The minimum level of modulation for EAS codes, measured at peak modulation levels using the internal calibration output required in §11.32(a)(4), shall modulate the transmitter at no less than 80% of full channel modulation limits. Measured at peak modulation levels, each of the Attention Signal tones shall be calibrated separately to modulate the transmitter at no less than 40%. These two calibrated modulation levels shall have values that are within 1 dB of each other.

(g) Effective October 1, 2002, cable systems with fewer than 5,000 subscribers per headend and wireless cable systems with fewer than 5,000 subscribers shall transmit EAS audio messages in the same order specified in paragraph (a) of this section on at least one channel. The Attention Signal may be produced from a storage device. Additionally, cable systems and wireless cable systems must:

1. Install, operate, and maintain equipment capable of generating the EAS codes. The modulation levels for the EAS codes and Attention Signal shall comply with the aural signal requirements in §76.605 of this chapter.

2. Provide a video interruption and an audio alert message on all channels. The audio alert message must state which channel is carrying the EAS video and audio message.

3. Cable systems and wireless cable systems shall transmit a visual EAS message on at least one channel. The message shall contain the Originator, Event, Location, and the valid time period of the EAS message. If the visual message is a video crawl, it shall be displayed at the top of the subscriber’s television screen or where it will not interfere with other visual messages.

4. Cable systems and wireless cable systems may elect not to interrupt EAS messages from broadcast stations based upon a written agreement between all concerned. Further, cable...
systems and wireless cable systems may elect not to interrupt the programming of a broadcast station carrying news or weather related emergency information with state and local EAS messages based on a written agreement between all parties.

(h) Effective December 31, 1998, cable systems with 10,000 or more subscribers; and, effective October 1, 2002, cable systems serving 5,000 or more, but less than 10,000 subscribers per headend and wireless cable systems with 5,000 or more subscribers; shall transmit EAS audio messages in the same order specified in paragraph (a) of this section. The Attention Signal may be produced from a storage device. Additionally, after the dates indicated, these cable systems and wireless cable systems must:

(1) Install, operate, and maintain equipment capable of generating the EAS codes. The modulation levels for the EAS codes and Attention Signal for cable systems shall comply with the aural signal requirements in §76.605 of this chapter. This will provide sufficient signal levels to operate cable subscriber television and radio receivers equipped with EAS decoders and to audibly alert subscribers. Wireless cable systems shall also provide sufficient signal levels to operate subscriber television and radio receivers equipped with EAS decoders and to audibly alert subscribers.

(2) The cable systems and wireless cable systems in this paragraph (h) shall transmit the EAS audio message required in paragraph (a) of this section on all downstream channels.

(3) The cable systems and wireless cable systems in this paragraph (h) shall transmit the EAS visual message on all downstream channels. The visual message shall contain the Originator, Event, Location and the valid time period of the EAS message. These are elements of the EAS header code and are described in §11.31. If the visual message is a video crawl, it shall be displayed at the top of the subscriber's television screen or where it will not interfere with other visual messages.

(4) Cable systems and wireless cable systems may elect not to interrupt EAS messages from broadcast stations based upon a written agreement between all concerned. Further, cable systems and wireless cable systems may elect not to interrupt the programming of a broadcast station carrying news or weather related emergency information with state and local EAS messages based on a written agreement between all parties.

(i) If manual interrupt is used as authorized in paragraph (k) of this section, EAS Encoders must be located so that broadcast station, cable system or wireless cable system staff, at normal duty locations, can initiate the EAS code and Attention Signal transmission.

(j) Broadcast stations, and cable systems and wireless cable systems that are co-owned and co-located with a combined studio or control facility, (such as an AM and FM licensed to the same entity and at the same location or a cable headend serving more than one system) may provide the EAS transmitting requirements contained in this section for the combined stations or cable systems or wireless cable systems with one EAS Encoder. The requirements of §11.32 must be met by the combined facility.

(k) Broadcast stations and cable systems and wireless cable systems are required to transmit all received EAS messages in which the header code contains the Event codes for Emergency Action Notification (EAN), Emergency Action Termination (EAT), and Required Monthly Test (RMT), and when the accompanying location codes include their State or State/county. These EAS messages shall be retransmitted unchanged except for the LLLLLLLL-code which identifies the broadcast station, cable system, wireless cable system, or other entity retransmitting the message. See §11.31(c). If an EAS source originates an EAS message with the Event codes in this paragraph, it must include the location codes for the State and counties in its service area. When transmitting the required weekly test, broadcast stations and cable systems and wireless cable systems shall use the event code RWT. The location codes are the state and county for the broadcast station city of license or cable system or wireless cable system community or city. Other location codes may
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EAS code and Attention Signal Monitoring requirements.

(a) Before January 1, 1998, broadcast stations must be capable of receiving the Attention Signal required by §11.32(a)(9) and emergency messages of other broadcast stations during their hours of operation. Effective January 1, 1997, all broadcast stations must install and operate during their hours of operation, equipment capable of receiving and decoding, either automatically or manually, the EAS header codes, emergency messages and EOM code. The effective dates for cable and wireless cable systems to install and operate EAS equipment are set forth in §11.11.

NOTE TO PARAGRAPH (a): After January 1, 1998, the two-tone Attention Signal will not be used to actuate two-tone decoders but will be used as an aural alert signal.

(b) If manual interrupt is used as authorized in §11.51(j)(2), decoders must be located so that operators at their normal duty stations at broadcast stations and cable systems and wireless cable systems can be alerted immediately when EAS messages are received.

(c) Broadcast stations and cable systems and wireless cable systems that are co-owned and co-located with a combined studio or control facility (such as an AM and FM licensed to the same entity and at the same location or a cable headend serving more than one system) may comply with the EAS monitoring requirements contained in this section for the combined station or system with one EAS Decoder. The requirements of §11.33 must be met by the combined facility.

(d) Broadcast stations and cable systems and wireless cable systems must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.

(1) If the required EAS sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the FCC’s EAS office. In an emergency, a waiver may be issued over the telephone with a follow
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§ 11.54 EAS operation during a National Level emergency.

(a) The EAS Operating Handbook summarizes the procedures to be followed upon receipt of a National level EAN or EAT Message.

(b) Immediately upon receipt of an EAN message, broadcast stations and cable systems and wireless cable systems must:

(1) Monitor the radio and television networks, cable networks and program suppliers, and wire services for further instructions.

(2) Monitor the two EAS sources assigned in the State or Local Area plan or FCC Mapbook for any further instructions.

(3) Discontinue normal programming and follow the transmission procedures in the appropriate section of the EAS Operating Handbook. Announcements
§ 11.54  broadcasting immediately upon receipt of an Emergency Action Notification and must maintain radio silence until an EAT is issued. Such stations may be issued an emergency authorization by the FCC with concurrence of the Director, Office of Science and Technology Policy, to transmit Federal government broadcasts or communications.

(10) Broadcast stations may transmit their call letters and cable systems and wireless cable systems may transmit the names of the communities they serve during an EAS activation. State and Local Area identifications must be given as provided in State and Local Area EAS plans.

(11) All broadcast stations and cable systems and wireless cable systems operating and identified with a particular EAS Local Area must transmit a common national emergency message until receipt of the Emergency Action Termination.

(12) Broadcast stations, except those holding an EAS Non-participating National Authorization letter, are exempt from complying with §§ 73.62 and 73.1560 of this chapter (operating power maintenance) while operating under this part.

(13) National Primary (NP) sources must operate under the procedures in the National Control Point Procedures.

(14) The time of receipt of the EAN and Emergency Action Termination messages shall be entered by broadcast station logs in their logs (as specified in § 73.1820 and § 73.1840 of this chapter), by cable systems in their records (as specified in §§ 73.1820 and § 73.1840 of this chapter), and by subject wireless cable systems in their records (as specified in § 73.1820 of this chapter).
§ 11.55 EAS operation during a State or Local Area emergency.

(a) The EAS may be activated at the State and Local Area levels by broadcast stations, cable systems and wireless cable systems at their discretion for day-to-day emergency situations posing a threat to life and property. Examples of natural emergencies which may warrant activation are: tornadoes, floods, hurricanes, earthquakes, heavy snows, icing conditions, widespread fires, etc. Man-made emergencies may include: toxic gas leaks or liquid spills, widespread power failures, industrial explosions, and civil disorders.

(b) EAS operations must be conducted as specified in State and Local Area EAS Plans. The plans must list all authorized entities participating in the State or Local Area EAS.

(c) Immediately upon receipt of a State or Local Area EAS message, broadcast stations, cable systems and wireless cable systems participating in the State or Local Area EAS must do the following:

(1) State Relay (SR) sources monitor the State Relay Network or follow the State Primary (SP) source.

(2) Local Primary (LP) sources monitor the Local Area SR sources or follow the State EAS plan for instructions.

(3) Participating National (PN) and Non-participating National (NN) sources monitor the Local Area LP sources for instructions.

(4) Broadcast stations, cable systems and wireless cable systems participating in the State or Local Area EAS must discontinue normal programming and follow the procedures in the State and Local Area plans. Television stations must comply with §11.54(b)(6) and cable systems and wireless cable systems must comply with §11.54(b)(7). Broadcast stations providing foreign language programming shall comply with §11.54(b)(8).

(5) Upon completion of the State or Local Area EAS transmission procedures, resume normal programming until receipt of the cue from the SR or LP sources in your Local Area. At that time begin transmitting the common emergency message received from the above sources.

(6) Resume normal operations upon conclusion of the message.

(7) The times of the above EAS actions must be entered in the broadcast station, cable system or wireless cable system records as specified in §11.54(b)(14). FCC Form 201 may be used to report EAS activations to the FCC.

§ 11.61 Tests of EAS procedures.

(a) Tests shall be made at regular intervals as indicated below. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph (a)(6) of this section. All tests will conform with the procedures in the EAS Operating Handbook.

(1) Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code.

(i) Effective January 1, 1997, AM, FM and TV stations.

(ii) Effective October 1, 2002, cable systems with fewer than 5,000 subscribers per headend.

(iii) Effective December 31, 1998, cable systems with 10,000 or more subscribers; and, effective October 1, 2002, cable systems serving 5,000 or more, but less than 10,000 subscribers per headend.

(iv) Effective October 1, 2002, all wireless cable systems.

(v) Tests in odd numbered months shall occur between 8:30 a.m. and local sunset. Tests in even numbered months shall occur between 8:30 a.m. and local sunrise.
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shall occur between local sunset and 8:30 a.m. They will originate from EAS Local or State Primary sources. The time of the test and script content will be developed by State Emergency Communications Committees in cooperation with affected broadcast stations, cable systems, wireless cable systems, and other participants. Script content may be in the primary language of the broadcast station. These monthly tests must be transmitted within 15 minutes of receipt by broadcast stations and cable systems and wireless cable systems in an EAS Local Area or State. Class D non-commercial educational FM, LPFM and LPTV stations are required to transmit only the test script.

(2) Required Weekly Tests:

(i) EAS Header Codes and EOM Codes:

(A) Effective January 1, 1997, AM, FM and TV stations must conduct tests of the EAS header and EOM codes at least once a week at random days and times.

(B) Effective December 31, 1998, cable systems with 10,000 or more subscribers per headend must conduct tests of the EAS header and EOM codes at least once a week at random days and times on all programmed channels.

(C) Effective October 1, 2002, cable systems serving fewer than 5,000 subscribers per headend must conduct tests of the EAS header and EOM codes at least once a week at random days and times on at least one programmed channel.

(D) Effective October 1, 2002, the following cable systems and wireless cable systems must conduct tests of the EAS header and EOM codes at least once a week at random days and times on all programmed channels:

(1) Cable systems serving 5,000 or more, but less than 10,000 subscribers per headend; and,

(2) Wireless cable systems with 5,000 or more subscribers.

(E) Effective October 1, 2002, the following cable systems and wireless cable systems must conduct tests of the EAS header and EOM codes at least once a week at random days and times on at least one programmed channel:

(1) Cable systems with fewer than 5,000 subscribers per headend; and,

(2) Wireless cable systems with fewer than 5,000 subscribers.

(ii) Class D non-commercial educational FM, LPFM and LPTV stations are not required to transmit this test but must log receipt.

(iii) The EAS weekly test is not required during the week that a monthly test is conducted.

(iv) TV stations, cable television systems and wireless cable systems are not required to transmit a video message when transmitting the required weekly test.

(3) Periodic Wire Service Tests. AP, Reuters and UPI shall separately conduct test transmissions to broadcast stations and cable systems on their wire networks. Tests may occur no more than once a month at random times selected by the wire services. These tests shall conform with the procedures in the EAS Operating Handbook and the National Control Point Procedures.

(4) Weekly Emergency Action Notification (EAN) network transmissions. Tests of the National level interconnection facilities shall be conducted on a random basis once each week. They shall originate from the Federal government over a dedicated network to specified control points of the radio and television networks, cable networks and program suppliers, wire services, common carriers and other organizations. The tests shall conform with the National Control Point Procedures.

(5) Periodic National Tests. National Primary (NP) sources shall participate in tests as appropriate. The FCC may request a report of these tests.

(6) EAS activations and special tests. The EAS may be activated for emergencies or special tests at the State or Local Area level by a broadcast station, cable system or wireless cable system instead of the monthly or weekly tests required by this section. To substitute for a monthly test, activation must include transmission of the EAS header codes, Attention Signal, emergency message and EOM code and comply with the visual message requirements in § 11.51. To substitute for the weekly test of the EAS header codes and EOM codes in paragraph (a)(2)(i) of this section, activation must include transmission of the EAS header and EOM codes. Television stations and

(a) Closed Circuit Tests (CCT) of National Level EAS facilities shall be conducted on a random or scheduled basis not more than once a month and not less than once every three months. Test times will be selected by the White House in coordination with participating industry personnel, the Federal Emergency Management Agency (FEMA), and the FCC. The FCC will notify the participating networks, wire services, cable networks and program suppliers and common carriers of the selected time window for the test at least four working days (holidays excluded) before the test.

(b) The EAS Operating Handbook and National Control Point Procedures contain the CCT procedures.

(c) The control points of the participating radio and television networks, cable networks and program suppliers, wire services and common carriers will receive notification of a CCT by a “Closed Circuit Test Activation Message”.

(d) Test announcements will originate from a point selected by the White House with program feed circuitry connected to the telephone company Toll Test Center at points coordinated for each test. Participating common carriers will connect, as required, the facilities of the radio networks and other test participants. Telephone companies are not authorized to add any participating independent broadcast stations unless authorized by the FCC. Authentication will be provided to the Toll Test Center or other program entry location responsible for test arrangements.

(e) CCT procedures for radio network affiliates, wire service subscribers, and, if participating, television network affiliates and cable systems are as follows:

(1) Notification of a CCT will be disseminated as specified in §11.53 (a)(1) and (a)(3) and the EAS Operating Handbook.

(2) Recipients immediately monitor their radio network, and if participating, their television network or cable system, and check their wire service for the receipt of the CCT Activation Message.

(3) Continue to monitor for the CCT audio talkup and program.

(4) Enter the time of receipt of the CCT message in the broadcast station log or cable system records.

(5) The CCT terminates on the following aural closing cue in the text of the test program: "This concludes the Closed Circuit Test of the EAS."

(6) Following the closing cue, wire service subscribers will receive a “Closed Circuit Test Termination Message”. Record the time of receipt as indicated above.

(f) The FCC may request a CCT report in a prescribed format.

§ 13.1 Basis and purpose.

(a) Basis. The basis for the rules contained in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) Purpose. The purpose of the rules in this part is to prescribe the manner and conditions under which commercial radio operators are licensed by the Commission.

§ 13.3 Definitions.

The definitions of terms used in part 13 are:

(a) COLEM. Commercial operator license examination manager.

(b) Commercial radio operator. A person holding a license or licenses specified in §13.7(b).

(c) GMDSS. Global Maritime Distress and Safety System.

(d) FCC. Federal Communications Commission.

(e) International Morse Code. A dot-dash code as defined in International Telegraph and Telephone Consultative Committee (CCITT) Recommendation F.1 (1994), Division B.1, Morse code.

(f) ITU. International Telecommunication Union.

(g) PPC. Proof-of-Passing Certificate.

(h) Question pool. All current examination questions for a designated written examination element.

(i) Question set. A series of examination questions on a given examination selected from the current question pool.

(j) Radio Regulations. The latest ITU Radio Regulations to which the United States is a party.

§ 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.

[63 FR 68942, Dec. 14, 1998]

§ 13.7 Classification of operator licenses and endorsements.

(a) Commercial radio operator licenses issued by the FCC are classified in accordance with the Radio Regulations of the ITU.

(b) There are nine types of commercial radio operator licenses, certificates and permits (licenses). The license's ITU classification, if different from its name, is given in parenthesis.

(1) First Class Radiotelegraph Operator's Certificate.

(2) Second Class Radiotelegraph Operator's Certificate.

(3) Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's general certificate).

(4) General Radiotelephone Operator License (radiotelephone operator's general certificate).


(6) Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate).

(7) Restricted Radiotelephone Operator Permit-Limited Use (radiotelephone operator's restricted certificate).

(8) GMDSS Radio Operator's License (general operator's certificate).

(9) GMDSS Radio Maintainer's License (technical portion of the first-class radio electronic certificate).

(c) There are six license endorsements affixed by the FCC to provide special authorizations or restrictions. Endorsements may be affixed to the license(s) indicated in parenthesis.

(1) Ship Radar Endorsement (First and Second Class Radiotelegraph Operator's Certificates, General Radiotelephone Operator License, GMDSS Radio Maintainer's License).

(2) Six Months Service Endorsement (First and Second Class Radiotelegraph Operator's License).
(3) Restrictive endorsements relating to physical handicaps, English language or literacy waivers, or other matters (all licenses).

(4) Marine Radio Operator Permits shall bear the following endorsement: This permit does not authorize the operation of AM, FM or TV broadcast stations.

(5) General Radiotelephone Operator Licenses issued after December 31, 1985, shall bear the following endorsement: This license confers authority to operate licensed radio stations in the Aviation, Marine and International Fixed Public Radio Services only. This authority is subject to: any endorsement placed upon this license; FCC orders, rules, and regulations; United States statutes; and the provisions of any treaties to which the United States is a party. This license does not confer any authority to operate broadcast stations. It is not assignable or transferable.

(6)(i) If a person is afflicted with an uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, that person still may be issued the license if found qualified. Such a license shall bear a restrictive endorsement as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the FCC which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(ii) In the case of a license that does not require an examination in technical radio matters, the endorsement specified in paragraph (c)(6)(i) of this section will be modified by deleting the reference therein to installation, service, and maintenance duties.

(iii) In any case where an applicant who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by paragraph (c)(6)(i) of this section, indicates a desire to operate a station falling within the prohibited terms of the endorsement, the applicant may request in writing that such endorsement not be placed upon, or be removed from his or her license, and may submit written comments or statements from other parties in support thereof.

(iv) An applicant who shows that he has performed satisfactorily the duties of a radio operator at a station required to be provided for safety purposes during a period when he or she was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his or her current application shall not be deemed to be within the provisions of paragraph (c)(6)(i) of this section.

(d) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to an aircraft pilot who is not legally eligible for employment in the United States is valid only for operating radio stations on aircraft.

(e) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to a person under the provision of Section 303(1)(2) of the Communications Act of 1934, as amended, is valid only for the operation of radio stations for which that person is the station licensee.

§ 13.8 Authority conveyed.

Licenses, certificates and permits issued under this part convey authority for the operating privileges of other licenses, certificates, and permits issued under this part as specified below:

(a) First Class Radiotelegraph Operator’s Certificate conveys all of the operating authority of the Second Class Radiotelegraph Operator’s Certificate, the Third Class Radiotelegraph Operator’s Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

(b) A Second Class Radiotelegraph Operator’s Certificate conveys all of the operating authority of the Third Class Radiotelegraph Operator’s Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.
§ 13.9 Eligibility and application for new license or endorsement.

(a) If found qualified, the following persons are eligible to apply for commercial radio operator licenses:

1. Any person legally eligible for employment in the United States.

2. Any person, for the purpose of operating aircraft radio stations, who holds:
   (i) United States pilot certificates; or
   (ii) Foreign aircraft pilot certificates which are valid in the United States, if the foreign government involved has entered into a reciprocal agreement under which such foreign government does not impose any similar requirement relating to eligibility for employment upon United States citizens.

3. Any person who holds a FCC radio station license, for the purpose of operating that station.

4. Notwithstanding any other provisions of the FCC's rules, no person shall be eligible to be issued a commercial radio operator license when
   (i) The person's commercial radio operator license is suspended, or
   (ii) The person's commercial radio operator license is the subject of an ongoing suspension proceeding, or
   (iii) The person is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.


(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 Endorsement, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, 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.

(e) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person whose application for
§ 13.10 Licensee address.

In accordance with §1.923 of this chapter all applications must specify an address where the applicant can receive mail delivery by the United States Postal Service except as specified below:

(a) Applicants for a Restricted Radiotelephone Operator Permit;

(b) Applicants for a Restricted Radiotelephone Operator Permit—Limited Use.

§ 13.11 Holding more than one commercial radio operator license.

(a) An eligible person may hold more than one commercial operator license except as follows:

(1) No person may hold two or more unexpired radiotelegraph operator's certificates at the same time;

(2) No person may hold any class of radiotelegraph operator's certificate and a Marine Radio Operator Permit;

(3) No person may hold any class of radiotelegraph operator's certificate and a Restricted Radiotelephone Operator Permit.

(b) Each person who is not legally eligible for employment in the United States, and certain other persons who were issued permits prior to September 13, 1982, may hold two Restricted Radiotelephone Operator Permits simultaneously when each permit authorizes the operation of a particular station or class of stations.

§ 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
§ 13.15 License term.

(a) Commercial radio operator licenses are normally valid for a term of five years from the date of issuance, except as provided in paragraph (b) of this section.

(b) General Radiotelephone Operator Licenses, Restricted Radiotelephone Operator Permits, and Restricted Radiotelephone Operator Permits-Limited Use are normally valid for the lifetime of the holder. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, and valid on that date, are extended to the lifetime of the operator.

§ 13.17 Replacement license.

(a) Each licensee or permittee whose original document is lost, mutilated, or destroyed must request a replacement. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules.


(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.

(e) A licensee who has made application for a replacement license may exhibit a copy of the application submitted to the FCC or a photocopy of the license in lieu of the original document.

§ 13.19 Operator's responsibility.

(a) The operator responsible for maintenance of a transmitter may permit other persons to adjust that transmitter in the operator's presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he or she shall not be relieved thereby from responsibility for the proper operation of the equipment.

(b) In every case where a station operating log or service and maintenance...
§ 13.203 Examination elements.

(a) To be qualified to hold any commercial radio operator license, an applicant must have a satisfactory knowledge of FCC rules and must have the ability to send correctly and receive correctly spoken messages in the English language.

(b) An applicant must pass an examination for the issuance of a new commercial radio operator license, other than the Restricted Radiotelephone Operator Permit and the Restricted Radiotelephone Operator Permit-Limited Use, and for each change in operator class. An applicant must pass an examination for the issuance of a new Ship Radar Endorsement. Each application for the class of license or endorsement specified below must pass, or otherwise receive credit for, the corresponding examination elements:

(1) First Class Radiotelegraph Operator's Certificate.
   (i) Telegraphy Elements 3 and 4;  
   (ii) Written Elements 1, 5, and 6;  
   (iii) Applicant must be at least 21 years old;  
   (iv) Applicant must have one year of experience in sending and receiving public correspondence by radiotelegraph at a public coast station, a ship station, or both.

(2) Second Class Radiotelegraph Operator's Certificate.
   (i) Telegraphy Elements 1 and 2;  
   (ii) Written Elements 1, 5, and 6.

(3) Third Class Radiotelegraph Operator's Certificate.
   (i) Telegraphy Elements 1 and 2;  
   (ii) Written Elements 1 and 5.

(4) General Radiotelephone Operator License: Written Elements 1 and 3.


(6) GMDSS Radio Operator's License: Written Elements 1 and 7.

(7) GMDSS Radio Maintainer's License: Written Elements 1, 3, and 9.


§ 13.207 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee for a commercial radio operator license must be provided by a COLEM.

(b) Each question set administered to an examinee must utilize questions taken from the applicable Element question pool. The COLEM may obtain the written question sets from a supplier or other COLEM.

(c) A telegraphy examination must consist of a plain language text or code
§ 13.209 Examination procedures.

(a) Each examination for a commercial radio operator license must be administered at a location and a time specified by the COLEM. The COLEM is responsible for the proper conduct and necessary supervision of each examination. The COLEM must immediately terminate the examination upon failure of the examinee to comply with its instructions.

(b) Each examinee, when taking an examination for a commercial radio operator license, shall comply with the instructions of the COLEM.

(c) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be re-administered to the same examinee.

(d) Passing a telegraphy examination.

1. To pass a receiving telegraphy examination, an examinee is required to receive correctly the message by ear, for a period of 1 minute without error at the rate of speed specified in §13.203 for the class of license sought.

2. To pass a sending telegraphy examination, an examinee is required to send correctly for a period of 1 minute at the rate of speed prescribed in §13.203(b) for the class of license sought.

(e) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The COLEM, however, may also include a sending segment in a telegraphy examination.

(f) The COLEM is responsible for determining the correctness of he examinee's answers. When the examinee does not score a passing grade on an examination element, the COLEM must inform the examinee of the grade.

(g) When the examinee is credited for all examination elements required for the commercial operator license sought, the examinee may apply to the FCC for the license.

(h) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, be denied the privilege of applying and being permitted to attempt to prove his or her qualifications (by examination if examination is required) for such commercial radio operator license in accordance with procedures established by the COLEM.

(i) The COLEM must accommodate an examinee whose physical disabilities require a special examination procedure. The COLEM may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures are appropriate to use. In the case of a blind examinee, the examination questions may be read aloud and the examinee may answer orally. A blind examinee wishing to use this procedure must make arrangements with the COLEM prior to the date the examination is desired.

(j) The FCC may:

1. Administer any examination element itself.

2. Readminister any examination element previously administered by a COLEM, either itself or by designating another COLEM to readminister the examination element.

3. Cancel the commercial operator license(s) of any licensee who fails to appear for re-administration of an examination when directed by the FCC, or who fails any required element that is re-administered. In case of such cancellation, the person will be issued an operator license consistent with completed examination elements that have not been invalidated by not appearing for, or by failing the examination upon re-administration.
§ 13.211 Commercial radio operator license examination.

(a) Each session where an examination for a commercial radio operator license is administered must be managed by a COLEM or the FCC.

(b) Each examination for a commercial radio operator license must be administered as determined by the COLEM.

(c) The COLEM may limit the number of candidates at any examination.

(d) The COLEM may prohibit from the examination area items the COLEM determines could compromise the integrity of an examination or distract examinees.

(e) Within 10 days of completion of the examination element(s), the COLEM must provide the results of the examination to the examinee and the COLEM must issue a PPC to an examinee who scores a passing grade on an examination element.

(f) A PPC is valid for 365 days from the date it is issued.

§ 13.213 COLEM qualifications.

No entity may serve as a COLEM unless it has entered into a written agreement with the FCC. In order to be eligible to be a COLEM, the entity must:

(a) Agree to abide by the terms of the agreement;

(b) Be capable of serving as a COLEM;

(c) Agree to coordinate examinations for one or more types of commercial radio operator licenses and/or endorsements;

(d) Agree to assure that, for any examination, every examinee eligible under these rules is registered without regard to race, sex, religion, national origin or membership (or lack thereof) in any organization;

(e) Agree to make any examination records available to the FCC, upon request.

(f) Agree not to administer an examination to an employee, relative, or relative of an employee.

§ 13.215 Question pools.

The question pool for each written examination element will be composed of questions acceptable to the FCC. Each question pool must contain at least 5 times the number of questions required for a single examination. The FCC will issue public announcements detailing the questions in the pool for each element. COLEMS must use only the most recent question pool made available to the public when preparing a question set for a written examination element.

§ 13.217 Records.

Each COLEM recovering fees from examinees must maintain records of expenses and revenues, frequency of examinations administered, and examination pass rates. Records must cover the period from January 1 to December 31 of the preceding year and must be submitted as directed by the Commission. Each COLEM must retain records for 1 year and the records must be made available to the FCC upon request.
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15.403 Definitions.
15.405 Cross reference.
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Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

Source: 54 FR 17714, Apr. 25, 1989, unless otherwise noted.

Subpart A—General

Scope of this part.
(a) This part sets out the regulations under which an intentional, unintentional, or incidental radiator may be operated without an individual license. It also contains the technical specifications, administrative requirements and other conditions relating to the marketing of part 15 devices.
(b) The operation of an intentional or unintentional radiator that is not in accordance with the regulations in this part must be licensed pursuant to the
provisions of section 301 of the Communications Act of 1934, as amended, unless otherwise exempted from the licensing requirements elsewhere in this chapter.

(c) Unless specifically exempted, the operation or marketing of an intentional or unintentional radiator that is not in compliance with the administrative and technical provisions in this part, including prior Commission authorization or verification, as appropriate, is prohibited under section 302 of the Communications Act of 1934, as amended, and subpart I of part 2 of this chapter. The equipment authorization and verification procedures are detailed in subpart J of part 2 of this chapter.

§ 15.3 Definitions.

(a) Auditory assistance device. An intentional radiator used to provide auditory assistance to a handicapped person or persons. Such a device may be used for auricular training in an education institution, for auditory assistance at places of public gatherings, such as a church, theater, or auditorium, and for auditory assistance to handicapped individuals, only, in other locations.

(b) Biomedical telemetry device. An intentional radiator used to transmit measurements of either human or animal biomedical phenomena to a receiver.

(c) Cable input selector switch. A transfer switch that is intended as a means to alternate between the reception of broadcast signals via connection to an antenna and the reception of cable television service.

(d) Cable locating equipment. An intentional radiator used intermittently by trained operators to locate buried cables, lines, pipes, and similar structures or elements. Operation entails coupling a radio frequency signal onto the cable, pipes, etc. and using a receiver to detect the location of that structure or element.

(e) Cable system terminal device (CSTD). A TV interface device that serves, as its primary function, to connect a cable system operated under part 76 of this chapter to a TV broadcast receiver or other subscriber premise equipment. Any device which functions as a CSTD in one of its operating modes must comply with the technical requirements for such devices when operating in that mode.

(f) Carrier current system. A system, or part of a system, that transmits radio frequency energy by conduction over the electric power lines. A carrier current system can be designed such that the signals are received by conduction directly from connection to the electric power lines (unintentional radiator) or the signals are received over-the-air due to radiation of the radio frequency signals from the electric power lines (intentional radiator).

(g) CB receiver. Any receiver that operates in the Personal Radio Services on frequencies allocated for Citizens Band (CB) Radio Service stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. This includes the following: (1) A CB receiver sold as a separate unit of equipment; (2) the receiver section of a CB transceiver; (3) a converter to be used with any receiver for the purpose of receiving CB transmissions; and, (4) a multiband receiver that includes a band labelled “CB” or “11-meter” in which such band can be separately selected, except that an Amateur Radio Service receiver that was manufactured prior to January 1, 1960, and which includes an 11-meter band shall not be considered to be a CB receiver.

(h) Class A digital device. A digital device that is marketed for use in a commercial, industrial or business environment, exclusive of a device which is marketed for use by the general public or is intended to be used in the home.

(i) Class B digital device. A digital device that is marketed for use in a residential environment notwithstanding use in commercial, business and industrial environments. Examples of such devices include, but are not limited to, personal computers, calculators, and similar electronic devices that are marketed for use by the general public.

Note: The responsible party may also qualify a device intended to be marketed in a commercial, business or industrial environment as a Class B device, and in fact is encouraged to do so, provided the device complies with the technical specifications for a
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Class B digital device. In the event that a particular type of device has been found to repeatedly cause harmful interference to radio communications, the Commission may classify such a digital device as a Class B digital device, regardless of its intended use.

(j) Cordless telephone system. A system consisting of two transceivers, one a base station that connects to the public switched telephone network and the other a mobile handset unit that communicates directly with the base station. Transmissions from the mobile unit are received by the base station and then placed on the public switched telephone network. Information received from the switched telephone network is transmitted by the base station to the mobile unit.

NOTE: The Domestic Public Cellular Radio Telecommunications Service is considered to be part of the switched telephone network. In addition, intercom and paging operations are permitted these are not intended to be the primary modes of operation.

(k) Digital device. (Previously defined as a computing device). An unintentional radiator (device or system) that generates and uses timing signals or pulses at a rate in excess of 9,000 pulses (cycles) per second and uses digital techniques, inclusive of telephone equipment that uses digital techniques or any device or system that generates and uses radio frequency energy for the purpose of performing data processing functions, such as electronic computations, operations, transformations, recording, filing, sorting, storage, retrieval, or transfer. A radio frequency device that is specifically subject to an emanation requirement in any other FCC Rule part or an intentional radiator subject to subpart C of this part that contains a digital device is not subject to the standards for digital devices, provided the digital device is used only to enable operation of the radio frequency device and the digital device does not control additional functions or capabilities.

NOTE: Computer terminals and peripherals that are intended to be connected to a computer are digital devices.

(l) Field disturbance sensor. A device that establishes a radio frequency field in its vicinity and detects changes in that field resulting from the movement of persons or objects within its range.

(m) Harmful interference. Any emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(n) Incidental radiator. A device that generates radio frequency energy during the course of its operation although the device is not intentionally designed to generate or emit radio frequency energy. Examples of incidental radiators are dc motors, mechanical light switches, etc.

(o) Intentional radiator. A device that intentionally generates and emits radio frequency energy by radiation or induction.

(p) Kit. Any number of electronic parts, usually provided with a schematic diagram or printed circuit board, which, when assembled in accordance with instructions, results in a device subject to the regulations in this part, even if additional parts of any type are required to complete assembly.

(q) Perimeter protection system. A field disturbance sensor that employs RF transmission lines as the radiating source. These RF transmission lines are installed in such a manner that allows the system to detect movement within the protected area.

(r) Peripheral device. An input/output unit of a system that feeds data into and/or receives data from the central processing unit of a digital device. Peripherals to a digital device include any device that is connected external to the digital device, any device internal to the digital device that connects the digital device to an external device by wire or cable, and any circuit board designed for interchangeable mounting, internally or externally, that increases the operating or processing speed of a digital device, e.g., “turbo” cards and “enhancement” boards. Examples of peripheral devices include terminals, printers, external floppy
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disk drives and other data storage devices, video monitors, keyboards, interface boards, external memory expansion cards, and other input/output devices that may or may not contain digital circuitry. This definition does not include CPU boards, as defined in paragraph (bb) of this section, even though a CPU board may connect to an external keyboard or other components.

(s) Personal computer. An electronic computer that is marketed for use in the home, notwithstanding business applications. Such computers are considered Class B digital devices. Computers which use a standard TV receiver as a display device or meet all of the following conditions are considered examples of personal computers:

(1) Marketed through a retail outlet or direct mail order catalog.

(2) Notices of sale or advertisements are distributed or directed to the general public or hobbyist users rather than restricted to commercial users.

(3) Operates on a battery or 120 volt electrical supply.

If the responsible party can demonstrate that because of price or performance the computer is not suitable for residential or hobbyist use, it may request that the computer be considered to fall outside of the scope of this definition for personal computers.

(t) Power line carrier systems. An unintentional radiator employed as a carrier current system used by an electric power utility entity on transmission lines for protective relaying, telemetry, etc. for general supervision of the power system. The system operates by the transmission of radio frequency energy by conduction over the electric power transmission lines of the system. The system does not include those electric lines which connect the distribution substation to the customer or house wiring.

(u) Radio frequency (RF) energy. Electromagnetic energy at any frequency in the radio spectrum between 9 kHz and 3,000,000 MHz.

(v) Scanning receiver. For the purpose of this part, this is a receiver that automatically switches among two or more frequencies in the range of 30 to 960 MHz and that is capable of stopping at and receiving a radio signal detected on a frequency. Receivers designed solely for the reception of the broadcast signals under part 73 of this chapter or for operation as part of a licensed station are not included in this definition.

(w) Television (TV) broadcast receiver. A device designed to receive television pictures that are broadcast simultaneously with sound on the television channels authorized under part 73 of this chapter.

(x) Transfer switch. A device used to alternate between the reception of over-the-air radio frequency signals via connection to an antenna and the reception of radio frequency signals received by any other method, such as from a TV interface device.

(y) TV interface device. An unintentional radiator that produces or translates in frequency a radio frequency carrier modulated by a video signal derived from an external or internal signal source, and which feeds the modulated radio frequency energy by conduction to the antenna terminals or other non-baseband input connections of a television broadcast receiver. A TV interface device may include a stand-alone RF modulator, or a composite device consisting of an RF modulator, video source and other components devices. Examples of TV interface devices are video cassette recorders and terminal devices attached to a cable system or used with a Master Antenna (including those used for central distribution video devices in apartment or office buildings).

(z) Unintentional radiator. A device that intentionally generates radio frequency energy for use within the device, or that sends radio frequency signals by conduction, radiation, or induction.

(aa) Cable ready consumer electronics equipment. Consumer electronics TV receiving devices, including TV receivers, videocassette recorders and similar devices, that incorporate a tuner capable of receiving television signals and an input terminal intended for receiving cable television service, and are marketed as “cable ready” or “cable compatible.” Such equipment shall comply with the technical standards specified in §15.118.
§ 15.11 Cross reference.

The provisions of subparts A, H, I, J and K of part 2 apply to intentional and unintentional radiators, in addition to the provisions of this part. Also, a cable system terminal device.
§ 15.13 Incidental radiators.

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

§ 15.15 General technical requirements.

(a) An intentional or unintentional radiator shall be constructed in accordance with good engineering design and manufacturing practice. Emanations from the device shall be suppressed as much as practicable, but in no case shall the emanations exceed the levels specified in these rules.

(b) An intentional or unintentional radiator must be constructed such that the adjustments of any control that is readily accessible by or intended to be accessible to the user will not cause operation of the device in violation of the regulations.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see §15.105(b)).

§ 15.17 Susceptibility to interference.

(a) Parties responsible for equipment compliance are advised to consider the proximity and the high power of non-Government licensed radio stations, such as broadcast, amateur, land mobile, and non-geostationary mobile satellite feeder link earth stations, and of U.S. Government radio stations, which could include high-powered radar systems, when choosing operating frequencies during the design of their equipment so as to reduce the susceptibility for receiving harmful interference. Information on non-Government use of the spectrum can be obtained by consulting the Table of Frequency Allocations in §2.106 of this chapter.

(b) Information on U.S. Government operations can be obtained by contacting: Director, Spectrum Plans and Policy, National Telecommunications and Information Administration, Department of Commerce, Room 4096, Washington, DC 20230.


§ 15.19 Labelling requirements.

(a) In addition to the requirements in part 2 of this chapter, a device subject to certification, or verification shall be labelled as follows:

(1) Receivers associated with the operation of a licensed radio service, e.g., FM broadcast under part 73 of this chapter, land mobile operation under part 90, etc., shall bear the following statement in a conspicuous location on the device:

This device complies with part 15 of the FCC Rules. Operation is subject to the condition that this device does not cause harmful interference.

(2) A stand-alone cable input selector switch, shall bear the following statement in a conspicuous location on the device:

This device is verified to comply with part 15 of the FCC Rules for use with cable television service.

(3) All other devices shall bear the following statement in a conspicuous location on the device:

This device complies with part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation.

(4) Where a device is constructed in two or more sections connected by wires and marketed together, the statement specified under paragraph (a) of this section is required to be affixed only to the main control unit.
(5) When the device is so small or for such use that it is not practicable to place the statement specified under paragraph (a) of this section on it, the information required by this paragraph shall be placed in a prominent location in the instruction manual or pamphlet supplied to the user or, alternatively, shall be placed on the container in which the device is marketed. However, the FCC identifier or the unique identifier, as appropriate, must be displayed on the device.

(b) Products subject to authorization under a Declaration of Conformity shall be labelled as follows:

(1) The label shall be located in a conspicuous location on the device and shall contain the unique identification described in §2.1074 of this chapter and the following logo:

(i) If the product is authorized based on testing of the product or system; or

(ii) If a personal computer is authorized based on assembly using separately authorized components, in accordance with §15.101(c)(2) or (c)(3), and the resulting product is not separately tested:

(2) Label text and information should be in a size of type large enough to be readily legible, consistent with the dimensions of the equipment and the label. However, the type size for the text is not required to be larger than eight point.

(3) When the device is so small or for such use that it is not practicable to place the statement specified under paragraph (b)(1) of this section on it,
§ 15.21 Information to user.

The users manual or instruction manual for an intentional or unintentional radiator shall caution the user that changes or modifications not expressly approved by the party responsible for compliance could void the user’s authority to operate the equipment.

§ 15.23 Home-built devices.

(a) Equipment authorization is not required for devices that are not marketed, are not constructed from a kit, and are built in quantities of five or less for personal use.

(b) It is recognized that the individual builder of home-built equipment may not possess the means to perform the measurements for determining compliance with the regulations. In this case, the builder is expected to employ good engineering practices to meet the specified technical standards to the greatest extent practicable. The provisions of §15.5 apply to this equipment.

§ 15.25 Kits.

A TV interface device, including a cable system terminal device, which is marketed as a kit shall comply with the following requirements:

(a) All parts necessary for the assembled device to comply with the technical requirements of this part must be supplied with the kit. No mechanism for adjustment that can cause operation in violation of the requirements of this part shall be made accessible to the builder.

(b) At least two units of the kit shall be assembled in exact accordance with the instructions supplied with the product to be marketed. If all components required to fully complete the kit (other than those specified in paragraph (a) of this section which are needed for compliance with the technical provisions and must be included with the kit) are not normally furnished with the kit, assembly shall be
made using the recommended components. The assembled units shall be certified or authorized under the Declaration of Conformity procedure, as appropriate, pursuant to the requirements of this part.

(1) The measurement data required for a TV interface device subject to certification shall be obtained for each of the two units and submitted with an application for certification pursuant to subpart J of part 2 of this chapter.

(2) The measurement data required for a TV interface device subject to Declaration of Conformity shall be obtained for the units tested and retained on file pursuant to the provisions of subpart J of part 2 of this chapter.

(c) A copy of the exact instructions that will be provided for assembly of the device shall be submitted with an application for certification. Those parts which are not normally furnished shall be detailed in the application for equipment authorization.

(d) In lieu of the label required by §15.19, the following label, along with the label bearing the FCC identifier and other information specified in §§2.925 and 2.926, shall be included in the kit with instructions to the builder that it shall be attached to the completed kit:

(Name of Grantee)

(FCC Identifier)

This device can be expected to comply with part 15 of the FCC Rules provided it is assembled in exact accordance with the instructions provided with this kit. Operation is subject to the following conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received including interference that may cause undesired operation.

(e) For the purpose of this section, circuit boards used as repair parts for the replacement of electrically identical defective circuit boards are not considered to be kits.

§ 15.27 Special accessories.

(a) Equipment marketed to a consumer must be capable of complying with the necessary regulations in the configuration in which the equipment is marketed. Where special accessories, such as shielded cables and/or special connectors, are required to enable an unintentional or intentional radiator to comply with the emission limits in this part, the equipment must be marketed with, i.e., shipped and sold with, those special accessories. However, in lieu of shipping or packaging the special accessories with the unintentional or intentional radiator, the responsible party may employ other methods of ensuring that the special accessories are provided to the consumer, without additional charge, at the time of purchase. Information detailing any alternative method used to supply the special accessories shall be included in the application for a grant of equipment authorization or retained in the verification records, as appropriate. The party responsible for the equipment, as detailed in §2.909 of this chapter, shall ensure that these special accessories are provided with the equipment. The instruction manual for such devices shall include appropriate instructions on the first page of the text concerned with the installation of the device that these special accessories must be used with the device. It is the responsibility of the user to use the needed special accessories supplied with the equipment.

(b) If a device requiring special accessories is installed by or under the supervision of the party marketing the device, it is the responsibility of that party to install the equipment using the special accessories. For equipment requiring professional installation, it is not necessary for the responsible party to market the special accessories with the equipment. However, the need to use the special accessories must be detailed in the instruction manual, and it is the responsibility of the installer to provide and to install the required accessories.

(c) Accessory items that can be readily obtained from multiple retail outlets are not considered to be special accessories and are not required to be marketed with the equipment. The manual included with the equipment must specify what additional components or accessories are required to be used in order to ensure compliance.
§ 15.29 Inspection by the Commission.

(a) Any equipment or device subject to the provisions of this part, together with any certificate, notice of registration or any technical data required to be kept on file by the operator, supplier or party responsible for compliance of the device shall be made available for inspection by a Commission representative upon reasonable request.

(b) The owner or operator of a radio frequency device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the radio frequency device.

(c) The party responsible for the compliance of any device subject to this part shall promptly furnish to the Commission or its representatives such information as may be requested concerning the operation of the device, including a copy of any measurements made for obtaining an equipment authorization or demonstrating compliance with the regulations.

(d) The Commission, from time to time, may request the party responsible for compliance, including an importer, to submit to the FCC Laboratory in Columbia, Maryland, various equipment to determine that the equipment continues to comply with the applicable standards. Shipping costs to the Commission’s Laboratory and return shall be borne by the responsible party. Testing by the Commission will be performed using the measurement procedure(s) that was in effect at the time the equipment was authorized or verified.

§ 15.31 Measurement standards.

(a) The following measurement procedures are used by the Commission to determine compliance with the technical requirements in this part. Except where noted, copies of these procedures are available from the Commission’s current duplicating contractor whose name and address are available from the Commission’s Consumer Assistance Office at 202-632-7000.

(1) FCC/OET MP–1: FCC Methods of Measurements for Determining Compliance of Radio Control and Security Alarm Devices and Associated Receivers. Note: This procedure may be used only for testing devices for which verification is obtained, or for which an application for equipment authorization is filed before June 1, 1995. For compliance testing of these devices after that date, see paragraph (a)(6) of this section.

(2) FCC/OET MP–2: Measurement of UHF Noise Figures of TV Receivers.

(3) FCC/OET MP–3: FCC Methods of Measurements of Output Signal Level, Output Terminal Conducted Spurious Emissions, Transfer Switch Characteristics, and Radio Noise Emissions from TV Interface Devices. Note: This procedure may be used only for testing devices for which verification is obtained, or for which an application for equipment authorization is filed before June 1, 1995. For compliance testing of these devices after that date, see paragraph (a)(6) of this section.

(4) FCC/OET MP–4 (1987): FCC Procedure for Measuring RF Emissions from Computing Devices. Note: This procedure may be used only for testing digital devices for which verification is obtained, or for which an application for equipment authorization is filed before May 1, 1994. For compliance testing of digital devices on or after May 1, 1994, see paragraph (a)(6) of this section.

(5) FCC/OET MP–9: FCC Procedure for Measuring Cable Television Switch Isolation. Note: This procedure may be used only for testing devices for which verification is obtained, or for which an application for equipment authorization is filed before June 1, 1995. For compliance testing of these devices after that date, see paragraph (a)(6) of this section.

(6) Digital devices authorized by verification, Declaration of Conformity, or for which an application for equipment authorization is filed on or after May 1, 1994, and intentional and other unintentional radiators for which verification is obtained, or for which
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an application for equipment authorization is filed on or after June 1, 1995 are to be measured for compliance using the following procedure excluding section 5.7, section 9 and section 14: American National Standards Institute (ANSI) C63.4-1992, entitled "Methods of Measurement of Radio-Noise Emissions from Low-Voltage Electrical and Electronic Equipment in the Range of 9 kHz to 40 GHz," published by the Institute of Electrical and Electronic Engineers, Inc. on July 17, 1992 as document number SH 15190. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The Commission encourages the use of this procedure for testing digital devices, intentional radiators, and other unintentional radiators as soon as practical. Copies of ANSI C63.4-1992 may be obtained from: IEEE Standards Department, 455 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855-1331, telephone 1-800-678-4333. Copies of C63.4-1992 may be inspected during normal business hours at the following locations:

(i) Federal Communications Commission, 445 12th Street, SW., Office of Engineering and Technology, Washington, DC 20554,

(ii) Federal Communications Commission Laboratory, 7435 Oakland Mills Road, Columbia, MD 21046, or

(iii) Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

NOTE: Digital devices tested to show compliance with the provisions of §§ 15.107(e) and 15.109(g) must be tested following the ANSI C63.4 procedure described in paragraph (a)(6) of this section.

(b) All parties making compliance measurements on equipment subject to the requirements of this part are urged to use these measurement procedures. Any party using other procedures should ensure that such other procedures can be relied on to produce measurement results compatible with the FCC measurement procedures. The description of the measurement procedure used in testing the equipment for compliance and a list of the test equipment actually employed shall be made part of an application for certification or included with the data required to be retained by the party responsible for devices authorized pursuant to a Declaration of Conformity or devices subject to verification.

(c) For swept frequency equipment, measurements shall be made with the frequency sweep stopped at those frequencies chosen for the measurements to be reported.

(d) Field strength measurements shall be made, to the extent possible, on an open field site. Test sites other than open field sites may be employed if they are properly calibrated so that the measurement results correspond to what would be obtained from an open field site. In the case of equipment for which measurements can be performed only at the installation site, such as perimeter protection systems, carrier current systems, and systems employing a "leaky" coaxial cable as an antenna, measurements for verification or for obtaining a grant of equipment authorization shall be performed at a minimum of three installations that can be demonstrated to be representative of typical installation sites.

(e) For intentional radiators, measurements of the variation of the input power or the radiated signal level of the fundamental frequency component of the emission, as appropriate, shall be performed with the supply voltage varied between 85% and 115% of the nominal rated supply voltage. For battery operated equipment, the equipment tests shall be performed using a new battery.

(f) To the extent practicable, the device under test shall be measured at the distance specified in the appropriate rule section. The distance specified corresponds to the horizontal distance between the measurement antenna and the closest point of the equipment under test, support equipment or interconnecting cables as determined by the boundary defined by an imaginary straight line periphery describing a simple geometric configuration enclosing the system containing the equipment under test. The equipment under test, support equipment and any interconnecting cables shall be included within this boundary.

(1) At frequencies at or above 30 MHz, measurements may be performed at a distance other than what is specified
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provided: measurements are not made in the near field except where it can be shown that near field measurements are appropriate due to the characteristics of the device; and it can be demonstrated that the signal levels needed to be measured at the distance employed can be detected by the measurement equipment. Measurements shall not be performed at a distance greater than 30 meters unless it can be further demonstrated that measurements at a distance of 30 meters or less are impractical. When performing measurements at a distance other than that specified, the results shall be extrapolated to the specified distance using an extrapolation factor of 20 dB/decade (inverse linear-distance for field strength measurements; inverse-linear-distance-squared for power density measurements).

(2) At frequencies below 30 MHz, measurements may be performed at a distance closer than that specified in the regulations; however, an attempt should be made to avoid making measurements in the near field. Pending the development of an appropriate measurement procedure for measurements performed below 30 MHz, when performing measurements at a closer distance than specified, the results shall be extrapolated to the specified distance by either making measurements at a minimum of two distances on at least one radial to determine the proper extrapolation factor or by using the square of an inverse linear distance extrapolation factor (40 dB/decade).

(3) The applicant for a grant of certification shall specify the extrapolation method used in the application filed with the Commission. For equipment subject to Declaration of Conformity or verification, this information shall be retained with the measurement data.

(4) When measurement distances of 30 meters or less are specified in the regulations, the Commission will test the equipment at the distance specified unless measurement at that distance results in measurements being performed in the near field. When measurement distances of greater than 30 meters are specified in the regulations, the Commission will test the equipment at a closer distance, usually 30 meters, extrapolating the measured field strength to the specified distance using the methods shown in this section.

(5) Measurements shall be performed at a sufficient number of radials around the equipment under test to determine the radial at which the field strength values of the radiated emissions are maximized. The maximum field strength at the frequency being measured shall be reported in an application for certification.

(g) Equipment under test shall be adjusted, using those controls that are readily accessible to or are intended to be accessible to the consumer, in such a manner as to maximize the level of the emissions. For those devices to which wire leads may be attached by the consumer, tests shall be performed with wire leads attached. The wire leads shall be of the length to be used with the equipment if that length is known. Otherwise, wire leads one meter in length shall be attached to the equipment. Longer wire leads may be employed if necessary to interconnect to associated peripherals.

(h) For a composite system that incorporates devices contained either in a single enclosure or in separate enclosures connected by wire or cable, testing for compliance with the standards in this part shall be performed with all of the devices in the system functioning. If an intentional radiator incorporates more than one antenna or other radiating source and these radiating sources are designed to emit at the same time, measurements of conducted and radiated emissions shall be performed with all radiating sources that are to be employed emitting. A device which incorporates a carrier current system shall be tested as if the carrier current system were incorporated in a separate device; that is, the device shall be tested for compliance with whatever rules would apply to the device were the carrier current system not incorporated, and the carrier current system shall be tested for compliance with the rules applicable to carrier current systems.

(i) If the device under test provides for the connection of external accessories, including external electrical input signals, the device shall be tested...
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with the accessories attached. The device under test shall be fully exercised with these external accessories. The emission tests shall be performed with the device and accessories configured in a manner that tends to produce maximized emissions within the range of variations that can be expected under normal operating conditions. In the case of multiple accessory external ports, an external accessory shall be connected to one of each type of port. Only one test using peripherals or external accessories that are representative of the devices that will be employed with the equipment under test is required. All possible equipment combinations do not need to be tested. The accessories or peripherals connected to the device being tested shall be unmodified, commercially available equipment.

(j) If the equipment under test consists of a central control unit and an external or internal accessory(ies) (peripheral) and the party verifying the equipment or applying for a grant of equipment authorization manufactures or assembles the central control unit and at least one of the accessory devices that can be used with that control unit, testing of the control unit and/or the accessory(ies) must be performed using the devices manufactured or assembled by that party, in addition to any other needed devices which the party does not manufacture or assemble. If the party verifying the equipment or applying for a grant of equipment authorization does not manufacture or assemble the central control unit and at least one of the accessory devices that can be used with that control unit or the party can demonstrate that the central control unit or accessory(ies) normally would be marketed or used with equipment from a different entity, testing of the central control unit and/or the accessory(ies) must be performed using the specific combination of equipment which is intended to be marketed or used together. Only one test using peripherals or accessories that are representative of the devices that will be employed with the equipment under test is required. All possible equipment combinations are not required to be tested. The accessories or peripherals connected to the device being tested shall be unmodified, commercially available equipment.

(k) A composite system is a system that incorporates different devices contained either in a single enclosure or in separate enclosures connected by wire or cable. If the individual devices in a composite system are subject to different technical standards, each such device must comply with its specific standards. In no event may the measured emissions of the composite system exceed the highest level permitted for an individual component. For digital devices which consist of a combination of Class A and Class B devices, the total combination of which results in a Class A digital device, it is only necessary to demonstrate that the equipment combination complies with the limits for a Class B digital device. However, if the digital device combination consists of a Class B central control unit, e.g., a personal computer, and a Class A internal peripheral(s), it must be demonstrated that the Class B central control unit continues to comply with the limits for a Class B digital device with the Class A internal peripheral(s) installed but not active.

(l) Measurements of radio frequency emissions conducted to the public utility power lines shall be performed using a 50 ohm/50 uH line-impedance stabilization network (LISN).

NOTE: Receivers tested under the transition provisions contained in §15.37 may be tested with a 50 ohm/50 µH LISN.

(m) Measurements on intentional radiators or receivers, other than TV broadcast receivers, shall be performed and, if required, reported for each band in which the device can be operated with the device operating at the number of frequencies in each band specified in the following table:

<table>
<thead>
<tr>
<th>Frequency range over which device operates</th>
<th>Number of frequencies</th>
<th>Location in the range of operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 MHz or less</td>
<td>1</td>
<td>Middle.</td>
</tr>
<tr>
<td>1 to 10 MHz</td>
<td>2</td>
<td>1 near top and 1 near bottom.</td>
</tr>
</tbody>
</table>
§ 15.32 Test procedures for CPU boards and computer power supplies.

Power supplies and CPU boards used with personal computers and for which separate authorizations are required to be obtained shall be tested as follows:

(a) CPU boards shall be tested as follows:

(1) Testing for radiated emissions shall be performed with the CPU board installed in a typical enclosure but with the enclosure's cover removed so that the internal circuitry is exposed at the top and on at least two sides. Additional components, including a power supply, peripheral devices, and subassemblies, shall be added, as needed, to result in a complete personal computer system. If the oscillator and the microprocessor circuits are contained on separate circuit boards, both boards, typical of the combination that would normally be employed, must be used in the test. Testing shall be in accordance with the procedures specified in §15.31.

(i) Under these test conditions, the system under test shall not exceed the radiated emission limits specified in §15.109 by more than 6 dB. Emissions greater than 6 dB that can be identified and documented to originate from a component(s) other than the CPU board being tested, may be dismissed.

(ii) Unless the test in paragraph (a)(1)(i) of this section demonstrates compliance with the limits in §15.109, a second test shall be performed using the same configuration described above but with the cover installed on the enclosure. Testing shall be in accordance with the procedures specified in §15.31. Under these test conditions, the system under test shall not exceed the radiated emission limits specified in §15.109.

(2) In lieu of the procedure in (a)(1) of this section, CPU boards may be tested to demonstrate compliance with the limits in §15.109 using a specified enclosure with the cover installed. Testing for radiated emissions shall be performed with the CPU board installed in a typical system configuration. Additional components, including a power supply, peripheral devices, and subassemblies, shall be added, as needed, to result in a complete personal computer system. If the oscillator and the microprocessor circuits are contained on separate circuit boards, both boards, typical of the combination that would normally be employed, must be used in the test. Testing shall be in accordance with the procedures specified in §15.31. Under this procedure, CPU boards that comply with the limits in §15.109 must be marketed together with the specific enclosure used for the test.

(n) Measurements on TV broadcast receivers shall be performed with the receiver tuned to each VHF frequency and also shall include the following oscillator frequencies: 520, 550, 600, 650, 700, 750, 800, 850, 900 and 931 MHz. If measurements cannot be made on one or more of the latter UHF frequencies because of the presence of signals from licensed radio stations or for other reasons to be detailed in the measurement report, measurements shall be made with the receiver oscillator at a nearby frequency. If the receiver is not capable of receiving channels above 806 MHz, the measurements employing the oscillator frequencies 900 and 931 MHz may be omitted.

(o) The amplitude of spurious emissions from intentional radiators and emissions from unintentional radiators which are attenuated more than 20 dB below the permissible value need not be reported unless specifically required elsewhere in this part.

(p) In those cases where the provisions in this section conflict with the measurement procedures in paragraph (a) of this section and the procedures were implemented after June 23, 1989, the provisions contained in the measurement procedures shall take precedence.
(3) The test demonstrating compliance with the AC power line conducted limits specified in §15.107 shall be performed in accordance with the procedures specified in §15.31 using an enclosure, peripherals, power supply and subassemblies that are typical of the type with which the CPU board under test would normally be employed.

(b) The power supply shall be tested installed in an enclosure that is typical of the type within which it would normally be installed. Additional components, including peripheral devices, a CPU board, and subassemblies, shall be added, as needed, to result in a complete personal computer system. Testing shall be in accordance with the procedures specified in §15.31 and must demonstrate compliance with all of the standards contained in this part.

§15.33 Frequency range of radiated measurements.

(a) For an intentional radiator, the spectrum shall be investigated from the lowest radio frequency signal generated in the device, without going below 9 kHz, up to at least the frequency shown in this paragraph:

(1) If the intentional radiator operates below 10 GHz: to the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower.

(2) If the intentional radiator operates at or above 10 GHz and below 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 100 GHz, whichever is lower.

(3) If the intentional radiator operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower, unless specified otherwise elsewhere in the rules.

(4) If the intentional radiator contains a digital device, regardless of whether this digital device controls the functions of the intentional radiator or the digital device is used for additional control or function purposes other than to enable the operation of the intentional radiator, the frequency range shall be investigated up to the range specified in paragraphs (a)(1) through (a)(3) of this section or the range applicable to the digital device, as shown in paragraph (b)(1) of this section, whichever is the higher frequency range of investigation.

(b) For unintentional radiators:

(1) Except as otherwise indicated in paragraphs (b)(2) or (b)(3) of this section, for an unintentional radiator, including a digital device, the spectrum shall be investigated from the lowest radio frequency signal generated or used in the device, without going below the lowest frequency for which a radiated emission limit is specified, up to the frequency shown in the following table:

<table>
<thead>
<tr>
<th>Highest frequency generated or used in the device or on which the device operates or tunes (MHz)</th>
<th>Upper frequency of measurement range (MHz)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 1.705</td>
<td>30.</td>
</tr>
<tr>
<td>1.705–108</td>
<td>1000.</td>
</tr>
<tr>
<td>500–1000</td>
<td>5000.</td>
</tr>
<tr>
<td>Above 1000</td>
<td>5th harmonic of the highest frequency or 40 GHz, whichever is lower.</td>
</tr>
</tbody>
</table>

(2) A unintentional radiator, excluding a digital device, in which the highest frequency generated in the device, the highest frequency used in the device and the highest frequency on which the device operates or tunes are less than 30 MHz and which, in accordance with §15.109, is required to comply with standards on the level of radiated emissions within the frequency range 9 kHz to 30 MHz, such as a CB receiver or a device designed to conduct its radio frequency emissions via connecting wires or cables, e.g., a carrier current system not intended to radiate, shall be investigated from the lowest radio frequency generated or used in the device, without going below 9 kHz (25 MHz for CB receivers), up to the frequency shown in the following table. If the unintentional radiator contains a digital device, the upper frequency to be investigated shall be that shown in the table below or in the table in paragraph (b)(1) of this section, as based on both the highest frequency generated and the highest frequency used in the digital device, whichever range is higher.

§ 15.35 Measurement detector functions and bandwidths.

The conducted and radiated emission limits shown in this part are based on measuring equipment employing a CISPR quasi-peak detector function and related measurement bandwidths, unless otherwise specified. The specifications for the measuring instrument using the CISPR quasi-peak detector can be found in Publication 16 of the International Special Committee on Radio Interference (CISPR) of the International Electrotechnical Commission. As an alternative to CISPR quasi-peak measurements, the responsible party, at its option, may demonstrate compliance with the emission limits using measuring equipment employing a peak detector function, properly adjusted for such factors as pulse desensitization, as long as the same bandwidths as indicated for CISPR quasi-peak measurements are employed.

NOTE: For pulse modulated devices with a pulse-repetition frequency of 20 Hz or less and for which CISPR quasi-peak measurements are specified, compliance with the regulations shall be demonstrated using measuring equipment employing a peak detector function, properly adjusted for such factors as pulse desensitization, using the same measurement bandwidths that are indicated for CISPR quasi-peak measurements.

(b) On any frequency of frequencies above 1000 MHz, the radiated limits shown are based upon the use of measurement instrumentation employing an average detector function. When average radiated emission measurements are specified in the regulations, including emission measurements below 1000 MHz, there is also a limit on the radio frequency emissions, as measured using instrumentation with a peak detector function, corresponding to 20 dB above the maximum permitted average limit for the frequency being investigated unless a different peak emission limit is otherwise specified in the rules in this part, e.g., see §15.255. Unless otherwise specified, measurements above 1000 MHz shall be performed using a minimum resolution bandwidth of 1 MHz. Measurement of AC power line conducted emissions are performed using a CISPR quasi-peak detector, even for devices for which average radiated emission measurements are specified.

c) Unless otherwise specified, e.g. §15.255(b), when the radiated emission

<table>
<thead>
<tr>
<th>Highest frequency generated or used in the device or on which the device operates or tunes (MHz)</th>
<th>Upper frequency of measurement range (MHz)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 1.705</td>
<td>30</td>
</tr>
<tr>
<td>1.705–10</td>
<td>400</td>
</tr>
<tr>
<td>10–30</td>
<td>500</td>
</tr>
</tbody>
</table>

(3) Except for a CB receiver, a receiver employing superheterodyne techniques shall be investigated from 30 MHz up to at least the second harmonic of the highest local oscillator frequency generated in the device. If such receiver is controlled by a digital device, the frequency range shall be investigated up to the higher of the second harmonic of the highest local oscillator frequency generated in the device or the upper frequency of the measurement range specified for the digital device in paragraph (b)(1) of this section.

(c) The above specified frequency ranges of measurements apply to the measurement of radiated emissions and, in the case of receivers, the measurement to demonstrate compliance with the antenna conduction limits specified in §15.111. The frequency range of measurements for AC power line conducted limits is specified in §§15.107 and 15.207 and applies to all equipment subject to those regulations. In some cases, depending on the frequency(ies) generated and used by the equipment, only signals conducted onto the AC power lines are required to be measured.

(d) Particular attention should be paid to harmonics and subharmonics of the fundamental frequency as well as to those frequencies removed from the fundamental by multiples of the oscillator frequency. Radiation at the frequencies of multiplier states should also be checked.

limits are expressed in terms of the average value of the emission, and pulsed operation is employed, the measurement field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative (provided the transmitter operates for longer than 0.1 seconds) or in cases where the pulse train exceeds 0.1 seconds, the measured field strength shall be determined from the average absolute voltage during a 0.1 second interval during which the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for certification or shall be retained in the measurement data file for equipment subject to notification or verification.


§ 15.37 Transition provisions for compliance with the rules.

Equipment may be authorized, manufactured and imported under the rules in effect prior to June 23, 1989, in accordance with the following schedules:

(a) For all intentional and unintentional radiators, except for receivers: Radio frequency equipment verified by the responsible party or for which an application for a grant of equipment authorization is submitted to the Commission on or after June 23, 1992, shall comply with the regulations specified in this part. Radio frequency equipment that is manufactured or imported on or after June 23, 1994, shall comply with the regulations specified in this part.

(b) For receivers: Receivers subject to the regulations in this part that are manufactured or imported on or after June 23, 1994, shall comply with the regulations specified in this part. However, if a receiver is associated with a transmitter that could not have been authorized under the rules in effect prior to June 23, 1989, e.g., a transmitter operating under the provisions of § 15.208 or § 15.249 (below 960 MHz), the transition provisions in this section do not apply. Such receivers must comply with the regulations in this part. In addition, receivers are subject to the provisions in paragraph (f) of this section.

(c) There are no restrictions on the operation or marketing of equipment complying with the regulations in effect prior to June 23, 1989.

(d) Prior to May 25, 1991, person shall import, market or operate intentional radiators within the band 902-905 MHz under the provisions of § 15.249. Until that date, the Commission will not issue a grant of equipment authorization for equipment operating under § 15.249 if the equipment is designed to permit operation within the band 902-905 MHz.

(e) For cordless telephones: The manufacture and importation of cordless telephones not complying with § 15.214(d) of this part shall cease on or before September 11, 1991. These provisions will not apply to cordless telephones which are repaired or refurbished, or re-imported after repair or refurbishment. Applications for a grant of equipment authorization of cordless telephones that do not comply with § 15.214(d) of this part will not be accepted by the Commission after May 10, 1991. Cordless telephones that have previously received equipment authorization and that, without modification, already comply with the requirements of § 15.214(d) of this part, need not be re-authorized.

(f) The manufacture or importation of scanning receivers, and frequency converters designed or marketed for use with scanning receivers, that do not comply with the provisions of § 15.121(a)(1) shall cease on or before April 26, 1994. Effective April 26, 1993, the Commission will not grant equipment authorization for receivers that do not comply with the provisions of § 15.121(a)(1). These rules do not prohibit the sale or use of authorized receivers manufactured in the United States, or imported into the United States, prior to April 26, 1994.

(g) For CPU boards and power supplies designed to be used with personal computers: The manufacture and importation of these products shall cease on or before June 19, 1997 unless these products have been authorized under a Declaration of Conformity or a grant of
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Equipment authorization of unintentional radiators.

(a) Except as otherwise exempted in §§15.23, 15.103, and 15.113, unintentional radiators shall be authorized prior to the initiation of marketing, as follows:

<table>
<thead>
<tr>
<th>Type of device</th>
<th>Equipment authorization required</th>
</tr>
</thead>
<tbody>
<tr>
<td>TV broadcast receiver</td>
<td>Verification.</td>
</tr>
<tr>
<td>FM broadcast receiver</td>
<td>Verification.</td>
</tr>
<tr>
<td>CB receiver</td>
<td>Declaration of Conformity or Certification.</td>
</tr>
<tr>
<td>Superregenerative receiver</td>
<td>Declaration of Conformity or Certification.</td>
</tr>
<tr>
<td>Scanning receiver</td>
<td>Certification.</td>
</tr>
<tr>
<td>All other receivers subject to part 15</td>
<td>Declaration of Conformity or Certification.</td>
</tr>
<tr>
<td>TV interface device</td>
<td>Declaration of Conformity or Certification.</td>
</tr>
<tr>
<td>Cable system terminal device</td>
<td>Certification.</td>
</tr>
<tr>
<td>Stand-alone cable input selector switch</td>
<td>Verification.</td>
</tr>
<tr>
<td>Class B personal computers and peripherals</td>
<td>Declaration of Conformity or Certification.</td>
</tr>
<tr>
<td>CPU boards and internal power supplies used with Class B personal computers.</td>
<td>Declaration of Conformity or Certification.</td>
</tr>
<tr>
<td>Class B personal computers assembled using authorized CPU boards or power supplies.</td>
<td>Declaration of Conformity.</td>
</tr>
<tr>
<td>Class B external switching power supplies</td>
<td>Verification.</td>
</tr>
<tr>
<td>Other Class B digital devices and peripherals</td>
<td>Verification.</td>
</tr>
<tr>
<td>Class A digital devices, peripherals and external switching power supplies.</td>
<td>Verification.</td>
</tr>
<tr>
<td>All other devices</td>
<td>Verification.</td>
</tr>
</tbody>
</table>

Note to table: Where the above table indicates more than one category of authorization for a device, the party responsible for compliance has the option to select the type of authorization.

1 Applications for this equipment will no longer be accepted by the Commission once domestic Telecommunication Certification Bodies are available to certificate the equipment. See §2.960 of this chapter.

(b) Only those receivers that operate (tune) within the frequency range of 30-960 MHz and CB receivers are subject to the authorizations shown in paragraph (a) of this section. However, receivers indicated as being subject to Declaration of Conformity that are contained within a transceiver, the transmitter portion of which is subject to certification, shall be authorized under the verification procedure. Receivers operating above 960 MHz or below 30 MHz, except for CB receivers, are exempt from complying with the technical provisions of this part but are subject to §15.5.

(c) Personal computers shall be authorized in accordance with one of the following methods:

(1) The specific combination of CPU board, power supply and enclosure is tested together and authorized under a
Declaration of Conformity or a grant of certification:
(2) The personal computer is authorized under a Declaration of Conformity or a grant of certification, and the CPU board or power supply in that computer is replaced with a CPU board or power supply that has been separately authorized under a Declaration of Conformity or a grant of certification; or
(3) The CPU board and power supply used in the assembly of a personal computer have been separately authorized under a Declaration of Conformity or a grant of certification; and
(4) Personal computers assembled using either of the methods specified in paragraphs (c)(2) or (c)(3) of this section must, by themselves, also be authorized under a Declaration of Conformity if they are marketed. However, additional testing is not required for this Declaration of Conformity, provided the procedures in §15.102(b) are followed.
(d) Peripheral devices, as defined in §15.3(r), shall be authorized under a Declaration of Conformity, or a grant of certification, or verified, as appropriate, prior to marketing. Regardless of the provisions of paragraphs (a) or (c) of this section, a CPU board, power supply, or peripheral device will always be marketed with a specific personal computer, it is not necessary to obtain a separate authorization for that product provided the specific combination of personal computer, peripheral device, CPU board and power supply has been authorized under a Declaration of Conformity or a grant of certification as a personal computer.
(1) No authorization is required for a peripheral device or a subassembly that is sold to an equipment manufacturer for further fabrication; that manufacturer is responsible for obtaining the necessary authorization prior to further marketing to a vendor or to a user.
(2) Power supplies and CPU boards that have not been separately authorized and are designed for use with personal computers may be imported and marketed only to a personal computer manufacturer that has indicated, in writing, to the seller or importer that they will obtain a Declaration of Conformity or a grant of certification for the personal computer employing these components.
(e) Subassemblies to digital devices are not subject to the technical standards in this part unless they are marketed as part of a system in which case the resulting system must comply with the applicable regulations. Subassemblies include:
(1) Devices that are enclosed solely within the enclosure housing the digital device, except for: power supplies used in personal computers; devices included under the definition of a peripheral device in §15.3(r); and personal computer CPU boards, as defined in §15.3(bb);
(2) CPU boards, as defined in §15.3(bb), other than those used in personal computers, that are marketed without an enclosure or power supply; and
(3) Switching power supplies that are separately marketed and are solely for use internal to a device other than a personal computer.
(f) The procedures for obtaining a grant of certification or notification and for verification and a Declaration of Conformity are contained in subpart J of part 2 of this chapter.
§ 15.102 CPU boards and power supplies used in personal computers.
(a) Authorized CPU boards and power supplies that are sold as separate components shall be supplied with complete installation instructions. These instructions shall specify all of the installation procedures that must be followed to ensure compliance with the standards, including, if necessary, the type of enclosure, e.g., a metal enclosure, proper grounding techniques, the use of shielded cables, the addition of any needed components, and any necessary modifications to additional components.
(1) Any additional parts needed to ensure compliance with the standards, except for the enclosure, are considered to be special accessories and, in accordance with §15.27, must be marketed with the CPU board or power supply.
(2) Any modifications that must be made to a personal computer, peripheral device, CPU board or power supply during installation of a CPU board or power supply must be simple enough that they can be performed by the average consumer. Parts requiring soldering, disassembly of circuitry or other similar modifications are not permitted.

(b) Assemblers of personal computer systems employing modular CPU boards and/or power supplies are not required to test the resulting system provided the following conditions are met:

(1) Each device used in the system has been authorized as required under this part (according to §15.101(e), some subassemblies used in a personal computer system may not require an authorization);

(2) The original label and identification on each piece of equipment remain unchanged;

(3) Each responsible party’s instructions to ensure compliance (including, if necessary, the use of shielded cables or other accessories or modifications) are followed when the system is assembled;

(4) If the system is marketed, the resulting equipment combination is authorized under a Declaration of Conformity pursuant to §§15.21, 15.27 and 15.105; and

(5) The assembler of a personal computer system may be required to test the system and/or make necessary modifications if a system is found to cause harmful interference or to be noncompliant with the appropriate standards in the configuration in which it is marketed (see §§2.909, 15.1, 15.27(d) and 15.101(e)).

§ 15.103 Exempted devices.

The following devices are subject only to the general conditions of operation in §§15.5 and 15.29 and are exempt from the specific technical standards and other requirements contained in this part. The operator of the exempted device shall be required to stop operating the device upon a finding by the Commission or its representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected. Although not mandatory, it is strongly recommended that the manufacturer of an exempted device endeavor to have the device meet the specific technical standards in this part.

(a) A digital device utilized exclusively in any transportation vehicle including motor vehicles and aircraft.

(b) A digital device used exclusively as an electronic control or power system utilized by a public utility or in an industrial plant. The term public utility includes equipment only to the extent that it is in a dedicated building or large room owned or leased by the utility and does not extend to equipment installed in a subscriber’s facility.

(c) A digital device used exclusively as industrial, commercial, or medical test equipment.

(d) A digital device utilized exclusively in an appliance, e.g., microwave oven, dishwasher, clothes dryer, air conditioner (central or window), etc.

(e) Specialized medical digital devices (generally used at the direction of or under the supervision of a licensed health care practitioner) whether used in a patient’s home or a health care facility. Non-specialized medical devices, i.e., devices marketed through retail channels for use by the general public, are not exempted. This exemption also does not apply to digital devices used for record keeping or any purpose not directly connected with medical treatment.

(f) Digital devices that have a power consumption not exceeding 6 nW.

(g) Joystick controllers or similar devices, such as a mouse, used with digital devices but which contain only non-digital circuitry or a simple circuit to convert the signal to the format required (e.g., an integrated circuit for analog to digital conversion) are viewed as passive add-on devices, not themselves directly subject to the technical standards or the equipment authorization requirements.
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(h) Digital devices in which both the highest frequency generated and the highest frequency used are less than 1.705 MHz and which do not operate from the AC power lines or contain provisions for operation while connected to the AC power lines. Digital devices that include, or make provision for the use of, battery eliminators, AC adaptors or battery chargers which permit operation while charging or that connect to the AC power lines indirectly, obtaining their power through another device which is connected to the AC power lines, do not fall under this exemption.

(i) Responsible parties should note that equipment containing more than one device is not exempt from the technical standards in this part unless all of the devices in the equipment meet the criteria for exemption. If only one of the included devices qualifies for exemption, the remainder of the equipment must comply with any applicable regulations. If a device performs more than one function and all of those functions do not meet the criteria for exemption, the device does not qualify for inclusion under the exemptions.

§ 15.105 Information to the user.

(a) For a Class A digital device or peripheral, the instructions furnished the user shall include the following or similar statement, placed in a prominent location in the text of the manual:

NOTE: This equipment has been tested and found to comply with the limits for a Class A digital device, pursuant to part 15 of the FCC Rules. These limits are designed to provide reasonable protection against harmful interference when the equipment is operated in a commercial environment. This equipment generates, uses, and can radiate radio frequency energy and, if not installed and used in accordance with the instructions, may cause harmful interference to radio communications. However, there is no guarantee that interference will not occur in a particular installation. If this equipment does cause harmful interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

— Reorient or relocate the receiving antenna.
— Increase the separation between the equipment and receiver.
— Connect the equipment into an outlet on a circuit different from that to which the receiver is connected.
— Consult the dealer or an experienced radio/TV technician for help.

(c) The provisions of paragraphs (a) and (b) of this section do not apply to digital devices exempted from the technical standards under the provisions of § 15.103.

(d) For systems incorporating several digital devices, the statement shown in paragraphs (a) or (b) of this section needs to be contained only in the instruction manual for the main control unit.

§ 15.107 Conducted limits.

(a) Except for Class A digital devices, for equipment that is designed to be connected to the public utility (AC) power line, the radio frequency voltage that is conducted back onto the AC power line on any frequency or frequencies within the band 450 kHz to 30 MHz shall not exceed 250 microvolts. Compliance with this provision shall be based on the measurement of the radio frequency voltage between each power line and ground at the power terminals.

(b) For a Class B digital device that is designed to be connected to the public utility (AC) power line, the radio frequency voltage that is conducted back onto the AC power line on any frequency or frequencies within the band 450 kHz to 30 MHz shall not exceed the limits in the following table. Compliance with this provision shall be
based on the measurement of the radio frequency voltage between each power line and ground at the power terminals. The lower limit applies at the band edges.

<table>
<thead>
<tr>
<th>Frequency of emission (MHz)</th>
<th>Conducted limit (microvolts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.45 to 1.705</td>
<td>1000</td>
</tr>
<tr>
<td>1.705 to 30.0</td>
<td>3000</td>
</tr>
</tbody>
</table>

(c) The limits shown in paragraphs (a) and (b) of this section shall not apply to carrier current systems operating as unintentional radiators on frequencies below 30 MHz. In lieu thereof, these carrier current systems shall be subject to the following standards:

1. For carrier current systems containing their fundamental emission within the frequency band 535-1705 kHz and intended to be received using a standard AM broadcast receiver: no limit on conducted emissions.
2. For all other carrier current systems: 1000 μV within the frequency band 535-1705 kHz.
3. Carrier current systems operating below 30 MHz are also subject to the radiated emission limits in §15.109(e).

(d) The following option may be employed if the conducted emissions exceed the limits in paragraph (a) or (b) of this section, as appropriate, when measured using instrumentation employing a quasi-peak detector function: if the level of the emission measured using the quasi-peak instrumentation is 6 dB, or more, higher than the level of the same emission measured with instrumentation having an average detector and a 9 kHz minimum bandwidth, that emission is considered broadband and the level obtained with the quasi-peak detector may be reduced by 13 dB for comparison to the limits. When employing this option, the following conditions shall be observed:

1. The measuring instrumentation with the average detector shall employ a linear IF amplifier.
2. Care must be taken not to exceed the dynamic range of the measuring instrument when measuring an emission with a low duty cycle.
3. The test report required for verification or for an application for a grant of equipment authorization shall contain all details supporting the use of this option.

(e) As an alternative to the conducted limits shown in paragraphs (a) and (b) of this section, digital devices may be shown to comply with the standards contained in the First Edition of International Special Committee on Radio Interference (CISPR) Pub. 22 (1985), “Limits and Methods of Measurement of Radio Interference Characteristics of Information Technology Equipment,” and the associated Draft International Standards (DISs) adopted in 1992 and published by the International Electrotechnical Commission as documents CISPR/G (Central Office) 2, CISPR/G (Central Office) 3, CISPR/G (Central Office) 9, CISPR/G (Central Office) 11, CISPR/G (Central Office) 12, CISPR/G (Central Office) 13, and CISPR/G (Central Office) 14. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these CISPR publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, New York, NY 10036, (212) 642-4900. Copies may also be inspected during normal business hours at the following locations: Federal Communications Commission, 2025 M Street, NW., Office of Engineering and Technology (room 7317), Washington, DC, and Office of the Federal Register, 800 N. Capitol Street, NW., suite 700, Washington, DC. In addition:

1. The test procedure and other requirements specified in this part shall continue to apply to digital devices.
2. If the conducted emissions are measured to demonstrate compliance with the alternative standards in this paragraph, compliance must also be demonstrated with the radiated emission limits shown in §15.109(g).

(f) Measurements to demonstrate compliance with the conducted limits are not required for devices which only employ battery power for operation and which do not operate from the AC power lines or contain provisions for operation while connected to the AC power lines. Devices that include, or make provision for, the use of battery chargers which permit operating while
charging, AC adaptors or battery eliminators or that connect to the AC power lines indirectly, obtaining their power through another device which is connected to the AC power lines, shall be tested to demonstrate compliance with the conducted limits.  

§ 15.109 Radiated emission limits.

(a) Except for Class A digital devices, the field strength of radiated emissions from unintentional radiators at a distance of 3 meters shall not exceed the following values:

<table>
<thead>
<tr>
<th>Frequency of emission (MHz)</th>
<th>Field strength (microvolts/meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30–88</td>
<td>100</td>
</tr>
<tr>
<td>88–216</td>
<td>150</td>
</tr>
<tr>
<td>216–960</td>
<td>200</td>
</tr>
<tr>
<td>Above 960</td>
<td>500</td>
</tr>
</tbody>
</table>

(b) The field strength of radiated emissions from a Class A digital device, as determined at a distance of 10 meters, shall not exceed the following:

<table>
<thead>
<tr>
<th>Frequency of emission (MHz)</th>
<th>Field strength (microvolts/meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30–88</td>
<td>90</td>
</tr>
<tr>
<td>88–216</td>
<td>150</td>
</tr>
<tr>
<td>216–960</td>
<td>210</td>
</tr>
<tr>
<td>Above 960</td>
<td>300</td>
</tr>
</tbody>
</table>

(c) In the emission tables above, the tighter limit applies at the band edges. Sections 15.33 and 15.35 which specify the frequency range over which radiated emissions are to be measured and the detector functions and other measurement standards apply.

(d) For CB receivers, the field strength of radiated emissions within the frequency range of 25–30 MHz shall not exceed 40 microvolts/meter at a distance of 3 meters. The field strength of radiated emissions above 30 MHz from such devices shall comply with the limits in paragraph (a) of this section.

(e) Carrier current systems used as unintentional radiators or other unintentional radiators that are designed to conduct their radio frequency emissions via connecting wires or cables and that operate in the frequency range of 9 kHz to 30 MHz, including devices that deliver the radio frequency energy to transducers, such as ultrasonic devices not covered under part 18 of this chapter, shall comply with the radiated emission limits for intentional radiators provided in §15.209 for the frequency range of 9 kHz to 30 MHz. As an alternative, carrier current systems used as unintentional radiators and operating in the frequency range of 525 kHz to 1705 kHz may comply with the radiated emission limits provided in §15.221(a). At frequencies above 30 MHz, the limits in paragraph (a), (b), or (g) of this section, as appropriate, apply.

(f) For a receiver which employs terminals for the connection of an external receiving antenna, the receiver shall be tested to demonstrate compliance with the provisions of this section with an antenna connected to the antenna terminals unless the antenna conducted power is measured as specified in §15.111(a). If a permanently attached receiving antenna is used, the receiver shall be tested to demonstrate compliance with the provisions of this section.

(g) As an alternative to the radiated emission limits shown in paragraphs (a) and (b) of this section, digital devices may be shown to comply with the standards contained in the First Edition of CISPR Pub. 22 (1985), “Limits and Methods of Measurement of Radio Interference Characteristics of Information Technology Equipment,” and the associated Draft International Standards (DISs) adopted in 1992 and published by the International Electrotechnical Commission as documents CISPR/G (Central Office) 2, CISPR/G (Central Office) 5, CISPR/G (Central Office) 9, CISPR/G (Central Office) 11, CISPR/G (Central Office) 12, CISPR/G (Central Office) 13, and CISPR/G (Central Office) 14. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these CISPR publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street.
§ 15.111 Antenna power conduction limits for receivers.

(a) In addition to the radiated emission limits, receivers that operate (tune) in the frequency range 30 to 960 MHz and CB receivers that provide terminals for the connection of an external receiving antenna may be tested to demonstrate compliance with the provisions of §15.109 with the antenna terminals shielded and terminated with a resistive termination equal to the impedance specified for the antenna, provided these receivers also comply with the following: With the receiver antenna terminal connected to a resistive termination equal to the impedance specified or employed for the antenna, the power at the antenna terminal at any frequency within the range of measurements specified in §15.33 shall not exceed 2.0 nanowatts.

(b) CB receivers and receivers that operate (tune) in the frequency range 30 to 960 MHz that are provided only with a permanently attached antenna shall comply with the radiated emission limitations in this part, as measured with the antenna attached.

§ 15.113 Power line carrier systems.

Power line carrier systems, as defined in §15.3(t), are subject only to the following requirements:

(a) A power utility operating a power line carrier system shall submit the details of all existing systems plus any proposed new systems or changes to existing systems to an industry-operated entity as set forth in §90.63(g) of this chapter. No notification to the FCC is required.

(b) The operating parameters of a power line carrier system (particularly the frequency) shall be selected to achieve the highest practical degree of compatibility with authorized or licensed users of the radio spectrum. The signals from this operation shall be contained within the frequency band 9 kHz to 490 kHz. A power line carrier system shall operate on an unprotected, non-interference basis in accordance with §15.5 of this part. If harmful interference occurs, the electric power utility shall discontinue use or adjust its power line carrier operation, as required, to remedy the interference. Particular attention should be paid to the possibility of interference to Loran C operations at 100 kHz.

(c) Power line carrier system apparatus shall be operated with the minimum power possible to accomplish the desired purpose. No equipment authorization is required.

(d) The best engineering principles shall be used in the generation of radio frequency currents by power line carrier systems to guard against harmful interference to authorized radio users.
particularly on the fundamental and harmonic frequencies.

(e) Power line carrier system apparatus shall conform to such engineering standards as may be promulgated by the Commission. In addition, such systems should adhere to industry approved standards designed to enhance the use of power line carrier systems.

(f) The provisions of this section apply only to systems operated by a power utility for general supervision of the power system and do not permit operation on electric lines which connect the distribution substation to the customer or house wiring. Such operation can be conducted under the other provisions of this part.

§ 15.115 TV interface devices, including cable system terminal devices.

(a) Measurements of the radiated emissions of a TV interface device shall be conducted with the output terminal(s) of the device terminated by a resistance equal to the rated output impedance. The emanations of a TV interface device incorporating an intentional radiator shall not exceed the limits in §15.109 or subpart C of this part, whichever is higher for each frequency. Where it is possible to determine which portion of the device is contributing a particular radio frequency emission, the emissions from the TV interface device portion shall comply with the emission limits in §15.109, and the emissions from the intentional radiator shall comply with subpart C of this part.

(b) Output signal limits:

(1) At any RF output terminal, the maximum measured RMS voltage, in microvolts, corresponding to the peak envelope power of the modulated signal during maximum amplitude peaks across a resistance (R in ohms) matching the rated output impedance of the TV interface device, shall not exceed the following:

(i) For a cable system terminal device or a TV interface device used with a master antenna, 692.8 times the square root of (R).

(ii) For all other TV interface devices, 346.4 times the square root of (R) for the video signal and 77.5 times the square root of (R) for the audio signal.

(2) At any RF output terminal, the maximum measured RMS voltage, in microvolts, corresponding to the peak envelope power of the modulated signal during maximum amplitude peaks across a resistance (R in ohms) matching the rated output impedance of the TV interface device, of any emission appearing on frequencies removed by more than 4.6 MHz below or 7.4 MHz above the video carrier frequency on which the TV interface device is operated shall not exceed the following:

(i) For a cable system terminal device or a TV interface device used with a master antenna, 692.8 times the square root of (R).

(ii) For all other TV interface devices, 10.95 times the square root of (R).

(3) The term master antenna used in this section refers to TV interface devices employed for central distribution of television or other video signals within a building. Such TV interface devices must be designed to:

(i) Distribute multiple television signals at the same time;

(ii) Distribute such signals by cable to outlets or TV receivers in multiple rooms in the building in which the TV interface devices are installed; and,

(iii) Distribute all over-the-air or cable signals.

NOTE: Cable-ready video cassette recorders continue to be subject to the provisions for general TV interface devices.

(c) A TV interface device shall be equipped with a transfer switch for connecting the antenna terminals of a receiver selectively either to the receiving antenna or to the radio frequency output of the TV interface device, subject to the following:

(1) When measured in any of its set positions, transfer switches shall comply with the following requirements:

(i) For a cable system terminal device or a TV interface device equipped for use with a cable system or a master antenna, as defined in paragraph (b)(3) of this section, the isolation between the antenna and cable input terminals shall be at least 80 dB from 54 MHz to 216 MHz, at least 60 dB from 216 MHz to 550 MHz and at least 55 dB from 550 MHz to 1080 MHz.

(ii) For all other TV interface devices, 346.4 times the square root of (R) for the video signal and 77.5 times the square root of (R) for the audio signal.
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MHz to 806 MHz. The 80 dB standard applies at 216 MHz and the 60 dB standard applies at 550 MHz. In the case of a transfer switch requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. The provisions of this paragraph regarding frequencies in the range 550 MHz to 806 MHz are applicable as of June 30, 1997.

(ii) For all other TV interface devices, the maximum voltage, corresponding to the peak envelope power of the modulated video signal during maximum amplitude peaks, in microvolts, appearing at the receiving antenna input terminals when terminated with a resistance (R in ohms) matching the rated impedance of the antenna input of the switch, shall not exceed 0.346 times the square root of (R).

(iii) Measurement to determine compliance with the transfer switch limits shall be made using a connecting cable, where required, between the TV interface device and the transfer switch of the type and length:

(A) Provided with the TV interface device,

(B) Recommended in the instruction manual, or

(C) Normally employed by the consumer.

(2) A TV interface device shall be designed and constructed, to the extent practicable, so as to preclude the possibility that the consumer may inadvertently attach the output of the device to the receiving antenna, if any, without first going through the transfer switch.

(3) A transfer switch is not required for a TV interface device that, when connected, results in the user no longer having any need to receive standard over-the-air broadcast signals via a separate antenna. A transfer switch is not required to be marketed with a cable system terminal device unless that device provides for the connection of an external antenna. A transfer switch is not required for a device that is intended to be used as an accessory to an authorized TV interface device.

(4) An actual transfer switch is not required for a TV interface device, including a cable system terminal device, that has an antenna input terminal(s); provided, the circuitry following the antenna input terminal(s) has sufficient bandwidth to allow the reception of all TV broadcast channels authorized under part 73 of this chapter and:

For a cable system terminal device that can alternate between the reception of cable television service and an antenna, compliance with the isolation requirement specified in paragraph (c)(3)(ii) of this section can be demonstrated; and, for all other TV interface devices, the maximum voltage appearing at the antenna terminal(s) does not exceed the limit in paragraph (c)(3)(iii) of this section.

(5) If a transfer switch is not required, the following label shall be used in addition to the label shown in §15.19(a):

This device is intended to be attached to a receiver that is not used to receive over-the-air broadcast signals. Connection of this device in any other fashion may cause harmful interference to radio communications and is in violation of the FCC Rules, part 15.

(d) A TV interface device, including a cable system terminal device, shall incorporate circuitry to automatically prevent emanations from the device from exceeding the technical specifications in this part. These circuits shall be adequate to accomplish their functions when the TV interface device is presented, if applicable, with video input signal levels in the range of one to five volts; this requirement is not applicable to a TV interface device that uses a built-in signal source and has no provisions for the connection of an external signal source. For devices that contain provisions for an external signal source but do not contain provisions for the input of an external baseband signal, e.g., some cable system terminal devices, compliance with the provisions of this paragraph shall be demonstrated with a radio frequency input signal of 0 to 25 dBmV.

(e) For cable system terminal devices and TV interface devices used with a master antenna, as defined in paragraph (b)(3) of this section, the holder of the grant of authorization shall specify in the instruction manual or pamphlet, if a manual is not provided, the types of wires or coaxial cables...
§ 15.117 TV broadcast receivers.

(a) All TV broadcast receivers shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, shall comply with the provisions of this section. The reference in this section to TV broadcast receivers also includes devices, such as TV interface devices, that incorporate the tuner portion of a TV broadcast receiver and that are equipped with an antenna or antenna terminals that can be used for the off-the-air reception of TV broadcast signals, as authorized under part 73 of this chapter.

(b) TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service.

(c) On a given receiver, use of the UHF and VHF tuning systems shall provide approximately the same degree of tuning accuracy with approximately the same expenditure of time and effort: Provided, however, That this requirement will be considered to be met if the need for routine fine tuning is eliminated on UHF channels.

(1) Basic tuning mechanism. If a TV broadcast receiver is equipped to provide for repeated access to VHF television channels at discrete tuning positions, that receiver shall be equipped to provide for repeated access to at least six UHF television channels at discrete tuning positions. Unless a discrete tuning position is provided for each channel allocated to UHF television, each position shall be readily adjustable to a particular UHF channel by the user without the use of tools. If 12 or fewer discrete tuning positions are provided, each position shall be adjustable to receive any channel allocated to UHF television.

NOTE: The combination of detented rotary switch and pushbutton controls is acceptable, provided UHF channels, after their initial selection, can be accurately tuned with an expenditure of time and effort approximately the same as that used in accurately tuning VHF channels. A UHF tuning system comprising five pushbuttons and a separate manual tuning knob is considered to provide repeated access to six channels at discrete tuning positions. A one-knob (VHF/UHF) tuning system providing repeated access to 11 or more discrete tuning positions is also


§ 15.117 TV broadcast receivers.

(a) All TV broadcast receivers shipped in interstate commerce or imported from any foreign country into the United States, for sale or resale to the public, shall comply with the provisions of this part. The holder of the grant of authorization must comply with the provisions of §15.27. For all other TV interface devices, the wires or coaxial cables used to couple the output signals to the TV receiver shall be provided by the responsible party.

(f) A TV interface device which is submitted to the Commission as a composite device in a single enclosure containing a RF modulator, video source and other component devices shall be submitted on a single application (FCC Form 731) and shall be authorized as a single device.

(g) An external device or accessory that is intended to be attached to a TV interface device shall comply with the technical and administrative requirements set out in the rules under which it operates. For example, a personal computer must be certificated to show compliance with the regulations for digital devices.

(h) Stand-alone switches used to alternate between cable service and an antenna shall provide isolation between the antenna and cable input terminals that is at least 80 dB from 54 MHz to 216 MHz, at least 60 dB from 216 MHz to 550 MHz and at least 55 dB from 550 MHz to 806 MHz. The 80 dB standard applies at 216 MHz and the 60 dB standard applies at 550 MHz. In the case of stand-alone switches requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. The provisions of this paragraph are applicable as of June 30, 1997.

(i) Switches and other devices intended to be used to by-pass the processing circuitry of a cable system terminal device, whether internal to such a terminal device or a stand-alone unit, shall not attenuate the input signal more than 6 dB from 54 MHz to 550 MHz or more than 8 dB from 550 MHz to 804 MHz. The 6 dB standard applies at 550 MHz. The provisions of this paragraph are applicable as of June 30, 1997.

§ 15.118 Cable ready consumer electronics equipment.

(a) All consumer electronics TV receiving equipment marketed in the United States as cable ready or cable acceptable, provided each of the tuning positions is readily adjustable, without the use of tools, to receive any UHF channel.

(2) Tuning controls and channel readout. UHF tuning controls and channel readout on a given receiver shall be comparable in size, location, accessibility and legibility to VHF controls and readout on that receiver.

NOTE: Differences between UHF and VHF channel readout that follow directly from the larger number of UHF television channels available are acceptable if it is clear that a good faith effort to comply with the provisions of this section has been made.

(d) If equipment and controls that tend to simplify, expedite or perfect the reception of television signals (e.g., AFC, visual aids, remote control, or signal seeking capability referred to generally as tuning aids) are incorporated into the VHF portion of a TV broadcast receiver, tuning aids of the same type and comparable capability and quality shall be provided for the UHF portion of that receiver.

(e) If a television receiver has an antenna affixed to the VHF antenna terminals, it must have an antenna designed for and capable of receiving all UHF television channels affixed to the UHF antenna terminals. If a VHF antenna is provided with but not affixed to a receiver, a UHF antenna shall be provided with the receiver.

(f) The picture sensitivity of a TV broadcast receiver averaged for all channels between 14 and 69 inclusive shall not be more than 8dB larger than the peak picture sensitivity of that receiver averaged for all channels between 2 and 13 inclusive.

(g) The noise figure for any television channel 14 to 69 inclusive shall not exceed 14 dB. A TV broadcast receiver is considered to comply with this noise figure if the maximum noise figure for channels 14-69 inclusive of 97.5% of all receivers within that model does not exceed 14 dB.

(1) The responsible party shall measure the noise figure of a number of UHF channels of the test sample to give reasonable assurance that the UHF noise figure for each channel complies with the above limit.

(2) The responsible party shall insert in his files a statement explaining the basis on which it will rely to ensure that at least 97.5% of all production units of the test sample that are manufactured have a noise figure of no greater than 14 dB.

(3) [Reserved]

(4) In the case of a TV tuner built-in as part of a video tape recorder that uses a power splitter between the antenna terminals of the video tape recorder and the input terminals of the TV tuner or a TV broadcast receiver that uses a power splitter between the antenna terminals of two or more UHF tuners contained within that receiver, 4 dB may be subtracted from the noise figure measured at the antenna terminals of the video tape recorder or TV broadcast receiver for determining compliance of the UHF tuner(s) with the 14 dB noise figure limit.

(h) For a TV broadcast receiver equipped with a cable input selector switch, the selector switch shall provide, in any of its set positions, isolation between the antenna and cable input terminals of at least 80 dB from 54 MHz to 216 MHz, at least 60 dB from 216 MHz to 550 MHz and at least 55 dB from 550 MHz to 806 MHz. The 80 dB standard applies at 216 MHz and the 60 dB standard applies at 550 MHz. In the case of a selector switch requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. An actual switch that can alternate between reception of cable television service and an antenna is not required for a TV broadcast receiver, provided compliance with the isolation requirement specified in this paragraph can be demonstrated and the circuitry following the antenna input terminal(s) has sufficient bandwidth to allow the reception of all TV broadcast channels authorized under this chapter. The provisions of this paragraph regarding frequencies in the range 550 MHz to 806 MHz are applicable as of June 30, 1997.

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compatible shall comply with the provisions of this section. Consumer electronics TV receiving equipment that includes features intended for use with cable service but does not fully comply with the provisions of this section are subject to the labeling requirements of §15.19(d).

(b) Cable ready consumer electronics equipment shall be capable of receiving all NTSC or similar video channels on channels 1 through 125 of the channel allocation plan set forth in the Electronics Industries Association’s “Cable Television Channel Identification Plan, EIA IS–132, May 1994” (EIA IS–132). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR part 51. Copies of EIA IS–132 may be obtained from: Global Engineering Documents, 3130 South Harbor Boulevard, Santa Anna, CA 92704. Copies of EIA IS–132 may be inspected during normal business hours at the following locations: Federal Communications Commission, 1919 M Street, NW., Dockets Branch (Room 239), Washington, DC, or the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(c) Cable ready consumer electronics equipment must meet the following technical performance requirements. Compliance with these requirements shall be determined by performing measurements at the unfiltered IF output port. Where appropriate, the Commission will consider allowing alternative measurement methods.

(1) Adjacent channel interference. In the presence of a lower adjacent channel CW signal that is 1.5 MHz below the desired visual carrier in frequency and 10 dB below the desired visual carrier in amplitude, spurious signals within the IF passband shall be attenuated at least 55 dB below the visual carrier of the desired signal. The desired input signal shall be an NTSC visual carrier modulated with a 10 IRE flat field with color burst and the aural carrier which is 10 dB below the visual carrier should be unmodulated. Measurements are to be performed for input signal levels of 0 dBmV and +15 dBmV, with the receiver tuned to ten evenly spaced EIA IS–132 channels covering the band 54 MHz to 804 MHz.

(2) Image channel interference. Image channel interference within the IF passband shall be attenuated below the visual carrier of the desired channel by at least 60 dB from 54 MHz to 714 MHz and 50 dB from 714 MHz to 804 MHz. The 60 dB standard applies at 714 MHz. In testing for compliance with this standard, the desired input signal is to be an NTSC signal on which the visual carrier is modulated with a 10 IRE flat field with color burst and the aural carrier is unmodulated and 10 dB below the visual carrier. The undesired test signal shall be a CW signal equal in amplitude to the desired visual carrier and located 90 MHz above the visual carrier frequency of the desired channel. Measurements shall be performed for input signals of 0 dBmV and +15 dBmV, with the receiver tuned to at least ten evenly spaced EIA IS–132 channels covering the band 54 MHz to 804 MHz.

(3) Direct pickup interference. The direct pickup (DPU) of a co-channel interfering ambient field by a cable ready device shall not exceed the following criteria. The ratio of the desired to undesired signal levels at the IF passband on each channel shall be at least 45 dB. The average ratio over the six channels shall be at least 50 dB. The desired input signal shall be an NTSC signal having a visual carrier level of 0 dBmV. The visual carrier is modulated with a 10 IRE flat field with color burst, visual to aural carrier ratio of 10 dB, aural carrier unmodulated. The equipment under test (EUT) shall be placed on a rotatable table that is one meter in height. Any excess length of the power cord and other connecting leads shall be coiled on the floor under the table. The EUT shall be immersed in a horizontally polarized uniform CW field of 100 mV/m at a frequency 2.55 MHz above the visual carrier of the EUT tuned channel. Measurements shall be made with the EUT tuned to six EIA IS–132 channels, two each in the low VHF, high VHF and UHF broadcast bands. On each channel, the levels at the IF passband due to the desired and interfering signals are to be measured.

(4) Tuner overload. Spurious signals within the IF passband shall be attenuated at least 55 dB below the visual
carrier of the desired channel using a comb-like spectrum input with each visual carrier signal individually set at +15 dBmV from 54 to 550 MHz. The desired input signal is to be an NTSC signal on which the visual carrier is modulated with a 10 IRE flat field with color burst and the aural carrier is unmodulated and 10 dB below the visual carrier. Measurements shall be made with the receiver tuned to at least seven evenly spaced EIA IS-132 channels covering the band 54 MHz to 550 MHz. In addition, spurious signals within the IF passband shall be attenuated at least 51 dB below the visual carrier of the desired channel using a comb spectrum input with each signal individually set at +15 dBmV from 550 to 804 MHz. Measurements shall be made with the receiver tuned to at least three evenly spaced EIA IS-132 channels covering the band 550 MHz to 804 MHz.

(5) Cable input conducted emissions. (i) Conducted spurious emissions that appear at the cable input to the device must meet the following criteria. The input shall be an NTSC video carrier modulated with a 10 IRE flat field with color burst at a level of 0 dBmV and with a visual to aural ratio of 10 dB. The aural carrier shall be unmodulated. The peak level of the spurious signals will be measured using a spectrum analyzer connected by a directional coupler to the cable input of the equipment under test. Spurious signal levels must not exceed the limits in the following table:

<table>
<thead>
<tr>
<th>Band</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 54 MHz up to and including 300 MHz</td>
<td>-26 dBmV</td>
</tr>
<tr>
<td>From 300 MHz up to and including 450 MHz</td>
<td>-20 dBmV</td>
</tr>
<tr>
<td>From 450 MHz up to and including 804 MHz</td>
<td>-15 dBmV</td>
</tr>
</tbody>
</table>

(ii) The average of the measurements on multiple channels from 450 MHz up to and including 804 MHz shall be no greater than -20 dBmV. Measurements shall be made with the receiver tuned to at least four EIA IS-132 channels in each of the above bands. The test channels are to be evenly distributed across each of the bands. Measurements for conducted emissions caused by sources internal to the device are to be made in a shielded room. Measurements for conducted emissions caused by external signal sources shall be made in an ambient RF field whose field strength is 100 mV/m, following the same test conditions as described in paragraph (c)(3) of this section.

(d) The field strength of radiated emissions from cable ready consumer electronics equipment shall not exceed the limits in §15.109(a) when measured in accordance with the applicable procedures specified in §§15.31 and 15.35 for unintentional radiators, with the following modifications. During testing the NTSC input signal level is to be +15 dBmV, with a visual to aural ratio of 10 dB. The visual carrier is to be modulated by a 10 IRE flat field with color burst; the aural carrier is to be unmodulated. Measurements are to be taken on six EIA IS-132 channels evenly spaced across the required RF input range of the equipment under test.

NOTE: The provisions of paragraphs (a) through (d) of this section are applicable as of June 30, 1997.

§15.119 Closed caption decoder requirements for analog television receivers.

(a) Effective July 1, 1993, all TV broadcast receivers with picture screens 33 cm (13 in) or larger in diameter shipped in interstate commerce, manufactured, assembled, or imported from any foreign country into the United States shall comply with the provisions of this section.

NOTE: This paragraph places no restriction on the shipping or sale of television receivers that were manufactured before July 1, 1993.

(b) Transmission format. Closed-caption information is transmitted on line 21 of field 1 of the vertical blanking interval of television signals, in accordance with §73.682(a)(22) of this chapter.

(c) Operating modes. The television receiver will employ customer-selectable modes of operation for TV and Caption. A third mode of operation, Text, may be included on an optional basis. The Caption and Text Modes may contain data in either of two operating channels, referred to in this document as C1 and C2. The television receiver must decode both C1 and C2 captioning, and
must display the captioning for whichever channel the user selects. The TV Mode of operation allows the video to be viewed in its original form. The Caption and Text Modes define one or more areas (called "boxes") on the screen within which caption or text characters are displayed.

Note: For more information regarding Text mode, see "Television Captioning for the Deaf: Signal and Display Specifications", Engineering Report No. E-7709-C, Public Broadcasting Service, dated May 1980, and "TeleCaption II Decoder Module Performance Specification", National Captioning Institute, Inc., dated November 1985. These documents are available, respectively, from the Public Broadcasting Service, 1300 Braddock Place, Alexandria, VA 22334 and from the National Captioning Institute, Inc., 5203 Leesburg Pike, Falls Church, VA 22041.

(d) Screen format. The display area for captioning and text shall fall approximately within the safe caption area as defined in paragraph (n)(12) of this section. This display area will be further divided into 15 character rows of equal height and 32 columns of equal width, to provide accurate placement of text on the screen. Vertically, the display area begins on line 43 and is 195 lines high, ending on line 237 on an interlaced display. All captioning and text shall fall within these established columns and rows. The characters must be displayed clearly separated from the video over which they are placed. In addition, the user must have the capability to select a black background over which the captioned letters are displaced.

(caption)

(1) Caption mode. In the Caption Mode, text can appear on up to 4 rows simultaneously anywhere on the screen within the defined display area. In addition, a solid space equal to one column width may be placed before the first character and after the last character of each row to enhance legibility. The caption area will be transparent anywhere that either:

(i) No standard space character or other character has been addressed and no accompanying solid space is needed; or,

(ii) An accompanying solid space is used and a "transparent space" special character has been addressed which does not immediately precede or follow a displayed character.

(2) [Reserved]

(e) Presentation format. In analyzing the presentation of characters, it is convenient to think in terms of a non-visible cursor which marks the screen position at which the next event in a given mode and data channel will occur. The receiver remembers the cursor position for each mode even when data are received for a different address in an alternate mode or data channel.

(1) Screen addressing. Two kinds of control codes are used to move the cursor to specific screen locations. In Caption Mode, these addressing codes will affect both row and column positioning. In Text Mode, the codes affect only column positioning. In both modes, the addressing codes are optional. Default positions are defined for each mode and style when no addressing code is provided.

(i) The first type of addressing code is the Preamble Address Code (PAC). It assigns a row number and one of eight "indent" figures. Each successive indent moves the cursor four columns to the right (starting from the left margin). Thus, an indent of 0 places the cursor at Column 1, an indent of 4 sets it at Column 5, etc. The PAC indent is non-destructive to displayable characters. It will not affect the display to the left of the new cursor position on the indicated row. Note that Preamble Address Codes also set initial attributes for the displayable characters which follow. See paragraph (h) of this section and the Preamble Address Code table.

(ii) The second type of addressing code is the Tab Offset, which is one of three Miscellaneous Control Codes. Tab Offset will move the cursor one, two, or three columns to the right. The character cells skipped over will be unaffected; displayable characters in these cells, if any, will remain intact while empty cells will remain empty, in the same manner that a PAC indent is non-destructive.

(2) [Reserved]

(f) Caption Mode. There are three styles of presenting text in Caption Mode: roll-up, pop-on, and paint-on. Character display varies significantly with the style used, but certain rules of character erasure are common to all
styles. A character can be erased by addressing another character to the same screen location or by backspacing over the character from a subsequent location on the same row. The entire displayed memory will be erased instantly by receipt of an Erase Displayed Memory command. Both displayed memory and non-displayed memory will be entirely erased simultaneously by either: The user switching receiver channels or data channels (C1/C2) or fields (F1/F2) in decoders so equipped; the loss of valid data (see paragraph (j) of this section); or selecting non-captioning receiver functions which use the display memory of the decoder. Receipt of an End of Caption command will cause a displayed caption to become non-displayed (and vice versa) without being erased from memory. Changing the receiver to a non-captioning mode which does not require use of the decoder's display memory will leave that memory intact, and the decoder will continue to process data as if the caption display were selected.

(1) Roll-up. Roll-up style captioning is initiated by receipt of one of three Miscellaneous Control Codes that determine the maximum number of rows displayed simultaneously, either 2, 3 or 4 contiguous rows. These are the three Roll-Up Caption commands.

(i) The bottom row of the display is known as the “base row”. The cursor always remains on the base row. Rows of text roll upwards into the contiguous rows immediately above the base row to create a “window” 2 to 4 rows high.

(ii) The Roll-Up command, in normal practice, will be followed (not necessarily immediately) by a Preamble Address Code indicating the base row and the horizontal indent position. If no Preamble Address Code is received, the base row will default to Row 15 or, if a roll-up caption is currently displayed, to the same base row last received. If the Preamble Address Code received contains a different base row than that of a currently displayed caption, the entire window will move intact (and without erasing) to the new base row immediately.

(iii) Each time a Carriage Return is received, the text in the top row of the window is erased from memory and from the display or scrolled off the top of the window. The remaining rows of text are each rolled up into the next highest row in the window, leaving the base row blank and ready to accept new text. This roll-up must appear smooth to the user, and must take no more than 0.433 second to complete. The cursor is automatically placed at Column 1 (pending receipt of a Preamble Address Code).

(iv) Increasing or decreasing the number of roll-up rows instantly changes the size of the active display window, appropriately turning on or off the display of the top one or two rows. A row which is turned off should also be erased from memory.

(v) Characters are always displayed immediately when received by the receiver. Once the cursor reaches the 32nd column position on any row, all subsequent characters received prior to a Carriage Return, Preamble Address Code, or Backspace will be displayed in that column replacing any previous character occupying that address.

(vi) The cursor moves automatically one column to the right after each character or Mid-Row Code received. A Backspace will move the cursor one column to the left, erasing the character or Mid-Row Code occupying that location. A Backspace received when the cursor is in Column 1 will be ignored.

(vii) The Delete to End of Row command will erase from memory any characters or control codes starting at the current cursor location and in all columns to its right on the same row. If no displayable characters remain on the row after the Delete to End of Row is acted upon, the solid space (if any) for that row should also be erased to conform with the following provisions.

(viii) If a solid space is used for legibility, it should appear when the first displayable character (not a transparent space) or Mid-Row Code is received on a row, not when the Preamble Address Code, if any, is given. A row on which there are no displayable characters or Mid-Row Codes will not display a solid space, even when rolled up between two rows which do display a solid space.
Section 15.119

(ix) If the reception of data for a row is interrupted by data for the alternate data channel or for Text Mode, the display of caption text will resume from the same cursor position if a Roll-Up Caption command is received and no Preamble Address Code is given which would move the cursor.

(x) A roll-up caption remains displayed until one of the standard caption erasure techniques is applied. Receipt of a Resume Caption Loading command (for pop-on style) or a Resume Direct Captioning command (for paint-on style) will not affect a roll-up display. Receipt of a Roll-Up Caption command will cause any pop-on or paint-on caption to be erased from displayed memory and non-displayed memory.

(2) Pop-on. Pop-on style captioning is initiated by receipt of a Resume Caption Loading command. Subsequent data are loaded into a non-displayed memory and held there until an End of Caption command is received, at which point the non-displayed memory becomes the displayed memory and vice versa. (This process is often referred to as “flipping memories” and does not automatically erase memory.) An End of Caption command forces the receiver into pop-on style if no Resume Caption Loading command has been received which would do so. The display will be capable of 4 full rows, not necessarily contiguous, simultaneous anywhere on the screen.

(i) Preamble Address Codes can be used to move the cursor around the screen in random order to place captions on Rows 1 to 15. Carriage Returns have no effect on cursor location during caption loading.

(ii) The cursor moves automatically one column to the right after each character or Mid-Row Code received. Receipt of a Backspace will move the cursor one column to the left, erasing the character or Mid-Row Code occupying that location. (A Backspace received when the cursor is in Column 1 will be ignored.) Once the cursor reaches the 32nd column position on any row, all subsequent characters received prior to a Backspace, an End of Caption, or a Preamble Address Code, will replace any previous character at that location.

(iii) The Delete to End of Row command will erase from memory any characters or control codes starting at the current cursor location and in all columns to its right on the same row. If no displayable characters remain on a row after the Delete to End of Row is acted upon, the solid space (if any) for that element should also be erased.

(iv) If data reception is interrupted during caption loading by data for the alternate caption channel or for Text Mode, caption loading will resume at the same cursor position if a Resume Caption Loading command is received and no Preamble Address Code is given that would move the cursor.

(v) Characters remain in non-displayed memory until an End of Caption command flips memories. The caption will be erased without being displayed upon receipt of an Erase Non-Displayed Memory command, a Roll-Up Caption command, or if the user switches receiver channels, data channels or fields, or upon the loss of valid data (see paragraph (j) of this section).

(vi) A pop-on caption, once displayed, remains displayed until one of the standard caption erasure techniques is applied or until a Roll-Up Caption command is received. Characters within a displayed pop-on caption will be replaced by receipt of the Resume Direct Captioning command and paint-on style techniques (see below).

(3) Paint-on. Paint-on style captioning is initiated by receipt of a Resume Direct Captioning command. Subsequent data are addressed immediately to displayed memory without need for an End of Caption command.

(i) Preamble Address Codes can be used to move the cursor around the screen in random order to display captions on Rows 1 to 15. Carriage Returns have no effect on cursor location during direct captioning.

(ii) The cursor moves automatically one column to the right after each character or Mid-Row Code received. Receipt of a Backspace will move the cursor one column to the left, erasing the character or Mid-Row Code occupying that location. (A Backspace received when the cursor is in Column 1 will be ignored.) Once the cursor reaches the 32nd column position on any row, all subsequent characters received prior to...
a Preamble Address Code or Backspace will be displayed in that column replacing any previous character occupying that location.

(ii) The Delete to End of Row command will erase from memory any characters or control codes starting at the current cursor location and in all columns to its right on the same row. If no displayable characters remain on the row after the Delete to End of Row is acted upon, the solid space (if any) for that element should also be erased.

(iii) If the reception of data is interrupted during the direct captioning by data for the alternate caption channel or for Text Mode, the display of caption text will resume at the same cursor position if a Resume Direct Captioning command is received and no Preamble Address Code is given which would move the cursor.

(iv) Characters remain displayed until one of the standard caption erasure techniques is applied or until a Roll-Up Caption command is received. An End of Caption command leaves a paint-on caption fully intact in non-displayed memory. In other words, a paint-on style caption behaves precisely like a pop-on style caption which has been displayed.

(g) Character format. Characters are to be displayed on the screen within a character “cell” which is the height and width of a single row and column. The following codes define the displayable character set. Television receivers manufactured prior to January 1, 1996 and having a character resolution of 5 × 7 dots, or less, may display the allowable alternate characters in the character table. A statement must be in a prominent location on the box or other package in which the receiver is to be marketed, and information must be in the owner’s manual, indicating the receiver displays closed captioning in upper case only.

**Character Set Table**

**Special Characters**

These require two bytes for each symbol. Each hex code as shown will be preceded by a 11h for data channel 1 or by a 19h for data channel 2. For example: 19h 33h will place a musical note in data channel 2.

<table>
<thead>
<tr>
<th>HEX</th>
<th>Example</th>
<th>Alternate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>®</td>
<td>See note1</td>
<td>Registered mark symbol</td>
</tr>
<tr>
<td>31</td>
<td>°</td>
<td>Degree sign</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>†</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>™</td>
<td>See note1</td>
<td>Trademark symbol</td>
</tr>
<tr>
<td>34</td>
<td>ç</td>
<td>Cents sign</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>£</td>
<td>Pounds Sterling sign</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>£</td>
<td>Music note</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>a</td>
<td>Lower-case a with grave accent</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>-</td>
<td>Transparent space</td>
<td></td>
</tr>
<tr>
<td>3A</td>
<td>e</td>
<td>Lower-case e with grave accent</td>
<td></td>
</tr>
<tr>
<td>3B</td>
<td>a</td>
<td>Lower-case a with circumflex</td>
<td></td>
</tr>
<tr>
<td>3C</td>
<td>e</td>
<td>Lower-case e with circumflex</td>
<td></td>
</tr>
<tr>
<td>3D</td>
<td>i</td>
<td>Lower-case i with circumflex</td>
<td></td>
</tr>
<tr>
<td>3E</td>
<td>O</td>
<td>Lower-case o with circumflex</td>
<td></td>
</tr>
<tr>
<td>3F</td>
<td>U</td>
<td>Lower-case u with circumflex</td>
<td></td>
</tr>
</tbody>
</table>

*NOTE: The registered and trademark symbols are used to satisfy certain legal requirements. There are various legal ways in which these symbols may be drawn or displayed. For example, the trademark symbol may be drawn with the “T” next to the “M” or over the “M”. It is preferred that the trademark symbol be superscripted, i.e., XYZ™. It is left to each individual manufacturer to interpret these symbols in any way that meets the legal needs of the user.

**Standard characters**

<table>
<thead>
<tr>
<th>HEX</th>
<th>Example</th>
<th>Alternate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td></td>
<td></td>
<td>Standard space</td>
</tr>
<tr>
<td>21</td>
<td>!</td>
<td>Exclamation mark</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>&quot;</td>
<td>Quotation mark</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>#</td>
<td>Pounds (number) sign</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>$</td>
<td>Dollar sign</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>%</td>
<td>Percentage sign</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>&amp;</td>
<td>Ampersand</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>'</td>
<td>Apostrophe</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>(</td>
<td>Open parentheses</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>)</td>
<td>Close parentheses</td>
<td></td>
</tr>
<tr>
<td>2A</td>
<td>a</td>
<td>Lower-case a with acute accent</td>
<td></td>
</tr>
<tr>
<td>2B</td>
<td>+</td>
<td>Plus sign</td>
<td></td>
</tr>
<tr>
<td>2C</td>
<td>,</td>
<td>Comma</td>
<td></td>
</tr>
<tr>
<td>2D</td>
<td>–</td>
<td>Minus (hyphen) sign</td>
<td></td>
</tr>
<tr>
<td>2E</td>
<td>.</td>
<td>Period</td>
<td></td>
</tr>
<tr>
<td>2F</td>
<td>/</td>
<td>Slash</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>0</td>
<td>Zero</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>1</td>
<td>One</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>2</td>
<td>Two</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>3</td>
<td>Three</td>
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</tr>
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<td>34</td>
<td>4</td>
<td>Four</td>
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<td>Five</td>
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<td>6</td>
<td>Six</td>
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<tr>
<td>37</td>
<td>7</td>
<td>Seven</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>8</td>
<td>Eight</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>9</td>
<td>Nine</td>
<td></td>
</tr>
<tr>
<td>3A</td>
<td>:</td>
<td>Colon</td>
<td></td>
</tr>
<tr>
<td>3B</td>
<td>;</td>
<td>Semi-colon</td>
<td></td>
</tr>
<tr>
<td>3C</td>
<td>&lt;</td>
<td>Less than sign</td>
<td></td>
</tr>
<tr>
<td>3D</td>
<td>=</td>
<td>Equal sign</td>
<td></td>
</tr>
<tr>
<td>3E</td>
<td>&gt;</td>
<td>Greater than sign</td>
<td></td>
</tr>
<tr>
<td>3F</td>
<td>?</td>
<td>Question mark</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>@</td>
<td>At sign</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>A</td>
<td>Upper-case A</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>B</td>
<td>Upper-case B</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>C</td>
<td>Upper-case C</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>D</td>
<td>Upper-case D</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>E</td>
<td>Upper-case E</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>F</td>
<td>Upper-case F</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>G</td>
<td>Upper-case G</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>H</td>
<td>Upper-case H</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>I</td>
<td>Upper-case I</td>
<td></td>
</tr>
</tbody>
</table>
Transmission of Attributes—(1) Transmission of Attributes. A character may be transmitted with any or all of four attributes: Color, italics, underline, and flash. All of these attributes are set by control codes included in the received data. An attribute will remain in effect until changed by another control code or until the end of the row is reached. Each row begins with a control code which sets the color and underline attributes. (White non-underlined is the default display attribute if no Preamble Address Code is received before the first character on an empty row.) Attributes are not affected by transparent spaces within a row.

(i) All Mid-Row Codes and the Flash On command are spacing attributes which appear in the display just as if a standard space (20h) had been received. Preamble Address Codes are non-spacing and will not alter any attributes when used to position the cursor in the midst of a row of characters.

(ii) The color attribute has the highest priority and can only be changed by the Mid-Row Code of another color. Italics has the next highest priority. If characters with both color and italics are desired, the italics Mid-Row Code must follow the color assignment. Any color Mid-Row Code will turn off italics. If the least significant bit of a Preamble Address Code or of a color or italics Mid-Row Code is a 1 (high), underlining is turned on. If that bit is a 0 (low), underlining is off.

(iii) The flash attribute is transmitted as a Miscellaneous Control Code. The Flash On command will not alter the status of the color, italics, or underline attributes. However, any color or italics Mid-Row Code will turn off flash.

(iv) Thus, for example, if a red, italicized, underlined, flashing character is desired, the attributes must be received in the following order: a red Mid-Row or Preamble Address Code, an italics Mid-Row Code with underline bit, and the Flash On command. The character will then be preceded by three spaces (two if red was assigned via a Preamble Address Code).

(2) Display of attributes. The underline attribute will be displayed by drawing a line beneath the character in the same color as the character. The flash attribute will be displayed by causing the character to blink from the display at least once per second. The italic attribute must be capable of being displayed by either a special italic font, or by the modification of the standard font by slanting. The user may be given the option to select other methods of italic display as well. The support of the color attributes is optional. If the color attributes are supported, they will be displayed in the color they appear in the display.

<table>
<thead>
<tr>
<th>HEX</th>
<th>Example</th>
<th>Alternate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4A</td>
<td>J</td>
<td>Upper-case J</td>
<td></td>
</tr>
<tr>
<td>4B</td>
<td>K</td>
<td>Upper-case K</td>
<td></td>
</tr>
<tr>
<td>4C</td>
<td>L</td>
<td>Upper-case L</td>
<td></td>
</tr>
<tr>
<td>4D</td>
<td>M</td>
<td>Upper-case M</td>
<td></td>
</tr>
<tr>
<td>4E</td>
<td>N</td>
<td>Upper-case N</td>
<td></td>
</tr>
<tr>
<td>4F</td>
<td>O</td>
<td>Upper-case O</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>P</td>
<td>Upper-case P</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Q</td>
<td>Upper-case Q</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>R</td>
<td>Upper-case R</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>S</td>
<td>Upper-case S</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>T</td>
<td>Upper-case T</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>U</td>
<td>Upper-case U</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>V</td>
<td>Upper-case V</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>W</td>
<td>Upper-case W</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>X</td>
<td>Upper-case X</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Y</td>
<td>Upper-case Y</td>
<td></td>
</tr>
<tr>
<td>5A</td>
<td>Z</td>
<td>Upper-case Z</td>
<td></td>
</tr>
<tr>
<td>3B</td>
<td>c</td>
<td>Lower-case c</td>
<td></td>
</tr>
<tr>
<td>3C</td>
<td>ñ</td>
<td>Lower-case ñ</td>
<td></td>
</tr>
<tr>
<td>3D</td>
<td>è</td>
<td>Lower-case è</td>
<td></td>
</tr>
<tr>
<td>3E</td>
<td>ë</td>
<td>Lower-case ë</td>
<td></td>
</tr>
</tbody>
</table>

(h) Character Attributes—Transmission of Attributes. A character may be transmitted with any or all of four attributes: Color, italics, underline, and flash. All of these attributes are set by control codes included in the received data. An attribute will remain in effect until changed by another control code or until the end of the row is reached. Each row begins with a control code which sets the color and underline attributes. (White non-underlined is the default display attribute if no Preamble Address Code is received before the first character on an empty row.) Attributes are not affected by transparent spaces within a row.

(i) All Mid-Row Codes and the Flash On command are spacing attributes which appear in the display just as if a standard space (20h) had been received. Preamble Address Codes are non-spacing and will not alter any attributes when used to position the cursor in the midst of a row of characters.

(ii) The color attribute has the highest priority and can only be changed by the Mid-Row Code of another color. Italics has the next highest priority. If characters with both color and italics are desired, the italics Mid-Row Code must follow the color assignment. Any color Mid-Row Code will turn off italics. If the least significant bit of a Preamble Address Code or of a color or italics Mid-Row Code is a 1 (high), underlining is turned on. If that bit is a 0 (low), underlining is off.

(iii) The flash attribute is transmitted as a Miscellaneous Control Code. The Flash On command will not alter the status of the color, italics, or underline attributes. However, any color or italics Mid-Row Code will turn off flash.

(iv) Thus, for example, if a red, italicized, underlined, flashing character is desired, the attributes must be received in the following order: a red Mid-Row or Preamble Address Code, an italics Mid-Row Code with underline bit, and the Flash On command. The character will then be preceded by three spaces (two if red was assigned via a Preamble Address Code).

(2) Display of attributes. The underline attribute will be displayed by drawing a line beneath the character in the same color as the character. The flash attribute will be displayed by causing the character to blink from the display at least once per second. The italic attribute must be capable of being displayed by either a special italic font, or by the modification of the standard font by slanting. The user may be given the option to select other methods of italic display as well. The support of the color attributes is optional. If the color attributes are supported, they will be displayed in the color they appear in the display.
have been assigned. If color attributes are not supported, the display may be in color, but all color changes will be ignored.

(i) Control codes. There are three different types of control codes used to identify the format, location, attributes, and display of characters: Preamble Address Codes, Mid-Row Codes, and Miscellaneous Control Codes.

(1) Each control code consists of a pair of bytes which are always transmitted together in a single field of line 21 and which are normally transmitted twice in succession to help insures correct reception of the control instructions. The first of the control code bytes is a non-printing character in the range 10h to 1Fh. The second byte is always a printing character in the range 20h to 7Fh. Any such control code pair received which has not been assigned a function is ignored. If the non-printing character in the pair is in the range 00h to 0Fh, that character alone will be ignored and the second character will be treated normally.

(2) If the second byte of a control code pair does not contain odd parity (see paragraph (j) of this section), then the pair is ignored. The redundant transmission of the pair will be the instruction upon which the receiver acts.

(3) If the first byte of the first transmission of a control code pair fails the parity check, then that byte is inserted into the currently active memory as a solid block character (7Fh) followed by whatever the second byte is. Again, the redundant transmission of the pair will be the controlling instruction.

(4) If the first transmission of a control code pair passes parity, it is acted upon within one video frame. If the next frame contains a perfect repeat of the same pair, the redundant code is ignored. If, however, the next frame contains a different but also valid control code pair, this pair, too, will be acted upon (and the receiver will expect a repeat of this second pair in the next frame). If the first byte of the expected redundant control code pair fails the parity check and the second byte is identical to the second byte in the immediately preceding pair, then the expected redundant code is ignored. If there are printing characters in place of the redundant code, they will be processed normally.

(5) There is provision for decoding a second data channel. The second data channel is encoded with the same control codes and procedures already described. The first byte of every control code pair indicates the data channel (C1/C2) to which the command applies. Control codes which do not match the data channel selected by the user, and all subsequent data related to that control code, are ignored by the receiver.

**Mid-Row Codes**

<table>
<thead>
<tr>
<th>Data channel 1</th>
<th>Data channel 2</th>
<th>Attribute description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 20 19 20</td>
<td>White</td>
<td></td>
</tr>
<tr>
<td>11 21 19 21</td>
<td>White Underline</td>
<td></td>
</tr>
<tr>
<td>11 22 19 22</td>
<td>Green</td>
<td></td>
</tr>
<tr>
<td>11 23 19 23</td>
<td>Green Underline</td>
<td></td>
</tr>
<tr>
<td>11 24 19 24</td>
<td>Blue</td>
<td></td>
</tr>
<tr>
<td>11 25 19 25</td>
<td>Blue Underline</td>
<td></td>
</tr>
<tr>
<td>11 26 19 26</td>
<td>Cyan</td>
<td></td>
</tr>
<tr>
<td>11 27 19 27</td>
<td>Cyan Underline</td>
<td></td>
</tr>
<tr>
<td>11 28 19 28</td>
<td>Red</td>
<td></td>
</tr>
<tr>
<td>11 29 19 29</td>
<td>Red Underline</td>
<td></td>
</tr>
<tr>
<td>11 2A 19 2A</td>
<td>Yellow</td>
<td></td>
</tr>
<tr>
<td>11 2B 19 2B</td>
<td>Yellow Underline</td>
<td></td>
</tr>
<tr>
<td>11 2C 19 2C</td>
<td>Magenta</td>
<td></td>
</tr>
<tr>
<td>11 2D 19 2D</td>
<td>Magenta Underline</td>
<td></td>
</tr>
<tr>
<td>11 2E 19 2E</td>
<td>Italics</td>
<td></td>
</tr>
<tr>
<td>11 2F 19 2F</td>
<td>Italics Underline</td>
<td></td>
</tr>
</tbody>
</table>

**Miscellaneous Control Codes**

<table>
<thead>
<tr>
<th>Data channel 1</th>
<th>Data channel 2</th>
<th>Mne-</th>
<th>Command description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 20 1C 20</td>
<td>RCL ..........</td>
<td>Resume caption loading.</td>
<td></td>
</tr>
<tr>
<td>14 21 1C 21</td>
<td>BS ..........</td>
<td>Backspace.</td>
<td></td>
</tr>
<tr>
<td>14 22 1C 22</td>
<td>AOF ..........</td>
<td>Reserved (formerly Alarm Off).</td>
<td></td>
</tr>
<tr>
<td>14 23 1C 23</td>
<td>AON ..........</td>
<td>Reserved (formerly Alarm On).</td>
<td></td>
</tr>
<tr>
<td>14 24 1C 24</td>
<td>DER ..........</td>
<td>Delete to End of Row.</td>
<td></td>
</tr>
<tr>
<td>14 25 1C 25</td>
<td>RU2 ..........</td>
<td>Roll-Up Captions±2 Rows</td>
<td></td>
</tr>
<tr>
<td>14 26 1C 26</td>
<td>RU3 ..........</td>
<td>Roll-Up Captions±3 Rows</td>
<td></td>
</tr>
<tr>
<td>14 27 1C 27</td>
<td>RU4 ..........</td>
<td>Roll-Up Captions±4 Rows</td>
<td></td>
</tr>
<tr>
<td>14 28 1C 28</td>
<td>FON ..........</td>
<td>Flash On.</td>
<td></td>
</tr>
<tr>
<td>14 29 1C 29</td>
<td>RDC ..........</td>
<td>Resume Direct Captioning.</td>
<td></td>
</tr>
<tr>
<td>14 2C 1C 2C</td>
<td>EDM ..........</td>
<td>Erase Displayed Memory.</td>
<td></td>
</tr>
<tr>
<td>14 2D 1C 2D</td>
<td>CR ..........</td>
<td>Erase Non-Displayed Memory.</td>
<td></td>
</tr>
<tr>
<td>14 2E 1C 2E</td>
<td>ENM ..........</td>
<td>Erase Non-Displayed Memory.</td>
<td></td>
</tr>
<tr>
<td>14 2F 1C 2F</td>
<td>EOC ..........</td>
<td>End of Caption (Flip Memories).</td>
<td></td>
</tr>
<tr>
<td>17 21 1F 21</td>
<td>TO1 ..........</td>
<td>Tab Offset 1 Column.</td>
<td></td>
</tr>
<tr>
<td>17 22 1F 22</td>
<td>TO2 ..........</td>
<td>Tab Offset 2 Columns.</td>
<td></td>
</tr>
<tr>
<td>17 23 1F 23</td>
<td>TO3 ..........</td>
<td>Tab Offset 3 Columns.</td>
<td></td>
</tr>
<tr>
<td>First byte of code pair:</td>
<td>Data Channel 1</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Second byte of code pair:</td>
<td>Data Channel 2</td>
<td>19</td>
<td>19</td>
</tr>
</tbody>
</table>

| White | 40 | 60 | 40 | 60 | 40 | 60 | 40 | 60 | 40 | 60 | 40 | 60 | 40 | 60 | 60 |
| White Underline | 41 | 61 | 41 | 61 | 41 | 61 | 41 | 61 | 41 | 61 | 41 | 61 | 41 | 61 | 61 |
| Green | 42 | 62 | 42 | 62 | 42 | 62 | 42 | 62 | 42 | 62 | 42 | 62 | 42 | 62 | 62 |
| Green Underline | 43 | 63 | 43 | 63 | 43 | 63 | 43 | 63 | 43 | 63 | 43 | 63 | 43 | 63 | 63 |
| Blue | 44 | 64 | 44 | 64 | 44 | 64 | 44 | 64 | 44 | 64 | 44 | 64 | 44 | 64 | 64 |
| Blue Underline | 45 | 65 | 45 | 65 | 45 | 65 | 45 | 65 | 45 | 65 | 45 | 65 | 45 | 65 | 65 |
| Cyan | 46 | 66 | 46 | 66 | 46 | 66 | 46 | 66 | 46 | 66 | 46 | 66 | 46 | 66 | 66 |
| Cyan Underline | 47 | 67 | 47 | 67 | 47 | 67 | 47 | 67 | 47 | 67 | 47 | 67 | 47 | 67 | 67 |
| Red | 48 | 68 | 48 | 68 | 48 | 68 | 48 | 68 | 48 | 68 | 48 | 68 | 48 | 68 | 68 |
| Red Underline | 49 | 69 | 49 | 69 | 49 | 69 | 49 | 69 | 49 | 69 | 49 | 69 | 49 | 69 | 69 |
| Yellow | 4A | 6A | 4A | 6A | 4A | 6A | 4A | 6A | 4A | 6A | 4A | 6A | 4A | 6A | 6A |
| Yellow Underline | 4B | 6B | 4B | 6B | 4B | 6B | 4B | 6B | 4B | 6B | 4B | 6B | 4B | 6B | 6B |
| Magenta | 4C | 6C | 4C | 6C | 4C | 6C | 4C | 6C | 4C | 6C | 4C | 6C | 4C | 6C | 6C |
| Magenta Underline | 4D | 6D | 4D | 6D | 4D | 6D | 4D | 6D | 4D | 6D | 4D | 6D | 4D | 6D | 6D |

| White Italic Underline | 4F | 6F | 4F | 6F | 4F | 6F | 4F | 6F | 4F | 6F | 4F | 6F | 4F | 6F | 6F |
| Indent 0 | 50 | 70 | 50 | 70 | 50 | 70 | 50 | 70 | 50 | 70 | 50 | 70 | 50 | 70 | 70 |
| Indent 0 Underline | 51 | 71 | 51 | 71 | 51 | 71 | 51 | 71 | 51 | 71 | 51 | 71 | 51 | 71 | 71 |
| Indent 4 | 52 | 72 | 52 | 72 | 52 | 72 | 52 | 72 | 52 | 72 | 52 | 72 | 52 | 72 | 72 |
| Indent 4 Underline | 53 | 73 | 53 | 73 | 53 | 73 | 53 | 73 | 53 | 73 | 53 | 73 | 53 | 73 | 73 |
| Indent 8 | 54 | 74 | 54 | 74 | 54 | 74 | 54 | 74 | 54 | 74 | 54 | 74 | 54 | 74 | 74 |
| Indent 8 Underline | 55 | 75 | 55 | 75 | 55 | 75 | 55 | 75 | 55 | 75 | 55 | 75 | 55 | 75 | 75 |
| Indent 12 | 56 | 76 | 56 | 76 | 56 | 76 | 56 | 76 | 56 | 76 | 56 | 76 | 56 | 76 | 76 |
| Indent 12 Underline | 57 | 77 | 57 | 77 | 57 | 77 | 57 | 77 | 57 | 77 | 57 | 77 | 57 | 77 | 77 |
| Indent 16 | 58 | 78 | 58 | 78 | 58 | 78 | 58 | 78 | 58 | 78 | 58 | 78 | 58 | 78 | 78 |
| Indent 16 Underline | 59 | 79 | 59 | 79 | 59 | 79 | 59 | 79 | 59 | 79 | 59 | 79 | 59 | 79 | 79 |
| Indent 20 | 6A | 8A | 6A | 8A | 6A | 8A | 6A | 8A | 6A | 8A | 6A | 8A | 6A | 8A | 8A |
| Indent 24 | 6C | 8C | 6C | 8C | 6C | 8C | 6C | 8C | 6C | 8C | 6C | 8C | 6C | 8C | 8C |
| Indent 24 Underline | 6D | 8D | 6D | 8D | 6D | 8D | 6D | 8D | 6D | 8D | 6D | 8D | 6D | 8D | 8D |
| Indent 28 | 6E | 8E | 6E | 8E | 6E | 8E | 6E | 8E | 6E | 8E | 6E | 8E | 6E | 8E | 8E |

NOTE: All indent codes (second byte equals 50h±5fh, 70th±7fh) assign white as the color attribute.
(j) Data rejection. The receiver should provide an effective procedure to verify data. A receiver will reject data if the data is invalid, or if the data is directed to the data channel or field not selected by the user. Invalid data is any data that fails to pass a check for odd parity, or which, having passed the parity check, is assigned no function.

(1) If a print character fails to pass a check for parity, a solid block (7Fh) should be displayed in place of the failed character. In addition, valid data can be corrupted in many ways and may not be suitable for display. For example, repeated fields, skipped fields and altered field sequences are all possible from consumer video equipment and might present meaningless captions.

(2) The receiver will ignore data rejected due to being directed to a deselected field or channel. However, this will not cause the display to be disabled.

(k) Automatic display enable/disable. The receiver shall provide an automatic enable/disable capability to prevent the display of invalid or incomplete data, when the user selects the Caption Mode. The display should automatically become enable after the receiver verifies the data as described in paragraph (j) of this section. The display will be automatically disabled when there is a sustained detection of invalid data. The display will be re-enabled when the data verification process has been satisfied once again.

(l) Compatibility with Cable Security Systems. Certain cable television security techniques, such as signal encryption and copy protection, can alter the television signal so that some methods of finding line 21 will not work. In particular, counting of lines or timing from the start of the vertical blanking interval may cause problems. Caption decoding circuitry must function properly when receiving signals from cable security systems that were designed and marketed prior to April 5, 1991. Further information concerning such systems is available from the National Cable Television Association, Inc., Washington, DC, and from the Electronic Industries Association, Washington, DC.

(m) Labelling and consumer information requirements. The box or other package in which the individual television receiver is to be marketed shall carry a statement in a prominent location, visible to the buyer before purchase, which reads as follows:

This television receiver provides display of television closed captioning in accordance with §15.119 of the FCC rules.

Receivers that do not support color attributes or text mode, as well as receivers that display only upper-case characters pursuant to paragraph (g) of this section, must include with the statement, and in the owner’s manual, language indicating that those features are not supported.

(n) Glossary of terms. The following terms are used to describe caption decoder specifications:

(1) Base row: The bottom row of a roll-up display. The cursor always remains on the base row. Rows of text roll upwards into the contiguous rows immediately above the base row.

(2) Box: The area surrounding the active character display. In Text Mode, the box is the entire screen area defined for display, whether or not displayable characters appear. In Caption Mode, the box is dynamically re-defined by each caption and each element of displayable characters within a caption. The box (or boxes, in the case of a multiple-element caption) includes all the cells of the displayed characters, the non-transparent spaces between them, and one cell at the beginning and end of each row within a caption element in those decoders that use a solid space to improve legibility.

(3) Caption window: The invisible rectangle which defines the top and bottom limits of a roll-up caption. The window can be 2 to 4 rows high. The lowest row of the window is called the base row.

(4) Cell: The discrete screen area in which each displayable character or space may appear. A cell is one row high and one column wide.

(5) Column: One of 32 vertical divisions of the screen, each of equal width, extending approximately across the full width of the safe caption area as defined in paragraph (n)(12) of this section. Two additional columns, one
at the left of the screen and one at the right, may be defined for the appearance of a box in those decoders which use a solid space to improve legibility, but no displayable characters may appear in those additional columns. For reference, columns may be numbered 0 to 33, with columns 1 to 32 reserved for displayable characters.

(6) Displayable character: Any letter, number or symbol which is defined for on-screen display, plus the 20h space.

(7) Display disable: To turn off the display of captions or text (and accompanying background) at the receiver, rather than through codes transmitted on line 21 which unconditionally erase the display. The receiver may disable the display because the user selects an alternate mode, e.g., TV Mode, or because no valid line 21 data is present.

(8) Display enable: To allow the display of captions or text when they are transmitted on line 21 and received as valid data. For display to be enabled, the user must have selected Caption Mode or Text Mode, and valid data for the selected mode must be present on line 21.

(9) Element: In a pop-on or paint-on style caption, each contiguous area of cells containing displayable characters and non-transparent spaces between those characters. A single caption may have multiple elements. An element is not necessarily a perfect rectangle, but may include rows of differing widths.

(10) Erase Display: In Caption Mode, to clear the screen of all characters (and accompanying background) in response to codes transmitted on line 21. (The caption service provider can accomplish the erasure either by sending an Erase Displayed Memory command or by sending an Erase Non-Displayed Memory command followed by an End of Caption command, effectively making a blank caption “appear”.) Display can also be erased by the receiver when the caption memory erasure conditions are met, such as the user changing TV channels.

(11) Row: One of 15 horizontal divisions of the screen, extending across the full height of the safe caption area as defined in paragraph (n)(12) of this section.

(12) Safe caption area: The area of the television picture within which captioning and text shall be displayed to ensure visibility of the information on the majority of home television receivers. The safe caption area is specified as shown in the following figure.
The dimensions of the above figure shall be as follows:

<table>
<thead>
<tr>
<th>Label</th>
<th>Dimensions</th>
<th>Percent of television picture height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Television picture height</td>
<td>100.0</td>
</tr>
<tr>
<td>B</td>
<td>Television picture width</td>
<td>133.33</td>
</tr>
<tr>
<td>C</td>
<td>Height of safe caption area</td>
<td>80.0</td>
</tr>
<tr>
<td>D</td>
<td>Width of safe caption area</td>
<td>106.67</td>
</tr>
<tr>
<td>E</td>
<td>Vertical position of safe caption area</td>
<td>10.0</td>
</tr>
<tr>
<td>F</td>
<td>Horizontal position of safe caption area</td>
<td>13.33</td>
</tr>
</tbody>
</table>

(13) Special characters: Displayable characters (except for "transparent space") which require a two-byte sequence of one non-printing and one printing character. The non-printing byte varies depending on the data channel. Regular characters require unique one-byte codes which are the same in either data channel.

(14) Text: When written with an upper-case "T", refers to the Text Mode. When written with a lower-case "t", refers to any combination of displayable characters.

(15) Transparent space: Transmitted as a special character, it is a one-column-wide space behind which program video is always visible (except when a transparent space immediately precedes or follows a displayable character and solid box is needed to make that character legible).

§ 15.120 Program blocking technology requirements for television receivers.

(a) Effective July 1, 1999, manufacturers of television broadcast receivers as defined in section 15.3(w) of this chapter, including personal computer systems meeting that definition, must ensure that one-half of their product models with picture screens 33 cm (13 in) or larger in diameter shipped in interstate commerce or manufactured in the United States comply with the
provisions of paragraphs (c), (d), and (e) of this section.

NOTE: This paragraph places no restrictions on the shipping or sale of television receivers that were manufactured before July 1999.

(b) Effective January 1, 2000, all TV broadcast receivers as defined in section 15.3(w) of this chapter, including personal computer systems meeting that definition, with picture screens 33 cm (13 in) or larger in diameter shipped in interstate commerce or manufactured in the United States shall comply with the provisions of paragraphs (c), (d), and (e) of this section.

(c) Transmission format. (1) Analog television program rating information shall be transmitted on line 21 of field 2 of the vertical blanking interval of television signals, in accordance with §73.682(a)(22) of this chapter.

(2) [Reserved]

(d) Operation. (1) Analog television receivers will receive program ratings transmitted pursuant to industry standard EIA±744 “Transport of Content Advisory Information Using Extended Data Service (XDS)”, October 1997, Electronics Industries Association and EIA±608 “Recommended Practice for Line 21 Data Service”, September 1994, Electronics Industries Association. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Blocking of programming shall occur when a program rating is received that meets the pre-determined user requirements.

Copies of EIA±744 and EIA±608 may be obtained from: Global Engineering Documents, 15 Inverness Way East, Englewood, Co 80112-5704. Copies of EIA±744 and EIA±608 may be inspected during normal business hours at the following locations: Federal Communications Commission, 2000 M Street, NW, Technical Information Center (Suite 230), Washington, DC, or the Office of the Federal Register, 800 North Capitol Street, NW, suite 700 Washington, DC.

(2) Digital television receivers shall react in a similar manner as analog televisions when programmed to block specific rating categories.

(e) All television receivers as described in paragraph (a) of this section shall block programming as follows:

(1) Channel Blocking. Channel Blocking should occur as soon as a program rating packet with the appropriate Content Advisory or MPAA rating level is received. Program blocking is described as a receiver performing all of the following:

• Muting the program audio.

• Rendering the video black or otherwise indecipherable.

• Eliminating program-related captions.

(2) Default State. The default state of a receiver (i.e., as provided to the consumer) should not block unrated programs. However, it is permissible to include features that allow the user to reprogram the receiver to block programs that are not rated.

(3) Picture-In-Picture (PIP). If a receiver has the ability to decode program-related rating information for the Picture-In-Picture (PIP) video signal, then it should block the PIP channel in the same manner as the main channel. If the receiver does not have the ability to decode PIP program-related rating information, then it should block or otherwise disable the PIP if the viewer has enabled program blocking.

(4) Selection of Ratings. Each television receiver, in accordance with user input, shall block programming based on the age based ratings, the content based ratings, or a combination of the two.

(i) If the user chooses to block programming according to its age based rating level, the receiver must have the ability to automatically block programs with a more restrictive age based rating. For example, if all shows with an age-based rating of TV±PG have been selected for blocking, the user should be able to automatically block programs with the more restrictive ratings of TV±14 and TV±MA.

(ii) If the user chooses to block programming according to a combination of age based and content based ratings the receiver must have the ability to automatically block programming with a more restrictive age rating but a similar content rating. For example, if all shows rated TV±PG±V have been selected for blocking, the user should be able to block automatically shows with the more restrictive ratings of TV±14±V and TV±MA±V.
(iii) The user should have the capability of overriding the automatic blocking described in paragraphs (e)(4)(i) and (4)(ii) of this section.

[63 FR 20133, Apr. 23, 1998]

§ 15.121 Scanning receivers and frequency converters used with scanning receivers.

(a) Except as provided in paragraph (c) of this section, scanning receivers and frequency converters designed or marketed for use with scanning receivers, shall:

(1) Be incapable of operating (tuning), or readily being altered by the user to operate, within the frequency bands allocated to the Cellular Radiotelephone Service in part 22 of this chapter (cellular telephone bands). Scanning receivers capable of “readily being altered by the user” include, but are not limited to, those for which the ability to receive transmissions in the cellular telephone bands can be added by clipping the leads of, or installing, a simple component such as a diode, resistor or jumper wire; replacing a plug-in semiconductor chip; or programming a semiconductor chip using special access codes or an external device, such as a personal computer. Scanning receivers, and frequency converters designed for use with scanning receivers, also shall be incapable of converting digital cellular communication transmissions to analog voice audio.

(2) Be designed so that the tuning, control and filtering circuitry is inaccessible. The design must be such that any attempts to modify the equipment to receive transmissions from the Cellular Radiotelephone Service likely will render the receiver inoperable.

(b) Except as provided in paragraph (c) of this section, scanning receivers and frequency converters designed or marketed for use with scanning receivers shall reject any signals from the Cellular Radiotelephone Service frequency bands that are 38 dB or higher based upon a 12 dB SINAD measurement, which is considered the threshold where a signal can be clearly discerned from any interference that may be present.

(c) Scanning receivers and frequency converters designed or marketed for use with scanning receivers, are not subject to the requirements of paragraphs (a) and (b) of this section provided that they are manufactured exclusively for, and marketed exclusively to, entities described in 18 U.S.C. 2512(2), or are marketed exclusively as test equipment pursuant to §15.3(dd).

(d) Modification of a scanning receiver to receive transmissions from Cellular Radiotelephone Service frequency bands will be considered to constitute manufacture of such equipment. This includes any individual, individuals, entity or organization that modifies one or more scanners. Any modification to a scanning receiver to receive transmissions from the Cellular Radiotelephone Service frequency bands voids the certification of the scanning receiver, regardless of the date of manufacture of the original unit. In addition, the provisions of §15.23 shall not be interpreted as permitting modification of a scanning receiver to receive Cellular Radiotelephone Service transmissions.

(e) Scanning receivers and frequency converters designed for use with scanning receivers shall not be assembled from kits or marketed in kit form unless they comply with the requirements in paragraph (a) through (c) of this section.

(f)(1) Scanning receivers shall have a label permanently affixed to the product, and this label shall be readily visible to the purchaser at the time of purchase. The label shall read as follows: WARNING: MODIFICATION OF THIS DEVICE TO RECEIVE CELLULAR RADIO-TELEPHONE SERVICE SIGNALS IS PROHIBITED UNDER FCC RULES AND FEDERAL LAW.

(2) “Permanently affixed” means that the label is etched, engraved, stamped, silkscreened, indelibly printed or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal plastic or other material fastened to the equipment by welding, riveting, or permanent adhesive. The label shall be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. The label shall not be a stick-on, paper label.

[64 FR 22561, Apr. 27, 1999]
§ 15.122 Closed caption decoder requirements for digital television receivers and converter boxes.

(a)(1) Effective July 1, 2002, all digital television receivers with picture screens in the 4:3 aspect ratio with picture screens measuring 13 inches or larger diagonally, all digital television receivers with picture screens in the 16:9 aspect ratio measuring 7.8 inches or larger vertically and all separately sold DTV tuners shipped in interstate commerce or manufactured in the United States shall comply with the provisions of this section.

NOTE TO PARAGRAPH (A)(1): This paragraph places no restrictions on the shipping or sale of digital television receivers that were manufactured before July 1, 2002.

(2) Effective July 1, 2002, DTV converter boxes that allow digitally transmitted television signals to be displayed on analog receivers shall pass available analog caption information to the attached receiver in a form recognizable by that receiver’s built-in caption decoder circuitry.

NOTE TO PARAGRAPH (A)(2): This paragraph places no restrictions on the shipping or sale of DTV converter boxes that were manufactured before July 1, 2002.

(b) Digital television receivers and tuners must be capable of decoding closed captioning information that is delivered pursuant to the industry standard EIA-708-B, “Digital Television (DTV) Closed Captioning.” Electronic Industries Alliance (December, 1999). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Digital television manufacturers may wish to view EIA-708-B in its entirety. Copies of EIA-708-B may be obtained from: Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112-5704, http://www.global.ihs.com. Copies of EIA-708-B may be inspected during regular business hours at the following locations: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, or the Office of the Federal Register, 800 N. Capitol Street, NW., Suite 700, Washington, DC.

(c) Services. (1) Decoders must be capable of decoding and processing data for the six standard services, Caption Service #1 through Caption Service #6.

(2) Decoders that rely on Program and System Information Protocol data to implement closed captioning functions must be capable of decoding and processing the Caption Service Directory data. Such decoders must be capable of decoding all Caption Channel Block Headers consisting of Standard Service Headers, Extended Service Block Headers, and Null Block headers. However, decoding of the data is required only for Standard Service Blocks (Service IDs <=6), and then only if the characters for the corresponding language are supported. The decoders must be able to display the directory for services 1 through 6.

(d) Code space organization. (1) Decoders must support Code Space C0, G0, C1, and G1 in their entirety.
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(2) The following characters within code space G2 must be supported:
(i) Transparent space (TSP).
(ii) Non-breaking transparent space (NBTSP).
(iii) Solid block ( ).
(iv) Trademark symbol (TM).
(v) Latin-1 characters (SÆ, sÆ, X, YÈ).
(3) The substitutions in Table 2 are to be made if a decoder does not support the remaining G2 characters.

TABLE 2.—G2 CHARACTER SUBSTITUTION TABLE—Continued

<table>
<thead>
<tr>
<th>G2 Character</th>
<th>Substitute with</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open double quote (&quot;), G2 char code 0x33.</td>
<td>G0 double quote (&quot;), char code 0x22</td>
</tr>
<tr>
<td>Close double quote (&quot;), G2 char code 0x34.</td>
<td>G0 double quote (&quot;), char code 0x22</td>
</tr>
<tr>
<td>Bold bullet (*), G2 char code 0x77.</td>
<td>G1 bullet (*), char code 0x87</td>
</tr>
<tr>
<td>Ellipsis (…), G2 char code 0x25.</td>
<td>G0 percent sign (%), char code 0x25</td>
</tr>
<tr>
<td>One-eighth (1/8), G2 char code 0x76.</td>
<td>G0 percent sign (%), char code 0x25</td>
</tr>
<tr>
<td>Three-eighths (3/8), G2 char code 0x77.</td>
<td>G0 percent sign (%), char code 0x25</td>
</tr>
<tr>
<td>Five-eighths (5/8), G2 char code 0x78.</td>
<td>G0 percent sign (%), char code 0x25</td>
</tr>
<tr>
<td>Seven-eighths (7/8), G2 char code 0x79.</td>
<td>G0 percent sign (%), char code 0x25</td>
</tr>
</tbody>
</table>


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TABLE 2.—G2 CHARACTER SUBSTITUTION

<table>
<thead>
<tr>
<th>G2 Character</th>
<th>Substitute with</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vertical border (</td>
<td>)</td>
</tr>
<tr>
<td>Upper-right border (</td>
<td>)</td>
</tr>
<tr>
<td>Lower-left border (</td>
<td>)</td>
</tr>
<tr>
<td>Lower-right border (</td>
<td>)</td>
</tr>
<tr>
<td>Upper-left border (</td>
<td>)</td>
</tr>
</tbody>
</table>

(4) Support for code spaces C2, C3, and G3 is optional. All unsupported graphic symbols in the G3 code space are to be substituted with the G0 underscore character ( _ ), char code 0x5F.

(e) Screen coordinates. Table 3 specifies the screen coordinate resolutions and limits for anchor point positioning in 4:3 and 16:9 display formats, and the number of characters per row.

<table>
<thead>
<tr>
<th>Screen aspect ratio</th>
<th>Maximum anchor position resolution</th>
<th>Minimum anchor position resolution</th>
<th>Maximum displayed rows</th>
<th>Maximum characters per row</th>
</tr>
</thead>
<tbody>
<tr>
<td>4:3</td>
<td>75v x 160h</td>
<td>15v x 32h</td>
<td>4</td>
<td>32</td>
</tr>
<tr>
<td>16:9</td>
<td>75v x 210h</td>
<td>15v x 42h</td>
<td>4</td>
<td>42</td>
</tr>
<tr>
<td>Other</td>
<td>75v x (5 x H)</td>
<td>15v x H*</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

1 H = 32 x (the width of the screen in relation to a 4:3 display). For example, the 16:9 format is 1/3 wider than a 4:3 display; thus, H = 32 x 4/3 = 42.667, or 42.

(1) This means that the minimum grid resolution for a 4:3 aspect ratio instrument is 15 vertical positions x 32 horizontal positions. This minimum grid resolution for 16:9 ratio instrument is 15 vertical positions x 42 horizontal positions. These minimum grid sizes are to cover the entire safe-title area of the corresponding screen.

(2) The minimum coordinates equate to a 1/3 reduction in the maximum horizontal and vertical grid resolution coordinates. Caption providers are to use the maximum coordinate system values when specifying anchor point positions. Decoders using the minimum resolution are to divide the provided horizontal and vertical screen coordinates by 5 to derive the equivalent minimum coordinates.

(3) Any caption targeted for both 4:3 and 16:9 instruments is limited to 32 contiguous characters per row. If a caption is received by a 4:3 instrument that is targeted for a 16:9 display only, or requires a window width greater than 32 characters, then the caption may be completely disregarded by the decoder. 16:9 instruments should be able to process and display captions intended for 4:3 displays, providing all other minimum recommendations are met.

(4) If the resulting size of any window is larger than the safe-title area for the corresponding display's aspect ratio, then this window will be completely disregarded.

(f) Caption windows. (1) Decoders need to display no more than 4 rows of captions on the screen at any given time, regardless of the number of windows displayed. This implies that no more than 4 windows can be displayed at any given time (with each having only one caption row). However, decoders should maintain storage to support a minimum total of 8 rows of captions. This storage is needed for the worst-case support of a displayed window with 4 rows of captioning and a non-displayed window which is buffering the incoming rows for the next 4-row caption. As implied above, the maximum number of windows that may be displayed at any one time by a minimum decoder implementation is 4. If more than 4 windows are defined in the caption stream, the decoder may disregard the youngest and lowest priority window definition(s). Caption providers must be aware of this limitation, and either restrict the total number of windows used or accept that some windows will not be displayed.
(2) Decoders do not need to support overlapped windows. If a window overlaps another window, the overlapped window need not be displayed by the decoder.

(3) At a minimum, decoders will assume that all windows have rows and columns “locked”. This implies that if a decoder implements the SMALL pen size, then word-“un”wrapping, when shrinking captions, need not be implemented. Also, if a decoder implements the LARGE pen size, then word wrapping (when enlarging captions) need not be implemented.

(4) Whenever possible, the receiver should render embedded carriage returns as line breaks, since these carriage returns indicate an important aspect of the caption’s formatting as determined by the service provider. However, it may sometimes be necessary for the receiver to ignore embedded line breaks. For example, if a caption is to appear in a larger font, and if its window’s rows and/or columns are unlocked, the rows of text may need to become longer or shorter to fit within the allocated space. Such automatic reformattting of a caption is known as “word wrap.” If decoders support word-wrapping, it must be implemented as follows:

(i) The receiver should follow standard typographic practice when implementing word wrap. Potential breaking points (word-wrapping points) are indicated by the space character (20h) and by the hyphen character (2Dh).

(ii) If a row is to be broken at a space, the receiver should remove the space from the caption display. If a row is to be broken after a hyphen, the hyphen should be retained.

(iii) If an embedded return is to be removed, it should usually be replaced with a space. However, if the character to the left of the embedded return is a hyphen, the embedded return should be removed but NOT replaced with a space.

(iv) This specification does not include optional hyphens, nor does it provide for any form of automatic hyphenation. No non-breaking hyphen is defined. The non-breaking space (A0h in the G1 code set) and the non-breaking transparent space (22h in the G2 code set) should not be considered as potential line breaks.

(v) If a single word exceeds the length of a row, the word should be placed at the start of a new row, broken at the character following the last character that fits on the row, and continued with further breaks if needed.

(g) Window text painting. (1) All decoders should implement “left”, “right”, and “center” caption-text justification. Implementation of “full” justification is optional. If “full” justification is not implemented, fully justified captions should be treated as though they are “left” justified.

(i) For “left” justification, decoders should display any portion of a received row of text when it is received. For “center”, “right”, and “full” justification, decoders may display any portion of a received row of text when it is received, or may delay display of a received row of text until reception of a row completion indicator. A row completion indicator is defined as receipt of a CR, ETX or any other command, except SetPenColor, SetPenAttributes, or SetPenLocation where the pen relocation is within the same row.

(ii) Receipt of a character for a displayed row which already contains text with “center”, “right” or “full” justification will cause the row to be cleared prior to the display of the newly received character and any subsequent characters. Receipt of a justification command which changes the last received justification for a given window will cause the window to be cleared.

(2) At a minimum, decoders must support LEFT TO RIGHT printing.

(3) At a minimum, decoders must support BOTTOM TO TOP scrolling. For windows sharing the same horizontal scan lines on the display, scrolling may be disabled.

(4) At a minimum, decoders must support the same recommended practices for scroll rate as is provided for NTSC closed-captioning.

(5) At a minimum, decoders must support the same recommended practices for smooth scrolling as is provided for NTSC closed-captioning.
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(6) At a minimum, decoders must implement the “snap” window display effect. If the window “fade” and “wipe” effects are not implemented, then the decoder will “snap” all windows when they are to be displayed, and the “effect speed” parameter is ignored.

(h) Window colors and borders. At a minimum, decoders must implement borderless windows with solid, black backgrounds (i.e., border type = NONE, fill color = (0,0,0), fill opacity = SOLID), and borderless transparent windows (i.e., border type = NONE, fill opacity = TRANSPARENT).

(i) Predefined window and pen styles. Predefined Window Style and Pen Style ID’s may be provided in the DefineWindow command. At a minimum, decoders should implement Predefined Window Attribute Style 1 and Predefined Pen Attribute Style 1, as shown in Table 4 and Table 5, respectively.
### Table 4.—Predefined Window Style IDs

<table>
<thead>
<tr>
<th>Style ID #</th>
<th>Justify</th>
<th>Print direction</th>
<th>Scroll direction</th>
<th>Word wrap</th>
<th>Display effect</th>
<th>Effect direction</th>
<th>Effect speed</th>
<th>Fill color</th>
<th>Fill opacity</th>
<th>Border type</th>
<th>Border color</th>
<th>Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Left</td>
<td>Left-to-right</td>
<td>Bottom-to-top.</td>
<td>No</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>(0,0,0)</td>
<td>Solid</td>
<td>None</td>
<td>n/a</td>
<td>NTSC Style PopUp Captions</td>
</tr>
<tr>
<td>2</td>
<td>Left</td>
<td>Left-to-right</td>
<td>Bottom-to-top.</td>
<td>No</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>Transparent</td>
<td>None</td>
<td>n/a</td>
<td>NTSC Style Centered PopUp Captions w/o Black Background</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Cntr</td>
<td>Left-to-right</td>
<td>Bottom-to-top.</td>
<td>No</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>(0,0,0)</td>
<td>Solid</td>
<td>None</td>
<td>n/a</td>
<td>NTSC Style Centered RollUp Captions</td>
</tr>
<tr>
<td>4</td>
<td>Left</td>
<td>Left-to-right</td>
<td>Bottom-to-top.</td>
<td>Yes</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>(0,0,0)</td>
<td>Solid</td>
<td>None</td>
<td>n/a</td>
<td>NTSC Style Centered RollUp Captions w/o Black Background</td>
</tr>
<tr>
<td>5</td>
<td>Left</td>
<td>Left-to-right</td>
<td>Bottom-to-top.</td>
<td>Yes</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>Transparent</td>
<td>None</td>
<td>n/a</td>
<td>NTSC Style Centered RollUp Captions</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Cntr</td>
<td>Left-to-right</td>
<td>Bottom-to-top.</td>
<td>Yes</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>(0,0,0)</td>
<td>Solid</td>
<td>None</td>
<td>n/a</td>
<td>NTSC Style Centered RollUp Captions</td>
</tr>
<tr>
<td>7</td>
<td>Left</td>
<td>Top-to-bottom.</td>
<td>Right-to-left</td>
<td>No</td>
<td>Snap</td>
<td>n/a</td>
<td>n/a</td>
<td>(0,0,0)</td>
<td>Solid</td>
<td>None</td>
<td>n/a</td>
<td>Ticker Tape</td>
</tr>
</tbody>
</table>

### Table 5.—Predefined Pen Style IDs

<table>
<thead>
<tr>
<th>Predefined style ID</th>
<th>Pen size</th>
<th>Font style</th>
<th>Offset</th>
<th>Italics</th>
<th>Underline</th>
<th>Edge type</th>
<th>Foregnd color</th>
<th>Foregnd opacity</th>
<th>Backgrnd color</th>
<th>Backgrnd opacity</th>
<th>Edge color</th>
<th>Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Stndr</td>
<td>0</td>
<td>Normal</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>(2,2,2) White</td>
<td>Solid</td>
<td>(0,0,0) Black</td>
<td>Solid</td>
<td>n/a</td>
<td>Default NTSC Style*</td>
</tr>
<tr>
<td>No.</td>
<td>Style</td>
<td>Normal</td>
<td>No.</td>
<td>Background</td>
<td></td>
<td></td>
<td>Font</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1</td>
<td>Std./</td>
<td>Normal</td>
<td>2</td>
<td>None</td>
<td>Solid</td>
<td>White</td>
<td>(2,2,2)</td>
<td>Solid</td>
<td>(0,0,0)</td>
<td>NTSC Style—White Text on Black Background</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Std./</td>
<td>Normal</td>
<td>4</td>
<td>None</td>
<td>Solid</td>
<td>White</td>
<td>(2,2,2)</td>
<td>Solid</td>
<td>(0,0,0)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Std./</td>
<td>Normal</td>
<td>6</td>
<td>None</td>
<td>Solid</td>
<td>White</td>
<td>(2,2,2)</td>
<td>Solid</td>
<td>(0,0,0)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Std./</td>
<td>Normal</td>
<td>8</td>
<td>None</td>
<td>Solid</td>
<td>White</td>
<td>(2,2,2)</td>
<td>Solid</td>
<td>(0,0,0)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

*NTSC Style—White Text on Black Background*
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(j) Pen size. (1) Decoders must support the standard, large, and small pen sizes and must allow the caption provider to choose a pen size and allow the viewer to choose an alternative size. The STANDARD pen size should be implemented such that the height of the tallest character in any implemented font is no taller than 1/15 of the height of the safe-title area, and the width of the widest character is no wider than 1/32 of the width of the safe-title area for 4:3 displays and 1/42 of the safe-title area width for 16:9 displays.

(2) The LARGE pen size should be implemented such that the width of the widest character in any implemented font is no wider than 1/32 of the safe-title area for 16:9 displays. This recommendation allows for captions to grow to a LARGE pen size without having to reformat the caption since no caption will have more than 32 characters per row.

(k) Font styles. (1) Decoders must support the eight fonts listed below. Caption providers may specify 1 of these 8 font styles to be used to write caption text. The styles specified in the “font style” parameter of the SetPenAttributes command are numbered from 0 through 7. The following is a list of the 8 required font styles. For information purposes only, each font style references one or more popular fonts which embody the characteristics of the style:

(i) 0—Default (undefined)
(ii) 1—Monospaced with serifs (similar to Courier)
(iii) 2—Proportionally spaced with serifs (similar to Times New Roman)
(iv) 3—Monospaced without serifs (similar to Helvetica Monospaced)
(v) 4—Proportionally spaced without serifs (similar to Arial and Swiss)
(vi) 5—Casual font type (similar to Dom and Impress)
(vii) 6—Cursive font type (similar to Coronet and Marigold)
(viii) 7—Small capitals (similar to Engravers Gothic)

(2) Font styles may be implemented in any typeface which the decoder manufacturer deems to be a readable rendition of the font style, and need not be in the exact typefaces given in the example above. Decoders must include the ability for consumers to choose among the eight fonts. The decoder must display the font chosen by the caption provider unless the viewer chooses a different font.

(l) Character offsetting. Decoders need not implement the character offsetting (i.e., subscript and superscript) pen attributes.

(m) Pen styles. At a minimum, decoders must implement normal, italic, and underline pen styles.

(n) Foreground color and opacity. (1) At a minimum, decoders must implement transparent, translucent, solid and flashing character foreground type attributes.

(2) At a minimum, decoders must implement the following character foreground colors: white, black, red, green, blue, yellow, magenta and cyan.

(3) Caption providers may specify the color/opacity. Decoders must include the ability for consumers to choose among the color/opacity options. The decoder must display the color/opacity chosen by the caption provider unless the viewer chooses otherwise.

(o) Background color and opacity. (1) Decoders must implement the following background colors: white, black, red, green, blue, yellow, magenta and cyan. It is recommended that this background is extended beyond the character foreground to a degree that the foreground is separated from the underlying video by a sufficient number of background pixels to insure the foreground is separated from the background.

(2) Decoders must implement transparent, translucent, solid and flashing background type attributes. Caption providers may specify the color/opacity. Decoders must include the ability for consumers to choose among the color/opacity options. The decoder must display the color/opacity chosen by the caption provider unless the viewer chooses otherwise.

(p) Character edges. Decoders must implement separate edge color and type attribute control.

(q) Color representation. (1) At a minimum, decoders must support the 8 colors listed in Table 6.
Algorithm:

When a decoder supporting this Minimum Color List receives an RGB value not in the list, it will map the received value to one of the values in the list via the following algorithm:

(A) For RGB values with all elements non-zero and different—e.g., (1,2,3), (3,2,1), and (2,1,3), the 1 value will be changed to 0, the 2 value will remain unchanged, and the 3 value will be changed to 2.

(B) For RGB values with all elements non-zero and with two common elements—e.g. (3,1,3), (2,1,2), and (2,2,3), if the common elements are 3 and the uncommon one is 1, then the 1 elements is changed to 0; e.g. (3,1,3)→(3,0,3). If the common elements are 1 and the uncommon element is 3, then the 1 elements are changed to 0, and the 3 element is changed to 2; e.g. (1,3,1)→(0,2,0). In all other cases, the uncommon element is changed to the common value; e.g. (2,2,3)→(2,2,2), (1,2,1)→(1,1,1), and (3,2,3)→(3,3,3).

(ii) All decoders not supporting either one of the two color lists described above, must support the full 64 possible RGB color value combinations.

(r) Character rendition considerations. In NTSC Closed Captioning, decoders were required to insert leading and trailing spaces on each caption row. There were two reasons for this requirement:

(i) To provide a buffer so that the first and last characters of a caption row do not fall outside the safe title area, and

(ii) All decoders supporting this Minimum Color List in Table 6 receive an RGB value not in the list (i.e., an RGB value whose non-zero elements are not the same value), it will map the received value to one of the values in the list via the following algorithm:

(A) For RGB values with all elements non-zero and different—e.g., (1,2,3), (3,2,1), and (2,1,3), the 1 value will be changed to 0, the 2 value will remain unchanged, and the 3 value will be changed to 2.

(B) For RGB values with all elements non-zero and with two common elements—e.g. (3,1,3), (2,1,2), and (2,2,3), if the common elements are 3 and the uncommon one is 1, then the 1 elements is changed to 0; e.g. (3,1,3)→(3,0,3). If the common elements are 1 and the uncommon element is 3, then the 1 elements are changed to 0, and the 3 element is changed to 2; e.g. (1,3,1)→(0,2,0). In all other cases, the uncommon element is changed to the common value; e.g. (2,2,3)→(2,2,2), (1,2,1)→(1,1,1), and (3,2,3)→(3,3,3).

(ii) For example, the RGB value (1,2,3) will be mapped to (0,2,2), (3,3,3) will be mapped to (2,2,2) and (1,1,1) will be mapped to (0,0,0).

(3) Table 7 is an alternative minimum color list table supporting 22 colors.

(i) When a decoder supporting the Alternative Minimum Color List in Table 7 receives an RGB value not in the list (i.e., an RGB value whose non-zero elements are not the same value), it will map the received value to one of the values in the list via the following algorithm:

(A) For RGB values with all elements non-zero and different—e.g., (1,2,3), (3,2,1), and (2,1,3), the 1 value will be changed to 0, the 2 value will remain unchanged, and the 3 value will be changed to 2.

(B) For RGB values with all elements non-zero and with two common elements—e.g. (3,1,3), (2,1,2), and (2,2,3), if the common elements are 3 and the uncommon one is 1, then the 1 elements is changed to 0; e.g. (3,1,3)→(3,0,3). If the common elements are 1 and the uncommon element is 3, then the 1 elements are changed to 0, and the 3 element is changed to 2; e.g. (1,3,1)→(0,2,0). In all other cases, the uncommon element is changed to the common value; e.g. (2,2,3)→(2,2,2), (1,2,1)→(1,1,1), and (3,2,3)→(3,3,3).
§ 15.201 Equipment authorization requirement.

(a) Intentional radiators operated as carrier current systems and devices operated under the provisions of §§ 15.211, 15.213 and 15.221 shall be verified pursuant to the procedures in subpart J of part 2 of this chapter prior to marketing.

(b) Except as otherwise exempted in paragraph (c) of this section and in § 15.23 of this part, all intentional radiators operating under the provisions of this part shall be certificated by the Commission pursuant to the procedures in subpart J of part 2 of this chapter prior to marketing.

(c)(1) For devices such as perimeter protection systems which, in accordance with § 15.31(d), are required to be measured at the installation site, each application for certification must be accompanied by a statement indicating that the system has been tested at the installation and found to comply at each installation. Until such time as certification is granted, a given installation of a system that was measured for the submission for certification will be considered to be in compliance with the provisions of this chapter, including the marketing regulations in subpart I of part 2 of this chapter, if tests at that installation show the system to be in compliance with the relevant technical requirements. Similarly, where measurements must be performed on site for equipment subject to verification, a given installation that has been verified to demonstrate compliance with the applicable standards will be considered to be in compliance with the provisions of this chapter, including the marketing regulations in subpart I of part 2 of this chapter.

(d) For perimeter protection systems operating in the frequency bands allocated to television broadcast stations operating under part 73 of this chapter, the holder of the grant of certification must test each installation prior to initiation of normal operation to verify compliance with the technical standards and must maintain a list of all installations and records of measurements. For perimeter protection systems operating outside of the frequency bands allocated to television broadcast stations, upon receipt of a grant of certification, further testing of the same or similar type of system or installation is not required.

§ 15.203 Antenna requirement.

An intentional radiator shall be designed to ensure that no antenna other than that furnished by the responsible party shall be used with the device. The use of a permanently attached antenna or of an antenna that uses a unique coupling to the intentional radiator shall be considered sufficient to comply with the provisions of this section. The manufacturer may design the unit so that a broken antenna can be replaced by the user, but the use of a standard antenna jack or electrical connector is prohibited. This requirement does not apply to carrier current devices or to devices operated under the provisions of § 15.211, § 15.213, § 15.217, § 15.219, or § 15.221. Further, this
Federal Communications Commission

§ 15.205

requirement does not apply to intentional radiators that must be professionally installed, such as perimeter protection systems and some field disturbance sensors, or to other intentional radiators which, in accordance with § 15.31(d), must be measured at the installation site. However, the installer shall be responsible for ensuring that the proper antenna is employed so that the limits in this part are not exceeded.


§ 15.204 External radio frequency power amplifiers and antenna modifications.

(a) Except as otherwise described in paragraph (b) of this section, no person shall use, manufacture, sell or lease, offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing, any external radio frequency power amplifier or amplifier kit intended for use with a Part 15 intentional radiator.

(b) A transmission system consisting of an intentional radiator, an external radio frequency power amplifier, and an antenna, may be authorized, marketed and used under this part. However, when a transmission system is authorized as a system, it must always be marketed as a complete system and must always be used in the configuration in which it was authorized. An external radio frequency power amplifier shall be marketed only in the system configuration with which the amplifier is authorized and shall not be marketed as a separate product.

(c) Only the antenna with which an intentional radiator is authorized may be used with the intentional radiator.

§ 15.205 Restricted bands of operation.

(a) Except as shown in paragraph (d) of this section, only spurious emissions are permitted in any of the frequency bands listed below:

<table>
<thead>
<tr>
<th>MHz</th>
<th>MHz</th>
<th>MHz</th>
<th>GHz</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.090–0.110</td>
<td>16.42–16.423</td>
<td>399.9–410</td>
<td>4.5–5.15</td>
</tr>
<tr>
<td>0.495–0.505</td>
<td>16.69475–16.69525</td>
<td>606–614</td>
<td>5.35–5.46</td>
</tr>
<tr>
<td>4.17725–4.17775</td>
<td>37.5–38.25</td>
<td>1435–1626.5</td>
<td>9.0–9.2</td>
</tr>
<tr>
<td>4.20725–4.20775</td>
<td>73–74.6</td>
<td>1645.5–1646.5</td>
<td>9.3–9.5</td>
</tr>
<tr>
<td>6.215–6.218</td>
<td>74.8–75.2</td>
<td>1660–1710</td>
<td>10.6–12.7</td>
</tr>
<tr>
<td>6.26775–6.26825</td>
<td>108–121.94</td>
<td>1718.8–1722.2</td>
<td>13.25–13.4</td>
</tr>
<tr>
<td>8.291–8.294</td>
<td>149.9–150.05</td>
<td>2310–2390</td>
<td>15.35–16.2</td>
</tr>
<tr>
<td>8.362–8.366</td>
<td>156.52475–156.52525</td>
<td>2483.5–2500</td>
<td>17.7–21.4</td>
</tr>
<tr>
<td>8.37625–8.38675</td>
<td>156.7–156.9</td>
<td>2655–2800</td>
<td>22.01–23.12</td>
</tr>
<tr>
<td>8.41425–8.41475</td>
<td>162.0125–167.17</td>
<td>3360–3267</td>
<td>23.6–24.0</td>
</tr>
<tr>
<td>12.29–12.293</td>
<td>167.72–173.2</td>
<td>3332–3339</td>
<td>31.2–31.8</td>
</tr>
<tr>
<td>12.57675–12.57725</td>
<td>322–335.4</td>
<td>3600–4400</td>
<td>(f)</td>
</tr>
</tbody>
</table>

1 Until February 1, 1999, this restricted band shall be 0.490–0.510 MHz.
2 Above 38.6
§ 15.207 Conducted limits.

(a) For an intentional radiator which is designed to be connected to the public utility (AC) power line, the radio frequency voltage that is conducted back onto the AC power line on any frequency or frequencies within the band 450 kHz to 30 MHz shall not exceed 250 microvolts. Compliance with this provision shall be based on the measurement of the radio frequency voltage between each power line and ground at the power terminals.

(b) The following option may be employed if the conducted emissions exceed the limits in paragraph (a) of this section when measured using instrumentation employing a quasi-peak detector function: If the level of the emission measured using quasi-peak instrumentation is 6 dB, or more, higher than the level of the same emission measured with instrumentation having an average detector and a 9 kHz minimum bandwidth, that emission is considered broadband and the level obtained with the quasi-peak detector may be reduced by 13 dB for comparison to the limits. When employing this option, the following conditions shall be observed:

1. The measuring instrumentation with the average detector shall employ a linear IF amplifier.
2. Care must be taken not to exceed the dynamic range of the measuring instrument when measuring an emission with a low duty cycle.
3. The test report required for verification or for an application for a grant of equipment authorization shall contain all details supporting the use of this option.

(c) The limit shown in paragraph (a) of this section shall not apply to carrier current systems operating as intentional radiators of frequencies below 30 MHz. In lieu thereof, these
carrier current systems shall be subject to the following standards:

(1) For carrier current system containing their fundamental emission within the frequency band 535-1705 kHz and intended to be received using a standard AM broadcast receiver: no limit on conducted emissions.

(2) For all other carrier current systems: 1000 uV within the frequency band 535-1705 kHz.

(3) Carrier current systems operating below 30 MHz are also subject to the radiated emission limits in §15.205, §15.209, §15.221, §15.223, or §15.227, as appropriate.

(d) Measurements to demonstrate compliance with the conducted limits are not required for devices which only employ battery power for operation and which do not operate from the AC power lines or contain provisions for operation while connected to the AC power lines. Devices that include, or make provisions for, the use of battery chargers which permit operating while charging, AC adapters or battery eliminators or that connect to the AC power lines indirectly, obtaining their power through another device which is connected to the AC power lines, shall be tested to demonstrate compliance with the conducted limits.

§15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Field strength (microvolts/meter)</th>
<th>Measurement distance (meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.009–0.490</td>
<td>24000 (FkHz)</td>
<td>300</td>
</tr>
<tr>
<td>0.490–1.705</td>
<td>24000 (FkHz)</td>
<td>30</td>
</tr>
<tr>
<td>1.705–30.0</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>30–88</td>
<td>100**</td>
<td>3</td>
</tr>
<tr>
<td>88–216</td>
<td>150**</td>
<td>3</td>
</tr>
<tr>
<td>216–960</td>
<td>200**</td>
<td>3</td>
</tr>
<tr>
<td>Above 960</td>
<td>500</td>
<td>3</td>
</tr>
</tbody>
</table>

**Except as provided in paragraph (g), fundamental emissions from intentional radiators operating under this section shall not be located in the frequency bands 54–72 MHz, 76–88 MHz, 174–216 MHz or 470–806 MHz. However, operation within these frequency bands is permitted under other sections of this part, e.g., §§15.231 and 15.241.

(b) In the emission table above, the tighter limit applies at the band edges.

(c) The level of any unwanted emissions from an intentional radiator operating under these general provisions shall not exceed the level of the fundamental emission. For intentional radiators which operate under the provisions of other sections within this part and which are required to reduce their unwanted emissions to the limits specified in this table, the limits in this table are based on the frequency of the unwanted emission and not the fundamental frequency. However, the level of any unwanted emissions shall not exceed the level of the fundamental frequency.

(d) The emission limits shown in the above table are based on measurements employing a CISPR quasi-peak detector except for the frequency bands 9–90 kHz, 110–460 kHz and above 1000 MHz. Radiated emission limits in these three bands are based on measurements employing an average detector.

(e) The provisions in §§15.31, 15.33, and 15.35 for measuring emissions at distances other than the distances specified in the above table, determining the frequency range over which radiated emissions are to be measured, and limiting peak emissions apply to all devices operated under this part.

(f) In accordance with §15.33(a), in some cases the emissions from an intentional radiator must be measured to beyond the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional radiator because of the incorporation of a digital device. If measurements above the tenth harmonic are so required, the radiated emissions above the tenth harmonic shall comply with the general radiated emission limits applicable to the incorporated digital device, as shown in §15.109 and as based on the frequency of the emission being measured, or, except for emissions contained in the restricted frequency bands shown in §15.205, the limit on spurious emissions specified for the intentional radiator, whichever is the higher limit. Emissions which must be measured above the tenth harmonic of the highest fundamental frequency designed to be emitted by the intentional
§ 15.211 Tunnel radio systems.

An intentional radiator utilized as part of a tunnel radio system may operate on any frequency provided it meets all of the following conditions:

(a) Operation of a tunnel radio system (intentional radiator and all connecting wires) shall be contained solely within a tunnel, mine or other structure that provides attenuation to the radiated signal due to the presence of naturally surrounding earth and/or water.

(b) Any intentional or unintentional radiator external to the tunnel, mine or other structure, as described in paragraph (a) of this section, shall be subject to the other applicable regulations contained within this part.

(c) The total electromagnetic field from a tunnel radio system on any frequency or frequencies appearing outside of the tunnel, mine or other structure described in paragraph (a) of this section, shall not exceed the limits shown in § 15.209 when measured at the specified distance from the surrounding structure, including openings. Particular attention shall be paid to the emissions from any opening in the structure to the outside environment. When measurements are made from the openings, the distances shown in § 15.209 refer to the distance from the plane of reference which fits the entire perimeter of each above ground opening.

(d) The conducted limits in § 15.207 apply to the radiofrequency voltage on the public utility power lines outside of the tunnel.

§ 15.213 Cable locating equipment.

An intentional radiator used as cable locating equipment, as defined in § 15.3(d), may be operated on any frequency within the band 9-490 kHz, subject to the following limits: Within the frequency band 9 kHz, up to, but not including, 45 kHz, the peak output power from the cable locating equipment shall not exceed 10 watts; and, within the frequency band 45 kHz to 490 kHz, the peak output power from the cable locating equipment shall not exceed one watt. If provisions are made for connection of the cable locating equipment to the AC power lines, the conducted limits in § 15.207 also apply to this equipment.

§ 15.214 Cordless telephones.

(a) For equipment authorization, a single application form, FCC Form 731, may be filed for a cordless telephone system, provided the application clearly identifies and provides data for all parts of the system to show compliance with the applicable technical requirements. When a single application form is submitted, both the base station and the portable handset must carry the same FCC identifier. The application shall include a fee for certification of each type of transmitter and for certification, if appropriate, for each type of receiver included in the system.

(b) A cordless telephone which is intended to be connected to the public switched telephone network shall also comply with the applicable regulations in part 68 of this chapter. A separate application for registration under part 68 of this chapter is required.

(c) The label required under subpart A of this part shall also contain the following statement: “Privacy of communications may not be ensured when using this phone.”

(d) Cordless telephones shall incorporate circuitry which makes use of a digital security code to provide protection against unintentional access to the public switched telephone network by the base unit and unintentional ringing by the handset. These functions shall operate such that each access of the telephone network or ringing of the handset is preceded by the transmission of a code word. Access to the telephone network shall occur only
if the code transmitted by the handset matches code set in the base unit. Similarly, ringing of the handset shall occur only if the code transmitted by the base unit matches the code set in the handset. The security code required by this section may also be employed to perform other communications functions, such as providing telephone billing information. This security code system is to operate in accordance with the following provisions.

(1) There must be provision for at least 256 possible discrete digital codes. Factory-set codes must be continuously varied over at least 256 possible codes as each telephone is manufactured. The codes may be varied either randomly, sequentially, or using another systematic procedure.

(2) Manufacturers must use one of the following approaches for facilitating variation in the geographic distribution of individual security codes:

(i) Provide a means for the user to readily select from among at least 256 possible discrete digital codes. The cordless telephone shall be either in a non-operable mode after manufacture until the user selects a security code or the manufacturer must continuously vary the initial security code as each telephone is produced.

(ii) Provide a fixed code that is continuously varied among at least 256 discrete digital codes as each telephone is manufactured.

(iii) Provide a means for the cordless telephone to automatically select a different code from among at least 256 possible discrete digital codes each time it is activated.

(iv) It is permissible to provide combinations of fixed, automatic, and user-selectable coding provided the above criteria are met.

(3) A statement of the means and procedures used to achieve the required protection shall be provided in any application for equipment authorization of a cordless telephone.


§ 15.215 Additional provisions to the general radiated emission limitations.

(a) The regulations in §§ 15.217 through 15.255 provide alternatives to the general radiated emission limits for intentional radiators operating in specified frequency bands. Unless otherwise stated, there are no restrictions as to the types of operation permitted under these sections.

(b) In most cases, unwanted emissions outside of the frequency bands shown in these alternative provisions must be attenuated to the emission limits shown in § 15.209. In no case shall the level of the unwanted emissions from an intentional radiator operating under these additional provisions exceed the field strength of the fundamental emission.

(c) For those bands of frequencies where alternative radiated emission limitations apply and for which a frequency stability is not specified, it is recommended that the fundamental frequency be kept within at least the central 80% of the permitted band in order to minimize the possibility of out-of-band operation.

(d) Where the following sections specify limits on the bandwidth of the emissions, the bandwidth limits include the effects of frequency sweeping, frequency hopping, and other modulation techniques which may be employed.


§ 15.217 Operation in the band 160–190 kHz.

(a) The total input power to the final radio frequency stage (exclusive of filament or heater power) shall not exceed one watt.

(b) The total length of the transmission line, antenna, and ground lead (if used) shall not exceed 15 meters.

(c) All emissions below 160 kHz or above 190 kHz shall be attenuated at least 20 dB below the level of the unmodulated carrier. Determination of
§ 15.219 Operation in the band 510–1705 kHz.

(a) The total input power to the final radio frequency stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(b) The total length of the transmission line, antenna and ground lead (if used) shall not exceed 3 meters.

(c) All emissions below 510 kHz or above 1705 kHz shall be attenuated at least 20 dB below the level of the unmodulated carrier. Determination of compliance with the 20 dB attenuation specification may be based on measurements at the intentional radiator’s antenna output terminal unless the intentional radiator uses a permanently attached antenna, in which case compliance shall be demonstrated by measuring the radiated emissions.

§ 15.221 Operation in the band 525–1705 kHz.

(a) Carrier current systems and transmitters employing a leaky coaxial cable as the radiating antenna may operate in the band 525-1705 kHz provided the field strength levels of the radiated emissions do not exceed 15 uV/m, as measured at a distance of 47,715/(frequency in kHz) meters (equivalent to Lambda/2Pi) from the electric power line or the coaxial cable, respectively. The field strength levels of emissions outside this band shall not exceed the general radiated emission limits in §15.209.

(b) As an alternative to the provisions in paragraph (a) of this section, intentional radiators used for the operation of an AM broadcast station on a college or university campus or on the campus of any other education institution may comply with the following:

(1) On the campus, the field strength of emissions appearing outside of this frequency band shall not exceed the general radiated emission limits shown in §15.209 as measured from the radiating source. There is no limit on the field strength of emissions appearing within this frequency band, except that the provisions of §15.5 continue to apply.

(2) At the perimeter of the campus, the field strength of any emissions, including those within the frequency band 525-1705 kHz, shall not exceed the general radiated emission in §15.209.

(3) The conducted limits specified in §15.207 apply to the radio frequency voltage on the public utility power lines outside of the campus. Due to the large number of radio frequency devices which may be used on the campus, contributing to the conducted emissions, as an alternative to measuring conducted emissions outside of the campus, it is acceptable to demonstrate compliance with this provision by measuring each individual intentional radiator employed in the system at the point where it connects to the AC power lines.

(c) A grant of equipment authorization is not required for intentional radiators operated under the provisions of this section. In lieu thereof, the intentional radiator shall be verified for compliance with the regulations in accordance with subpart J of part 2 of this chapter. This data shall be kept on file at the location of the studio, office or control room associated with the transmitting equipment. In some cases, this may correspond to the location of the transmitting equipment.

(d) For the band 535–1705 kHz, the frequency of operation shall be chosen such that operation is not within the protected field strength contours of licensed AM stations.

[56 FR 373, Jan. 4, 1991]

§ 15.223 Operation in the band 1.705–10 MHz.

(a) The field strength of any emission within the band 1.705–10.0 MHz shall not exceed 100 microvolts/meter at a distance of 30 meters. However, if the bandwidth of the emission is less than 10% of the center frequency, the field strength shall not exceed 15 microvolts/meter or (the bandwidth of the device in kHz) divided by (the center frequency of the device in MHz) microvolts/meter at a distance of 30 meters, whichever is the higher level.
For the purposes of this section, bandwidth is determined at the points 6 dB down from the modulated carrier. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in §15.35(b) for limiting peak emissions apply.

(b) The field strength of emissions outside of the band 1.705-10.0 MHz shall not exceed the general radiated emission limits in §15.209.


(a) The field strength of any emissions within this band shall not exceed 10,000 microvolts/meter at 30 meters.

(b) The field strength of any emissions appearing outside of this band shall not exceed the general radiated emission limits shown in §15.209.

(c) The frequency tolerance of the carrier signal shall be maintained within ±0.01% of the operating frequency over a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

§15.227 Operation within the band 26.96-27.28 MHz.

(a) The field strength of any emissions within this band shall not exceed 10,000 microvolts/meter at 3 meters. The emission limit in this paragraph is based on measurement instrumentation employing an average detector. The provisions in §15.35 for limiting peak emissions apply.

(b) The field strength of any emissions which appear outside of this band shall not exceed the general radiated emission limits in §15.209.

§15.229 Operation within the band 40.66-40.70 MHz.

(a) Unless operating pursuant to the provisions in §15.231, the field strength of any emissions within this band shall not exceed 1,000 microvolts/meter at 3 meters.

(b) As an alternative to the limit in paragraph (a) of this section, perimeter protection systems may demonstrate compliance with the following: the field strength of any emissions within this band shall not exceed 500 microvolts/meter at 3 meters, as determined using measurement instrumentation employing an average detector. The provisions in §15.35 for limiting peak emissions apply where compliance of these devices is demonstrated under this alternative emission limit.

(c) The field strength of any emissions appearing outside of this band shall not exceed the general radiated emission limits in §15.209.

(d) The frequency tolerance of the carrier signal shall be maintained within ±0.01% of the operating frequency over a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

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(2) A transmitter activated automatically shall cease transmission within 5 seconds after activation.

(3) Periodic transmissions at regular predetermined intervals are not permitted. However, polling or supervision transmissions to determine system integrity of transmitters used in security or safety applications are allowed if the periodic rate of transmission does not exceed one transmission of not more than one second duration per hour for each transmitter.

(4) Intentional radiators which are employed for radio control purposes during emergencies involving fire, security, and safety of life, when activated to signal an alarm, may operate during the pendency of the alarm condition.

(b) In addition to the provisions of § 15.205, the field strength of emissions from intentional radiators operated under this section shall not exceed the following:

<table>
<thead>
<tr>
<th>Fundamental frequency (MHz)</th>
<th>Field strength of fundamental (microvolts/meter)</th>
<th>Field strength of spurious emissions (microvolts/meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>40.66±40.70</td>
<td>2,250</td>
<td>225</td>
</tr>
<tr>
<td>70±130</td>
<td>1,250</td>
<td>125</td>
</tr>
<tr>
<td>130±174</td>
<td>1,250 to 3,750</td>
<td>125 to 375</td>
</tr>
<tr>
<td>174±260</td>
<td>3,750</td>
<td>375</td>
</tr>
<tr>
<td>260±470</td>
<td>3,750 to 12,500</td>
<td>375 to 1,250</td>
</tr>
<tr>
<td>Above 470</td>
<td>12,500 to 125,000</td>
<td>1,250</td>
</tr>
</tbody>
</table>

*Linear interpolations.*

(1) The above field strength limits are specified at a distance of 3 meters. The tighter limits apply at the band edges.

(2) Intentional radiators operating under the provisions of this section shall demonstrate compliance with the limits on the field strength of emissions, as shown in the above table, based on the average value of the measured emissions. As an alternative, compliance with the limits in the above table may be based on the use of measurement instrumentation with a CISPR quasi-peak detector. The specific method of measurement employed shall be specified in the application for equipment authorization. If average emission measurements are employed, the provisions in §15.35 for averaging pulsed emissions and for limiting peak emissions apply. Further, compliance with the provisions of §15.205 shall be demonstrated using the measurement instrumentation specified in that section.

(3) The limits on the field strength of the spurious emissions in the above table are based on the fundamental frequency of the intentional radiator. Spurious emissions shall be attenuated to the average (or, alternatively, CISPR quasi-peak) limits shown in this table or to the general limits shown in §15.209, whichever limit permits a higher field strength.

(c) The bandwidth of the emission shall be no wider than 0.25% of the center frequency for devices operating above 70 MHz and below 900 MHz. For devices operating above 900 MHz, the emission shall be no wider than 0.5% of the center frequency. Bandwidth is determined at the points 20 dB down from the modulated carrier.

(d) For devices operating within the frequency band 40.66–40.70 MHz, the bandwidth of the emission shall be confined within the band edges and the frequency tolerance of the carrier shall be ±0.01%. This frequency tolerance shall be maintained for a temperature variation of −20 degrees to +50 degrees C at normal supply voltage, and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

(e) Intentional radiators may operate at a periodic rate exceeding that specified in paragraph (a) of this section and may be employed for any type of operation, including operation prohibited in paragraph (a) of this section, provided the intentional radiator complies with the provisions of paragraphs (b) through (d) of this section, except the field strength table in paragraph (b) of this section is replaced by the following:

| Fundamental frequency (MHz) | Field strength of fundamental (microvolts/meter) | Field strength of spurious emissions (microvolts/meter)
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>40.66–40.70</td>
<td>1,000</td>
<td>100</td>
</tr>
<tr>
<td>70±130</td>
<td>500</td>
<td>50</td>
</tr>
<tr>
<td>130±174</td>
<td>500 to 1,500</td>
<td>50 to 150</td>
</tr>
<tr>
<td>174±260</td>
<td>1,500</td>
<td>150</td>
</tr>
<tr>
<td>260±470</td>
<td>1,500 to 5,000</td>
<td>150 to 500</td>
</tr>
</tbody>
</table>

734
eliminate the interference. A state-
ference is experienced, moving the
telephone should not be placed near or
rless emission (microvolts/meter).

to minimize or prevent such in-
cause interference to nearby TVs and
phones operate at frequencies that may
be marketed shall contain information
which is included within the box which
the individual cordless telephone is to
be marketed shall contain information
indicating that some cordless tele-
operate at frequencies that may
cause interference to nearby TVs and
VCRs; to minimize or prevent such in-
terference, the base of the cordless
telephone should not be placed near or
on top of a TV or VCR; and, if inter-
ference is experienced, moving the
cordless telephone farther away from
the TV or VCR will often reduce or
eliminate the interference. A state-
mment describing the means and proce-
dures used to achieve automatic chan-
el selection shall be provided in any
application for equipment authoriza-
tion of a cordless telephone operating
on channels one through fifteen.

§ 15.233 Operation within the bands
43.71–44.49 MHz, 46.60–46.98 MHz,
48.75–49.51 MHz and 49.66–50.0
MHz.

(a) The provisions shown in this sec-
tion are restricted to cordless tele-
phones.

(b) An intentional radiator used as
part of a cordless telephone system
shall operate centered on one or more
of the following frequency pairs, sub-
ject to the following conditions:

(i) Frequencies shall be paired as
shown below, except that channel pair-
ing for channels one through fifteen
may be accomplished by pairing any of
the fifteen base transmitter fre-
quencies with any of the fifteen hand-
send transmitter frequencies.

(ii) The box or an instruction manual
which is included within the box which
the individual cordless telephone is to
be marketed shall contain information
indicating that some cordless tele-
phones operate at frequencies that may
cause interference to nearby TVs and
VCRs; to minimize or prevent such in-
terference, the base of the cordless
telephone should not be placed near or
on top of a TV or VCR; and, if inter-
ference is experienced, moving the
cordless telephone farther away from
the TV or VCR will often reduce or
eliminate the interference. A state-

<table>
<thead>
<tr>
<th>Channel</th>
<th>Base transmitter (MHz)</th>
<th>Handset transmitter (MHz)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>43.720</td>
<td>48.760</td>
</tr>
<tr>
<td>2</td>
<td>43.740</td>
<td>48.840</td>
</tr>
<tr>
<td>3</td>
<td>43.820</td>
<td>48.860</td>
</tr>
<tr>
<td>4</td>
<td>43.840</td>
<td>48.920</td>
</tr>
<tr>
<td>5</td>
<td>43.920</td>
<td>49.020</td>
</tr>
<tr>
<td>6</td>
<td>43.960</td>
<td>49.080</td>
</tr>
<tr>
<td>7</td>
<td>44.120</td>
<td>49.100</td>
</tr>
<tr>
<td>8</td>
<td>44.160</td>
<td>49.160</td>
</tr>
<tr>
<td>9</td>
<td>44.180</td>
<td>49.200</td>
</tr>
<tr>
<td>10</td>
<td>44.200</td>
<td>49.240</td>
</tr>
<tr>
<td>11</td>
<td>44.320</td>
<td>49.280</td>
</tr>
<tr>
<td>12</td>
<td>44.360</td>
<td>49.360</td>
</tr>
<tr>
<td>13</td>
<td>44.400</td>
<td>49.400</td>
</tr>
<tr>
<td>14</td>
<td>44.460</td>
<td>49.460</td>
</tr>
<tr>
<td>15</td>
<td>44.480</td>
<td>49.500</td>
</tr>
<tr>
<td>16</td>
<td>46.610</td>
<td>49.670</td>
</tr>
<tr>
<td>17</td>
<td>46.630</td>
<td>49.845</td>
</tr>
<tr>
<td>18</td>
<td>46.670</td>
<td>49.860</td>
</tr>
<tr>
<td>19</td>
<td>46.710</td>
<td>49.770</td>
</tr>
<tr>
<td>20</td>
<td>46.730</td>
<td>49.675</td>
</tr>
<tr>
<td>21</td>
<td>46.770</td>
<td>49.830</td>
</tr>
<tr>
<td>22</td>
<td>46.830</td>
<td>49.890</td>
</tr>
<tr>
<td>23</td>
<td>46.870</td>
<td>49.930</td>
</tr>
<tr>
<td>24</td>
<td>46.930</td>
<td>49.990</td>
</tr>
<tr>
<td>25</td>
<td>46.970</td>
<td>49.970</td>
</tr>
</tbody>
</table>

(c) The field strength of the funda-
mental emission shall not exceed 10,000
microvolts/meter at 3 meters. The
emission limit in this paragraph is
based on measurement instrumenta-
tion employing an average detector.
The provisions in § 15.35 for limiting
peak emissions apply.

(d) The fundamental emission shall
be confined within a 20 kHz band
and shall be centered on a carrier frequen-
cy shown above, as adjusted by the fre-
quency tolerance of the transmitter at
the time testing is performed. Modula-
tion products outside of this 20 kHz
band shall be attenuated at least 26 dB
below the level of the unmodulated
carrier or to the general limits in
§ 15.209, whichever permits the higher
emission levels. Emissions on any fre-
quency more than 20 kHz removed from
the center frequency shall consist sole-
ly of unwanted emissions and shall not
exceed the general radiated emission
limits in § 15.209. Tests to determine
compliance with these requirements
shall be performed using an appro-
riate input signal as prescribed in
§ 2.989 of this chapter.
(e) All emissions exceeding 20 microvolts/meter at 3 meters are to be reported in the application for certification.

(f) If the device provides for the connection of external accessories, including external electrical input signals, the device must be tested with the accessories attached. The emission tests shall be performed with the device and accessories configured in a manner which tends to produce the maximum level of emissions within the range of variations that can be expected under normal operating conditions.

(g) The frequency tolerance of the carrier signal shall be maintained within ±0.01% of the operating frequency. The tolerance shall be maintained for a temperature variation of −20 degrees C to +50 degrees C at normal supply voltage, and for variation in the primary voltage from 85% to 115% of the rated supply voltage at a temperature of 20 degrees C. For battery operated equipment, the equipment tests shall be performed using a new battery.

(h) For cordless telephones that do not comply with §15.214(d) of this part, the box or other package in which the individual cordless telephone is to be marketed shall carry a statement in a prominent location, visible to the buyer before purchase, which reads as follows:

NOTICE: The base units of some cordless telephones may respond to other nearby units or to radio noise resulting in telephone calls being dialed through this unit without your knowledge and possibly calls being misbilled. In order to protect against such occurrences, this cordless telephone is provided with the following features: (to be completed by the responsible party).

An application for certification of a cordless telephone shall specify the complete text of the statement that will be carried on the package and indicate where, specifically, it will be located on the carton.

§ 15.237 Operation in the bands 72.0–73.0 MHz, 74.6–74.8 MHz and 75.2–76.0 MHz.

(a) The intentional radiator shall be restricted to use as an auditory assistance device.
§ 15.242 Operation in the bands 174–216 MHz and 470–668 MHz.

(a) The marketing and operation of intentional radiators under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from the device shall be confined within a band 200 kHz wide centered on any frequency which shall lie wholly within the frequency range of 174–216 MHz.

(2) A statement that the device complies with the technical provisions of this part.


§ 15.243 Operation in the band 88–108 MHz.

(a) Emissions from the intentional radiator shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range of 88–108 MHz.

(b) The field strength of any emissions within the permitted 200 kHz band shall not exceed 250 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.


§ 15.244 Operation in the bands 174–216 MHz and 470–668 MHz.

(a) The marketing and operation of intentional radiators under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from the device shall be confined within a band 200 kHz wide centered on any frequency which shall lie wholly within the frequency range of 174–216 MHz.

(c) The field strength of any emissions radiated within the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The field strength of emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.


§ 15.245 Operation in the band 470–668 MHz.

(a) The marketing and operation of intentional radiators under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from the device shall be confined within a band 200 kHz wide centered on any frequency which shall lie wholly within the frequency range of 470–668 MHz.

(c) The field strength of any emissions radiated within the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The field strength of emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.


§ 15.246 Operation in the band 174–216 MHz.

(a) Operation under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from the device shall be confined within a band 200 kHz wide centered on any frequency which shall lie wholly within the frequency range of 174–216 MHz.

(c) The field strength of any emissions radiated within the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.


§ 15.247 Operation in the band 174–216 MHz.

(a) The marketing and operation of intentional radiators under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from the device shall be confined within a band 200 kHz wide centered on any frequency which shall lie wholly within the frequency range of 174–216 MHz.

(c) The field strength of any emissions radiated within the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

§ 15.242  

television broadcast channel, as defined in part 73 of this chapter, under all conditions of operation and shall lie wholly within the frequency ranges of 174–216 MHz and 470–668 MHz.

c) The field strength of the fundamental emissions shall not exceed 200 mV/m, as measured at a distance of 3 meters using a quasi-peak detector. Manufacturers should note that a quasi-peak detector function indicates field strength per 120 kHz of bandwidth ±20 kHz. Accordingly, the total signal level over the band of operation may be higher than 200 mV/m. The field strength of emissions radiated on any frequency outside of the television broadcast channel within which the fundamental is contained shall not exceed the general limits in §15.209.

d) The user and the installer of a biomedical telemetry device operating within the frequency range 174–216 MHz, 470–608 MHz or 614–668 MHz shall ensure that the following minimum separation distances are maintained between the biomedical telemetry device and the authorized radio services operating on the same frequencies:

1. At least 10.3 km outside of the Grade B field strength contour (56 dBuV/m) of a TV broadcast station or an associated TV booster station operating within the band 174–216 MHz.

2. At least 5.5 km outside of the Grade B field strength contour (64 dBuV/m) of a TV broadcast station or an associated TV booster station operating within the bands 470–608 MHz or 614–668 MHz.

3. At least 5.1 km outside of the 68 dBuV/m field strength contour of a low power TV or a TV translator station operating within the bands 470–608 MHz or 614–668 MHz.

4. At least 3.1 km outside of the 74 dBuV/m field strength contour of a low power TV or a TV translator station operating within the bands 470–608 MHz or 614–668 MHz.

5. Whatever distance is necessary to protect other authorized users within these bands.

(e) The user and the installer of a biomedical telemetry device operating within the frequency range 608–614 MHz and that will be located within 32 km of the very long baseline array (VLBA) stations or within 80 km of any of the other radio astronomy observatories noted in footnote US 311 of Section 2.106 of this chapter must coordinate with, and obtain the written concurrence of, the director of the affected radio astronomy observatory before the equipment can be installed or operated. The National Science Foundation point of contact for coordination is: Spectrum Manager, Division of Astronomical Sciences, NSF Rm 1045, 4201 Wilson Blvd., Arlington, VA 22230 tel: (703) 306–1823.

(f) Biomedical telemetry devices must not cause harmful interference to licensed TV broadcast stations or to other authorized radio services, such as operations on the broadcast frequencies under subparts G and H of part 74 of this chapter, land mobile stations operating under part 90 of this chapter in the 470–512 MHz band, and radio astronomy operation in the 608–614 MHz band. (See §15.5.) If harmful interference occurs, the interference must either be corrected or the device must immediately cease operation on the occupied frequency. Further, the operator of the biomedical telemetry device must accept whatever level of interference is received from other radio operations. The operator, i.e., the health care facility, is responsible for resolving any interference that occurs subsequent to the installation of these devices.

(g) The manufacturers, installers, and users of biomedical telemetry devices are reminded that they must ensure that biomedical telemetry transmitters operating under the provisions of this section avoid operating in close proximity to authorized services using this spectrum. Sufficient separation distance, necessary to avoid causing or receiving harmful interference, must be maintained from co-channel operations. These parties are reminded that the frequencies of the authorized services are subject to change, especially during the implementation of the digital television services. The operating frequencies of the part 15 devices may need to be changed, as necessary and in accordance with the permissive change requirements of this chapter, to accommodate changes in the operating frequencies of the authorized services.

(h) The manufacturers, installers and users of biomedical telemetry devices
Federal Communications Commission

§ 15.245 Operation within the bands 902–928 MHz, 2435–2465 MHz, 5785–5815 MHz, 10500–10550 MHz, and 24075–24175 MHz.

(a) Operation under the provisions of this section is limited to intentional radiators used as field disturbance sensors, excluding perimeter protection systems.

(b) The field strength of emissions from intentional radiators operated within these frequency bands shall comply with the following:

<table>
<thead>
<tr>
<th>Fundamental frequency (MHz)</th>
<th>Field strength of fundamental (millivolts/meter)</th>
<th>Field strength of harmonics (millivolts/meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>902–928</td>
<td>500</td>
<td>1.6</td>
</tr>
<tr>
<td>2435–2465</td>
<td>500</td>
<td>1.6</td>
</tr>
<tr>
<td>5785–5815</td>
<td>500</td>
<td>1.6</td>
</tr>
<tr>
<td>10500–10550</td>
<td>2500</td>
<td>25.0</td>
</tr>
<tr>
<td>24075–24175</td>
<td>2500</td>
<td>25.0</td>
</tr>
</tbody>
</table>

(1) Regardless of the limits shown in the above table, harmonic emissions in the restricted bands below 17.7 GHz, as specified in §15.205, shall not exceed the field strength limits shown in §15.209. Harmonic emissions in the restricted bands at and above 17.7 GHz shall not exceed the following field strength limits:

(i) For field disturbance sensors designed for use only within a building or to open building doors, 25.0 mV/m.

(ii) For all other field disturbance sensors, 7.5 mV/m.

(iii) Field disturbance sensors designed to be used in motor vehicles or aircraft must include features to prevent continuous operation unless their emissions in the restricted bands fully comply with the limits given in §15.209. Continuous operation of field disturbance sensors designed to be used in farm equipment, vehicles such as fork lifts that are intended primarily for use indoors or for very specialized operations, or railroad locomotives, railroad cars and other equipment which travels on fixed tracks is permitted. A field disturbance sensor will be considered not to be operating in a continuous mode if its operation is limited to specific activities of limited duration (e.g., putting a vehicle into reverse gear, activating a turn signal, etc.).

(2) Field strength limits are specified at a distance of 3 meters.

(3) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiated emission limits in §15.209, whichever is the lesser attenuation.

(4) The emission limits shown above are based on measurement instrumentation employing an average detector. The provisions in §15.35 for limiting peak emissions apply.

§ 15.247 Operation within the bands 902–928 MHz, 2400–2483.5 MHz, and 5725–5850 MHz.

(a) Operation under the provisions of this section is limited to frequency hopping and direct sequence spread spectrum intentional radiators that comply with the following provisions:

(1) Frequency hopping systems shall have hopping channel carrier frequencies separated by a minimum of 25 kHz or the 20 dB bandwidth of the hopping channel, whichever is greater. The system shall hop to channel frequencies that are selected at the system hopping rate from a pseudorandomly ordered list of hopping frequencies. Each frequency must be used equally on the average by each transmitter. The system receivers shall have input bandwidths that match the hopping channel bandwidths of their corresponding transmitters and shall shift frequencies in synchronization with the transmitted signals.

(i) For frequency hopping systems operating in the 902–928 MHz band: if the 20 dB bandwidth of the hopping channel is less than 250 kHz, the system shall use at least 50 hopping frequencies and the average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 20 second period; if the 20 dB bandwidth of the hopping channel is 250 kHz or greater, the system shall use at least 25 hopping frequencies and the average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 10 second period. The maximum allowed 20 dB bandwidth of the hopping channel is 500 kHz.

(ii) Frequency hopping systems operating in the 2400–2483.5 MHz and 5725–5850 MHz bands shall use at least 75 hopping frequencies. The maximum 20 dB bandwidth of the hopping channel is 1 MHz. The average time of occupancy on any frequency shall not be greater than 0.4 seconds within a 30 second period.

(iii) Frequency hopping systems in the 2400–2483.5 MHz band may utilize hopping channels whose 20 dB bandwidth is greater than 1 MHz provided the systems use at least 15 non-overlapping channels. The total span of hopping channels shall be at least 75 MHz. The average time of occupancy on any one channel shall not be greater than 0.4 seconds within the time period required to hop through all channels.

(2) For direct sequence systems, the minimum 6 dB bandwidth shall be at least 500 kHz.

(b) The maximum peak output power of the intentional radiator shall not exceed the following:

(1) For frequency hopping systems in the 2400–2483.5 MHz band employing at least 75 hopping channels, all frequency hopping systems in the 5725–5850 MHz band, and all direct sequence systems: 1 watt. For all other frequency hopping systems in the 2400–2483.5 MHz band: 0.125 watts.

(2) For frequency hopping systems operating in the 902–928 MHz band: 1 watt for systems employing at least 50 hopping channels; and, 0.25 watts for systems employing less than 50 hopping channels, but at least 25 hopping channels, as permitted under paragraph (a)(1)(i) of this section.

(3) Except as shown in paragraphs (b)(3)(i), (ii) and (iii) of this section, if transmitting antennas of directional gain greater than 6 dBi are used the peak output power of the intentional radiator shall be reduced below the stated values in paragraphs (b)(1) or (b)(2) of this section, as appropriate, by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(i) Systems operating in the 2400–2483.5 MHz band that are used exclusively for fixed, point-to-point operations may employ transmitting antennas with directional gain greater than 6 dBi provided the maximum peak output power of the intentional radiator is reduced by 1 dB for every 3 dBi that the directional gain of the antenna exceeds 6 dBi.

(ii) Systems operating in the 5725–5850 MHz band that are used exclusively for fixed, point-to-point operations may employ transmitting antennas with directional gain greater than 6 dBi without any corresponding reduction in transmitter peak output power.

(iii) Fixed, point-to-point operation, as used in paragraphs (b)(3)(i) and (b)(3)(ii) of this section, excludes the use of point-to-multipoint systems.
omnidirectional applications, and multiple co-located intentional radiators transmitting the same information. The operator of the spread spectrum intentional radiator or, if the equipment is professionally installed, the installer is responsible for ensuring that the system is used exclusively for fixed, point-to-point operations. The instruction manual furnished with the intentional radiator shall contain language in the installation instructions informing the operator and the installer of this responsibility.

(4) Systems operating under the provisions of this section shall be operated in a manner that ensures that the public is not exposed to radio frequency energy levels in excess of the Commission's guidelines. See §1.1307(b)(1) of this chapter.

(c) In any 100 kHz bandwidth outside the frequency band in which the spread spectrum intentional radiator is operating, the radio frequency power that is produced by the intentional radiator shall be at least 20 dB below that in the 100 kHz bandwidth within the band that contains the highest level of the desired power, based on either an RF conducted or a radiated measurement. Attenuation below the general limits specified in §15.205(a) is not required. In addition, radiated emissions which fall in the restricted bands, as defined in §15.205(a), must also comply with the radiated emission limits specified in §15.205(a) (see §15.205(c)).

(d) For direct sequence systems, the peak power spectral density conducted from the intentional radiator to the antenna shall not be greater than 8 dBm in any 3 kHz band during any time interval of continuous transmission.

(e) The processing gain of a direct sequence system shall be at least 10 dB. The processing gain represents the improvement to the received signal-to-noise ratio, after filtering to the information bandwidth, from the spreading/despreading function. The processing gain may be determined using one of the following methods:

1. As measured at the demodulated output of the receiver: the ratio in dB of the signal-to-noise ratio with the system spreading code turned off to the signal-to-noise ratio with the system spreading code turned on.

2. As measured using the CW jamming margin method: a signal generator is stepped in 50 kHz increments across the passband of the system, recording at each point the generator level required to produce the recommended Bit Error Rate (BER). This level is the jammer level. The output power of the intentional radiator is measured at the same point. The jammer to signal ratio (J/S) is then calculated, discarding the worst 20% of the J/S data points. The lowest remaining J/S ratio is used to calculate the processing gain, as follows: Gp = (S/N)0 + Mj + Lsys, where Gp = processing gain of the system, (S/N)0 = signal to noise ratio required for the chosen BER, Mj = J/S ratio, and Lsys = system losses. Note that total losses in a system, including intentional radiator and receiver, should be assumed to be no more than 2 dB.

(f) Hybrid systems that employ a combination of both direct sequence and frequency hopping modulation techniques shall achieve a processing gain of at least 17 dB from the combined techniques. The frequency hopping operation of the hybrid system, with the direct sequence operation turned off, shall have an average time of occupancy on any frequency not to exceed 0.4 seconds within a time period in seconds equal to the number of hopping frequencies employed multiplied by 0.4. The direct sequence operation of the hybrid system, with the frequency hopping operation turned off, shall comply with the power density requirements of paragraph (d) of this section.

(g) Frequency hopping spread spectrum systems are not required to employ all available hopping channels during each transmission. However, the system, consisting of both the transmitter and the receiver, must be designed to comply with all of the regulations in this section should the transmitter be presented with a continuous data (or information) stream. In addition, a system employing short transmission bursts must comply with the definition of a frequency hopping system and must distribute its transmissions over the minimum number of hopping channels specified in this section.
(h) The incorporation of intelligence within a frequency hopping spread spectrum system that permits the system to recognize other users within the spectrum band so that it individually and independently chooses and adapts its hopsets to avoid hopping on occupied channels is permitted. The coordination of frequency hopping systems in any other manner for the express purpose of avoiding the simultaneous occupancy of individual hopping frequencies by multiple transmitters is not permitted.

NOTE: Spread spectrum systems are sharing these bands on a noninterference basis with systems supporting critical Government requirements that have been allocated the usage of these bands, secondary only to ISM equipment operated under the provisions of part 18 of this chapter. Many of these Government systems are airborne radiolocation systems that emit a high EIRP which can cause interference to other users. Also, investigations of the effect of spread spectrum interference to U. S. Government operations in the 902–928 MHz band may require a future decrease in the power limits allowed for spread spectrum operation.

§ 15.249 Operation within the bands 902–928 MHz, 2400–2483.5 MHz, and 5725–5875 MHz.

<table>
<thead>
<tr>
<th>Fundamental frequency</th>
<th>Field strength of fundamental (millivolts/meter)</th>
<th>Field strength of harmonics (microvolts/meter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>902–928 MHz</td>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>2400–2483.5 MHz</td>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>5725–5875 MHz</td>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>24.0–24.25 GHz</td>
<td>250</td>
<td>2500</td>
</tr>
</tbody>
</table>

(b) Field strength limits are specified at a distance of 3 meters.

(c) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiation emission limits in §15.209, whichever is the lesser attenuation.

(d) As shown in §15.35(b), for frequencies above 1000 MHz, the above field strength limits are based on average limits. However, the peak field strength of any emission shall not exceed the maximum permitted average limits specified above by more than 20 dB under any condition of modulation.

(e) Parties considering the manufacture, importation, marketing or operation of equipment under this section should also note the requirement in §15.37(d).


(a) Operation under the provisions of this section is limited to automatic vehicle identification systems (AVIS) which use swept frequency techniques for the purpose of automatically identifying transportation vehicles.

(b) The field strength anywhere within the frequency range swept by the signal shall not exceed 3000 microvolts/meter/MHz at 3 meters in any direction. Further, an AVIS, when in its operating position, shall not produce a field strength greater than 400 microvolts/meter/MHz at 3 meters in any direction within ±10 degrees of the horizontal plane. In addition to the provisions of §15.205, the field strength of radiated emissions outside the frequency range swept by the signal shall be limited to a maximum of 100 microvolts/meter/MHz at 3 meters, measured from 30 MHz to 20 GHz for the complete system. The emission
§ 15.253 Operation within the bands 46.7–46.9 GHz and 76.0–77.0 GHz.

(a) Operation within the bands 46.7–46.9 GHz and 76.0–77.0 GHz is restricted to vehicle-mounted field disturbance sensors used as vehicle radar systems. The transmission of additional information, such as data, is permitted provided the primary mode of operation is as a vehicle-mounted field disturbance sensor. Operation under the provisions of this section is not permitted on aircraft or satellites.

(b) The radiated emission limits within the bands 46.7–46.9 GHz and 76.0–77.0 GHz are as follows:

1. If the vehicle is not in motion, the power density of any emission within the bands specified in this section shall not exceed 200 nW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

2. For forward-looking vehicle-mounted field disturbance sensors, if the vehicle is in motion the power density of any emission within the bands specified in this section shall not exceed 60 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

3. For side-looking or rear-looking vehicle-mounted field disturbance sensors, if the vehicle is in motion the power density of any emission within the bands specified in this section shall not exceed 30 µW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.

(c) The power density of any emissions outside the operating band shall consist solely of spurious emissions and shall not exceed the following:

1. Radiated emissions below 40 GHz shall not exceed the general limits in §15.209.

2. Radiated emissions outside the operating band and between 40 GHz and 200 GHz shall not exceed the following:

   i. For vehicle-mounted field disturbance sensors operating in the band 46.7–46.9 GHz: 2 pW/cm² at a distance of 3 meters from the exterior surface of the radiating structure.
§ 15.255 Operation within the band 59.0–64.0 GHz.

(a) Operation under the provisions of this section is not permitted for the following products:

(1) Equipment used on aircraft or satellites.

(2) Field disturbance sensors, including vehicle radar systems, unless the field disturbance sensors are employed for fixed operation. For the purposes of this section, the reference to fixed operation includes field disturbance sensors installed in fixed equipment, even if the sensor itself moves within the equipment.

(b) Within the 59–64 GHz band, emission levels shall not exceed the following:

(1) For products other than fixed field disturbance sensors, the average power density of any emission, measured during the transmit interval, shall not exceed 9 µW/cm² at a distance of 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 µW/cm², as measured 3 meters from the radiating structure.

(2) For fixed field disturbance sensors that occupy 500 MHz or less of bandwidth and that are contained wholly within the frequency band 61.0–61.5 GHz, the average power density of any emission, measured during the transmit interval, shall not exceed 9 µW/cm², as measured 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 µW/cm², as measured 3 meters from the radiating structure. In addition, the average power density of any emission outside of the 61.0–61.5 GHz band, measured during the transmit interval, but still within the 59–64 GHz band, shall not exceed 9 nW/cm², as measured 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 nW/cm², as measured three meters from the radiating structure.

(c) For fixed field disturbance sensors other than those operating under the provisions of paragraph (b)(2) of this section, the peak transmitter output power shall not exceed 0.1 mW and the
peak power density shall not exceed 9 nW/cm² at a distance of 3 meters.

(4) Peak power density shall be measured with an RF detector that has a detection bandwidth that encompasses the 59-64 GHz band and has a video bandwidth of at least 10 MHz, or using an equivalent measurement method.

(5) The average emission limits shall be calculated, based on the measured peak levels, over the actual time period during which transmission occurs.

(c) Limits on spurious emissions:

(1) The power density of any emissions outside the 59.0-64.0 GHz band shall consist solely of spurious emissions.

(2) Radiated emissions below 40 GHz shall not exceed the general limits in §15.209.

(3) Between 40 GHz and 200 GHz, the level of these emissions shall not exceed 90 pW/cm² at a distance of 3 meters.

(4) The levels of the spurious emissions shall not exceed the level of the fundamental emission.

(d) Only spurious emissions and transmissions related to a publicly-accessible coordination channel, whose purpose is to coordinate operation between diverse transmitters with a view towards reducing the probability of interference throughout the 59-64 GHz band, are permitted in the 59.0-59.05 GHz band.

NOTE TO PARAGRAPH (d): The 59.0-59.05 GHz is reserved exclusively for a publicly-accessible coordination channel. The development of standards for this channel shall be performed pursuant to authorizations issued under part 5 of this chapter.

(e) Except as specified elsewhere in this paragraph (e), the total peak transmitter output power shall not exceed 500 mW.

(1) Transmitters with an emission bandwidth of less than 100 MHz must limit their peak transmitter output power to the product of 500 mW times their emission bandwidth divided by 100 MHz. For the purposes of this paragraph (e)(1), emission bandwidth is defined as the instantaneous frequency range occupied by a steady state radiated signal with modulation, outside which the radiated power spectral density never exceeds 6 dB below the maximum radiated power spectral density in the band, as measured with a 100 kHz resolution bandwidth spectrum analyzer. The center frequency must be stationary during the measurement interval, even if not stationary during normal operation (e.g., for frequency hopping devices).

(2) Peak transmitter output power shall be measured with an RF detector that has a detection bandwidth that encompasses the 59-64 GHz band and that has a video bandwidth of at least 10 MHz, or using an equivalent measurement method.

(3) For purposes of demonstrating compliance with this paragraph (e), corrections to the transmitter output power may be made due to the antenna and circuit loss.

(f) Fundamental emissions must be contained within the frequency bands specified in this section during all conditions of operation. Equipment is presumed to operate over the temperature range –20 to +50 degrees celsius with an input voltage variation of 85% to 115% of rated input voltage, unless justification is presented to demonstrate otherwise.

(g) Regardless of the power density levels permitted under this section, devices operating under the provisions of this section are subject to the radio-frequency radiation exposure requirements specified in §§1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(h) Any transmitter that has received the necessary FCC equipment authorization under the rules of this chapter may be mounted in a group installation for simultaneous operation with one or more other transmitter(s) that have received the necessary FCC equipment authorization, without any additional equipment authorization. However, no transmitter operating under the provisions of this section may be equipped with external phase-locking inputs that permit beam-forming arrays to be realized.
§ 15.301  
(i) Within any one second interval of signal transmission, each transmitter with a peak output power equal to or greater than 0.1 mW or a peak power density equal to or greater than 3 nW/cm², as measured 3 meters from the radiating structure, must transmit a transmitter identification at least once. Each application for equipment authorization must declare that the equipment contains the required transmitter identification feature and must specify a method whereby interested parties can obtain sufficient information, at no cost, to enable them to fully detect and decode this transmitter identification information. Upon the completion of decoding, the transmitter identification data block must provide the following fields:
(1) FCC Identifier, which shall be programmed at the factory.
(2) Manufacturer’s serial number, which shall be programmed at the factory.
(3) Provision for at least 24 bytes of data relevant to the specific device, which shall be field programmable. The grantee must implement a method that makes it possible for users to specify and update this data. The recommended content of this field is information to assist in contacting the operator.

[63 FR 42279, Aug. 7, 1998]

Subpart D—Unlicensed Personal Communications Service Devices

SOURCE: 58 FR 59380, Nov. 8, 1993, unless otherwise noted.

§ 15.301 Scope.

This subpart sets out the regulations for unlicensed personal communications services (PCS) devices operating in the 1910–1930 MHz and 2390–2400 MHz frequency bands.

[60 FR 13073, Mar. 10, 1995]

§ 15.303 Definitions.

(a) Asynchronous devices. Devices that transmit RF energy at irregular time intervals, as typified by local area network data systems.

(b) Coordinatable PCS device. PCS devices whose geographical area of operation is sufficiently controlled either by necessity of operation with a fixed infrastructure or by disabling mechanisms to allow adequate coordination of their locations relative to incumbent fixed microwave facilities.

(c) Emission bandwidth. For purposes of this subpart the emission bandwidth shall be determined by measuring the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, that are 26 dB down relative to the maximum level of the modulated carrier. Compliance with the emissions limits is based on the use of measurement instrumentation employing a peak detector function with an instrument resolutions bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

(d) Isochronous devices. Devices that transmit at a regular interval, typified by time-division voice systems.

(e) Noncoordinatable PCS device. A PCS device that is capable of randomly roaming and operating in geographic areas containing incumbent microwave facilities such that operation of the PCS device will potentially cause harmful interference to the incumbent microwave facilities.

(f) Peak transmit power. The peak power output as measured over an interval of time equal to the frame rate or transmission burst of the device under all conditions of modulation. Usually this parameter is measured as a conducted emission by direct connection of a calibrated test instrument to the equipment under test. If the device cannot be connected directly, alternative techniques acceptable to the Commission may be used.

(g) Personal Communications Services (PCS) Devices [Unlicensed]. Intentional radiators operating in the frequency bands 1910–1930 MHz and 2390–2400 MHz that provide a wide array of mobile and ancillary fixed communication services to individuals and businesses.

(h) Spectrum window. An amount of spectrum equal to the intended emission bandwidth in which operation is desired.

(i) Sub-band. For purposes of this subpart the term sub-band refers to the spectrum allocated for isochronous or asynchronous transmission.
Thermal noise power. The noise power in watts defined by the formula $N = kTB$ where $N$ is the noise power in watts, $K$ is Boltzmann's constant, $T$ is the absolute temperature in degrees Kelvin (e.g., 295 °K) and $B$ is the emission bandwidth of the device in hertz.

Time window. An interval of time in which transmission is desired.

PCS devices operating under this subpart shall be certified by the Commission under the procedures in subpart J of part 2 of this chapter before marketing. The application for certification must contain sufficient information to demonstrate compliance with the requirements of this subpart.

UTAM, Inc. is designated to coordinate and manage the transition of the 1910-1930 MHz band from the Private Operational-Fixed Microwave Service (OFS) operating under part 101 of this chapter to unlicensed PCS operations.

Each application for certification of equipment operating under the provisions of this subpart must be accompanied by an affidavit from UTAM, Inc. certifying that the applicant is a participating member of UTAM, Inc. In the event a grantee fails to fulfill the obligations attendant to participation in UTAM, Inc., the Commission may invoke administrative sanctions as necessary to preclude continued marketing and installation of devices covered by the grant of certification, including but not limited to revoking certification.

An application for certification of a PCS device that is deemed by UTAM, Inc. to be noncoordinatable will not be accepted until the Commission announces that a need for coordination no longer exists.

A coordinatable PCS device is required to incorporate means that ensure that it cannot be activated until its location has been coordinated by UTAM, Inc. The application for certification shall contain an explanation of all measures taken to prevent unauthorized operation. This explanation shall include all procedural safeguards, such as the mandatory use of licensed technicians to install the equipment, and a complete description of all technical features controlling activation of the device.

A coordinatable PCS device shall incorporate an automatic mechanism for disabling operation in the event it is moved outside the geographic area where its operation has been coordinated by UTAM, Inc. The application for certification shall contain a full description of the safeguards against unauthorized relocation and must satisfy the Commission that the safeguards cannot be easily defeated.

At such time as the Commission deems that the need for coordination between unlicensed PCS operations and existing Part 101 Private Operational-Fixed Microwave Services ceases to exist, the disabling mechanism required by paragraph (e) of this section will no longer be required.

Operations under the provisions of this subpart are required to protect systems in the Private Operational-Fixed Microwave Service operating within the 1850-1990 MHz band until the dates and conditions specified in §§101.69 through 101.73 of this chapter for termination of primary status. Interference protection is not required for part 101 stations in this band licensed on a secondary basis.

The operator of a PCS device that is relocated from the coordinated area specified by UTAM, Inc., must cease operating the device until coordination for the new location is verified by UTAM, Inc.

(a) The provisions of subpart A of this part apply to unlicensed PCS devices, except where specific provisions are contained in subpart D.

(b) The requirements of subpart D apply only to the radio transmitter contained in the PCS device. Other aspects of the operation of a PCS device...
§ 15.311 Labelling requirements.

In addition to the labelling requirements of §15.19(a)(3), all devices operating in the frequency band 1910-1930 MHz authorized under this subpart must bear a prominently located label with the following statement:

Installation of this equipment is subject to notification and coordination with UTAM, Inc. Any relocation of this equipment must be coordinated through, and approved by UTAM. UTAM may be contacted at [insert UTAM’s toll-free number].

[60 FR 13073, Mar. 10, 1995]

§ 15.313 Measurement procedures.

Measurements must be made in accordance with subpart A, except where specific procedures are specified in subpart D. If no guidance is provided, the measurement procedure must be in accordance with good engineering practice.

§ 15.315 Conducted limits.

An unlicensed PCS device that is designed to be connected to the public utility (AC) power line must meet the limits specified in §15.207.

§ 15.317 Antenna requirement.

An unlicensed PCS device must meet the antenna requirement of §15.203.

§ 15.319 General technical requirements.

(a) The 1910-1920 MHz and 2390-2400 MHz bands are limited to use by asynchronous devices under the requirements of §15.321. The 1920-1930 MHz sub-band is limited to use by isochronous devices under the requirements of §15.323.

(b) All transmissions must use only digital modulation techniques.

(c) Peak transmit power shall not exceed 100 microwatts multiplied by the square root of the emission bandwidth in hertz. Peak transmit power must be measured over any interval of continuous transmission using instrumenta-

tion calibrated in terms of an rms-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, sensitivity, etc., so as to obtain a true peak measurement for the emission in question over the full bandwidth of the channel.

(d) Power spectral density shall not exceed 3 milliwatts in any 3 kHz bandwidth as measured with a spectrum analyzer having a resolution bandwidth of 3 kHz.

(e) The peak transmit power shall be reduced by the amount in decibels that the maximum directional gain of the antenna exceeds 3 dBi.

(f) The device shall automatically discontinue transmission in case of either absence of information to transmit or operational failure. The provisions in this section are not intended to preclude transmission of control and signaling information or use of repetitive codes used by certain digital technologies to complete frame or burst intervals.

(g) Notwithstanding other technical requirements specified in this subpart, attenuation of emissions below the general emission limits in §15.209 is not required.

(h) Where there is a transition between limits, the tighter limit shall apply at the transition point.

(i) Unlicensed PCS devices are subject to the radiofrequency radiation exposure requirements specified in §§1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. All equipment shall be considered to operate in a “general population/uncontrolled” environment. Applications for equipment authorization of devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

§ 15.321 Specific requirements for asynchronous devices operating in the 1910-1920 MHz and 2390-2400 MHz bands.

(a) Operation shall be contained within either or both of the 1910-1920 MHz and 2390-2400 MHz bands. The emission bandwidth of any intentional radiator operating in these bands shall be no less than 500 kHz.

(b) All systems of less than 2.5 MHz emission bandwidth shall start searching for an available spectrum window within 3 MHz of the band edge at 1910, 1920, 2390, or 2400 MHz while systems of more than 2.5 MHz emission bandwidth will first occupy the center half of the band. Devices with an emission bandwidth of less than 1.0 MHz may not occupy the center half of the band if other spectrum is available.

(c) Asynchronous devices must incorporate a mechanism for monitoring the spectrum that its transmission is intended to occupy. The following criteria must be met:

1. Immediately prior to initiating a transmission, devices must monitor the spectrum window they intend to use for at least 50 microseconds.

2. The monitoring threshold must not be more than 32 dB above the thermal noise power for a bandwidth equivalent to the emission bandwidth of the device.

3. If no signal above the threshold level is detected, a transmission burst may commence in the monitored spectrum window. Once a transmission burst has started, an individual device or a group of cooperative devices is not required to monitor the spectrum window provided the intraburst gap timing requirement specified below is not exceeded.

4. After completion of a transmission, an individual device or cooperating group of devices must cease transmission and wait a deference time randomly chosen from a uniform random distribution ranging from 50 to 750 microseconds, after which time an attempt to access the band again may be initiated. For each occasion that an access attempt fails after the initial inter-burst interval, the range of the deference time chosen shall double until an upper limit of 12 milliseconds is reached. The deference time remains at the upper limit of 12 milliseconds until an access attempt is successful. The deference time is re-initialized after each successful access attempt.

5. The monitoring system bandwidth must be equal to or greater than the emission bandwidth of the intended transmission and shall have a maximum reaction time less than \(50 \times \text{SQRT}(1.25/\text{emission bandwidth in MHz})\) microseconds for signals at the applicable threshold level but shall not be required to be less than 50 microseconds. If a signal is detected that is 6 dB or more above the threshold level, the maximum reaction time shall be \(35 \times \text{SQRT}(1.25/\text{emission bandwidth in MHz})\) microseconds but shall not be required to be less than 35 microseconds.

(c) The monitoring system shall use the same antenna used for transmission, or an antenna that yields equivalent reception at that location.

7. Devices that have a power output lower than the maximum permitted under the rules may increase their detection threshold by one decibel for each one decibel that the transmitter power is below the maximum permitted.

(d) Emissions shall be attenuated below a reference power of 112 milliwatts as follows: 30 dB between the sub-band edges and 1.25 MHz above or below the sub-band; 50 dB between 1.25 and 2.5 MHz above or below the sub-band; and 60 dB at 2.5 MHz or greater above or below the sub-band. Compliance with the emissions limits is based on the use of measurement instrumentation employing a peak detector function with an instrument resolution bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

(e) The frequency stability of the carrier frequency of intentional radiators operating in accordance with this section shall be \(\pm 10 \text{ ppm over } 10 \text{ milliseconds or the interval between channel access monitoring, whichever is shorter. The frequency stability shall be maintained over a temperature variation of } -20^\circ \text{ to } +50^\circ \text{Celsius at normal supply voltage, and over a variation in the primary supply voltage of 85 percent to 115 percent of the rated supply voltage at a temperature of } 20^\circ \text{Celsius.}\)
Celsius. For equipment that is capable of operating only from a battery, the frequency stability tests shall be performed using a new battery without any further requirement to vary supply voltage.

(f) An asynchronous transmission burst is a series of transmissions from one or more transmitters acting cooperatively. The transmission burst duration from one device or group of devices acting cooperatively shall be no greater than 10 milliseconds. Any intraburst gap between cooperating devices shall not exceed 25 microseconds.

(g) Operation of devices in the 2390-2400 MHz band from aircraft while airborne is prohibited, in order to protect space research operations at the National Astronomy and Ionospheric Center at Arecibo, Puerto Rico.

§ 15.323 Specific requirements for isochronous devices operating in the 1920-1930 MHz sub-band.

(a) Operation shall be contained within one of eight 1.25 MHz channels starting with 1920-1921.25 MHz and ending with 1928.75-1930 MHz. Further subdivision of a 1.25 MHz channel is permitted with a reduced power level, as specified in §15.319(c), but in no event shall the emission bandwidth be less than 50 kHz.

(b) Intentional radiators with an intended emission bandwidth less than 625 kHz shall start searching for an available time and spectrum window within 3 MHz of the sub-band edge at 1920 MHz and search upward from that point. Devices with an intended emission bandwidth greater than 625 kHz shall start searching for an available time and spectrum window within 3 MHz of the sub-band edge at 1930 MHz and search downward from that point.

(c) Isochronous devices must incorporate a mechanism for monitoring the time and spectrum windows that its transmission is intended to occupy. The following criteria must be met:

1. Immediately prior to initiating transmission, devices must monitor the combined time and spectrum windows in which they intend to transmit for a period of at least 10 milliseconds for systems designed to use a 10 millisecond or shorter frame period or at least 20 milliseconds for systems designed to use a 20 milliseconds frame period.

2. The monitoring threshold must not be more than 30 dB above the thermal noise power for a bandwidth equivalent to the emission bandwidth used by the device.

3. If no signal above the threshold level is detected, transmission may commence and continue with the same emission bandwidth in the monitored time and spectrum windows without further monitoring. However, occupation of the same combined time and spectrum windows by a device or group of cooperating devices continuously over a period of time longer than 8 hours is not permitted without repeating the access criteria.

4. Once access to specific combined time and spectrum windows is obtained an acknowledgment from a system participant must be received by the initiating transmitter within one second or transmission must cease. Periodic acknowledgments must be received at least every 30 seconds or transmission must cease. Channels used exclusively for control and signaling information may transmit continuously for 30 seconds without receiving an acknowledgment, at which time the access criteria must be repeated.

5. If access to spectrum is not available as determined by the above, and a minimum of 40 duplex system access channels are defined for the system, the time and spectrum windows with the lowest power level below a monitoring threshold of 50 dB above the thermal noise power determined for the emission bandwidth may be accessed. A device utilizing the provisions of this paragraph must have monitored all access channels defined for its system within the last 10 seconds and must verify, within the 20 milliseconds (40 milliseconds for devices designed to use a 20 milliseconds frame period) immediately preceding actual channel access that the detected power of the selected time and spectrum windows is no higher than the previously detected value. The power measurement resolution for...
this comparison must be accurate to within 6 dB. No device or group of co-operating devices located within 1 meter of each other shall occupy more than three 1.25 MHz channels during any frame period. Devices in an operational state that are utilizing the provisions of this section are not required to use the search provisions of paragraph (b) of this section.

(6) If the selected combined time and spectrum windows are unavailable, the device may either monitor and select different windows or seek to use the same windows after waiting an amount of time, randomly chosen from a uniform random distribution between 10 and 150 milliseconds, commencing when the channel becomes available.

(7) The monitoring system bandwidth must be equal to or greater than the emission bandwidth of the intended transmission and have a maximum reaction time less than $50 \times \sqrt{1.25/\text{emission bandwidth in MHz}}$ microseconds but shall not be required to be less than $50$ microseconds. If a signal is detected that is 6 dB or more above the applicable threshold level, the maximum reaction time shall be $35 \times \sqrt{1.25/\text{emission bandwidth in MHz}}$ microseconds but shall not be required to be less than 35 microseconds.

(8) The monitoring system shall use the same antenna used for transmission, or an antenna that yields equivalent reception at that location.

(9) Devices that have a power output lower than the maximum permitted under this subpart may increase their monitoring detection threshold by one decibel for each one decibel that the transmitter power is below the maximum permitted.

(10) An initiating device may attempt to establish a duplex connection by monitoring both its intended transmit and receive time and spectrum windows. If both the intended transmit and receive time and spectrum windows meet the access criteria, then the initiating device can initiate a transmission in the intended transmit time and spectrum window. If the power detected by the responding device can be decoded as a duplex connection signal from the initiating device, then the responding device may immediately begin transmitting on the receive time and spectrum window monitored by the initiating device.

(11) An initiating device that is prevented from monitoring during its intended transmit window due to monitoring system blocking from the transmissions of a co-located (within one meter) transmitter of the same system, may monitor the portions of the time and spectrum windows in which they intend to receive over a period of at least 10 milliseconds. The monitored time and spectrum window must total at least 50 percent of the 10 millisecond frame interval and the monitored spectrum must be within the 1.25 MHz frequency channel(s) already occupied by that device or co-located co-operating devices. If the access criteria is met for the intended receive time and spectrum window under the above conditions, then transmission in the intended transmit window by the initiating device may commence.

(12) The provisions of (c)(10) or (c)(11) of this section shall not be used to extend the range of spectrum occupied over space or time for the purpose of denying fair access to spectrum to other devices.

(d) Emissions shall be attenuated below a reference power of 112 milliwatts as follows: 30 dB between the channel edges and 1.25 MHz above or below the channel; 50 dB between 1.25 and 2.5 MHz above or below the channel; and 60 dB at 2.5 MHz or greater above or below the channel. Systems that further sub-divide a 1.25 MHz channel into $X$ sub-channels must comply with the following emission mask:

In the bands between 1B and 2B measured from the center of the emission bandwidth the total power emitted by the device shall be at least 30 dB below the transmit power permitted for that device; in the bands between 2B and 3B measured from the center of the emission bandwidth the total power emitted by an intentional radiator shall be at least 50 dB below the transmit power permitted for that radiator; in the bands between 3B and the 1.25 MHz channel edge the total power emitted by an intentional radiator in the measurement bandwidth shall be at least 60 dB below the transmit power permitted.
§ 15.401 Scope.

This subpart sets out the regulations for unlicensed National Information Infrastructure (U-NII) devices operating in the 5.15-5.35 GHz and 5.725-5.825 GHz bands.

§ 15.403 Definitions.

(a) Average symbol envelope power. The average symbol envelope power is the average, taken over all symbols in the signaling alphabet, of the envelope power for each symbol.

(b) Digital modulation. The process by which the characteristics of a carrier wave are varied among a set of predetermined discrete values in accordance with a digital modulating function as specified in document ANSI C63.17-1998.

(c) Emission bandwidth. For purposes of this subpart the emission bandwidth shall be determined by measuring the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, that are 26 dB down relative to the maximum level of the modulated carrier. Determination of the emission bandwidth is based on the use of measurement instrumentation employing a peak detector function with an instrument resolution bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

(d) Peak power spectral density. The peak power spectral density is the maximum power spectral density, within the specified measurement bandwidth, within the U-NII device operating band.

(e) Peak transmit power. The maximum transmit power as measured over an interval of time of at most 30B for that radiator. "B" is defined as the emission bandwidth of the device in hertz. Compliance with the emission limits is based on the use of measurement instrumentation employing a peak detector function with an instrument resolution bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

(e) The frame period (a set of consecutive time slots in which the position of each time slot can be identified by reference to a synchronizing source) of an intentional radiator operating in these sub-bands shall be 20 milliseconds or 10 milliseconds/X where X is a positive whole number. Each device that implements time division for the purposes of maintaining a duplex connection on a given frequency carrier shall maintain a frame repetition rate with a frequency stability of at least 50 parts per million (ppm). Each device which further divides access in time in order to support multiple communication links on a given frequency carrier shall maintain a frame repetition rate with a frequency stability of at least 10 ppm. The jitter (time-related, abrupt, spurious variations in the duration of the frame interval) introduced at the two ends of such a communication link shall be maintained within ±10 ppm over 1 hour or the interval between channel access monitoring, whichever is shorter. The frequency stability shall be maintained over a temperature variation of −20° to +50°C at normal supply voltage, and over a variation in the primary supply voltage of 85 percent to 115 percent of the rated supply voltage at a temperature of 20°C. For equipment that is capable only of operating from a battery, the frequency stability tests shall be performed using a new battery without any further requirement to vary supply voltage.

(f) The frequency stability of the carrier frequency of the intentional radiator shall be maintained within ±10 ppm over 1 hour or the interval between channel access monitoring, whichever is shorter. The frequency stability shall be maintained over a temperature variation of −20° to +50°C at normal supply voltage, and over a variation in the primary supply voltage of 85 percent to 115 percent of the rated supply voltage at a temperature of 20°C. For equipment that is capable only of operating from a battery, the frequency stability tests shall be performed using a new battery without any further requirement to vary supply voltage.

Subpart E—Unlicensed National Information Infrastructure Devices
or the transmission pulse duration of the device, whichever is less, under all conditions of modulation.

(f) Power spectral density. The power spectral density is the total energy output per unit bandwidth from a pulse or sequence of pulses for which the transmission power is at its peak or maximum level, divided by the total duration of the pulses. This total time does not include the time between pulses during which the transmit power is off or below its maximum level.

(g) Pulse. A pulse is a continuous transmission of a sequence of modulation symbols, during which the average symbol envelope power is constant.

(h) Transmit power. The total energy transmitted over a time interval of at most 30/B (where B is the 26-dB emission bandwidth of the signal in hertz) or the duration of the transmission pulse, whichever is less, divided by the interval duration.

(i) U-NII devices. Intentional radiators operating in the frequency bands 5.15-5.35 GHz and 5.725-5.825 GHz that use wideband digital modulation techniques and provide a wide array of high data rate mobile and fixed communications for individuals, businesses, and institutions.

[63 FR 40835, July 31, 1998]

§ 15.405 Cross reference.

(a) The provisions of subparts A, B, and C of this part apply to unlicensed U-NII devices, except where specific provisions are contained in subpart E. Manufacturers should note that this includes the provisions of §§15.203 and 15.205.

(b) The requirements of subpart E apply only to the radio transmitter contained in the U-NII device. Other aspects of the operation of a U-NII device may be subject to requirements contained elsewhere in this chapter. In particular, a U-NII device that includes digital circuitry not directly associated with the radio transmitter also is subject to the requirements for unintentional radiators in subpart B.

[63 FR 40835, July 31, 1998]

§ 15.407 General technical requirements.

(a) Power limits:

(1) For the band 5.15-5.25 GHz, the peak transmit power over the frequency band of operation shall not exceed the lesser of 50 mW or 4 dBm + 10 log B, where B is the 26-dB emission bandwidth in MHz. In addition, the peak power spectral density shall not exceed 4 dBm in any 1-MHz band. If transmitting antennas of directional gain greater than 6 dBi are used, both the peak transmit power and the peak power spectral density shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(2) For the band 5.25-5.35 GHz, the peak transmit power over the frequency band of operation shall not exceed the lesser of 250 mW or 11 dBm + 10 log B, where B is the 26-dB emission bandwidth in MHz. In addition, the peak power spectral density shall not exceed 11 dBm in any 1-MHz band. If transmitting antennas of directional gain greater than 6 dBi are used, both the peak transmit power and the peak power spectral density shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(3) For the band 5.725-5.825 GHz, the peak transmit power over the frequency band of operation shall not exceed the lesser of 1 W or 17 dBm + 10 log B, where B is the 26-dB emission bandwidth in MHz. In addition, the peak power spectral density shall not exceed 17 dBm in any 1-MHz band. If transmitting antennas of directional gain greater than 6 dBi are used, both the peak transmit power and the peak power spectral density shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi. However, fixed point-to-point U-NII devices operating in this band may employ transmitting antennas with directional gain up to 23 dBi without any corresponding reduction in the transmitter peak output power or peak power spectral density. For fixed, point-to-point U-NII transmitters that employ a directional antenna gain greater than 23 dBi, a 1 dB reduction in peak transmitter power and peak power spectral density for each 1 dB of antenna gain in excess of 23 dBi would be required. Fixed, point-to-point operations exclude the use of point-to-
multipoint systems, omni directional applications, and multiple collocated transmitters transmitting the same information. The operator of the U-NII device, or if the equipment is professionally installed, the installer, is responsible for ensuring that systems employing high gain directional antennas are used exclusively for fixed, point-to-point operations.

**NOTE TO PARAGRAPH (a)(3):** The Commission strongly recommends that parties employing U-NII devices to provide critical communications services should determine if there are any nearby Government radar systems that could affect their operation.

(4) The peak transmit power must be measured over any interval of continuous transmission using instrumentation calibrated in terms of an rms equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, sensitivity, etc., so as to obtain a true peak measurement conforming to the definitions in this paragraph for the emission in question.

(5) The peak power spectral density is measured as a conducted emission by direct connection of a calibrated test instrument to the equipment under test. If the device cannot be connected directly, alternative techniques acceptable to the Commission may be used. Measurements are made over a bandwidth of 1 MHz or the 26 dB emission bandwidth of the device, whichever is less. A resolution bandwidth less than the measurement bandwidth can be used, provided that the measured power is integrated to show total power over the measurement bandwidth. If the resolution bandwidth is approximately equal to the measurement bandwidth, and much less than the emission bandwidth of the equipment under test, the measured results shall be corrected to account for any difference between the resolution bandwidth of the test instrument and its actual noise bandwidth.

(6) The ratio of the peak excursion of the modulation envelope (measured using a peak hold function) to the peak transmit power (measured as specified in this paragraph) shall not exceed 13 dB across any 1 MHz bandwidth or the emission bandwidth whichever is less.

(b) Undesirable emission limits: Except as shown in paragraph (b)(6) of this section, the peak emissions outside of the frequency bands of operation shall be attenuated in accordance with the following limits:

(1) For transmitters operating in the 5.15-5.25 GHz band: all emissions outside of the 5.15-5.35 GHz band shall not exceed an EIRP of -27 dBm/MHz.

(2) For transmitters operating in the 5.25-5.35 GHz band: all emissions outside of the 5.15-5.35 GHz band shall not exceed an EIRP of -27 dBm/MHz. Devices operating in the 5.25-5.35 GHz band that generate emissions in the 5.15-5.25 GHz band must meet all applicable technical requirements for operation in the 5.15-5.25 GHz band (including indoor use) or alternatively meet an out-of-band emission EIRP limit of -27 dBm/MHz in the 5.15-5.25 GHz band.

(3) For transmitters operating in the 5.725-5.825 GHz band: all emissions within the frequency range from the band edge to 10 MHz above or below the band edge shall not exceed an EIRP of -17 dBm/MHz; for frequencies 10 MHz or greater above or below the band edge, emissions shall not exceed an EIRP of -27 dBm/MHz.

(4) The emission measurements shall be performed using a minimum resolution bandwidth of 1 MHz. A lower resolution bandwidth may be employed near the band edge, when necessary, provided the measured energy is integrated to show the total power over 1 MHz.

(5) Unwanted emissions below 1 GHz must comply with the general field strength limits set forth in §15.209. Further, any U-NII devices using an AC power line are required to comply also with the conducted limits set forth in §15.207.

(6) The provisions of §15.205 apply to intentional radiators operating under this section.

(7) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close to the upper and lower frequency block edges as the design of the equipment permits.
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(c) The device shall automatically discontinue transmission in case of either absence of information to transmit or operational failure. These provisions are not intended to preclude the transmission of control or signalling information or the use of repetitive codes used by certain digital technologies to complete frame or burst intervals. Applicants shall include in their application for equipment authorization a description of how this requirement is met.

(d) Any U-NII device that operates in the 5.15-5.25 GHz band shall use a transmitting antenna that is an integral part of the device.

(e) Within the 5.15-5.25 GHz band, U-NII devices will be restricted to indoor operations to reduce any potential for harmful interference to co-channel MSS operations.

(f) U-NII devices are subject to the radio frequency radiation exposure requirements specified in §1.1307(b), §2.1091 and §2.1093 of this chapter, as appropriate. All equipment shall be considered to operate in a “general population/uncontrolled” environment. Applications for equipment authorization of devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

(g) Manufacturers of U-NII devices are responsible for ensuring frequency stability such that an emission is maintained within the band of operation under all conditions of normal operation as specified in the users manual.

[63 FR 40836, July 31, 1998]

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Subpart A—General Information

§ 17.1 Basis and purpose.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vest authority in the Federal Communications Commission to issue licenses to radio stations when it is found that the public interest, convenience, and necessity...
§ 17.2 Definitions.

(a) Antenna structure. The term antenna structure includes the radiating and/or receive system, its supporting structures and any appurtenances mounted thereon.

(b) An antenna farm area is defined as a geographical location, with established boundaries, designated by the Federal Communications Commission, in which antenna towers with a common impact on aviation may be grouped.

(c) Antenna structure owner. For the purposes of this part, an antenna structure owner is the individual or entity vested with ownership, equitable ownership, dominion, or title to the antenna structure. Notwithstanding any agreements made between the owner and any entity designated by the owner to maintain the antenna structure, the owner is ultimately responsible for compliance with the requirements of this part.

(d) Antenna structure registration number. A unique number, issued by the Commission during the registration process, which identifies an antenna structure. Once obtained, this number must be used in all filings related to this structure.

§ 17.4 Antenna structure registration.

(a) Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission. This includes those structures used as part of stations licensed by the Commission for the transmission of radio energy, or to be used as part of a cable television head end system. If a Federal Government antenna structure is to be used by a Commission licensee, the structure must be registered with the Commission.

1. For a proposed antenna structure or alteration of an existing antenna structure, the owner must register the structure prior to construction or alteration.

2. For an existing antenna structure that had been assigned painting or lighting requirements prior to July 1, 1996, the owner must register the structure prior to July 1, 1998.

3. For a structure that did not originally fall under the definition of “antenna structure,” the owner must register the structure prior to hosting a Commission licensee.

(b) Except as provided in paragraph (e) of this section, each owner must file FCC Form 854 with the Commission. Additionally, each owner of a proposed structure referred to in paragraphs (a)(1) or (a)(3) of this section must submit a valid FAA determination of “no hazard.” In order to be considered valid by the Commission, the FAA determination of “no hazard” must not have expired prior to the date on which FCC Form 854 is received by the Commission. The height of the structure will include the highest point of the structure including any obstruction lighting or lighting arrester.

(c) If an Environmental Assessment is required under §1.1307 of this chapter, the Bureau will address the environmental concerns prior to processing the registration.

(d) If a final FAA determination of “no hazard” is not submitted along with FCC Form 854, processing of the registration may be delayed or disapproved.

(e) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of Federal benefits under the Anti-Drug Abuse Act of
§ 17.6 Responsibility of Commission licensees and permittees.

(a) The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part. However, if a licensee or permittee authorized on an antenna structure is aware that the structure is not being maintained in accordance with the specifications set forth on the Antenna Structure Registration (FCC Form 854R) or the requirements of this part, or otherwise has reason to question whether the antenna structure owner is carrying out its responsibility under this part, the licensee or permittee must take immediate steps to ensure that the antenna structure is brought into compliance and remains in compliance. The licensee must:

1. Immediately notify the structure owner;
2. Immediately notify the site management company (if applicable);
3. Immediately notify the Commission; and,
4. Make a diligent effort to immediately bring the structure into compliance.

(b) In the event of non-compliance by the antenna structure owner, the Commission may require each licensee and permittee authorized on an antenna structure to maintain the structure, for an indefinite period, in accordance with the Antenna Structure Registration (FCC Form 854R) and the requirements of this part.

(c) If the owner of the antenna structure cannot file FCC Form 854 because it is subject to a denial of Federal benefits under the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, the first licensee authorized to locate on the structure must register the structure using FCC Form 854, and provide a copy of the Antenna Structure Registration (FCC Form 854R) to the owner. The owner remains responsible for providing a copy of FCC Form 854R to all tenant licensees on the structure and for posting the registration number as required by paragraph (g) of this section.

§ 17.5 Commission consideration of applications for station authorization.

(a) Applications for station authorization, excluding services authorized on a geographic basis, are reviewed to determine whether there is a requirement that the antenna structure in question must be registered with the Commission.

(b) If registration is required, the registrant must supply the structure's registration number upon request by the Commission.

(c) If registration is not required, the application for authorization will be processed without further regard to this chapter.

[61 FR 4362, Feb. 6, 1996]
§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in §17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport specified in paragraph (d) of this section with at least one runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport specified in paragraph (d) of this section with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (d) of this section.

(c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

(d) Any construction or alteration on any of the following airports (including heliports):

(1) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(2) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.

(3) An airport that is operated by an armed force of the United States.

NOTE: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

§ 17.8 Establishment of antenna farm areas.

(a) Each antenna farm area will be established by an appropriate rulemaking proceeding, which may be commenced by the Commission on its own motion after consultation with the FAA, upon request of the FAA, or as a result of a petition filed by any interested person. After receipt of a petition from an interested person disclosing sufficient reasons to justify institution of a rulemaking proceeding, the Commission will request the advice of the FAA with respect to the considerations of menace to air navigation in terms of air safety which may be presented by the proposal. The written communication received from the FAA in response to the Commission's request shall be placed in the Commission's public rulemaking file containing the petition, and interested persons shall be allowed a period of 30 days within which to file statements with respect thereto. Such statements shall also be filed with the Administrator of the FAA with proof of such filing to be established in accordance with §1.47 of this chapter. The Administrator of the FAA shall have a period of 15 days within which to file responses to such statements. If the Commission, upon consideration of the matters presented to it in accordance with the above procedure, is satisfied that establishment of the proposed antenna farm would constitute a menace to air navigation for reasons of air

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§ 17.17 Existing structures.

(a) The requirements found in §17.23 relating to painting and lighting of antenna structures shall not apply to those structures authorized prior to July 1, 1996. Previously authorized structures may retain their present painting and lighting specifications, so long as the overall structure height or site coordinates do not change. The Antenna Structure Registration requirements found in §17.5, however, shall apply to all antenna structures that have been assigned painting or lighting requirements by the Commission, regardless of prior authorization.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicant claiming such exemption under §17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

§ 17.10 Antenna structures over 304.80 meters (1,000 feet) in height.

Where one or more antenna farm areas have been designated for a community or communities (see §17.9), the Commission will not accept for filing an application to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 304.80 meters (1,000 feet) above ground unless:

(a) It is proposed to locate the antenna structure in a designated antenna farm area, or

(b) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(c) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

§ 17.9 Designated antenna farm areas.

The areas described in the following paragraphs of this section are established as antenna farm areas [appropriate paragraphs will be added as necessary].

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicant claiming such exemption under §17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

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(b) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

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(a) It is proposed to locate the antenna structure in a designated antenna farm area, or

(b) It is accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation, or

(c) It is accompanied by a request for waiver setting forth reasons sufficient, if true, to justify such a waiver.

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The areas described in the following paragraphs of this section are established as antenna farm areas [appropriate paragraphs will be added as necessary].

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A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicant claiming such exemption under §17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 6.10 meters (20 feet) or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

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(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon
any then existing or authorized antenna structure or structures.


Subpart C—Specifications for Obstruction Marking and Lighting of Antenna Structures

§ 17.21 Painting and lighting, when required.
Antenna structures shall be painted and lighted when:
(a) They exceed 60.96 meters (200 feet) in height above the ground or they require special aeronautical study.
(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.


§ 17.22 Particular specifications to be used.
Whenever painting or lighting is required, the Commission will generally assign specifications in accordance with the FAA Advisory Circulars referenced in §17.23. If an antenna installation is of such a nature that its painting and lighting in accordance with these specifications are confusing, or endanger rather than assist airmen, or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.


§ 17.23 Specifications for painting and lighting antenna structures.
Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA’s painting and lighting recommendations set forth on the structure’s FAA determination of “no hazard,” as referenced in the following FAA Advisory Circulars: AC 70/7460-1, “Obstruction Marking and Lighting,” effective January 1, 1996, and AC 150/5345-43E, “Specification for Obstruction Lighting Equipment,” dated October 19, 1995. These documents are incorporated by reference in accordance with 5 U.S.C. 552(a). The documents contain FAA recommendations for painting and lighting structures which pose a potential hazard to air navigation. For purposes of this part, the specifications, standards, and general requirements stated in these documents are mandatory. The Advisory Circulars listed are available for inspection at the Commission Headquarters in Washington, DC, or may be obtained from Department of Transportation, Property Use and Storage Section, Subsequent Distribution Office, M 483.6, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785, telephone (301) 322-4961, facsimile (301) 386-5394. Copies are also available for public inspection at the Office of the Federal Register, 800 North Capitol Street, Suite 700, Washington, DC.

[64 FR 27474, May 20, 1999]
§ 17.45 Temporary warning lights.  

During construction of an antenna structure, for which red obstruction lighting is required, at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. The intensity of each lamp shall not be less than 32.5 candelas. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. If practical, the permanent obstruction lights may be installed and operated at each required level as construction progresses.

§ 17.47 Inspection of antenna structure lights and associated control equipment.  

The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:

(a)(1) Shall make an observation of the antenna structure’s lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the owner.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the antenna structure lighting to insure that such apparatus is functioning properly.

§ 17.48 Notification of extinguishment or improper functioning of lights.  

The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:

(a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report. Further notification by telephone or telegraph shall be given immediately upon resumption of normal operation of the light or lights.

(b) An extinguishment or improper functioning of a steady burning side intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.

§ 17.49 Recording of antenna structure light inspections in the owner record.  

The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light and include the following information for each such event:

(a) The nature of such extinguishment or improper functioning.
§ 17.50 Cleaning and repainting.

Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.

[61 FR 4364, Feb. 6, 1996]

§ 17.51 Time when lights should be exhibited.

(a) All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.

(b) All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified.

[40 FR 30267, July 18, 1975, as amended at 61 FR 4364, Feb. 6, 1996]

§ 17.53 Lighting equipment and paint.

The lighting equipment, color or filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy aeronautical specifications, bulletins, and drawings (lamps are referred to by standard numbers):

Outside white ......................... TT-P-102 1 (Color No. 17875, FS-595).
Aviation surface orange .......... TT-P-59 1 (Color No. 12197, FS-595).
Aviation surface orange, enamel. TT-E-489 1 (Color No. 12197, FS-595).
Aviation red obstruction light—color. MIL-G-20590 1.
Flashings ................................ CAA-446 1 Code Beacons, 300 mm.
Do ................................ MIL-6273 1.
Double and single obstruction light. L-810 1 (FAA AC No. 150/5345-2).
Do ................................ MIL-L-7830 1.
High intensity white obstruction light. FAA/DOD L-856 (FAA AC No. 150/5345-438 1).
116-Watt lamp ....................... No. 116 A21/TS (6,000 h).
125-Watt lamp ....................... No. 125 A21/TS (6,000 h).
620-Watt lamp ....................... No. 620 PS-40 (3,000 h).
700-Watt lamp ....................... No. 700 PS-40 (6,000 h).

1 Copies of this specification can be obtained from the Specification Activity, Building 197, Room 301, Naval Weapons Plant, 1st and N Streets, SE., Washington, D.C. 20407.

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§ 17.54 Rated lamp voltage.

To insure the necessary lumen output by obstruction lights, the rated voltage of incandescent lamps used shall correspond to be within 3 percent higher than the voltage across the lamp socket during the normal hours of operation.

[42 FR 54826, Oct. 11, 1977]

§ 17.56 Maintenance of lighting equipment.

(a) Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable.

(b) The flash tubes in a high intensity obstruction lighting system shall be replaced whenever the peak effective daytime intensity falls below 200,000 candelas.

[40 FR 30267, July 18, 1975]

§ 17.57 Report of radio transmitting antenna construction, alteration, and/or removal.

The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantle-ment (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.

[61 FR 4364, Feb. 6, 1996]

§ 17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

Any application proposing new or modified transmitting facilities to be located on land under the jurisdiction
of the U.S. Forest Service or the Bureau of Land Management shall include a statement that the facilities will be so located, and the applicant shall comply with the requirements of §1.70 of this chapter.

[32 FR 11274, Aug. 3, 1967]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Subpart A—General Information

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SOURCE: 50 FR 36067, Sept. 5, 1985, unless otherwise noted.

Subpart A—General Information

§ 18.101 Basis and purpose.

The rules in this part, in accordance with the applicable treaties and agreements to which the United States is a party, are promulgated pursuant to section 302 of the Communications Act of 1934, as amended, vesting the Federal Communications Commission with authority to regulate industrial, scientific, and medical equipment (ISM) that emits electromagnetic energy on frequencies within the radio frequency spectrum in order to prevent harmful interference to authorized radio communication services. This part sets forth the conditions under which the equipment in question may be operated.

§ 18.103 Organization and applicability of the rules.

The rules in this part are divided into the following subparts:
(a) Subpart A contains general information and definitions for use in this part.
(b) Subpart B describes the procedures and requirements for authorization to market or operate ISM equipment under this part.
(c) Subpart C contains the technical standards for ISM equipment.

§ 18.105 Other applicable rules.

Other Commission rule parts relating to the authorization and operation of ISM equipment include the following:
(a) Part 0 describes the Commission's organization and delegations of authority. This part also lists available Commission publications, standards and procedures for access to Commission records, and location of Commission field offices.
(b) Part 1 contains the rules of practice and procedure for adjudicatory proceedings including hearing proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and for forfeiture proceedings; and the requirements for environmental impact statements.
(c) Part 2 contains special requirements in international regulations, agreements, treaties, and the table of frequency allocations. This part also contains requirements and procedures concerning the marketing, the equipment authorization, and the importation of radio frequency devices into the United States.

§ 18.107 Definitions.

(a) Radio frequency (RF) energy. Electromagnetic energy at any frequency
in the radio spectrum from 9 kHz to 3 THz (3,000 GHz).

(b) Harmful interference. Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

(c) Industrial, scientific, and medical (ISM) equipment. Equipment or appliances designed to generate and use locally RF energy for industrial, scientific, medical, domestic or similar purposes, excluding applications in the field of telecommunication. Typical ISM applications are the production of physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles.

(d) Industrial heating equipment. A category of ISM equipment used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(e) Medical diathermy equipment. A category of ISM equipment used for therapeutic purposes, not including surgical diathermy apparatus designed for intermittent operation with low power.

(f) Ultrasonic equipment. A category of ISM equipment in which the RF energy is used to excite or drive an electromechanical transducer for the production of sonic or ultrasonic mechanical energy for industrial, scientific, medical or other noncommunication purposes.

(g) Consumer ISM equipment. A category of ISM equipment used or intended to be used by the general public in a residential environment, notwithstanding use in other areas. Examples are domestic microwave ovens, jewelry cleaners for home use, ultrasonic humidifiers.

(h) ISM frequency. A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. See § 18.301.

(i) Marketing. As used in this part, marketing shall include sale or lease, offer for sale or lease, advertising for sale or lease, the import or shipment or other distribution for the purpose of sale or lease or offer for sale or lease. See subpart I of part 2 of this chapter.

(j) Magnetic resonance equipment. A category of ISM equipment in which RF energy is used to create images and data representing spatially resolved density of transient atomic resources within an object.

NOTE: In the foregoing, sale (or lease) shall mean sale (or lease) to the user or a vendor who in turn sells (or leases) to the user. Sale shall not be construed to apply to devices sold to a second party for manufacture or fabrication into a device which is subsequently sold (or leased) to the user.


§ 18.109 General technical requirements.

ISM equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the frequency bands specified in § 18.301.

§ 18.111 General operating conditions.

(a) Persons operating ISM equipment shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of any prior equipment authorization and/or compliance with the applicable rules.

(b) Subject to the exceptions in paragraphs (c) and (d) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take whatever steps may be necessary to eliminate the interference.

(c) The provisions of paragraph (b) of this section shall not apply in the case of interference to an authorized radio station or a radiocommunication device operating in an ISM frequency band.

(d) The provisions of paragraph (b) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM.
equipment operating in an ISM frequency band and otherwise complying with the requirements of this part.

§ 18.113 Inspection by Commission representatives.

Upon request by a representative of the Commission, the manufacturer, owner, or operator of any ISM equipment shall make the equipment available for inspection and promptly furnish the Commission with such information as may be required to indicate that the equipment complies with this part.

§ 18.115 Elimination and investigation of harmful interference.

(a) The operator of ISM equipment that causes harmful interference to radio services shall promptly take appropriate measures to correct the problem.

(b) If the operator of ISM equipment is notified by the Commission's Engineer in Charge (EIC) that operation of such equipment is endangering the functioning of a radionavigation or safety service, the operator shall immediately cease operating the equipment. Operation may be resumed on a temporary basis only for the purpose of eliminating the harmful interference. Operation may be resumed on a regular basis only after the harmful interference has been eliminated and approval from the EIC obtained.

(c) When notified by the EIC that a particular installation is causing harmful interference, the operator or manufacturer shall arrange for an engineer skilled in techniques of interference measurement and control to make an investigation to ensure that the harmful interference has been eliminated. The EIC may require the engineer making the investigation to furnish proof of his or her qualifications.

§ 18.117 Report of interference investigation.

(a) An interim report on investigations and corrective measures taken pursuant to § 18.115 of this part shall be filed with the EIC within 60 days of notification.

(b) The date for filing the final report may be extended by the Engineer in Charge when additional time is required to put into effect the corrective measures or to complete the investigation. The request for extension of time shall be accompanied by a progress report showing what has been accomplished to date.

§ 18.119 Importation.

ISM equipment shall be refused entry or withdrawal for consumption into the Customs territory of the United States, unless accompanied by a copy of FCC Form 740, in accordance with the provisions of subpart K, part 2 of this chapter.

§ 18.121 Exemptions.

Non-consumer ultrasonic equipment, and non-consumer magnetic resonance equipment, that is used for medical diagnostic and monitoring applications is subject only to the provisions of §§ 18.105, 18.109 through 18.119, 18.301 and 18.303 of this part.

[59 FR 39472, Aug. 3, 1994; 60 FR 47302, Sept. 12, 1995]

Subpart B—Applications and Authorizations

§ 18.201 Scope.

This subpart contains the procedures and requirements for authorization to market or operate ISM equipment under this part.

§ 18.203 Equipment authorization.

(a) Consumer ISM equipment, unless otherwise specified, must be authorized under either the Declaration of Conformity or certification procedure prior to use or marketing. An application for certification shall be filed with the Commission on an FCC Form 731, pursuant to the relevant sections in part 2, subpart J of this chapter and shall also be accompanied by:

(1) A description of measurement facilities pursuant to § 2.948, or reference to such information already on file with the Commission.

(2) A technical report pursuant to §§ 18.207 and 18.311.
§ 18.207
(b) Consumer ultrasonic equipment generating less than 500 watts and operating below 90 kHz, and non-consumer ISM equipment shall be subject to verification, in accordance with the relevant sections of part 2, subpart J of this chapter.

(c) Grants of equipment authorization issued, as well as on-site certifications performed, before March 1, 1986, remain in effect and no further action is required.


§ 18.207 Technical report.

When required by the Commission a technical report shall include at least the following information:

(a) A description of the measurement facilities in accordance with §2.948. If such a description is already on file with the Commission, it may be included by reference.

(b) A copy of the installation and operating instructions furnished to the user. A draft copy of such instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted as soon as it is available, but no later than 60 days after the grant of the application.

(c) The full name and mailing address of the manufacturer of the device and/or applicant filing for the equipment authorization.

(d) The FCC Identifier, trade name(s), and/or model number(s) under which the equipment is or will be marketed.

(e) A statement of the rated technical parameters that includes:
   (1) A block and schematic diagram of the circuitry.
   (2) Nominal operating frequency.
   (3) Maximum RF energy generated.
   (4) Electrical power requirements of equipment.
   (5) Any other pertinent operating characteristics.
   (f) A report of measurements, including a list of the measuring equipment used, and a statement of the date when the measuring equipment was last calibrated and when the measurements were made. The frequency range that was investigated in obtaining the report of measurements shall be indicated. See also §§18.309 and 18.311.


§ 18.209 Identification of authorized equipment.

(a) Each device for which a grant of equipment authorization is issued under this part shall be identified pursuant to the applicable provisions of subpart J of part 2 of this chapter. Changes in the identification of authorized equipment may be made pursuant to §2.933 of part 2 of this chapter. FCC Identifiers as described in §§2.925 and 2.926 of this chapter shall not be used on equipment subject to verification or Declaration of Conformity.

(b) Devices authorized under the Declaration of Conformity procedure shall be labelled with the logo shown below. The label shall not be a stick-on, paper label. It shall be permanently affixed to the product and shall be readily visible to the purchaser at the time of purchase, as described in §2.925(d) of this chapter. Permanently affixed means that the label is etched, engraved, stamped, silkscreened, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The label must be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. The logo follows:

[63 FR 36603, July 7, 1998]

§ 18.211 Multiple listing of equipment.

(a) When the same or essentially the same equipment will be marketed under more than one FCC Identifier, equipment authorization must be requested on an FCC Form 731 for each FCC Identifier.

(b) If equipment authorization for additional FCC Identifiers is requested in
the initial application, a statement shall be included describing how these additional devices differ from the basic device which was measured and stating that the report of measurements submitted for the basic device applies also to the additional devices.

(c) If equipment authorization for additional FCC Identifiers is requested after a grant has been issued by the FCC for the basic device, the application may, in lieu of the report of measurements, be accompanied by a statement including:

(1) FCC Identifier of device for which measurements are on file with the FCC.
(2) Date when equipment authorization was granted for the device(s) listed under paragraph (c)(1) of this section and the file number of such grant.
(3) Description of the difference between the device listed under paragraph (c)(1) of this section and the additional device(s).
(4) A statement that the report of measurements filed for the device listed under paragraph (c)(1) of this section applies also to the additional device(s).
(5) Photographs pursuant to § 2.1033(c).

§ 18.213 Information to the user.

Information on the following matters shall be provided to the user in the instruction manual or on the packaging if an instruction manual is not provided for any type of ISM equipment:

(a) The interference potential of the device or system
(b) Maintenance of the system
(c) Simple measures that can be taken by the user to correct interference.
(d) Manufacturers of RF lighting devices must provide an advisory statement, either on the product packaging or with other user documentation, similar to the following: This product may cause interference to radio equipment and should not be installed near maritime safety communications equipment or other critical navigation or communication equipment operating between 0.45–30 MHz. Variations of this language are permitted provided all the points of the statement are addressed and may be presented in any legible font or text style.


Subpart C—Technical Standards

§ 18.301 Operating frequencies.

ISM equipment may be operated on any frequency above 9 kHz except as indicated in § 18.303. The following frequency bands, in accordance with § 2.106 of the rules, are allocated for use by ISM equipment:

<table>
<thead>
<tr>
<th>ISM frequency</th>
<th>Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.78 MHz</td>
<td>±15.0 kHz</td>
</tr>
<tr>
<td>13.56 MHz</td>
<td>±7.0 kHz</td>
</tr>
<tr>
<td>27.12 MHz</td>
<td>±163.0 kHz</td>
</tr>
<tr>
<td>40.68 MHz</td>
<td>±20.0 kHz</td>
</tr>
<tr>
<td>915 MHz</td>
<td>±13.0 MHz</td>
</tr>
<tr>
<td>2,450 MHz</td>
<td>±50.0 MHz</td>
</tr>
<tr>
<td>5,800 MHz</td>
<td>±75.0 MHz</td>
</tr>
<tr>
<td>24,125 MHz</td>
<td>±125.0 MHz</td>
</tr>
<tr>
<td>61.25 GHz</td>
<td>±250.0 MHz</td>
</tr>
<tr>
<td>122.50 GHz</td>
<td>±500.0 MHz</td>
</tr>
<tr>
<td>245.00 GHz</td>
<td>±1.0 GHz</td>
</tr>
</tbody>
</table>

Note: The use of the 6.78 MHz ±15 kHz frequency band is subject to the conditions of footnote 524 of the Table of Allocations. See § 2.106.

[63 FR 36603, July 7, 1998]
§ 18.303 Prohibited frequency bands.

Operation of ISM equipment within the following safety, search and rescue frequency bands is prohibited: 490-510 kHz, 2170-2194 kHz, 8354-8374 kHz, 121.4-121.6 MHz, 156.7-156.9 MHz, and 242.8-243.2 MHz.

§ 18.305 Field strength limits.

(a) ISM equipment operating on a frequency specified in § 18.301 is permitted unlimited radiated energy in the band specified for that frequency.

(b) The field strength levels of emissions which lie outside the bands specified in § 18.301, unless otherwise indicated, shall not exceed the following:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Operating frequency</th>
<th>RF Power generated by equipment (watts)</th>
<th>Field strength limit (µV/m)</th>
<th>Distance (meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any type unless otherwise specified (miscellaneous).</td>
<td>Any ISM frequency</td>
<td>Below 500</td>
<td>25</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>500 or more</td>
<td>25×SQRT(power/500)</td>
<td>1,300</td>
</tr>
<tr>
<td></td>
<td>Any non-ISM frequency</td>
<td>Below 500</td>
<td>15</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>500 or more</td>
<td>15×SQRT(power/500)</td>
<td>1,300</td>
</tr>
<tr>
<td>Industrial heaters and RF stabilized arc welders.</td>
<td>Any ISM frequency</td>
<td>Below 500</td>
<td>10</td>
<td>1,600</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any</td>
<td>10×SQRT(power/500)</td>
<td>1,600</td>
</tr>
<tr>
<td></td>
<td>Medical diathermy</td>
<td>Any ISM frequency</td>
<td>Below 500</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any</td>
<td>15×SQRT(power/500)</td>
<td>3,000</td>
</tr>
<tr>
<td>Ultrasonic</td>
<td>Below 500</td>
<td>2,400/(F(kHz))</td>
<td>300</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>500 or more</td>
<td>2,400/(F(kHz)×SQRT(power/500))</td>
<td>1,300</td>
</tr>
<tr>
<td></td>
<td>Any</td>
<td>1,500</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1,500</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>300</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Induction cooking ranges</td>
<td>Below 90 kHz</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Above 1,600 kHz</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15×SQRT(power/500)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>300</td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>

1 Field strength may not exceed 10 µV/m at 1600 meters. Consumer equipment operating below 1000 MHz is not permitted the increase in field strength otherwise permitted here for power over 500 watts.

2 Reduced to the greatest extent possible.

3 Field strength may not exceed 10 µV/m at 1600 meters. Consumer equipment is not permitted the increase in field strength otherwise permitted here over 500 watts.

4 Induction cooking ranges manufactured prior to February 1, 1980, shall be subject to the field strength limits for miscellaneous ISM equipment.

(c) The field strength limits for RF lighting devices shall be the following:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Field strength limit at 30 meters (µV/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-88</td>
<td>30</td>
</tr>
<tr>
<td>88-216</td>
<td>50</td>
</tr>
<tr>
<td>216-1000</td>
<td>70</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Field strength limit at 30 meters (µV/m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-88</td>
<td>10</td>
</tr>
<tr>
<td>88-216</td>
<td>15</td>
</tr>
<tr>
<td>216-1000</td>
<td>20</td>
</tr>
</tbody>
</table>

Notes

1. The tighter limit shall apply at the boundary between two frequency ranges.

2. Testing for compliance with these limits may be made at closer distances, provided a sufficient number of measurements are taken to plot the radiation pattern, to determine the major lobes of radiation, and to determine the expected field strength level at 30, 300, or 1600 meters. Alternatively, if measurements are made at only one closer fixed distance, then the permissible field strength limits shall be adjusted using 1/d as an attenuation factor.


§ 18.307 Conduction limits.

For the following equipment, which is designed to be connected to a low voltage public utility power line, the RF voltage conducted back into the power lines measured with a line impedance stabilization network (LISN) shall be limited to:

(a) Ultrasonic equipment:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Maximum RF line voltage measured with a 5µH/50 ohm LISN (µV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.010-0.49</td>
<td>1000</td>
</tr>
<tr>
<td>0.49-30</td>
<td>200</td>
</tr>
</tbody>
</table>

(b) Induction cooking ranges manufactured after February 1, 1980:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Maximum RF line voltage measured with a 5µH/50 ohm LISN (mV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.010-0.1</td>
<td>10-1 (linear interpolation)</td>
</tr>
<tr>
<td>0.1-0.5</td>
<td>1</td>
</tr>
</tbody>
</table>
Federal Communications Commission

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Maximum RF line voltage measured with a 5µH/50 ohm LISN (mV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5–30</td>
<td>0.25</td>
</tr>
</tbody>
</table>

(c) RF lighting devices:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Maximum RF line voltage measured with a 50 uH/50 ohm LISN (uV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-consumer equipment:</td>
<td></td>
</tr>
<tr>
<td>0.45 to 1.6</td>
<td>1,000</td>
</tr>
<tr>
<td>1.6 to 30</td>
<td>3,000</td>
</tr>
<tr>
<td>Consumer equipment:</td>
<td></td>
</tr>
<tr>
<td>0.45 to 2.51</td>
<td>250</td>
</tr>
<tr>
<td>2.51 to 3.0</td>
<td>3,000</td>
</tr>
<tr>
<td>3.0 to 30</td>
<td>250</td>
</tr>
</tbody>
</table>

NOTES

1. These conduction limits shall apply outside the bands specified in §18.301.
2. For ultrasonic equipment, compliance with these conduction limits shall preclude the need to show compliance with the field strength limits below 30 MHz unless requested by the Commission.
3. The tighter limits shall apply at the boundary between two frequency ranges.

§18.309 Frequency range of measurements.

(a) For field strength measurements:

<table>
<thead>
<tr>
<th>Frequency band in which device operates (MHz)</th>
<th>Range of frequency measurements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 1.705</td>
<td>Lowest frequency generated in the device, but not lower than 9 kHz.</td>
</tr>
<tr>
<td>1.705 to 30</td>
<td>Lowest frequency generated in the device, but not lower than 9 kHz.</td>
</tr>
<tr>
<td>30 to 500</td>
<td>Lowest frequency generated in the device or 25 MHz, whichever is lower.</td>
</tr>
<tr>
<td>500 to 1,000</td>
<td>Lowest frequency generated in the device or 100 MHz, whichever is lower.</td>
</tr>
<tr>
<td>Above 1,000</td>
<td>Tenth harmonic or highest detectable emission.</td>
</tr>
</tbody>
</table>

(b) For conducted powerline measurements, the frequency range over which the limits are specified will be scanned.


§18.311 Methods of measurements.

The measurement techniques which will be used by the FCC to determine compliance with the technical requirements of this part are set out in FCC Measurement Procedure MP-5, “Methods of Measurements of Radio Noise Emissions from ISM equipment”. Although the procedures in MP-5 are not mandated, manufacturers are encouraged to follow the same techniques which will be used by the FCC.
§ 19.735–101 Purpose.

The regulations in this part prescribe procedures and standards of conduct that are appropriate to the particular functions and activities of the Commission, and are issued by the Commission under authority independent of the uniform Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635 or otherwise in accordance with 5 CFR 2635.105(c).

§ 19.735–102 Cross-reference to ethics and other conduct related regulations.

In addition to the rules in this part, employees of the Federal Communications Commission (Commission) are subject to the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635 and the Commission’s regulations at 5 CFR part 3901 which supplement the executive branch financial disclosure regulations at 5 CFR part 2634 and the Commission’s regulations at 5 CFR part 3902 which supplement the executive branch-wide financial disclosure regulations, and the employee responsibilities and conduct regulations at 5 CFR part 735.

§ 19.735–103 Definitions.

Commission means the Federal Communications Commission.

Communications Act means the Communications Act of 1934, as amended, 47 U.S.C. 151 et seq.

Employee means an officer or employee of the Commission including special Government employees within the meaning of 18 U.S.C. 202(a) and the Commissioners.

Person means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 19.735–104 Delegations.

(a) The Commission has delegated to the Chairman responsibility for the detection and prevention of acts, short of criminal violations, which could bring discredit upon the Commission and the Federal service.

(b) Approvals under 18 U.S.C. 205(e). (1) Commissioners may approve the representational activities permitted by 18 U.S.C. 205(e) by other employees in their immediate offices. The Designated Agency Ethics Official has delegated authority to grant such approvals for all other employees except Commissioners.

(2)(i) Requests for approval of the activities permitted by 18 U.S.C. 205(e) shall be in writing and submitted as follows:

(A) In the case of employees in the immediate offices of a Commissioner, to the Commissioner;

(B) In the case of Heads of Offices and Bureaus, to the Chairman; and

(C) In the case of all other employees except Commissioners, to the Head of the Office or Bureau to which the employee is assigned.

(ii) An official (other than the Chairman or another Commissioner) to whom a request for approval under 18 U.S.C. 205(e) is submitted shall forward it to the Designated Agency Ethics Official with the official’s recommendation as to whether the request should be granted.

(3) Copies of all requests for approval under 18 U.S.C. 205(e) and the action taken thereon shall be maintained by the Designated Agency Ethics Official.

(c) Waivers under 18 U.S.C. 208. (1) Commissioners may waive the applicability of 18 U.S.C. 208(a), in accordance with 18 U.S.C. 208(b)(1) or 208(b)(3) and section 301(d) of Executive Order 12731, for other employees in their immediate offices. The Designated Agency Ethics Official has delegated authority to make such waiver determinations for all other employees except Commissioners.

(2)(i) Requests for waiver of the applicability of 18 U.S.C. 208(a) shall be in writing and submitted as follows:

(A) In the case of employees in the immediate offices of a Commissioner, to the Commissioner;

(B) In the case of Heads of Offices and Bureaus, to the Chairman; and

(C) In the case of all other employees except Commissioners, to the Head of the Office or Bureau to which the employee is assigned.

(ii) An official (other than the Chairman or another Commissioner) to
§ 19.735–105 Availability of ethics and other conduct related regulations and statutes.

(a) (1) The Commission shall furnish each new employee, at the time of his or her entrance on duty, with a copy of:
   (i) The Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635);
   (ii) The Supplemental Standards of Ethical Conduct for Employees of the Federal Communications Commission (5 CFR part 3901); and
   (iii) The Commission’s Employee Responsibilities and Conduct regulations in this part.

(2) The Head of each Office and Bureau has the responsibility to secure from every person subject to his or her administrative supervision a statement indicating that the individual has read and is familiar with the contents of the regulations in this part, and the regulations at 5 CFR parts 2635 and 3901, and to advise the Designated Agency Ethics Official that all such persons have provided such statements. Each new employee shall execute a similar statement at the time of entrance on duty. Periodically, and at least once a year, the Designated Agency Ethics Official shall take appropriate action to ensure that the Head of each Office and Bureau shall remind employees subject to his or her administrative supervision of the content of the regulations in 5 CFR parts 2635 and 3901.

(2) Copies of pertinent provisions of the Communications Act of 1934; title 18 of the United States Code; the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635); the Commission’s Supplemental Standards of Ethical Conduct (5 CFR part 3901); and the Commission’s employee responsibilities and conduct regulations in this part shall be available in the office of the Designated Agency Ethics Official for review by employees.

§ 19.735–106 Interpretation and advisory service.

(a) Requests for interpretative rulings concerning the applicability of 5 CFR parts 2635 and 3901, and this part, may be submitted through the employee’s supervisor to the General Counsel, who is the Commission’s Designated Agency Ethics Official pursuant to the delegation of authority at 47 CFR 0.251(a).

(b) At the time of an employee’s entrance on duty and at least once each calendar year thereafter, the Commission’s employees shall be notified of the availability of counseling services on questions of conflict of interest and other matters covered by this part, and of how and where these services are available.

§ 19.735–107 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) The Chairman will designate an officer or employee of the Commission who will promptly investigate all incidents or situations in which it appears that employees may have engaged in improper conduct. Such investigation will be initiated in all cases where complaints are brought to the attention of the Chairman, including: Adverse comment appearing in publications; complaints from members of Congress, private citizens, organizations, other Government employees or agencies; and formal complaints referred to the Chairman by the Designated Agency Ethics Official.

(c) The Inspector General will be promptly notified of all complaints or allegations of employee misconduct. The Inspector General will also be notified of the planned initiation of an investigation under this part. Such notification shall occur prior to the initiation of the investigation required by paragraph (a) of this section. The Inspector General may choose to conduct the investigation in accordance with
§ 19.735-201

Outside employment and other activity prohibited by the Communications Act.

Under section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(A)(iv), no employee of the Commission may be in the employ of or hold any official relation to any person significantly regulated by the Commission under that Act. In addition, the Commissioners are prohibited by section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(4), from engaging in any other business, vocation, profession, or employment.

NOTE: Under the Supplemental Standards of Ethical Conduct for Employees of the Federal Communications Commission, at 5 CFR 301.102, professional employees of the Commission must obtain approval before engaging in the private practice of the same profession as that of the employee's official position, whether or not for compensation.
§ 19.735–202 Financial interests prohibited by the Communications Act.

(a) No Commissioner shall have a pecuniary interest in any hearing or proceeding in which he participates. (47 U.S.C. 154(j).)

(b)(1) Section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(A), provides:

No member of the Commission or person employed by the Commission shall:

(i) Be financially interested in any company or other entity engaged in the manufacture or sale of telecommunications equipment which is subject to regulation by the Commission;

(ii) Be financially interested in any company or other entity in the business of communication by wire or radio or in the use of the electromagnetic spectrum;

(iii) Be financially interested in any company or other entity which controls any company or other entity specified in clause (i) or clause (ii), or which derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or

(iv) Be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission, except that the prohibitions established in this subparagraph shall apply only to financial interests in any company or other entity which has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission.

(2) To determine whether an entity has a significant interest in communications related activities that are subject to Commission regulations, the Commission shall consider, without excluding other relevant factors, the criteria in section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(3). These criteria include:

(i) The revenues and efforts directed toward the telecommunications aspect of the business;

(ii) The extent of Commission regulation over the entity involved;

(iii) The potential economic impact of any Commission action on that particular entity; and

(iv) The public perception regarding the business activities of the company.

(b)(2) Section 4(b) of the Communications Act, at 47 U.S.C. 154(b)(2)(B), permits the Commission to waive the prohibitions at 47 U.S.C. 154(b)(2)(A).

The Act’s waiver provision at 47 U.S.C. 154(b)(2)(B)(i) provides:

The Commission shall have authority to waive, from time to time, the application of the prohibitions established in subparagraph (A) of section 4(b) to persons employed by the Commission if the Commission determines that the financial interests of a person which are involved in a particular case are minimal, except that such waiver authority shall be subject to the provisions of section 208 of title 18, United States Code. The waiver authority established in this subparagraph shall not apply with respect to members of the Commission.

(ii)(A) Requests for waiver of the provisions of 47 U.S.C. 154(b)(2)(A) may be submitted by an employee to the Head of the employee’s Office or Bureau, who will endorse the request with an appropriate recommendation and forward the request to the Designated Agency Ethics Official. The Designated Agency Ethics Official has delegated authority to waive the applicability of 47 U.S.C. 154(b)(2)(A).

(B) All requests for waiver shall be in writing and in the required detail. The dollar value for the financial interest sought to be waived shall be expressed explicitly or in categories of value provided at 5 CFR 2634.301(d).

(C) Copies of all waiver requests and the action taken thereon shall be maintained by the Designated Agency Ethics Official. In any case in which the Commission exercises the waiver authority established in section 4(b) of the Communications Act, the Commission shall publish notice of such action in the FEDERAL REGISTER and shall furnish notice of such action to the appropriate committees of each House of the Congress. Each such notice shall include information regarding the identity of the person receiving the waiver, the position held by such person, and the nature of the financial interests which are the subject of the waiver.

§ 19.735–203 Nonpublic information.

(a) Except as authorized in writing by the Chairman pursuant to paragraph (b) of this section, or otherwise as authorized by the Commission or its rules, nonpublic information shall not be disclosed, directly or indirectly, to any person outside the Commission. Such information includes, but is not limited to, the following:
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(1) The content of agenda items (except for compliance with the Government in the Sunshine Act, 5 U.S.C. 552b); or

(2) Actions or decisions made by the Commission at closed meetings or by circulation prior to the public release of such information by the Commission.

(b) An employee engaged in outside teaching, lecturing, or writing shall not use nonpublic information obtained as a result of his Government employment in connection with such teaching, lecturing, or writing except when the Chairman gives written authorization for the use of that nonpublic information on the basis that its use is in the public interest.

(c) This section does not prohibit the disclosure of an official Commission meeting agenda listing titles and summaries of items for discussion at an open Commission meeting. Also, this section does not prohibit the disclosure of information about the scheduling of Commission agenda items.

NOTE: Employees also should refer to the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch, at 5 CFR 2635.703, on the use of nonpublic information. As is the case with section 2635.703, this part is intended only to cover knowing unauthorized disclosures of nonpublic information.
A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Material Approved for Incorporation by Reference
Table of CFR Titles and Chapters
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List of CFR Sections Affected
Material Approved for Incorporation by Reference

(Revised as of October 1, 2000)

The Director of the Federal Register has approved under 5 U.S.C. 552(a) and 1 CFR part 51 the incorporation by reference of the following publications. This list contains only those incorporations by reference effective as of the revision date of this volume. Incorporations by reference found within a regulation are effective upon the effective date of that regulation. For more information on incorporation by reference, see the preliminary pages of this volume.

47 CFR (PARTS 0–19)
FEDERAL COMMUNICATIONS COMMISSION

American National Standards Institute (ANSI)
11 West 42nd Street, New York, NY 10036 Telephone: (212) 642–4900

Federal Aviation Administration, Department of Transportation
800 Independence Ave. SW., Washington, DC 20591

Global Engineering Documents
15 Inverness Way East, Englewood, CO 80112, Telephone: (800) 854–7179 or 7730 Carondelet Ave., Suite 470, Clayton, MO 63105, Telephone: (800) 854-7179
Electronic Industries Association, EIA-744 Transport of Content Advisory Information Using Extended Data Service (XDS), October 1997.

International Electrotechnical Commission
Bureau Central de la Commission Electrotechnique Internationale, 1 rue de Varembe’, Geneva, Switzerland. Purchase from: ANSI, 11 West 42nd Street, New York, NY 10036 Telephone: (212) 642-4900
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| 15.119 (a) note added; (f)(1)(iii) and (3)(ii) removed; (f)(1)(iv) through (x) and (3)(i) through (iv) (d), (1)(4) and (5) table amended, (e)(1)(i), (ii), (f) introductory text, (i)(iii), (x), (2)(i), (ii), (iii), (3)(iii), (h)(1) introductory text, (l) and (n)(6) revised........19094|
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(a)(4) through (7) removed; (m)(1) revised; (n) added

(b)(12) revised; (b)(14) removed; (b)(15) and (16) redesignated as (b)(14) and (15); (g) added

(a)(1) table and (2) revised

Policy statement

Clarification

Report

1.24 (d) added

1.402 (a) amended; (b) removed; (c), (d), (e), (f), (g) and (h) redesignated as (b), (c), (d), (e), (f) and (j); new (c) and new (f) revised; new (g), new (h), (i) and (k) added

(c), (d), (e) and (g) revised; (f) redesigned as (h); new (f) added

1.403 Revised

1.402 (a) amended; (b) removed; (c), (d), (e), (f), (g) and (h) redesignated as (b), (c), (d), (e), (f) and (j); new (c) and new (f) revised; new (g), new (h), (i) and (k) added

(c), (d), (e) and (g) revised; (f) redesigned as (h); new (f) added

1.1104 Table amended

Regulation at 59 FR 63051 effective date confirmed as 12-20-94

1.1105 Table amended

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1.1108 Redesignated as 1.1108; new 1.1108 redesignated from 1.1107

1.1109 Redesignated as 1.1110; new 1.1109 redesigned from 1.1108

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1.1111 Redesignated as 1.1112; new 1.1111 redesigned from 1.1110

1.1112 Redesignated as 1.1113; new 1.1112 redesigned from 1.1111

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(b) through (m) redesignated as new (c), (g)(4) and (j) revised; eff. 10-30-00.
1.2112 Revised; eff. 10-30-00
1.6000-1.6012 (Subpart U) Added
1.6010 Effective date pending
1.7000-1.7002 (Subpart V) Added
2 Petition reconsideration
2.100 Revised
2.104 Revised
2.105 Revised
2.106 Table revised
2.948 (b)(8)(i)(A) amended
2.1093 (c) revised; eff. 10-16-00
3.61 Amended
11.11 (a), table and (b) amended
11.17 Removed

Footnotes 4 and 5 removed
11.35 (a) amended; eff. 10-5-00
11.41 (c) revised
11.47 (b) revised
11.51 (e) revised
11.53 (a)(3) revised
11.54 (b)(2) removed; (b)(3) through (15) redesignated as (b)(2) through (14)
11.55 (c)(4) revised
11.56 (a)(1)(v) amended; (a)(2)(ii) revised
11.57 (a)(2)(i) through (iv); (a)(6) revised
11.58 Table amended; eff. 10-10-00
2.948 (b)(8)(i)(A) amended
2.1093 (c) revised; eff. 10-16-00
3.61 Amended
11.11 (a), table and (b) amended
11.17 Removed

Regulation at 65 FR 30001 eff. date corrected to 6-9-00
15.119 Heading revised; eff. 10-30-00
15.122 Added; eff. 10-30-00
15.247 (a)(1)(iii) added; (b)(1) revised; eff. 10-25-00
11.62 (d) and (e)(2) revised
15 Petition reconsideration
15.31 (a)(8)(i) amended
15.37 (i) added; eff. 10-16-00
15.119 Heading revised; eff. 10-30-00

Regulation at 65 FR 57561 eff. date corrected to 10-25-00

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