

the substance of their bids or bidding strategies, or discussing or negotiating settlement agreements, with other applicants until after the high bidder submits its downpayment, unless such applicants are members of a bidding consortium or other joint bidding arrangement identified on the bidder's short-form application.

(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 that 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 construction permits that may be used to serve the same or overlapping geographic 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 construction permits, provided that the parties to the agreement have not applied for construction permits that may be used to serve the same or overlapping geographic 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 construction permits that may be used to serve the same or overlapping geographic areas, 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 construction permits that may be used to serve the same or overlapping geographic areas; and

(ii) The arrangements do not result in any change in control of an applicant.

(5) Applicants must modify their short-form applications to reflect any

changes in ownership or in the membership of consortia or joint bidding arrangements.

(c) Winning bidders are required to submit a detailed explanation of the terms and conditions and parties involved in any bidding consortia, joint venture, partnership or other agreement or arrangement they have entered into relating to the competitive bidding process prior to the close of bidding. Such arrangements must have been entered into prior to the filing of short-form applications pursuant to paragraphs (a) and (b) of this section.

#### **§ 100.80 Transfer disclosure.**

Any entity that acquires a DBS license through competitive bidding, and seeks to transfer that license within six years of the initial license grant, must file, together with its application for FCC consent to the transfer, the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration received in return for the transfer of its license. The information submitted must include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration.

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## § 101.1

## 47 CFR Ch. I (10–1–00 Edition)

101.1333 Interference protection criteria.

AUTHORITY: 47 U.S.C. 154, 303.

SOURCE: 61 FR 26677, May 28, 1996, unless otherwise noted.

### Subpart A—General

#### § 101.1 Scope and authority.

(a) Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the Commission and for the filing of applications for radio station licenses in the fixed microwave services.

(b) The purpose of the rules in this part is to prescribe the manner in which portions of the radio spectrum may be made available for private operational, common carrier, and Local Multipoint Distribution Service fixed, microwave operations that require transmitting facilities on land or in specified offshore coastal areas within the continental shelf.

(c) The rules in this part are issued pursuant to the authority contained in Titles I through III of the Communications Act of 1934, as amended, which vest authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications, to regulate radio transmissions and issue licenses for radio stations, and to regulate all interstate and foreign communications by wire and radio necessary to the accomplishment of the purposes of the Act.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23163, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998]

#### § 101.3 Definitions.

As used in this part:

*Antenna power gain.* The ratio of the maximum radiation intensity to that of an isotropic (omnidirectional) radiator in the far field of its main (forward direction) lobe.

*Antenna power input.* The radio frequency peak or RMS power, as the case may be, supplied to the antenna from the antenna transmission line and its associated impedance matching network.

*Antenna structure.* The antenna, its supporting structure and anything attached to it.

*Assigned frequency.* The center of the frequency band assigned to a station.

*Assigned frequency bandwidth.* 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.

*Authorized bandwidth.* The maximum bandwidth authorized to be used by a station as specified in the station license. (See § 2.202 of this chapter)

*Authorized frequency.* The frequency, or frequency range, assigned to a station by the Commission and specified in the instrument of authorization.

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

*Automatic Transmitter Power Control (ATPC).* ATPC is a feature of a digital microwave radio system that adjusts the transmitter output power. ATPC allows the transmitter to operate at less than maximum power for most of the time. In a radio employing ATPC, the transmit power is reduced during normal operation conditions. When the receiver detects a reduction in signal level, a control signal is sent to the far end transmitter, instructing it to increase the power output to compensate for the signal reduction. The power output is limited to the licensed (maximum) transmit power. Guidelines for use of ATPC are set forth in the TIA Telecommunications Systems Bulletin TSB 10, "Interference Criteria for Microwave Systems (TSB 10)."

*Bandwidth occupied by an emission.* The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power.

*Bit rate.* The rate of transmission of information in binary (two state) form in bits per unit time.

*Carrier.* In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a

wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector, produces the modulating wave.

*Carrier frequency.* The output of a transmitter when the modulating wave is made zero.

*Central office.* A landline termination center used for switching and interconnection of public message communication circuits.

*Common carrier fixed point-to-point microwave service.* A common carrier public radio service rendered on microwave frequencies by fixed and temporary fixed stations between points that lie within the United States or between points to its possessions or to points in Canada or Mexico.

*Communication common carrier.* Any person engaged in rendering communication service for hire to the public.

*Control point.* An operating position at which an operator responsible for the operation of the transmitter is stationed and which is under the control and supervision of the licensee.

*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.

*Coordination area.* The area associated with a station outside of which another station sharing the same or adjacent frequency band neither causes nor is subject to interfering emissions greater than a permissible level.

*Coordination contour.* The line enclosing the coordination area.

*Coordination distance.* The distance on a given azimuth from a station beyond which another station neither causes nor is subject to interfering emissions greater than a permissible level.

*Digital Electronic Message Nodal Station.* A fixed point-to-multipoint radio station in a Digital Electronic Message Service providing two-way communication with Digital Electronic Message User Stations.

*Digital Electronic Message Service.* A two-way end-to-end fixed radio service utilizing digital termination systems for the exchange of digital information. This service may also make use of

point-to-point microwave facilities, satellite facilities or other communications media to interconnect digital termination systems to comprise a network.

*Digital Electronic Message User Station.* Any one of the fixed microwave radio stations located at users' premises, lying within the coverage area of a Digital Electronic Message Nodal Station, and providing two-way digital communications with the Digital Electronic Message Nodal Station.

*Digital modulation.* The process by which some characteristic (frequency, phase, amplitude or combinations thereof) of a carrier frequency is varied in accordance with a digital signal, e.g., one consisting of coded pulses or states.

*Drop point.* A term used in the point-to-point microwave radio service to designate a terminal point where service is rendered to a subscriber.

*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.

*Effective Radiated Power (ERP).* The product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction.

*Equivalent Isotropically Radiated Power (EIRP).* The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

*Exchange.* A unit of a communication company or companies for the administration of communication service in a specified area, which usually embraces a city, town, or village and its environs, and consisting of one or more central offices, together with the associated plant, used in furnishing communication service in that area.

*Exchange area.* The geographic area included within the boundaries of an exchange.

*Fixed satellite earth station.* An earth station intended to be used at a specified fixed point.

*Fixed relay station.* A fixed station associated with one or more stations, established to receive radio signals directed to it and to retransmit them automatically on a fixed service frequency.

*Fixed service.* A radio communications service between specified fixed points.

*Fixed station.* A station in the fixed service.

*Frequency tolerance.* The maximum permissible departure by the center 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 as a percentage or in Hertz.

*General communication.* Two-way voice communication, through a base station, between:

- (1) A common carrier land mobile or airborne station and a landline telephone station connected to a public message landline telephone system;
- (2) Two common carrier land mobile stations;
- (3) Two common carrier airborne stations;
- (4) A common carrier land mobile station and a common carrier airborne station.

*Harmful interference.* Interference that 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 regulations.

*Internodal link.* A point-to-point communications link used to provide communications between nodal stations or to interconnect nodal stations to other communications media.

*Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use 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.

*Local Multipoint Distribution Service Backbone Link.* A point-to-point radio service link in a Local Multipoint Distribution Service System that is used

to interconnect Local Multipoint Distribution Service Hub Stations with each other or with the public switched telephone network.

*Local Multipoint Distribution Service Hub Station.* A fixed point-to-point or point-to-multipoint radio station in a Local Multipoint Distribution Service System that provides one-way or two-way communication with Local Multipoint Distribution Service Subscriber Stations.

*Local Multipoint Distribution Service Subscriber Station.* Any one of the fixed microwave radio stations located at users' premises, lying within the coverage area of a Local Multipoint Distribution Service Hub Station, capable of receiving one-way communications from or providing two-way communications with the Local Multipoint Distribution Service Hub Station.

*Local Multipoint Distribution Service System.* A fixed point-to-point or point-to-multipoint radio system consisting of Local Multipoint Distribution Service Hub Stations and their associated Local Multipoint Distribution Service Subscriber Stations.

*Local television transmission service.* A public radio communication service for the transmission of television material and related communications.

*Long haul system.* A microwave system licensed under this part in which the longest radio circuit of tandem radio paths exceeds 402 kilometers.

*Master station.* A station in a multiple address radio system that controls, activates or interrogates four or more remote stations. Master stations performing such functions may also receive transmissions from remote stations.

*Message center.* The point at which messages from members of the public are accepted by the carrier for transmission to the addressee.

*MHz Service Bands*

(1) *928/952/956 MHz Service.* A flexible radio service using frequencies in the 928.0–928.85 MHz band paired with frequencies in the 952.0–952.85 MHz band or using unpaired frequencies in the 956.25–956.45 MHz band licensed on a site-by-site basis and used for terrestrial point-to-point and point-to-multipoint fixed and mobile operations.

(2) *928/959 MHz Service.* A flexible radio service using frequencies in the 928.85–929.0 MHz band paired with frequencies in the 959.85–960.0 MHz band licensed by Economic Area and used for terrestrial point-to-point and point-to-multipoint fixed and mobile operations.

(3) *932/941 MHz Service.* A flexible radio service using frequencies in the 932.0–932.5 MHz band paired with frequencies in the 941.0–941.5 MHz band used for terrestrial point-to-point and point-to-multipoint fixed and mobile operations. The frequencies from 932.00625/941.00625 MHz to 932.24375/941.24375 MHz are licensed by Economic Area. The frequencies from 932.25625/941.25625 MHz to 932.49375/941.49375 MHz are licensed on a site-by-site basis.

*Microwave frequencies.* As used in this part, this term refers to frequencies of 890 MHz and above.

*Microwave link.* A link is defined as a simplex communications circuit between two points utilizing a single frequency/polarization assignment. A duplex communications circuit would require two links, one link in each direction.

*Miscellaneous common carriers.* Communications common carriers that are not engaged in the business of providing either a public landline message telephone service or public message telegraph service.

*Mobile earth station.* An earth station intended to be used while in motion or during halts at unspecified points.

*Mobile service.* A radio communication service between mobile and land stations or between mobile stations.

*Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

*Multiple address system (MAS).* A point-to-multipoint radio communications system, either one-way or two-way, utilizing frequencies in accordance with § 101.147 and serving a minimum of four unique remote stations. Each master station must serve at least its own four remotes. The remote stations must be scattered over the service area in such a way that two or more point-to-point systems would be needed to serve those remotes.

*National Spatial Reference System.* The National Spatial Reference System (NSRS) is the name given to all Geodetic Control information contained in the National Geodetic Survey (NGS) Data Base. This includes: A, B, First, Second, and Third Order horizontal and vertical control observed by NGS as well as data submitted by other agencies (i.e., USGS, BLM, States, Counties, Cities, and private surveying organizations).

*Necessary bandwidth.* For a given class of emission, the width of the frequency band that is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions. The necessary bandwidth may be calculated using the formulas in § 2.202 of this chapter.

*Nodal station.* The central or controlling station in a radio system operating on point-to-multipoint frequencies in the 2.5, 10.6, or 18 GHz bands.

*Occupied bandwidth.* The width of a frequency bandwidth such that, below the lower and above the upper frequency limits, the mean powers emitted are each equal to a specified percentage,  $B/2$  of the total mean power of a given emission. Unless otherwise specified by the CCIR for the appropriate class of emission, the value of  $B/2$  should be taken as 0.5%.

NOTE: The percentage of the total power outside the occupied bandwidth is represented by B.

*Operational fixed station.* A private fixed station not open to public correspondence.

*Passive repeater.* A re-radiation device associated with a transmitting/receiving antenna system that re-directs intercepted radiofrequency energy. For example, it may consist of reflector(s) or back-to-back parabolic or horn antennas.

*Path length.* The total distance of a path from the transmit to the receive antenna, inclusive of all passive repeaters, if any.

*Periscope antenna system.* An antenna system which involves the use of a passive reflector to deflect radiation from or to a directional transmitting or receiving antenna which is oriented vertically or near vertically.

*Prior coordination.* A bilateral process conducted prior to filing applications which includes the distribution of the technical parameters of a proposed radio system to potentially affected parties for their evaluation and timely response.

*Private carrier.* An entity licensed in the private service and authorized to provide communications service to other private service eligibles on a commercial basis.

*Private line service.* A service whereby facilities for communication between two or more designated points are set aside for the exclusive use or availability for use of a particular customer and authorized users during stated periods of time.

*Private operational fixed point-to-point microwave service.* A private radio service rendered by fixed and temporary fixed stations on microwave frequencies for the exclusive use or availability for use of the licensee or other eligible entities for communication between two or more designated points. Service may be provided between points within the United States, points within United States possessions, or between the United States and points in Canada or Mexico.

*Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

*Public message service.* A service whereby facilities are offered to the public for communication between all points served by a carrier or by interconnected carriers on a non-exclusive message by message basis, contemplating a separate connection for each occasion of use.

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

*Radiocommunication.* Telecommunication by means of radio waves.

*Rated power output.* The maximum radio frequency power output capability (peak or average power) of a transmitter, under optimum conditions of adjustment and operation, specified by its manufacturer.

*Record communication.* Any transmission of intelligence which is reduced to visual record form at the point of reception.

*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.

*Relay station.* A fixed station used for the reception and retransmission of the signals of another station or stations.

*Remote station.* A fixed station in a multiple address radio system that transmits one-way to one or more central receive sites, controls a master station, or is controlled, activated or interrogated by, and may respond to, a master station.

*Repeater station.* A fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specified location; for public mobile radio operations, a fixed station that automatically retransmits the mobile communications and/or transmitter information about the base station, along a fixed point-to-point link between the base station and the central station.

*Secondary operations.* Radio communications which may not cause interference to operations authorized on a primary basis and which are not protected from interference from these primary operations.

*Short haul system.* A microwave system licensed under this part in which the longest radio circuit of tandem radio paths does not exceed 402 kilometers.

*Signal booster.* A device at a fixed location which automatically receives, amplifies, and retransmits on a one-way or two-way basis, the signals received from base, fixed, mobile, and portable stations, with no change in frequency or authorized bandwidth. A signal booster may be either narrowband (Class A), in which case the booster amplifies only those discrete frequencies intended to be retransmitted, or broadband (Class B), in

which case all signals within the passband of the signal booster filter are amplified.

*Signaling communication.* One-way communications from a base station to a mobile or fixed receiver, or to multi-point mobile or fixed receivers by audible or subaudible means, for the purpose of actuating a signaling device in the receiver(s) or communicating information to the receiver(s), whether or not the information is to be retained in record form.

*Standby transmitter.* A transmitter installed and maintained for use in lieu of the main transmitter only during periods when the main transmitter is out of service for maintenance or repair.

*Symbol rate.* Modulation rate in bauds. This rate may be higher than the transmitted bit rate as in the case of coded pulses or lower as in the case of multilevel transmission.

*Telegraphy.* A form of telecommunication which is concerned 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. Unless otherwise specified, telegraphy means a form of telecommunication for the transmission of written matter by the use of signal code.

*Telemetry.* The use of telecommunication for automatic indicating or recording measurements at a distance from the measuring instrument.

*Telephony.* A form of telecommunication set up for the transmission of speech, or in some cases, other sounds.

*Television.* A form of telecommunication for transmission of transient images of fixed or moving objects.

*Temporary fixed station.* A station established in a non-permanent mode (temporary) at a specified location for a short period of time, ranging up to one year. Temporary-fixed operations are itinerant in nature, and are not to be confused with mobile-type operations.

*Universal Licensing System (ULS).* The consolidated database, application filing system and processing system for all Wireless Telecommunications Serv-

ices. The ULS offers Wireless Telecommunications Bureau (WTB) applicants and the general public electronic filing of all applications requests, and full public access to all WTB licensing data.

*Video entertainment material.* The transmission of a video signal (e.g. United States Standard Monochrome or National Television Systems Committee 525-line television) and an associated audio signal which is designed primarily to amuse or entertain, such as movies and games.

[61 FR 26677, May 28, 1996, as amended at 61 FR 29693, June 12, 1996; 61 FR 31052, June 19, 1996; 61 FR 44181, Aug. 28, 1996; 62 FR 23163, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998; 65 FR 17448, Apr. 3, 2000; 65 FR 38326, June 20, 2000]

## Subpart B—Applications and Licenses

### GENERAL FILING REQUIREMENTS

#### § 101.4 Transition plan.

(a) All systems subject to parts 21 and 94 of this chapter in effect as of July 31, 1996, which are licensed or which are proposed in an application on file, as of July 31, 1996, are subject to the requirements under part 21 or part 94 of this chapter as contained in the CFR edition revised as of October 1, 1995 and amended in the FEDERAL REGISTER through July 31, 1996, as applicable, indefinitely.

(b) For purposes of this section, a “system” shall include:

- (1) The originally licensed system;
- (2) Any modification to the original system involving a change in antenna azimuth, antenna beam width, channel loading, emission, station location, antenna height, authorized power, or authorized frequencies;
- (3) Additional links constructed to complete an integrated communications network; or
- (4) Operationally connecting new facilities and/or frequencies.

(c) All radio frequency devices authorized pursuant to part 2 of this chapter as being in compliance with applicable part 21 or part 94 of this chapter in effect as of July 31, 1996, requirements can be used indefinitely

## § 101.5

with systems licensed under this part 101.

[61 FR 26677, May 28, 1996, as amended at 65 FR 38326, June 20, 2000]

### § 101.5 Station authorization required.

(a) [Reserved]

(b) A separate application form must be filed electronically via ULS for each Digital Electronic Message Service (DEMS) Nodal Station. No license is required for a DEMS User Station. Authority for a DEMS Nodal Station licensee to serve a specific number of user stations to be licensed in the name of the carrier must be requested on FCC Form 601 filed for the DEMS Nodal Station.

(c) [Reserved]

(d) For stations authorized under subpart H (Private Operational Fixed Point-to-Point Microwave Service), subpart I (Common Carrier Fixed Point-to-Point Microwave Service), and subpart L of this part (Local Multipoint Distribution Service), construction of new or modified stations may be initiated prior to grant of an authorization. As a condition to commencing construction under this paragraph (d), the Commission may, at any time and without hearing or notice, prohibit such construction for any reason. Any construction conducted under this paragraph is at the applicant's sole risk.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998]

### § 101.7 Eligibility for station license.

(a) A station license may not be granted to or held by a foreign government or by a representative of a foreign government.

(b) In the Common Carrier service, a station license may not be granted or held by:

(1) Any alien or the representative of any alien;

(2) Any corporation organized under the laws of any foreign government;

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any

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corporation organized under the laws of a foreign country; or

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[61 FR 26677, May 28, 1996, as amended at 61 FR 55581, Oct. 28, 1996]

### § 101.17 Performance requirements for the 38.6–40.0 GHz frequency band.

(a) All 38.6–40.0 GHz band licensees must demonstrate substantial service at the time of license renewal. A licensee's substantial service showing should include, but not be limited to, the following information for each channel for which they hold a license, in each EA or portion of an EA covered by their license, in order to qualify for renewal of that license. The information provided will be judged by the Commission to determine whether the licensee is providing service which rises to the level of "substantial."

(1) A description of the 38.6–40.0 GHz band licensee's current service in terms of geographic coverage;

(2) A description of the 38.6–40.0 GHz band licensee's current service in terms of population served, as well as any additional service provided during the license term;

(3) A description of the 38.6–40.0 GHz band licensee's investments in its system(s) (type of facilities constructed and their operational status is required);

(b) Any 38.6–40.0 GHz band licensees adjudged not to be providing substantial service will not have their licenses renewed.

[65 FR 38327, June 20, 2000]

### § 101.21 Technical content of applications.

Applications, except FCC Form 175, must contain all technical information required by the application form and any additional information necessary

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to fully describe the proposed facilities and to demonstrate compliance with all technical requirements of the rules governing the radio service involved (see subparts C, F, G, I, J, and L of this part, as appropriate). The following paragraphs describe a number of technical requirements.

(a) [Reserved]

(b) Each application for a developmental authorization must be accompanied by pertinent supplemental information as required by §101.411 of this part in addition to such information as may be specifically required by this section.

(c)-(d) [Reserved]

(e) Each application in the Private Operational Fixed Point-to-Point Microwave Service and the Common Carrier Fixed Point-to-Point Microwave Service must include the following information:

- Applicant's name and address.
- Transmitting station name.
- Transmitting station coordinates.
- Frequencies and polarizations to be added, changed or deleted.
- Transmitting equipment, its stability, effective isotropic radiated power, emission designator, and type of modulation (digital).
- Transmitting antenna(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.
- Transmitting antenna center line height(s) above ground level and ground elevation above mean sea level.
- Receiving station name.
- Receiving station coordinates.
- Receiving antenna(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.
- Receiving antenna center line height(s) above ground level and ground elevation above mean sea level.
- Path azimuth and distance.

NOTE: The position location of antenna sites shall be determined to an accuracy of no less than  $\pm 1$  second in the horizontal dimensions (latitude and longitude) and  $\pm 1$  meter in the vertical dimension (ground elevation) with respect to the National Spatial Reference System.

(f) All applicants for regular authorization must, before filing an application, major amendments to a pending application, or modifications to a license, prior coordinate the proposed frequency usage with existing users in the area and other applicants with pre-

viously filed applications in accordance with the procedures in §101.103. In those frequency bands shared with the communication-satellite service, an applicant for a new station, for new points of communication, for the initial frequency assignment in a shared band for which coordination has not been previously effected, or for authority to modify the emission or radiation characteristics of an existing station in a manner that may increase the likelihood of harmful interference, must ascertain in advance whether the station(s) involved lie within the great circle coordination distance contours of an existing Earth station or one for which an application has been accepted for filing, and must coordinate his proposal with each such Earth station operator or applicant. For each potential interference path, the applicant must perform the computations required to determine that the expected level of interference to or from the terrestrial station does not exceed the maximum permissible interference power level in accordance with the technical standards and requirements of §25.251 of this chapter. The Commission may, in the course of examining any application, require the submission of additional showings, complete with pertinent data and calculations in accordance with part 25 of this chapter, showing that harmful interference will not likely result from the proposed operation. (Technical characteristics of the Earth stations on file and coordination contour maps for those Earth stations will be kept on file for public inspection in the offices of the Commission's International Bureau in Washington, DC.)

(g) Each application in the Local Multipoint Distribution Service must contain all technical information required by FCC Form 601 and any other applicable form or associated Public Notices and by any applicable rules in this part.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998; 65 FR 38327, June 20, 2000]

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### § 101.23 Waiver of rules.

Waiver of these rules may be granted upon application or on the Commission's own motion in accordance with § 1.925 of this chapter.

[63 FR 68981, Dec. 14, 1998]

### § 101.31 Temporary and conditional authorizations.

#### (a) Operation at temporary locations.

(1) Authorizations may be issued upon proper application for rendition of temporary service to subscribers under the following conditions:

(i) When a fixed station, authorized to operate at temporary locations, is to remain at a single location for more than 6 months, an application for a station authorization designating that single location as the permanent location shall be filed at least 90 days prior to the expiration of the 6 month period;

(ii) The station shall be used only for rendition of communication service at a remote point where the provision of wire facilities is not practicable within the required time frame; and

(iii) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 101.125.

(2) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 601. Blanket applications may be submitted for the required number of transmitters.

(3) Except for operations in the 17.8–19.7 GHz band, the licensee of stations which are authorized pursuant to the provisions of paragraph (a) of this section shall notify the Commission at least five (5) days prior to installation of the facilities stating:

(i) The call sign, manufacturer's name, type or model number, output power and specific location of the transmitter(s);

(ii) The maintenance location for the transmitter;

(iii) The location of the transmitting or receiving station with which it will

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communicate and the identity of the correspondent operating such facilities;

(iv) The exact frequency or frequencies to be used;

(v) The public interest, convenience and necessity to be served by operation of the proposed installation;

(vi) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission;

(vii) A notification shall include compliance with the provisions of §§ 101.21(e) and 101.21(f) when operations are to be conducted in the area of other terrestrial microwave stations or within the coordination distance contours of a fixed earth station; and

(viii) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

(4) Less than 5 days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such shorter notice are stated.

(5) A copy of the notification shall be kept with the station license.

(6) Operations in the 17.8–19.7 GHz band are prohibited in the areas defined in § 1.924 of this chapter. Operations proposed in the areas defined in § 1.924 of this chapter may not commence without prior specific notification to, and authorization from, the Commission. Such notification will contain the information specified in paragraph (a)(3) of this section.

(b) *Conditional authorization.* (1) An applicant for a new point-to-point microwave radio station(s) or a modification of an existing station(s) in the 3,700–4,200; 5,925–6,425; 6,525–6,875; 10,550–10,680; 10,700–11,700; 11,700–12,200; 12,200–12,700; 12,700–13,200; 13,200–13,250; 17,700–19,700; and 21,200–23,600 MHz bands (see § 101.147 for specific service usage) may operate the proposed station(s) during the pendency of its applications(s) upon the filing of a properly completed formal application(s) that complies

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with subpart B of part 101 if the applicant certifies that the following conditions are satisfied:

(i) The frequency coordination procedures of §101.103 have been successfully completed;

(ii) The antenna structure(s) has been previously studied by the Federal Aviation Administration and determined to pose no hazard to aviation safety as required by subpart B of part 17 of this chapter; or the antenna or tower structure does not exceed 6.1 meters above ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has not been previously studied by the Federal Aviation Administration and cleared by the FCC;

(iii) The grant of the application(s) does not require a waiver of the Commission's rules;

(iv) The applicant has determined that the facility(ies) will not significantly affect the environment as defined in §1.1307 of this chapter;

(v) The station site does not lie within 56.3 kilometers of any international border, within a radio "Quiet Zone" identified in §1.924 of this chapter or, if operated on frequencies in the 17.8-19.7 GHz band, within any of the areas identified in §1.924 of this chapter;

(vi) If operated on frequencies in the 10.6-10.68 GHz band, the station site does not lie within any of the following regions:

Name of region	Dimensions=radius in kilometers	Center-point
Kitt Peak, Arizona .....	60	N31-57-22; W111-36-42
Big Pine, California .....	60	N37-13-54; W118-16-34
Vandenberg AFB, California .....	75	N34-43-00; W120-34-00
Denver, Colorado .....	150	N39-43-00; W104-46-00
Washington, DC .....	150	N38-48-00; W76-52-00
Eglin AFB, Florida .....	50	N30-29-00; W86-32-00
Mauna Kea, Hawaii .....	60	N19-48-16; W155-27-29
North Liberty, Iowa .....	60	N41-46-17; W91-34-26
Maryland Point, Maryland .....	60	N38-22-26; W77-14-00
Hancock, New Hampshire .....	60	N42-56-01; W71-59-12
Los Alamos, New Mexico .....	60	N35-46-30; W106-14-42
Pie Town, New Mexico .....	60	N34-18-04; W108-07-07
Socorro, New Mexico .....	160	N34-04-43; W107-37-04
WSMR, New Mexico .....	75	N32-23-00; W106-29-00
Minot AFB, North Dakota .....	80	N48-15-00; W101-17-00
Arecibo, Puerto Rico .....	160	N18-20-37; W66-45-11
Fort Davis, Texas .....	60	N30-38-06; W103-56-39
St. Croix, Virgin Islands .....	60	N17-45-31; W64-35-03
Brewster, Washington .....	60	N48-07-53; W119-40-55
Green Bank, West Virginia .....	160	N38-25-59; W79-50-24

Note: Coordinates are referenced to North American Datum 1983 (NAD83).

(vii) The filed application(s) does not propose to operate in the 21.2-23.6 GHz band with an E.R.P. greater than 55 dBm pursuant to §101.147(s); and

(viii) The filed application(s) is consistent with the proposal that was coordinated pursuant to §101.103.

(2) Conditional authority ceases immediately if the application(s) is returned by the Commission because it is not acceptable for filing.

(3) A conditional authorization pursuant to paragraphs (b)(1) and (b)(2) of this section is evidenced by retaining the original executed conditional licensing Certification Form with the station records. Conditional authorization does not prejudice any action the

Commission may take on the subject application(s). Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. An applicant operating pursuant to this conditional authority assumes all risks associated with such operation, the termination or modification of the conditional authority, or the subsequent dismissal or denial of its application(s).

(4) The Certification Form, or a copy thereof, must be posted at each station

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operating pursuant to this section consistent with § 101.215.

[61 FR 26677, May 28, 1996, as amended at 62 FR 55538, Oct. 27, 1997; 63 FR 10779, Mar. 5, 1998; 63 FR 68981, Dec. 14, 1998; 65 FR 38327, June 20, 2000]

### PROCESSING OF APPLICATIONS

#### § 101.45 Mutually exclusive applications.

(a) The Commission will consider applications to be mutually exclusive if their conflicts are such that the grant of one application would effectively preclude by reason of harmful electrical interference, or other practical reason, the grant of one or more of the other applications. The Commission will presume “harmful electrical interference” exists when the levels of § 101.105 are exceeded, or when there is a material impairment to service rendered to the public despite full cooperation in good faith by all applicants or parties to achieve reasonable technical adjustments which would avoid electrical conflict.

(b) A common carrier application, except in the Local Multipoint Distribution Service, will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with the other application; and

(2) The application is received by the Commission in a condition acceptable for filing by whichever “cut-off” date is earlier:

(i) Sixty (60) days after the date of the public notice listing the first of the conflicting applications as accepted for filing; or

(ii) One (1) business day preceding the day on which the Commission takes final action on the previously filed application (should the Commission act upon such application in the interval between thirty (30) and sixty (60) days after the date of its public notice).

(c) Whenever three or more applications are mutually exclusive, but not uniformly so, the earliest filed application established the date prescribed in paragraph (b)(2) of this section, regardless of whether or not subsequently filed applications are directly mutually exclusive with the first filed application. (For example, applications A, B,

and C are filed in that order. A and B are directly mutually exclusive, B and C are directly mutually exclusive. In order to be considered comparatively with B, C must be filed within the “cut-off” period established by A even though C is not directly mutually exclusive with A.)

(d) Private operational fixed point-to-point microwave applications for authorization under this part will be entitled to comparative consideration with one or more conflicting applications in accordance with the provisions of § 1.227(b)(4) of this chapter.

(e) An application otherwise mutually exclusive with one or more previously filed applications, but filed after the appropriate date prescribed in paragraphs (b) or (d) of this section, will be returned without prejudice and will be eligible for refiling only after final action is taken by the Commission with respect to the previously filed application (or applications).

(f) For purposes of this section, any application (whether mutually exclusive or not) will be considered to be a newly filed application if it is amended by a major amendment (as defined by § 1.929 of this chapter), except under any of the following circumstances:

(1) The application has been designated for comparative hearing, or for comparative evaluation (pursuant to § 101.51 of this part), and the Commission or the presiding officer accepts the amendment pursuant to § 1.927 of this chapter;

(2) The amendment resolves frequency conflicts with authorized stations or other pending applications which would otherwise require resolution by hearing or by comparative evaluation pursuant to § 101.51 provided that the amendment does not create new or additional frequency conflicts;

(3) The amendment reflects only a change in ownership or control found by the Commission to be in the public interest, and for which a requested exemption from the “cut-off” requirements of this section is granted;

(4) The amendment reflects only a change in ownership or control which results from an agreement under § 1.935 of this chapter whereby two or more applicants entitled to comparative consideration of their applications join in

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one (or more) of the existing applications and request dismissal of their other application (or applications) to avoid the delay and cost of comparative consideration;

(5) The amendment corrects typographical, transcription, or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts; or

(6) The amendment does not create new or increased frequency conflicts, and is demonstrably necessitated by events which the applicant could not have reasonably foreseen at the time of filing, such as, for example:

(i) The loss of a transmitter or receiver site by condemnation, natural causes, or loss of lease or option;

(ii) Obstruction of a proposed transmission path caused by the erection of a new building or other structure; or

(iii) The discontinuance or substantial technological obsolescence of specified equipment, whenever the application has been pending before the Commission for two or more years from the date of its filing.

(g) Applicants for the 932.5-935/941.5-944 MHz bands shall select a frequency pair. Applicants for these bands may select an unpaired frequency only upon a showing that spectrum efficiency will not be impaired and that unpaired spectrum is not available in other bands. During the initial filing window, frequency coordination is not required, except that an application for a frequency in the 942-944 MHz band must be coordinated to ensure that it does not affect an existing broadcast auxiliary service licensee. After the initial filing window, an applicant must submit evidence that frequency coordination has been performed with all licensees affected by the application. All frequency coordination must be performed in accordance with §101.103. In the event of mutually exclusive applications occurring during the initial filing window for the 932.5-935/941.5-944 MHz bands, applicants shall be given the opportunity to resolve these situations by applying for an alternative frequency pair, if one is available. To the extent that there are no other available frequencies or to the extent

that mutually exclusive applications remain after this process is concluded, lotteries shall be conducted for each frequency pair among all remaining mutually exclusive applications, assuming appropriate coordination with existing broadcast auxiliary stations can be concluded, where necessary. In the event of mutually exclusive applications being received for these bands on the same day after the initial filing window has closed and a subsequent filing window opened, lotteries shall be conducted for each frequency pair among all mutually exclusive applications.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997; 62 FR 24582, May 6, 1997; 63 FR 6103, Feb. 6, 1998; 63 FR 68982, Dec. 14, 1998]

### **§101.51 Comparative evaluation of mutually exclusive applications.**

(a) In order to expedite action on mutually exclusive applications in services under this rules part where neither competitive bidding nor the random selection processes apply, the applicants may request the Commission to consider their applications without a formal hearing in accordance with the summary procedure outlined in paragraph (b) in this section if:

(1) The applications are entitled to comparative consideration pursuant to §101.45;

(2) The applications have not been designated for formal evidentiary hearing; and

(3) The Commission determines, initially or at any time during the procedure outline in paragraph (b) of this section, that such procedure is appropriate, and that, from the information submitted and consideration of such other matters as may be officially noticed, there are no substantial and material questions of fact, presented (Other than those relating to the comparative merits of the applications) which would preclude a grant under §1.915 of this chapter.

(b) Provided that the conditions of paragraph (a) of this section are satisfied, applicants may request the Commission to act upon their mutually exclusive applications without a formal hearing pursuant to the summary procedure outlined below:

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(1) To initiate the procedure, each applicant will submit to the Commission a written statement containing:

(i) A waiver of the applicant's right to a formal hearing;

(ii) A request and agreement that, in order to avoid the delay and expense of a comparative formal hearing, the Commission should exercise its judgment to select from among the mutually exclusive applications that proposal (or proposals) which would best serve the public interest; and

(iii) The signature of a principal (and the principal's attorney if represented).

(2) After receipt of the written requests of all of the applicants the Commission (if it deems this procedure appropriate) will issue a notice designating the comparative criteria upon which the applications are to be evaluated and will request each applicant to submit, within a specified period of time, additional information concerning the applicant's proposal relative to the comparative criteria.

(3) Within thirty (30) days following the due date for filing this information, the Commission will accept concise and factual argument on the competing proposals from the rival applicants, potential customers, and other knowledgeable parties in interest.

(4) Within fifteen (15) days following the due date for the filing of comments, the Commission will accept concise and factual replies from the rival applicants.

(5) From time to time during the course of this procedure the Commission may request additional information from the applicants and hold informal conferences at which all competing applicants will have the right to be represented.

(6) Upon evaluation of the applications, the information submitted, and such other matters as may be officially noticed the Commission will issue a decision granting one (or more) of the proposals which it concludes would best serve the public interest, convenience and necessity. The decision will report briefly and concisely the reasons for the Commission's selection and will

deny the other application(s). This decision will be considered final.

[61 FR 26677, May 28, 1996, as amended at 63 FR 6104, Feb. 6, 1998; 63 FR 68982, Dec. 14, 1998]

LICENSE TRANSFERS, MODIFICATIONS,  
CONDITIONS AND FORFEITURES

**§ 101.55 Considerations involving transfer or assignment applications.**

(a) Except as provided for in paragraph (d) of this section, licenses may not be assigned or transferred prior to the completion of construction of the facility. However, consent to the assignment or transfer of control of such a license may be given prior to the completion of construction where:

(1) The assignment or transfer does not involve a substantial change in ownership or control of the authorized facilities; or

(2) The assignment or transfer of control is involuntary due to the licensee's bankruptcy, death, or legal disability.

(b) [Reserved]

(c) At its discretion, the Commission may require the submission of an affirmative, factual showing (supported by affidavits of a person or persons with personal knowledge thereof) to demonstrate that the proposed assignor or transferor has not acquired an authorization or operated a station for the principal purpose of profitable sale rather than public service. This showing may include, for example, a demonstration that the proposed assignment or transfer is due to changed circumstances (described in detail) affecting the licensee subsequent to the acquisition of the license, or that the proposed transfer of radio facilities is incidental to a sale of other facilities or merger of interests.

(d) If a proposed transfer of radio facilities is incidental to a sale or other facilities or merger of interests, the showing specified under paragraph (c) of this section shall be submitted and include an additional exhibit that:

(1) Discloses complete details as to the sale of facilities or merger of interests;

(2) Segregates clearly by an itemized accounting, the amount of consideration involved in the sale of facilities or merger of interests; and

(3) Demonstrates that the amount of consideration assignable to the facilities or business interests involved represents their fair market value at the time of the transaction.

(e) For the purposes of this section, the one year period is calculated using the following dates (as appropriate):

(1) The initial date of grant of the license, excluding subsequent modifications;

(2) The date of consummation of an assignment or transfer, if the station is acquired as the result of an assignment of license, or transfer of control of corporate licensee; or

(3) The median date of the applicable commencement dates (determined pursuant to paragraphs (e)(1) and (2) of this section) if the transaction involves a system (such as a Private Operational Fixed Point-to-Point Microwave system) of two or more stations. (The median date is that date so selected such that fifty percent of the commencement dates of the total number of stations, when arranged in chronological order, lie below it and fifty percent lie above it. When the number of stations is an even number, the median date will be a value half way between the two dates closest to the theoretical median.)

[61 FR 26677, May 28, 1996, as amended at 63 FR 6104, Feb. 6, 1998; 63 FR 68982, Dec. 14, 1998; 65 FR 38327, June 20, 2000]

**§ 101.56 Partitioned service areas (PSAs) and disaggregated spectrum.**

(a)(1) The holder of an EA authorization to provide service pursuant to the competitive bidding process and any incumbent licensee of rectangular service areas in the 38.6–40.0 GHz band may enter into agreements with eligible parties to partition any portion of its service area as defined by the partitioner and partitionee. Alternatively, licensees may enter into agreements or contracts to disaggregate any portion of spectrum, provided acquired spectrum is disaggregated according to frequency pairs.

(2)(i) Contracts must be filed with the Commission within 30 days of the date that such agreements are reached.

(ii) The contracts must include descriptions of the areas being partitioned or spectrum disaggregated. The partitioned service area shall be defined by coordinate points at every 3 seconds along the partitioned service area unless an FCC recognized service area is utilized (i.e., Metropolitan Service Area or Rural Service Area) or county lines are followed. If geographic coordinate points are used, they must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83). In the case where an FCC recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area.

(b) The eligibility requirements applicable to EA authorization holders also apply to those individuals and entities seeking partitioned or disaggregated spectrum authorizations.

(c) Subsequent to issuance of the authorization for a partitioned service area, the partitioned area will be treated as a separate protected service area.

(d)(1) When any area within an EA becomes a partitioned service area, the remaining counties and geopolitical subdivision within that EA will be subsequently treated and classified as a partitioned service area.

(2) At the time an EA is partitioned, the Commission shall cancel the EA authorization initially issued and issue a partitioned service area authorization to the former EA authorization holder.

(e) At the time a BTA is partitioned, the Commission shall cancel the BTA authorization initially issued and issue a partitioned service area authorization to the former BTA authorization holder.

(f) The duties and responsibilities imposed upon EA authorization holders in this part, apply to those licensees obtaining authorizations by partitioning or spectrum disaggregation.

(g) The build-out requirements for the partitioned service area or disaggregated spectrum shall be the

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same as applied to the EA authorization holder.

(h) The license term for the partitioned service area or disaggregated spectrum shall be the remainder of the period that would apply to the EA authorization holder.

(i) Licensees, including those using bidding credits in a competitive bidding procedure, shall have the authority to partition service areas or disaggregate spectrum. Licensees who utilize bidding credits must comply with the requirements set forth in § 1.2111 (d) and (e).

[63 FR 6104, Feb. 6, 1998, as amended at 63 FR 68982, Dec. 14, 1998; 64 FR 45893, Aug. 23, 1999; 64 FR 59664, Nov. 3, 1999]

EDITORIAL NOTE: At 64 FR 59664, Nov. 3, 1999, in § 101.56, paragraphs (d)(1) and (2) were redesignated as (d) and (e); however, paragraph (e) already exists and the change could not be made.

### **§ 101.61 Certain modifications not requiring prior authorization in the Local Multipoint Distribution Service.**

In the Local Multipoint Distribution Service (LMDS) licensees may add, remove, or relocate facilities within the area authorized by the license without prior authorization. Upon request by an incumbent licensee or the Commission, an LMDS licensee shall furnish the technical parameters, location and coordinates of the completion of the addition, removal, relocation or modification of any of its facilities within the BTA. The LMDS licensee must provide such information within ten (10) days of receiving a written request.

[63 FR 68982, Dec. 14, 1998]

EFFECTIVE DATE NOTE: At 63 FR 68982, Dec. 14, 1998, § 101.61 was revised. 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.

### **§ 101.63 Period of construction; certification of completion of construction.**

(a) Except for stations licensed in the Local Multipoint Distribution Service (LMDS) and 38.6–40.0 GHz band, each station licensed under this part must be in operation within 18 months from the initial date of grant. Modification

of an operational station other than one licensed in LMDS and the 38.6–40.0 GHz band must be completed within 18 months of the date of grant of the applicable modification request.

(b) Failure to timely begin operation means the authorization cancels automatically.

(c) The frequencies associated with all point-to-multipoint authorizations which have cancelled automatically or otherwise been recovered by the Commission will again be made available for reassignment on a date and under terms set forth by Public Notice. See § 101.1331(d) for treatment of MAS incumbent site-by-site licenses recovered in EAs.

(d) Requests for extension of time may be granted upon a showing of good cause pursuant to § 1.946(e) of this chapter.

(e) Construction of any authorized facility or frequency must be completed by the date specified in the license as pursuant to § 1.946 of this chapter.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23165, Apr. 29, 1997; 63 FR 6104, Feb. 6, 1998; 63 FR 68982, Dec. 14, 1998; 64 FR 45893, Aug. 23, 1999; 65 FR 17448, Apr. 3, 2000; 65 FR 38327, June 20, 2000]

### **§ 101.64 Service areas.**

Service areas for 38.6–40.0 GHz service are Economic Areas (EAs) as defined below. EAs are delineated by the Regional Economic Analysis Division, Bureau of Economic Analysis, U.S. Department of Commerce. The Commerce Department organizes the 50 States and the District of Columbia into 172 EAs. Additionally, there are four EA-like areas: Guam and Northern Mariana Islands; Puerto Rico and the U.S. Virgin Islands; American Samoa and the Gulf of Mexico. A total of 175 authorizations (excluding the Gulf of Mexico EA-like area) will be issued for each channel block in the 39 GHz band.

[64 FR 45893, Aug. 23, 1999]

### **§ 101.65 Forfeiture and termination of station authorizations.**

(a) In addition to the provisions of § 1.955 of this chapter, a license will be automatically forfeited in whole or in part without further notice to the licensee upon the voluntary removal or alteration of the facilities, so as to

render the station not operational for a period of 30 days or more.

(b) Pursuant to § 1.955 of this chapter, if a station licensed under this part discontinues operation on a permanent basis, the licensee must cancel the license. For purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued. See § 101.305 for additional rules regarding temporary and permanent discontinuation of service.

[63 FR 68983, Dec. 14, 1998]

**§ 101.67 License period.**

Licenses for stations authorized under this part will be issued for a period not to exceed 10 years. Unless otherwise specified by the Commission, the expiration of regular licenses shall be on the date (month and day) selected by licensees in the year of expiration.

**POLICIES GOVERNING MICROWAVE RELOCATION FROM THE 1850-1990 AND 2110-2200 MHz BANDS**

**§ 101.69 Transition of the 1850-1990 MHz, 2110-2150 MHz, and 2160-2200 MHz bands from the fixed microwave services to personal communications services and emerging technologies.**

Fixed Microwave Services (FMS) frequencies in the 1850-1990 MHz, 2110-2150 MHz, and 2160-2200 MHz bands listed in §§ 101.147(c), (d) and (e) have been allocated for use by emerging technology (ET) services, including Personal Communications Services (PCS). The rules in this section provide for a transition period during which ET licensees may relocate existing FMS licensees using these frequencies to other media or other fixed channels, including those in other microwave bands.

(a) ET licensees may negotiate with FMS licensees authorized to use frequencies in the 1850-1990 MHz, 2110-2150 MHz, and 2160-2200 MHz bands, for the purpose of agreeing to terms under which the FMS licensees would:

- (1) Relocate their operations to other fixed microwave bands or other media; or alternatively
- (2) Accept a sharing arrangement with the ET licensee that may result in

an otherwise impermissible level of interference to the FMS operations.

(b) Except as provided in paragraph (c) of this section, FMS operations in the 1850-1990 MHz, 2110-2150 MHz, and 2160-2200 MHz bands, with the exception of public safety facilities defined in § 101.77, will continue to be co-primary with other users of this spectrum until two years after the FCC commences acceptance of applications for ET services (voluntary negotiation period), and until one year after an ET licensee initiates negotiations for relocation of the fixed microwave licensee's operations (mandatory negotiation period). In the 1910-1930 MHz band allocated for unlicensed PCS, FMS operations will continue to be co-primary until one year after UTAM, Inc. initiates negotiations for relocation of the fixed microwave licensee's operations. Except as provided in paragraph (c) of this section, public safety facilities defined in § 101.77 will continue to be co-primary in these bands until three years after the Commission commences acceptance of applications for an emerging technology service (voluntary negotiation period), and until two years after an emerging technology service licensee or an emerging technology unlicensed equipment supplier or representative initiates negotiations for relocation of the fixed microwave licensee's operations (mandatory negotiation period). If no agreement is reached during either the voluntary or mandatory negotiation periods, an ET licensee may initiate involuntary relocation procedures. Under involuntary relocation, the incumbent is required to relocate, provided that the ET licensee meets the conditions of § 101.75.

(c) Voluntary and mandatory negotiation periods for PCS C, D, E, and F blocks are defined as follows:

- (1) Non-public safety incumbents will have a one-year voluntary negotiation period and a one-year mandatory negotiation period; and
- (2) Public safety incumbents will have a three-year voluntary negotiation period and a two-year mandatory negotiation period.

(d) Relocation of FMS licensees in the 2165-2200 MHz band by Mobile-Satellite Service (MSS) licensees will be

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subject to mandatory negotiations only. Mandatory negotiation periods are defined as follows:

(1) Non-public safety incumbents will have a two-year mandatory negotiation period; and

(2) Public safety incumbents will have a three-year mandatory negotiation period.

[62 FR 12758, Mar. 18, 1997, as amended at 65 FR 48182, Aug. 7, 2000]

### § 101.71 Voluntary negotiations.

During the voluntary negotiation period, negotiations are strictly voluntary and are not defined by any parameters. However, if the parties have not reached an agreement within one year after the commencement of the voluntary period for non-public safety entities, or within three years after the commencement of the voluntary period for public safety entities, the FMS licensee must allow the ET licensee if it so chooses to gain access to the existing facilities to be relocated so that an independent third party can examine the FMS licensee's 2 GHz system and prepare an estimate of the cost and the time needed to relocate the FMS licensee to comparable facilities. The ET licensee must pay for any such estimate.

[62 FR 12758, Mar. 18, 1997]

### § 101.73 Mandatory negotiations.

(a) If a relocation agreement is not reached during the voluntary period, the ET licensee may initiate a mandatory negotiation period. This mandatory period is triggered at the option of the ET licensee, but ET licensees may not invoke their right to mandatory negotiation until the voluntary negotiation period has expired.

(b) Once mandatory negotiations have begun, an FMS licensee may not refuse to negotiate and all parties are required to negotiate in good faith. Good faith requires each party to provide information to the other that is reasonably necessary to facilitate the relocation process. In evaluating claims that a party has not negotiated in good faith, the FCC will consider, *inter alia*, the following factors:

(1) Whether the ET licensee has made a *bona fide* offer to relocate the FMS li-

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censee to comparable facilities in accordance with Section 101.75(b);

(2) If the FMS licensee has demanded a premium, the type of premium requested (*e.g.*, whether the premium is directly related to relocation, such as system-wide relocations and analog-to-digital conversions, versus other types of premiums), and whether the value of the premium as compared to the cost of providing comparable facilities is disproportionate (*i.e.*, whether there is a lack of proportion or relation between the two);

(3) What steps the parties have taken to determine the actual cost of relocation to comparable facilities;

(4) Whether either party has withheld information requested by the other party that is necessary to estimate relocation costs or to facilitate the relocation process.

(c) Any party alleging a violation of our good faith requirement must attach an independent estimate of the relocation costs in question to any documentation filed with the Commission in support of its claim. An independent cost estimate must include a specification for the comparable facility and a statement of the costs associated with providing that facility to the incumbent licensee.

(d) Provisions for Relocation of Fixed Microwave Licensees in the 2165-2200 MHz band. Mandatory negotiations will commence when the Mobile-Satellite Service (MSS) licensee informs the fixed microwave licensee in writing of its desire to negotiate. Mandatory negotiations will be conducted with the goal of providing the fixed microwave licensee with comparable facilities, defined as facilities possessing the following characteristics:

(1) *Throughput*. Communications throughput is the amount of information transferred within a system in a given amount of time. If analog facilities are being replaced with analog, comparable facilities provide an equivalent number of 4 kHz voice channels. If digital facilities are being replaced with digital, comparable facilities provide equivalent data loading bits per second (bps).

(2) *Reliability*. System reliability is the degree to which information is

transferred accurately within a system. Comparable facilities provide reliability equal to the overall reliability of the FMS system. For digital systems, reliability is measured by the percent of time the bit error rate (BER) exceeds a desired value, and for analog or digital voice transmission, it is measured by the percent of time that audio signal quality meets an established threshold. If an analog system is replaced with a digital system, only the resulting frequency response, harmonic distortion, signal-to-noise and its reliability will be considered in determining comparable reliability.

(3) *Operating Costs.* Operating costs are the cost to operate and maintain the FMS system. MSS licensees would compensate FMS licensees for any increased recurring costs associated with the replacement facilities (e.g., additional rental payments, and increased utility fees) for five years after relocation. MSS licensees could satisfy this obligation by making a lump-sum payment based on present value using current interest rates. Additionally, the maintenance costs to the FMS licensee would be equivalent to the 2 GHz system in order for the replacement system to be comparable.

[61 FR 29694, June 12, 1996, as amended at 62 FR 12758, Mar. 18, 1997; 65 FR 48182, Aug. 7, 2000]

#### § 101.75 Involuntary relocation procedures.

(a) If no agreement is reached during either the voluntary or mandatory negotiation period, an ET licensee may initiate involuntary relocation procedures under the Commission's rules. ET licensees are obligated to pay to relocate only the specific microwave links to which their systems pose an interference problem. Under involuntary relocation, the FMS licensee is required to relocate, provided that the ET licensee:

(1) Guarantees payment of relocation costs, including all engineering, equipment, site and FCC fees, as well as any legitimate and prudent transaction expenses incurred by the FMS licensee that are directly attributable to an involuntary relocation, subject to a cap of two percent of the hard costs involved. Hard costs are defined as the

actual costs associated with providing a replacement system, such as equipment and engineering expenses. ET licensees are not required to pay FMS licensees for internal resources devoted to the relocation process. ET licensees are not required to pay for transaction costs incurred by FMS licensees during the voluntary or mandatory periods once the involuntary period is initiated, or for fees that cannot be legitimately tied to the provision of comparable facilities;

(2) Completes all activities necessary for implementing the replacement facilities, including engineering and cost analysis of the relocation procedure and, if radio facilities are used, identifying and obtaining, on the incumbents' behalf, new microwave frequencies and frequency coordination; and

(3) Builds the replacement system and tests it for comparability with the existing 2 GHz system.

(b) *Comparable facilities.* The replacement system provided to an incumbent during an involuntary relocation must be at least equivalent to the existing FMS system with respect to the following three factors:

(1) *Throughput.* Communications throughput is the amount of information transferred within a system in a given amount of time. If analog facilities are being replaced with analog, the ET licensee is required to provide the FMS licensee with an equivalent number of 4 kHz voice channels. If digital facilities are being replaced with digital, the ET licensee must provide the FMS licensee with equivalent data loading bits per second (bps). ET licensees must provide FMS licensees with enough throughput to satisfy the FMS licensee's system use at the time of relocation, not match the total capacity of the FMS system.

(2) *Reliability.* System reliability is the degree to which information is transferred accurately within a system. ET licensees must provide FMS licensees with reliability equal to the overall reliability of their system. For digital data systems, reliability is measured by the percent of time the bit error rate (BER) exceeds a desired value, and for analog or digital voice transmissions, it is measured by the

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percent of time that audio signal quality meets an established threshold. If an analog voice system is replaced with a digital voice system, only the resulting frequency response, harmonic distortion, signal-to-noise ratio and its reliability will be considered in determining comparable reliability.

(3) *Operating costs.* Operating costs are the cost to operate and maintain the FMS system. ET licensees must compensate FMS licensees for any increased recurring costs associated with the replacement facilities (*e.g.*, additional rental payments, increased utility fees) for five years after relocation. ET licensees may satisfy this obligation by making a lump-sum payment based on present value using current interest rates. Additionally, the maintenance costs to the FMS licensee must be equivalent to the 2 GHz system in order for the replacement system to be considered comparable.

(c) The FMS licensee is not required to relocate until the alternative facilities are available to it for a reasonable time to make adjustments, determine comparability, and ensure a seamless handoff.

(d) *Twelve-month trial period.* If, within one year after the relocation to new facilities, the FMS licensee demonstrates that the new facilities are not comparable to the former facilities, the ET licensee must remedy the defects or pay to relocate the microwave licensee to one of the following: its former or equivalent 2 GHz channels, another comparable frequency band, a land-line system, or any other facility that satisfies the requirements specified in paragraph (b) of this section. This trial period commences on the date that the FMS licensee begins full operation of the replacement link. If the FMS licensee has retained its 2 GHz authorization during the trial period, it must return the license to the Commission at the end of the twelve months. FMS licensees relocated from the 2165–2200 MHz band may not be returned to their former 2 GHz channels. All other remedies specified in this paragraph (d) are available to FMS licensees relocated from the 2165–2200 MHz band, and may be invoked whenever the FMS licensee demonstrates

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that its replacement facility is not comparable, subject to no time limit.

[61 FR 29694, June 12, 1996, as amended at 65 FR 48183, Aug. 7, 2000]

### § 101.77 Public safety licensees in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands.

(a) Public safety facilities are subject to the three-year voluntary and two-year mandatory negotiation period, except as otherwise defined in paragraph 101.69(c). In order for public safety licensees to qualify for extended negotiation periods, the department head responsible for system oversight must certify to the ET licensee requesting relocation that:

(1) The agency is a Police licensee, a Fire Licensee, or an Emergency Medical Licensee as defined in § 90.7 of this chapter, or meets the eligibility requirements of § 90.20(a)(2) of this chapter, except for § 90.20(a)(2)(ii) of this chapter, or that it is a licensee of other part 101 facilities licensed on a primary basis under the eligibility requirements of part 90, subpart B of this chapter; and

(2) The majority of communications carried on the facilities at issue involve safety of life and property.

(b) A public safety licensee must provide certification within thirty (30) days of a request from a ET licensee, or the ET licensee may presume that special treatment is inapplicable. If a public safety licensee falsely certifies to an ET licensee that it qualifies for the extended time periods, this licensee will be in violation of the Commission's rules and will be subject to appropriate penalties, as well as immediately subject to the non-public safety time periods.

[61 FR 29695, June 12, 1996, as amended at 62 FR 12758, Mar. 18, 1997; 62 FR 18936, Apr. 17, 1997]

### § 101.79 Sunset provisions for licensees in the 1850–1990 MHz, 2110–2150 MHz, and 2150–2160 MHz bands.

(a) FMS licensees will maintain primary status in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands unless and until an ET licensee requires use of the spectrum. ET licensees are not required to pay relocation costs after the relocation rules sunset (*i.e.*

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ten years after the voluntary period begins for the first ET licensees in the service). Once the relocation rules sunset, an ET licensee may require the incumbent to cease operations, provided that the ET licensee intends to turn on a system within interference range of the incumbent, as determined by TIA Bulletin 10-F of any standard successor. ET licensee notification to the affected FMS licensee must be in writing and must provide the incumbent with no less than six months to vacate the spectrum. After the six-month notice period has expired, the FMS licensee must turn its license back into the Commission, unless the parties have entered into an agreement which allows the FMS licensee to continue to operate on a mutually agreed upon basis.

(b) If the parties cannot agree on a schedule or an alternative arrangement, requests for extension will be accepted and reviewed on a case-by-case basis. The Commission will grant such extensions only if the incumbent can demonstrate that:

(1) It cannot relocate within the six-month period (*e.g.*, because no alternative spectrum or other reasonable option is available), and;

(2) The public interest would be harmed if the incumbent is forced to terminate operations (*e.g.*, if public safety communications services would be disrupted).

[61 FR 29695, June 12, 1996, as amended at 62 FR 12758, Mar. 18, 1997]

### § 101.81 Future licensing in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands.

After April 25, 1996, all major modifications and extensions to existing FMS systems in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands will be authorized on a secondary basis to ET systems. All other modifications will render the modified FMS license secondary to ET operations, unless the incumbent affirmatively justifies primary status and the incumbent FMS licensee establishes that the modification would not add to the relocation costs of ET licensees. Incumbent FMS licensees will maintain primary status for the following technical changes:

(a) Decreases in power;

(b) Minor changes (increases or decreases) in antenna height;

(c) Minor location changes (up to two seconds);

(d) Any data correction which does not involve a change in the location of an existing facility;

(e) Reductions in authorized bandwidth;

(f) Minor changes (increases or decreases) in structure height;

(g) Changes (increases or decreases) in ground elevation that do not affect centerline height;

(h) Minor equipment changes.

[61 FR 29695, June 12, 1996, as amended at 62 FR 12759, Mar. 18, 1997; 65 FR 38327, June 20, 2000]

### POLICIES GOVERNING FIXED SERVICE RELOCATION FROM THE 18.58–19.30 GHZ BAND

SOURCE: 65 FR 54173, Sept. 7, 2000, unless otherwise noted.

EFFECTIVE DATE NOTE: At 65 FR 54173, Sept. 7, 2000, §§101.83 through 101.97 and an undesignated center heading were added, effective Oct. 10, 2000.

### § 101.83 Modification of station license.

Permissible changes in equipment operating in the band 18.58–19.3 GHz: Notwithstanding other provisions of this section, stations that remain coprimary under the provisions of §101.147(r) may not make modifications to their systems that increase interference to satellite earth stations, or result in a facility that would be more costly to relocate.

### § 101.85 Transition of the 18.58–19.3 GHz band from the terrestrial fixed services to the fixed-satellite service (FSS).

Fixed services (FS) frequencies in the 18.58–19.3 GHz bands listed in §§21.901(e), 74.502(c), 74.602(g), and 78.18(a)(4) of this chapter, and §101.147(a) and (r) have been allocated for use by the fixed-satellite service (FSS). The rules in this section provide for a transition period during which FSS licensees may relocate existing FS

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licensees using these frequencies to other microwave bands.

(a) FSS licensees may negotiate with FS licensees authorized to use frequencies in the 18.58–19.30 GHz band for the purpose of agreeing to terms under which the FS licensees would:

(1) Relocate their operations to other fixed microwave bands or other media; or alternatively

(2) Accept a sharing arrangement with the FSS licensee that may result in an otherwise impermissible level of interference to the FSS operations.

(b) FS operations in the 18.58–19.30 GHz band that remain co-primary under the provisions of §§21.901(e), 74.502(c), 74.602(d), and 78.18(a)(4) of this chapter, and §101.147(r) will continue to be co-primary with the FSS users of this spectrum until June 8, 2010 or until the relocation of the fixed service operations, whichever occurs sooner. After June 8, 2010, only FS operations in the band 19.26–19.3 GHz will continue to be co-primary with the FSS users. Notwithstanding this continued co-primary status, FS users in the 19.26–19.3 GHz band remain subject to the relocation procedures of §§101.85 through 101.95. If no agreement is reached during the negotiations, an FSS licensee may initiate relocation procedures. Under the relocation procedures, the incumbent is required to relocate, provided that the FSS licensee meets the conditions of §101.91.

(c) Negotiation periods are defined as follows:

(1) Non-public safety incumbents will have a two-year negotiation period.

(2) Public safety incumbents will have a three-year negotiation period.

**§ 101.89 Negotiations.**

(a) The negotiation is triggered by the fixed-satellite service (FSS) licensee, who must contact the fixed services (FS) licensee and request that negotiations begin.

(b) Once negotiations have begun, an FS licensee may not refuse to negotiate and all parties are required to negotiate in good faith. Good faith requires each party to provide information to the other that is reasonably necessary to facilitate the relocation process. In evaluating claims that a party has not negotiated in good faith,

the FCC will consider, *inter alia*, the following factors:

(1) Whether the FSS licensee has made a bona fide offer to relocate the FS licensee to comparable facilities in accordance with §101.91(b);

(2) If the FS licensee has demanded a premium, the type of premium requested (e.g., whether the premium is directly related to relocation, such as system-wide relocations and analog-to-digital conversions, versus other types of premiums), and whether the value of the premium as compared to the cost of providing comparable facilities is disproportionate (i.e., whether there is a lack of proportion or relation between the two);

(3) What steps the parties have taken to determine the actual cost of relocation to comparable facilities;

(4) Whether either party has withheld information requested by the other party that is necessary to estimate relocation costs or to facilitate the relocation process.

(c) Any party alleging a violation of our good faith requirement must attach an independent estimate of the relocation costs in question to any documentation filed with the Commission in support of its claim. An independent cost estimate must include a specification for the comparable facility and a statement of the costs associated with providing that facility to the incumbent licensee.

(d) Negotiations will commence when the FSS licensee informs the FS licensee in writing of its desire to negotiate. Negotiations will be conducted with the goal of providing the FS licensee with comparable facilities, defined as facilities possessing the following characteristics:

(1) *Throughput.* Communications throughput is the amount of information transferred within a system in a given amount of time. If analog facilities are being replaced with analog, the FSS licensee is required to provide the FS licensee with an equivalent number of 4 kHz voice channels. If digital facilities are being replaced with digital, the FSS licensee must provide the FS licensee with equivalent data loading bits per second (bps). FSS licensees must provide FS licensees with enough throughput to satisfy the FS licensee's

system use at the time of relocation, not match the total capacity of the FS system.

(2) *Reliability.* System reliability is the degree to which information is transferred accurately within a system. FSS licensees must provide FS licensees with reliability equal to the overall reliability of their system. For digital data systems, reliability is measured by the percent of time the bit error rate (BER) exceeds a desired value, and for analog or digital voice transmissions, it is measured by the percent of time that audio signal quality meets an established threshold. If an analog voice system is replaced with a digital voice system, only the resulting frequency response, harmonic distortion, signal-to-noise ratio and its reliability will be considered in determining comparable reliability.

(3) *Operating costs.* Operating costs are the cost to operate and maintain the FS system. FSS licensees must compensate FS licensees for any increased recurring costs associated with the replacement facilities (e.g., additional rental payments, increased utility fees) for five years after relocation. FSS licensees may satisfy this obligation by making a lump-sum payment based on present value using current interest rates. Additionally, the maintenance costs to the FS licensee must be equivalent to the 18 GHz system in order for the replacement system to be considered comparable.

**§ 101.91 Involuntary relocation procedures.**

(a) If no agreement is reached during the negotiations period, an FSS licensee may initiate relocation procedures under the Commission's rules. FSS licensees are obligated to pay to relocate only the specific microwave links from which their systems may receive interference. Under these procedures, the FS licensee is required to relocate, provided that the FSS licensee:

(1) Guarantees payment of relocation costs, including all engineering, equipment, site and FCC fees, as well as any legitimate and prudent transaction expenses incurred by the FS licensee that are directly attributable to the relocation, subject to a cap of two percent of the hard costs involved. Hard costs are

defined as the actual costs associated with providing a replacement system, such as equipment and engineering expenses. FSS licensees are not required to pay FS licensees for internal resources devoted to the relocation process. FSS licensees are not required to pay for transaction costs incurred by FS licensees during the negotiations once the negotiation is initiated, or for fees that cannot be legitimately tied to the provision of comparable facilities;

(2) Completes all activities necessary for implementing the replacement facilities, including engineering and cost analysis of the relocation procedure and, if radio facilities are used, identifying and obtaining, on the incumbents' behalf, new microwave frequencies and frequency coordination; and

(3) Builds the replacement system and tests it for comparability with the existing 18 GHz system.

(b) *Comparable facilities.* The replacement system provided to an incumbent during a relocation must be at least equivalent to the existing FS system with respect to the following three factors:

(1) *Throughput.* Communications throughput is the amount of information transferred within a system in a given amount of time. If analog facilities are being replaced with analog, the FSS licensee is required to provide the FS licensee with an equivalent number of 4 kHz voice channels. If digital facilities are being replaced with digital, the FSS licensee must provide the FS licensee with equivalent data loading bits per second (bps). FSS licensees must provide FS licensees with enough throughput to satisfy the FS licensee's system use at the time of relocation, not match the total capacity of the FS system.

(2) *Reliability.* System reliability is the degree to which information is transferred accurately within a system. FSS licensees must provide FS licensees with reliability equal to the overall reliability of their system. For digital data systems, reliability is measured by the percent of time the bit error rate (BER) exceeds a desired value, and for analog or digital voice transmissions, it is measured by the

percent of time that audio signal quality meets an established threshold. If an analog voice system is replaced with a digital voice system, only the resulting frequency response, harmonic distortion, signal-to-noise ratio and its reliability will be considered in determining comparable reliability.

(3) *Operating costs.* Operating costs are the cost to operate and maintain the FS system. FSS licensees must compensate FS licensees for any increased recurring costs associated with the replacement facilities (e.g., additional rental payments, increased utility fees) for five years after relocation. FSS licensees may satisfy this obligation by making a lump-sum payment based on present value using current interest rates. Additionally, the maintenance costs to the FS licensee must be equivalent to the 18 GHz system in order for the replacement system to be considered comparable.

(c) The FS licensee is not required to relocate until the alternative facilities are available to it for a reasonable time to make adjustments, determine comparability, and ensure a seamless handoff.

(d) If the FS licensee demonstrates to the Commission that the new facilities are not comparable to the former facilities, the Commission may require the FSS licensee to further modify or replace the FS licensee's equipment.

**§ 101.95 Sunset provisions for licensees in the 18.58–19.26 GHz band.**

(a) FSS licensees are not required to pay relocation costs after the relocation rules sunset (see §§74.502(c), 74.602(g), and 78.18(a)(4) of this chapter, and §101.147 (a) and (r)). Once the relocation rules sunset, an FSS licensee may require the incumbent to cease operations, provided that the FSS licensee intends to turn on a system within interference range of the incumbent, as determined by TIA Bulletin 10-F or any standard successor. FSS licensee notification to the affected FS licensee must be in writing and must provide the incumbent with no less than six months to vacate the spectrum. After the six-month notice period has expired, the FS licensee must turn its license back into the Commission, unless the parties have entered

into an agreement which allows the FS licensee to continue to operate on a mutually agreed upon basis.

(b) If the parties cannot agree on a schedule or an alternative arrangement, requests for extension will be accepted and reviewed on a case-by-case basis. The Commission will grant such extensions only if the incumbent can demonstrate that:

(1) It cannot relocate within the six-month period (e.g., because no alternative spectrum or other reasonable option is available); and

(2) The public interest would be harmed if the incumbent is forced to terminate operations (e.g., if public safety communications services would be disrupted).

**§ 101.97 Future licensing in the 18.58–19.30 GHz band.**

(a) After June 8, 2000, all major modifications and extensions to existing FS systems in the 18.58–19.30 band (with the exception of certain low power operations authorized under §101.147(r)(10)) will be authorized on a secondary basis to FSS systems. All other modifications will render the modified FS license secondary to FSS operations, unless the incumbent affirmatively justifies primary status and the incumbent FS licensee establishes that the modification would not add to the relocation costs for FSS licensees. Incumbent FS licensees will maintain primary status for the following technical changes:

- (1) Decreases in power;
- (2) Minor changes (increases or decreases) in antenna height;
- (3) Minor location changes (up to two seconds);
- (4) Any data correction which does not involve a change in the location of an existing facility;
- (5) Reductions in authorized bandwidth;
- (6) Minor changes (increases or decreases) in structure height;
- (7) Changes (increases or decreases) in ground elevation that do not affect centerline height;
- (8) Minor equipment changes.

(b) The provisions of §101.83 are applicable, notwithstanding any other provisions of this section.

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§ 101.99 Reimbursement of relocation expenses in the 2115–2150 MHz and 2165–2200 MHz bands.

(a) Whenever an ET licensee (including Mobile-Satellite Service licensees) in the 2115–2150 MHz or 2165–2200 MHz bands relocates an incumbent paired microwave link with one path in the 2115–2150 MHz band, and the paired path in the 2165–2200 MHz band, the ET licensee is entitled to reimbursement of 50% of its relocation costs from any subsequently entering ET licensee which would have been required to relocate the same fixed microwave link.

(b) The subsequently entering ET licensee must reimburse the relocating ET licensee before the subsequently entering licensee may begin operations in these bands, unless the subsequently entering ET licensee can demonstrate that, according to established interference criteria, it would not have interfered with the microwave link in question.

(c) The total costs of which 50% is to be reimbursed will not exceed \$250,000 per paired fixed microwave link relocated, nor \$150,000 if a new or modified tower is required.

[65 FR 48183, Aug. 7, 2000; 65 FR 60382, Oct. 11, 2000]

Subpart C—Technical Standards

§ 101.101 Frequency availability.

Frequency band (MHz)	Radio service				Notes
	Common carrier (Part 101)	Private radio (Part 101)	Broadcast auxiliary (Part 74)	Other (Parts 15, 21, 22, 24, 25, 74, 78 & 100)	
928–929	MAS	MAS		PRS.	
932.0–932.5	MAS	MAS		PRS.	
932.5–935.0	CC	OFS			(1).
941.0–941.5	MAS	MAS		PRS.	
941.5–944.0	CC	OFS	Aural BAS		(1).
952–958		OFS/MAS		PRS.	
958–960	MAS	OFS.			
1850–1990		OFS		PCS.	
2110–2130	CC			PET.	
2130–2150		OFS		PET.	
2150–2160		OFS		MDS.	
2160–2180	CC			ET.	
2180–2200		OFS		PET.	
2450–2500	LTTS	OFS	TV BAS	ISM	F/M/TF.
2650–2690		OFS		MDS/ITFS.	
3700–4200	CC LTTS	OFS		SAT.	
5925–6425	CC LTTS	OFS		SAT.	
6425–6525	LTTS	OFS	TV BAS	CARS	M.
6525–6875	CC	OFS.			
10,550–10,680	CC	OFS DEMS.			
10,700–11,700	CC	OFS		SAT.	
11,700–12,200	LTTS			SAT.	
12,200–12,700		OFS		DBS.	
12,700–13,250	CC LTTS	OFS	TV BAS	CARS	F/M/TF.
14,200–14,400	LTTS			SAT.	
17,700–18,580	CC	OFS	TV BAS	SAT CARS.	
17,700–18,300	CC	OFS	TV BAS	CARS.	
18,300–18,580	CC	OFS	TV BAS	CARS SAT.	
18,580–18,820	CC	OFS	Aural BAS	SAT.	
18,820–18,920	DEMS	OFS DEMS		SAT.	
18,920–19,160	CC	OFS	Aural BAS	SAT.	
19,160–19,260	DEMS	OFS DEMS		SAT.	
19,260–19,700	CC	OFS	TV BAS	CARS SAT.	
21,200–23,600	CC LTTS	OFS			TF.
24,250–25,250	DEMS	DEMS.			
27,500–28,350	LMDS	LMDS.			
29,100–29,250	LMDS	LMDS		SAT.	
31,000–31,300	CC LMDS LTTS	OFS LMDS			F/M/TF.
38,600–40,000	CC	OFS	TV BAS		F/M/TF.

BAS: Broadcast Auxiliary Service—(Part 74)  
 CARS: Cable Television Relay Service —(Part 78)  
 CC: Common Carrier Fixed Point-to-Point Microwave Service—(Part 101, Subparts C & I)  
 DBS: Direct Broadcast Satellite—(Part 100)  
 DEMS: Digital Electronic Message Service—(Part 101, Subpart G)  
 ISM: Industrial, Scientific & Medical—(Part 18)  
 ITFS: Instructional Television Fixed Service—(Part 74)

LTTS: Local Television Transmission Service—(Part 101, Subpart J)  
 MAS: Multiple Address System—(Part 101)  
 MDS: Multipoint Distribution Service—(Part 21)  
 OFS: Private Operational Fixed Point-to-Point Microwave Service—(Part 101, Subparts C & H)  
 PCS: Personal Communications Service—(Part 24)  
 PET: Emerging Technologies (per ET Dkt. No. 92-9, not yet assigned)  
 PRS: Paging and Radiotelephone Service—(Part 22, Subpart E)  
 SAT: Fixed Satellite Service—(Part 25)

Notes:

F—Fixed  
 M—Mobile  
 TF—Temporary Fixed

(1)—Applications for frequencies in the 932.5–935/941.5–944 MHz bands may be filed initially during a one-week period to be announced by public notice. After these applications have been processed, the Commission will announce by public notice a filing date for remaining frequencies. From this filing date forward, applications will be processed on a daily first-come, first-served basis.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23165, Apr. 29, 1997; 62 FR 24582, May 6, 1997; 65 FR 38327, June 20, 2000; 65 FR 54175, Sept. 7, 2000]

EFFECTIVE DATE NOTE: At 65 FR 54175, Sept. 7, 2000, §101.101 was amended by removing the entry for 17,700–18,590 Mhz band, and by adding entries for 17,700–18,300 and 18,300–18,580, effective Oct. 10, 2000.

**§ 101.103 Frequency coordination procedures.**

(a) Assignment of frequencies will be made only in such a manner as to facilitate the rendition of communication service on an interference-free basis in each service area. Unless otherwise indicated, each frequency available for use by stations in these services will be assigned exclusively to a single applicant in any service area. All applicants for, and licensees of, stations in these services must cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event harmful interference occurs or appears likely to occur between two or more radio systems and such interference cannot be resolved between the licensees thereof, the Commission may specify a time sharing arrangement for the stations involved or may, after notice and opportunity for hearing, require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference.

(b)(1) Operations in the bands 31,000–31,075 MHz and 31,225–31,300 MHz licensed prior to March 11, 1997, were licensed on an unprotected basis and are subject to harmful interference from similarly licensed operations in that band.

(i) Operations licensed in the Local Multipoint Distribution Service and those operations licensed prior to

March 11, 1997, except in the Local Television Transmission Service, operating in these bands are equally protected against harmful interference from each other.

(ii) In the case of operations licensed prior to March 11, 1997, except in the Local Television Transmission Service, that are licensed on a point-to-radius basis, LMDS licensees shall be subject to the protection requirement established in this section in the case of existing links operated by such licensees, and in the case of links added by such licensees in the future in accordance with the terms of their point-to-radius licenses.

(iii) An LMDS licensee may not initiate operations within the point-to-radius area licensed to an operator (other than an operator in the Local Television Transmission Service) prior to March 11, 1997, even if such operator has not initiated operations to the fullest extent of the license. An LMDS licensee, however, may initiate operations at the border of such operator's license area without prior coordination if the LMDS licensee's operations would not cause harmful interference to the other operator's existing operations.

(iv) An operator (other than an operator in the Local Television Transmission Service) licensed on a point-to-radius basis prior to March 11, 1997, may add additional stations within its license area. Such operator shall coordinate with any affected LMDS licensee if its new operations might

cause harmful interference to the existing operations of such LMDS licensee.

(v) Operations licensed prior to March 11, 1997, on a point-to-point basis may not be extended or otherwise modified through the addition of point-to-point links. Such operations shall be limited to the use of frequency pairs licensed as of March 11, 1997. Operations licensed in the Local Television Transmission Service as of March 11, 1997, may continue to operate, but such operators may not expand existing operations nor initiate new operations.

(2) Operations in the 31,075–31,225 MHz band licensed prior to March 11, 1997, shall receive no protection against harmful interference from authorized operations in the Local Multipoint Distribution Service in that band.

(3) Non-LMDS operations in the entire 31,000–31,300 MHz band licensed after March 11, 1997, based on applications refiled no later than June 26, 1998 are unprotected with respect to each other and subject to harmful interference from each other.

(i) Such operations and any operations licensed prior to March 11, 1997, in the band are unprotected with respect to each other and subject to harmful interference from each other.

(ii) Such operations are licensed on a secondary basis to LMDS operations licensed in the band, may not cause interference to LMDS operations, and are not protected from interference from LMDS operations.

(iii) Such operations licensed on a point-to-point basis may not be extended or otherwise modified through the addition of point-to-point links. Such operations licensed on a point-to-radius basis may add additional stations within the licensed area.

(c) Frequency diversity transmission will not be authorized in these services in the absence of a factual showing that the required communications cannot practically be achieved by other means. Where frequency diversity is deemed to be justified on a protection channel basis, it will be limited to one protection channel for the bands 3,700–4,200, 5,925–6,425, and 6,525–6,875 MHz, and a ratio of one protection channel for three working channels for the bands 10,550–10,680 and 10,700–11,700 MHz. In

the bands 3,700–4,200, 5,925–6,425, and 6,525–6,875 MHz, no frequency diversity protection channel will be authorized unless there is a minimum of three working channels, except that where a substantial showing is made that a total of three working channels will be required within three years, a protection channel may be authorized simultaneously with the first working channel. A protection channel authorized under such exception will be subject to termination if applications for the third working channel are not filed within three years of the grant date of the applications for the first working channel. Where equipment employing digital modulation techniques with cross-polarized operation on the same frequency is used, the protection channel authorized under the above conditions may be considered to consist of both polarizations of the protection frequency where such is shown to be necessary.

(d) *Frequency coordination.* For each frequency authorized under this part, the following frequency usage coordination procedures will apply:

(1) *General requirements.* Proposed frequency usage must be prior coordinated with existing licensees, permittees and applicants in the area, and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference on active channels, applied-for channels, or channels coordinated for future growth. Coordination must be completed prior to filing an application for regular authorization, or a major amendment to a pending application, or any major modification to a license. In coordinating frequency usage with stations in the fixed satellite service, applicants must also comply with the requirements of § 101.21(f). In engineering a system or modification thereto, the applicant must, by appropriate studies and analyses, select sites, transmitters, antennas and frequencies that will avoid interference in excess of permissible levels to other users. All applicants and licensees must cooperate fully and make reasonable efforts

to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum; however, the party being coordinated with is not obligated to suggest changes or re-engineer a proposal in cases involving conflicts. Applicants should make every reasonable effort to avoid blocking the growth of systems as prior coordinated. The applicant must identify in the application all entities with which the technical proposal was coordinated. In the event that technical problems are not resolved, an explanation must be submitted with the application. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of interference in excess of permissible levels (such as the use of artificial site shielding) or would result in a reduction of quality or capacity of either system, the details thereof may be contained in the application.

(2) Coordination procedure guidelines are as follows:

(i) Coordination involves two separate elements: notification and response. Both or either may be oral or in written form. To be acceptable for filing, all applications and major technical amendments must certify that coordination, including response, has been completed. The names of the licensees, permittees and applicants with which coordination was accomplished must be specified. If such notice and/or response is oral, the party providing such notice or response must supply written documentation of the communication upon request;

(ii) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

- Applicant's name and address.
- Transmitting station name.
- Transmitting station coordinates.
- Frequencies and polarizations to be added, changed or deleted.
- Transmitting equipment type, its stability, actual output power, emission designator, and type of modulation (loading).
- Transmitting antenna type(s), model, gain and, if required, a radiation pattern provided or certified by the manufacturer.

Transmitting antenna center line height(s) above ground level and ground elevation above mean sea level.

Receiving station name.

Receiving station coordinates.

Receiving antenna type(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.

Receiving antenna center line height(s) above ground level and ground elevation above mean sea level.

Path azimuth and distance.

Estimated transmitter transmission line loss expressed in dB.

Estimated receiver transmission line loss expressed in dB.

For a system utilizing ATPC, maximum transmit power, coordinated transmit power, and nominal transmit power.

NOTE: The position location of antenna sites shall be determined to an accuracy of no less than  $\pm 1$  second in the horizontal dimensions (latitude and longitude) and  $\pm 1$  meter in the vertical dimension (ground elevation) with respect to the National Spatial Reference System.

(iii) For transmitters employing digital modulation techniques, the notification should clearly identify the type of modulation. Upon request, additional details of the operating characteristics of the equipment must also be furnished;

(iv) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Any response to notification indicating potential interference must specify the technical details and must be provided to the applicant, in writing, within the 30-day notification period. Every reasonable effort should be made by all applicants, permittees and licensees to eliminate all problems and conflicts. If no response to notification is received within 30 days, the applicant will be deemed to have made reasonable efforts to coordinate and may file its application without a response;

(v) The 30-day notification period is calculated from the date of receipt by the applicant, permittee, or licensee being notified. If notification is by mail, this date may be ascertained by:

(A) The return receipt on certified mail;

(B) The enclosure of a card to be dated and returned by the recipient; or

(C) A conservative estimate of the time required for the mail to reach its destination. In the last case, the estimated date when the 30-day period

would expire should be stated in the notification.

(vi) An expedited prior coordination period (less than 30 days) may be requested when deemed necessary by a notifying party. The coordination notice should be identified as "expedited" and the requested response date should be clearly indicated. However, circumstances preventing a timely response from the receiving party should be accommodated accordingly. It is the responsibility of the notifying party to receive written concurrence (or verbal, with written to follow) from affected parties or their coordination representatives.

(vii) All technical problems that come to light during coordination must be resolved unless a statement is included with the application to the effect that the applicant is unable or unwilling to resolve the conflict and briefly the reason therefor;

(viii) Where a number of technical changes become necessary for a system during the course of coordination, an attempt should be made to minimize the number of separate notifications for these changes. Where the changes are incorporated into a completely revised notice, the items that were changed from the previous notice should be identified. When changes are not numerous or complex, the party receiving the changed notification should make an effort to respond in less than 30 days. When the notifying party believes a shorter response time is reasonable and appropriate, it may be helpful for that party to so indicate in the notice and perhaps suggest a response date;

(ix) If, after coordination is successfully completed, it is determined that a subsequent change could have no impact on some parties receiving the original notification, these parties must be notified of the change and of the coordinator's opinion that no response is required;

(x) Applicants, permittees and licensees should supply to all other applicants, permittees and licensees within their areas of operations, the name, address and telephone number of their coordination representatives. Upon request from coordinating applicants, permittees and licensees, data and in-

formation concerning existing or proposed facilities and future growth plans in the area of interest should be furnished unless such request is unreasonable or would impose a significant burden in compilation;

(xi) Parties should keep other parties with whom they are coordinating advised of changes in plans for facilities previously coordinated. If applications have not been filed 6 months after coordination was initiated, parties may assume that such frequency use is no longer desired unless a second notification has been received within 10 days of the end of the 6 month period. Renewal notifications are to be sent to all originally notified parties, even if coordination has not been successfully completed with those parties; and

(xii) Any frequency reserved by a licensee for future use in the bands subject to this part must be released for use by another licensee, permittee or applicant upon a showing by the latter that it requires an additional frequency and cannot coordinate one that is not reserved for future use.

(e) Where frequency conflicts arise between co-pending applications in the Private Operational Fixed Point-to-Point Microwave, Common Carrier Fixed Point-to-Point Microwave and Local Television Transmission Services, it is the obligation of the later filing applicant to amend his application to remove the conflict, unless it can make a showing that the conflict cannot be reasonably eliminated. Where a frequency conflict is not resolved and no showing is submitted as to why the conflict cannot be resolved, the Commission may grant the first filed application and dismiss the later filed application(s) after giving the later filing applicant(s) 30 days to respond to the proposed action.

(f) When the proposed facilities are to be operated in the band 12,500-12,700 MHz, applications must also follow the procedures in §101.21 and the technical standards and requirements of part 25 of this chapter as regards licensees in the Communication-Satellite Service.

(g) *Licensees operating in Basic Trading Areas authorized in the Local Multipoint Distribution Service.* (1) When the transmitting facilities in a Basic Trading Area (BTA) are to be operated

in the bands 27,500-28,350 MHz; 29,100-29,250 MHz; and 31,000-31,300 MHz and the facilities are located within 20 kilometers of the boundaries of a BTA, each licensee must complete the frequency coordination process of paragraph (d)(2) of this section with respect to neighboring BTA licensees that may be affected by its operations prior to initiating service. In addition, all licensed transmitting facilities operating in the bands 31,000-31,075 MHz and 31,225-31,300 MHz and located within 20 kilometers of neighboring facilities must complete the frequency coordination process of paragraph (d)(2) of this section with respect to such authorized operations before initiating service.

(2) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Any response to notification indicating potential interference must specify the technical details and must be provided to the applicant, either electronically or in writing, within the 30-day notification period. Every reasonable effort should be made by all licensees to eliminate all problems and conflicts. If no response to notification is received within 30 days, the licensee will be deemed to have made reasonable efforts to coordinate and commence operation without a response. The beginning of the 30-day period is determined pursuant to paragraph (d)(2)(v) of this section.

(h) *Special requirements for operations in the band 29,100-29,250 MHz.* (1)(i) Local Multipoint Distribution Service (LMDS) receive stations operating on frequencies in the 29,100-29,250 MHz band within a radius of 75 nautical miles of the geographic coordinates provided by a non-GSO-MSS licensee pursuant to §101.113(c)(2) or (c)(3)(i) (the "feeder link earth station complex protection zone") shall accept any interference caused to them by such earth station complexes and shall not claim protection from such earth station complexes.

(ii) LMDS licensees operating on frequencies in the 29,100-29,250 MHz band outside a feeder link earth station complex protection zone shall cooperate fully and make reasonable efforts to resolve technical problems with the non-GSO MSS licensee to the extent

that transmissions from the non-GSO MSS operator's feeder link earth station complex interfere with an LMDS receive station.

(2) No more than 15 days after the release of a public notice announcing the commencement of LMDS auctions, feeder link earth station complexes to be licensed pursuant to §25.257 of this chapter shall be specified by a set of geographic coordinates in accordance with the following requirements: no feeder link earth station complex may be located in the top eight (8) metropolitan statistical areas (MSAs), ranked by population, as defined by the Office of Management and Budget as of June 1993, using estimated populations as of December 1992; two (2) complexes may be located in MSAs 9 through 25, one of which must be Phoenix, AZ (for a complex at Chandler, AZ); two (2) complexes may be located in MSAs 26 to 50; three (3) complexes may be located in MSAs 51 to 100, one of which must be Honolulu, Hawaii (for a complex at Waimea); and the three (3) remaining complexes must be located at least 75 nautical miles from the borders of the 100 largest MSAs or in any MSA not included in the 100 largest MSAs. Any location allotted for one range of MSAs may be taken from an MSA below that range.

(3)(i) Any non-GSO MSS licensee may at any time specify sets of geographic coordinates for feeder link earth station complexes with each earth station contained therein to be located at least 75 nautical miles from the border of the 100 largest MSAs.

(ii) For purposes of paragraph (h)(3)(i) of this section, non-GSO MSS feeder link earth station complexes shall be entitled to accommodation only if the affected non-GSO MSS licensee preapplies to the Commission for a feeder link earth station complex or certifies to the Commission within sixty days of receiving a copy of an LMDS application that it intends to file an application for a feeder link earth station complex within six months of the date of receipt of the LMDS application.

(iii) If said non-GSO MSS licensee application is filed later than six months after certification of the Commission, the LMDS and non-GSO MSS entities

shall still cooperate fully and make reasonable efforts to resolve technical problems, but the LMDS licensee shall not be obligated to re-engineer its proposal or make changes to its system.

(4) LMDS licensees or applicants proposing to operate hub stations on frequencies in the 29,100–29,250 MHz band at locations outside of the 100 largest MSAs or within a distance of 150 nautical miles from a set of geographic coordinates specified under paragraphs (h)(2) or (h)(3)(i) of this section shall serve copies of their applications on all non-GSO MSS applicants, permittees or licensees meeting the criteria specified in § 25.257(a). Non-GSO MSS licensees or applicants shall serve copies of their feeder link earth station applications, after the LMDS auction, on any LMDS applicant or licensee within a distance of 150 nautical miles from the geographic coordinates that it specified under § 101.113(c)(2) or (c)(3)(i). Any necessary coordination shall commence upon notification by the party receiving an application to the party who filed the application. The results of any such coordination shall be reported to the Commission within sixty days. The non-GSO MSS earth station licensee shall also provide all such LMDS licensees with a copy of its channel plan.

(i)(1) When the licensed facilities are to be operated in the band 38,600 MHz to 40,000 MHz and the facilities are located within 16 kilometers of the boundaries of an Economic Area, each licensee must complete the frequency coordination process of subsection 101.103(d) with respect to neighboring EA licensees and existing licensees within its EA service area that may be affected by its operation prior to initiating service. In addition to the technical parameters listed in subsection 101.103(d), the coordinating licensee must also provide potentially affected parties technical information related to its subchannelization plan and system geometry.

(2) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Any response to notification indicating potential interference must specify the technical details and must be provided to the licensee, either electronically or

in writing, within 10 days of notification. Every reasonable effort should be made by all licensees to eliminate all problems and conflicts. If no response to notification is received within 10 days, the licensee will be deemed to have made reasonable efforts to coordinate and may commence operation without a response. The beginning of the 10-day period is determined pursuant to § 101.103(d)(v).

[61 FR 26677, May 28, 1996, as amended at 62 FR 23165, Apr. 29, 1997; 63 FR 6105, Feb. 6, 1998; 63 FR 9448, Feb. 25, 1998; 63 FR 14039, Mar. 24, 1998; 63 FR 68983, Dec. 14, 1998; 64 FR 45893, Aug. 23, 1999; 65 FR 38328, June 20, 2000]

#### § 101.105 Interference protection criteria.

(a) The interference protection criteria for fixed stations subject to this part are as follows:

(1) To long-haul analog systems, employing frequency modulated radio and frequency division multiplexing to provide multiple voice channels, the allowable interference level per exposure:

(i) Due to co-channel sideband-to-sideband interference must not exceed 5 pwpO (Picowatts of absolute noise power psophometrically weighted (pwpO), appearing in an equivalent voice band channel of 300–3400 Hz); or

(ii) Due to co-channel carrier-beat interference must not exceed 50 pwpO.

(2) To short-haul analog systems employing frequency modulated radio and frequency division multiplexing to provide multiple voice channels, the allowable interference level per exposure:

(i) Due to co-channel sideband-to-sideband interference must not exceed 25 pwpO except in the 952–960 MHz band interference into single link fixed relay and control stations must not exceed 250 pwpO per exposure; or

(ii) Due to co-channel carrier-beat interference must not exceed 50 pwpO except in the 952–960 MHz band interference into single link fixed relay and control stations must not exceed 1000 pwpO per exposure.

(3) FM-TV. In analog systems employing frequency modulated radio that is modulated by a standard, television (visual) signal, the allowable interference level per exposure may not exceed the levels which would apply to

long-haul or short-haul FM-FDM systems, as outlined in paragraphs (b) (1) and (2) of this section, having a 600–1200 voice channel capacity.

(b) In addition to the requirements of paragraph (a) of this section the adjacent channel interference protection criteria to be afforded, regardless of system length, or type of modulation, multiplexing, or frequency band, must be such that the interfering signal does not produce more than 1.0 dB degradation of the practical threshold of the protected receiver. The “practical threshold” of the protected receiver can be based upon the definition in TSB 10, referenced in paragraph (c) of this section, or upon alternative generally acceptable good engineering standards.

(c) *Applying the criteria.* (1) Guidelines for applying the interference protection criteria for fixed stations subject to this part are specified in the Telecommunications Industry Association’s Telecommunications Systems Bulletin TSB 10, “Interference Criteria for Microwave Systems” (TSB 10). Other procedures that follow generally acceptable good engineering practices are also acceptable to the Commission.

(2) If TSB 10 guidelines cannot be used, the following interference protection criteria may be used by calculating the ratio in dB between the desired (carrier signal) and the undesired (interfering) signal (C/I ratio) appearing at the input to the receiver under investigation (victim receiver). Except as provided in § 101.147 where the applicant’s proposed facilities are of a type not included in paragraphs (a) and (b) of this section or where the development of the carrier-to-interference (C/I) ratio is not covered by generally acceptable procedures, or where the applicant does not wish to develop the carrier-to-interference ratio, the applicant must, in the absence of criteria or a developed C/I ratio, employ the following C/I protection ratios:

(i) *Co-channel interference.* Both sideband and carrier-beat, applicable to all bands; the existing or previously authorized system must be afforded a carrier to interfering signal protection ratio of at least 90 dB except in the 952–960 MHz band where it must be 75 dB; or

(ii) *Adjacent channel interference.* Applicable to all bands; the existing or previously authorized system must be afforded a carrier to interfering signal protection ratio of at least 56 dB.

(3) Applicants for frequencies listed in § 101.147(b)(1) through (4) must make the following showings that protection criteria have been met over the entire service area of existing systems. Such showings may be made by the applicant or may be satisfied by a statement from a frequency coordinator.

(i) For site-based multiple address stations in the 928–929/952–960 MHz and the 932–932.5/941–941.5 MHz bands, a statement that the proposed system complies with the following co-channel separations from all existing stations and pending applications:

Fixed-to-fixed—145 km;

Fixed-to-mobile—113 km;

Mobile-to-mobile—81 km

NOTE TO PARAGRAPH (c)(3)(i): Multiple address systems employing only remote stations will be treated as mobile for the purposes of determining the appropriate separation. For mobile operation, the mileage is measured from the reference point specified on the license application. For fixed operation on subfrequencies in accordance with § 101.147 the mileage also is measured from the reference point specified on the license application.

(ii) In cases where the geographic separation standard in paragraph (c)(3)(i) of this section is not followed, an engineering analysis must be submitted to show the coordination of the proposed assignment with existing systems located closer than those standards. The engineering analyses will include:

(A) Specification of the interference criteria and system parameters used in the interference study;

(B) Nominal service areas of each system included in the interference analysis;

(C) Modified service areas resulting from the proposed system. The propagation models used to establish the service boundary limits must be specified and any special terrain features considered in computing the interference impact should be described; and

(D) A statement that all parties affected have agreed to the engineering analysis and will accept the calculated levels of interference.

(iii) MAS EA licensees shall provide protection in accordance with §101.1333.

(4) Multiple address systems operating on subfrequencies in accordance with §101.147 that propose to operate master stations at unspecified locations must define the operating area by a radius about a geographical coordinate and describe how interference to co-channel users will be controlled.

(5) Mobile operation is permitted on any of the MAS frequency bands on a primary basis.

(6) Each application for new or modified nodal station on channels numbered 4A, 4B, 7, 9, and 19/20 in the 10.6 GHz band and all point-to-multipoint channels in the 18 GHz band must demonstrate that all existing co-channel stations are at least 56 kilometers from the proposed nodal station site. Applicants for these channels must certify that all licensees and applicants for stations on the adjacent channels within 56 kilometers of the proposed nodal station have been notified of the proposed station and do not object. Alternatively, or if one of the affected adjacent channel interests does object, the applicant may show that all affected adjacent channel parties are provided a C/I protection ratio of 0 dB. An applicant proposing to operate at an AAT greater than 91 meters must reduce its EIRP in accordance with the following table; however, in no case may EIRP exceed 70 dBm on the 10.6 GHz channels.

AAT (meters)	EIRP dBm
Above 300 .....	+38
251 to 300 .....	41
201 to 250 .....	43
151 to 200 .....	49
101 to 150 .....	55
100 and below .....	85

(7) Each application for new or modified nodal station on channels numbered 21, 22, 23, and 24 in the 10.6 GHz band must include an analysis of the potential for harmful interference to all other licensed and previously applied for co-channel and adjacent channel stations located within 80 kilometers of the location of the proposed station. The criteria contained in §101.103(d)(2) must be used in this analysis. Applicants must certify that copies of this analysis have been served on

all parties which might reasonably be expected to receive interference above the levels set out in §101.103(d)(2) within 5 days of the date the subject application is filed with the Commission.

(8) If the potential interference will exceed the prescribed limits, a statement shall be submitted with the application for new or modified stations to the effect that all parties have agreed to accept the higher level of interference.

(d) Effective August 1, 1985, when a fixed station that conforms to the technical standards of this subpart (or, in the case of the 12,200-12,700 MHz band, a direct broadcast satellite station) receives or will receive interference in excess of the levels specified in this section as a result of an existing licensee's use of non-conforming equipment authorized between July 20, 1961 and July 1, 1976, and the interference would not result if the interfering station's equipment complied with the current technical standards, the licensee of the non-conforming station must take whatever steps are necessary to correct the situation up to the point of installing equipment which fully conforms to the technical standards of this subpart. In such cases, if the engineering analysis demonstrates that:

(1) The conforming station would receive interference from a non-conforming station in excess of the levels specified in this section; and

(2) The interference would be eliminated if the non-conforming equipment were replaced with equipment which complies with the standards of this subpart, the licensee (or prospective licensee) of the station which would receive interference must provide written notice of the potential interference to both the non-conforming licensee and the Commission's office in Gettysburg, PA. The non-conforming licensee must make all required equipment changes within 180 days from the date of official Commission notice informing the licensee that it must upgrade its equipment, unless an alternative solution has been agreed to by all parties involved in the interference situation. If a non-conforming licensee fails to make all required changes within the

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specified period of time, the Commission may require the licensee to suspend operation until the changes are completed.

(e) *Interference dispute resolution procedures.* Should a licensee licensed under this part receive harmful interference from another licensee licensed under this chapter, the parties involved shall comply with the dispute resolution procedures set forth herein:

(1) The licensee experiencing the harmful interference shall notify the licensee believed to be causing the harmful interference and shall supply information describing its problem and supporting its claim;

(2) Upon receipt of the harmful interference notice, the licensee alleged to be causing the harmful interference shall respond immediately and make every reasonable effort to identify and resolve the conflict; and

(3) Licensees are encouraged to resolve the harmful interference prior to contacting the Commission.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68983, Dec. 14, 1998; 65 FR 17449, Apr. 3, 2000; 65 FR 38329, June 20, 2000]

§ 101.107 Frequency tolerance.

(a) The carrier frequency of each transmitter authorized in these services must be maintained within the following percentage of the reference frequency except as otherwise provided in paragraph (b) of this section or in the applicable subpart of this part (unless otherwise specified in the instrument of station authorization the reference frequency will be deemed to be the assigned frequency):

Frequency (MHz)	Frequency Tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts	Mobile stations 3 watts or less
928 to 929 <sup>2,5</sup> .....	0.0005	.....	.....
932 to 932.5 <sup>2</sup> .....	0.00015	.....	.....
932.5 to 935 <sup>2</sup> .....	0.00025	.....	.....
941 to 941.5 .....	0.00015	.....	.....
941.5 to 944 .....	0.00025	.....	.....
952 to 960 <sup>7</sup> .....	.....	.....	.....
944.0 to 1,000 .....	0.0005	0.0005	0.0005
1,850 to 1,990 .....	0.002	.....	.....
2,110 to 2,200 .....	0.001	.....	.....
2,200 to 12,200 <sup>1,3</sup> ..	0.005	0.005	0.005
2,450 to 2,500 .....	0.001	.....	.....
3,700 to 4,200 .....	0.005	.....	.....
5,925 to 6,875 .....	0.005	.....	.....
10,550 to 11,700 .....	0.005	.....	.....
12,200 to 13,250 <sup>6</sup> ...	0.005	.....	.....

Frequency (MHz)	Frequency Tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts	Mobile stations 3 watts or less
12,200 to 17,700 .....	0.03	0.03	0.03
17,700 to 18,820 <sup>4,5</sup> ..	0.003	.....	.....
18,820 to 18,920 <sup>4,5</sup> ..	0.001	.....	.....
18,920 to 19,700 <sup>4,5</sup> ..	0.003	.....	.....
19,700 to 27,500 <sup>6</sup> ...	0.03	.....	.....
27,500 to 28,350 .....	0.001	.....	.....
29,100 to 29,250 .....	0.001	.....	.....
31,000 to 31,075 <sup>8</sup> ...	0.001	.....	.....
31,075 to 31,225 <sup>8</sup> ...	0.001	.....	.....
31,225 to 31,300 <sup>8</sup> ...	0.001	.....	.....
31,300 to 40,000 <sup>6</sup> ...	0.03 <sup>9</sup>	0.03	0.03

<sup>1</sup>Applicable only to common carrier LTTS stations. Beginning Aug. 9, 1975, this tolerance will govern the marketing of LTTS equipment and the issuance of all such authorizations for new radio equipment. Until that date new equipment may be authorized with a frequency tolerance of .03 percent in the frequency range 2,200 to 10,500 MHz and .05 percent in the range 10,500 MHz to 12,200 MHz, and equipment so authorized may continue to be used for its life provided that it does not cause interference to the operation of any other licensee.

<sup>2</sup>Equipment authorized to be operated on frequencies between 890 and 940 MHz as of Oct. 15, 1956, must maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

<sup>3</sup>See subpart G of this part for the stability requirements for transmitters used in the Digital Electronic Message Service.

<sup>4</sup>Existing authorized equipment with a frequency tolerance of ±0.03% may be marketed until December 1, 1988. Equipment installed and operated prior to December 1, 1988 may continue to operate after that date with a minimum frequency tolerance of ±0.03%. However, the replacement of equipment requires that the ±0.003% tolerance be met.

<sup>5</sup>For remote stations with 12.5 KHz bandwidth, the tolerance is ±0.00015%.

<sup>6</sup>Applicable to private operational fixed point-to-point microwave only. For exceptions see § 101.147.

<sup>7</sup>For private operational fixed point-to-point microwave systems, with a channel greater than or equal to 50 KHz bandwidth, ±0.0005%; for multiple address master stations, regardless of bandwidth, ±0.00015%; for multiple address remote stations with 12.5 KHz bandwidths, ±0.00015%; for multiple address remote stations with channels greater than 12.5 KHz bandwidth, ±0.0005%.

<sup>8</sup>For stations authorized prior to March 11, 1997, and for non-Local Multipoint Distribution Service stations authorized pursuant to applications refiled no later than June 26, 1998, the transmitter frequency tolerance shall not exceed 0.030 percent.

<sup>9</sup>Equipment authorized to be operated in the 38,600-40,000 MHz band is exempt from the frequency tolerance requirement noted in the above table.

(b) Heterodyne microwave radio systems may be authorized at a somewhat less restrictive frequency tolerance (up to .01 percent) to compensate for frequency shift caused by numerous repeaters between base band signal insertion. Where such relaxation is sought, applicant must provide all calculations and indicate the desired tolerance over each path. In such instances the radio transmitters and receivers used must individually be capable of complying with the tolerance specified in paragraph (a) of this section. Heterodyne operation is restricted to channel bandwidth of 10 MHz or greater.

(c) As an additional requirement in any band where the Commission makes assignments according to a specified channel plan, provisions must be made to prevent the emission included within the occupied bandwidth from radiating outside the assigned channel at a level greater than that specified in § 101.111.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23167, Apr. 29, 1997; 63 FR 6105, Feb. 6, 1998; 63 FR 9448, Feb. 25, 1998; 63 FR 14039, Mar. 24, 1998; 63 FR 36611, July 7, 1998]

**§ 101.109 Bandwidth.**

(a) Each authorization issued pursuant to these rules will show, as the emission designator, a symbol representing the class of emission which must be prefixed by a number specifying the necessary bandwidth. This figure does not necessarily indicate the bandwidth actually occupied by the emission at any instant. In those cases where part 2 of this chapter does not provide a formula for the computation of the necessary bandwidth, the occupied bandwidth may be used in the emission designator.

(b) Stations in this service will be authorized any type of emission, method of modulation, and transmission characteristic, consistent with efficient use of the spectrum and good engineering practice, except that Type B, damped-wave emission will not be authorized.

(c) The maximum bandwidth which will be authorized per frequency assigned is set out in the table that follows. Regardless of the maximum authorized bandwidth specified for each frequency band, the Commission reserves the right to issue a license for less than the maximum bandwidth if it appears that a lesser bandwidth would be sufficient to support an applicant's intended communications.

Frequency band (MHz)	Maximum authorized bandwidth
928 to 929 .....	25 kHz <sup>1 5 6</sup>
932 to 932.5, 941 to 941.5 ....	12.5 kHz <sup>1 5 6</sup>
932.5 to 935, 941.5 to 944 ....	200 kHz <sup>1</sup>
952 to 960 .....	200 kHz <sup>1 5 6</sup>
1,850 to 1,990 .....	10 MHz <sup>1</sup>
2,110 to 2,130 .....	3.5 MHz
2,130 to 2,150 .....	800 or 1600 KHz <sup>1</sup>
2,150 to 2,160 .....	10 MHz
2,160 to 2,180 .....	3.5 MHz
2,180 to 2,200 .....	800 or 1600 KHz <sup>1</sup>
2,450 to 2,483.5 .....	625 KHz <sup>2</sup>
2,483.5 to 2,500 .....	800 KHz

Frequency band (MHz)	Maximum authorized bandwidth
3,700 to 4,200 .....	20 MHz
5,925 to 6,425 .....	30 MHz <sup>1</sup>
6,425 to 6,525 .....	25 MHz
6,525 to 6,875 .....	10 MHz <sup>1</sup>
10,550 to 10,680 .....	5 MHz <sup>1</sup>
10,700 to 11,700 .....	40 MHz <sup>1</sup>
12,200 to 12,700 .....	20 MHz <sup>1</sup>
13,200 to 13,250 .....	25 MHz
17,700 to 18,140 .....	220 MHz <sup>1</sup>
18,140 to 18,142 .....	2 MHz
18,142 to 18,580 .....	6 MHz
18,580 to 18,820 .....	20 MHz <sup>1</sup>
18,820 to 18,920 .....	10 MHz
18,920 to 19,160 .....	20 MHz <sup>1</sup>
19,160 to 19,260 .....	10 MHz
19,260 to 19,700 .....	220 MHz <sup>1</sup>
21,200 to 23,600 .....	100 MHz <sup>4</sup>
24,250 to 25,250 .....	40 MHz
27,500 to 28,350 .....	850 MHz
29,100 to 29,250 .....	150 MHz
31,000 to 31,075 .....	75 MHz
31,075 to 31,225 .....	150 MHz
31,225 to 31,300 .....	75 MHz
38,600 to 40,000 .....	50 MHz <sup>7</sup>
Above 40,000 .....	( <sup>3</sup> )

<sup>1</sup> The maximum bandwidth that will be authorized for each particular frequency in this band is detailed in the appropriate frequency table in § 101.147. If contiguous channels are aggregated in the 928–928.85/952–952.85/956.25–956.45 MHz, the 928.85–929/959.85–960 MHz, or the 932–932.5/941–941.5 MHz bands, then the bandwidth may exceed that which is listed in the table.

<sup>2</sup> 1250 KHz, 1875 KHz, or 2500 KHz on a case-by-case basis.

<sup>3</sup> To be specified in authorization.

<sup>4</sup> For exceptions, see § 101.147(s).

<sup>5</sup> A 12.5 kHz bandwidth applies only to frequencies listed in § 101.147(b)(1) through (4).

<sup>6</sup> For frequencies listed in § 101.147(b)(1) through (4), consideration will be given on a case-by-case basis to authorizing bandwidths up to 50 kHz.

<sup>7</sup> For channel block assignments in the 38,600–40,000 MHz band, the authorized bandwidth is equivalent to an unpaired channel block assignment or to either half of a symmetrical paired channel block assignment. When adjacent channels are aggregated, equipment is permitted to operate over the full channel block aggregation without restriction.

**Note to Footnote 7:** Unwanted emissions shall be suppressed at the aggregate channel block edges based on the same roll-off rate as is specified for a single channel block in paragraphs 101.111(a)(ii) and (iii) of this chapter.

[61 FR 26677, May 28, 1996, as amended at 61 FR 44181, Aug. 28, 1996; 62 FR 23167, Apr. 29, 1997; 62 FR 24582, May 6, 1997; 63 FR 6105, Feb. 6, 1998; 65 FR 17449, Apr. 3, 2000; 65 FR 38329, June 20, 2000]

**§ 101.111 Emission limitations.**

(a) The mean power of emissions must be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) When using transmissions other than those employing digital modulation techniques:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent

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of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(iii) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least  $43+10 \text{ Log}_{10}$  (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(2) When using transmissions employing digital modulation techniques (see § 101.141(b)) in situations not covered in this section:

(i) For operating frequencies below 15 GHz, in any 4 KHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 50 decibels:

$$A = 35 + 0.8(P - 50) + 10 \text{ Log}_{10} B. \text{ (Attenuation greater than 80 decibels is not required.)}$$

where:

A = Attenuation (in decibels) below the mean output power level.

P = Percent removed from the carrier frequency.

B = Authorized bandwidth in MHz.

(ii) For operating frequencies above 15 GHz, in any 1 MHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 11 decibels:

$$A = 11 + 0.4(P - 50) + 10 \text{ Log}_{10} B. \text{ (Attenuation greater than 56 decibels is not required.)}$$

(iii) In any 4 KHz band, the center frequency of which is removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least  $43+10 \text{ Log}_{10}$  (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(3) For Digital Termination System channels used in the Digital Electronic Message Service (DEMS) operating in the 10,550-10,680 MHz band:

(i) In any 4 KHz band, the center frequency of which is removed from the edge of the DEMS channel by up to and including 1.125 times the DEMS sub-channel bandwidth: As specified by the following equation but in no event be less than  $50+10 \text{ log}_{10} N$  decibels:

$$A = 50 + 0.0333(F - 0.5B) + 10 \text{ log}_{10} N \text{ decibels}$$

Where:

A = Attenuation (in decibels) below means output power level contained within the DEMS channel for a given polarization.

B = Bandwidth of DEMS channel (in KHz).

F = Absolute value of the difference between the center frequency of the 4 KHz band measured and the center frequency of the DEMS channel (in KHz).

N = Number of active subchannels of the given polarization within the DEMS channel.

(ii) In any 4 KHz band within the authorized DEMS band the center frequency of which is removed from the center frequency of the DEMS channel by more than the sum of 50% of the DEMS channel bandwidth plus 1.125 times the subchannel bandwidth: As specified by the following equation but in no event less than 80 decibels:

$$A = 80 + 10 \text{ log}_{10} N \text{ decibels}$$

(iii) In any 4 KHz band the center frequency of which is outside the authorized DEMS band: At least  $43+10 \text{ log}_{10}$  (mean output power in watts) decibels.

(4) For Digital Termination System channels used in the Digital Electronic Message Service (DEMS) operating in the 17,700-19,700 and 24,250-25,250 MHz bands:

(i) In any 4 KHz band, the center frequency of which is removed from the frequency of the center of the DEMS channel by more than 50 percent of the DEMS channel bandwidth up to and including 50 percent plus 500 KHz: As specified by the following equation but in no event be less than  $50+10 \text{ log}_{10} N$  decibels:

$$A = 50 + 0.06(F - 0.5B) + 10 \text{ log}_{10} N \text{ decibels}$$

Where:

A = Attenuation (in decibels) below means output power level contained within the DEMS channel for a given polarization.

B = Bandwidth of DEMS channel (in KHz).

F = Absolute value of the difference between the center frequency of the 4 KHz band

measured and the center frequency of the DEMS channel (in KHz).

N = Number of active subchannels of the given polarization within the DEMS channel.

(ii) In any 4 KHz band within the authorized DEMS band, the center frequency of which is removed from the center frequency of the DEMS channel by more than the sum of 50 percent of the channel bandwidth plus 500 KHz: As specified by the following equation but in no event less than 80 decibels:

$A=80+10 \log_{10} N$  decibels

(iii) In any 4 KHz band the center frequency of which is outside the authorized Digital Message Service band: At least  $43+10 \log_{10}$  (mean output power in watts) decibels.

(5) When using transmissions employing digital modulation techniques on the 900 MHz multiple address frequencies with a 12.5 KHz bandwidth, the power of any emission must be attenuated below the unmodulated carrier power of the transmitter (P) in accordance with the following schedule:

(i) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in KHz) of more than 2.5 KHz up to and including 6.25 KHz: At least  $53 \log_{10} (fd/2.5)$  decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in KHz) of more than 6.25 KHz up to and including 9.5 KHz: At least  $103 \log_{10} (fd/3.9)$  decibels;

(iii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in KHz) of more than 9.5 KHz up to and including 15 KHz: At least  $157 \log_{10} (fd/5.3)$  decibels; and

(iv) On any frequency removed from the center of the authorized bandwidth by a displacement frequency greater than 15 KHz: At least 50 plus  $10 \log_{10}(P)$  or 70 decibels, whichever is the lesser attenuation.

(6) When using transmissions employing digital modulation techniques on the 900 MHz multiple address frequencies with a bandwidth greater than 12.5 KHz, the power of any emission must be attenuated below the unmodulated carrier power of the

transmitter (P) in accordance with the following schedule:

(i) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in KHz) of more than 5 KHz up to and including 10 KHz: At least  $83 \log_{10} (fd/5)$  decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in KHz) of more than 10 KHz up to and including 250 percent of the authorized bandwidth: At least  $116 \log_{10} (fd/6.1)$  decibels or 50 plus  $10 \log_{10} (P)$  or 70 decibels, whichever is the lesser attenuation; and

(iii) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: At least 43 plus  $10 \log_{10}$  (output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

(b) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in paragraph (a) of this section.

(c) The emission of an unmodulated carrier is prohibited except for test purposes as required for proper station and system maintenance.

[61 FR 26677, May 28, 1996, as amended at 62 FR 24582, May 6, 1997]

#### § 101.113 Transmitter power limitations.

(a) On any authorized frequency, the average power delivered to an antenna in this service must be the minimum amount of power necessary to carry out the communications desired. Application of this principle includes, but is not to be limited to, requiring a licensee who replaces one or more of its antennas with larger antennas to reduce its antenna input power by an amount appropriate to compensate for the increased primary lobe gain of the replacement antenna(s). In no event shall the average equivalent isotropically radiated power (EIRP), as referenced to an isotropic radiator, exceed the values specified below. In cases of harmful interference, the Commission may, after notice and opportunity for hearing, order a change in

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the effective radiated power of this station. Further, the output power of a transmitter on any authorized frequency in this service may not exceed the following:

Frequency band (MHz)	Maximum allowable EIRP <sup>1 2</sup>	
	Fixed (DbW)	Mobile (dBW)
928.0-929.0 .....	+17	
932.0-932.5 .....	+17	
932.5-935.0 .....	+40	
941.0-941.5 .....	+30	
941.5-944.0 .....	+40	
952.0-960.0 <sup>2</sup> .....	+40	
1,850-1,990 .....	+45	
2,110-2,150 .....	+45	
2,150-2,180 <sup>3</sup> .....	+45	
2,180-2,200 .....	+45	
2,450-2,500 .....	+45	
2,500-2,686 .....		
2,686-2,690 .....	+45	
3,700-4,200 .....	+55	
5,925-6,425 .....	+55	
6,425-6,525 .....		+35
6,525-6,875 .....	+55	
10,550-10,680 <sup>5</sup> .....	+55	
10,700-11,700 .....	+55	
12,200-12,700 .....	+50	
12,700-13,250 <sup>4</sup> .....	+50	
14,200 to 14,400 .....	+45	
17,700-18,600 .....	+55	
18,600-18,800 <sup>6</sup> .....	+35	
18,800 to 19,700 .....	+55	
21,200 to 23,600 <sup>10</sup> .....	+55	
24,250-25,250 .....	+55	
27,500 to 28,350 <sup>9</sup> .....	+55	
29,100-29,250 .....	(7)	
31,000 to 31,075 <sup>8,9</sup> .....	30 dBW/MHz	30 dBW/MHz
31,075 to 31,225 <sup>8,9</sup> .....	30 dBW/MHz	30 dBW/MHz
31,225 to 31,300 <sup>8,9</sup> .....	30 dBW/MHz	30 dBW/MHz
38,600-40,000 .....	+55	

<sup>1</sup> Per polarization.  
<sup>2</sup> For multiple address operations, see § 101.147. Remote alarm units that are part of a multiple address central station projection system are authorized a maximum of 2 watts.  
<sup>3</sup> When an omnidirectional antenna is authorized in the 2150-2160 MHz band, the maximum power shall be 60 dBm.  
<sup>4</sup> Also see § 101.145.  
<sup>5</sup> The output power of a DEMS System nodal transmitter shall not exceed 0.5 watts per 250 kHz. The output power of a DEMS System user transmitter shall not exceed 0.04 watts per 250 kHz. The transmitter power in terms of the watts specified is the peak envelope power of the emission measured at the associated antenna input port. The operating power shall not exceed the authorized power by more than 10 percent of the authorized power in watts at any time. Frequencies from 10,600-10,680 MHz are subject to footnote US265 in the Table of Frequency Allocations in Section 2.106 of the Commission's Rules.  
<sup>6</sup> Maximum power delivered to the antenna shall not exceed -3 dBw.  
<sup>7</sup> See § 101.113(c).  
<sup>8</sup> For stations authorized prior to March 11, 1997, and for non-Local Multipoint Distribution Service stations authorized pursuant to applications refilled no later than June 26, 1998, the transmitter output power shall not exceed 0.050 watt.  
<sup>9</sup> For subscriber transceivers authorized in these bands, the EIRP shall not exceed 55 dBw or 42 dBw/MHz.  
<sup>10</sup> See § 101.147(s).

(b) The power of transmitters that use Automatic Transmitter Power Control shall not exceed the power input or output specified in the instrument of station authorization. The power of non-ATPC transmitters shall be main-

tained as near as practicable to the power input or output specified in the instrument of station authorization.

(c)(1) *Transmitter power limitations.* Point-to-point stations in the 29.1-29.25 GHz band for the LMDS backbone between LMDS hubs shall be limited to a maximum allowable e.i.r.p. density per carrier of 23 dBW/MHz in any one megahertz in clear air, and may exceed this limit by employment of adaptive power control in cases where link propagation attenuation exceeds the clear air value due to precipitation and only to the extent that the link is impaired.

(2) *Hub transmitter EIRP spectral area, density limit.* LMDS applicants shall demonstrate that, under clear air operating conditions, the maximum aggregate of LMDS transmitting hub stations in a Basic Trading Area in the 29.1-29.25 GHz band will not transmit a co-frequency hub-to-subscriber e.i.r.p. spectral area density in any azimuthal direction in excess of X dBW/(MHz-km<sup>2</sup>) when averaged over any 4.375 MHz band, where X is defined in Table 1. Individual hub stations may exceed their clear air e.i.r.p.s by employment of adaptive power control in cases where link propagation attenuation exceeds the clear air value and only to the extent that the link is impaired.

(i) The e.i.r.p. aggregate spectral area density is calculated as follows:

$$10 \log_{10} 1/A \sum_{i=1}^N p_i g_i \text{ dBW/MHz-km}^2$$

where:  
 N = number of co-frequency hubs in BTA.  
 A = Area of BTA in km<sup>2</sup>.  
 p<sub>i</sub> = spectral power density into antenna of i-th hub (in W/MHz).  
 g<sub>i</sub> = gain of i-th hub antenna at zero degree elevation angle.  
 Each p<sub>i</sub> and g<sub>i</sub> are in the same 1 MHz within the designated frequency band.

(ii) The climate zones in Table 1 are defined for different geographic locations within the US as shown in Appendix 28 of the ITU Radio Regulations.

TABLE 1<sup>1</sup>

Climate zone	e.i.r.p. Spectral Density (Clear Air) (dBW/MHz-km <sup>2</sup> ) <sup>2</sup>
1	-23
2	-25

TABLE 1<sup>1</sup>—Continued

Climate zone	e.i.r.p. Spectral Density (Clear Air) (dBW/MHz-km <sup>2</sup> ) <sup>2</sup>
3,4,5	-26

<sup>1</sup> LMDS system licensees in two or more BTAs may individually or collectively deviate from the spectral area density computed above by averaging the power over any 200 km by 400 km area, provided that the aggregate interference to the satellite receiver is no greater than if the spectral area density were as specified in Table 1. A showing to the Commission comparing both methods of computation is required and copies shall be served on any affected non-GSO 20/30 GHz MSS providers.

<sup>2</sup> See § 21.1007(c)(f) for the population density of the BTA.

(3) *Hub transmitter e.i.r.p. spectral area density limit at elevation angles above the horizon.* LMDS applicants shall demonstrate that, under clear air operating conditions, the maximum aggregate of LMDS transmitting hub stations in a Basic Trading Area in the 29.1-29.25 GHz band will not transmit a co-frequency hub-to-subscriber e.i.r.p. spectral area density in any azimuthal direction in excess of X dBW/(MHz-km<sup>2</sup>) when averaged over any 4.375 MHz band where X is defined in Table 2. Individual hub stations may exceed their clear air e.i.r.p.s by employment of adaptive power control in cases where link propagation attenuation exceeds the clear air value and only to the extent that the link is impaired.

(i) The e.i.r.p. aggregate spectral area density is calculated as follows:

$$10 \log_{10} \frac{1}{A} \sum_{i=1}^N e.i.r.p.(a_i) \text{ dBW/MHz-km}^2$$

where:

N = number of co-frequency hubs in BTA.

A = Area of BTA in km<sup>2</sup>.

e.i.r.p. (ai) = equivalent isotropic radiated spectral power density of the i-th hub (in W/MHz) at elevation angle a where a is the angle in degrees of elevation above horizon. e.i.r.p.(0°) is the hub e.i.r.p. area density at the horizon used in Section 101.113c(2). The nominal antenna pattern will be used for elevation angles between 0° and 8°, and average levels will be used for angles beyond 8°, where average levels will be calculated by sampling the antenna patterns in each 1° interval between 8° and 9015, dividing by 83.

TABLE 2

Elevation angle (a)	Relative e.i.r.p. density (dBW/MHz-km <sup>2</sup> )
0° ≤ a ≤ 4.0°	e.i.r.p.(a) = e.i.r.p.(0°) + 20 log (sinΠ x)/(1/Π x) where x = (a + 1)/7.5°.
4.0° < a ≤ 7.7°	e.i.r.p.(a) = e.i.r.p.(0°) - 3.85a + 7.7.
a > 7.7°	e.i.r.p.(a) = e.i.r.p.(0°) - 22.

(ii) LMDS system licensees in two or more BTAs may individually or collectively deviate from the spectral area density computed above by averaging the power over any 200 km by 400 km area, provided that the aggregate interference to the satellite receiver is no greater than if the spectral area density were as specified in Table 1. A showing to the Commission comparing both methods of computation is required and copies shall be served on any affected non-GSO MSS providers.

(4) *Power reduction techniques.* LMDS hub transmitters shall employ methods to reduce average power levels received by non-geostationary mobile satellite receivers, to the extent necessary to comply with paragraphs (c)(1) and (c)(2) of this section, by employing the methods set forth below:

(i) *Alternate polarizations.* LMDS hub transmitters in the LMDS service area may employ both vertical and horizontal linear polarizations such that 50 percent (plus or minus 10 percent) of the hub transmitters shall employ vertical polarization and 50 percent (plus or minus 10 percent) shall employ horizontal polarization.

(ii) *Frequency interleaving.* LMDS hub transmitters in the LMDS service area may employ frequency interleaving such that 50 percent (plus or minus 10 percent) of the hub transmitters shall employ channel center frequencies which are different by one-half the channel bandwidth of the other 50 percent (plus or minus 10 percent) of the hub transmitters.

(iii) *Alternative methods.* As alternatives to paragraphs (c)(4)(i) and (c)(4)(ii) of this section, LMDS operators may employ such other methods as may be shown to achieve equivalent

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reductions in average power density received by non-GSO MSS satellite receivers.

[61 FR 26677, May 28, 1996, as amended at 61 FR 44182, Aug. 28, 1996; 62 FR 23167, Apr. 29, 1997; 62 FR 24582, May 6, 1997; 63 FR 9448, Feb. 25, 1998; 63 FR 14039, Mar. 24, 1998; 65 FR 38329, June 20, 2000]

§ 101.115 Directional antennas.

(a) Unless otherwise authorized upon specific request by the applicant, each station authorized under the rules of this part must employ a directional antenna adjusted with the center of the major lobe of radiation in the horizontal plane directed toward the receiving station with which it communicates: *provided, however*, where a station communicates with more than one point, a multi- or omni-directional antenna may be authorized if necessary. New Periscope antenna systems will not, under ordinary circumstances, be authorized.

(b) Stations operating below 932.5 MHz that are required to use directional antennas must employ antennas meeting the standards indicated below. (Maximum beamwidth is for the major lobe of radiation at the half power points. Suppression is the minimum at-

tenuation required for any secondary lobe signal and is referenced to the maximum signal in the main lobe.)

Frequency range	Maximum beam-width (degrees)	Suppression (dB)
512 to 932.5 MHz .....	20	13

(c) Fixed stations (other than temporary fixed stations and DEMS nodal stations) operating at 932.5 MHz or higher must employ transmitting and receiving antennas (excluding second receiving antennas for operations such as space diversity) meeting the appropriate performance Standard A indicated below, except that in areas not subject to frequency congestion, antennas meeting performance Standard B may be used, subject to the requirements set forth in paragraph (d) of this section. Licensees shall comply with the antenna standards table shown in this paragraph in the following manner:

- (1) With either the maximum beamwidth to 3 dB points requirement or with the minimum antenna gain requirement; and
- (2) With the minimum radiation suppression to angle requirement.

ANTENNA STANDARDS

Frequency (MHz)	Category	Maximum beam-width to 3 dB points <sup>1</sup> (included angle in degrees)	Minimum antenna gain (dbi)	Minimum radiation suppression to angle in degrees from center-line of main beam in decibels						
				5° to 10°	10° to 15°	15° to 20°	20° to 30°	30° to 100°	100° to 140°	140° to 180°
932.5 to 935 .....	A	14.0	n/a	n/a	6	11	14	17	20	24
	B	20.0	n/a	n/a	n/a	6	10	13	15	20
941.5 to 944 .....	A	14.0	n/a	n/a	6	11	14	17	20	24
	B	20.0	n/a	n/a	n/a	6	10	13	15	20
952 to 960 <sup>2,3</sup> .....	A	14.0	n/a	n/a	6	11	14	17	20	24
	B	20.0	n/a	n/a	n/a	6	10	13	15	20
1,850 to 2,500 <sup>4</sup> .....	A	5.0	n/a	12	18	22	25	29	33	39
	B	8.0	n/a	5	18	20	20	25	28	36
3,700 to 4,200 .....	A	2.7	36	23	29	33	36	42	55	55
	B	2.7	36	20	24	28	32	32	32	32
5,925 to 6,425 <sup>5</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	21	25	29	32	35	39	45
5,925 to 6,425 <sup>6</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36
6,525 to 6,875 <sup>5</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	21	25	29	32	35	39	45
6,525 to 6,875 <sup>6</sup> .....	A	1.5	n/a	26	29	32	34	38	41	49
	B	2.0	n/a	21	25	29	32	35	39	45
10,550 to 10,680 <sup>5,7</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	35	39
10,550 to 10,680 <sup>6</sup> .....	A	3.4	34	20	24	28	32	35	55	55

ANTENNA STANDARDS—Continued

Frequency (MHz)	Category	Maximum beamwidth to 3 dB points <sup>1</sup> (included angle in degrees)	Minimum antenna gain (dbi)	Minimum radiation suppression to angle in degrees from centerline of main beam in decibels						
				5° to 10°	10° to 15°	15° to 20°	20° to 30°	30° to 100°	100° to 140°	140° to 180°
10,565 to 10,615 .....	B	3.4	34	20	24	28	32	35	35	39
10,630 to 10,680 <sup>8</sup> .....	n/a	360	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
10,700 to 11,700 <sup>5</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36
12,200 to 13,250 <sup>9</sup> .....	A	1.0	n/a	23	28	35	39	41	42	50
	B	2.0	n/a	20	25	28	30	32	37	47
17,700 to 18,820 .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36
18,920 to 19,700 <sup>10</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36
21,200 to 23,600 <sup>11</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36
24,250 to 25,250 <sup>10</sup> .....	A	2.2	38	25	29	33	36	42	55	55
	B	2.2	38	20	24	28	32	35	36	36
31,000 to 31,300 <sup>12, 13</sup> .....	n/a	4.0	38	n/a	n/a	n/a	n/a	n/a	n/a	n/a
38,600 to 40,000 <sup>14</sup> .....	A	n/a	38	25	29	33	36	42	55	55
	B	n/a	38	20	24	28	32	35	36	36

<sup>1</sup> If a licensee chooses to show compliance using maximum beamwidth to 3 dB points, the beamwidth limit shall apply in both the azimuth and the elevation planes.

<sup>2</sup> Except for Multiple Address System frequencies listed in §§ 101.147(b)(1) through (b)(4), where omnidirectional antennas may be used.

<sup>3</sup> Antennas used at outlying stations as part of a central protection alarm system need conform to only the following 2 standards:

- (i) The minimum on-beam forward gain must be at least 10 dBi, and
- (ii) The minimum front-to-back ratio must be at least 20 dB.

<sup>4</sup> Omnidirectional antennas may be authorized in the band 2150–2160 MHz.

<sup>5</sup> These antenna standards apply to all point-to-point stations authorized after June 1, 1997. Existing licensees and pending applicants on that date are grandfathered and need not comply with these standards.

<sup>6</sup> These antenna standards apply to all point-to-point stations authorized on or before June 1, 1997.

<sup>7</sup> Except for antennas between 140° and 180° authorized or pending on January 1, 1989, in the band 10,550 to 10,565 MHz for which minimum radiation suppression to angle (in degrees) from centerline of main beam is 36 decibels.

<sup>8</sup> These antenna standards apply only to DEMS User Stations licensed, in operation, or applied for prior to July 15, 1993.

<sup>9</sup> Except for temporary-fixed operations in the band 13200–13250 MHz with output powers less than 250 mW and as provided in § 101.147(q).

<sup>10</sup> DEMS User Station antennas in this band must meet performance Standard B and have a minimum antenna gain of 34 dBi. The maximum beamwidth requirement does not apply to DEMS User Stations. DEMS Nodal Stations need not comply with these standards.

<sup>11</sup> Except as provided in § 101.147(s).

<sup>12</sup> The minimum front-to-back ratio shall be 38 dBi.

<sup>13</sup> Mobile, except aeronautical mobile, stations need not comply with these standards.

<sup>14</sup> Stations authorized to operate in the 38,600–40,000 MHz band may use antennas other than those meeting the Category A standard. However, the Commission may require the use of higher performance antennas where interference problems can be resolved by the use of such antennas.

(d) The Commission shall require the replacement of any antenna or periscope antenna system of a permanent fixed station operating at 932.5 MHz or higher that does not meet performance Standard A specified in paragraph (c) of this section, at the expense of the licensee operating such antenna, upon a showing that said antenna causes or is likely to cause interference to (or receive interference from) any other authorized or applied for station whereas a higher performance antenna is not likely to involve such interference. Antenna performance is expected to meet

the standards of paragraph (c) of this section for parallel polarization. For cases of potential interference, an antenna will not be considered to meet Standard A unless the parallel polarization performance for the discrimination angle involved meets the requirements, even if the cross-polarization performance controls the interference.

(e) In cases where passive reflectors are employed in conjunction with transmitting antenna systems, the foregoing paragraphs of this section also will be applicable. However, in such instances, the center of the major

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lobe of radiation from the antenna normally must be directed at the passive reflector, and the center of the major lobe of radiation from the passive reflector directed toward the receiving station with which it communicates.

(f) Periscope antennas used at an electric power facility plant area will be excluded from the requirements of paragraph (c) of this section on a case-by-case basis where technical considerations or safety preclude the use of other types of antenna systems.

(g) In the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing, order changes to be made in the height, orientation, gain and radiation pattern of the antenna system.

[61 FR 26677, May 28, 1996, as amended at 62 FR 4924, Feb. 3, 1997; 62 FR 24582, May 6, 1997; 63 FR 6105, Feb. 6, 1998; 65 FR 38329, June 20, 2000]

### § 101.117 Antenna polarization.

Except as set forth herein, stations operating in the radio services included in this part are not limited as to the type of polarization of the radiated signal, provided, however, that in the event interference in excess of permissible levels is caused to the operation of other stations the Commission may, after notice and opportunity for hearing, order the licensee to change the polarization of the radiated signal. No change in polarization may be made without prior authorization from the Commission. Unless otherwise allowed, only linear polarization (horizontal or vertical) shall be used.

### § 101.119 Simultaneous use of common antenna structures.

The simultaneous use of common antenna structures by more than one radio station, or by one of more domestic public radio stations and one or more stations of any other class or service, may be authorized: provided, however, that each licensee or user of any such structure is responsible for maintaining the structure, and for painting and illuminating the structure when obstruction marking is required by the Commission. (See § 101.21(a).)

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### § 101.125 Temporary fixed antenna height restrictions.

The overall antenna structure heights employed by mobile stations in the Local Television Transmission Service and by stations authorized to operate at temporary fixed locations may not exceed the height criteria set forth in § 17.7 of this chapter, unless in each instance, authorization for use of a specific maximum antenna height (above ground and above mean sea level) for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization must show the inclusive dates of the proposed operation. (Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in part 17 of this chapter.)

### § 101.129 Transmitter location.

(a) The applicant must determine, prior to filing an application for a radio station authorization, that the antenna site specified therein is adequate to render the service proposed. In cases of questionable antenna locations, it is desirable to conduct propagation tests to indicate the field intensity which may be expected in the principal areas or at the fixed points of communication to be served, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site survey tests to be made pursuant to a developmental authorization in the particular service concerned. In such cases, propagation tests should be conducted in accordance with recognized engineering methods and should be made with a transmitting antenna simulating, as near as possible, the proposed antenna installation. Full data obtained from such surveys and its analysis, including a description of the methods used and the name, address and qualifications of the engineer making the survey, must be supplied to the Commission.

(b) [Reserved]

[61 FR 26677, May 28, 1996, as amended at 63 FR 68983, Dec. 14, 1998]

**§ 101.131 Transmitter construction and installation.**

(a) The equipment at the operating and transmitting positions must be so installed and protected that it is not accessible to, or capable of being operated by, persons other than those duly authorized by the licensee.

(b) In any case where the maximum modulating frequency of a transmitter is prescribed by the Commission, the transmitter must be equipped with a low-pass or band-pass modulation filter of suitable performance characteristics. In those cases where a modulation limiter is employed, the modulation filter must be installed between the transmitter stage in which limiting is effected and the modulated stage of the transmitter.

(c) Each transmitter employed in these services must be equipped with an appropriately labeled pilot lamp or meter which will provide continuous visual indication at the transmitter when its control circuits have been placed in a condition to activate the transmitter. In addition, facilities must be provided at each transmitter to permit the transmitter to be turned on and off independently of any remote control circuits associated therewith.

(d) At each transmitter control point the following facilities must be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating, or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to activate the transmitter; and

(2) Facilities which will permit the operator to turn transmitter carrier on and off at will.

(e) Transmitter control circuits from any control point must be so installed that grounding or shorting any line in the control circuit will not cause the transmitter to radiate: provided, however, That this provision will not be applicable to control circuits of stations which normally operate with continuous radiation or to control circuits which are under the effective operational control of responsible operating personnel 24 hours per day.

**§ 101.133 Limitations on use of transmitters.**

(a) Transmitters licensed for operation in Common Carrier services may be concurrently licensed or used for non-common carrier communication purposes. Mobile units may be concurrently licensed or used for non-common carrier communication purposes provided that the transmitter is certificated for use in each service.

(b) Private operational fixed point-to-point microwave stations authorized in this service may communicate with associated operational-fixed stations and fixed receivers and with units of associated stations in the mobile service licensed under Private Radio Service rule parts. In addition, intercommunication is permitted with other licensed stations and with U.S. Government stations in those cases which require cooperation or coordination of activities or when cooperative use arrangements in accordance with § 101.135 are contemplated; provided, however, that where communication is desired with stations authorized to operate under the authority of a foreign jurisdiction, prior approval of this Commission must be obtained; And provided further, That the authority under which such other stations operate does not prohibit the intercommunication.

(c) Two or more persons or governmental entities eligible for private operational fixed point-to-point microwave licenses may use the same transmitting equipment under the following terms and conditions:

(1) Each licensee complies with the general operating requirements set out in this part;

(2) Each licensee is eligible for the frequency(ies) on which the facility operates; and

(3) Each licensee must have the ability to access the transmitter(s) that it is authorized to operate under the multiple licensing arrangement.

(d) *LMDS subscriber transmissions.* LMDS licensees shall not operate transmitters from subscriber locations in the 29.1-29.25 GHz band.

[61 FR 26677, May 28, 1996, as amended at 61 FR 44183, Aug. 28, 1996; 63 FR 36611, July 7, 1998]

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**§ 101.135 Shared use of radio stations and the offering of private carrier service.**

Licensees of Private Operational Fixed Point-to-Point Microwave radio stations may share the use of their facilities on a non-profit basis or may offer service on a for-profit private carrier basis, subject to the following conditions and limitations:

(a) Persons or governmental entities licensed to operate radio systems on any of the private radio frequencies set out in § 101.101 may share such systems with, or provide private carrier service to, any eligible entity for licensing under this part, regardless of individual eligibility restrictions, provided that the communications being carried are permissible under § 101.603. In addition, persons or governmental entities licensed to operate low power systems under the provisions of § 101.147(r)(10) may share such systems with, or provide private carrier services to, Federal Government entities, provided the communications carried are permissible under § 101.603;

(b) The licensee must maintain access to and control over all facilities authorized under its license;

(c) All sharing and private carrier arrangements must be conducted pursuant to a written agreement to be kept as part of the station records; and

(d) The licensee must keep an up-to-date list of system sharers and private carrier subscribers and the basis of their eligibility under this part. Such records must be kept current and must be made available upon request for inspection by the Commission.

(e) Applicants licensed in the MAS frequencies after June 2, 2000, shall not provide service to others on a non-profit, cost-shared basis or on a for-profit private carrier basis in the 928-928.85/952-952.85/956.25-956.45 MHz bands and the 932.25625-932.49375/941.25625-941.49375 MHz bands.

[61 FR 26677, May 28, 1996, as amended at 65 FR 17449, Apr. 3, 2000; 65 FR 38330, June 20, 2000]

**§ 101.137 Interconnection of private operational fixed point-to-point microwave stations.**

Private operational fixed point-to-point microwave stations may be inter-

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connected with facilities of common carriers subject to applicable tariffs.

**§ 101.139 Authorization of transmitters.**

(a) Except for transmitters used at developmental stations or for fixed point-to-point operation pursuant to subparts H and I of this part, each transmitter must be a type which has been certificated by the Commission for use under the applicable rules of this part. Transmitters used in the private operational fixed and common carrier fixed point-to-point microwave services under subparts H and I of this part must be of a type that has been verified for compliance. Transmitters designed for use in the 31.0 to 31.3 GHz band will be authorized under the verification procedure.

(b) Any manufacturer of a transmitter to be produced for use under the rules of this part may request certification or obtain verification by following the applicable procedures set forth in part 2 of this chapter.

(c) Certification for an individual transmitter may also be requested by an applicant for a station authorization, pursuant to the procedures set forth in part 2 of this chapter.

(d) A transmitter presently shown on an instrument of authorization, which operates on an assigned frequency in the 890-940 MHz band and has not been certificated, may continue to be used by the licensee without certification provided such transmitter continues otherwise to comply with the applicable rules and regulations of the Commission.

(e) Certification or verification is not required for portable transmitters operating with peak output power not greater than 250 mW. If operation of such equipment causes harmful interference the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(f) After July 15, 1996, the manufacturer (except for export) or importation of equipment employing digital modulation techniques in the 3700-4200, 5925-6425, 6525-6875, 10,550-10,680 and 10,700-11,700 MHz bands must meet the

minimum payload capacity requirements of § 101.141.

[63 FR 36611, July 7, 1998]

**§ 101.141 Microwave modulation.**

(a) Microwave transmitters employing digital modulation techniques and operating below 19.7 GHz and in the 24.25–25.25 GHz band must, with appropriate multiplex equipment, comply with the following additional requirements:

(1) The bit rate, in bits per second, must be equal to or greater than the bandwidth specified by the emission designator in Hertz (*e.g.*, to be acceptable, equipment transmitting at a 20 Mb/s rate must not require a bandwidth of greater than 20 MHz), except the bandwidth used to calculate the minimum rate may not include any authorized guard band.

NOTE TO (a)(1): Systems authorized prior to December 1, 1988, may install equipment after that date with no minimum bit rate.

(2) Equipment to be used for voice transmission placed in service, authorized, or applied for on or before June 1, 1997 in the 2110 to 2130 and 2160 to 2180 MHz bands must be capable of satisfactory operation within the authorized bandwidth to encode at least 96 voice channels. Equipment placed in service, authorized, or applied for on or before June 1, 1997 in the 3700–4200, 5925–6425 (30 MHz bandwidth), and 10,700–11,700 MHz (30 and 40 MHz bandwidths) bands must be capable of satisfactory operation within the authorized bandwidth to encode at least 1152 voice channels. These required loading levels may be reduced by a factor of 1/N provided that N transmitters may be operated satisfactorily, over the same radio path, within an authorized bandwidth less than, or equal to, the maximum authorizable bandwidth (*e.g.*, the 1152 channel requirement may be reduced to 576 if two transmitters can be satisfactorily operated over the same path within the maximum bandwidth). Where certificated equipment is designed to operate on the same frequency in a cross polarized configuration to meet the above capacity requirements, the Commission will require, at the time additional transmitters are authorized, that both polariza-

tions of a frequency be used before a new frequency assignment is made, unless a single transmitter installation was found to be justified by the Commission at the time it authorized the first transmitter.

(3) The following capacity and loading requirements must be met for equipment applied for, authorized, and placed in service after June 1, 1997 in the 3700–4200 MHz (4 GHz), 5925–6425 and 6525–6875 MHz (6 GHz), 10,550–10,680 MHz (10 GHz), and 10,700–11,700 MHz (11 GHz) bands:

Nominal channel bandwidth (MHz)	Minimum payload capacity (Mbits/s) <sup>1</sup>	Minimum traffic loading payload (as percent of payload capacity)	Typical utilization <sup>2</sup>
0.400 .....	1.54	N/A	1 DS-1
0.800 .....	3.08	N/A	2 DS-1
1.25 .....	3.08	N/A	2 DS-1
1.60 .....	6.17	N/A	4 DS-1
2.50 .....	6.17	N/A	4 DS-1
3.75 .....	12.3	N/A	8 DS-1
5.0 .....	18.5	N/A	12 DS-1
10.0 .....	44.7	<sup>3</sup> 50	1 DS-3/STS-1
20.0 .....	89.4	<sup>3</sup> 50	2 DS-3/STS-1
30.0 (11 GHz)	89.4	<sup>3</sup> 50	2 DS-3/STS-1
30.0 (6 GHz) ..	134.1	<sup>3</sup> 50	3 DS-3/STS-1
40.0 .....	134.1	<sup>3</sup> 50	3 DS-3/STS-1

<sup>1</sup> Per polarization

<sup>2</sup> DS and STS refer to the number of voice circuits a channel can accommodate. 1 DS-1 = 24 voice circuits; 2 DS-1 = 48; 4 DS-1 = 96; 8 DS-1 = 192; 12 DS-1 = 288; 1 DS-3/STS-1 = 672; 2 DS-3/STS-1 = 1344; 3 DS-3/STS-1 = 2016.

<sup>3</sup> This loading requirement must be met within 30 months of licensing. If two transmitters simultaneously operate on the same frequency over the same path, the requirement is reduced to 25 percent.

(4) If a transmitter is authorized to operate in a bandwidth that is not listed in paragraph (a)(3) of this section, it must meet the minimum payload capacity and traffic loading requirements of the next largest channel bandwidth listed in the table; *e.g.*, if the authorized bandwidth is 3.5 MHz, the minimum payload capacity must be 12.3 Mbits/s.

(5) Transmitters carrying digital motion video material are exempt from the requirements specified in paragraphs (a)(2) and (a)(3) of this section, provided that at least 50 percent of the payload is digital video motion material and the minimum bit rate specified in paragraph (a)(1) of this section is met. In the 6, 10, and 11 GHz

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bands, concatenation of multiple contiguous channels is permitted for channels of equal bandwidth on center frequencies, provided no other channels are available and the minimum payload capacity requirements are met.

(6) Digital systems using bandwidths of 10 MHz or larger will be considered 50 percent loaded when the following condition is met: at least 50 percent of their total DS-1 capacity is being used. A DS-1 channel is being used when it has been connected to a DS-0/DS-1 multiplexer. For non-DS-0 services, such as, but not limited to, video or broadband data transmission, the next largest DS-1 equivalent will be considered for the computation of a loading percentage.

(7) For digital systems, minimum payload capacities shall be expressed in numbers of DS-1s, DS-3s or STS-1s. The payload capacity required by the Commission shall correspond to commercially available equipment.

(b) For purposes of compliance with the emission limitation requirements of § 101.111(a)(2) and the requirements of paragraph (a) of this section, digital modulation techniques are considered as being employed when digital modulation occupies 50 percent or more to the total peak frequency deviation of a transmitted radio frequency carrier. The total peak frequency deviation will be determined by adding the deviation produced by the digital modulation signal and the deviation produced by any frequency division multiplex (FDM) modulation used. The deviation (D) produced by the FDM signal must be determined in accordance with § 2.202(f) of this chapter.

(c) Analog Modulation. Except for video transmission, an application for an initial working channel for a given route will not be accepted for filing where the anticipated loading (within five years for voice, or other period subject to reasonable projection) is less than the minimum specified for the following frequency bands. Absent extraordinary circumstances, applications proposing additional frequencies over existing routes will not be granted unless it is shown that the traffic load will shortly exhaust the capacity of the existing equipment. Where no construction of radio facilities is re-

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quested, licensees must submit this evidence with their filing of any necessary authority required pursuant to section 214 of the Communications Act and part 63 of this chapter.

Frequency band (MHz)	Minimum number of voice channels (4 KHz or equivalent)
3700 to 4200 (20 MHz bandwidth) .....	900
5925 to 6425 (10 MHz bandwidth) .....	300
5925 to 6425 (20 MHz bandwidth) .....	600
5925 to 6425 (30 MHz bandwidth) .....	900
6525 to 6875 (10 MHz bandwidth) .....	300
10,700 to 11,700 (10 MHz bandwidth) .....	300
10,700 to 11,700 (20 MHz bandwidth) .....	600
10,700 to 11,700 (30 MHz bandwidth) .....	900
10,700 to 11,700 (40 MHz bandwidth) .....	900

[61 FR 26677, May 28, 1996, as amended at 62 FR 24583, May 6, 1997; 63 FR 36611, July 7, 1998]

**§ 101.143 Minimum path length requirements.**

(a) The distance between end points of a fixed link in the private operational fixed point-to-point and the common carrier fixed point-to-point microwave services must equal or exceed the value set forth in the table below or the EIRP must be reduced in accordance with the equation set forth below:

Frequency band (MHz)	Minimum path length (km)
Below 1,850 .....	N/A
1,850 to 7,125 .....	17
10,550 to 13,250 .....	5
Above 17,700 .....	N/A

(b) For paths shorter than those specified in the table in paragraph (a) of this section, the EIRP shall not exceed the value derived from the following equation:

$EIRP = MAXEIRP - 40 * \log(A/B)$  dBW  
 Where: EIRP = The new maximum EIRP (equivalent isotropically radiated power) in dBW. MAXEIRP = Maximum EIRP as set forth in the Table in Section 101.113(a).  
 A = Minimum path length from the Table above for the frequency band in kilometers.  
 B = The actual path length in kilometers.

NOTE TO PARAGRAPH (b): For transmitters using Automatic Transmitter Power Control, EIRP corresponds to the maximum

transmitter power available, not the coordinated transmit power or the nominal transmit power.

(c) Upon an appropriate technical showing, applicants and licensees unable to meet the minimum path length requirement may be granted an exception to these requirements.

NOTE TO PARAGRAPH (c): Links authorized prior to April 1, 1987, need not comply with this requirement.

[61 FR 26677, May 28, 1996, as amended at 65 FR 38330, June 20, 2000]

**§ 101.145 Interference to geostationary-satellites.**

These limitations are necessary to minimize the probability of harmful interference to reception in the bands 2655–2690 MHz, 5925–6875 MHz, and 12.7–12.75 GHz on board geostationary-space stations in the fixed-satellite service.

(a) Stations authorized prior to July 1, 1976 in the band 2655–2690 MHz, which exceed the power levels in paragraphs (b) and (c) of this section are permitted to operate indefinitely, provided that the operation of such stations does not result in harmful interference to reception in these bands on board geostationary space stations.

(b) 2655 to 2690 MHz and 5925 to 6875 MHz. No directional transmitting antenna utilized by a fixed station operating in these bands may be aimed within 2 degrees of the geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on waiver basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed:

(1) +47 dBW for any antenna beam directed within 0.5 degrees of the stationary satellite orbit; or

(2) +47 to +55 dBW, on a linear decibel scale (8 dB per degree) for any antenna beam directed between 0.5 degrees and 1.5 degrees of the stationary orbit.

(c) 12.7 to 12.75 GHz. No directional transmitting antenna utilized by a fixed station operating in this band

may be aimed within 1.5 degrees of the geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on waiver basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed +45 dBW for any antenna beam directed within 1.5 degrees of the stationary satellite orbit.

(d) Methods for calculating the azimuths to be avoided may be found in: CCIR Report No. 393 (Green Books), New Delhi, 1970; in “Radio-Relay Antenna Pointing for controlled Interference With Geostationary-Satellites” by C. W. Lundgren and A. S. May, Bell System Technical Journal, Vol. 48, No. 10, pp. 3387–3422, December 1969; and in “Geostationary Orbit Avoidance Computer Program” by Richard G. Gould, Common Carrier Bureau Report CC-7201, FCC, Washington, DC, 1972. This latter report is available through the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151, in printed form (PB-211 500) or source card deck (PB-211 501).

[61 FR 26677, May 28, 1996, as amended at 65 FR 38330, June 20, 2000]

**§ 101.147 Frequency assignments.**

(a) Frequencies in the following bands are available for assignment for fixed microwave services.

928.0–929.0 MHz (28)  
 932.0–932.5 MHz (27)  
 932.5–935 MHz (17)  
 941.0–941.5 MHz (27)  
 941.5–944 MHz (17) (18)  
 952.0–960.0 MHz (28)  
 1,850–1,990 MHz (20) (22)  
 2,110–2,130 MHz (1) (3) (7) (20) (23)  
 2,130–2,150 MHz (20) (22)  
 2,150–2,160 MHz (22) (29)  
 2,160–2,180 MHz (1) (2) (20) (23)  
 2,180–2,200 MHz (20) (22)  
 2,450–2,500 MHz (4)  
 2,650–2,690 MHz  
 3,700–4,200 MHz (8) (14) (25)  
 5,925–6,425 MHz (6) (14) (25)  
 6,425–6,525 MHz (24)

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- 6,525–6,875 MHz (14)
- 10,550–10,680 MHz (19)
- 10,700–11,700 MHz (8) (9) (19) (25)
- 11,700–12,200 MHz (24)
- 12,200–12,700 MHz (22)
- 12,700–13,200 MHz (22)
- 13,200–13,250 MHz (4) (24) (25)
- 14,200–14,400 MHz (24)
- 17,700–18,820 MHz (5) (10) (15)
- 17,700–18,300 MHz (10) (15)
- 18,820–18,920 MHz (22)
- 18,300–18,580 MHz (5) (10) (15)
- 18,580–19,300 MHz (22) (30)
- 18,920–19,160 MHz (5) (10) (15)
- 19,160–19,260 MHz (22)
- 19,260–19,700 MHz (5) (10) (15)
- 19,300–19,700 MHz (5) (10) (15)
- 21,200–22,000 MHz (4) (11) (12) (13) (24) (25) (26)
- 22,000–23,600 MHz (4) (11) (12) (24) (25) (26)
- 24,250–25,250 MHz
- 27,500–28,350 MHz (16)
- 29,100–29,250 MHz (5), (16)
- 31,000–31,300 MHz (16)
- 38,600–40,000 MHz (4)
- Bands Above 40,000 MHz

Notes

- (1) Frequencies in this band are shared with control and repeater stations in the Domestic Public Land Mobile Radio Service and with stations in the International Fixed Public Radiocommunication Services located south of 25° 30' north latitude in the State of Florida and U. S. possessions in the Caribbean area. Additionally, the band 2160–2162 MHz is shared with stations in the Multipoint Distribution Service.
- (2) Except upon showing that no alternative frequencies are available, no new assignments will be made in the band 2160–2162 MHz for stations located within 80.5 kilometers (50 miles) of the coordinates of the cities listed in § 21.901(c) of this chapter.
- (3) Television transmission in this band is not authorized and radio frequency channel widths may not exceed 3.5 MHz.
- (4) Frequencies in this band are shared with fixed and mobile stations licensed in other services.
- (5) Frequencies in this band are shared with stations in the fixed-satellite service.
- (6) These frequencies are not available for assignment to mobile earth stations.
- (7) Frequencies in the band 2110–2120 MHz may be authorized on a case-by-case basis to Government or non-Government space research earth stations for telecommand purposes in connection with deep space research.
- (8) This frequency band is shared with station(s) in the Local Television Transmission Service and, in the U.S. Possessions in the Caribbean area, with stations in the International Fixed Public Radiocommunications Services.

- (9) The band segments 10.95–11.2 and 11.45–11.7 GHz are shared with space stations (space to earth) in the fixed-satellite service.
- (10) This band is co-equally shared with stations in the fixed services under parts 74, 78 and 101 of this chapter.
- (11) Frequencies in this band are shared with Government stations.
- (12) Assignments to common carriers in this band are normally made in the segments 21.2–21.8 GHz and 22.4–23.8 GHz and to operational fixed users in the segments 21.8–22.4 GHz and 23.0–23.6 GHz. Assignments may be made otherwise only upon a showing that no interference free frequencies are available in the appropriate band segments.
- (13) Frequencies in this band are shared with stations in the earth exploration satellite service (space to earth).
- (14) Frequencies in this band are shared with stations in the fixed-satellite and private operational fixed point-to-point microwave services.
- (15) Stations licensed as of September 9, 1983 to use frequencies in the 17.7–19.7 GHz band may, upon proper application, continue to be authorized for such operation.
- (16) As of June 30, 1997, frequencies in these bands are available for assignment only to LMDS radio stations, except for non-LMDS radio stations authorized pursuant to applications refiled no later than June 26, 1998.
- (17) Frequencies in these bands are shared with Government fixed stations and stations in the Private Operational Fixed Point-to-Point Microwave Service (part 101).
- (18) Frequencies in the 942 to 944 MHz band are also shared with broadcast auxiliary stations.
- (19) Frequencies in this band are shared with stations in the private-operational fixed point-to-point microwave service.
- (20) New facilities in these bands will be licensed only on a secondary basis. Facilities licensed or applied for before January 16, 1992, are permitted to make minor modifications in accordance with § 101.81 and retain their primary status.
- (21) Any authorization of additional stations to use the 2160–2162 MHz band for Multipoint Distribution Service applied for after January 16, 1992, will be secondary to use of the band for emerging technology services.
- (22) Frequencies in these bands are for the exclusive use of Private Operational Fixed Point-to-Point Microwave Service (part 101). Frequencies in the 12,700–13,200 MHz band, which were available only to stations authorized in the 12,200–12,700 MHz band as of September 9, 1983, are not available for new facilities.
- (23) Frequencies in these bands are for the exclusive use of Common Carrier Fixed Point-to-Point Microwave Service (part 101).
- (24) Frequencies in these bands are available for assignment to television pickup and

television non-broadcast pickup stations. The maximum power for the local television transmission service in the 14.2-14.4 GHz band is +45 dBW except that operations are not permitted within 1.5 degrees of the geostationary orbit.

(25) Frequencies in these bands are available for assignment to television STL stations.

(26) Frequency pairs 21.825/23.025 GHz, 21.875/23.075 GHz, 21.925/23.125 GHz, and 21.975/23.175 GHz may be authorized for low power, limited coverage, systems subject to the provisions of paragraph (s) of this section.

(27) Frequencies in the 932 to 932.5 MHz and 941 to 941.5 MHz bands are shared with Government fixed point-to-multipoint stations. Frequencies in these bands are paired with one another and are available for flexible use for transmission of the licensee's products and information services, excluding video entertainment material. 932.00625/941.00625 MHz to 932.24375/941.24375 MHz is licensed by Economic Area. 932.25625/941.25625 MHz to 932.49375/941.49375 MHz is licensed on a site-by-site basis.

(28) Subsequent to July 1, 1999, MAS operations in the 928/952/956 MHz bands are reserved for private internal use. The 928.85-929.0 MHz and 959.85-960.0 MHz bands are licensed on a geographic area basis with no eligibility restrictions. The 928.0-928.85 MHz band paired with the 952.0-952.85 MHz band, in addition to unpaired frequencies in the 956.25-956.45 MHz band, are licensed on a site-by-site basis and used for terrestrial point-to-point and point-to-multipoint fixed and mobile operations. The 928.85-929.0 MHz band paired with the 959.85-960.0 MHz band is licensed by Economic Area and used for terrestrial point-to-point and point-to-multipoint fixed and mobile operations.

(29) Frequencies in this band are shared with stations in the Multipoint Distribution Service (Part 21). These frequencies may be used for the transmission of the licensee's products and information services, excluding video entertainment material to the licensee's customers.

(30) The frequency band 18,580-19,300 GHz is not available for new licensees after June 8, 2000, except for low power indoor stations in the band 18,820-18,870 MHz and 19,160-19,210 MHz.

(b) Frequencies normally available for assignment in this service are set forth with applicable limitations in the following tables: 928-960 MHz Multiple address system (MAS) frequencies are available for the point-to-multipoint and point-to-point transmission of a licensee's products or services, excluding video entertainment material, to a licensee's customer or for its own internal communications. The paired fre-

quencies listed in this section are used for two-way communications between a master station and remote stations. Ancillary one-way communications on paired frequencies are permitted on a case-by-case basis. Ancillary communications between interrelated master stations are permitted on a secondary basis. The normal channel bandwidth assigned will be 12.5 kHz. EA licensees, however, may combine contiguous channels without limit or justification. Site-based licensees may combine contiguous channels up to 50 kHz, and more than 50 kHz only upon a showing of adequate justification. When licensed for a larger bandwidth, the system still is required to use equipment that meets the  $\pm 0.00015$  percent tolerance requirement. (See § 101.107). Any bandwidth (12.5 kHz, 25 kHz or greater) authorized in accordance with this section may be subdivided into narrower bandwidths to create additional (or sub) frequencies without the need to specify each discrete frequency within the specific bandwidth. Equipment that is used to create additional frequencies by narrowing bandwidth (whether authorized for a 12.5 kHz, 25 kHz or greater bandwidth) will be required to meet, at a minimum, the  $\pm 0.00015$  percent tolerance requirement so that all subfrequencies will be within the emission mask. Systems licensed for frequencies in these MAS bands prior to August 1, 1975, may continue to operate as authorized until June 11, 1996, at which time they must comply with current MAS operations based on the 12.5 kHz channelization set forth in this paragraph. Systems licensed between August 1, 1975, and January 1, 1981, inclusive, are required to comply with the grandfathered 25 kHz standard bandwidth and channelization requirements set forth in this paragraph. Systems originally licensed after January 1, 1981, and on or before May 11, 1988, with bandwidths of 25 kHz and above, will be grandfathered indefinitely.

(1) Frequencies listed in this paragraph are designated for private internal use and are subject to site-based licensing.

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TABLE 1—PAIRED FREQUENCIES (MHz)  
[12.5 kHz bandwidth]

Remote transmit	Master transmit
928.00625	952.00625
928.01875	952.01875
928.03125	952.03125
928.04375	952.04375
928.05625	952.05625
928.06875	952.06875
928.08125	952.08125
928.09375	952.09375
928.10625	952.10625
928.11875	952.11875
928.13125	952.13125
928.14375	952.14375
928.15625	952.15625
928.16875	952.16875
928.18125	952.18125
928.19375	952.19375
928.20625	952.20625
928.21875	952.21875
928.23125	952.23125
928.24375	952.24375
928.25625	952.25625
928.26875	952.26875
928.28125	952.28125
928.29375	952.29375
928.30625	952.30625
928.31875	952.31875
928.33125	952.33125
928.34375	952.34375

UNPAIRED FREQUENCIES (MHz)  
[12.5 kHz bandwidth]

956.25625	956.33125	956.39375
956.26875	956.34375	956.40625
956.28125	956.35625	956.41875
956.29375	956.36875	956.43125
956.30625	956.38125	956.44375
956.31875		

TABLE 2—PAIRED FREQUENCIES (MHz)  
[25 kHz bandwidth]

Remote transmit	Master transmit
928.0125	952.0125
928.0375	952.0375
928.0625	952.0625
928.0875	952.0875
928.1125	952.1125
928.1375	952.1375
928.1625	952.1625
928.1875	952.1875
928.2125	952.2125
928.2375	952.2375
928.2625	952.2625
928.2875	952.2875
928.3125	952.3125
928.3375	952.3375

UNPAIRED FREQUENCIES (MHz)  
[25 kHz bandwidth]

956.2625	956.3375	956.4125
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UNPAIRED FREQUENCIES (MHz)—Continued  
[25 kHz bandwidth]

956.2875	956.3625	956.4375
956.3125	956.3875	

(2) Frequencies listed in this paragraph are designated for private internal use and are subject to site-based licensing.

TABLE 3—PAIRED FREQUENCIES (MHz)  
[12.5 kHz bandwidth]

Remote transmit	Master transmit
928.35625	952.35625
928.36875	952.36875
928.38125	952.38125
928.39375	952.39375
928.40625	952.40625
928.41875	952.41875
928.43125	952.43125
928.44375	952.44375
928.45625	952.45625
928.46875	952.46875
928.48125	952.48125
928.49375	952.49375
928.50625	952.50625
928.51875	952.51875
928.53125	952.53125
928.54375	952.54375
928.55625	952.55625
928.56875	952.56875
928.58125	952.58125
928.59375	952.59375
928.60625	952.60625
928.61875	952.61875
928.63125	952.63125
928.64375	952.64375
928.65625	952.65625
928.66875	952.66875
928.68125	952.68125
928.69375	952.69375
928.70625	952.70625
928.71875	952.71875
928.73125	952.73125
928.74375	952.74375
928.75675	952.75625
928.76875	952.76875
928.78125	952.78125
928.79375	952.79375
928.80625	952.80625
928.81875	952.81875
928.83125	952.83125
928.84375	952.84375

TABLE 4—PAIRED FREQUENCIES (MHz)  
[25 kHz bandwidth]

Remote transmit	Master transmit
928.3625	952.3625
928.3875	952.3875
928.4125	952.4125
928.4375	952.4375

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TABLE 4—PAIRED FREQUENCIES (MHZ)—  
Continued  
[25 kHz bandwidth]

Remote transmit	Master transmit
928.4625	952.4625
928.4875	952.4875
928.5125	952.5125
928.5375	952.5375
928.5625	952.5625
928.5875	952.5875
928.6125	952.6125
928.6375	952.6375
928.6625	952.6625
928.6875	952.6875
928.7125	952.7125
928.7375	952.7375
928.7625	952.7625
928.7875	952.7875
928.8125	952.8125
928.8375	952.8375

(3) Frequencies listed in this paragraph are not restricted to private internal use and are licensed by geographic area. Incumbent facilities must be protected.

TABLE 5—PAIRED FREQUENCIES (MHZ)  
[12.5 kHz bandwidth]

Remote transmit	Master transmit
928.85625	959.85625
928.86875	959.86875
928.88125	959.88125
928.89375	959.89375
928.90625	959.90625
928.91875	959.91875
928.93125	959.93125
928.94375	959.94375
928.95625	959.95625
928.96875	959.96875
928.98125	959.98125
928.99375	959.99375

TABLE 6—PAIRED FREQUENCIES (MHZ)  
[25 kHz bandwidth]

Remote transmit	Master transmit
928.8625	959.8625
928.8875	959.8875
928.9125	959.9125
928.9375	959.9375
928.9625	959.9625
928.9875	959.9875

(4) Frequencies listed in this paragraph are licensed by either economic area or on a site-by-site basis.

TABLE 7—PAIRED FREQUENCIES

Remote transmit	Master transmit
Licensed by Economic Area	
(12.5 kHz bandwidth):	
932.00625	941.00625
932.01875	941.01875
932.03125	941.03125
932.04375	941.04375
932.05625	941.05625
932.06875	941.06875
932.08125	941.08125
932.09375	941.09375
(50 kHz bandwidth):	
932.12500	941.12500
(12.5 kHz bandwidth):	
932.15625	941.15625
932.16875	941.16875
932.18125	941.18125
932.19375	941.19375
932.20625	941.20625
932.21875	941.21875
932.23125	941.23125
932.24375	941.24375
Reserved for public safety and private internal use. Licensed on site-by-site basis.	
(12.5 kHz bandwidth):	
932.25625	941.25625
932.26875	941.26875
932.28125	941.28125
932.29375	941.29375
932.30625	941.30625
932.31875	941.31875
932.33125	941.33125
932.34375	941.34375
932.35625	941.35625
932.36875	941.36875
932.38125	941.38125
932.39375	941.39375
932.40625	941.40625
932.41875	941.41875
932.43125	941.43125
Reserved for Public Safety and Federal Government Use. Licensed on site-by-site basis.	
(12.5 kHz bandwidth):	
932.44375	941.44375
932.45625	941.45625
932.46875	941.46875
932.48125	941.48125
932.49375	941.49375

(5) Equivalent power and antenna heights for multiple address master stations:

Antenna height (AAT) in meters	Maximum effective radiated power	
	Watts	dBm
Above 305	200	53
Above 274 to 305	250	54
Above 244 to 274	315	55
Above 213 to 244	400	56
Above 182 to 213	500	57
Above 152.5 to 182	630	58
152.5 and below	1,000	60

For mobile operations the maximum ERP is 25 watts (44 dBm).

(6) Fixed point-to-point frequencies.

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TABLE 8—PAIRED FREQUENCIES

[All frequencies may be used by Common Carrier Fixed Point-to-Point and Private Operational Fixed Point-to-Point Microwave Service licensees; 25 kHz bandwidth]

Transmit (receive) (MHz)	Receive (transmit) (MHz)
932.5125	941.5125
932.5375	941.5375
932.5625	941.5625
932.5875	941.5875
932.6125	941.6125
932.6375	941.6375
932.6625	941.6625
934.8375	943.8375
934.8625	943.8625
934.8875	943.8875
934.9125	943.9125
934.9375	943.9375
934.9625	943.9625
934.9875	943.9875

TABLE 9—PAIRED FREQUENCIES

[Frequencies may be used only by Private Operational Fixed Point-to-Point Microwave Service licensees, unless otherwise noted; 50 kHz bandwidth]

Transmit (receive) (MHz)	Receive (transmit) (MHz)
932.70 <sup>1</sup>	941.70
932.75 <sup>1</sup>	941.75
934.80 <sup>1</sup>	943.80
956.65	953.05
956.75	953.15
956.85	953.25
956.95	953.35
957.05	953.45
957.25	953.65
957.35	953.75
957.45	953.85
957.65	954.05
957.75	954.15
957.85	954.25
958.05	954.45
958.15	954.55
958.25	954.65
958.45	954.85
958.55	954.95
958.65	955.05
958.85	955.25
958.95	955.35
959.05	955.45
959.25	955.65
959.35	955.75
959.45	955.85
959.55	955.95
959.65	956.05

<sup>1</sup> These frequencies also may be used by Common Carrier Fixed Point-to-Point Microwave licensees.

TABLE 10—PAIRED FREQUENCIES

[Frequencies may be used only by Private Operational Fixed Point-to-Point Microwave licensees, unless otherwise noted; 100 kHz bandwidth]

Transmit (receive) (MHz)	Receive (transmit) (MHz)
932.8250 <sup>1</sup>	941.8250
932.9250 <sup>1</sup>	941.9250

TABLE 10—PAIRED FREQUENCIES—Continued

[Frequencies may be used only by Private Operational Fixed Point-to-Point Microwave licensees, unless otherwise noted; 100 kHz bandwidth]

Transmit (receive) (MHz)	Receive (transmit) (MHz)
933.0250 <sup>1</sup>	942.0250
934.5250 <sup>1</sup>	943.5250
934.6250 <sup>1</sup>	943.6250
934.7250 <sup>1</sup>	943.7250
956.6	953.0
956.7	953.1
956.8	953.2
956.9	953.3
957.0	953.4
957.1	953.5
957.2	953.6
957.3	953.7
957.4	953.8
957.5	953.9
957.6	954.0
957.7	954.1
957.8	954.2
957.9	954.3
958.0	954.4
958.1	954.5
958.2	954.6
958.3	954.7
958.4	954.8
958.5	954.9
958.6	955.0
958.7	955.1
958.8	955.2
958.9	955.3
959.0	955.4
959.1	955.5
959.2	955.6
959.3	955.7
959.4	955.8
959.5	955.9
959.6	956.0
959.7	956.1

<sup>1</sup> These frequencies also may be used by Common Carrier Fixed Point-to-Point Microwave licensees.

TABLE 11—PAIRED FREQUENCIES

[Frequencies may be used only by Private Operational Fixed Point-to-Point Microwave licensees, unless otherwise noted; (200 kHz bandwidth)]

Transmit (receive) (MHz)	Receive (transmit) (MHz)
933.1750 <sup>1</sup>	942.1750
933.3750 <sup>1</sup>	942.3750
933.5750 <sup>1</sup>	942.5750
933.7750 <sup>1</sup>	942.7750
933.9750 <sup>1</sup>	942.9750
934.1750 <sup>1</sup>	943.1750
934.3750 <sup>1</sup>	943.3750
957.15	953.55
957.55	953.95
957.95	954.35
958.35	954.75
958.75	955.15
959.15	955.55

<sup>1</sup> These frequencies also may be used by Common Carrier Fixed Point-to-Point Microwave licensees.

(c) 1850–1990 MHz. (1) 10 MHz maximum bandwidth.

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PAIRED FREQUENCIES

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1855 .....	1935
1865 .....	1945
1875 .....	1955
1885 .....	1965
1895 .....	1975
1905 .....	1985

UNPAIRED FREQUENCIES

1915 <sup>1</sup>  
1925 <sup>1</sup>

<sup>1</sup> Available for systems employing one-way transmission.

(2) 5 MHz maximum bandwidth.

PAIRED FREQUENCIES

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1860 .....	1940
1870 .....	1950
1880 .....	1960
1890 .....	1970
1900 .....	1980

(d) 2130–2150 MHz; 2180–2200 MHz. 800 kHz maximum bandwidth, unless noted.

PAIRED FREQUENCIES

2130–2150	2180–2200
Transmit (receive) (MHz)	Receive (transmit) (MHz)
2130.8 .....	2180.8
2131.6 .....	<sup>1</sup> 2181.6
2132.4 .....	2182.4
2133.2 .....	<sup>1</sup> 2183.2
2134.0 .....	2184.0
2134.8 .....	<sup>1</sup> 2184.8
2135.6 .....	2185.6
2136.4 .....	<sup>1</sup> 2186.4
2137.2 .....	2187.2
2138.0 .....	<sup>1</sup> 2188.0
2139.6 .....	<sup>1</sup> 2189.6
2138.8 .....	2188.8
2140.4 .....	2190.4
2141.2 .....	<sup>1</sup> 2191.2
2142.0 .....	2192.0
2142.8 .....	<sup>1</sup> 2192.8
2143.6 .....	2193.6
2144.4 .....	<sup>1</sup> 2194.4
2145.2 .....	2195.2
2146.0 .....	<sup>1</sup> 2196.0
2146.8 .....	2196.8
2147.6 .....	<sup>1</sup> 2197.6
2148.4 .....	2198.4
2149.2 .....	2199.2

<sup>1</sup> Consideration will be given on a case-by-case basis to assigning these frequency pairs to systems employing 1600 KHz bandwidth transmissions.

(e) 2150–2160 MHz. Specific frequency of operation to be set forth in authorization. Omnidirectional transmission only may be authorized, subject to providing protection from harmful interference to previously authorized stations in this service and in other services sharing this band.

(f) 2450–2500 MHz. (1) This band is shared with other communications services and is not subject to protection from interference from industrial, scientific, and medical devices operating on 2450 MHz.

(2) Stations licensed in this band under this part prior to March 1, 1996, are grandfathered and may continue their authorized operations. Stations licensed in the 2483.5–2500 MHz portion of the band as of July 25, 1985, or on a subsequent date as a result of submitting an application on or before July 25, 1985, are grandfathered, and may continue operations, subject only to license renewal, on a co-primary basis with the Radiodetermination Satellite Service.

(3) 625 KHz bandwidth channels. The normal bandwidth authorized will be 625 KHz. Upon adequate justification, additional contiguous channels may be authorized to provide up to a 2500 KHz bandwidth.

PAIRED FREQUENCIES

Transmit (receive) (MHz)	Receive (transmit) (MHz)
2450.3125 .....	2467.5625
2450.9375 .....	2468.1875
2451.5625 .....	2468.8125
2452.1875 .....	2469.4375
2452.8125 .....	2470.0625
2453.4375 .....	2470.6875
2454.0625 .....	2471.3125
2454.6875 .....	2471.9375
2455.3125 .....	2472.5625
2455.9375 .....	2473.1875
2456.5625 .....	2473.8125
2457.1875 .....	2474.4375
2457.8125 .....	2475.0625
2458.4375 .....	2475.6875
2459.0625 .....	2476.3125
2459.6875 .....	2476.9375
2460.3125 .....	2477.5625
2460.9375 .....	2478.1875
2461.5625 .....	2478.8125
2462.1875 .....	2479.4375
2462.8125 .....	2480.0625
2463.4375 .....	2480.6875
2464.0625 .....	2481.3125
2464.6875 .....	2481.9375
2465.3125 .....	2482.5625
2465.9375 .....	2483.1875

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(g) 2500-2690 MHz. Operational-fixed stations may be authorized on the following frequencies:

FREQUENCIES (MHz)	
2686.9375	2688.9375
2687.9375	2689.5625
2688.5625	2689.6875
2688.6875	

NOTE TO (g): Operational-Fixed stations authorized in this band as of July 16, 1971, which do not comply with the provisions of this part may continue to operate on the frequencies assigned on a coequal basis with other stations operating in accordance with the Table of Frequency allocations. Requests for subsequent license renewals or modifications for such stations will be considered. However, expansion of systems comprised of such stations will not be permitted, except pursuant to the provisions of this part. No new licenses will be issued under this part until specific operating parameters are established for this band.

(h) 3,700 to 4,200 MHz. 20 MHz maximum authorized bandwidth. 20 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
3710	3750
3730	3770
3790	3830
3810	3850
3870	3910
3890	3930
3950	3990
3970	4010
4030	4070
4050	4090
4110	4150
4130	4170
N/A	<sup>1</sup> 4190

<sup>1</sup> This frequency may be assigned for unpaired use.

(i) 5,925 to 6,425 MHz. 30 MHz authorized bandwidth.

(1) 400 kHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5925.225	6177.100
5925.625	6177.500
5926.050	6177.925
5926.450	6178.325
5926.875	6178.750
5927.275	6179.150
5927.725	6179.600
5928.125	6180.000
5928.550	6180.425
5928.950	6180.825
5929.375	6181.250
5929.775	6181.650
6168.350	6420.225
6168.750	6420.625
6169.175	6421.050

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6169.575	6421.450
6170.000	6421.875
6170.400	6422.275
6170.850	6422.725
6171.250	6423.125
6171.675	6423.550
6172.075	6423.950
6172.500	6424.375
6172.900	6424.775

(2) 800 kHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5925.425	6177.300
5926.250	6178.125
5927.075	6178.950
5927.925	6179.800
5928.750	6180.625
5929.575	6181.450
6168.550	6420.425
6169.375	6421.250
6170.200	6422.075
6171.050	6422.925
6171.875	6423.750
6172.700	6424.575

(3) 1.25 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5925.625	6177.500
5926.875	6178.750
5928.125	6180.000
5929.375	6181.250
6108.893	6360.933
6110.128	6362.168
6111.364	6363.404
6112.599	6364.639
6113.834	6365.874
6115.070	6367.110
6116.305	6368.345
6117.541	6369.581
6118.776	6370.816
6120.011	6372.051
6121.247	6373.287
6122.482	6374.522
6123.718	6375.758
6124.953	6376.993
6126.189	6378.229
6127.424	6379.464
6128.659	6380.699
6129.895	6381.935
6131.130	6383.170
6132.366	6384.406
6133.601	6385.641
6134.836	6386.876
6136.072	6388.112
6137.307	6389.347
6138.543	6390.583
6139.778	6391.818
6141.014	6393.054
6142.249	6394.289
6143.484	6395.524
6144.720	6396.760
6145.955	6397.995
6147.191	6399.231
6148.426	6400.466

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
6149.661	6401.701
6150.897	6402.937
6152.132	6404.172
6153.368	6405.408
6154.603	6406.643
6155.839	6407.879
6157.074	6409.114
6158.309	6410.349
6159.545	6411.585
6160.780	6412.820
6162.016	6414.056
6163.251	6415.291
6164.486	6416.526
6165.722	6417.762
6166.957	6418.997
6168.750	6420.625
6170.000	6421.875
6171.250	6423.125
6172.500	6424.375
6173.750 <sup>1</sup>	N/A
6175.000 <sup>1</sup>	N/A
6176.250 <sup>1</sup>	N/A

<sup>1</sup> These frequencies may be assigned for unpaired use.

(4) 2.5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5926.250	6178.125
5928.750	6180.625
6109.510	6361.550
6111.981	6364.021
6114.452	6366.492
6116.923	6368.963
6119.394	6371.434
6121.865	6373.905
6124.335	6376.375
6126.806	6378.846
6129.277	6381.317
6131.748	6383.788
6134.219	6386.259
6136.690	6388.730
6139.160	6391.200
6141.631	6393.671
6144.102	6396.142
6146.573	6398.613
6149.044	6401.084
6151.515	6403.555
6153.985	6406.025
6156.456	6408.496
6158.927	6410.967
6161.398	6413.438
6163.869	6415.909
6166.340	6418.380
6169.375	6421.250
6171.875	6423.750
6175.625 <sup>1</sup>	N/A

<sup>1</sup> This frequency may be assigned for unpaired use.

(5) 3.75 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6111.364	6363.404
6116.305	6368.345
6121.247	6373.287
6126.189	6378.229
6131.130	6383.170

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6136.072	6388.112
6141.014	6393.054
6145.955	6397.995
6150.897	6402.937
6155.839	6407.879
6160.780	6412.820
6165.722	6417.762
6175.000 <sup>1</sup>	N/A

<sup>1</sup> This frequency may be assigned for unpaired use.

(6) 5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6110.75	6362.79
6115.69	6367.73
6120.63	6372.67
6125.57	6377.61
6130.51	6382.55
6135.45	6387.49
6140.40	6392.44
6145.34	6397.38
6150.28	6402.32
6155.22	6407.26
6160.16	6412.20
6165.10	6417.14

(7) 10 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5935.32	6187.36
5945.20	6197.24
5955.08	6207.12
5964.97	6217.01
5974.85	6226.89
5984.73	6236.77
5994.62	6246.66
6004.50	6256.54
6014.38	6266.42
6024.27	6276.31
6034.15	6286.19
6044.03	6296.07
6053.92	6305.96
6063.80	6315.84
6073.68	6325.72
6083.57	6335.61
6093.45	6345.49
6103.33	6355.37
6113.22 <sup>1</sup>	6365.26
6123.10 <sup>1</sup>	6375.14
6132.98 <sup>1</sup>	6385.02
6142.87 <sup>1</sup>	6394.91
6152.75 <sup>1</sup>	6404.79
6162.63 <sup>1</sup>	6414.67

<sup>1</sup> Alternate channels. These channels are set aside for narrow bandwidth systems and should be used only if all other channels are blocked.

(8) 30 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5945.20	6197.24
5974.85	6226.89
6004.50	6256.54

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
6034.15 .....	6286.19
6063.80 .....	6315.84
6093.45 .....	6345.49
6123.10 <sup>1</sup> .....	<sup>1</sup> 6375.14
6152.75 <sup>1</sup> .....	<sup>1</sup> 6404.79

<sup>1</sup> Alternate channels. These channels are set aside for narrow bandwidth systems and should be used only if all other channels are blocked.

(j) *6,425 to 6,525 MHz*: Mobile. Paired and un-paired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with mobile stations licensed pursuant to Parts 74 and 78 of the Commission's Rules. Stations not intended to be operated while in motion will be licensed under the provision of § 101.31. The following channel plans apply.

(1) 1 MHz maximum authorized bandwidth channels:

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6425.5 .....	6475.5
6450.5 .....	6500.5

(2) 8 MHz maximum authorized bandwidth channels:

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6430.0 .....	6480.0
6438.0 .....	6488.0
6446.0 .....	6596.0
6455.0 .....	6505.0
6463.0 .....	6513.0
6471.0 .....	6521.0

(3) 25 MHz maximum authorized bandwidth channels:

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6437.5 .....	6487.5
6462.5 .....	6512.5

(k) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, persons holding valid station authorizations on July 15, 1963, to provide television nonbroadcast pickup service in the 6525–6575 MHz band may be authorized to continue use of the frequencies

specified in their authorization for such operations until July 15, 1968.

(l) *6,525 to 6,875 MHz*. 10 MHz authorized bandwidth.

(1) 400 kHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6525.225 .....	6870.225
6525.625 .....	6870.625
6526.050 .....	6871.050
6526.450 .....	6871.450
6526.875 .....	6871.875
6527.275 .....	6872.275
6527.725 .....	6872.725
6528.125 .....	6873.125
6528.550 .....	6873.550
6528.950 .....	6873.950
6529.375 .....	6874.375
6529.775 .....	6874.775

(2) 800 kHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6525.425 .....	6870.425
6526.250 .....	6871.250
6527.075 .....	6872.075
6527.925 .....	6872.925
6528.750 .....	6873.750
6529.575 .....	6874.575

(3) 1.25 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6525.625 .....	6870.625
6526.875 .....	6871.875
6528.125 .....	6873.125
6529.375 .....	6874.375
6540.625 <sup>1</sup> .....	<sup>1</sup> 6718.125
6541.875 <sup>1</sup> .....	<sup>1</sup> 6719.375
6543.125 <sup>1</sup> .....	<sup>1</sup> 6713.125
6544.375 <sup>1</sup> .....	<sup>1</sup> 6714.375
6545.625 <sup>1</sup> .....	<sup>1</sup> 6715.625
6546.875 <sup>1</sup> .....	<sup>1</sup> 6716.875
6548.125 .....	6728.125
6549.375 .....	6729.375
6550.625 .....	6730.625
6551.875 .....	6731.875
6553.125 <sup>1</sup> .....	<sup>1</sup> 6723.125
6554.375 <sup>1</sup> .....	<sup>1</sup> 6724.375
6555.625 <sup>1</sup> .....	<sup>1</sup> 6725.625
6556.875 <sup>1</sup> .....	<sup>1</sup> 6726.875
6558.125 .....	6738.125
6559.375 .....	6739.375
6560.625 .....	6740.625
6561.875 .....	6741.875
6563.125 .....	6733.125
6564.375 .....	6734.375
6565.625 .....	6735.625
6566.875 .....	6736.875
6568.125 <sup>1</sup> .....	<sup>1</sup> 6720.625
6569.375 <sup>1</sup> .....	<sup>1</sup> 6721.875
6580.625 <sup>1</sup> .....	<sup>1</sup> 6868.125
6581.875 <sup>1</sup> .....	<sup>1</sup> 6869.375
6583.125 .....	6743.125
6584.375 .....	6744.375
6585.625 .....	6745.625

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
6586.875	6746.875
6588.125	6748.125
6589.375	6749.375
6590.625	6750.625
6591.875	6751.875
6593.125	6753.125
6594.375	6754.375
6595.625	6755.625
6596.875	6756.875
6598.125	6758.125
6599.375	6759.375
6600.625	6760.625
6601.875	6761.875
6603.125	6763.125
6604.375	6764.375
6605.625	6765.625
6606.875	6766.875
6608.125	6768.125
6609.375	6769.375
6610.625	6770.625
6611.875	6771.875
6613.125	6773.125
6614.375	6774.375
6615.625	6775.625
6616.875	6776.875
6618.125	6778.125
6619.375	6779.375
6620.625	6780.625
6621.875	6781.875
6623.125	6783.125
6624.375	6784.375
6625.625	6785.625
6626.875	6786.875
6628.125	6788.125
6629.375	6789.375
6630.625	6790.625
6631.875	6791.875
6633.125	6793.125
6634.375	6794.375
6635.625	6795.625
6636.875	6796.875
6638.125	6798.125
6639.375	6799.375
6640.625	6800.625
6641.875	6801.875
6643.125	6803.125
6644.375	6804.375
6645.625	6805.625
6646.875	6806.875
6648.125	6808.125
6649.375	6809.375
6650.625	6810.625
6651.875	6811.875
6653.125	6813.125
6654.375	6814.375
6655.625	6815.625
6656.875	6816.875
6658.125	6818.125
6659.375	6819.375
6660.625	6820.625
6661.875	6821.875
6663.125	6823.125
6664.375	6824.375
6665.625	6825.625
6666.875	6826.875
6668.125	6828.125
6669.375	6829.375
6670.625	6830.625
6671.875	6831.875
6673.125	6833.125
6674.375	6834.375
6675.625	6835.625

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6676.875	6836.875
6678.125	6838.125
6679.375	6839.375
6680.625	6840.625
6681.875	6841.875
6683.125	6843.125
6684.375	6844.375
6685.625	6845.625
6686.875	6846.875
6688.125	6848.125
6689.375	6849.375
6690.625	6850.625
6691.875	6851.875
6693.125	6853.125
6694.375	6854.375
6695.625	6855.625
6696.875	6856.875
6698.125	6858.125
6699.375	6859.375
6700.625	6860.625
6701.875	6861.875
6703.125	6863.125
6704.375	6864.375
6705.625	6865.625
6706.875	6866.875
6708.125 <sup>1</sup>	<sup>1</sup> 6710.625
6709.375 <sup>1</sup>	<sup>1</sup> 6711.875

<sup>1</sup> These frequencies may be assigned for unpaired use.

(4) 2.5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6526.25	6871.25
6528.75	6873.75
6541.25 <sup>1</sup>	<sup>1</sup> 6718.75
6543.75 <sup>1</sup>	<sup>1</sup> 6713.75
6546.25 <sup>1</sup>	<sup>1</sup> 6716.25
6548.75	6728.75
6551.25	6731.25
6553.75 <sup>1</sup>	<sup>1</sup> 6723.75
6556.25 <sup>1</sup>	<sup>1</sup> 6726.25
6558.75	6738.75
6561.25	6741.25
6563.75	6733.75
6566.25	6736.25
6568.75 <sup>1</sup>	<sup>1</sup> 6721.25
6581.25 <sup>1</sup>	<sup>1</sup> 6868.75
6583.75	6743.75
6586.25	6746.25
6588.75	6748.75
6591.25	6751.25
6593.75	6753.75
6596.25	6756.25
6598.75	6758.75
6601.25	6761.25
6603.75	6763.75
6606.25	6766.25
6608.75	6768.75
6611.25	6771.25
6613.75	6773.75
6616.25	6776.25
6618.75	6778.75
6621.25	6781.25
6623.75	6783.75
6626.25	6786.25
6628.75	6788.75
6631.25	6791.25
6633.75	6793.75
6636.25	6796.25

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
6638.75	6798.75
6641.25	6801.25
6643.75	6803.75
6646.25	6806.25
6648.75	6808.75
6651.25	6811.25
6653.75	6813.75
6656.25	6816.25
6658.75	6818.75
6661.25	6821.25
6663.75	6823.75
6666.25	6826.25
6668.75	6828.75
6671.25	6831.25
6673.75	6833.75
6676.25	6836.25
6678.75	6838.75
6681.25	6841.25
6683.75	6843.75
6686.25	6846.25
6688.75	6848.75
6691.25	6851.25
6693.75	6853.75
6696.25	6856.25
6698.75	6858.75
6701.25	6861.25
6703.75	6863.75
6706.25	6866.25
6708.75 <sup>1</sup>	6869.25

<sup>1</sup> These frequencies may be assigned for unpaired use.

(5) 3.75 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6545.625 <sup>1</sup>	6715.625 <sup>1</sup>
6550.625	6730.625
6555.625 <sup>1</sup>	6725.625 <sup>1</sup>
6560.625	6740.625
6565.625	6735.625
6585.625	6745.625
6590.625	6750.625
6595.625	6755.625
6600.625	6760.625
6605.625	6765.625
6610.625	6770.625
6615.625	6775.625
6620.625	6780.625
6625.625	6785.625
6630.625	6790.625
6635.625	6795.625
6640.625	6800.625
6645.625	6805.625
6650.625	6810.625
6655.625	6815.625
6660.625	6820.625
6665.625	6825.625
6670.625	6830.625
6675.625	6835.625
6680.625	6840.625
6685.625	6845.625
6690.625	6850.625
6695.625	6855.625
6700.625	6860.625
6705.625	6865.625
6710.625 <sup>1</sup>	6870.625

<sup>1</sup> These frequencies may be assigned for unpaired use.

(6) 5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6545 <sup>1</sup>	6715
6550	6730
6555 <sup>1</sup>	6725
6560	6740
6565	6735
6585	6745
6590	6750
6595	6755
6600	6760
6605	6765
6610	6770
6615	6775
6620	6780
6625	6785
6630	6790
6635	6795
6640	6800
6645	6805
6650	6810
6655	6815
6660	6820
6665	6825
6670	6830
6675	6835
6680	6840
6685	6845
6690	6850
6695	6855
6700	6860
6705	6865
6710 <sup>1</sup>	6870

<sup>1</sup> These frequencies may be assigned for unpaired use.

(7) 10 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
6545 <sup>1</sup>	6715
6555 <sup>1</sup>	6725
6565	6735
6585	6745
6595	6755
6605	6765
6615	6775
6625	6785
6635	6795
6645	6805
6655	6815
6665	6825
6675	6835
6685	6845
6695	6855
6705	6865
6535 <sup>2</sup>	6575

<sup>1</sup> These frequencies may be assigned for unpaired use.

<sup>2</sup> Available only for emergency restoration, maintenance bypass, or other temporary-fixed purposes. Such uses are authorized on a non-interference basis to other frequencies in this band. Interference analysis required by § 101.105 does not apply to this frequency pair.

(m) 10,550 to 10,680 MHz. 5 MHz authorized bandwidth.

(1) 400 kHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10605.225	10670.225

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
10605.625	10670.625
10606.050	10671.050
10606.450	10671.450
10606.875	10671.875
10607.275	10672.275
10607.725	10672.725
10608.125	10673.125
10608.550	10673.550
10608.950	10673.950
10609.375	10674.375
10609.775	10674.775
10610.225	10675.225
10610.625	10675.625
10611.050	10676.050
10611.450	10676.450
10611.875	10676.875
10612.275	10677.275
10612.725	10677.725
10613.125	10678.125
10613.550	10678.550
10613.950	10678.950
10614.375	10679.375
10614.775	10679.775

(2) 800 kHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10605.425	10670.425
10606.250	10671.250
10607.075	10672.075
10607.925	10672.925
10608.750	10673.750
10609.575	10674.575
10610.425	10675.425
10611.250	10676.250
10612.075	10677.075
10612.925	10677.925
10613.750	10678.750
10614.575	10679.575

(3) 1.25 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10550.625	10615.625
10551.875	10616.875
10553.125	10618.125
10554.375	10619.375
10555.625	10620.625
10556.875	10621.875
10558.125	10623.125
10559.375	10624.375
10560.625	10625.625
10561.875	10626.875
10563.125	10628.125
10564.375	10629.375
10565.625	10630.625
10566.875	10631.875
10568.125	10633.125
10569.375	10634.375
10570.625	10635.625
10571.875	10636.875
10573.125	10638.125
10574.375	10639.375
10575.625	10640.625
10576.875	10641.875
10578.125	10643.125

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10579.375	10644.375
10580.625	10645.625
10581.875	10646.875
10583.125	10648.125
10584.375	10649.375
10585.625	10650.625
10586.875	10651.875
10588.125	10653.125
10589.375	10654.375
10590.625	10655.625
10591.875	10656.875
10593.125	10658.125
10594.375	10659.375
10595.625	10660.625
10596.875	10661.875
10598.125	10663.125
10599.375	10664.375
10600.625	10665.625
10601.875	10666.875
10603.125	10668.125
10604.375	10669.375
10605.625	10670.625
10606.875	10671.875
10608.125	10673.125
10609.375	10674.375
10610.625	10675.625
10611.875	10676.875
10613.125	10678.125
10614.375	10679.375

(4) 2.5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10551.25	10616.25
10553.75	10618.75
10556.25	10621.25
10558.75	10623.75
10561.25	10626.25
10563.75	10628.75
10566.25	10631.25
10568.75	10633.75
10571.25	10636.25
10573.75	10638.75
10576.25	10641.25
10578.75	10643.75
10581.25 <sup>1</sup>	10646.25
10583.75 <sup>1</sup>	10648.75
10586.25 <sup>1</sup>	10651.25
10588.75 <sup>1</sup>	10653.75
10591.25 <sup>1</sup>	10656.25
10593.75 <sup>1</sup>	10658.75
10596.25 <sup>1</sup>	10661.25
10598.75 <sup>1</sup>	10663.75
10601.25 <sup>1</sup>	10666.25
10603.75 <sup>1</sup>	10668.75
10606.25 <sup>1</sup>	10671.25
10608.75 <sup>1</sup>	10673.75
10611.25 <sup>1</sup>	10676.25
10613.75 <sup>1</sup>	10678.75

<sup>1</sup> These frequencies are also available for DEMS stations licensed, in operation, or applied for prior to July 15, 1993.

(5) 3.75 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10553.125	10618.125

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
10558.125	10623.125
10563.125	10628.125
10568.125	10633.125
10573.125	10638.125
10578.125	10643.125
10583.125	10648.125
10588.125	10653.125
10593.125	10658.125
10598.125	10663.125
10603.125	10668.125

(6) 5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10552.5	10617.5
10557.5	10622.5
10562.5	10627.5
10567.5 <sup>1</sup>	<sup>1</sup> 10632.5
10572.5 <sup>1</sup>	<sup>1</sup> 10637.5
10577.5 <sup>1</sup>	<sup>1</sup> 10642.5
10582.5 <sup>1</sup>	<sup>1</sup> 10647.5
10587.5	10652.5
10592.5	10657.5
10597.5	10662.5
10602.5	10667.5

<sup>1</sup> These frequencies are also available for DEMS stations licensed, in operation, or applied for prior to July 15, 1993.

(n) Point-to-multipoint systems licensed, in operation, or applied for in the 10,550-10,680 MHz band prior to July 15, 1993, are permitted to use the DEMS frequencies noted above if they prior coordinate such usage with the necessary parties including 10 GHz point-to-point applicants and licensees. DEMS Nodal Stations shall use the band 10,565-10,615 MHz while DEMS User Stations shall use the band 10,630-10,680 MHz.

(o) 10,700 to 11,700 MHz. 40 MHz authorized bandwidth.

(1) 1.25 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
11130.625	11620.625
11131.875	11621.875
11133.125	11623.125
11134.375	11624.375
11135.625	11625.625
11136.875	11626.875
11138.125	11628.125
11139.375	11629.375
11140.625	11630.625
11141.875	11631.875
11143.125	11633.125
11144.375	11634.375
11145.625	11635.625
11146.875	11636.875
11148.125	11638.125
11149.375	11639.375
11150.625	11640.625

Transmit (receive) (MHz)	Receive (transmit) (MHz)
11151.875	11641.875
11153.125	11643.125
11154.375	11644.375
11155.625	11645.625
11156.875	11646.875
11158.125	11648.125
11159.375	11649.375
11160.625	11650.625
11161.875	11651.875
11163.125	11653.125
11164.375	11654.375
11165.625	11655.625
11166.875	11656.875
11168.125	11658.125
11169.375	11659.375
11170.625	11660.625
11171.875	11661.875
11173.125	11663.125
11174.375	11664.375
11175.625	11665.625
11176.875	11666.875
11178.125	11668.125
11179.375	11669.375
11180.625	11680.625
11181.875	11681.875
11183.125	11683.125
11184.375	11684.375
11185.625	11685.625
11186.875	11686.875
11188.125	11688.125
11189.375	11689.375
11190.625	11690.625
11191.875	11691.875
11193.125	11693.125
11194.375	11694.375
11195.625	11695.625
11196.875	11696.875
11198.125	11698.125
11199.375	11699.375

(2) 2.5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
11131.25	11621.25
11133.75	11623.75
11136.25	11626.25
11138.75	11628.75
11141.25	11631.25
11143.75	11633.75
11146.25	11636.25
11148.75	11638.75
11151.25	11641.25
11153.75	11643.75
11156.25	11646.25
11158.75	11648.75
11161.25	11651.25
11163.75	11653.75
11166.25	11656.25
11168.75	11658.75
11171.25	11661.25
11173.75	11663.75
11176.25	11666.25
11178.75	11668.75
11181.25	11681.25
11183.75	11683.75
11186.25	11686.25
11188.75	11688.75
11191.25	11691.25
11193.75	11693.75

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
11196.25 .....	11696.25
11198.75 .....	11698.75

(3) 3.75 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
11133.125 .....	11623.125
11138.125 .....	11628.125
11143.125 .....	11633.125
11148.125 .....	11638.125
11153.125 .....	11643.125
11158.125 .....	11648.125
11163.125 .....	11653.125
11168.125 .....	11658.125
11173.125 .....	11663.125
11178.125 .....	11668.125
11183.125 .....	11683.125
11188.125 .....	11688.125
11193.125 .....	11693.125
11198.125 .....	11698.125

(4) 5 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
11132.5 .....	11622.5
11137.5 .....	11627.5
11142.5 .....	11632.5
11147.5 .....	11637.5
11152.5 .....	11642.5
11157.5 .....	11647.5
11162.5 .....	11652.5
11167.5 .....	11657.5
11172.5 .....	11662.5
11177.5 .....	11667.5
11182.5 .....	11682.5
11187.5 .....	11687.5
11192.5 .....	11692.5
11197.5 .....	11697.5

(5) 10 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10705 .....	11205
10715 .....	11215
10725 <sup>2</sup> .....	<sup>1</sup> 11675
10735 .....	11225
10745 .....	11235
10755 .....	11245
10765 .....	11255
10775 .....	11265
10785 .....	11275
10795 .....	11285
10805 .....	11295
10815 .....	11305
10825 .....	11315
10835 .....	11325
10845 .....	11335
10855 .....	11345
10865 .....	11355
10875 .....	11365
10885 .....	11375
10895 .....	11385
10905 .....	11395

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10915 .....	11405
10925 .....	11415
10935 .....	11425
10945 .....	11435
10955 .....	11445
10965 .....	11455
10975 .....	11465
10985 .....	11475
10995 .....	11485
11005 .....	11495
11015 .....	11505
11025 .....	11515
11035 .....	11525
11045 .....	11535
11055 .....	11545
11065 .....	11555
11075 .....	11565
11085 .....	11575
11095 .....	11585
11105 .....	11595
11115 .....	11605
11125 .....	11615
11135 <sup>1</sup> .....	<sup>1</sup> 11625
11145 <sup>1</sup> .....	<sup>1</sup> 11635
11155 <sup>1</sup> .....	<sup>1</sup> 11645
11165 <sup>1</sup> .....	<sup>1</sup> 11655
11175 <sup>1</sup> .....	<sup>1</sup> 11665
11185 <sup>1</sup> .....	<sup>1</sup> 11685
11195 <sup>1</sup> .....	<sup>1</sup> 11695

<sup>1</sup> Alternate channels. These channels are set aside for narrow bandwidth systems and should be used only if all other channels are blocked.

<sup>2</sup> These frequencies may be assigned for unpaired use.

(6) 30 MHz bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10715 .....	11215
10755 .....	11245
10795 .....	11285
10835 .....	11325
10875 .....	11365
10915 .....	11405
10955 .....	11445
10995 .....	11485
11035 .....	11525
11075 .....	11565
11115 .....	11605
11155 <sup>1</sup> .....	<sup>1</sup> 11645
11185 <sup>1</sup> .....	<sup>1</sup> 11685

<sup>1</sup> Alternate channels. These channels are set aside for narrow bandwidth systems and should be used only if all other channels are blocked.

(7) 40 MHz bandwidth channels:<sup>2</sup>

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10735 .....	11225
10775 .....	11265
10815 .....	11305
10855 .....	11345
10895 .....	11385
10935 .....	11425
10975 .....	11465
11015 .....	11505
11055 .....	11545
11095 .....	11585

Transmit (receive) (MHz)	Receive (transmit) (MHz)
11135 <sup>1</sup> .....	<sup>1</sup> 11625
11175 <sup>1</sup> .....	<sup>1</sup> 11665

<sup>1</sup> Alternate channels. These channels are set aside for narrow bandwidth systems and should be used only if all other channels are blocked.

<sup>2</sup> In congested areas where 40 MHz channels block most 30 MHz channels, radios authorized for 30 MHz bandwidths may use the 40 MHz channels. In uncongested areas, 30 MHz channels should be used.

(p) *12,000-12700 MHz.* The Commission has allocated the 12.2-12.7 GHz band for use by the broadcasting-satellite service. Private operational fixed point-to-point microwave stations authorized after September 9, 1983, will be licensed on a noninterference basis and are required to make any and all adjustments necessary to prevent interference to operating domestic broadcasting-satellite systems. Notwithstanding any other provisions, no private operational fixed point-to-point microwave stations are permitted to cause interference to broadcasting-satellite stations of other countries operating in accordance with the Region 2 plan for the broadcasting-satellite service established at the 1983 WARC.

(q) Special provisions for low power, limited coverage systems in the band segments 12.2-12.7 GHz. Notwithstanding any contrary provisions in this part the frequency pairs 12.220/12.460 GHz, 12.260/12.500 GHz, 12.300/12.540 GHz and 12.340/12.580 GHz may be authorized for low power, limited coverage systems subject to the following provisions:

- (1) Maximum equivalent isotropically radiated power (EIRP) shall be 55 dBm;
- (2) The rated transmitter output power shall not exceed 0.500 watts;
- (3) Frequency tolerance shall be maintained to within 0.01 percent of the assigned frequency;
- (4) Maximum beamwidth not to exceed 4 degrees. However, the sidelobe suppression criteria contained in §101.115 of this part shall not apply, except that a minimum front-to-back ratio of 38 dB shall apply;
- (5) Upon showing of need, a maximum bandwidth of 12 MHz may be authorized per frequency assigned;
- (6) Radio systems authorized under the provisions of this section shall have no more than three hops in tandem, except upon showing of need, but

in any event the maximum tandem length shall not exceed 40 km (25 miles);

(7) Interfering signals at the receiver antenna terminals of stations authorized under this section shall not exceed -90 dBm and -70 dBm respectively, for co-channel and adjacent channel interfering signals, and

(8) Stations authorized under the provisions of this section shall provide the protection from interference specified in §101.105 to stations operating in accordance with the provisions of this part.

(r) *17,700 to 19,700 and 24,250 to 25,250 MHz.* Stations operating on the following frequencies in the band 18.58-18.8 GHz that were licensed or had applications pending before the Commission as of June 8, 2000 may continue those operations on a shared co-primary basis with other services under parts 21, 25, and 74 of this chapter until June 8, 2010. Those stations operating on the following frequencies in the band 18.8-19.3 GHz that were licensed or had applications pending before the Commission as of September 18, 1998 may continue those operations on a shared co-primary basis with other services under parts 21, 25, and 74 of this chapter until June 8, 2010. After June 8, 2010, operations in the 18.58-19.26 GHz band are not entitled to protection from fixed-satellite service operations and must not cause unacceptable interference to fixed-satellite service station operations. No new part 101 licenses will be granted in the 18.58-19.3 GHz band after June 8, 2000, except for certain low power operations authorized under paragraph (r)(10) of this section, which may continue to operate on a co-primary basis. Licensees may use either a two-way link or one frequency of a frequency pair for a one-way link and must coordinate proposed operations pursuant to the procedures required in §101.103. (Note, however, that stations authorized as of September 9, 1983, to use frequencies in the band 17.7-19.7 GHz may, upon proper application, continue to be authorized for such operations, consistent with the conditions related to the 18.58-19.30 GHz band.)

- (1) 2 MHz maximum authorized bandwidth channel:

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
18141.0 .....	N/A

(2) 5 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
<b>340 MHz Separation</b>	
18762.5 .....	19102.5
18767.5 .....	19107.5
18772.5 .....	19112.5
18777.5 .....	19117.5
18782.5 .....	19122.5
18787.5 .....	19127.5
18792.5 .....	19132.5
18797.5 .....	19137.5
18802.5 .....	19142.5
18807.5 .....	19147.5
18812.5 .....	19152.5
18817.5 .....	19157.5

(3) 6 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
<b>216 MHz Separation</b>	
18145.0 .....	n/a
18151.0 .....	18367.0
18157.0 .....	18373.0
18163.0 .....	18379.0
18169.0 .....	18385.0
18175.0 .....	18391.0
18181.0 .....	18397.0
18187.0 .....	18403.0
18193.0 .....	18409.0
18199.0 .....	18415.0
18205.0 .....	18421.0
18211.0 .....	18427.0
18217.0 .....	18433.0
18223.0 .....	18439.0
18229.0 .....	18445.0
18235.0 .....	18451.0
18241.0 .....	18457.0
18247.0 .....	18463.0
18253.0 .....	18469.0
18259.0 .....	18475.0
18265.0 .....	18481.0
18271.0 .....	18487.0
18277.0 .....	18493.0
18283.0 .....	18499.0
18289.0 .....	18505.0
18295.0 .....	18511.0
18301.0 .....	18517.0
18307.0 .....	18523.0
18313.0 .....	18529.0
18319.0 .....	18535.0
18325.0 .....	18541.0
18331.0 .....	18547.0
18337.0 .....	18553.0
18343.0 .....	18559.0
18349.0 .....	18565.0
18355.0 .....	18571.0
18361.0 .....	18577.0

(4) 10 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
<b>1560 MHz Separation</b>	
17705.0 .....	19265.0
17715.0 .....	19275.0
17725.0 .....	19285.0
17735.0 .....	19295.0
17745.0 .....	19305.0
17755.0 .....	19315.0
17765.0 .....	19325.0
17775.0 .....	19335.0
17785.0 .....	19345.0
17795.0 .....	19355.0
17805.0 .....	19365.0
17815.0 .....	19375.0
17825.0 .....	19385.0
17835.0 .....	19395.0
17845.0 .....	19405.0
17855.0 .....	19415.0
17865.0 .....	19425.0
17875.0 .....	19435.0
17885.0 .....	19445.0
17895.0 .....	19455.0
17905.0 .....	19465.0
17915.0 .....	19475.0
17925.0 .....	19485.0
17935.0 .....	19495.0
17945.0 .....	19505.0
17955.0 .....	19515.0
17965.0 .....	19525.0
17975.0 .....	19535.0
17985.0 .....	19545.0
17995.0 .....	19555.0
18005.0 .....	19565.0
18015.0 .....	19575.0
18025.0 .....	19585.0
18035.0 .....	19595.0
18045.0 .....	19605.0
18055.0 .....	19615.0
18065.0 .....	19625.0
18075.0 .....	19635.0
18085.0 .....	19645.0
18095.0 .....	19655.0
18105.0 .....	19665.0
18115.0 .....	19675.0
18125.0 .....	19685.0
18135.0 .....	19695.0
<b>340 MHz Separation</b>	
18585.0 .....	18925.0
18595.0 .....	18935.0
18605.0 .....	18945.0
18615.0 .....	18955.0
18625.0 .....	18965.0
18635.0 .....	18975.0
18645.0 .....	18985.0
18655.0 .....	18995.0
18665.0 .....	19005.0
18675.0 .....	19015.0
18685.0 .....	19025.0
18695.0 .....	19035.0
18705.0 .....	19045.0
18715.0 .....	19055.0
18725.0 .....	19065.0
18735.0 .....	19075.0
18745.0 .....	19085.0
18755.0 .....	19095.0
18765.0 .....	19105.0
18775.0 .....	19115.0

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Transmit (receive) (MHz)	Receive (transmit) (MHz)
18785.0 .....	19125.0
18795.0 .....	19135.0
18805.0 .....	19145.0
18815.0 .....	19155.0

(5) 20 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
--------------------------	--------------------------

1560 MHz Separation	
17710.0 .....	19270.0
17730.0 .....	19290.0
17750.0 .....	19310.0
17770.0 .....	19330.0
17790.0 .....	19350.0
17810.0 .....	19370.0
17830.0 .....	19390.0
17850.0 .....	19410.0
17870.0 .....	19430.0
17890.0 .....	19450.0
17910.0 .....	19470.0
17930.0 .....	19490.0
17950.0 .....	19510.0
17970.0 .....	19530.0
17990.0 .....	19550.0
18010.0 .....	19570.0
18030.0 .....	19590.0
18050.0 .....	19610.0
18070.0 .....	19630.0
18090.0 .....	19650.0
18110.0 .....	19670.0
18130.0 .....	19690.0

340 MHz Separation	
18590.0 .....	18930.0
18610.0 .....	18950.0
18630.0 .....	18970.0
18650.0 .....	18990.0
18670.0 .....	19010.0
18690.0 .....	19030.0
18710.0 .....	19050.0
18730.0 .....	19070.0
18750.0 .....	19090.0
18770.0 .....	19110.0
18790.0 .....	19130.0
18810.0 .....	19150.0

(6) 40 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
--------------------------	--------------------------

1560 MHz Separation	
17720.0 .....	19280.0
17760.0 .....	19320.0
17800.0 .....	19360.0
17840.0 .....	19400.0
17880.0 .....	19440.0
17920.0 .....	19480.0
17960.0 .....	19520.0
18000.0 .....	19560.0
18040.0 .....	19600.0
18080.0 .....	19640.0
18120.0 .....	19680.0

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(7) 80 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
--------------------------	--------------------------

1560 MHz Separation	
17740.0 .....	19300.0
17820.0 .....	19380.0
17900.0 .....	19460.0
17980.0 .....	19540.0
18060.0 .....	19620.0

(8) 220 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
17810.0 .....	18470.0
18030.0 .....	19370.0
18250.0 .....	19590.0

(9) The following frequencies are available for point-to-multipoint DEMS Systems, except that channels 35-39 are available only to existing 18 GHz DEMS licensees as of March 14, 1997. Systems operating on Channels 25-34 must cease operations as of January 1, 2001, except that those stations on these channels within 150 km of the coordinates 38°48' N/76°52' W (Washington, DC, area) and 39°43' N/104°46' W (Denver, Colorado, area) must cease operations as of June 5, 1997:

Channel No.	Nodal station frequency band (MHz) limits	User station frequency band (MHz) limits
25 .....	18,820-18,830	19,160-19,170
26 .....	18,830-18,840	19,170-19,180
27 .....	18,840-18,850	19,180-19,190
28 .....	18,850-18,860	19,190-19,200
29 .....	18,860-18,870	19,200-19,210
30 .....	18,870-18,880	19,210-19,220
31 .....	18,880-18,890	19,220-19,230
32 .....	18,890-18,900	19,230-19,240
33 .....	18,900-18,910	19,240-19,250
34 .....	18,910-18,920	19,250-19,260
35 .....	24,250-24,290	25,050-25,090
36 .....	24,290-24,330	25,090-25,130
37 .....	24,330-24,370	25,130-25,170
38 .....	24,370-24,410	25,170-25,210
39 .....	24,410-24,450	25,210-25,250

(i) Each station will be limited to one frequency pair per SMSA. Additional channel pairs may be assigned upon a showing that the service to be provided will fully utilize the spectrum requested. A channel pair may be subdivided as desired by the licensee.

(ii) A frequency pair may be assigned to more than one licensee in the same

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SMSA or service area so long as the interference protection criteria of §101.105 are met.

(10) Special provision for low power systems in the 17,700-19,700 MHz band: Notwithstanding other provisions in this rule part and except for specified areas around Washington, DC, and Denver, Colorado, licensees of point-to-multipoint channel pairs 25-29 identified in paragraph (r)(9) of this section may operate multiple low power transmitting devices within a defined service area. New operations are prohibited within 55 km when used outdoor and within 20 km when used indoor of the coordinates 38°48' N/76°52' W and 39°43' N/104°46' W. The service area will be a 28 kilometer omnidirectional radius originating from specified center reference coordinates. The specified center coordinates must be no closer than 56 kilometers from any co-channel nodal station or the specified center coordinates of another co-channel system. Applicants/licensees do not need to specify the location of each individual transmitting device operating within their defined service areas. Such operations are subject to the following requirements on the low power transmitting devices:

- (i) Power must not exceed one watt EIRP and 100 milliwatts transmitter output power,
- (ii) A frequency tolerance of 0.001% must be maintained; and
- (iii) The mean power of emissions shall be attenuated in accordance with the following schedule:

(A) In any 4 kHz band, the center frequency of which is removed from the center frequency of the assigned channel by more than 50 percent of the channel bandwidth and is within the bands 18,820-18870 MHz or 19,19160-19,210 MHz:

A = 35 + .003(F - 0.5B) dB

or,

80 dB (whichever is the lesser attenuation).

Where

A = Attenuation (in decibels) below output power level contained within the channel for a given polarization.

B = Bandwidth of channel in kHz.

F = Absolute value of the difference between the center frequency of the 4 kHz band

measured at the center frequency of the channel in kHz.

(B) In any 4 kHz band the center frequency of which is outside the bands 18.820-18.870 GHz: At least 43+10log<sub>10</sub>(mean output power in watts) decibels.

(iv) Low power stations authorized in the band 18.8-19.3 GHz after June 8, 2000 are restricted to indoor use only.

(s) Special provisions for low power, limited coverage systems in the band segments 21.8-22.0 GHz and 23.0-23.2 GHz. Notwithstanding any contrary provisions in this part the frequency pairs 21.825/23.025 GHz, 21.875/23.075 GHz, 21.925/23.125 GHz and 21.975/23.175 GHz may be authorized for low power, limited coverage systems subject to the following provisions:

- (1) Maximum effective radiated power (ERP) shall be 55 dBm;
- (2) The rated transmitter output power shall not exceed 0.100 watts;
- (3) Frequency tolerance shall be maintained to within 0.05 percent of the assigned frequency;
- (4) Maximum beamwidth not to exceed 4 degrees. However, the sidelobe suppression criteria contained in §101.115 shall not apply, except that a minimum front-to-back ratio of 38 dB shall apply;
- (5) Upon showing of need, a maximum bandwidth of 50 MHz may be authorized per frequency assigned;
- (6) Radio systems authorized under the provisions of this section shall have no more than five hops in tandem, except upon showing of need, but in any event the maximum tandem length shall not exceed 40 km (25 miles);
- (7) Interfering signals at the antenna terminals of stations authorized under this section shall not exceed -90 dBm and -70 dBm respectively, for co-channel and adjacent channel interfering signals; and

(8) Stations authorized under the provisions of this section shall provide the protection from interference specified in §101.105 to stations operating in accordance with the provisions of this part.

(t) 27,500-28,350; 29,100-29,250; 31,000-31,300 MHz. These frequencies are available for LMDS systems. Each assignment will be made on a BTA service area basis, and the assigned spectrum

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may be subdivided as desired by the licensee.

(u) 31,000-31,300 MHz. Stations licensed in this band prior to March 11, 1997, may continue their authorized operations, subject to license renewal, on the condition that harmful interference will not be caused to LMDS operations licensed in this band after June 30, 1997. Non-LMDS stations licensed after March 11, 1997, based on applications refiled no later than June 26, 1998 are unprotected and subject to harmful interference from each other and from stations licensed prior to March 11, 1997, and are licensed on a secondary basis to LMDS. In the sub-bands 31,000-31,075 MHz and 31,225-31,300 MHz, stations initially licensed prior to March 11, 1997, except in LTTS, and LMDS operations authorized after June 30, 1997, are equally protected against harmful interference from each other in accordance with the provisions of §101.103(b). For stations, except in LTTS, permitted to relocate to these sub-bands, the following paired frequencies are available:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
(1) 25 MHz Authorized Bandwidth Channels	
31,012.5 .....	31,237.5
31,037.5 .....	31,262.5
31,062.5 .....	31,287.5
(2) 75 MHz Authorized Bandwidth Channel	
31,037.5 .....	31,275.0

NOTE TO (u): These channels are assigned for use within a rectangular service area to be described in the application by the maximum and minimum latitudes and longitudes. Such service area must be as small as practical consistent with the local service requirements of the carrier. These frequency plans may be subdivided as desired by the licensee and used within the service area as desired without further authorization subject to the terms and conditions set forth in §101.149. These frequencies may be assigned only where it is shown that the applicant will have reasonable projected requirements for a multiplicity of service points or transmission paths within the area.

(v)(1) Assignments in the band 38,600-40,000 MHz must be according to the following frequency plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits (MHz)	Channel No.	Frequency band limits (MHz)
1-A .....	38,600-38,650	1-B .....	39,300-39,350
2-A .....	38,650-38,700	2-B .....	39,350-39,400
3-A .....	38,700-38,750	3-B .....	39,400-39,450
4-A .....	38,750-38,800	4-B .....	39,450-39,500
5-A .....	38,800-38,850	5-B .....	39,500-39,550
6-A .....	38,850-38,900	6-B .....	39,550-39,600
7-A .....	38,900-38,950	7-B .....	39,600-39,650
8-A .....	38,950-39,000	8-B .....	39,650-39,700
9-A .....	39,000-39,050	9-B .....	39,700-39,750
10-A .....	39,050-39,100	10-B .....	39,750-39,800
11-A .....	39,100-39,150	11-B .....	39,800-39,850
12-A .....	39,150-39,200	12-B .....	39,850-39,900
13-A .....	39,200-39,250	13-B .....	39,900-39,950
14-A .....	39,250-39,300	14-B .....	39,950-40,000

(v)(2) Channels Blocks 1 through 14 are assigned for use within Economic Areas (EAs). Applicants are to apprise themselves of any licensed rectangular service areas within the EA for which they seek a license and comply with the requirements set forth in §101.103. All of the channel blocks may be subdivided as desired by the licensee and used within its service area as desired without further authorization subject to the terms and conditions set forth in §101.149.

(w) Fixed systems licensed, in operation, or applied for in the 3,700-4,200, 5925-6425, 6,525-6,875, 10,550-10,680, and 10,700-11,700 MHz bands prior to July 15, 1993, are permitted to use channel plans in effect prior to that date, including adding channels under those plans.

(x) Operations on other than the listed frequencies may be authorized where it is shown that the objectives or requirements of the interference criteria prescribed in §101.105 could not

otherwise be met to resolve the interference problems.

(y) *Special requirements for operations in the band 29.1-29.25 GHz.* (1)(i) LMDS receive stations operating on frequencies in the 29.1-29.25 GHz band within a radius of 75 nautical miles of the geographic coordinates provided by a non-GSO MSS licensee pursuant to paragraphs (c)(2) or (c)(3)(i) of this section (the "feeder link earth station complex protection zone") shall accept any interference caused to them by such earth station complexes and shall not claim protection from such earth station complexes.

(ii) LMDS licensees operating on frequencies in the 29.1-29.25 GHz band outside a feeder link earth station complex protection zone shall cooperate fully and make reasonable efforts to resolve technical problems with the non-GSO MSS licensee to the extent that transmissions from the non-GSO MSS operator's feeder link earth station complex interfere with an LMDS receive station.

(2) No more than 15 days after the release of a public notice announcing the commencement of LMDS auctions, feeder link earth station complexes to be licensed pursuant to Section 25.257 shall be specified by a set of geographic coordinates in accordance with the following requirements: no feeder link earth station complex may be located in the top eight (8) metropolitan statistical areas ("MSAs"), ranked by population, as defined by the Office of Management and Budget as of June 1993, using estimated populations as of December 1992; two (2) complexes may be located in MSAs 9 through 25, one of which must be Phoenix, AZ (for a complex at Chandler, AZ); two (2) complexes may be located in MSAs 26 to 50; three (3) complexes may be located in MSAs 51 to 100, one of which must be Honolulu, Hawaii (for a complex at Waimea); and the three (3) remaining complexes must be located at least 75 nautical miles from the borders of the 100 largest MSAs or in any MSA not included in the 100 largest MSAs. Any location allotted for one range of MSAs may be taken from an MSA below that range.

(3)(i) Any non-GSO MSS licensee may at any time specify sets of geographic

coordinates for feeder link earth station complexes with each earth station contained therein to be located at least 75 nautical miles from the borders of the 100 largest MSAs.

(ii) For purposes of paragraph (c)(3)(i) of this section, non-GSO MSS feeder link earth station complexes shall be entitled to accommodation only if the affected non-GSO MSS licensee preapplies to the Commission for a feeder link earth station complex or certifies to the Commission within sixty days of receiving a copy of an LMDS application that it intends to file an application for a feeder link earth station complex within six months of the date of receipt of the LMDS application.

(iii) If said non-GSO MSS licensee application is filed later than six months after certification to the Commission, the LMDS and non-GSO MSS entities shall still cooperate fully and make reasonable efforts to resolve technical problems, but the LMDS licensee shall not be obligated to re-engineer its proposal or make changes to its system.

(4) LMDS licensees or applicants proposing to operate hub stations on frequencies in the 29.1-29.25 GHz band at locations outside of the 100 largest MSAs or within a distance of 150 nautical miles from a set of geographic coordinates specified under paragraph (c)(2) or (c)(3)(i) of this section shall serve copies of their applications on all non-GSO MSS applicants, permittees or licensees meeting the criteria specified in §25.257(a). Non-GSO MSS licensees or applicants shall serve copies of their feeder link earth station applications, after the LMDS auction, on any LMDS applicant or licensee within a distance of 150 nautical miles from the geographic coordinates that it specified under paragraph (c)(2) or (c)(3)(i) of this section. Any necessary coordination shall commence upon notification by the party receiving an application to the party who filed the application. The results of any such coordination shall be reported to the Commission within sixty days. The non-GSO MSS

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earth station licensee shall also provide all such LMDS licensees with a copy of its channel plan.

[61 FR 26677, May 28, 1996, as amended at 61 FR 29695, June 12, 1996; 61 FR 44183, Aug. 28, 1996; 62 FR 18936, Apr. 17, 1997; 62 FR 23168, Apr. 29, 1997; 62 FR 24583, May 6, 1997; 63 FR 6105, Feb. 6, 1998; 63 FR 9448, Feb. 25, 1998; 63 FR 14039, Mar. 24, 1998; 64 FR 63745, Nov. 22, 1999; 65 FR 17449, Apr. 3, 2000; 65 FR 38330, June 20, 2000; 65 FR 54175, Sept. 7, 2000]

EFFECTIVE DATE NOTE: At 65 FR 54175, Sept. 7, 2000, §101.147 was amended by removing the entries 17,700-18,820 MHz, 18,820-18,920 MHz, 18,920-19,160 MHz, 19,160-19,260 MHz and 19,260-19,700 MHz and by adding four entries 17,700-18,300 MHz, 18,300-18,580 MHz, 18,580-19,300 MHz, and 19,300-19,700 MHz and note 30, by revising the introductory text of paragraph (r), and by adding paragraph (r)(10)(iv), effective Oct. 10, 2000. For the convenience of the reader, the superseded text is set forth as follows:

§ 101.147 Frequency assignments.

\* \* \* \* \*

(r) 17,700 to 19,700 and 24,250 to 25,250 MHz. Applicants may use either a two-way link or one frequency of a frequency pair for a one-way link and must coordinate proposed operations pursuant to the procedures required in §101.103. (Note, however, that stations authorized as of September 9, 1983, to use frequencies in the band 17.7-19.7 GHz may, upon proper application, continue to be authorized for such operations.)

\* \* \* \* \*

§ 101.149 Special requirements for operation in the band 38,600-40,000 MHz

Assigned frequency channels in the band 38,600-40,000 MHz may be subdivided and used anywhere in the authorized service area, subject to the following terms and conditions:

- (a) No interference may be caused to a previously existing station operating in another authorized service area;
(b) Each operating station must have posted a copy of the service area authorization; and
(c) The antenna structure height employed at any location may not exceed the criteria set forth in §17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure for each loca-

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tion has been obtained from the FAA prior to the erection of the antenna.

§ 101.151 Use of signal boosters.

Private operational-fixed licensees authorized to operate multiple address systems in the 928-929/952-960 MHz and 932-932.5/941-941.5 MHz bands may employ signal boosters at fixed locations in accordance with the following criteria:

- (a) The amplified signal is retransmitted only on the exact frequency(ies) of the originating base, fixed, mobile, or portable station(s). The booster will fill in only weak signal areas and cannot extend the system's normal signal coverage area.
(b) Class A narrowband signal boosters must be equipped with automatic gain control circuitry which will limit the total effective radiated power (ERP) of the unit to a maximum of 5 watts under all conditions. Class B broadband signal boosters are limited to 5 watts ERP for each authorized frequency that the booster is designed to amplify.
(c) Class A narrowband boosters must meet the out-of-band emission limits of §101.111 for each narrowband channel that the booster is designed to amplify. Class B broadband signal boosters must meet the emission limits of §101.111 for frequencies outside of the booster's design passband.
(d) Class B broadband signal boosters are permitted to be used only in confined or indoor areas such as buildings, tunnels, underground areas, etc., or remote areas, i.e., areas where there is little or no risk of interference to other users.
(e) The licensee is given authority to operate signal boosters without separate authorization from the Commission. Certificated equipment must be employed and the licensee must ensure that all applicable rule requirements are met.
(f) Licensees employing either Class A narrowband or Class B broadband signal boosters as defined in §101.3 are responsible for correcting any harmful interference that the equipment may cause to other systems.

[61 FR 31052, June 19, 1996, as amended at 63 FR 36611, July 7, 1998]

### Subpart D—Operational Requirements

#### § 101.201 Station inspection.

The licensee of each station authorized in the radio services included in this part must make the station available for inspection by representatives of the Commission at any reasonable hour.

#### § 101.203 Communications concerning safety of life and property.

(a) Handling and transmission of messages concerning the safety of life or property which is in imminent danger must be afforded priority over other messages.

(b) No person may knowingly cause to be transmitted any false or fraudulent message concerning the safety of life or property, or refuse upon demand immediately to relinquish the use of a radio circuit to enable the transmission of messages concerning the safety of life or property which is in imminent danger, or knowingly interfere or otherwise obstruct the transmission of such messages.

#### § 101.205 Operation during emergency.

The licensee of any station in these services 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 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 stating the nature of the emergency and the use to which the station is being put;

(b) That the emergency use of the station must be discontinued as soon as substantially normal communication facilities are again available;

(c) That the Commission must be notified immediately when such special use of the station is terminated;

(d) That, in no event, will any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law; and

(e) That the Commission may, at any time, order the discontinuance of any such emergency communication.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68983, Dec. 14, 1998]

#### § 101.207 Suspension of transmission.

Transmission must be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and must remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission must be suspended immediately after the emergency is terminated.

#### § 101.209 Operation of stations at temporary fixed locations for communication between the United States and Canada or Mexico.

Stations authorized to operate at temporary fixed locations may not be used for transmissions between the United States and Canada, or the United States and Mexico, without prior specific notification to, and authorization from, the Commission. Notification of such intended usage of the facilities should include a detailed showing of the operation proposed, including the parties involved, the nature of the communications to be handled, the terms and conditions of such operations, the time and place of operation, such other matters as the applicant deems relevant, and a showing as to how the public interest, convenience and necessity would be served by the proposed operation. Such notification should be given sufficiently in advance of the proposed date of operation to permit any appropriate correlation with the respective foreign government involved (see §§ 101.31, 101.811, 101.813, and 101.815).

#### § 101.211 Operator requirements.

(a) Any person, with the consent or authorization of the licensee, may employ stations in this service for the purpose of telecommunications in accordance with the conditions and limitations set forth in § 101.135.

(b) The station licensee is responsible for the proper operation of the station

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at all times and is expected to provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation.

(c) The provisions of paragraph (a) of this section may not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

**§ 101.213 Station identification.**

Stations in these services are exempt from the requirement to identify transmissions by call sign or any other station identifier.

**§ 101.215 Posting of station authorization and transmitter identification cards, plates, or signs.**

(a) Each licensee shall post at the station the name, address and telephone number of the custodian of the station license or other authorization if such license or authorization is not maintained at the station.

(b) The requirements in paragraph (a) of this section do not apply to remote stations using frequencies listed in § 101.147(b).

**§ 101.217 Station records.**

Each licensee of a station subject to this part shall maintain records in accordance with the following:

(a) For all stations, the results and dates of transmitter measurements and the name of the person or persons making the measurements;

(b) For all stations, when service or maintenance duties are performed, which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all transmitter adjustments performed by him or under his supervision; and

(2) His name and address, provided that this information, so long as it remains unchanged, is not required to be repeated in the case of a person who is

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regularly employed as operator on a full-time basis at the station.

(c) The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(d) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(e) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(f) Records required by this part shall be retained by the licensee for a period of at least one year.

**Subpart E—Miscellaneous  
Common Carrier Provisions**

**§ 101.301 National defense; free service.**

Any common carrier authorized under the rules of this part 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 must make and file, in duplicate, with the Commission, on or before the 31st 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 of June and the 31st of December, respectively, next prior to said dates. These reports must 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 such communications had been collected at the published tariff rates.

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### § 101.303 Answers to notices of violation.

Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any other Federal statute or Executive Order pertaining to radio or wire communications or any international radio or wire communications treaty or convention, or regulations annexed thereto to which the United States is a party, or the rules and regulations of the Federal Communications Commission, must, within 10 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent or an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer must be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice must be complete in itself and may not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer must state fully what steps have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application must be given or, if a file number has not been assigned by the Commission, such identification as will permit ready reference thereto. If the notice of violation relates to inadequate maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance must be given. If the notice of violation relates to some lack of attention to, or improper operation of, the transmitter by other employees, the reply must enumerate the steps taken to prevent a recurrence of such lack of attention or improper operation.

### § 101.305 Discontinuance, reduction or impairment of service.

(a) If the public communication service provided by a station in the Common Carrier Radio Services and the Local Multipoint Distribution Service is involuntarily discontinued, reduced or impaired for a period exceeding 48 hours, the station licensee must promptly notify the Commission. In every such case, the licensee must furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, prompt notification thereof must be given Commission.

(b) No station licensee subject to title II of the Communications Act of 1934, as amended, may voluntarily discontinue, reduce or impair public communication service to a community or part of a community without obtaining prior authorization from the Commission pursuant to the procedures set forth in part 63 of this chapter. In the event that permanent discontinuance of service is authorized by the Commission, the station license is terminated; except that station licenses in the Local Multipoint Distribution Service are not terminated if the discontinuance is a result of a change of status by the licensee from common carrier to non-common carrier pursuant to § 1.929 of this chapter.

(c) Any licensee not subject to title II of the Communications Act of 1934, as amended, who voluntarily discontinues, reduces or impairs public communication service to a community or a part of a community must notify the Commission within 7 days thereof. In the event of permanent discontinuance of service, the station license is automatically terminated; except that station licenses in the Local Multipoint Distribution Service are not terminated if the discontinuance is a result of a change of status by the licensee from non-common carrier to common carrier pursuant to § 1.929 of this chapter.

(d) If any common carrier radio frequency should not be used to render any service as authorized during a consecutive period of twelve months at

## § 101.307

any time after construction is completed under circumstances that do not fall within the provisions of paragraph (a), (b), or (c) of this section, or, if removal of equipment or facilities has rendered the station not operational, the licensee must, within thirty days of the end of such period of nonuse:

(1) Cancel the station license (or licenses); or

(2) File an application for modification of the license (or licenses) to delete the unused frequency (or frequencies); or

(3) Request waiver of this rule and demonstrate either that the frequency will be used (as evidenced by appropriate requests for service, etc.) within six months of the end of the initial period of nonuse, or that the frequency will be converted to allow rendition of other authorized public services within one year of the end of the initial period of nonuse by the filing of appropriate applications within six months of the end of the period of nonuse.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23168, Apr. 29, 1997; 63 FR 68983, Dec. 14, 1998]

### **§ 101.307 Tariffs, reports, and other material required to be submitted to the Commission.**

Sections 1.771 through 1.815 of this chapter contain summaries of certain materials and reports, including schedule of charges and accounting and financial reports, which, when applicable, must be filed with the Commission.

### **§ 101.309 Requirement that licensees respond to official communications.**

All licensees in these services are required to respond to official communications from the Commission with reasonable dispatch and according to the tenor of such communications. Failure to do so will be given appropriate consideration in connection with any subsequent applications which the offending party may file and may result in the designation of such applications for hearing, or in appropriate cases, the institution of proceedings

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looking to the modification or revocation of the pertinent authorizations.

### **§ 101.311 Equal employment opportunities.**

Equal opportunities in employment must be afforded by all common carrier licensees and all Local Multipoint Distribution Service licensees in accordance with the provisions of § 21.307.

[62 FR 23168, Apr. 29, 1997]

## **Subpart F—Developmental Authorizations**

### **§ 101.401 Eligibility.**

Developmental authorizations for stations in the radio services included in this part will be issued only to existing and proposed licensees who are legally, financially and otherwise qualified to conduct experimentation for the development of engineering or operational data, or techniques, directly related to a proposed radio service or to a regularly established radio service regulated by the rules of this part.

### **§ 101.403 Scope of service.**

Developmental authorizations may be issued for:

(a) Field strength surveys relative to or precedent to the filing of applications for licenses, in connection with the selection of suitable locations for stations proposed to be established in any of the regularly established radio services regulated by the rules of this part; or

(b) The testing of existing or authorized antennas, wave guides, paths, or other equipment used in a system subject to this part.

### **§ 101.405 Adherence to program of research and development.**

The program of research and development, as stated by an applicant in the application for license or stated in the instrument of station authorization, must be substantially adhered to unless the licensee is otherwise authorized by the Commission.

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## § 101.411

### **§ 101.407 Special procedure for the development of a new service or for the use of frequencies not in accordance with the provisions of the rules in this part.**

(a) An authorization for the development of a new service not in accordance with the provisions of the rules in this part may be granted for a limited time, but only after the Commission has made a preliminary determination with respect to the factors set forth in this paragraph, as each case may require. This procedure also applies to any application that involves use of a frequency which is not in accordance with the provisions of the rules in this part, although in accordance with the Table of Frequency Allocations contained in part 2 of this chapter. (An application which involves use of a frequency which is not in accordance with the Table of Frequency Allocations in part 2 of this chapter should be filed in accordance with the provisions of part 5 of this chapter, Experimental Radio Services.) The factors with respect to which the Commission will make a preliminary determination before acting on an application filed under this paragraph are as follows:

(1) That the public interest, convenience or necessity warrants consideration of the establishment of the proposed service or the use of the proposed frequency;

(2) That the proposed operation appears to warrant consideration to effect a change in the provisions of the rules in this part; and/or

(3) That some operational data should be developed for consideration in any rule making proceeding which may be initiated.

(b) Applications for stations that are intended to be used in the development of a proposed service must be accompanied by a petition to amend the Commission's rules with respect to frequencies and such other items as may be necessary to provide for the regular establishment of the proposed service.

### **§ 101.409 Terms of grant; general limitations.**

(a) Developmental authorizations normally will be issued for one year, or such shorter term as the Commission may deem appropriate in any par-

ticular case, and will be subject to cancellation without hearing by the Commission at any time upon notice to the licensee.

(b) Where some phases of the developmental 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 it may deem necessary in the public interest, convenience or necessity.

(c) Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on the basis that no interference will be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations (§ 2.106 of this chapter).

(d) The rendition of communication service for hire is not permitted under any developmental authorizations unless specifically authorized by the Commission.

(e) The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis either as to the service involved or the use of the frequencies assigned or any other frequencies.

### **§ 101.411 Supplementary showing required.**

(a) Authorizations for development of a proposed radio service in the services included in this part will be issued only upon a showing that the applicant has a definite program of research and development, the details of which must be set forth, which has reasonable promise of substantial contribution to these services within the term of such authorization. A specific showing should be made as to the factors which qualify the applicant technically to conduct the research and development program, including a description of the nature and extent of engineering facilities that the applicant has available for such purposes.

(b) Expiring developmental authorizations may be renewed only upon the applicant's compliance with the applicable requirements of § 101.413 (a) and

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(b) relative to the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

#### § 101.413 Developmental report required.

(a) Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee must submit a comprehensive report on the following items, in the order designated:

- (1) Report on the various phases of the project which were investigated;
- (2) Total number of hours of operation on each frequency assigned;
- (3) Copies of any publication on the project;
- (4) Detailed analysis of the result obtained; and
- (5) Any other pertinent information.

(b) In addition to the information required by paragraph (a) of this section, the developmental report of a station authorized for the development of a proposed radio service must include comprehensive information on the following items:

- (1) Probable public support and methods of its determination;
- (2) Practicability of service operations;
- (3) Interference encountered;
- (4) Pertinent information relative to merits of the proposed service;
- (5) Propagation characteristics of frequencies used, particularly with respect to the service objective;
- (6) Frequencies believed to be more suitable and reasons therefor; and
- (7) Type of signals or communications employed in the experimental work.

(c) Developmental reports will be made a part of the Commission's public records, except upon the applicant's specific request for confidentiality and Commission approval in accordance

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with § 0.459 of this chapter. Information determined confidential by the Commission will not be publicly disclosed.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68983, Dec. 14, 1998]

## Subpart G—Digital Electronic Message Service

### § 101.501 Eligibility.

In that DEMS operations will be transitioned to the 24 GHz band, applications for new facilities using the 18 GHz channels identified in § 101.147(r)(9) are not acceptable for filing as of June 5, 1997.

[62 FR 24583, May 6, 1997]

### § 101.503 Digital Electronic Message Service Nodal Stations.

DEMS Nodal Stations may be authorized only as a part of an integrated communication system wherein DEMS User Stations associated therewith also are licensed to the DEMS Nodal Station licensee. Applications for DEMS Nodal Station licenses should specify the maximum number of DEMS User Stations to be served by that nodal station. Any increase in that number must be applied for pursuant to § 1.913 of this chapter.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68983, Dec. 14, 1998]

### § 101.505 Frequencies.

Frequencies, and the conditions on which they are available, for DEMS operations are contained in this subpart as well as in § 101.147(r)(9) of subpart C of this part.

[62 FR 24583, May 6, 1997]

### § 101.507 Frequency stability.

The frequency stability in the 17,700-19,700 and 24,250-25,250 MHz bands must be  $\pm 0.001\%$  for each DEMS Nodal Station transmitter and  $\pm 0.003\%$  for each DEMS User Station transmitter.

[62 FR 24583, May 6, 1997]

### § 101.509 Interference protection criteria.

(a) All harmful interference to other users and blocking of adjacent channel use in the same city and cochannel use

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in nearby Standard Metropolitan Statistical Areas is prohibited. In areas where SMSA's are in close proximity, careful consideration should be given to minimum power requirements and to the location, height, and radiation pattern of the transmitting antenna. Licensees and applicants are expected to cooperate fully in attempting to resolve problems of potential interference before bringing the matter to the attention of the Commission.

(b) As a condition for use of frequencies in this service each carrier is required to:

(1) Engineer the system to be reasonably compatible with adjacent channel operations in the same city; and

(2) Cooperate fully and in good faith to resolve whatever potential interference and transmission security problems may be present in adjacent channel operation.

(c) The following interference studies, as appropriate, must be included in DEMS Nodal Station applications to the extent they are provided for in this subpart:

(1) An analysis of the potential for harmful interference with other stations if the coordinates of any proposed station are located within 80 kilometers (50 miles) of the coordinates of any authorized, or previously proposed station(s) that utilizes, or would utilize, the same frequency or an adjacent potentially interfering frequency; and

(2) An analysis concerning possible adverse impact upon Canadian communications if the station's transmitting antenna is to be located within 55 kilometers (35 miles) of the Canadian border.

(d) In addition a copy of the interference analysis submitted in response to paragraph (c)(1) of this section must be served on all applicants and/or grantees concerned within 5 days of its submission to the Commission.

[61 FR 26677, May 28, 1996, as amended at 62 FR 24583, May 6, 1997]

### § 101.511 Purpose and permissible service.

(a) The DEMS is intended to provide for the exchange of digital information among and between subscribers using one or more DEMS Systems.

(b) Unless otherwise directed or conditioned in the applicable instrument of authorization, DEMS may be used to exchange any type of digital information consistent with the Commission's Rules and the applicable tariff of the carrier.

(c) The carrier's tariff must fully describe the parameters of the service to be provided, including the degree of communications security a subscriber can expect in ordinary service.

### § 101.513 Transmitter power.

The transmitter power will be governed by §101.113. Further, each application must contain an analysis demonstrating compliance with §101.113(a).

### § 101.515 Emissions and bandwidth.

Different types of emissions may be authorized if the applicant describes fully the modulation and bandwidth desired, and demonstrates that the bandwidth desired is no wider than needed to provide the intended service. In no event, however, may the necessary or occupied bandwidth exceed the specified channel width of the assigned pair.

### § 101.517 Antennas.

(a) Transmitting antennas may be omnidirectional or directional, consistent with coverage and interference requirements.

(b) The use of horizontal or vertical plane wave polarization, or right hand or left hand rotating elliptical polarization must be used to minimize harmful interference between stations.

(c) Directive antennas must be used at all DEMS User Stations and may be elevated no higher than necessary to assure adequate service. Antenna structures requiring FAA notification under part 17 of this chapter must be registered with the Commission. The structure owner is responsible for registering, painting, and lighting the structure if applicable. Requests for such authorization must show the inclusive dates of the proposed operation.

### § 101.519 Interconnection.

(a) All DEMS licensees must make available to the public all information necessary to allow the manufacture of user equipment that will be compatible with the licensee's network.

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(b) All DEMS licensees must make available to the public all information necessary to allow interconnection of DEMS networks.

**§ 101.521 Spectrum utilization.**

All applicants for DEMS frequencies must submit as part of the original application a detailed plan indicating how the bandwidth requested will be utilized. In particular the application must contain detailed descriptions of the modulation method, the channel time sharing method, any error detecting and/or correcting codes, any spatial frequency reuse system and the total data throughput capacity in each of the links in the system. Further, the application must include a separate analysis of the spectral efficiency including both information bits per unit bandwidth and the total bits per unit bandwidth.

**Subpart H—Private Operational Fixed Point-to-Point Microwave Service**

**§ 101.601 Eligibility.**

Any person, or any governmental entity or agency, eligible for licensing in a radio service or pool under part 80, 87, or 90 of this chapter or any person proposing to provide communications service to such persons, governmental entities or agencies is eligible to hold a license under this subpart.

[62 FR 18936, Apr. 17, 1997]

**§ 101.603 Permissible communications.**

(a) Except as provided in paragraph (b) of this section, stations in this radio service may transmit communications as follows:

(1) On frequencies below 21,200 MHz, licensees may transmit their own communications, including the transmission of their products and information services, to their customers except that the distribution of video entertainment material to customers is permitted only as indicated in § 101.101 and paragraph (a)(2) of this section.

(2) In the frequency bands 6425–6525 MHz, 18,142–18,580 MHz and on frequencies above 21,200 MHz, licensees may deliver any of their own products and services to any receiving location;

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(3) Licensees may transmit the communications of their parent corporation, or of another subsidiary of the same parent, or their own subsidiary where the party to be served is regularly engaged in any of the activities that constitute the basis for eligibility to use the frequencies assigned;

(4) Licensees may transmit the communications of other parties in accordance with § 101.135;

(5) Licensees may transmit emergency communications unrelated to their activities in accordance with § 101.205;

(6) Licensees may transmit communications on a commercial basis to eligible users, among different premises of a single eligible user, or from one eligible user to another as part of transmissions by Digital Electronic Message Service systems on the frequencies provided for this purpose;

(7) Licensees may transmit program material from one location to another, provided that the frequencies do not serve as the final RF link in the chain of distribution of the program material to broadcast stations;

(b) Stations licensed in this radio service shall not:

(1) Render a common carrier communications service of any kind;

(2) Transmit program material for use in connection with broadcasting, except as provided in paragraphs (a)(2), and (a)(7) of this section; and/or

(3) Be used to provide the final RF link in the chain of transmission of program material to cable television systems, multipoint distribution systems or master antenna TV systems, except in the frequency bands 6425–6525 and 18,142–18,580 MHz and on frequencies above 21,200 MHz.

**Subpart I—Common Carrier Fixed Point-to-Point Microwave Service**

**§ 101.701 Eligibility.**

(a) Authorizations for stations in this service will be issued to existing and proposed common carriers. Applications will be granted only in cases in which it is shown that:

(1) The applicant is legally, technically, financially and otherwise qualified to render the proposed service;

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(2) There are frequencies available to enable the applicant to render a satisfactory service; and

(3) The public interest, convenience, and necessity would be served by a grant thereof.

(b) If the content is originated, selected, controlled, or otherwise substantively influenced by the applicant, licensee, or a closely affiliated entity, no station or radio frequency in this service will be authorized, or may be utilized, to transmit any closed circuit television signals or television signals other than broadcast television signals, unless:

(1) Such service is otherwise permitted for a specific length of time by grant of an acceptable petition for waiver of this rule; or

(2) Such service is otherwise permitted by a condition in the applicable instrument of authorization; or

(3) Such service is provided pursuant to applicable FCC tariff and is temporary and occasional intra-company television communication for management, network supervision, or other internal carrier functions. For purposes of this paragraph, an entity will be considered to be "closely affiliated" with an applicant if it is in a parent-subsidiary relationship, or both are commonly controlled, or they have any common officers or management employees.

(c) Applications for stations or frequencies that will be used primarily to relay broadcast television signals must include a certification that at least fifty percent of the customers (or points of service) on the microwave system involved, including those served through an interconnecting carrier(s), receiving applicant's service, will not be related or affiliated in any degree with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, must constitute at least fifty percent of the usage of the applicant's microwave service. Applications that do not contain these certifications will be returned as unacceptable for filing.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68983, Dec. 14, 1998]

EFFECTIVE DATE NOTE: At 63 FR 68983, Dec. 14, 1998, § 101.701 was amended by revising paragraph (c). This section contains informa-

tion collection and recordkeeping requirements, and the amendment will not become effective until approval has been given by the Office of Management and Budget.

### § 101.703 Permissible communications.

Stations in this service are authorized to render any kind of communication service provided for in the legally applicable tariffs of the carrier, unless otherwise directed in the applicable instrument of authorization or limited by § 101.147 or §§ 101.111 and 101.113.

### § 101.705 Special showing for renewal of common carrier station facilities using frequency diversity.

Any application for renewal of license, for a term commencing January 1, 1975, or after, involving facilities utilizing frequency diversity must contain a statement showing compliance with § 101.103(c) or the exceptions recognized in paragraph 141 of the *First Report and Order* in Docket No. 18920 (29 FCC 2d 870). (This document is available at: Federal Communications Commission, Library (Room TW-B505), 445 Twelfth Street, SW, Washington, DC) If not in compliance, a complete statement with the reasons therefore must be submitted.

[64 FR 53242, Oct. 1, 1999]

## Subpart J—Local Television Transmission Service

### § 101.801 Eligibility.

Authorizations for stations in this service will be granted to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that:

(a) The applicant is legally, financially, technically and otherwise qualified to render the proposed service;

(b) There are frequencies available to enable the applicant to render a satisfactory service; and

(c) The public interest, convenience or necessity would be served by a grant thereof.

### § 101.803 Frequencies.

(a) Frequencies in the following bands are available for assignment to television pickup and television non-broadcast pickup stations in this service:

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- 6,425 to 6,525 MHz. (6)
- 11,700 to 12,200 MHz. (3)
- 13,200 to 13,250 MHz. (1)
- 14,200 to 14,400 MHz. (8)
- 21,200 to 22,000 MHz. (1), (2), (4), (5)
- 22,000 to 23,600 MHz. (1), (2), (5)
- 31,000 to 31,300 MHz. (7)

Notes

(1) This frequency band is shared with fixed and mobile stations licensed under this and other parts of the Commission's Rules.

(2) This frequency band is shared with Government stations.

(3) This frequency band is shared, on a secondary basis, with stations in the broadcasting-satellite and fixed-satellite services.

(4) This frequency band is shared with stations in the earth-exploration satellite service.

(5) Assignments to common carriers in this band are normally made in the segments 21,200-21,800 MHz and 22,400-23,800 MHz and to operational fixed users in the segments 21,800-22,400 MHz and 23,000-23,600 MHz. Assignments may be made otherwise only upon a showing that interference free frequencies are not available in the normally assigned band segments.

(6) This band is co-equally shared with mobile stations licensed pursuant to parts 74 and 78 of this chapter, and subpart H of this part.

(7) As of June 30, 1997, frequencies in this band only are available for assignment to LMDS radio stations, except for non-LMDS radio stations authorized pursuant to applications refiled no later than June 26, 1998. Stations authorized prior to June 30, 1997, may continue to operate within the existing terms of the outstanding licenses, subject to renewal. Non-LMDS stations authorized pursuant to applications refiled no later than June 26, 1998 shall operate on an unprotected basis and subject to harmful interference from similarly licensed stations or stations licensed prior to June 30, 1997, and on a secondary basis to LMDS radio stations.

(8) The maximum power for the local television transmission service in the 14.2-14.4 GHz band is +45 dBW except that operations are not permitted within 1.5 degrees of the geostationary orbit.

(b) Communications common carriers in the Local Television Transmission Service may be assigned frequencies listed in §§ 74.602(a), 78.18(a)(7) and 78.18(a)(8) of this chapter to provide service to television broadcast stations, television broadcast network-entities, cable system operators and cable network-entities. Frequency availability is subject to the provisions of § 74.604 of this chapter and the use of

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the facility is limited to the permissible uses described in §§ 74.631 and 78.11 of this chapter. Operations on these frequencies are subject to the technical provisions of part 74, subpart F, and part 78, subpart D of this chapter.

(c) [Reserved]

(d) Frequencies in the following bands are available for assignment to television STL stations in this service:

- 3,700 to 4,200 MHz (1)
- 5,925 to 6,425 MHz (1),(5)
- 10,700 to 11,700 MHz (1),(6)
- 11,700 to 12,200 MHz (3)
- 13,200 to 13,250 MHz (2)
- 21,200 to 22,000 MHz (2),(4),(7),(8)
- 22,000 to 23,600 MHz (2),(6),(8)
- 31,000 to 31,300 MHz (9)

Notes

(1) This frequency band is shared with stations in the Point to Point Microwave Radio Service and, in United States Possessions in the Caribbean area, with stations in the International Fixed Radiocommunications Services.

(2) This frequency band is shared with fixed and mobile stations licensed under this and other parts of the Commission's rules.

(3) This frequency band is shared with space stations (space to earth) in the fixed-satellite service.

(4) This frequency band is shared with Government stations.

(5) This frequency band is shared with earth stations (earth to space) in the fixed-satellite services.

(6) The band segments 10.95-11.2 and 11.45-11.7 GHz are shared with space stations (space to earth) in the fixed-satellite service.

(7) This frequency band is shared with space stations (space to earth) in the earth exploration satellite service.

(8) Assignments to common carriers in this band are normally made in the segments 21,200-21,800 MHz and 22,400-23,000 MHz and to operational fixed users in the segments 21,800-22,400 MHz and 23,000-23,600 MHz. Assignments may be made otherwise only upon a showing that interference free frequencies are not available in the appropriate band segments.

(9) As of June 30, 1997, frequencies in this band only are available for assignment to LMDS radio stations, except for non-LMDS stations authorized pursuant to applications refiled no later than June 26, 1998. Stations authorized prior to June 30, 1997, may continue to operate within the existing terms of the outstanding licenses, subject to renewal. Non-LMDS stations authorized pursuant to applications refiled no later than June 26, 1998 shall operate on an unprotected basis and subject to harmful interference from

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each other or stations licensed prior to June 30, 1997, and on a secondary basis to LMDS radio stations.

(e) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, persons holding valid station authorizations on July 15, 1963, to provide television nonbroadcast pickup service in the 6525–6575 MHz band may be authorized to continue use of the frequencies specified in their authorization for such operations until July 15, 1968.

(f) *6425 to 6525 MHz—Mobile Only.* Paired and un-paired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or for multi-channel cable distribution is not permitted. This band is co-equally shared with mobile stations licensed pursuant to parts 74 and 78 of this chapter. The following channel plans apply.

(1) 1 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6425.5 .....	6475.5
6450.5 .....	6500.5

(2) 8 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6430.0 .....	6480.0
6438.0 .....	6488.0
6446.0 .....	6596.0
6455.0 .....	6505.0
6463.0 .....	6513.0
6471.0 .....	6521.0

(3) 25 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6437.5 .....	6487.5
6462.5 .....	6512.5

(g) The frequency 27.255 MHz in the 27.23–27.28 MHz band is allocated for assignment to microwave auxiliary stations in this service on a shared basis with other radio services. Assignments to stations on this frequency will not be protected from such interference as may be experienced from the emissions

of industrial, scientific and medical equipment operating on 27.12 MHz in accordance with §2.106 of this chapter.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23168, Apr. 29, 1997; 63 FR 9448, Feb. 25, 1998; 63 FR 14039, Mar. 24, 1998; 65 FR 38332, June 20, 2000]

**§ 101.805 Assignment of frequencies to mobile stations.**

The assignment of frequencies to mobile stations in this service will not be limited to a single licensee within any area. However, geographical limits within which mobile units may operate may be imposed by the Commission.

**§ 101.807 Transmitter power.**

Stations in this service will not be authorized to use transmitters having a rated power output in excess of the limits set forth in §101.113(b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

**§ 101.809 Bandwidth and emission limitations.**

(a) Stations in this service operating on frequencies in the 27.23–27.28 MHz band will be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony. The authorization to use such emissions will be construed to include authority to employ unmodulated emission only for temporary or short periods necessary for equipment testing incident to the construction and maintenance of the station.

(b) Stations in the service operating on frequencies above 940 MHz may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelephony and television. In addition, the use of unmodulated emission may be authorized in appropriate cases.

(c) The maximum bandwidths which will normally be authorized for single channel operation on frequencies below 500 MHz in this service must not exceed the limits set forth below:

Type of emission	Authorized bandwidth (kHz)
A3E .....	8

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Type of emission	Authorized bandwidth (kHz)
F3E or (G3E) .....	40

(d) Maximum bandwidths in the following frequency bands must not exceed the limits set forth below:

Frequency band (MHz)	Maximum authorized bandwidth (MHz)
3,700 to 4,200 .....	20
5,925 to 6,425 .....	30
6,425 to 6,525 .....	25
10,700 to 12,200 .....	40
13,200 to 13,250 .....	25
22,000 to 23,600 .....	100

(e) The bandwidths authorized on frequencies above 500 MHz must be appropriate to the type of operation in any particular case. An application requesting such authorization must fully describe the modulation, emission, and bandwidth desired and must specify the bandwidth to be occupied.

**§ 101.811 Modulation requirements.**

(a) The use of modulating frequencies higher than 3000 hertz for single channel radiotelephony or tone signaling on frequencies below 500 MHz is not authorized.

(b) When amplitude modulation is used, the modulation percentage must be sufficient to provide efficient communication and must normally be maintained above 70 percent on positive peaks, but may not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for single channel radiotelephony on frequencies below 500 MHz, the deviation arising from modulation may not exceed plus or minus 15 kHz from the unmodulated carrier.

(d) Each unmultiplexed radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage and initially installed at the station in this service after September 4, 1956, must be provided with a device that will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level.

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**§ 101.813 Remote control operation of mobile television pickup stations.**

(a) Mobile television pickup stations (including nonbroadcast) may be operated by remote control from the fixed locations for periods not to exceed 6 months.

(b) The Commission may, upon adequate showing by the licensee as to why the television pickup operations should not be conducted under a fixed station authorization, renew the authority granted under the provisions of paragraph (a) of this section.

(c) Reference should be made to § 101.125 concerning mobile station antenna height restrictions and to paragraphs (c) and (f) of § 101.131 concerning control points.

**§ 101.815 Stations at temporary fixed locations.**

(a) Authorizations may be issued upon proper application for the use of frequencies listed in § 101.803 by stations in the Local Television Transmission Service for rendition of temporary service to subscribers under the following conditions:

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services that are initially known to be of longer than 6 months' duration may not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

(2) When a fixed station authorized to operate at temporary locations is installed and it subsequently becomes necessary for the station to operate from such location for more than six months, an application for a station authorization to specify the permanent location must be filed at least thirty days prior to the expiration of the six month period.

(3) The station must be used only for rendition of communication service at a remote point where the provision of wire facilities is not practicable.

(4) The antenna structure height employed at any location may not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from

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the Commission prior to erection of the antenna. See §101.125.

(5) Applications for such stations must comply with the provisions of §101.21(f).

(b) Applications for authorizations to operate stations at temporary locations under the provisions of this section may be made upon FCC Form 601. Blanket applications may be submitted for the required number of transmitters.

(c) Prior coordination of mobile assignments will be in accordance with the procedures in §101.103(d) except that the prior coordination process for mobile (temporary fixed) assignments may be completed orally and the period allowed for response to a coordination notification may be less than 30 days if the parties agree.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68984, Dec. 14, 1998; 65 FR 38332, June 20, 2000]

### §101.817 Notification of station operation at temporary locations.

(a) The licensee of stations authorized pursuant to §101.813 must notify the Commission prior to each period of operation. This notification must include:

(1) The call sign, manufacturer's name, type or model number, output power and specific location of the transmitter(s);

(2) The maintenance location for the transmitter;

(3) The location of the transmitting or receiving station with which it will communicate and the identity of the correspondent operating such facilities;

(4) The exact frequency or frequencies to be used;

(5) The public interest, convenience and necessity to be served by operation of the proposed installation;

(6) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly must be given to the Commission;

(7) Where the notification contemplates initially a service that is to be rendered for a period longer than 90 days, the notification must contain a

showing as to why application should not be made for regular authorization; and

(8) A notification must include compliance with the provisions of §101.813(c).

(b) A copy of the notification must be kept with the station license.

[61 FR 26677, May 28, 1996, as amended at 63 FR 68984 Dec. 14, 1998]

### § 101.819 Stations affected by coordination contour procedures.

In frequency bands shared with the communication-satellite service, applicants must also comply with the requirements of §101.21.

## Subpart K [Reserved]

## Subpart L—Local Multipoint Distribution Service

SOURCE: 62 FR 23168, Apr. 29, 1997, unless otherwise noted.

### § 101.1001 Eligibility.

Any entity, other than one precluded by §101.7 and by §101.1003, is eligible for authorization to provide Local Multipoint Distribution Service (LMDS) under this subpart. Authorization will be granted upon proper application filed under the rules in this part.

### § 101.1005 Frequencies available.

(a) The following frequencies are available for assignment to LMDS in two license blocks:

#### *Block A of 1,150 MHz*

27,500–28,350 MHz

29,100–29,250 MHz

31,075–31,225 MHz

#### *Block B of 150 MHz*

31,000–31,075 MHz

31,225–31,300 MHz

(b) In Block A licenses, the frequencies are authorized as follows:

(1) 27,500–28,350 MHz is authorized on a primary protected basis and is shared with Fixed Satellite Service (FSS) systems.

(2) 29,100–29,250 MHz is shared on a co-primary basis with feeder links for

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non-geostationary orbit Mobile Satellite Service (NGSO/MSS) systems in the band and is limited to LMDS hub-to-subscriber transmissions, as provided in § 25.257 and § 101.103(h).

(3) 31,075–31,225 MHz is authorized on a primary protected basis and is shared with private microwave point-to-point systems licensed prior to March 11, 1997, as provided in § 101.103(b).

(c) In Block B licenses, the frequencies are authorized as follows:

(1) On a primary protected basis if LMDS shares the frequencies with systems licensed as Local Television Transmission Service (LTTS) licensed prior to March 11, 1997, as provided in § 101.103(b).

(2) On a co-equal basis with systems not licensed as LTTS prior to March 11, 1997, as provided in § 101.103(g).

### § 101.1007 Geographic service areas and number of licenses.

LMDS service areas are Basic Trading Areas (BTAs) as defined in the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38–39, that identifies 487 BTAs based on the 50 States and as defined to include the BTA-like areas of the United States Virgin Islands, American Samoa, Guam, Mayaguez/Aguadilla-Ponce, Puerto Rico, San Juan, Puerto Rico, and the Commonwealth of Northern Marianas, for a total of 493 BTAs.

### § 101.1009 System operations.

(a) The licensee may construct and operate any number of fixed stations anywhere within the area authorized by the license without prior authorization, except as follows:

(1) A station would be required to be individually licensed if:

(i) International agreements require coordination;

(ii) Submission of an Environmental Assessment is required under § 1.1307 of this chapter.

(iii) The station would affect the radio quiet zones under § 1.924 of this chapter.

(2) Any antenna structure that requires notification to the Federal Aviation Administration (FAA) must be registered with the Commission prior to construction under § 17.4 of this chapter.

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(b) Whenever a licensee constructs or makes system changes as described in paragraph (a) of this section, the licensee is required to notify the Commission within 30 days of the change under § 1.947 of this chapter and include a statement of the technical parameters of the changed station.

[62 FR 23168, Apr. 29, 1997, as amended at 63 FR 68984, Dec. 14, 1998]

### § 101.1011 Construction requirements and criteria for renewal expectancy.

(a) LMDS licensees must make a showing of “substantial service” in their license area within ten years of being licensed. “Substantial” service is defined as service which is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(b) A renewal applicant involved in a comparative renewal proceeding shall receive a preference, commonly referred to as a renewal expectancy, that is the most important comparative factor to be considered in the proceeding as long as the applicant’s past record for the relevant license period demonstrates that:

(1) The renewal applicant has provided “substantial” service during its past license term; and

(2) The renewal applicant has substantially complied with applicable FCC rules, policies, and the Communications Act of 1934, as amended.

(c) In order to establish its right to a renewal expectancy, an LMDS renewal applicant involved in a comparative renewal proceeding must submit a showing explaining why it should receive a renewal expectancy. At a minimum, this showing must include:

(1) A description of its current service in terms of geographic coverage and population served;

(2) An explanation of its record of expansion, including a timetable of new construction to meet changes in demand for service;

(3) A description of its investments in its LMDS system; and

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(4) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(d) In making its showing of entitlement to a renewal expectancy, a renewal applicant may claim credit for any system modification applications that were pending on the date it filed its renewal application. Such credit will not be allowed if the modification application is dismissed or denied.

### § 101.1013 Permissible communications services.

(a) Authorizations for stations in the Local Multipoint Distribution Service will be granted to provide services on a common carrier basis or a non-common carrier basis or on both a common carrier and non-common carrier basis in a single authorization.

(b) Stations may render any kind of communications service consistent with the Commission's rules and the regulatory status of the station to provide services on a common carrier or non-common carrier basis.

(c) An applicant or licensee may submit a petition at any time requesting clarification of the regulatory status required to provide a specific communications service.

### § 101.1017 Requesting regulatory status.

(a) *Initial applications.* An applicant will specify on FCC Form 601 if it is requesting authorization to provide services on a common carrier basis, a non-common carrier basis, or on both a common carrier and non-common carrier basis.

(b) *Amendment of pending applications.* (1) Any pending application may be amended to:

(i) Change the carrier status requested, or

(ii) Add to the pending request in order to obtain both common carrier and non-common carrier status in a single license.

(2) Amendments to change, or add to, the carrier status in a pending application are minor amendments pursuant to § 1.927 of this chapter.

(c) *Modification of license.* (1) A licensee may modify a license to:

(i) Change the carrier status authorized, or

(ii) Add to the status authorized in order to obtain both common carrier and non-common carrier status in a single license.

(2) Applications to change, or add to, the carrier status in a license are modifications not requiring prior Commission authorization filed under § 1.927 of this chapter. If the change results in the discontinuance, reduction, or impairment of an existing service, the licensee is also governed by § 101.305(b) or (c) and submits the application under § 1.927 of this chapter in conformance with the time frames and requirements of §§ 101.305 (b) or (c).

[62 FR 23168, Apr. 29, 1997, as amended at 63 FR 68984, Dec. 14, 1998]

## Subpart M—Competitive Bidding Procedures for LMDS

SOURCE: 62 FR 23172, Apr. 29, 1997, unless otherwise noted.

### § 101.1101 LMDS service subject to competitive bidding.

Mutually exclusive initial applications for LMDS licenses are subject to competitive bidding procedures. The procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

### § 101.1102 Competitive bidding design for LMDS.

The Commission will employ a simultaneous multiple round auction design when choosing from among mutually exclusive initial applications to provide LMDS, unless otherwise specified by the Wireless Telecommunications Bureau before the auction.

### § 101.1103 Competitive bidding mechanisms.

(a) *Sequencing.* The Commission will establish and may vary the sequence in which LMDS licenses are auctioned.

(b) *Grouping.* The Commission will determine which licenses will be auctioned simultaneously or in combination based on interdependency and administrative circumstances.

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(c) *Minimum bid increments.* The Commission may, by public announcement before or during an auction, require minimum bid increments in dollar or percentage terms.

(d) *Stopping rules.* The Commission may establish stopping rules before or during an auction in order to terminate the auction within a reasonable time.

(e) *Activity rules.* The Commission may establish activity rules which require a minimum amount of bidding activity. In the event that the Commission establishes an activity rule in connection with a simultaneous multiple round auction, each bidder may request waivers of such rule during the auction. The Commission may, by public announcement either before or during the auction, specify or vary the number of waivers available to each bidder.

(f) *Bid withdrawal, default and disqualification payments.* The Commission will impose payments on bidders who withdraw high bids during the course of an auction, who default on payments due after an auction terminates, or who are disqualified. Payments will be calculated as set forth in §§1.2104(g) and 1.2109 of this chapter. When the amount of such a payment cannot be determined, a deposit of up to 20 percent of the amount bid on the license will be required.

(g) *Tie bids.* Where a tie bid occurs, the high bidder will be determined by the order in which the bids were received by the Commission.

### § 101.1104 Bidding application (FCC Forms 175 and 175-S).

Each applicant to participate in competitive bidding for LMDS licenses must submit an application (FCC Forms 175 and 175-S) pursuant to the provisions of § 1.2105 of this chapter.

### § 101.1105 Submission of payments.

(a) Each applicant to participate in an LMDS auction will be required to submit an upfront payment in accordance with § 1.2106 of this chapter as announced by the Wireless Telecommunications Bureau by Public Notice.

(b) Winning bidders in LMDS auctions must submit a down payment to the Commission in an amount sufficient to bring their total deposits up to

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20 percent of their winning bids within ten business days following the release of a Public Notice announcing the close of the auction. Winning bidders must pay the full balance of their winning bids within ten business days following the release of a Public Notice that the Commission is prepared to award the licenses.

[62 FR 48794, Sept. 17, 1997]

### § 101.1107 Bidding credits for very small businesses, small businesses and entrepreneurs; unjust enrichment.

(a) A winning bidder that qualifies as a very small business or a consortium of very small businesses pursuant to § 101.1112 may use a bidding credit of 45 percent to lower the cost of its winning bid.

(b) A winning bidder that qualifies as a small business or a consortium of small businesses pursuant to § 101.1112 may use a bidding credit of 35 percent to lower the cost of its winning bid.

(c) A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs pursuant to § 101.1112 may use a bidding credit of 25 percent to lower the cost of its winning bid.

(d) The bidding credits referenced in paragraphs (a), (b) and (c) of this section are not cumulative.

(e) *Unjust enrichment.* (1) A licensee that utilizes a bidding credit, and that during the initial license 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 is granted, 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 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 license term, 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 granted, must be paid to the U.S. Government as a condition of Commission approval of the ownership change.

(2) The amount of payments made pursuant to paragraph (e)(1) of this section will be reduced over time as follows:

(i) A transfer in the first two years of the license term will result in a forfeiture of 100 percent of the value of the bidding credit (or the difference between the bidding credit obtained by the original licensee and the bidding credit for which the post-transfer licensee is eligible);

(ii) In year three of the license term the payment will be 75 percent;

(iii) In year four of the license term the payment will be 50 percent; and

(iv) In year five of the license term the payment will be 25 percent, after which there will be no required payment.

[62 FR 48794, Sept. 17, 1997]

**§ 101.1109 Certifications, disclosures, records maintenance and audits.**

(a) *Short-form applications: Certifications and disclosure.* In addition to certifications and disclosures required in part 1, subpart Q, of this chapter, each applicant for an LMDS license which qualifies as a very small business, small business or entrepreneurs pursuant to §101.1112 shall append the following information as an exhibit to its short-form applications (FCC Form 175):

(1) The identities of the applicant's affiliates and controlling principals; and

(2) The applicant's gross revenues, computed in accordance with §101.1112.

(b) *Long-form applications: Certifications and disclosure.* In addition to the requirements in §1.2107 of this chapter, each applicant submitting a long-form application for an LMDS license and qualifying as a very small business, small business or entrepreneur pursuant to §101.1112 shall, in an exhibit to its long-form application:

(1) Disclose separately and in the aggregate the gross revenues, computed in accordance with §101.1112, for each of the following: the applicant, the applicant's affiliates, the applicant's controlling principals, and, if a consortium of very small businesses, small businesses or entrepreneurs, the members of the consortium;

(2) List and summarize all agreements or other instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a very small business, small business or entrepreneur, including the establishment of de facto and de jure control; such agreements and instruments include, but are not limited to, 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

(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.

(c) *Records maintenance.* All winning bidders qualifying as very small businesses, small businesses or entrepreneurs shall maintain at their principal place of business an updated file of ownership, revenue, and asset information, including any document necessary to establish eligibility as a very small business, small business or entrepreneur. Licensees (and their successors-in-interest) shall maintain such files for the term of the license. Applicants that do not obtain the license(s) for which they applied shall maintain such files until the grant of such license(s) is final, or one year from the date of the filing of their short-form

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application (FCC Form 175), whichever is earlier.

(d) *Audits.* (1) Applicants and licensees claiming eligibility as a very small business, small business or entrepreneur pursuant to §101.1112 shall be subject to audits by the Commission. 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 licensed LMDS service, and shall also include consent to the interview of principals, employees, customers and suppliers of the applicant or licensee.

[62 FR 48795, Sept. 17, 1997]

### § 101.1110 Petitions to deny.

Procedures regarding petitions to deny long-form applications in the LMDS service will be governed by §1.2108 (b) through (d) of this chapter.

### § 101.1111 Partitioning and disaggregation.

(a) *Definitions.—Disaggregation.* The assignment of discrete portions or "blocks" of spectrum licensed to a geographic licensee or qualifying entity.

*Partitioning.* The assignment of geographic portions of a licensee's authorized service area along geopolitical or other boundaries.

(b) *Eligibility.* (1) Parties seeking approval for partitioning and disaggregation shall request an authorization for partial assignment of a license pursuant to §101.53. Parties shall submit the forms set forth in §101.15(e).

(2) Licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum at any time following the grant of their licenses.

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(c) *Technical Standards.—(1) Partitioning.* In the case of partitioning, requests for authorization for partial assignment of a license must include, as an attachment, a description of the partitioned service area. The partitioned service area shall be defined by coordinate points at every 3 degrees along the partitioned service area unless an FCC recognized service area is utilized (*i.e.*, Major Trading Area, Basic Trading Area, Metropolitan Service Area, Rural Service Area or Economic Area) or county lines are followed. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83). In the case where an FCC recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area. In such partitioning cases where an unjust enrichment payment is owed the Commission, the request for authorization for partial assignment of a license must include, as an attachment, a calculation of the population of the partitioned service area and the licensed geographic service area.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined Partitioning and Disaggregation.* The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(d) *License Term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's license term as provided for in §101.67 of this chapter.

(e) *Construction Requirements.* Applications requesting approval for partitioning or disaggregation must include a certification by each party that it will satisfy the construction requirement set forth in §101.1011 of this chapter. Failure by a party to meet its respective construction requirement will result in the automatic cancellation of its license without further Commission action.

[63 FR 26507, May 13, 1998]

## § 101.1112 Definitions.

(a) *Scope.* The definitions in this section apply to §§ 101.1101 through 101.1112, unless otherwise specified in those sections.

(b) *Very small business.* A very small business is an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of not more than \$15 million.

(c) *Small business.* A small business is an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of more than \$15 million but not more than \$40 million.

(d) *Entrepreneur.* An entrepreneur is an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of more than \$40 million but not more than \$75 million.

(e) For purposes of determining whether an entity meets the definition of very small business, small business or entrepreneur, the gross revenues of the applicant, its affiliates and controlling principals shall be considered on a cumulative basis and aggregated.

(f) *Consortium.* A consortium of very small businesses, small businesses or entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition of a very small business, small business or entrepreneur. Each individual member must establish its eligibility as a very small business, small business or entrepreneur. Where an applicant (or licensee) is a consortium of very small businesses, small businesses or entrepreneurs, the gross revenues of each business shall not be aggregated.

(g) *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 applica-

tion (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.

(h) *Affiliate—(1) Basis for affiliation.* An individual or entity is an affiliate of an applicant if such individual or entity:

(i) Directly or indirectly controls or has the power to control the applicant;

(ii) Is directly or indirectly controlled by the applicant;

(iii) Is directly or indirectly controlled by a third party or parties who also control or have the power to control the applicant; or

(iv) Has an "identity of interest" with the applicant.

(2) *Nature of control in determining affiliation.* (i) Every business concern is considered to have one or more parties who 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 for paragraph (h)(2)(i).* An applicant owning 50 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 of control.

(ii) 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 her position in the concern, has a critical influence in or substantive control over the operations or management of the concern.

(iii) Control can arise through management positions if the voting stock is so widely distributed that no effective control can be established.

*Example for paragraph (h)(2)(iii).* 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 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 controlling principals of the applicant, the other entity will be deemed an affiliate of the applicant.

(3) *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 is controlled by a concern, persons with an identity of interest will be treated as though they were one person.

(i) *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.

(ii) *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, and half-brother or -sister. This presumption may be rebutted by showing that:

- (A) The family members are estranged;
- (B) The family ties are remote; or
- (C) The family members are not closely involved with each other in business matters.

*Example for paragraph (h)(3)(ii).* A owns a controlling interest in Corporation X. A's sister-in-law, B, has a controlling interest in an LMDS license application. Because A and B have a presumptive kinship affiliation, A's interest in Corporation X is attributable to

B, and thus to the applicant, unless B rebuts the presumption with the necessary showing.

(4) *Affiliation through stock ownership.*

(i) An applicant is presumed to control or have the power to control a concern if she owns or controls or has the power to control 50 percent or more of its voting stock.

(ii) An applicant is presumed to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock, if the block of stock she owns, controls, or has the power to control is large as compared with any other outstanding block of stock.

(iii) 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.

(5) *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 will generally be treated as though the rights held thereunder had been exercised. However, neither an affiliate nor an applicant can use such options and debentures to appear to terminate its control over another concern before it actually does so.

*Example 1 for paragraph (h)(5).* If company B holds an option to purchase a controlling interest in company A, which holds a controlling interest in an LMDS applicant, the situation is treated as though company B had exercised its rights and had become 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 for paragraph (h)(5).* If a large company, BigCo, holds 70 percent (70 of 100 outstanding shares) of the voting stock of company A, who holds a controlling interest in an LMDS license applicant, 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 options 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 for paragraph (h)(5).* 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.

(6) *Affiliation under voting trusts.* (i) Stock interests held in trust shall be deemed controlled by 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.

(ii) If a trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the stock interests held in trust will be deemed controlled by the grantor or beneficiary, as appropriate.

(iii) If the primary purpose of a voting trust, or similar agreement, is to separate voting power from beneficial ownership of voting stock for the purpose of shifting control of or the power to control a concern in order that such concern or another concern may meet the Commission's size standards, such voting trust shall not be considered valid for this purpose regardless of whether it is or is not recognized within the appropriate jurisdiction.

(7) *Affiliation through common management.* Affiliation generally arises where officers, directors, or key employees serve as the majority or otherwise as the controlling element of the board of directors or the management (or both) of another entity.

(8) *Affiliation through common facilities.* Affiliation generally arises where one concern shares office space, employees, or other facilities (or any combination of the foregoing) with another concern, particularly where such concerns are in the same or related indus-

try 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.

(9) *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.

(10) *Affiliation under joint venture arrangements.* A joint venture for size determination purposes is an association of concerns or individuals (or both), with interests in any degree or proportion, formed by contract, express or implied, to engage in and carry out a single, specific business venture for joint profit for which purpose they combine their efforts, property, money, skill and knowledge, but not on a continuing or permanent basis for conducting business generally. The determination whether an entity is a joint venture is based upon the facts of the business operation, regardless of how the business operation may be designated by the parties involved. An agreement to share profits/losses proportionate to each party's contribution to the business operation is a significant factor in determining whether the business operation is a joint venture.

(11) *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 affiliated 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

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competitive advantage because significant legal constraints restrict the applicant's ability to access such gross revenues.

[62 FR 48795, Sept. 17, 1997]

## Subpart N—Competitive Bidding Procedures for the 38.6–40.0 GHz Band

SOURCE: 63 FR 6106, Feb. 6, 1998, unless otherwise noted.

### § 101.1201 38.6–40.0 GHz subject to competitive bidding.

Mutually exclusive 38.6–40.0 GHz initial applications are subject to competitive bidding. The general competitive bidding procedures found in 47 CFR Part 1, Subpart Q will apply unless otherwise provided in this part.

### § 101.1202 Competitive bidding design for 38.6–40.0 GHz licensing.

The following competitive bidding procedures generally will be used in 38.6–40.0 GHz auctions. Additional, specific procedures may be set forth by public notice. The Commission also may design and test alternative procedures. See 47 CFR §§ 1.2103 and 1.2104. The Commission will employ simultaneous multiple round bidding when choosing from among mutually exclusive initial applications to provide 38.6–40.0 GHz service, unless otherwise specified by the Wireless Telecommunications Bureau before the auction.

### § 101.1203 Competitive bidding mechanisms.

(a) *Sequencing.* The Commission will establish and may vary the sequence in which 38.6–40.0 GHz licenses will be auctioned.

(b) *Grouping.* The Commission will conduct a series of sequential auctions of three channels at a time within each BTA unless the Wireless Telecommunications Bureau announces, by Public Notice prior to the auction, an alternative auction scheme.

(c) *Minimum bid increments.* The Commission will, by announcement before or during an auction, require minimum bid increments in dollar or percentage terms.

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(d) *Stopping rules.* The Commission will establish stopping rules before or during multiple round auctions in order to terminate an auction within a reasonable time.

(e) *Activity rules.* The Commission will establish activity rules which require a minimum amount of bidding activity. In the event that the Commission establishes an activity rule in connection with a simultaneous multiple round auction, each bidder will be entitled to request and will be automatically granted a certain number of waivers of such rule during the auction.

### § 101.1204 Bidding application procedures.

All applicants to participate in competitive bidding for 38.6–40.0 GHz licenses must submit applications on FCC Forms 175 pursuant to the provisions of § 1.2105 of this Chapter. The Wireless Telecommunications Bureau will issue a public notice announcing the availability of 38.6–40.0 GHz licenses and, in the event that mutually exclusive applications are filed, the date of the auction for those licenses. This public notice also will specify the date on or before which applicants intending to participate in a 38.6–40.0 GHz auction must file their applications in order to be eligible for that auction, and it will contain information necessary for completion of the application as well as other important information such as the materials which must accompany the forms, any filing fee that must accompany the application or any upfront payment that need to be submitted, and the location where the application must be filed. In addition, each applicant must identify its status as a small business or rural telephone company.

### § 101.1205 Submission of upfront payments and down payments.

(a) Each bidder in the 38.6–40.0 GHz auction will be required to submit an upfront payment. This upfront payment will be based upon a formula established by the Wireless Telecommunications Bureau and announced by public notice prior to the auction.

(b) Each winning bidder in the 38.6–40.0 GHz auction shall make a down

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payment to the Commission in an amount sufficient to bring its total deposits up to 20 percent of its winning bid by a date and time to be specified by public notice, generally within ten business days following the close of bidding. Full payment of the balance of the winning bids shall be paid within ten days after public notice announcing that the Commission is prepared to award the license. The grant of the application is conditional upon receipt of full payment. The Commission generally will grant the license within a reasonable period of time after receiving full payment.

### § 101.1206 Long-form applications.

Each winning bidder will be required to submit a long-form application. Winning bidders must submit long-form applications within ten (10) business days after being notified by Public Notice that it is the winning bidder. Long-form applications shall be processed under the rules contained in parts 1 and 101 of the Commission's rules.

### § 101.1207 Procedures for filing petitions to deny against long-form applications.

The applicable procedures for the filing of petitions to deny the long-form applications of winning bidders contained in § 1.2108 of the Commission's rules shall be followed by the applicant (see 47 CFR 1.2108).

### § 101.1208 Bidding credits for small businesses.

(a) A winning bidder that qualifies as a small business or a consortium of small businesses, (as defined in § 101.1209(b)(1)(i)) may use a bidding credit of 25 percent to lower the cost of its winning bid on any of the licenses in this part. A winning bidder that qualifies as a very small business or a consortium of very small businesses, (as defined in § 101.1209(b)(1)(ii)) may use a bidding credit of 35 percent to lower the cost of its winning bid on any of the licenses in this part.

(b) *Unjust enrichment.* (1) A small business seeking transfer or assignment of a license to an entity that is not a small business under the definitions in § 101.1209(b)(1)(i) and (ii), will

be required to reimburse the government for the amount of the bidding credit, plus interest at the rate imposed for installment financing at the time the license was awarded, before transfer will be permitted. The amount of this penalty will be reduced over time as follows: a transfer in the first two years of the license term will result in a forfeiture of 100 percent of the value of the bidding credit; in year three of the license term the penalty will be 75 percent; in year four the penalty will be 50 percent and in year five the penalty will be 25 percent, after which there will be no penalty. These penalties must be paid back to the U.S. Treasury as a condition of approval of the assignment or transfer.

(2) If a small business that utilizes a bidding credit under this section seeks to assign or transfer control of its license to a small business meeting the eligibility standards for lower bidding credits or seeks to make any other change in ownership that would result in the licensee qualifying for a lower bidding credit under this section, the licensee must seek Commission approval and reimburse the government for the difference between the amount of the bidding credit obtained by the licensee and the bidding credit for which the assignee, transferee or licensee is eligible under this section as a condition of the approval of such assignment, transfer or other ownership change.

### § 101.1209 Definitions.

(a) *Scope.* The definitions in this section apply to §§ 101.1201 through 101.1209, unless otherwise specified in those sections.

(b) *Small business and very small business.* (1)(i) A small business is an entity that together with its affiliates and persons or entities that hold attributable interests in such entity and their affiliates, has average gross revenues that are not more than \$40 million for the preceding three years.

(ii) A very small business is an entity that together with its affiliates and persons or entities that hold attributable interests in such entity and their affiliates, has average gross revenues that are not more than \$15 million for the preceding three years.

(2) For purposes of determining whether an entity meets either the small business or very small business definitions set forth in paragraph (b)(1) of this section, the gross revenues of the entity, its affiliates, persons or entities holding interests in the entity and their affiliates shall be considered on a cumulative basis and aggregated.

(3) A small business consortium is a conglomerate organization formed as a joint venture between or among mutually-independent business firms, each of which individually satisfies either definition of a small business in paragraphs (b)(1) and (b)(2) of this section.

(c) *Rural telephone company.* A rural telephone company means a local exchange carrier operating entity to the extent that such entity—

(1) Provides common carrier service to any local exchange carrier study area that does not include either—

(i) 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

(ii) Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census, as of August 10, 1993;

(2) Provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(3) Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

(4) Has less than 15 per cent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996.

(d) *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 quarterly financial statements for the relevant number of calendar years preceding January 1, 1996, or, if audited financial statements were not prepared on a calendar-year basis, of the most recently completed fiscal years preceding the filing of the applicant's short-form application (Form 175). For applications filed after December 31, 1995, gross revenues shall be evidenced

by audited financial statements for the preceding relevant number of calendar or fiscal years. 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.

(e) *Affiliate.* (1) *Basis for affiliation.* An individual or entity is an affiliate of an applicant or of a person holding an attributable interest in an applicant (both referred to herein as "the applicant") if such individual or entity:

(i) Directly or indirectly controls or has the power to control the applicant, or

(ii) Is directly or indirectly controlled by the applicant, or

(iii) Is directly or indirectly controlled by a third party or parties that also controls or has the power to control the applicant, or

(iv) Has an "identity of interest" with the applicant.

(2) *Nature of control in determining affiliation.*

(i) Every business concern is considered to have one or more parties who 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 for paragraph (e)(2)(i).* An applicant owning 50 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 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 of control.

(ii) 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.

(iii) Control can arise through management positions where a concern's voting stock is so widely distributed that no effective control can be established.

*Example for paragraph (e)(2)(iii).* 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.

(3) *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 is controlled by a concern, persons with an identity of interest will be treated as though they were one person.

*Example 1.* Two shareholders in Corporation Y each have attributable interests in the same 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 of interest) are treated as though they are one person and Corporation Y would be deemed an affiliate of the applicant.

*Example 2.* One shareholder in Corporation Y, shareholder A, has an attributable interest in a SMR application. Another shareholder in Corporation Y, shareholder B, has a nonattributable interest in the same SMR application. While neither shareholder has enough shares to individually control Corporation Y, together they have the power to control Corporation Y. Through the common investment of shareholders A and B in the SMR application, Corporation Y would still be deemed an affiliate of the applicant.

(i) *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.

(ii) *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

(A) The family members are estranged,

(B) The family ties are remote, or

(C) The family members are not closely involved with each other in business matters.

*Example for paragraph (e)(3)(ii).* A owns a controlling interest in Corporation X. A's sister-in-law, B, has an attributable interest in an SMR application. Because A and B have a presumptive kinship affiliation, A's interest in Corporation X is attributable to B, and thus to the applicant, unless B rebuts the presumption with the necessary showing.

(4) *Affiliation through stock ownership.*

(i) 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.

(ii) 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.

(iii) 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.

(5) *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 will generally be treated as though the rights held thereunder had been exercised. However, neither an affiliate nor an applicant can use such options and debentures to appear to terminate its control over another concern before it actually does so.

*Example 1 for paragraph (e)(5).* If company B holds an option to purchase a controlling interest in company A, who holds an attributable interest in an SMR application, the situation is treated as though company B had exercised its rights and had become 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 for paragraph (e)(5).* 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 an SMR 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, and thus the applicant, until SmallCo actually exercises its options 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 for paragraph (e)(5).* 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.

(6) *Affiliation under voting trusts.* (i) Stock interests held in trust shall be deemed controlled by 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.

(ii) If a trustee has a familial, personal or extra-trust business relationship to the grantor or the beneficiary, the stock interests held in trust will be

deemed controlled by the grantor or beneficiary, as appropriate.

(iii) If the primary purpose of a voting trust, or similar agreement, is to separate voting power from beneficial ownership of voting stock for the purpose of shifting control of or the power to control a concern in order that such concern or another concern may meet the Commission's size standards, such voting trust shall not be considered valid for this purpose regardless of whether it is or is not recognized within the appropriate jurisdiction.

(7) *Affiliation through common management.* Affiliation generally arises where officers, directors, or key employees serve as the majority or otherwise as the controlling element of the board of directors and/or the management of another entity.

(8) *Affiliation through common facilities.* 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.

(9) *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.

(10) *Affiliation under joint venture arrangements.* (i) A joint venture for size determination purposes is an association of concerns and/or individuals, with interests in any degree or proportion, formed by contract, express or implied, to engage in and carry out a single, specific business venture for joint profit for which purpose they combine their efforts, property, money, skill and knowledge, but not on a continuing or permanent basis for conducting business generally. The determination whether an entity is a joint venture is based upon the facts of the business operation, regardless of how the business operation may be designated by the parties involved. An agreement to share profits/losses proportionate to each party's contribution

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to the business operation is a significant factor in determining whether the business option is a joint venture.

(ii) The parties to a joint venture are considered to be affiliated with each other.

(1) *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 affiliated 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.

[63 FR 6106, Feb. 6, 1998; 63 FR 10781, Mar. 5, 1998]

### Subpart O—Multiple Address Systems

SOURCE: 65 FR 17450, Apr. 3, 2000, unless otherwise noted.

#### GENERAL PROVISIONS

##### § 101.1301 Scope.

This subpart sets out the regulations governing the licensing and operation of Multiple Address Systems (MAS). The rules in this subpart are to be used in conjunction with applicable requirements contained elsewhere in the Commission's rules, such as those requirements contained in parts 1 and 22 of this chapter.

##### § 101.1303 Eligibility.

Authorizations for stations in this service will be granted in cases where it is shown that:

(a) The applicant is legally, financially, technically and otherwise qualified to render the proposed service;

(b) There are frequencies available to enable the applicant to render a satisfactory service; and

(c) The public interest, convenience or necessity would be served by a grant thereof.

##### § 101.1305 Private internal service.

A private internal service is a service where entities utilize frequencies purely for internal business purposes or public safety communications and not on a for-hire or for-profit basis.

##### § 101.1307 Permissible communications.

MAS users may engage in terrestrial point-to-point and point-to-multi-point fixed and mobile operations.

##### § 101.1309 Regulatory status.

(a) The Commission will rely on each applicant to specify on FCC Form 601 the type of service or services it intends to provide. Each application for authorization in the bands designated for private internal use must include a certification stating why the application satisfies the definition of private internal use.

(b) Any interested party may challenge the regulatory status granted an MAS licensee.

#### SYSTEM LICENSE REQUIREMENTS

##### § 101.1311 Initial EA license authorization.

(a) Winning bidders must file an application (FCC Form 601) for an initial authorization in each market and frequency block.

(b) Blanket licenses are granted for each market and frequency block. Applications for individual sites are not required and will not be accepted, except as specified in § 101.1329.

##### § 101.1313 License term.

The license term for stations authorized under this subpart is ten years from the date of original issuance or renewal.

##### § 101.1315 Service areas.

In the frequency bands not licensed on a site-by-site basis, the geographic service areas for MAS are Economic

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Areas (EAs). EAs are 175 areas, including U.S. territories and possessions, defined by the Department of Commerce's Bureau of Economic Analysis, as modified by the Commission.

### § 101.1317 Competitive bidding procedures for mutually exclusive MAS EA applications.

Mutually exclusive initial applications for licenses in the portions of the MAS bands licensed on a geographic area basis are subject to competitive bidding procedures. The procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this part.

### § 101.1319 Competitive bidding provisions.

For the purpose of establishing eligibility requirements and bidding credits for competitive bidding for MAS licenses, pursuant to § 1.2110 of this chapter, the following definitions apply:

(a) *Eligibility for small business provisions.* (1) A small business is an entity that, together with its affiliates and persons or entities that hold interests in such entity and their affiliates, has average gross revenues for the preceding three years not to exceed \$15 million, as determined pursuant to § 1.2110 of this chapter.

(2) A very small business is an entity that, together with its affiliates and persons or entities that hold interests in such entity and their affiliates, has average gross revenues for the preceding three years not to exceed \$3 million, as determined pursuant to § 1.2110 of this chapter.

(b) *Bidding credits.* A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses, may use the bidding credit specified in § 1.2110(e)(2)(ii) of this chapter. A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses, may use the bidding credit specified in § 1.2110(e)(2)(i) of this chapter.

(c) *Unjust enrichment.* See § 1.2111 of this chapter.

### § 101.1321 License transfers.

(a) An MAS system license acquired through competitive bidding proce-

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dures (including licenses obtained in cases of no mutual exclusivity), together with all appurtenances may be transferred, assigned, sold, or given away only in accordance with the provisions and procedures set forth in § 1.2111 of this chapter.

(b) An MAS system license obtained through site-based licensing procedures, together with all appurtenances may be transferred, assigned, sold, or given away, to any other entity in accordance with the provisions and procedures set forth in § 1.948 of this chapter.

### § 101.1323 Spectrum aggregation, disaggregation, and partitioning.

(a) *Eligibility.* (1) Parties seeking approval for partitioning and disaggregation shall request from the Commission an authorization for partial assignment of license. Geographic area licensees may participate in aggregation, disaggregation, and partitioning within the bands licensed on a geographic area basis. Site-based licensees may aggregate spectrum in any MAS bands, but may not disaggregate their licensed spectrum or partition their licensed sites.

(2) Eligible MAS licensees may apply to the Commission to partition their licensed geographic service areas to eligible entities and are free to determine the portion of their service areas to be partitioned. Eligible MAS licensees may aggregate or disaggregate their licensed spectrum at any time following the grant of a license.

(b) *Technical standards—(1) Aggregation.* (i) There is no limitation on the amount of spectrum that an MAS licensee may aggregate.

(ii) Spectrum licensed to MAS licensees does not count toward the CMRS spectrum cap discussed in § 20.6 of this chapter.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount. A licensee need not retain a minimum amount of spectrum.

(3) *Partitioning.* In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to § 1.948 of this chapter and list the partitioned

service area on a schedule to the application. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude, and must be based upon the 1983 North American Datum (NAD83).

(4) *Combined partitioning and disaggregation.* The Commission will consider requests from geographic area licensees for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(c) *Unjust enrichment.* See §1.2111(e) of this chapter.

(d) *Construction requirements—(1) Disaggregation.* Partial assignors and assignees for license disaggregation have two options to meet construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the applicable construction requirements set forth in §101.1325 for the geographic service area. If parties choose this option and either party fails to meet the applicable construction requirements, both licenses would be subject to forfeiture at renewal. The second option allows the parties to agree that either the disaggregator or disaggregatee would be responsible for meeting the requirements in §101.1325 for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the non-performing party would be subject to forfeiture at renewal.

(2) *Partitioning.* Partial assignors and assignees for license partitioning have two options to meet construction requirements. Under the first option, the partitionor and partitionee would each certify that they will independently satisfy the applicable construction requirements set forth in §101.1325 for their respective partitioned areas. If either licensee fails to meet its requirement in §101.1325, only the non-performing licensee's renewal application would be subject to dismissal. Under the second option, the partitionor certifies that it has met or will meet the requirement in §101.1325 for the entire market. If the partitionor fails to meet the requirement in §101.1325, however,

only its license would be subject to forfeiture at renewal.

(3) All applications requesting partial assignments of license for partitioning or disaggregation must certify in the appropriate portion of the application which construction option is selected.

(4) Responsible parties must submit supporting documents showing compliance with the respective construction requirements within the appropriate construction benchmarks set forth in §101.1325.

(e) *License term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's license term as provided for in §101.1313.

#### SYSTEM REQUIREMENTS

##### § 101.1325 Construction requirements.

(a) Incumbent site-based licensees are subject to the construction requirements set forth in §101.63 of subpart B (Applications and Licenses).

(b) Each MAS EA licensee must provide service to at least one-fifth of the population in its service area or "substantial service" within five years of the license grant. In addition, MAS EA licensees must make a showing of continued "substantial service" within ten years of the license grant. Licensees must file maps and other supporting documents showing compliance with the respective construction requirements within the appropriate five- and ten-year benchmarks of the date of their initial licenses.

(c) Failure by any licensee to meet these requirements will result in forfeiture or non-renewal of the initial license, and the licensee will be ineligible to regain it.

##### § 101.1327 Renewal expectancy for EA licensees.

(a) A renewal applicant shall receive a renewal expectancy at the end of the license period as long as the applicant:

(1) Demonstrates that the licensee has provided continued "substantial service," *i.e.*, service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal, during its past license term;

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(2) Demonstrates that the licensee has substantially complied with applicable Commission Rules, policies, and the Communications Act of 1934, as amended;

(3) Provides an explanation of the licensee's record of expansion, including a timetable of the construction of new facilities to meet changes in demand for services provided by the licensee; and (4) Provides a description of investments made by the licensee in its system.

(b) In determining whether a renewal applicant has complied with the "substantial service" requirement by the end of the ten-year initial license term, the Commission may consider factors such as:

(1) Whether the licensee is offering a specialized or technologically sophisticated service that does not require a high level of coverage to be of benefit to customers; and

(2) Whether the licensee's operations service niche markets or focus on serving populations outside of areas served by other licensees. The "substantial service" requirement can, however, be met in other ways, and the Commission will review each licensee's showing on a case-by-case basis.

(c) A "substantial service" assessment will be made at renewal pursuant to the procedures contained in §1.949 of this chapter.

EFFECTIVE DATE NOTE: At 65 FR 17450, Apr. 3, 2000, subpart O, consisting of §§101.1301-101.1333 was added. Section 101.1327 contains an information collection requirement that is not effective until it has been approved by the Office of Management and Budget.

## § 101.1329 EA Station license, location, modifications.

EA licensees may construct master and remote stations anywhere inside the area authorized in their licenses, without prior approval, so long as the Commission's technical and other Rules are complied with, except that individual licenses are required for any master station that:

(a) Requires the submission of an environmental assessment under §1.1307 of this chapter;

(b) Requires international coordination; or

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(c) Would affect the radio frequency quiet zones described in §1.924 of this chapter.

## § 101.1331 Treatment of incumbents.

(a) Any station licensed by the Commission prior to July 1, 1999, as well as any assignments or transfers of such station as of January 19, 2000, shall be considered incumbent.

(b) Incumbent operators in the 928.0-928.85/952.0-952.85/956.25-956.45 MHz bands are grandfathered as of January 19, 2000, and may continue to operate and expand their systems pursuant to the interference protection and co-channel spacing criteria contained in §101.105.

(c) Incumbent operators in the 928.85-929.0/959.85-960.0 MHz bands are grandfathered as of January 19, 2000, and may expand their systems provided that the signal level of the additional transmitter(s) does not increase the composite contour that occurs at a 40.2 kilometer (25-mile) radius from the center of each master station transmitter site. Incumbent operators and geographic area licensees may negotiate alternative criteria.

(d) The frequencies associated with incumbent authorizations in the 928/959 MHz bands that have cancelled automatically or otherwise been recovered by the Commission will automatically revert to the applicable EA licensee.

(e) The frequencies associated with incumbent authorizations in the 928/952/956 MHz bands that have cancelled automatically will revert to the Commission.

## § 101.1333 Interference protection criteria.

(a) *Frequency coordination.* All EA licensees are required to coordinate their frequency usage with co-channel adjacent area licensees and all other affected parties.

(b) EA licensees are prohibited from exceeding a signal strength of 40 dBμ/m at their service area boundaries, unless a higher signal strength is agreed to by all affected co-channel, adjacent area licensees.

(c) EA licensees are prohibited from exceeding a signal strength of 40 dBμV/

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m at incumbent licensees' 40.2 kilometer (25-mile) radius composite contour specified in § 101.1329(b).

(d) In general, licensees shall comply with the appropriate coordination agreements between the United States and Canada and the United States and Mexico concerning cross-border sharing and use of the applicable MAS frequencies.

(1) *Canada—932.0–932.25 MHz and 941.0–941.25 MHz:*

(i) Within Lines A, B, C, and D, as defined in § 1.928(e) of this chapter, along the U.S./Canada border, U.S. stations operating in the 932.0–932.25 MHz and 941.0–941.25 MHz bands are on a secondary basis and may operate provided

that they shall not transmit a power flux density (PFD) at the border greater than  $-100$  dBW/m<sup>2</sup> nor  $-94$  dBW/m<sup>2</sup>, respectively. The U.S. has full use of the frequencies in these regions up to the border in the bands 932.25–932.50 MHz and 941.25–941.50 MHz, and Canadian stations may operate on a secondary basis provided they do not exceed the respective PFDs shown above. PFD can be determined using the following formula:  $PFD (dBW/m^2) = 10 \log [EIRP/4\pi(D^2)]$ , where EIRP is in watts, D is in meters, and the power is relative to an isotropic radiator. The technical parameters are also limited by tables 1 and 2:

TABLE 1.—MAXIMUM RADIATED POWER

Class of station	Band MHz	Maximum EIRP		Maximum ERP <sup>1</sup>	
		Watts	dBW	Watts	dBW
Master .....	941.0–941.5	1000	30	600	27.8
Fixed Remote and Master .....	932.0–932.5	50	17	30	14.8

<sup>1</sup> Where ERP = EIRP/1.64.

(ii) Maximum antenna height above average terrain for master stations operating at a maximum power shall not

exceed 150 meters. Above 150 meters, the power of master stations shall be in accordance with following table:

TABLE 2.—ANTENNA HEIGHT—POWER REDUCTION TABLE

Antenna height above average terrain (meters)	EIRP		ERP	
	Watts	dBW	Watts	dBW
Above 305 .....	200	23	120	20.8
Above 275 to 305 .....	250	24	150	21.8
Above 245 to 275 .....	315	25	190	22.8
Above 215 to 245 .....	400	26	240	23.8
Above 180 to 215 .....	500	27	300	24.8
Above 150 to 180 .....	630	28	380	25.8

NOTE TO TABLE 2: This information is from the *Arrangement between the Federal Communications Commission and the National Telecommunications and Information Administration of the United States of America, and Industry Canada concerning the use of the bands 932 to 935 MHz and 941 to 944 MHz along the United States-Canada border* signed in 1994. This agreement also lists grandfathered stations that must be protected.

(2) *Canada—928–929 MHz and 952–960 MHz:*

Between Lines A and B and between Lines C and D, as defined in § 1.928(e) of this chapter, along the U.S./Canada border, U.S. stations operating in the 928.50–928.75 MHz and 952.50–952.75 MHz

bands are on an unprotected basis and may operate provided that they shall not transmit a power flux density (PFD) at or beyond the border greater than  $-100$  dBW/m<sup>2</sup>. The U.S. has full use of the frequencies in these regions up to the border in the bands 928.25–928.50 MHz and 952.25–952.50 MHz, and Canadian stations may operate on an unprotected basis provided they do not exceed the PFD above. Frequencies in the bands 928.00–928.25 MHz, 928.75–929.00 MHz, 952.00–952.25 MHz, and 952.75–952.85 MHz are available for use on a coordinated, first-in-time, shared

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basis subject to protecting grandfathered stations. New stations must provide a minimum of 145 km (90 miles) separation or alternatively limit the actual PFD of the proposed station to -100 dBW/m<sup>2</sup>, at the existing co-channel master stations of the other country, or as mutually agreed upon on a case-by-case basis. Coordination is not required if the PFD at the border is lower than -100 dBW/m<sup>2</sup>. The technical criteria are also limited by the following:

Maximum EIRP for master stations in the MHz band: 1000 watts (30 dBW) 952-953

Maximum EIRP for fixed remote stations or stations in the 928-929 MHz band: 50 watts (17 dBW) master

Maximum EIRP for mobile master stations: 25 watts (14 dBW)

Maximum antenna height above average master or control stations: 152 m at 1000 watts terrain for EIRP, power derated in accordance with the following table:

Antenna height above average terrain (m)	EIRP	
	Watts	dBm
Above 305 .....	200	53
Above 275 to 305 .....	250	54
Above 244 to 274 .....	315	55
Above 214 to 243 .....	400	56
Above 183 to 213 .....	500	57
Above 153 to 182 .....	630	58
Below 152 .....	1000	60

NOTE TO TABLE IN PARAGRAPH (d)(2): This information is from the *Arrangement between the Department of Communications of Canada and the Federal Communications Commission of the United States of America Concerning the Use of the Bands 928 to 929 MHz and 952 to 953 MHz along the United States-Canada Border* signed in 1991. This agreement also lists grandfathered stations that must be protected.

(3) Mexico:

Within 113 kilometers of the U.S./Mexico border, U.S. stations operating in the 932.0-932.25 MHz and 941.0-941.25 MHz bands are on a secondary basis (non-interference to Mexican primary licensees) and may operate provided that they shall not transmit a power flux density (PFD) at or beyond the border greater than -100 dBW/m<sup>2</sup>. Upon notification from the Commission, U.S. licensees must take proper measures to eliminate any harmful interference caused to Mexican primary assignments. The U.S. has full use of the frequencies in these regions up to the border in the bands 932.25-932.50 MHz and 941.25-941.50 MHz, and Mexican stations may operate on a secondary basis (non-interference to U.S. primary licensees) provided they do not exceed the PFD shown above. Stations using the 932-932.5 MHz band shall be limited to the maximum effective isotropic radiated power of 50 watts (17 dBW). Stations using the 941-941.5 MHz band shall meet the limits in the following table:

Antenna height above average mean sea level (meters)	EIRP	
	Watts	dBW
Above 305 .....	200	23
Above 274 to 305 .....	250	24
Above 243 to 274 .....	315	25
Above 213 to 243 .....	400	26
Above 182 to 213 .....	500	27
Above 152 to 182 .....	630	28
Up to 152 .....	1000	30

NOTE TO TABLE IN PARAGRAPH (d)(3): This information is from the *Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border, Protocol #6 Concerning the Allotment and Use of Channels in the 932-932.5 and 941-941.5 MHz Bands for Fixed Point-to-Multipoint Services Along the Common Border* signed in 1994.