Federal Communications Commission

§ 90.693 Grandfathering provisions for incumbent licensees.

(a) General provisions. These provisions apply to “incumbent licensees,” all 800 MHz licensees authorized in the 809–821/854–866 MHz band who obtained licenses or filed applications on or before December 15, 1995.

(b) Spectrum blocks A through V. An incumbent licensee's service area shall be defined by its originally licensed 40 dBµV/m field strength contour and its interference contour shall be defined as its originally-licensed 22 dBµV/m field strength contour. The “originally-licensed” contour shall be calculated using the maximum ERP and the actual height of the antenna above average terrain (HAAT) along each radial. Incumbent licensees are permitted to add, remove or modify transmitter sites within their original 22 dBµV/m field strength contour without prior notification to the Commission so long as their original 22 dBµV/m field strength contour is not expanded. Incumbent licensees are permitted to utilize an 18 dBµV/m signal strength interference contour for service areas defined by their originally-licensed 36 dBµV/m field strength contour and their interference contour shall be defined as their originally-licensed 18 dBµV/m field strength contour. The “originally-licensed” contour shall be calculated using the maximum ERP and the actual HAAT along each radial. Incumbent licensees seeking to utilize an 18 dBµV/m signal strength interference contour shall first seek to obtain consent of affected co-channel incumbents. When the consent of a co-channel licensee is withheld, an incumbent licensee may submit to any certified frequency coordinator an engineering study showing that interference will not occur, together with proof that the incumbent licensee has