permanent authorization at that location, regardless of whether locating the station at the STA site is in strict conformance with the provisions of paragraphs (a) and (b) of this section, if the licensee certifies that such a modification is in conformance with §§90.723 and 90.729 and:

1. It has constructed its base station and has placed it in operation, or commenced service, at the STA site on or before January 26, 1996; or
2. It has taken delivery of its base station transceiver on or before January 26, 1996.

(d) The application for a Phase I non-nationwide licensee proposing a base station modification resulting in less than 120 km separation from a co-channel licensee’s initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee’s application submission on FCC Form 601.

(e) The application of a Phase I non-nationwide licensee proposing a base station modification resulting in at least a 120 km separation from each co-channel licensee’s initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee’s submission on FCC Form 601.

§ 90.763 EA, Regional and nationwide system operations.

(a) A nationwide licensee authorized pursuant to §90.717(a) may construct and operate any number of land mobile or paging base stations, or fixed stations, anywhere in the Nation, and transmit on any of its authorized channels, provided that the licensee complies with the requirements of §90.733(i).

(b) An EA or Regional licensee authorized pursuant to §90.761 may construct and operate any number of land mobile or paging base stations, or fixed stations, anywhere within its authorized EA or REAG, and transmit on any of its authorized channels, provided that:

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SOURCE: 62 FR 15998, 15999, Apr. 3, 1997, unless otherwise noted.