

**114. Discussion.** Under our proposed application procedures discussed above, all CMRS applicants, including Part 90 applicants who request CMRS station classification, will be required to disclose on Form 600 any ownership or control interest in the applicant held by an alien. This disclosure is identical to the disclosure currently required of Part 22 applicants on Form 401. In addition, the proposed form will require Part 90 CMRS applicants to disclose the same information as Part 22 applicants relating to prior license denials or revocations, felony convictions, and monopolization of radio services. We seek comment on these proposals.

### 3. Application Fees

**115.** Under our current licensing procedures, Part 22 applicants pay an application filing fee of \$230 per application for cellular and \$230 per transmitter for non-cellular services, while the fee for Part 90 applications is \$35 per call sign.<sup>186</sup> The reclassification of some Part 90 services as CMRS raises the issue of whether Part 90 CMRS applicants should now be required to pay the same filing fee as Part 22 applicants. This issue is not expressly addressed by the fee schedule set forth in Section 8 of the Act, which continues to use the old common carrier and private land mobile license classifications that existed prior to Congress's amendment of Section 332. Nevertheless, we believe that the principle of regulatory symmetry and the statutory direction to treat CMRS licensees as common carriers argue strongly in favor of establishing filing fees for CMRS applicants in Part 90 services that are equivalent to the filing fees already paid by Part 22 common carrier applicants. Therefore, we propose that all CMRS applicants in Part 90 services should be required to pay the \$230 common carrier application fee. We seek comment on this proposal.

### 4. Regulatory Fees

**116.** In the Budget Act, Congress added a new Section 9 to the Communications Act, which authorizes the Commission to collect annual regulatory fees from all Commission licensees to recover costs incurred in carrying out its regulatory activities.<sup>187</sup> Like the licensing fee schedule in Section 8 of the Act, the regulatory fee schedule in Section 9 uses traditional common carrier and private radio categories while making no specific provision for CMRS. Thus, cellular and Public Land Mobile Service licensees pay an annual fee of \$60 per 1000 subscribers, while SMRs and

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<sup>186</sup> 47 CFR §§ 1.1102 (private radio fee schedule), 1.1105 (common carrier schedule). Licensees under Part 22 also are required to pay a variety of fees associated with notification filings made with the Commission. For example, Public Land Mobile Service licensees must pay a \$35 fee (per transmitter) for minor license modifications, notices of completion of construction, and reinstatement applications. *Id.*, § 1.1105 (Actions 2h, 2k, 2n). Cellular licensees must pay a \$60 fee for minor license modifications. *Id.* (Action 3c). We seek comment on the question of whether the various notification and related fees applicable to common carrier services under Section 1.1105 should be extended to apply to all CMRS providers.

<sup>187</sup> Budget Act, § 6003(a), *codified at* 47 U.S.C. § 159. We have recently adopted a *Notice of Proposed Rule Making* to implement the regulatory fees established by the statute. *Notice of Proposed Rule Making*, MD Docket No. 94-19, FCC 94-46 (adopted March 4, 1994; released March 11, 1994), 59 Fed. Reg. 12570 (March 17, 1994). In that proceeding, we noted that some existing private radio licensees would be reclassified as CMRS providers, but did not specifically address the treatment of these licensees under the new Section 9 requirements. *See id.*, ¶ 5 n.10.

other private land mobile licensees operating on exclusive frequencies pay \$16 per license per year.<sup>188</sup> As in the case of application fees, we believe the Congressional mandate to achieve regulatory symmetry dictates that all CMRS licensees should pay regulatory fees on the same basis.<sup>189</sup> Accordingly, we propose to require Part 90 CMRS licensees to pay the same per-subscriber fee as other CMRS providers instead of the per-license fee established for private radio services.<sup>190</sup> We seek comment on this proposal.

## 5. Public Notice and Petition to Deny Procedures for CMRS Applications

**117. Background.** Section 309(b)(1) of the Act requires all applications for common carrier station authorizations (other than minor amendments excepted under Section 309(c)) to be placed on public notice for 30 days prior to grant, and Section 309(d) allows petitions to deny to be filed against such applications during the public notice period. Prior to Congress's amendment of Section 332, the uniform classification of Part 90 services as private services meant that these procedural requirements were not applicable to such services.<sup>191</sup> In the wake of reclassification, however, those Part 90 applications that are classifiable as CMRS must be placed on 30-days public notice and will be subject to petitions to deny.

**118. Discussion.** To implement the requirements of Section 309, we propose to amend Part 20 of our rules to apply the public notice and petition to deny procedures currently set forth in Part 22 to all CMRS applicants.<sup>192</sup> Such procedures would apply only to Part 90 applications for SMR, 220 MHz, Business Radio, and paging licenses that are designated as CMRS under the proposed procedures discussed above, while PMRS applications would continue to be subject to current procedures for licensing of private services. In addition to initial license applications, we propose to extend public notice and petition to deny procedures to applications for major modification or for assignment or transfer of Part 90 CMRS licenses.<sup>193</sup> We recognize that placing Part 90 CMRS applications on public notice and allowing petitions to deny is likely to lengthen the licensing

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<sup>188</sup> See 47 U.S.C. § 159(g).

<sup>189</sup> The Commission has express authority to "add, delete, or reclassify" services in the fee schedule to reflect "changes in the nature of its services as a consequence of Commission rule making proceedings or changes in the law." 47 U.S.C. § 159(b)(3).

<sup>190</sup> Should we adopt any changes to our common carrier fee structure in the MD Docket 94-19, we propose to conform the CMRS fees established in this proceeding accordingly. We propose that these fees take effect in FY 1995, except that those Part 90 licensees grandfathered as private until August 10, 1996 would pay the applicable private radio fees for FY 1995 and FY 1996.

<sup>191</sup> Under our existing rules, applications for Part 90 licenses are not placed on public notice and may be granted at any time after initial processing. See 47 CFR §§ 1.953, 1.962, 90.143, 90.611, and 90.711. Petitions to deny are not authorized. *Id.*, § 1.962.

<sup>192</sup> See *id.*, §§ 22.27, 22.30.

<sup>193</sup> See ¶¶ 129-134, 141-146. *infra.*

process for these applicants in comparison to existing private radio procedures. We therefore seek comment on how to ensure that these changes to our procedures do not unnecessarily affect the speed and efficiency of the licensing process.

## 6. Mutually Exclusive Applications/Competitive Bidding

**119. Background.** Both Part 22 and Part 90 contain rules pertaining to the disposition of mutually exclusive applications. Because of differences in spectrum allocation and procedures for processing applications, mutually exclusive applications are far less frequent in Part 90 services than in Part 22 services. Part 90 services are generally licensed on a "first-come, first-served" basis, in which only conflicting applications that are filed on the same day are potentially mutually exclusive.<sup>194</sup> Moreover, in 800 MHz SMR, we have used waiting lists as an alternative to lotteries in resolving conflicting applications.<sup>195</sup> Finally, there is no mutual exclusivity among applications for Part 90 frequencies below 470 MHz because these frequencies are shared.<sup>196</sup> By contrast, Part 22 allows competing applications to be filed in most services up to 60 days after an initial application has been placed on public notice.<sup>197</sup> We have adopted first-come, first-served procedures in the licensing of unserved cellular areas, however.<sup>198</sup> We also proposed to extend these procedures to all Part 22 licensing in the *Part 22 Rewrite Notice*.<sup>199</sup>

**120.** Since the proposal in the *Part 22 Rewrite Notice* was made, Congress has added Section 309(j) to the Communications Act, which authorizes the use of competitive bidding to select among mutually exclusive initial applications in certain services.<sup>200</sup> Under this new statutory authority, we have recently adopted rules identifying those services in which auctions may be used in the future.<sup>201</sup> The *Competitive Bidding Order* provides that mutually exclusive initial applications in Part 22 services will be subject to competitive bidding unless specifically excluded.<sup>202</sup> The *Order* further provides that competitive bidding may be used in some but not all of the Part 90 service

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<sup>194</sup> 47 CFR §§ 1.953(a) (general), 90.495(f) (900 MHz paging), 90.611 (SMR), 90.711 (220 MHz).

<sup>195</sup> *Id.*, § 90.611(d).

<sup>196</sup> *Id.*, § 90.173(a).

<sup>197</sup> *Id.*, § 22.31.

<sup>198</sup> *Id.*, § 22.6(b)(2). First-come first-served procedures are used only in "Phase II" unserved area licensing.

<sup>199</sup> *Part 22 Rewrite Notice*, ¶¶ 9-10.

<sup>200</sup> 47 USC § 309(j).

<sup>201</sup> *Second Report and Order, Implementation of Section 309(j) of the Communications Act - Competitive Bidding*, GN Docket No. 93-253, FCC 94-61 (adopted March 8, 1994, released April 20, 1994) (*Competitive Bidding Order*).

<sup>202</sup> *Competitive Bidding Order*, ¶ 61.

categories in which licensees are subject to reclassification as CMRS. In the case of SMR, private carrier paging, and nationwide commercial 220 MHz service, we determined that competitive bidding will be used if mutually exclusive applications are filed.<sup>203</sup> We deferred any decision on use of competitive bidding for licensing of local 220 MHz channels, however, until the service develops further.<sup>204</sup> Finally, we concluded that because Section 309(j) only authorizes competitive bidding in the case of mutually exclusive applications for "initial" licenses, we generally would not treat license modification applications as subject to competitive bidding. Nevertheless, we reserved the authority to treat applications for major modifications as "initial" applications for competitive bidding purposes on a case-by-case basis.<sup>205</sup>

**121. Discussion.** In the *Competitive Bidding Order*, we reached the conclusion that, as a general matter, "competitive bidding is a licensing scheme that should place licenses in the hands of the parties able to use them most efficiently."<sup>206</sup> We believe that this principle applies to our development of licensing procedures for CMRS. First, use of competitive bidding to select from among mutually exclusive CMRS applications should enable us to avoid the inefficiencies associated with resolving competing applications by lottery or comparative hearing. Second, we believe that competitive bidding will lead to the selection of CMRS licensees who will use the spectrum efficiently to provide service to customers. For these reasons, we tentatively conclude that competitive bidding procedures should generally be used to resolve competing CMRS applications where we have the authority to do so.

**122.** In reaching this tentative conclusion, we are mindful of the Commission's obligation under Section 309(j)(6) of the Act to take steps to avoid mutual exclusivity in its application and licensing procedures.<sup>207</sup> In keeping with this principle, we do not intend to preclude the use of first-come, first-served procedures, short filing windows, and similar procedures where appropriate to promote the public interest, *e.g.*, by reducing the likelihood of frivolous competing applications being filed. Where competing applicants are required to bid, however, the risk of frivolous applications is likely to be significantly less than under selection procedures previously used. Therefore, we believe that where we have authority to select from among mutually exclusive applications by competitive bidding, it is generally advantageous to use reasonable filing windows that allow the filing of competing applications rather than to use first-come, first-served procedures that could cause qualified applicants to be excluded from consideration.

**123.** Based on these tentative conclusions, we generally propose to continue the use of our current filing window procedures in Part 22 services, with some modifications, and to use

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<sup>203</sup> *Id.*, ¶¶ 29, 63-64.

<sup>204</sup> *Id.*, ¶¶ 26-28.

<sup>205</sup> *Id.*, ¶¶ 38-40.

<sup>206</sup> *Id.*, ¶ 5.

<sup>207</sup> 47 U.S.C. § 309(j)(6)(E).

competitive bidding to select a tentative licensee where mutually exclusive initial applications are filed.<sup>208</sup> We tentatively conclude that initial applications and certain major modifications in Part 22 services (except cellular unserved area Phase I applications) should be subject to 30-day filing windows in which competing applications may be filed. Although our current rules allow 60-day filing windows for most mutually exclusive applications, we propose to shorten this time period to 30 days because we believe this time period is adequate for competitors to file mutually exclusive applications. For cellular unserved area Phase I applications, we propose to continue using a one-day filing window because applications will be accepted on a date certain that potential applicants can determine well in advance of the filing window. For cellular unserved area Phase II applications, however, we propose to change our current first come, first served rules and apply a 30-day filing window because we see no reason to treat the licensing of Phase II applications in a manner that differs from our licensing of all other Part 22 license applications. We seek comment on these proposed procedures.

124. We also seek comment on whether we should adopt similar procedures for resolving mutually exclusive CMRS applications in Part 90 services subject to reclassification. Although we declined to alter our Part 90 first-come, first-served procedures in the *Competitive Bidding Order*, we deferred the question of whether these procedures are consistent with licensing procedures for similar Part 22 services to this proceeding.<sup>209</sup> In general, we believe that similar services should be subject to consistent licensing procedures that allow equal opportunity for entry. For example, it would be inconsistent in our view to require initial applicants in certain CMRS services to bid for licenses while initial applicants in competing CMRS services are not required to do so. Therefore, we seek comment on the view that we should adopt uniform procedures in Part 90 and Part 22 for disposition of mutually exclusive CMRS applications. We also seek comment on whether there are factors that may justify the use of different procedures for some Part 90 services, either because we lack the authority to use competitive bidding in the service or because amending our procedures would not be in the public interest. For example, we seek comment regarding whether it would be an appropriate public interest determination to decide that current first-come, first-served procedures for certain Part 90 services should be retained where amending such procedures would affect the availability of frequencies to PMRS as well as CMRS applicants.

125. We seek specific comment on how this analysis would apply to each Part 90 service that is subject to reclassification. For example, we noted in the *Competitive Bidding Order* that a large number of mutually exclusive applications would be likely if we were to release new spectrum in the SMR bands.<sup>210</sup> This appears particularly likely in the 900 MHz band if we go forward with

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<sup>208</sup> For an explanation of how we will treat mutually exclusive applications when one of the applications is a modification, see ¶ 132-133, *infra*.

<sup>209</sup> *Competitive Bidding Order*, ¶¶ 16-17.

<sup>210</sup> *Id.*, ¶ 62 n.61.

licensing outside the 46 DFAs as proposed in the *900 MHz Phase II Notice*.<sup>211</sup> We therefore tentatively conclude that we should use filing windows and competitive bidding in future 900 MHz licensing.

**126.** We also seek comment on whether the same analysis should apply to future licensing of 800 MHz SMR frequencies. In the *800 MHz EMSP Notice*, we proposed to establish a 30-day filing window for existing licensees to apply for wide-area authorizations within their MTA/BTAs, with mutually exclusive applications designated for lottery.<sup>212</sup> After the initial licensing phase, we proposed that subsequent applications be processed on a first-come, first-served basis, with same-day applications treated as mutually exclusive.<sup>213</sup> Based on these proposals, we also tentatively concluded that the use of waiting lists would be discontinued.<sup>214</sup> We seek comment on whether these proposed procedures continue to be viable, particularly in light of the amount of licensing that has subsequently occurred in the 800 MHz band. We note that the viability of these procedures may in turn depend on whether we consider requests for wide-area authorizations by existing 800 MHz licensees to be "initial" applications or "modification" applications for competitive bidding purposes. If 800 MHz frequencies are already licensed to the point that wide-area licensing in this band would essentially be limited to consolidation of existing service areas, it can be argued that wide-area applications should be treated as modifications of those authorizations that should not be subject to competitive bidding. On the other hand, if there are significant opportunities for 800 MHz licensees to expand their existing service areas, it can be argued that wide-area applications should be treated as initial applications which justify the use of filing windows and competitive bidding procedures.<sup>215</sup> We seek comment on these alternatives and request commenters addressing this issue to provide specific information regarding current use of the 800 MHz band and the potential for future expansion.

**127.** With respect to 220 MHz service, we do not propose to adopt any changes to our mutual exclusivity procedures at this time. First, there appears to be no need to address this issue as it pertains to the commercial nationwide channels because licensing of these channels is essentially complete.<sup>216</sup> As for licensing of local 220 MHz channels, we note that any amendment

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<sup>211</sup> In the *900 MHz Phase II Notice*, we tentatively concluded that 900 MHz licensees should be selected by lottery, but stated that we would consider using competitive bidding if Congress enacted appropriate legislation. *900 MHz Phase II Notice*, ¶ 31 n.68.

<sup>212</sup> *800 MHz EMSP Notice*, ¶¶ 23-29.

<sup>213</sup> *Id.*, ¶ 30.

<sup>214</sup> *Id.*, ¶ 30 n.52.

<sup>215</sup> See ¶¶ 29-34, *infra*.

<sup>216</sup> All 220 MHz commercial nationwide blocks have been licensed except one, which is currently the subject of a pending reconsideration proceeding stemming from a prior application denial. If the remaining nationwide block is available for relicensing at the conclusion of the reconsideration, we will adopt specific licensing procedures at that time.

of our procedures to increase opportunities for filing of mutually exclusive CMRS applications would also affect the availability of these frequencies to non-commercial PMRS applicants. Nonetheless, if there is substantial demand for local 220 MHz channels among potential CMRS providers, we seek comment on whether there are alternative procedures that would allow reasonable opportunities for CMRS applicants to file competing applications without limiting the availability of frequencies to potential PMRS applicants. We also seek comment on whether we should amend our procedures if we move to regional licensing of 220 MHz channels as requested in the SunCom Petition.<sup>217</sup>

**128.** Finally, we propose to defer the issue of mutually exclusive application procedures for 929-930 MHz paging frequencies. As noted above, we recently adopted rules to permit exclusive licensing of private paging in this band. We are now in the first phase of implementing these rules, which requires an assessment of the scope of exclusivity to be granted to existing licensees, after which we will address procedural issues relating to new licensing. In addition, we are now considering several requests for waiver and reconsideration of the new rules in the *900 MHz PCP Exclusivity* docket that will require us to address issues relating to mutual exclusivity among applications. We are concerned that addressing these issues simultaneously in multiple proceedings could cause confusion and delay for paging licensees seeking to introduce nationwide and regional service.<sup>218</sup> We therefore believe that these issues should be comprehensively addressed after we have completed the pending reconsideration of the *900 MHz PCP Exclusivity* docket, which will finalize our rules on the scope of exclusivity afforded to 929-930 MHz systems.<sup>219</sup> While we are deferring the issue for the time being, however, we emphasize that our ultimate objective is to adopt consistent licensing procedures for all CMRS paging applicants.

## 7. Amendment of Applications and License Modification

**129. Background.** Section 309 of the Act generally provides that major amendments to pending common carrier applications must be placed on 30 days' public notice and are subject to petitions to deny in the same manner as initial applications.<sup>220</sup> These requirements do not apply, however, to "minor" amendments or to certain other specified exceptions.<sup>221</sup> Under Part 22, the following types of amendments are considered "major" for purposes of the statute: (1) a substantial

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<sup>217</sup> See ¶ 38, *supra*.

<sup>218</sup> Although we determined in the *Competitive Bidding Order* that these frequencies are auctionable, we concluded for these same reasons that consideration of specific auction rules should be deferred until we have had a chance to assess the efficacy of existing procedures in resolving mutually exclusive situations. *Competitive Bidding Order*, ¶ 67.

<sup>219</sup> We also note that all private paging licensees subject to reclassification as CMRS will be treated as PMRS providers until August 10, 1996, including those newly licensed during the transition period.

<sup>220</sup> 47 U.S.C. § 309(b). See also 47 CFR §§ 22.27(a),(b)

<sup>221</sup> 47 U.S.C. § 309(c).

change to the technical proposals in the application, (2) an expansion of the proposed service area (*de minimus* expansions are not included), or (3) a substantial change in ownership or control.<sup>222</sup> With limited exceptions, such amendments are treated as initial applications, *i.e.*, they must be placed on public notice and are subject to both petitions to deny and competing applications filed within the relevant filing window.<sup>223</sup> All amendments not classified as "major" are considered minor and are therefore not subject to these procedures. The same rules apply to applications to modify existing licenses: modification applications that would be considered major amendments in the initial application process must be placed on public notice, while minor modifications are exempt from this requirement, although Commission approval or notification may be required.<sup>224</sup>

**130.** Because private radio applications are not subject to public notice and petition to deny procedures, amendments to private radio applications are not categorized as "major" or "minor" in the same manner as amendments to common carrier applications. Instead, our private radio rules specify that "substantial" amendments will be treated as newly filed applications for purposes of filing priority.<sup>225</sup> "Substantial" amendments are defined to include most changes in station frequency, bandwidth, transmitter site, antenna height, transmitter power, and similar technical changes to the application.<sup>226</sup> In addition, Part 90 requires private radio licensees to file a new Form 574 and receive Commission approval for most license modifications involving changes to these same technical specifications.<sup>227</sup>

**131. Discussion.** Under Section 309 of the Act, major amendments to CMRS applications in Part 90 services must be placed on public notice and are subject to petitions to deny in the same manner as initial applications. In addition, we believe that major amendments placed on public notice should be subject to competing applications to the extent that such procedures apply to initial applications in the same service.<sup>228</sup> For these purposes, we propose to apply the same definitions of "major" and "minor" amendments to Part 90 CMRS applications that are applicable to Part 22 applications. We also propose to apply the same definitions to applications to modify existing CMRS licenses in Part 90 services. Thus, CMRS modification applications that would be treated as major filings under Part 22 would be similarly treated under Part 90. In this regard, we note that

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<sup>222</sup> 47 CFR § 22.23(c).

<sup>223</sup> 47 CFR §§ 22.23(c), 22.27, 22.31. Major amendments are not treated as newly filed applications under some circumstances, *e.g.*, where the amendment resolves a frequency conflict with another pending application or reflects events that could not reasonably have been foreseen at the time of initial filing. *Id.*, § 22.23(g).

<sup>224</sup> *Id.*, §§ 22.9, 22.27(c)(1).

<sup>225</sup> *Id.*, § 1.918(b).

<sup>226</sup> *Id.*, § 1.962(c).

<sup>227</sup> *Id.*, §§ 90.119(a)(3), 90.135(a). Modification applications to assign or transfer control of a license are also subject to this requirement. See ¶ 142. *infra*.

<sup>228</sup> See ¶¶ 119-128, *supra*.

the *Part 22 Rewrite Notice* proposed to revise our current Part 22 rules to define major and minor filings on a service-by-service basis.<sup>229</sup> We have also proposed in the *Part 22 Further Notice* to define initial applications, in the context of 931 MHz paging, as (1) applications proposing the location of a new facility more than two kilometers from any existing facility operating on the same frequency; or (2) applications proposing locations anywhere on a new frequency.<sup>230</sup> Assuming that we conclude that these changes should be implemented in Part 22, we seek comment on (1) whether to adopt a similar approach in the relevant Part 90 services as well and (2) whether the definitions of major and minor filings should be the same for any Part 90 and Part 22 services we may determine to be substantially similar in this proceeding.

**132.** We also seek comment on whether the foregoing definition of "major" filings should dictate whether auctions may be used when an application to modify an existing CMRS license is mutually exclusive with another application. As discussed above, we concluded in the *Competitive Bidding Order* that competitive bidding generally should not be used in the case of license modification applications, but we reserved the authority to treat a modification that would significantly alter a licensee's existing authorization as equivalent to an initial application for competitive bidding purposes. Because "major" CMRS modifications are treated as initial applications for purposes of public notice and acceptance of competing applications, it could be argued that they should be treated as initial applications for competitive bidding purposes as well. On the other hand, the legislative history of Section 309(j) states that competitive bidding is not permitted "in the case of a . . . modification of the license," without distinguishing between major and minor modifications.<sup>231</sup> Therefore, the better approach may be to use competitive bidding only in exceptional cases where a major modification would fundamentally alter the nature or scope of the licensee's system. We seek comment on these alternatives.

**133.** To the extent that we decide that modification applications should be deemed not suitable for competitive bidding in mutually exclusive situations, we tentatively conclude that first-come, first-served procedures should be used to limit the likelihood of competing applications being filed. Under this proposal, only competing applications filed on the same day as a modification application would be treated as mutually exclusive, and the grantee would be chosen by random selection or a comparative selection process. We seek comment on this proposal and on the relative merits of these alternative selection methods in such situations.

**134.** Finally, we seek comment on conforming our Part 90 and Part 22 procedures for processing minor CMRS license modifications that are not required to be placed on public notice. Under Part 22, licensees may make numerous minor system modifications within their service areas

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<sup>229</sup> *Part 22 Rewrite Notice*, Appendix A, proposed Section 22.123. We incorporate the comments on this issue in response to the *Part 22 Rewrite Notice* into this proceeding.

<sup>230</sup> See *Part 22 Further Notice*, ¶ 18.

<sup>231</sup> H.R. Rep. No. 103-111 at 253.

without prior Commission approval, provided that they notify the Commission on Form 489.<sup>232</sup> In the *Part 22 Rewrite Notice* and today's *Further Notice of Proposed Rule Making* in the Part 22 Rewrite docket, we have proposed to allow additional minor modifications to be made on a permissive basis and to eliminate the requirement of Commission notification in most instances.<sup>233</sup> By contrast, Part 90 licensees must seek prior Commission approval on a station-by-station basis for numerous technical changes to their systems.<sup>234</sup> We propose to conform these rules to the fullest extent practicable to allow Part 90 CMRS licensees to make permissive changes to their systems on the same basis as Part 22 licensees, particularly where such changes relate to the internal configuration of wide-area systems and do not have an impact on adjacent licensees. We seek comment on this proposal and encourage commenters to identify specific instances where our rules can be conformed in this regard.

## 8. Conditional and Special Temporary Authority

**135. Background.** Our existing procedures under Part 22 and Part 90 set forth somewhat different requirements for construction and temporary operation by an applicant prior to the formal grant of a license. Part 22 applicants, as common carriers, are subject to Section 309(f) of the Act, which allows the Commission to grant a special temporary authorization to operate (STA) to a common carrier applicant for up to 180 days without prior public notice under "extraordinary circumstances" where a delay in operations would seriously prejudice the public interest.<sup>235</sup> Under Part 22, applicants are generally prohibited from commencing construction or operating prior to the license grant.<sup>236</sup> An applicant may begin construction prior to the grant on a conditional basis, however, if no petitions to deny or mutually exclusive applications have been filed and the application meets certain other conditions.<sup>237</sup> Part 22 further specifies that requests to operate under STA may be granted without public notice if the authorization: (i) is for 60 days or less pending the filing of an application for regular service,<sup>238</sup> or (ii) will permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as previously

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<sup>232</sup> 47 CFR § 22.9.

<sup>233</sup> See *Part 22 Rewrite Notice*, ¶ 17; *Part 22 Further Notice*, ¶¶ 7-11.

<sup>234</sup> 47 CFR § 90.135.

<sup>235</sup> 47 U.S.C. § 309(f); see also 47 CFR § 22.25(c).

<sup>236</sup> 47 CFR § 22.43(a)(1).

<sup>237</sup> *Id.*, §§ 22.43(c),(d). With certain exceptions, Public Land Mobile Service applicants may commence construction 90 days after the application is placed on public notice, provided the application does not raise FAA or environmental issues. Initial cellular applicants may commence construction within 60 days of notification of tentative selection, even if a mutually exclusive application has been filed.

<sup>238</sup> *Id.*, § 22.25(b)(2).

authorized.<sup>239</sup>

**136.** Under Part 90, there is no restriction on when an applicant may commence construction, provided that it does not begin operating prematurely in violation of the rules.<sup>240</sup> In addition, because Section 309(f) of the Act does not apply to private radio applicants, requirements under Part 90 for temporary operation prior to licensing are more flexible than under Part 22. First, an applicant may request to operate under an STA for up to 180 days by submitting a letter request to the Commission, and such requests are routinely granted so long as the required information is provided in the request.<sup>241</sup> Second, Part 90 applicants proposing to operate on frequencies that are subject to frequency coordination may operate under conditional authority for up to 180 days upon proof of coordination without being required to obtain an STA in advance.<sup>242</sup> Frequencies that are subject to coordination include shared frequencies below 470 MHz, all non-SMR 800 and 900 MHz frequencies (including General Category channels), and 929-930 MHz paging frequencies.

**137. Discussion.** In general, we believe that the same rules for pre-grant construction and operation should apply to CMRS applicants under both Part 22 and Part 90. With respect to pre-grant construction, therefore, we seek comment on whether the restrictions currently applicable to Part 22 applicants should be adopted for all CMRS applicants. Under these procedures, Part 90 CMRS applicants would be allowed to commence construction prior to the date of the license grant only if no petitions or mutually exclusive applications are on file and the other conditions set forth in Part 22 are met. Alternatively, we seek comment on whether CMRS licensees should generally be able to commence construction at any time, provided that they comply with relevant environmental and aviation hazard rules.

**138.** Even if we adopt liberal pre-grant construction rules for CMRS, however, Section 309(f) requires that a stricter standard be applied to pre-grant operation. Because Section 309(f) now applies to CMRS applications in Part 90 as well as applications under Part 22, we believe that the current Part 90 rules regarding CMRS operation under STA must be conformed to the statute and that allowing conditional CMRS operation without prior Commission approval may not be permissible. We therefore propose to adopt procedures in Part 90 that will subject STA requests

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<sup>239</sup> *Id.*, §§ 22.25(b)(3), 22.27(c)(2).

<sup>240</sup> *See* 47 CFR § 1.923(a) (no construction permit required in Private Radio Services).

<sup>241</sup> *Id.*, § 90.145. An applicant seeking temporary authority to operate on an already authorized facility may operate for up to 180 days by executing a temporary license certificate (Form 572), provided that the facility uses an antenna no more than 20 feet in height. *Id.*, § 90.175(a).

<sup>242</sup> *Id.*, §§ 90.159(b)-(e), 90.175. *See also Report and Order*, PR Docket No. 88-567, 4 FCC Red 8280 (1989), *recon. denied*, *Memorandum Opinion and Order*, 7 FCC Red 1731 (1992); *Report and Order*, Frequency Coordination in the Private Land Mobile Radio Services, PR Docket No. 83-737, 103 FCC 2d 1093 (1986). The applicant must certify that it has filed an application with the Commission, that the proposed station is outside designated border regions and radio "quiet zones," and that the proposed station meets Commission, environmental, and aviation-safety rules. Conditional operation is also allowed for certain itinerant stations that are not subject to coordination. *See* 47 CFR § 90.175(f).

by Part 90 CMRS applicants to the same requirements that are applied to similar requests by Part 22 applicants. We also propose to prohibit any commencement of operations by CMRS applicants without prior Commission authorization. We recognize that as a consequence of these proposals, the burden on Part 90 CMRS applicants seeking to commence early operations will be significantly greater than under our current rules. We therefore seek comment on whether there are ways to retain flexibility in our STA procedures while continuing to comply with the statutory requirements of Section 309(f).

## 9. License Term/Renewal Expectancy

**139. Background.** Part 22 currently specifies a 10-year license term for all common carrier mobile service providers. The license term for all Part 90 services is five years, except for 220 MHz nationwide licensees, who receive a ten-year license. Part 22 further provides that a cellular renewal applicant will receive a preference in a comparative renewal proceeding by demonstrating that it: (1) has provided "substantial" service during the license term, and (2) has complied with applicable Commission rules, policies, and the Communications Act.<sup>243</sup> Part 22 does not expressly provide for such a preference in the case of non-cellular licensees, but the Commission has applied renewal expectancy principles to other Part 22 licensees by case law that are similar but not identical to the standard applied to cellular licensees.<sup>244</sup> Part 90 contains no analogous rules regarding renewal expectancy.

**140. Discussion.** We propose to establish a uniform 10-year license term for all CMRS licensees, including those in Part 90 services. We also propose to extend our existing rules and case law regarding renewal expectancy to all Part 90 CMRS licensees. In our view, these modifications to our existing rules are consistent with the objective of achieving regulatory symmetry for all CMRS providers. We seek comment, however, on whether a single standard for granting a preference to renewal applicants should be applied uniformly to all CMRS services or whether alternative standards should be considered.

## 10. Assignment of Licenses and Transfer of Control

**141. Background.** Section 310(d) of the Communications Act provides that no construction permit or station license may be transferred, assigned, or otherwise disposed of without Commission approval based on a finding that the public interest, convenience, and necessity will be served by

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<sup>243</sup> 47 CFR § 22.941(a). "Substantial" service is defined as "service which is sound, favorable, and substantially above a level of mediocre service which might just minimally warrant renewal." *Id.*, § 22.941(a)(1). *See Report and Order*, Amendment of the Commission's Rules Relating to License Renewals in the Domestic Public Cellular Radio Telecommunications Service, CC Docket No. 90-358, 7 FCC Rcd 719 (1992), *modified on recon.*, 8 FCC Rcd 2834 (1993), *further recon. pending*.

<sup>244</sup> *In re Applications of Baker Protective Services, Inc.*, 59 Rad. Reg. 2d 1141 (1986). In *Baker*, we determined that a preference would be awarded to a non-cellular renewal applicant if the applicant could demonstrate that it: (1) has substantially used its spectrum for its intended purpose; (2) has complied with applicable Commission rules, policies, and the Communications Act; and (3) has not otherwise engaged in substantial, relevant misconduct.

the transaction.<sup>245</sup> Accordingly, both Part 22 and Part 90 generally require prior Commission approval of any assignment or transfer of control.<sup>246</sup> In implementing this public interest standard, the Commission has adopted various conditions and anti-trafficking restrictions on the assignment and transfer of licenses in particular mobile services. Under Part 22, requests for license assignments and transfers of control involving non-cellular licenses (other than 800 MHz air-ground radiotelephone licenses) require a determination that the proposed assignment or transfer will not constitute trafficking or speculation unless the system has been constructed or, in the case of licenses awarded by comparative hearing, in operation for one year.<sup>247</sup> These requirements do not apply to requests involving *pro forma* transfers and assignments or to requests involving exclusive paging frequencies.<sup>248</sup> Requests for assignment or transfer of cellular licenses obtained by random selection require an affirmative showing that no speculation is involved.<sup>249</sup> Cellular licenses for unserved areas may not be transferred unless the system has provided service to the public for one year.<sup>250</sup>

**142.** Under Part 90, licensees on frequencies above 800 MHz and local 220 MHz licensees must complete system construction before transfer or assignment of the license is allowed, unless the assignment or transfer is involuntary, does not involve a substantial change in control, or is a partial assignment to an applicant proposing to create a new system or expand an existing system.<sup>251</sup> In the case of 220 MHz nationwide service, transfer or assignment is prohibited until the system is at least 40 percent complete.<sup>252</sup> Business Radio and paging licenses below 800 MHz -- which are

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<sup>245</sup> 47 U.S.C. § 310(d).

<sup>246</sup> See 47 CFR §§ 22.39(a), 90.153.

<sup>247</sup> 47 CFR § 22.40(a). In the case of 800 MHz air-ground radiotelephone service, applications and authorizations for unconstructed facilities cannot be assigned or transferred or be subject to any substantial change in ownership. In the case of constructed 800 MHz air-ground facilities, transfers and assignments are permissible after one year of operation. *Id.*, § 22.40(c).

<sup>248</sup> *Id.*, § 22.40(a).

<sup>249</sup> *Id.*, § 22.40(b)(1). For example, such a showing may describe changed circumstances affecting the licensee after acquisition of the authorization. See *Report and Order, Revision and Update of Part 22 of the Public Mobile Radio Services Rules*, CC Docket No. 80-57, FCC 83-476, 95 FCC 2d 769 (1983) at B46 (Appendix B was not reprinted in FCC Reports). See also *In re Application of Bill Welch*, 3 FCC Red 6502 (1988) (for-profit transfer of unconstructed cellular license approved where applicant demonstrated no speculation was involved). The requirement of an anti-trafficking showing does not apply where (1) the licensee is trading commensurate interests in different markets; (2) the license was obtained by random selection; or (3) the transaction is *pro forma*. *Id.*, §§ 22.40(b)(2), 22.920(b).

<sup>250</sup> *Id.*, § 22.40(b)(1). A cellular license awarded to a non-incumbent in a comparative renewal proceeding may not be transferred for three years after service is initiated. *Id.*, § 22.40(b)(2).

<sup>251</sup> *Id.*, §§ 90.609, 90.709.

<sup>252</sup> *Id.*, § 90.709.

assigned to shared frequencies -- may be transferred at any time unless the Commission determines that the transfer would not be in the public interest.

**143.** In addition to the above requirements, we have recently adopted anti-trafficking restrictions in the *Competitive Bidding Order* relating to licenses awarded by competitive bidding. To prevent unjust enrichment of auction winners, these rules require that up to three years after issuance of such a license, the terms of any proposed assignment or transfer must be specifically disclosed to the Commission.<sup>253</sup> In addition, the Commission may impose monetary penalties in the event of transfers or assignments that result in unjust enrichment to the transferring or assigning party.<sup>254</sup> Our action does not affect otherwise applicable restrictions on transfer or assignment of licenses, however.

**144. Discussion.** The above-described rules are designed to ensure license applicants' bona fide intent to construct their systems so as to actually provide service to the public. In general, we believe that a uniform standard should be adopted for assignment and transfer of CMRS licenses in both Part 90 and Part 22, with possible exceptions for certain services discussed below. We therefore propose to allow assignment or transfer of most CMRS licenses upon completion of construction and placing of the system in operation, provided that the applicant can demonstrate that the assignment or transfer will serve the public interest, convenience and necessity. We also see no reason to prohibit transfers of unconstructed licenses in circumstances where the transaction is involuntary, pro forma, or does not involve a *de facto* change in control.<sup>255</sup>

**145.** We seek comment, however, on whether CMRS licensees should be allowed to assign or transfer unconstructed licenses under other circumstances. For example, we could generally prohibit such transfers, as is currently provided for Part 90 licenses on exclusive channels, or we could apply an anti-trafficking standard to such requests, as is currently applied to Part 22 licensees other than unserved area cellular licensees. We also seek comment on whether there is any need to restrict assignment or transfer of unconstructed CMRS licenses on Business Radio or Part 90 paging frequencies below 800 MHz. As noted above, licensees on these bands are distinctive in that they operate on shared rather than exclusive frequencies. Consequently, there is little if any risk of trafficking in unconstructed licenses because any potential assignee or transferee can simply obtain its own license instead. In light of this distinction, we propose to allow transfer of unconstructed as well as constructed CMRS licenses on shared frequencies, subject to prior

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<sup>253</sup> *Competitive Bidding Order*, ¶¶ 214-215. We have also adopted disclosure requirements for licensees seeking to assign or transfer authorizations obtained by lottery. See *First Report and Order*, Implementation of Section 309 of the Communications Act - Competitive Bidding, PP Docket No. 93-253, 59 Fed. Reg. 9100 (February 25, 1994).

<sup>254</sup> *Competitive Bidding Order*, ¶¶ 258-264.

<sup>255</sup> Part 22 provides that any change from less than 50% to 50% or more ownership in an entity shall be considered a transfer of control of that entity, and that other transfers shall be reviewed on a case-by-case basis to determine whether a transfer of control has occurred. 47 CFR § 22.39(a). We propose to apply this standard to all assignments and transfers of CMRS licenses.

Commission approval.

146. Finally, we seek comment on what conditions on transfer and assignment should be placed on wide-area CMRS providers. As noted above, an unserved area cellular licensee must operate its system for one year before any transfer or assignment may occur, and a cellular license awarded to a challenger in a comparative renewal proceeding may not be transferred for three year, except in the case of involuntary or *pro forma* transfers. On the other hand, we have not imposed such restrictions on wide-area SMR, paging, or 220 MHz licensees. In the interest of comparable regulation of substantially similar services, we seek comment on whether we should adopt the same restrictions on transfer of all wide-area CMRS licenses that are currently applicable to cellular licenses. Alternatively, we seek comment on whether the disclosure and anti-trafficking rules recently adopted for licenses awarded by competitive bidding and lottery justify modifying our existing transfer and assignment restrictions.

#### 11. Combined PMRS and CMRS Operation

147. Background. In the *Second Report and Order*, we concluded that mobile service providers in Part 90 services where both CMRS and PMRS operation are allowed should have the flexibility to provide both CMRS and PMRS offerings under a single license.<sup>256</sup> We further stated our intent to implement the same licensing procedures for these services as those established for PCS in the *Second Report and Order*.<sup>257</sup> Our PCS licensing procedures provide that PCS applicants who propose to offer both CMRS and PMRS will be issued a single CMRS license, but may dedicate a portion of their assigned spectrum to PMRS provided that they make a showing to the Commission sufficient to demonstrate that the proposed service is not within the CMRS definition.<sup>258</sup>

148. Discussion. As discussed in the *Second Report and Order*, we propose to apply the same licensing procedures for combined CMRS/PMRS operation in our existing mobile services that currently apply to PCS. Thus, in those Part 90 services where both CMRS and PMRS operation are allowed, applicants would be allowed to seek authority to provide both CMRS and PMRS offerings under a single authorization.<sup>259</sup> For licensing purposes, such applications would be treated as CMRS applications subject to public notice, petitions to deny, and the additional procedural requirements for CMRS discussed above. In addition, the applicant would be required to submit a showing with its application indicating what portion of the assigned spectrum would be dedicated to PMRS and describing the proposed PMRS offering in sufficient detail to demonstrate that it falls outside the CMRS definition. We seek comment on this proposal.

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<sup>256</sup> *Second Report and Order*, ¶¶ 113-115.

<sup>257</sup> *Id.*, ¶ 115.

<sup>258</sup> *Id.*, ¶ 119.

<sup>259</sup> We do not propose to extend this procedure to mobile service categories where only CMRS or PMRS service is allowed, however. Thus, in Part 22 services that are limited to CMRS operation and Part 90 services that are limited to PMRS operation, applicants may not seek authority to provide "combined" service.

12. Conversion to CMRS Status by Existing Part 90 Licensees

**149. Background.** In addition to affecting licensing procedures for new applicants, the reclassification of certain Part 90 services as CMRS changes the regulatory status of a significant number of existing SMR, Business Radio, 220 MHz, and Part 90 paging licensees. Based on the statutory criteria that define CMRS, however, other licensees in each of these services may continue to be classified as PMRS after the conclusion of the transition period. In order to implement the reclassification of existing licensees in these services, therefore, we must apply the statutory criteria to each licensee individually. Moreover, because existing Part 90 authorizations do not identify licensees as CMRS or PMRS, a mechanism is needed for specifying each licensee's regulatory status in its authorization and our licensing data base.

**150. Discussion.** As noted above, we propose to classify Part 90 applicants as CMRS or PMRS based on the station classification requested in the application. The same method appears to apply equally well to the classification of existing licensees, except in the case of licensees on Part 90 paging frequencies. We therefore propose to identify all existing licensees in the SMR, Business Radio, and 220 MHz services as CMRS or PMRS providers based on whether the licensee's station classification authorizes for-profit, interconnected service to be provided. Where the station classification indicates that for-profit, interconnected service is being provided, we would modify the license to indicate CMRS status. Part 90 licenses bearing any other classification would continue to be treated as PMRS authorizations and would not be subject to modification. We do not propose to use this approach in the case of Part 90 paging licensees, however, because many of these licensees have been classified as "non-interconnected" under the now-superseded view that "store-and-forward" paging is not a form of interconnection. Under the broader definition of interconnection adopted in the *Second Report and Order*, we believe that all paging licensees should be presumed to be providing interconnected service regardless of their existing station classification.<sup>260</sup>

**151.** In proposing this approach, we recognize the need to ensure that our existing station classifications accurately reflect the service being provided by licensees. For example, it is not uncommon for Part 90 licensees to seek authorization to provide for-profit interconnected service even though they have no immediate plans to provide such service, because this gives them flexibility to offer such service subsequently. If we were to rely on station classification to determine regulatory status in such cases, however, licensees who are not providing for-profit interconnected service could be classified as CMRS. To address this issue, we propose that within 90 days after the date our proposed rules go into effect, Part 90 licensees may request changes to their station class designations to reflect actual operations. We request comment on this approach.

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<sup>260</sup> Paging licensees who are designated as operating not-for-profit, internal-use systems will be classified as PMRS providers, however.

## IV. PROCEDURAL MATTERS

### A. Ex Parte Rules -- Non-restricted Proceeding

**152.** This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. *See generally* 47 CFR §§ 1.1202, 1.1203, 1.1206(a).

### B. Initial Regulatory Flexibility Analysis

**153.** As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.* (1981), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact of the policies and rules proposed in this *Further Notice* on small entities. The IRFA is contained in Appendix A to this *Further Notice*. The Secretary shall cause a copy of this *Further Notice*, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

### C. Comment Period

**154.** Interested persons may file comments in this proceeding on or before June 20, 1994, and reply comments on or before July 11, 1994. For filing requirements, *see generally* 47 CFR §§ 1.415, 1.419. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting materials. If you want each Commissioner to receive a personal copy of your comments, you must file an original and nine copies. Send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington D.C. 20554. In addition, commenters are requested to submit courtesy copies to the Chief, Mobile Services Division, Common Carrier Bureau, 1919 M St., N.W., Room 644, Washington, DC 20554, and to the Deputy Chief, Land Mobile and Microwave Division, Private Radio Bureau, 2025 M St., N.W., Room 5202, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) at the Commission's headquarters at 1919 M Street, N.W., Washington, D.C.

#### **D. Further Information**

**155.** For further information regarding this Notice, contact David Furth or Kathleen O'Brien Ham at (202) 634-2443 (Private Radio Bureau, Land Mobile and Microwave Division), Nancy Boocker at (202) 632-6450, or Jay Jackson at 653-5560 (Common Carrier Bureau, Mobile Services Division).

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton  
Acting Secretary

FCC  
FORM  
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FEDERAL COMMUNICATIONS COMMISSION

Information and Instructions



**Application for Mobile Radio Service Authorization  
or Rural Radiotelephone Service Authorization  
or Interactive Video Data Service Authorization**

**Introduction**

FCC Form #### is a multi-part form comprising a main form and several optional schedules. Each application or amendment must contain one and only one main form (pages 1 and 2), but may contain as few or as many of the optional schedules as necessary. Some of the schedules are also used as an attachment to FCC Form 489.

**Applicable Rules and Regulations**

Before the application is prepared, applicant should review the relevant part of the FCC rules in Title 47 of the Code of Federal Regulations. Copies of Title 47 may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. FCC rules generally require various exhibits to be filed with an application in addition to the information requested in the application form. Applicants should make every effort to file complete applications. Failure to do so can result in a dismissal or return of the application or a delay in processing the application.

**Paper Copies**

The number of paper copies of this application required to be filed varies depending on the radio service. Refer to the pertinent part of the FCC rules for specific instructions.

**Microfiche Copies**

Applications on FCC Form #### for authority to operate facilities in certain radio services must be filed in microfiche form. See the pertinent part of the FCC rules to determine whether this requirement applies. If microfiche is required, submit three microfiche (one original and two copies). Each microfiche must be a copy of the signed original. Each microfiche copy must be a 148mm X 105mm negative (clear transparent characters appearing on an opaque background) at 24X to 27X reduction for microfiche or microfiche jackets. One of the microfiche sets must be a silver halide camera master or a copy made on silver halide film such as Kodak Direct Duplicating Film. The microfiche must be placed in paper microfiche envelopes and submitted in a 5" x 7.5" envelope. Row "A" (the first row for page images) of the first microfiche must be left blank.

**Magnetic Disks, Electronic Filing**

Applications on FCC Form #### for authority to operate facilities in certain radio services may be filed in magnetic disk form or through electronic data transmission. See the pertinent part of the FCC rules to determine whether this provision applies. Each filing must be in a separate computer file, even if on the same disk. Each item must consist of the item number followed by >>> followed by the data, followed by the character sequence <<< (followed by CRLF) to mark the end of the item (e.g. 7>>>DC<<< ). For items from Schedules B or C, use bracketed, comma delimited integers to indicate as needed the schedule number, FCC location number, FCC antenna number and FCC transmitter number. For example, if the second Schedule C in a filing is to add a location number 15, the sequence C1{2,15}>>>A<<< must appear in the file. For another example, if the fourth Schedule B in a filing is to add a transmitter number 3 to operate on 152.24 MHz using antenna 2 at location 12, the sequences B43{4,12,2,3}>>>A<<< and B44{4,12,2,3}>>>152.24<<< must appear in the file. In general, attached exhibits use the item number to which they refer with an "A" suffix. All data and text must be in ASCII format.

**Filing Fee**

A processing fee may be required with this form. Refer to Subpart G of Part 1 of the FCC's rules (47 CFR Part 1, Subpart G) or call (202) 632-FEES to determine the applicable fee. **DO NOT SEND CASH.** Payment may be made by check, bank draft, or single money order payable to: **Federal Communications Commission.**

**Incorporation by Reference**

You may incorporate by reference documents, exhibits, or other lengthy showings already on file with the FCC **only** if: the information previously filed is **more than one 8½" by 11" page in length**, and all information therein is current and accurate in all significant respects; the reference states specifically where the previously filed information can be found (i.e., station call sign and application file number, title of proceeding, docket number and legal citations), including exhibit and page references. Use the relevant item number followed by "A". Items that call for numbers, or which can be answered "Y" or "N" by or other short answers must be answered directly without reference to a previous filing.

**Current Information**

Information filed with the FCC must be kept current. The applicant should notify the FCC regarding any material change in the facts as they appear in the application. See 47 CFR 1.65.

**Waiver Requests**

Requests for waivers must contain as an exhibit a statement of reasons sufficient to justify a waiver. A separate request with the required showing must be made for each rule waiver desired, identifying the specific rule or policy for which the waiver is requested.

**Exhibits**

Each document required to be filed as an exhibit should be current as of the date of filing. Each page of each exhibit must be identified with the number or letter of the exhibit, the number of the page of the exhibit and the total number of pages of the exhibit. If material is to be incorporated by reference, see the instruction on incorporation by reference. If interference studies are required by rule, attach these as an exhibit. If this application is a request for an extension of time to complete construction, then attach as an exhibit a statement explaining how failure to complete construction was beyond the applicant's control.

**Paperwork Reduction and Privacy Act Notice**

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The FCC will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to FCC rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection is estimated to be ?? to ?? hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-0046), Washington, D.C. 20503.

The foregoing Notice is required by the Privacy Act of 1974, P.L. 93-597, December 31, 1974, 5 U.S.C. 552a(e)(3), and the Paperwork Reduction Act of 1980, P.L. 96-511, Section 3504(c)(3).

**Specific Instructions for the Main Form**

**APPLICANT**

**Items 1-8** These items identify the applicant. If an authorization is granted, the information provided will become the licensee's name, address and telephone numbers of record, and the authorization will be sent to this address.

**Items 9-16** These items identify the contact representative (usually the headquarters office of a large applicant, the law firm or other representative of the applicant, or the person or company that prepared or submitted the application on behalf of the applicant). In the event there is a question concerning the application, the FCC will attempt to communicate with the contact representative first.

**CLASSIFICATION OF FILING**

**Item 17** Indicates whether the filing is intended as an application or an amendment to a previously filed application. If "N" is indicated, the FCC will assign a new file number to the filing. If "A" is indicated, the FCC will attempt to associate the filing with a pending application described by Item 21.

**Item 18** Indicates whether the applicant believes that the FCC should classify the filing, for purposes of compliance with Section 309 of the Communications Act of 1934, as amended, as an application for a *minor* change to an existing station, if the filing is an application, or as a *minor* amendment, if the filing is an amendment. For private radio services to which Section 309 does not apply, this item must be marked "D". For commercial mobile services, which are subject to Section 309, this item must be marked either "Y" or "N". If this item is marked "Y", the FCC will not list the filing in a Public Notice unless during processing the FCC subsequently determines that the filing should not be classified as minor. If this item is marked "N" and the filing appears to be acceptable for filing, the FCC will list the filing in a Public Notice as acceptable for filing prior to actually classifying it during processing.

**Item 19** This item indicates whether the filing proposes an initial facility, modification of an existing facility or renewal of an existing station, for the purposes of classification in regard to eligibility for inclusion in competitive bidding procedures. In the event that the filing is or becomes mutually exclusive with one or more other filings, the indication given here assists the FCC in determining what method will be used to select which filing(s) to grant. This item does not have to be completed for minor applications or amendments.

**Item 20** This item identifies the existing station, if any, to which the filing is relevant.

**Item 21** If the filing is an amendment to a previously-filed application, the information requested in this item identifies that application.

**NATURE OF SERVICE**

**Item 22** This item indicates whether the applicant is applying for authorization to provide commercial mobile radio service, to provide or use private mobile service or both. If the answer is "both", attach as an exhibit a description of the proposed service that explains why the applicant believes that a portion of the service should be classified as a private mobile service. Use 22A as the item number for the exhibit.

**Item 23-25** These items request information that the FCC could use to determine whether a proposed service is a commercial mobile radio service or a private radio service under Section 332 of the Communications Act of 1934, as amended. Item 23 must be answered "P" if the proposed service is to be made available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, "E" if the service is to be made available to eligible users other than the applicant, but not constituting a substantial portion of the public, or "I" if the service will be available only to the applicant and its employees. Item 24 must be marked "P" if the service is to be provided for profit, *i.e.* with the intent of receiving compensation or monetary gain. Item 25 must be marked "Y" if the applicant proposes to provide interconnected service as defined in § 20.3 of the FCC rules.

**Item 26** This item requests a two-letter code designating the FCC radio service, or radio service sub-category, in which the applicant requests authorization and to which any requested channels are allocated. The codes are as follows:

<b>Commercial</b>	
Personal Communications Service	
Broadband	CW
Narrowband	CN
Cellular Radiotelephone Service	CL
Paging and Radiotelephone Service	CD
Air-ground Radiotelephone Service	CG
Offshore Radiotelephone Service	CO
Rural Radiotelephone Service	CR
<b>Specialized Mobile Radio</b>	
806-821/851-866 MHz, conventional	GX
806-821/851-866 MHz, trunked	YX
896-901/935-940 MHz, conventional	GR
896-901/935-940 MHz, trunked	YS
<b>220 MHz Systems</b>	
Nationwide Non-Commercial 10 Channel	NL
Nationwide Non-Commercial 5 Channel	NS
Nationwide Commercial 5 Channel	NC
Non-Nationwide 5 Channel Trunked	QT
Non-Nationwide Data	QD
Non-Nationwide Public Safety / Mutual Aid	QM
Non-Nationwide Other	QO
<b>Industrial</b>	
Business Radio Service	
806-821/851-866 MHz, conventional	GB
806-821/851-866 MHz, trunked	YB
896-901/935-940 MHz, conventional	GU
896-901/935-940 MHz, trunked	YU
929-930 MHz paging systems	GS
other	IB
Industrial services, except Business Radio Service	
806-821/851-866 MHz, conventional	GO
806-821/851-866 MHz, trunked	YO
896-901/935-940 MHz, conventional	GI
896-901/935-940 MHz, trunked	YI
other:	
Forest Products Radio Service	IF
Motion Picture Radio Service	IM
Petroleum Radio Service	IP
Special Industrial Radio Service	IS
Telephone Maintenance Radio Service	IT
Power Radio Service	IW
Manufacturers Radio Service	IX
Relay Press Radio Service	IY
<b>Land Transportation</b>	
Land Transportation services	
806-821/851-866 MHz, conventional	GO
806-821/851-866 MHz, trunked	YO
896-901/935-940 MHz, conventional	GI
896-901/935-940 MHz, trunked	YI
other:	
Automobile Emergency Radio Service	LA
Railroad Radio Service	LR
Taxicab Radio Service	LX

Interurban Passenger Radio Service	LI
Interurban Property Radio Service	LJ
Urban Passenger Radio Service	LU
Urban Property Radio Service	LV
<b>Public Safety</b>	
National Plan	
821-824/866-869 MHz, conventional	GF
821-824/866-869 MHz, trunked	YF
Public Safety services	
806-821/851-866 MHz, conventional	GP
806-821/851-866 MHz, trunked	YP
896-901/935-940 MHz, conventional	GA
896-901/935-940 MHz, trunked	YA
other:	
Fire Radio Service	PF
Highway Maintenance Radio Service	PH
Local Government Radio Service	PL
Emergency Medical Radio Service	PM
Police Radio Service	PP
Forestry Conservation Radio Service	PO
<b>Special Emergency</b>	
National Plan	
821-824/866-869 MHz, conventional	GF
821-824/866-869 MHz, trunked	YF
Special Emergency Radio Service	
806-821/851-866 MHz, conventional	GP
806-821/851-866 MHz, trunked	YP
896-901/935-940 MHz, conventional	GA
896-901/935-940 MHz, trunked	YA
other	PS
<b>Other</b>	
Low Power Auxiliary Broadcast	LP
Remote Pickup Auxiliary Broadcast	RP
Radiolocation Radio Service	RS
General Mobile Radio Service	ZA
Interactive Video Data Service	ZV

**Item 27** This item requests a two-letter code indicating the type of operation proposed. The codes are as follows:

One-way paging	OP
Response paging	RP
Two-way mobile telephone	TT
Two-way mobile data	TD
Two-way mobile telephone, data & images	TB
Two-way mobile communications	TC
Dispatch	DP
Rural radiotelephone, conventional	RR
Rural radiotelephone, BETRS	RB
Air-ground radiotelephone	AR
Point-to-point	PP
Point-to-multipoint	PM
Other	NS

**ENVIRONMENTAL POLICY**

**Item 28** This item is required for compliance with the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321-4335. See also Part 1, Subpart I of the FCC rules (47 CFR 1.1301-1.1319). Answer "Y" if a FCC grant of the proposed facility may have a significant environmental effect as defined in § 1.1307 of the FCC rules and attach an exhibit with the required environmental assessment. Use 28A as the item number for this attachment. Examples of facilities that may have a significant effect on the environment include:

- a new antenna structure located in a residential area for which the FAA requires high intensity aviation obstruction lighting
- a facility located in an officially designated wilderness area, wildlife preserve or floodplain
- a facility that affects a site significant in American history
- a facility, the construction of which involves extensive changes in surface features

**ALIEN OWNERSHIP**

**Items 29-33** These items request indications and information that enable the FCC to determine whether or not an applicant is eligible under Section 310 of the Communications Act of 1934, as amended, to hold a station license. The FCC can not grant any authorization normally obtained by filing this form to a foreign government or the representative of a foreign government. Therefore, if the true and correct answer to Item 29 is "Y", the applicant is not eligible for a license and the FCC will dismiss the application, if filed, without further consideration. Likewise, the FCC can not grant an authorization to provide commercial mobile radio service to any applicant for which the true and correct answer to Item 30, 31 or 32 is "Y". If the answer to Item 33 is "Y" and the application is for authorization to provide commercial mobile radio service, attach an exhibit explaining the nature and extent of any foreign ownership or control. Use 33A as the item number for this exhibit.

**BASIC QUALIFICATIONS**

**Items 34-38** These items request indications and information that enable the FCC to determine whether an applicant is disqualified from holding an FCC authorization because of misconduct. Items 34-36 must be answered "N" if there is no misconduct. Item 37 must be answered "N" if the applicant is not a party in any pending matter relevant to misconduct. Item 38 must be answered "Y" if the applicant is not subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988 (21 U.S.C. § 862). If the answer to items 34, 35, 36 or 37 is "Y" or if the answer to item 38 is "N", attach as an exhibit a statement explaining the circumstances and why the applicant believes that an FCC grant of the application would be in the public interest notwithstanding the actual or alleged misconduct. Use 34A, 35A, 36A, 37A or 38A as the item number(s) for such exhibits, respectively.

**CERTIFICATION**

**Items 39-43** To be acceptable for filing, applications and amendments must be signed in accordance with Part 1 of the FCC rules.

**The Schedules**

The purposes of the schedules are as follows:

**SCHEDULE A**

One Schedule A is required for each application or amendment in the radio services governed by Parts 22 and 24 of FCC rules. These services are the Personal Communications Service, the Cellular Radiotelephone Service, the Paging and Radiotelephone Service, the Rural Radiotelephone Service, the Offshore Radiotelephone Service and the Air-ground Radiotelephone Service. Schedule A indicates the purpose of the filing. It is the only schedule needed for initial systems where no site specific data is being submitted, and for requests for extension of time to construct facilities. Schedule A may also be used as an attachment to notifications on FCC Form 489 for minor changes to systems, such as in the locations of control points. Schedule A must not be filed with Schedules D or E.

**SCHEDULE B**

Schedule B is used when site-specific data is required for applications, amendments or notifications involving individual channel assignments, in the radio services for which Schedule A is required. At least one Schedule B must be filed for each location for which data is required. Schedule B provides location data, information concerning proximity to market boundaries, technical information concerning the antennas and transmitters at the particular location, radial power and antenna height data, and information about points of communication for transmitters at the particular location. Each Schedule B can hold data for multiple antennas at one location by using additional copies of page 2. For each antenna, Schedule B can hold data for up to four transmitters and/or channels. Additional Schedule Bs may be filed for the same location or antenna if necessary.

**SCHEDULE C**

Schedule C is used when site-specific data is required for applications, amendments or notifications in the radio services for which Schedule A is required and for which spectrum is assigned in channel blocks. One Schedule C must be filed for each location for which data is required. Schedule C provides location data, technical parameters of the facility at the particular location, radial power and antenna height data.

#### **SCHEDULE D**

Schedule D is required for applications and amendments in all radio services for which FCC Form #### may be used, except those for which Schedule A is required. It provides additional administrative data for stations in these services.

#### **SCHEDULE E**

Schedule E is required for applications and amendments in all radio services for which FCC Form #### may be used, except those for which Schedule A is required. It provides technical data for stations in these services.

#### **SCHEDULE F**

Schedule F may be filed when site-specific data is submitted on Schedule B, C or E, and it is necessary to obtain aviation obstruction marking and lighting requirements for the antenna structure at these sites. In some services (e.g. PCS), marking and lighting requirements can also be obtained independent of the system authorization by filing FCC Form 854. See the pertinent part of the FCC rules.

#### **Specific Instructions for Schedule A** **Administrative Information**

##### **PURPOSE OF FILING**

**Item A1** This item states the purpose(s) for the filing. Enter one or letters corresponding to the listed purposes. If none of the listed purposes correctly describe the reason for filing, if the filing requests a waiver of one or more FCC rules or an extension of time to construct facilities, attach as an exhibit a narrative description of the purpose, circumstances and/or waiver request including required justification. Use A1A as the item number for this exhibit.

##### **MARKET / CHANNEL BLOCK**

**Item A2** This item must be answered only if the filing is for an authorization in one of the radio services that is licensed on a geographic licensing area or "market" basis (e.g. Cellular Radio Service). It identifies the market to which the filing pertains. The market designators are listed in FCC Public Notices or in the FCC Record. This item should not be answered for filings in radio services licensed on a station by station basis.

**Item A3** This item must be answered only if the filing is for an authorization in one of the radio services for which spectrum is assigned in channel blocks. For filings in the Cellular Radio Service, the answer to this item is either "A" or "B". For filings in the Air-ground Radiotelephone Service (commercial aviation), the answer to this item is "C-" followed by a number between 1 and 29 (e.g. C-17). This item should not be answered for filings in radio services in which channels are individually assigned.

**Item A4** This item must be answered only if the filing is for an authorization in one of the radio services that is licensed on a geographic licensing area or "market" basis and the market has been subdivided.

**Item A5** This item must be answered only if the filing is for an authorization in one of the radio services that is licensed on a geographic licensing area or "market" basis (e.g. Cellular Radio Service). In addition to item A2, it identifies the market to which the filing pertains. The market names are listed in FCC Public Notices or in the FCC Record. This item should not be answered for filings in radio services licensed on a station by station basis.

#### **CONTROL POINTS**

**Items A6-A11** These items provide the location(s) of the station or system control points, and the telephone number(s) where a person responsible for operation of the station or system could be reached, if necessary. These items must be answered only for new systems or stations and when a control point is to be added, deleted or modified. These items do not have to be answered for broadcast subcarrier paging (i.e. if the answer to item A1 is "O"). If a control point modification is the only purpose of the filing, answer item A1 "S" and file Schedule A as an attachment to FCC Form 489, rather than FCC Form ####. To move an existing control point or change a telephone number, delete the old information and add the new.

#### **FACILITIES NOT CONSTRUCTED**

**Items A12-A17** These items must be completed only in connection with (1) filings that request an extension of time to construct specific facilities in services where locations are individually subject to a construction period requirement, and the rest of the station or system has been completed; (2) notifications, using Schedule A as an attachment, reporting that a system has been partially constructed. In some cases where more than one antenna or transmitter is authorized at a location, and some but not all of the facilities have been constructed, it may be necessary to further distinguish the unconstructed facilities by channel. If so, indicate the affected channels in an exhibit, using item number A12A.

#### **Specific Instructions for Schedule B** **Technical Data - Individual Channel Assignment**

##### **LOCATION**

**Item B1** This item indicates what action the filer wants the FCC to take in the database with regard to the location specified in items B4-B12. If the filing is for a new station or system or for a new location in an existing system or station (i.e. the location does not already exist on any channel in the authorized system or station or in a pending application for the same system or station), the answer to this item is "A". If the location is an existing location in the authorized system or station or a location proposed in a pending application for the same system or station, and the licensee has abandoned or intends to abandon the location completely, the answer to this item is "D". (Also see the instruction for items B13-B16 below.) In all other cases, the answer to this item is "M". If the filer answers this item "A" and the FCC computer finds an exact match for the location within the system or station, the Schedule B will be processed as if this item had been answered "M". If the filer answers this item "M" and the FCC computer cannot find an exact match for the specified location within the system or station, the Schedule B will be processed as if this item had been answered "A". If the filer answers this item "D" and the FCC computer cannot find an exact match for the specified location within the system or station, the Schedule B will not be processed.

**Item B2** This item is optional. The filer may supply the tower number from the FCC tower database if he or she knows it. Supplying this number may assist processing of the Schedule B. If the correct tower number is supplied and there are no changes to the antenna structure as a result of the filing, the filer does not need to attach Schedule F.

**Item B3** The filer should supply the FAA Aeronautical Study for the antenna structure, if there is one, and if the filer knows what it is. Supplying this number may assist processing of the Schedule B.

**Items B4-B7** These items identify the location by its address or, if there is no address, by a brief description of the location such as a distance and direction from known landmarks (e.g. "5 km south of Anytown, US").

**Items B8, B9, B11 and B12** These items are the geographic coordinates of the location. Items B8 and B9 are the North latitude and West longitude, respectively, with reference to the North American Datum of 1927. Items B8 and B9 are required. Items B11 and B12 are the North

latitude and West longitude, respectively, with reference to the North American Datum of 1983. Items B11 and B12 are optional, but may assist processing of the Schedule B.

Item B10 This item is the FCC assigned location number for an existing location, or for a new location, a letter (e.g. A, B, C etc). In either case, this item is used as the key to identify the location on Schedule F (if Schedule F is filed).

Items B13-B16 These items key to location data that is to be replaced by the data in items B8-B12 in the data base. The filer should complete these items only if (1) correcting geographical coordinates or (2) relocating *all* facilities at the location indicated by these items to the location specified in items B8-B12. The filer must *not* complete these items if the intent is to relocate some, *but not all*, of the facilities at a particular location. (In such a case, the filer must submit two Schedule Bs with the filing - one to delete the facilities at the previous location and another to add those facilities at the new location.)

**SUPPLEMENTARY LOCATION INFORMATION**

Item B17 This item is optional and concerns proximity of the location to Canada. If the filer does not know whether the location is North of Line A or East of Line C, this item should be left blank. If the filer answers "A" or "C" (and this appears to be plausibly correct), the FCC will initiate applicable coordination procedures with the Government of Canada. In the event the filer needs to submit additional information regarding coordination of a channel assignment with the Government of Canada, this should be attached as an exhibit, using item number B17A.

Item B18 This item is optional and concerns proximity of the location to Mexico. If the filer does not know whether the location within 200 kilometers (124 miles) of the U.S.-Mexico border, this item should be left blank. If the filer answers "Y" (and this appears to be plausibly correct), the FCC will initiate applicable coordination procedures with the Government of Mexico. In the event the filer needs to submit additional information regarding coordination of a channel assignment with the Government of Mexico, this should be attached as an exhibit, using item number B18A.

Items B19-B33 These items must be completed only for filings in the narrowband Personal Communications Service (other than nationwide and response channel related filings).

**ANTENNA**

Item B34 This item indicates what action the filer wants the FCC to take in the database with regard to the antenna specified in items B35-B41, (B151-B157, B267-B273). If the filing is for a new antenna (i.e. the antenna does not already exist at this location for any channel in the authorized system or station or in a pending application for the same system or station), the answer to this item is "A". If the antenna is an existing antenna in the authorized system or station or an antenna proposed in a pending application for the same system or station, and *the licensee has abandoned or intends to abandon the antenna completely*, the answer to this item is "D". In all other cases, the answer to this item is "M". If the filer answers this item "A" and the FCC computer finds an exact match for the antenna within the system or station, this portion of the Schedule B will be processed as if this item had been answered "M". If the filer answers this item "M" and the FCC computer cannot find an exact match for the specified antenna within the system or station, this portion of the Schedule B will be processed as if this item had been answered "A". If the filer answers this item "D" and the FCC computer cannot find an exact match for the specified antenna within the system or station, this portion of the Schedule B will not be processed.

Item B35 This item indicates whether the antenna in question is already authorized or whether it is only proposed in a pending application. The filer must answer this item.

Item B36 This item indicates the FCC antenna number of the antenna.

Items B37-39 This item describes the antenna by its type, manufacturer and model number, and must be completed for all filings except for those in the Air-ground Radiotelephone Service. Type means a generic description (e.g. collinear vertical, Yagi, panel array). Manufacturer is the name of the company that made the antenna, and model number is the designation that the manufacturer assigns to the antenna. If a polar plot of the antenna horizontal or vertical radiation pattern is required by the pertinent FCC rules, attach as an exhibit such plot (or in the case of electronic or magnetic filing, substitute a table of the p o l a r d a t a f o r 3 6 0 ° in 5° increments in the format: bearing, gain<sub>1dB</sub>), using item number B39A.

Items B40 & B42 These items report the actual and effective height at which the antenna is mounted. These items must be completed for all filings except for those in the Air-ground Radiotelephone Service.

Item B41 This item provides the beamwidth of the main major lobe of a directional antenna used with a fixed station. This item need not be completed for any stations other than fixed stations.

**TRANSMITTERS FOR ANTENNA**

Item B44 This item indicates what action the filer wants the FCC to take in the database with regard to as many as four transmitters (or channels) associated with the (same) antenna. If the filing is for a new transmitter or channel (i.e. a transmitter or channel that does not already exist for this antenna at this location in the system or station or in a pending application for the same system or station), the answer to this item is "A". If the transmitter or channel already exists for this antenna at this location in the authorized system or station or for an antenna at this location proposed in a pending application for the same system or station, and *the licensee has abandoned or intends to abandon the transmitter or channel completely*, the answer to this item is "D". In all other cases, the answer to this item is "M". If the filer answers this item "A" and the FCC computer finds an exact match for the transmitter or channel for this antenna at this location within the system or station, this portion of the Schedule B will be processed as if this item had been answered "M". If the filer answers this item "M" and the FCC computer cannot find an exact match for the specified transmitter or channel for this antenna at this location within the system or station, this portion of the Schedule B will be processed as if this item had been answered "A". If the filer answers this item "D" and the FCC computer cannot find an exact match for the specified transmitter or channel for this antenna at this location within the system or station, this portion of the Schedule B will not be processed.

Item B45 This item specifies the center frequencies of the channels on which the transmitters operate are are proposed to operate. The pertinent channel(s) must be specified for each transmitter.

Item B46 This item requests a four letter code that identifies the transmitter class. The four letter code consists of two letters that conform to the international station classification nomenclature used by the International Frequency Registration Board, followed by two letters that further classify the transmitter by usage. The codes are as follows:

Base . . . . .	FBBS
Standby . . . . .	FBST
Mobile subscriber . . . . .	MLSB
Dispatch . . . . .	FXDI
Auxiliary test . . . . .	FXTS
Control . . . . .	FXCT
Repeater . . . . .	FXRP
Fixed relay . . . . .	FXRX
Ground . . . . .	FBGS
Air-ground signaling . . . . .	FBSI
Inter-office . . . . .	FXIO
Fixed subscriber . . . . .	FXSB
Central office . . . . .	FXCO

Item B47 This item should be completed only if the filing requests authority to use an emission type that is not already authorized in the FCC rules for use by all stations in the pertinent radio service.

Item B48 This item reports the maximum effective radiated power (ERP) in any direction on the specified channel. This item must be completed for all transmitter filings. The answer must be stated in Watts.

#### **RADIAL DATA FOR ANTENNA**

Item B49 This item reports the height of the antenna center of radiation above the average terrain elevation (AAT) along each of the eight cardinal radials. This item must be completed for all antenna filings except for those in the Air-ground Radiotelephone Service.

Items B50-B53 These items report the effective radiated power (ERP) for each transmitter or channel in each of the eight cardinal radial directions. These items must be completed for all transmitter filings except for those in the Air-ground Radiotelephone Service.

#### **POINTS OF COMMUNICATION FOR ANTENNA**

Items B54-B59 These items describe fixed points of communication for (1) stations in the Rural Radiotelephone Service serving individually licensed subscribers, and (2) point-to-multipoint transmitters operating on channels that are assigned only to stations that communicate with four or more points. These items should not be completed by filers for any other purpose.

#### **Specific Instructions for Schedule C**

##### **Technical Data - Block Channel Assignment**

#### **LOCATION**

Item C1 This item indicates what action the filer wants the FCC to take in the database with regard to the location specified in items C4-C12. If the filing is for a new station or system or for a new location in an existing system or station (i.e. the location does not already exist in the authorized system or station or in a pending application for the same system or station), the answer to this item is "A". If the location is an existing location in the authorized system or station or a location proposed in a pending application for the same system or station, and the licensee has abandoned or intends to abandon the location completely, the answer to this item is "D". (Also see the instruction for items C13-C16 below.) In all other cases, the answer to this item is "M". If the filer answers this item "A" and the FCC computer finds an exact match for the location within the system or station, the Schedule C will be processed as if this item had been answered "M". If the filer answers this item "M" and the FCC computer cannot find an exact match for the specified location within the system or station, the Schedule C will be processed as if this item had been answered "A". If the filer answers this item "D" and the FCC computer cannot find an exact match for the specified location within the system or station, the Schedule C will not be processed.

Item C2 This item is optional. The filer may supply the tower number from the FCC tower database if he or she knows it. Supplying this number may assist processing of the Schedule C. If the correct tower number is supplied and there are no changes to the antenna structure as a result of the filing, the filer does not need to attach Schedule F.

Item C3 The filer should supply the FAA Aeronautical Study for the antenna structure, if there is one, and if the filer knows what it is. Supplying this number may assist processing of the Schedule C.

Items C4-C7 These items identify the location by its address or, if there is no address, by a brief description of the location such as a distance and direction from known landmarks (e.g. "5 km south of Anytown, US").

Items C8, C9, C11 and C12 These items are the geographic coordinates of the location. Items C8 and C9 are the North latitude and West longitude, respectively, with reference to the North American

Datum of 1927. Items C8 and C9 are required. Items C11 and C12 are the North latitude and West longitude, respectively, with reference to the North American Datum of 1983. Items C11 and C12 are optional, but may assist processing of the Schedule C.

Item C10 This item is the FCC assigned location number for an existing location, or for a new location, a letter (e.g. A, B, C etc). In either case, this item is used as the key to identify the location on Schedule F (if Schedule F is filed).

Items C13-C16 These items key to location data that is to be replaced by the data in items C8-C12 in the data base. The filer should complete these items only if (1) correcting geographical coordinates or (2) relocating all facilities at the location indicated by these items to the location specified in items C8-C12. The filer must not complete these items if the intent is to relocate some, but not all, of the facilities at a particular location. (In such a case, the filer must submit two Schedule Cs with the filing - one to delete the facilities at the previous location and another to add those facilities at the new location.)

#### **TECHNICAL PARAMETERS**

Item C17, C18 These items report the actual and effective height at which the antenna is mounted. These items must be completed for all filings except for those in the Air-ground Radiotelephone Service.

Item C19 This item reports the maximum effective radiated power (ERP) of the facility in any direction. This item must be completed for all transmitter filings. The answer must be stated in Watts.

#### **RADIAL DATA**

Item C20 This item reports the height of the antenna center of radiation above the average terrain elevation (AAT) along each of the eight cardinal radials. This item must be completed for all Schedule C filings except for those in the Air-ground Radiotelephone Service.

Item C21 This item reports the effective radiated power (ERP) in each of the eight cardinal radial directions. This item must be completed for all Schedule C filings except for those in the Air-ground Radiotelephone Service.

Item C22 This item reports the calculated radial distance to the service area boundary (SAB) from the specified location. This item is required only for filings in the Cellular Radiotelephone Service.

Item C23 This item reports the determined radial distance to the Cellular Geographic Service Area (CGSA) from the specified location. This item is required only for filings in the Cellular Radiotelephone Service.

