

(v) That the commitment is not in any way guaranteed by an entity other than the applicant.

(4) Applicants intending to rely on personal or internal resources must submit:

(i) Audited financial statements certified within one year of the date of the cellular application, indicating the availability of sufficient net current assets to construct and operate the proposed cellular system for one year;

(ii) A balance sheet current within 60 days of the date of filing its application that clearly shows the continued availability of sufficient net current assets to construct and operate the proposed cellular system for one year; and,

(iii) A certification by the applicant or an officer of the applicant organization attesting to the validity of the unaudited balance sheet.

(5) Applicants intending to rely upon financing obtained through a parent corporation must submit the information required by paragraph (g)(4) of this section, as the information pertains to the parent corporation.

(6) As an alternative to relying upon a firm financial commitment, an irrevocable letter of credit, or a performance bond from a financial institution as described in paragraph (g)(3) of this section, an applicant may state that it has placed in an escrow account sufficient cash to meet its construction and first-year operating expenses. Such a statement must specify the amount of cash, the escrow account number and the financial institution where the escrow account is located.

(7) Any competing application filed against the renewal application of an incumbent cellular licensee that does not demonstrate, at the time it is initially filed, that the competing applicant has sufficient funds to construct and operate for one year its proposed cellular system will be dismissed.

(h) Exemptions. Any licensee applying for an unserved area adjacent to its existing cellular system, to integrate such area into the existing system, is exempt from the financial demonstration requirements of this section. In addition, modification applications and pro forma assignment and transfer of control applications are exempt from the financial demonstration requirements of this section.

§ 22.939 Site availability requirements for applications competing with cellular renewal applications.

In addition to the other requirements set forth in this part for initial cellular applications, any application competing against a cellular renewal application must contain, when initially filed, appropriate documentation demonstrating that its proposed antenna site(s) will be available. Competing applications that do not include such documentation will be dismissed. If the competing applicant does not own a particular site, it must, at a minimum, demonstrate that the site is available to it by providing a letter from the owner of the proposed antenna site expressing the owner's intent to sell or lease the proposed site to the applicant. If any proposed antenna site is under U.S. Government control, the applicant must submit written confirmation of the site's availability from the appropriate Government agency. Applicants which file competing applications against incumbent cellular licensees may not rely on the assumption that an incumbent licensee's antenna sites are available for their

use.

§ 22.940 Criteria for comparative cellular renewal proceedings.

This section sets forth criteria to be used in comparative cellular renewal proceedings. The ultimate issue in comparative renewal proceedings will be to determine, in light of the evidence adduced in the proceeding, what disposition of the applications would best serve the public interest, convenience and necessity.

(a) Renewal expectancies. The most important comparative factor to be considered in a comparative cellular renewal proceeding is a major preference, commonly referred to as a "renewal expectancy".

(1) The cellular renewal applicant involved in a comparative renewal proceeding will receive a renewal expectancy, if its past record for the relevant license period demonstrates that:

(i) The renewal applicant has provided "substantial" service during its past license term. "Substantial" service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal; and

(ii) The renewal applicant has substantially complied with applicable FCC rules, policies and the Communications Act of 1934, as amended.

(2) In order to establish its right to a renewal expectancy, a cellular renewal applicant involved in a comparative renewal proceeding must submit a showing explaining why it should receive a renewal expectancy. At a minimum, this showing must include:

(i) A description of its current service in terms of geographic coverage and population served, as well as the system's ability to accommodate the needs of roamers;

(ii) An explanation of its record of expansion, including a timetable of the construction of new cell sites to meet changes in demand for cellular service;

(iii) A description of its investments in its cellular system; and

(iv) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(3) In making its showing of entitlement to a renewal expectancy, a renewal applicant may claim credit for any system modification applications that were pending on the date it filed its renewal application. Such credit will not be allowed if the modification application is dismissed or denied.

(b) Additional comparative issues. The following additional comparative issues will be included in comparative cellular renewal proceedings, if a full comparative hearing is conducted pursuant to § 22.935(c) of this part.

(1) To determine on a comparative basis the geographic areas and population that each applicant proposes to serve; to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;

(2) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner in order to meet anticipated increasing demand for both local and roamer service;

(3) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities); and

(4) To determine on a comparative basis each applicant's past performance in the cellular industry or another business of comparable type and size.

(c) Additional showings for competing applications. With respect to evidence introduced pursuant to paragraph (b)(3) of this section, any applicant filing a competing application against a cellular renewal application (competing applicant) who claims a preference for offering any service not currently offered by the incumbent licensee must demonstrate that there is demand for that new service and also present a business plan showing that the competing applicant can operate the system economically. Any competing applicant who proposes to replace analog technology with digital technology will receive no credit for its proposal unless it submits a business plan showing how it will operate its system economically and how it will provide more comprehensive service than does the incumbent licensee with existing and implemented cellular technology.

§ 22.941 System identification numbers.

System identification numbers (SIDs) are 15 bit binary numbers assigned to cellular systems. SIDs are transmitted by the cellular systems so that cellular mobile stations can determine whether the system through which they are communicating is a system to which they subscribe, or whether they are considered by the system to be roamers.

(a) The FCC assigns one SID to each cellular system on its initial authorization. Cellular systems may transmit only their assigned SID(s) and/or the SIDs assigned to other cellular systems. A cellular system may transmit the SID assigned to another cellular system only if the licensee of that system concurs with such use of its assigned SID.

(b) Licensees must notify the FCC (FCC Form 489) if their cellular systems transmit SIDs assigned to other cellular systems. The notification must indicate the concurrence of the licensee(s) of such other systems with this use of their assigned SID(s). The notification must be mailed or delivered to the filing place (see § 22.106 of this part) no later than 15 days after the system begins transmitting the SID(s).

(c) Licensees may request that an additional (previously unassigned) SID be assigned to their system by filing an application for minor modification of station (FCC Form 401).

§ 22.942 Limitations on interests in licensees for both channel blocks in an area.

No person may have a direct or indirect ownership interest in licensees for both channel blocks in overlapping cellular geographic service areas (CGSAs), unless such interests pose no substantial threat to competition. A licensee, a person that owns a controlling

interest in a licensee, or a person that actually controls a licensee for one channel block in a CGSA must not have any direct or indirect ownership interest in the licensee, a person that owns a controlling interest in a licensee, or a person that actually controls a licensee for the other channel block in an overlapping CGSA.

(a) A direct or indirect ownership interest of 5 % or less in both systems is automatically excluded from the general rule prohibiting multiple ownership interests. Interests of less than 5 % are considered and are not excluded from the general rule prohibiting multiple ownership interests in cases of persons or entities that own a small percentage of the licensee but nonetheless actually control the licensee, a person that owns a controlling interest in the licensee, or a person that actually controls the licensee.

(b) Divestiture of interests as a result of a transfer of control or assignment of authorization must occur prior to consummating the transfer or assignment.

§ 22.943 Limitations on assignments and transfers of cellular authorizations.

The following limitations apply to applications for consent to transfer of control or assignment of authorizations in the Cellular Radiotelephone Service.

(a) Trafficking. Applications for consent to transfer of control or assignment of authorization in the Cellular Radiotelephone Service are subject to the provisions of § 22.139 of this part, except for:

(1) Applications reflecting the trading of an ownership interest in an authorized but unconstructed cellular system in one market for a commensurate interest in a cellular system in another market; and,

(2) Applications for consent to transfer of control or assignment of a cellular authorization obtained by random selection, after commencement of service.

(b) Unserved area systems. Except as otherwise provided in paragraph (b)(2) of this section, the FCC does not accept applications for consent to transfer of control or assignment of the authorization of a cellular system licensed to serve an unserved area until the system has provided service to subscribers for at least one year.

(1) Licensees must not enter into any agreement (e.g. option agreement or management contract) to transfer control of the licensee of the system until the system has provided service to subscribers for one year.

(2) The FCC may accept and grant applications for consent to transfer of control or for assignment of authorization if the transfer or assignment is pro forma and does not involve a change in ownership.

(c) Systems authorized as result of comparative renewal proceeding. Except as otherwise provided in paragraphs (c)(1), (c)(2) and (c)(3) of this section, the FCC does not accept applications for consent to transfer of control or for assignment of the authorization of a cellular system that has been acquired by the current licensee for the first time as a result of a comparative renewal proceeding until the system has provided service to subscribers for at least three years.

(1) The FCC may accept and grant applications for consent to

transfer of control or for assignment of the authorization of a cellular system that is to be transferred as a part of a bona fide sale of an on-going business to which the cellular operation is incidental.

(2) The FCC may accept and grant applications for consent to transfer of control or for assignment of the authorization of a cellular system that is to be transferred as a result of the death of the licensee.

(3) The FCC may accept and grant applications for consent to transfer of control or for assignment of authorization if the transfer or assignment is pro forma and does not involve a change in ownership.

§ 22.944 Transfers of interests in applications.

This section governs transfers of interest in applicants having a pending application for a new cellular system. For the purposes of this section, "interest in an application" means interest in the applicant.

(a) Except as provided in paragraph (b) of this section, the transfer of any interest in any application for initial authorization to operate a cellular system is prohibited. For the purposes of this section, transfer of interest means the sale, assignment, placement of equity or convertible debt, grant of an option or future share or participation in the applicant or any interest thereof.

(b) The following types of transfers of interest in cellular applications are permitted:

(1) Transfers that are necessary to raise capital, including the placement of debt or equity, to finance a bona fide business need of the applicant or an affiliated company, not related to the cellular application or financing of the cellular system proposed therein;

(2) Transfers that are part of a bona fide sale of an ongoing business to which the cellular applications are merely adjunct or incidental;

(3) Transfers required by a court-ordered decree granting a divorce or enforcing a spousal separation agreement;

(4) Transfers necessitated by the death of the applicant;

(5) Transfers involving the routine trading of shares in a publicly traded corporation that do not constitute a transfer of control of the applicant;

(6) Transfers resulting from pro forma transfers of control of the applicant, not involving changes in ownership;

(7) Transfers involving only the transfer of interest by one existing partner in a partnership applicant to another existing partner in that same partnership, or between existing shareholders in a closely-held corporation, which does not effect a transfer of control of the applicant;

(8) Transfers resulting from the alienation or exercise of stock warrants or stock options that existed prior to the filing of the application.

§ 22.945 Interests in multiple applications.

This section governs interests in applicants with mutually

exclusive applications for a new cellular system. For the purposes of this section, "interest in an application" means interest in the applicant.

(a) General. Except as otherwise provided in this section, parties must not have any interest, direct or indirect, in more than one application for authority to operate a new cellular system in the same cellular market.

(b) Abutting CGSAs. Licensees of existing systems whose cellular geographic service area (CGSA) abuts a proposed CGSA may each file one application that is mutually exclusive with the applications of other such licensees, even though they share common owners, provided that such licensees do not thereby acquire a simultaneous interest in applications for both channel blocks in any geographical area.

(c) Publicly traded corporate applicants. Parties must not have any interest, direct or indirect, in more than one mutually exclusive initial application for which the applicant is a publicly traded corporation, except that ownership interests of less than 5% are not considered. Ownership and other interests in applicants are attributed to their holder and deemed cognizable as set forth below.

(1) Passive investors. Investment companies, as defined in 15 U.S.C. 80a-3, insurance companies and banks holding stock through their trust departments in trust accounts are deemed to have a cognizable interest in a publicly traded cellular applicant only if they hold 10% or more of the stock of the applicant. This provision applies only if an applicant in which such parties hold an interest certifies in its application that no such party has exerted or attempted to exert any influence or control over the officers of the applicant.

(2) Multitier. Attribution of ownership interests in a publicly traded cellular applicant that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that wherever the ownership percentage for any link in the chain exceeds 50 percent, it is not included in the multiplication.

§ 22.946 Service commencement and construction periods for cellular systems.

This section specifies the service commencement and construction periods and related requirements for cellular systems.

(a) Commencement of service. New cellular systems must be at least partially constructed and begin providing cellular service to subscribers within the service commencement periods specified in Table H-1. Service commencement periods begin on the date of grant of the initial authorization, and are not extended by the grant of subsequent authorizations for the cellular system (such as for major modifications).

(1) To satisfy the requirement of paragraph (a) of this section, a cellular system must be interconnected with the public switched telephone network (PSTN) and must be providing service to mobile stations operated by its subscribers and roamers. A cellular system is not considered to be providing service to subscribers if mobile stations can not make telephone calls to landline telephones and receive telephone calls from landline telephones through the PSTN, or if the system intentionally serves only roamer stations.

(2) The licensee must notify the FCC (FCC Form 489) when the requirements of paragraph (a) of this section are met.

(b) Construction period for specific facilities. The construction period applicable to specific new or modified cellular facilities for which an authorization has been granted is one year from the date the authorization is granted. Failure to comply with this requirement results in termination of the authorization for the specific new or modified facility, pursuant to § 22.144(b).

§ 22.947 Five year build-out period.

The licensee of the first cellular system authorized on each channel block in each cellular market is afforded a five year period, beginning on the date the initial authorization for the system is granted, during which it may expand the system within that market.

(a) Exclusive right to expand within market. Except as provided in paragraph (b) of this section, the FCC does not accept applications for authority to operate a new cellular system in any unserved area in a market on a channel block during the five year build-out period.

(b) Partitioned markets. During the five year build-out period, the licensee of the first cellular system on each channel block in each market may enter into contracts with eligible parties, allowing such parties to apply (FCC Form 401) for a new cellular system on that channel block within the market. The FCC may grant such applications if they are in compliance with the rules in this part. Markets with two or more authorized cellular systems on the same channel block during the five year build-out period are referred to (with respect to the affected channel block) as "partitioned markets".

(1) Partitioning contracts must define the CGSA of the subsequent cellular system in accordance with § 22.911, including any expansion rights ceded. If not exercised, any such expansion rights terminate at the end of the five year build-out period.

(2) The five year build-out period begins on the date the initial authorization for the first cellular system is granted, and is not extended or affected in any way by the initial authorization of any subsequent cellular systems pursuant to paragraph (b) of this section.

(c) System information update. Sixty days before the end of the five year build-out period, the licensee of the each cellular system authorized on each channel block in each cellular market must file, in triplicate, a system information update (SIU), comprising a full size map, a reduced map, and an exhibit showing technical data relevant to determination of the system's CGSA. Separate maps must be submitted for each market into which the CGSA extends, showing the extension area in the adjacent market. Maps showing extension areas must be labeled (i.e. marked with the market number and channel block) for the market into which the CGSA extends. SIUs must accurately depict the relevant cell locations and coverage of the system at the end of the five year build-out period. SIUs must be filed at the Mobile Services Division, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20554. If any changes to the system occur after the filing of the SIU, but before the end of the five year build-out period, the licensee must file, in triplicate, additional maps and/or data as necessary to insure that the cell locations and coverage of the system as of the end of the five year build-out period are accurately depicted.

(1) The scale of the full-size map must be 1:500,000, regardless

Table H-1 - Commencement of Service

Type of Cellular System	Required to Commence Service within
the first system authorized on each channel block in markets 1-90	36 months
the first system authorized on each channel block in all other markets and any subsequent systems authorized pursuant to contracts in partitioned markets	18 months
all other systems	12 months

of whether any different scale is used for the reduced map. The map must have a legend, a distance scale and correctly labeled latitude and longitude lines. The map must be clear and legible. The map must accurately show the cell sites (transmitting antenna locations) which determine the CGSA, the entire CGSA, any extension of the composite service area boundary beyond the CGSA (see § 22.911) and the relevant portions of the cellular market boundary. The date on which the map depictions are accurate must appear on the map.

(2) The reduced map must be a proportional reduction, to 8½ x 11 inches, of the full-size map required in paragraph (c)(1) of this section, unless it proves to be impractical to depict the entire market by reducing the full-size map. In such instance, an 8½ x 11 inch map of a different scale may be substituted, provided that the required features of the full-size map are clearly depicted and labeled.

§ 22.949 Unserved area licensing process.

This section sets forth the process for licensing unserved areas in cellular markets on channel blocks for which the five year build-out period has expired. This process has two phases: Phase I and Phase II.

(a) Phase I. Phase I is a one-time process that provides an opportunity for eligible parties to file competing applications for authority to operate a new cellular system in or to expand an existing cellular system into unserved areas (Phase I initial applications) as soon as these areas become available. In addition, each licensee whose Phase I initial application is granted is afforded one opportunity during the Phase I process to file an application proposing major modifications to the cellular system authorized by that grant (a Phase I major modification application), without being subject to competing applications.

(1) Phase I initial applications must be filed on the 31st day after the expiration of the five year build-out period of the authorized system(s) on the channel block requested in the market containing

the unserved area.

(i) Each Phase I application must request authorization for one and only one cellular geographic service area (CGSA) in one and only one cellular market.

(ii) Applicants must not file more than one Phase I initial application for any cellular market.

(iii) Phase I initial applications must not propose any de minimis or contract service area boundary (SAB) extensions.

(2) Only one Phase I initial application is granted on each channel block in each market. Consequently, whenever two or more acceptable Phase I initial applications are timely-filed in the same market on the same channel block, such Phase I initial applications are mutually exclusive, regardless of any other considerations such as the technical proposals. In order to determine which of such mutually exclusive Phase I initial applications to grant, the Commission administers random selection procedures in accordance with Part 1 of this chapter. After such procedures, the application of the tentative selection may be granted and the applications excluded by that grant may be dismissed without prejudice.

(3) Phase I major modification applications (applications filed during Phase I that propose major modifications to cellular systems authorized by the grant of Phase I initial applications) must be filed no later than 90 days after the grant of the Phase I initial application. Each Phase I licensee may file only one Phase I major modification application. The FCC will not accept any competing applications in response to a Phase I major modification application. Phase I licensees may not sell to a third party any rights to apply for unserved area.

(i) Phase I major modification applications may propose de minimis or contract SAB extensions; provided that a contract SAB extension into an adjacent market may be proposed only if, at the time the Phase I major modification application is filed, the licensee in the adjacent market (on the requested channel block) has the right to enter into such a contract (see § 22.912(c) of this part).

(ii) Phase I major modification applications may propose a CGSA that is not contiguous with the authorized or proposed CGSA, provided that the non-contiguous CGSA meets the minimum coverage requirement of § 22.951 of this part.

(4) Phase I licensees may also file applications for or notifications of minor modifications to its system. However, such minor modifications may not reduce the size of the CGSA below the minimum coverage requirement of § 22.951 of this part.

(b) Phase II. Phase II is an open-ended filing process that allows eligible parties to apply for any unserved areas that may remain in a market after the Phase I process is complete.

(1) If a Phase I initial application is granted for a market and channel block, Phase II applications (applications for authority to operate a cellular system in any remaining unserved area) for that market and channel block may be filed on or after the 121st day after the Phase I application was granted. If no Phase I initial applications are granted for a market and channel block, Phase II applications for that market and channel block may be filed on or after the 31st day after the FCC dismissed the last pending Phase I application. If no Phase I initial applications are received for a market and channel block, Phase II applications for that market and

channel block may be filed on or after the 32nd day after the expiration of the relevant five year build-out period.

(2) There is no limit to the number of Phase II applications that may be granted on each channel block in each market. Consequently, Phase II applications are mutually exclusive only if the proposed CGSAs would overlap. Furthermore, only mutually exclusive Phase II applications with the same filing date are entitled to inclusion in a random selection process. Where all mutually exclusive Phase II applications have different filing dates, the FCC may grant the earliest-filed application and dismiss all applications excluded by that grant. For the purposes of this section, the filing date of an application is the date on which that application was received or the date on which the most recently filed major amendment to that application was received.

(3) Phase II applications may propose a CGSA covering more than one cellular market. Each Phase II application must request authorization for one and only one CGSA. Phase II applications may propose de minimis and contract SAB extensions.

(c) Settlements. Settlements among some, but not all, applicants with mutually exclusive applications for unserved areas (partial settlements) are prohibited. Settlements among all applicants with mutually exclusive applications (full settlements) are allowed and must be filed no later than 15 business days before the random selection process is scheduled to take place.

(d) Limitations on amendments. Notwithstanding the provisions of § 22.122, Phase I applications are subject to the following additional limitations in regard to the filing of amendments.

(1) The FCC will not accept amendments (of any type) to mutually exclusive Phase I applications prior to the conclusion of the competitive bidding process.

(2) The FCC will not accept major amendments to Phase I applications.

(3) Minor amendments required by § 1.65 of this chapter must be filed no later than 30 days after public notice announcing the results of the competitive bidding process.

§ 22.951 Minimum coverage requirement.

Applications for authority to operate a new cellular system in an unserved area, other than those filed by the licensee of an existing system that abuts the unserved area, must propose a contiguous cellular geographical service area (CGSA) of at least 130 square kilometers (50 square miles). Area within contract SAB extensions counts toward the minimum coverage requirement. However, area within de minimis SAB extensions does not count toward the minimum coverage requirement. Applications for authority to operate a new cellular system in an unserved area, other than those filed by the licensee of an existing system that abuts the unserved area, must not propose coverage of water areas only (or water areas and uninhabited islands or reefs only), except for unserved areas in the Gulf of Mexico MSA.

§ 22.953 Content and form of applications.

Applications for authority to operate a new cellular system in an unserved area must comply with the specifications in this section.

(a) Forms, pages and exhibits. Forms, pages and exhibits must

be prepared exactly as described and assembled in the order listed in this section.

(1) **Application cover.** The paper original of each application must be enclosed in a stiff cover fastened securely along the left edge, without exposed sharp edges.

(2) **Transmittal sheet.** The first page after the front cover of the application must be the transmittal sheet.

(i) Copies of the required transmittal sheet may be obtained by contacting the Consumer Assistance Office, Federal Communications Commission, 1919 M Street NW, Washington, DC 20554.

(ii) On the transmittal sheet, the following information is required: the name of the applicant, the channel block, and the market number or numbers and the market name or names in which the proposed CGSA is located. This information on the transmittal sheet must match exactly the information on the jacket of the microfiche and the cover of the application.

(iii) The transmittal sheet also contains a certification. Applicants must certify to the following:

I hereby certify that this application for an authorization in the Cellular Radiotelephone Service is complete in every respect and contains all of the information required by FCC Form 401 and the Federal Communications Commission's rules governing this service. I acknowledge that, if upon examination by the FCC, this certification is found to be incorrect, the FCC will dismiss this application without further consideration.

I certify that I am the real party-in-interest in this application and there are no agreements or understandings other than those, if any, disclosed in this application, which provide that someone other than the applicant has a direct or indirect interest in the application. I also certify that the applicant intends to construct and operate the station as proposed and that there are no agreements or understandings that are inconsistent with that intent.

I declare, under penalty of perjury, that I am the authorized representative of the above-named applicant in the matter of this application, that I have read the foregoing certification, and that the matter and things therein stated are true and correct.

(iv) The certification must be signed and dated in accordance with the requirements of § 1.743 of this chapter. The certification must be signed in ink. Mechanical reproductions of the signature must not be used. The name of and position held by the person signing must be typed or clearly and legibly printed beneath the signature.

(3) **Table of contents.** The table of contents must list all of the exhibits to the application.

(4) **FCC Form 401.** All information required for cellular applications on FCC Form 401 must be supplied.

(5) **Exhibits.** The following exhibits must be set off by tabs and numbered as follows:

(i) **EXHIBIT I - full-size map.** The scale of the full-size map must be 1:500,000, regardless of whether any different scale is used for

the reduced map required in Exhibit II. The map must have a legend, a distance scale and correctly labeled latitude and longitude lines. The map must be clear and legible. The map must accurately show the cell sites (transmitting antenna locations), the entire CGSA, any extension of the composite service area boundary beyond the CGSA (see § 22.911) and the relevant portions of the cellular market boundary.

(ii) **EXHIBIT II - reduced map.** This map must be a proportional reduction, to 8½ x 11 inches, of the full-size map required for Exhibit I, unless it proves to be impractical to depict the entire cellular market by reducing the full-size map. In such instance, an 8½ x 11 inch map of a different scale may be substituted, provided that the required features of the full-size map are clearly depicted and labeled.

(iii) **EXHIBIT III - engineering.** This exhibit must contain the data and methodology used to calculate the CGSA and service area boundary.

(iv) **EXHIBIT IV - channel plan.** This exhibit must show which specific channels (or groups) are to be used at each cell site. Any necessary table for converting channel numbers to center frequencies must be provided.

(v) **EXHIBIT V - ownership information.** This exhibit must contain the information required by § 22.108. Additionally, individual applicants must disclose, in this exhibit, all interests (including those less than 5%) in publicly traded corporation(s) that have applications which are mutually exclusive with the individual's application.

(vi) **EXHIBIT VI - service proposal.** This exhibit must describe the services proposed for subscribers and roamers, including the proposed method for handling complaints.

(vii) **EXHIBIT VII - cellular design.** This exhibit must show that the proposed system design complies with cellular system design concepts, and must describe the method proposed to expand the system in a coordinated fashion as necessary to address changing demand for cellular service.

(viii) **EXHIBIT VIII - blocking level.** This exhibit must disclose the blocking probability or other criteria to be used to determine whether it is necessary to take measures to increase system capacity to maintain service quality.

(ix) **EXHIBIT IX - start-up expenses.** This exhibit must disclose in detail the projected cost of construction and other initial expenses of the proposed system, and how the applicant intends to meet these expenses and the costs of operation for the first year.

(x) **EXHIBIT X - interconnection arrangements.** This exhibit is required for applicants that provide public landline message telephone service in any portion of the proposed CGSA. This exhibit must describe exactly how the proposed system would interconnect with the landline network. The description must be of sufficient detail to enable a competitor to connect with the landline system in exactly the same manner, if the competitor so chooses.

(b) [Reserved]

§ 22.955 Canadian condition.

Pursuant to an agreement between the FCC and the Department of Communications in Canada, authorizations for cellular systems

within 72 kilometers (45 miles) of the U.S.-Canadian border must have the following condition attached:

This authorization is subject to the condition that, in the event that cellular systems using the same channel block as granted herein are authorized in adjacent territory in Canada, coordination of any of your transmitter installations which are within 72 kilometers (45 miles) of the U.S.-Canadian border shall be required to eliminate any harmful interference that might otherwise exist and to insure continuance of equal access to the channel block by both countries.

§ 22.957 Mexican condition.

Pursuant to an agreement between the United States and Mexico, FCC authorizations for cellular systems within 72 kilometers (45 miles) of the United States-Mexican border must have the following condition attached:

This authorization is subject to the condition that, in the event cellular systems using the same frequencies granted herein are authorized in adjacent territory in Mexico, coordination of your transmitter installations which are within 72 kilometers (45 miles) of the United States-Mexico border shall be required to eliminate any harmful interference that might otherwise exist and to ensure continuance of equal access to the frequencies by both countries. The operator of this system shall not contract with customers in Mexico, and further, users of the system must be advised that operation of a mobile unit in Mexico is not permitted at this time without the express permission of the Mexican government. The above conditions are subject to modification pending further notice from the FCC.

§ 22.959 Rules governing processing of applications for initial systems.

Pending applications for authority to operate the first cellular system on a channel block in an MSA or RSA market continue to be processed under the rules governing the processing of such applications that were in effect when those applications were filed, unless the Commission determines otherwise in a particular case.

Subpart I - Offshore Radiotelephone Service

§ 22.1001 Scope.

The rules in this subpart govern the licensing and operation of offshore radiotelephone stations. The licensing and operation of these stations and systems is also subject to rules elsewhere in this part that apply generally to the public mobile services. However, in case of conflict, the rules in this subpart govern.

§ 22.1003 Eligibility.

Offshore central station licenses may be licensed to communications common carriers. Offshore subscriber stations may be licensed to common carriers or users of the service.

§ 22.1005 Priority of service.

Facilities in the Offshore Radiotelephone Service are intended primarily for rendition of public message service between offshore subscriber and central stations. However, they may also be used to

render private leased line communication service, provided that such usage does not reduce or impair the extent or quality of communication service which would be available, in the absence of private leased line service, to the general public receiving or subsequently requesting public message service from an offshore central station.

§ 22.1007 Channels for offshore radiotelephone systems.

The channels listed in this section are allocated for paired assignment to transmitters located in the specified geographical zones that provide offshore radiotelephone service. All channels have a bandwidth of 20 kHz and are designated by their center frequencies in MegaHertz.

(a) Zone A - Southern Louisiana. The geographical area in Zone A is bounded as follows:

From longitude W.87°45' on the East to longitude W.94°00' on the West and from the 4.8 kilometer (3 mile) limit along the Gulf of Mexico shoreline on the North to the limit of the Outer Continental Shelf on the South.

(1) These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for voice-grade general communications:

central	subscriber	central	subscriber
488.025	.....491.025	488.225	.....491.225
488.050	.....491.050	488.250	.....491.250
488.075	.....491.075	488.275	.....491.275
488.100	.....491.100	488.300	.....491.300
488.125	.....491.125	488.325	.....491.325
488.150	.....491.150	488.350	.....491.350
488.175	.....491.175	488.375	.....491.375
488.200	.....491.200	488.400	.....491.400

(2) These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for voice-grade general communications and private line service:

central	subscriber	central	subscriber
488.425	.....491.425	488.575	.....491.575
488.450	.....491.450	488.600	.....491.600
488.475	.....491.475	488.625	.....491.625
488.500	.....491.500	488.650	.....491.650
488.525	.....491.525	488.675	.....491.675
488.550	.....491.550	488.700	.....491.700

(3) These channels may be assigned for use by relay stations in systems where it would be impractical to provide offshore radiotelephone service without the use of relay stations.

488.725	.....491.725	488.775	.....491.775
488.750	.....491.750	488.800	.....491.800

(4) These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for emergency communications involving protection of life and property.

central	subscriber	central	subscriber
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488.825491.825 488.875491.875
 488.850491.850 488.900491.900

(5) These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for emergency auto alarm and voice transmission pertaining to emergency conditions only.

central subscriber

488.950 491.950

(6) These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for emergency shut-off remote control telemetry, environmental data acquisition and dissemination, or facsimile transmissions.

central subscriber central subscriber

489.000492.000 489.200492.200
 489.025492.025 489.225492.225
 489.050492.050 489.250492.250
 489.075492.075 489.275492.275
 489.100492.100 489.300492.300
 489.125492.125 489.325492.325
 489.150492.150 489.350492.350
 489.175492.175 489.375492.375

(7) These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for private line service:

central subscriber central subscriber

489.400492.400 489.725492.725
 489.425492.425 489.750492.750
 489.450492.450 489.775492.775
 489.475492.475 489.800492.800
 489.500492.500 489.825492.825
 489.525492.525 489.850492.850
 489.550492.550 489.875492.875
 489.575492.575 489.900492.900
 489.600492.600 489.925492.925
 489.625492.625 489.950492.950
 489.650492.650 489.975492.975
 489.675492.675 490.000493.000
 489.700492.700

(8) Interstitial channels. Interstitial channels are those with center frequencies offset by ± 12.5 kHz from the listed center frequencies. The FCC may assign interstitial channels to offshore stations in Zone A subject to the following conditions:

(i) Offshore stations transmitting on interstitial channels must be located east of W.92° longitude.

(ii) Operations on interstitial channels are considered to be secondary to operations on channels with the listed center frequencies.

(iii) Offshore stations operating on interstitial channels must be used only for voice grade general communications or to provide for private line service.

Note: These channels are contained in UHF TV Channel 17.

(b) Zone B - Southern Louisiana - Texas. The geographical area in Zone B is bounded as follows:

From longitude W.87°45' on the East to longitude W.95°00' on the West and from the 4.8 kilometer (3 mile) limit along the Gulf of Mexico shoreline on the North to the limit of the Outer Continental Shelf on the South.

These channels may be assigned for use by offshore central (base/fixed) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for voice-grade general communications and private line service:

central subscriber central subscriber

485.025 482.025 486.025 483.025
 485.050 482.050 486.050 483.050
 485.075 482.075 486.075 483.075
 485.100 482.100 486.100 483.100
 485.125 482.125 486.125 483.125
 485.150 482.150 486.150 483.150
 485.175 482.175 486.175 483.175
 485.200 482.200 486.200 483.200
 485.225 482.225 486.225 483.225
 485.250 482.250 486.250 483.250
 485.275 482.275 486.275 483.275
 485.300 482.300 486.300 483.300
 485.325 482.325 486.325 483.325
 485.350 482.350 486.350 483.350
 485.375 482.375 486.375 483.375
 485.400 482.400 486.400 483.400
 485.425 482.425 486.425 483.425
 485.450 482.450 486.450 483.450
 485.475 482.475 486.475 483.475
 485.500 482.500 486.500 483.500
 485.525 482.525 486.525 483.525
 485.550 482.550 486.550 483.550
 485.575 482.575 486.575 483.575
 485.600 482.600 486.600 483.600
 485.625 482.625 486.625 483.625
 485.650 482.650 486.650 483.650
 485.675 482.675 486.675 483.675
 485.700 482.700 486.700 483.700
 485.725 482.725 486.725 483.725
 485.750 482.750 486.750 483.750
 485.775 482.775 486.775 483.775
 485.800 482.800 486.800 483.800
 485.825 482.825 486.825 483.825
 485.850 482.850 486.850 483.850
 485.875 482.875 486.875 483.875
 485.900 482.900 486.900 483.900
 485.925 482.925 486.925 483.925
 485.950 482.950 486.950 483.950
 485.975 482.975 486.975 483.975
 486.000 483.000 477.050 480.050

Note: These channels are contained in UHF TV Channel 16.

(c) Zone C - Southern Texas. The geographical area in Zone C is bounded as follows:

Longitude W.94°00' on the East, the 4.8 kilometer (3 mile) limit on the North and West, a 282 kilometer (175 mile) radius

from the reference point at Linares, N.L., Mexico on the Southwest, latitude N.26°00' on the South, and the limits of the outer continental shelf on the Southeast.

(1) These channels may be assigned for use by offshore central (base/fixd) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for emergency auto alarm and voice transmission pertaining to emergency conditions only.

central	subscriber
476.950	..... 479.950

(2) These channels may be assigned for use by offshore central (base/fixd) or subscriber stations (fixed, temporary fixed, surface and/or airborne mobile) as indicated, for voice-grade general communications and private line service:

476.025	.....479.025	477.075	.....480.075
476.050	.....479.050	477.100	.....480.100
476.075	.....479.075	477.125	.....480.125
476.100	.....479.100	477.150	.....480.150
476.125	.....479.125	477.175	.....480.175
476.150	.....479.150	477.200	.....480.200
476.175	.....479.175	477.225	.....480.225
476.200	.....479.200	477.250	.....480.250
476.225	.....479.225	477.275	.....480.275
476.250	.....479.250	477.300	.....480.300
476.275	.....479.275	477.325	.....480.325
476.300	.....479.300	477.350	.....480.350
476.325	.....479.325	477.375	.....480.375
476.350	.....479.350	477.400	.....480.400
476.375	.....479.375	477.425	.....480.425
476.400	.....479.400	477.450	.....480.450
476.425	.....479.425	477.475	.....480.475
476.450	.....479.450	477.500	.....480.500
476.475	.....479.475	477.525	.....480.525
476.500	.....479.500	477.550	.....480.550
476.525	.....479.525	477.575	.....480.575
476.550	.....479.550	477.600	.....480.600
476.575	.....479.575	477.625	.....480.625
476.600	.....479.600	477.650	.....480.650
476.625	.....479.625	477.675	.....480.675
476.650	.....479.650	477.700	.....480.700
476.675	.....479.675	477.725	.....480.725
476.700	.....479.700	477.750	.....480.750
476.725	.....479.725	477.775	.....480.775
476.750	.....479.750	477.800	.....480.800
476.775	.....479.775	477.825	.....480.825
476.800	.....479.800	477.850	.....480.850
476.825	.....479.825	477.875	.....480.875
476.850	.....479.850	477.900	.....480.900
476.875	.....479.875	477.925	.....480.925
476.900	.....479.900	477.950	.....480.950
477.000	.....480.000	477.975	.....480.975
477.025	.....480.025		

§ 22.1009 Transmitter locations.

The rules in this section establish limitations on the locations from which stations in the Offshore Radiotelephone Service may transmit.

(a) All stations. Offshore stations must not transmit from locations outside the boundaries of the appropriate zones specified

in § 22.1007. Offshore stations must not transmit from locations within 241 kilometers (150 miles) of any full-service television station that transmits on the TV channel containing the channel on which the offshore station transmits.

(b) Airborne subscriber stations. Airborne subscriber stations must not transmit from altitudes exceeding 305 meters (1000 feet) above mean sea level. Airborne mobile stations in Zone A must not transmit from locations within 129 kilometers (80 miles) of Lake Charles, Louisiana. Airborne mobile stations in Zone B must not transmit from locations within 129 kilometers (80 miles) of Lafayette, Louisiana. Airborne mobile stations in Zone C must not transmit from locations within 129 kilometers (80 mile) of Corpus Christi or locations within 129 kilometers (80 miles) of Houston, Texas.

§ 22.1011 Antenna height limitations.

The antenna height of offshore stations must not exceed 61 meters (200 feet) above mean sea level. The antenna height of offshore surface mobile stations must not exceed 10 meters (30 feet) above the waterline.

§ 22.1013 Effective radiated power limitations.

The effective radiated power (ERP) of transmitters in the Offshore Radiotelephone Service must not exceed the limits in this section.

(a) Maximum power. The ERP of transmitters in this service must not exceed 1000 Watts under any circumstances.

(b) Mobile transmitters. The ERP of mobile transmitters must not exceed 100 Watts. The ERP of mobile transmitters, when located within 32 kilometers (20 miles) of the 4.8 kilometer (3 mile) limit, must not exceed 25 Watts. The ERP of airborne mobile stations must not exceed 1 Watt.

(c) Protection for TV Reception. The ERP limitations in this paragraph are intended to reduce the likelihood that interference to television reception from offshore radiotelephone operations will occur.

(1) Co-channel protection. The ERP of offshore stations must not exceed the limits in Table I-1. The limits depend upon the height above mean sea level of the offshore transmitting antenna and the distance between the antenna location of the offshore transmitter and the antenna location of the main transmitter of the nearest full-service television station that transmits on the TV channel containing the channel on which the offshore station transmits.

(2) Adjacent channel protection. The ERP of offshore stations located within 128.8 kilometers (80 miles) of the main transmitter antenna of a full service TV station that transmits on a TV channel adjacent to the TV channel which contains the channel on which the offshore station transmits must not exceed the limits in the Table I-2. The limits depend upon the height above mean sea level of the offshore transmitting antenna and the distance between the location of the offshore transmitter and the 4.8 kilometer (3 mile) limit.

§ 22.1015 Repeater operation.

Offshore central stations may be used as repeater stations provided that the licensee is able to maintain control of the station, and in particular, to turn the transmitter off, regardless of whether associated subscriber stations are transmitting at the time.

§ 22.1025 Permissible communications.

Offshore central stations must communicate only with subscriber stations (fixed, temporary-fixed, mobile and airborne). Offshore subscriber stations must normally communicate only with and through offshore central stations. Stations in the Offshore Radiotelephone Service may communicate through relay stations authorized in this service.

§ 22.1031 Temporary fixed stations.

The FCC may, upon proper application therefor, authorize the construction and operation of temporary fixed stations in the Offshore Radiotelephone service to be used only when the service of permanent fixed stations is disrupted by storms or emergencies or is otherwise unavailable.

(a) Six month limitation. If it is necessary for a temporary fixed station to remain at the same location for more than six months, the licensee of that station must apply for authorization to operate the station at the specific location at least 30 days before the end of the six month period.

(b) International communications. Communications between the United States and Mexico must not be carried using a temporary fixed station without prior authorization from the FCC. Licensees desiring to carry such communications should apply sufficiently in advance to allow for the time necessary to coordinate with Canada or Mexico.

§ 22.1035 Construction period.

The construction period (see § 22.142) for offshore stations is 18 months.

§ 22.1037 Application requirements for offshore stations.

Applications for new Offshore Radiotelephone Service stations must contain an exhibit showing that:

(a) The applicant has notified all licensees of offshore stations located within 321.8 kilometers (200 miles) of the proposed offshore station, by providing the following data, at least 30 days before filing the application:

(1) The name, business address, channel coordinator, and telephone number of the applicant;

(2) The location and geographical coordinates of the proposed station;

(3) The channel and type of emission;

(4) The height and type of antenna;

(5) The bearing of the main lobe of the antenna; and,

(6) The effective radiated power.

(b) The proposed station will not interfere with the primary ORS channels by compliance with the following separations:

(1) Co-channel to a distance of 241.4 kilometers (150 miles).

(2) If interstitial channels are used, adjacent channels

(±12.5 kHz) to a distance of 80.5 kilometers (50 miles).

(3) Third order intermodulation channels (±12.5 kHz) to a distance of 32.2 kilometers (20 miles).

(4) If the proposed transmitting antenna site is located west of longitude W.93°40', and within 32.2 kilometers (20 miles) of the shoreline, and proposes use of the channels listed in § 22.1007(b), no third-order intermodulation interference would be caused to any base or mobile station using the channels between 488 and 494 MHz.

Table I-1 - Maximum ERP (Watts)

Distance	30 meters (100 feet)	45 meters (150 feet)	61 meters (200 feet)
338 km (210 mi)	1000	1000	1000
330 km (205 mi)	1000	900	800
322 km (200 mi)	800	710	630
314 km (195 mi)	590	520	450
306 km (190 mi)	450	400	330
298 km (185 mi)	320	280	240
290 km (180 mi)	250	210	175
282 km (175 mi)	180	150	130
274 km (170 mi)	175	110	100
266 km (165 mi)	95	80	70
258 km (160 mi)	65	55	50
249 km (155 mi)	50	40	35
241 km (150 mi)	35	30	25

Table I-2 - Maximum ERP (Watts)

Distance from the 4.8 km (3 mi) limit	30 meters (100 feet)	61 meters (200 feet)
6.4 km (4 mi)	25	6
8.0 km (5 mi)	40	10
9.7 km (6 mi)	65	15
11.3 km (7 mi)	100	25
12.9 km (8 mi)	150	35
14.5 km (9 mi)	215	50
16.1 km (10 mi)	295	70
17.7 km (11 mi)	400	100
19.3 km (12 mi)	530	130
20.9 km (13 mi)	685	170
22.5 km (14 mi)	870	215
24.1 km (15 mi)	1000	270
25.7 km (16 mi)	1000	415
27.4 km (17 mi)	1000	505
29.0 km (18 mi)	1000	610
30.6 km (19 mi)	1000	730
32.2 km (20 mi)	1000	865
33.8 km (21 mi)	1000	1000

APPENDIX C

Rules Cross-reference Table

<u>OLD RULE</u>	<u>NEW RULE</u>	<u>OLD RULE</u>	<u>NEW RULE</u>
22.0 (a) and (b)	22.1	22.27 (b)(1)	22.132
22.0 (c), (d) and (e)	(REMOVED)	22.27 (b)(2)	(REMOVED)
22.1	(REMOVED)	22.27 (c)	(REMOVED)
22.2	22.99	22.28	22.128
22.3	22.3	22.29	22.129
22.4 (a)(1)	22.7	22.30	22.130
22.4 (a)(2)	22.128 (e)	22.31	22.131
22.4 (a)(3)	22.132 (a)(1)	22.32	22.132
22.4 (b)	22.5	22.33	(REMOVED)
22.5	22.105	22.35	(REMOVED)
22.6 (a)	22.105 (c)	22.39	22.137
22.6 (b) and (e)	22.106	22.40 (a) and (b)	22.139
22.6 (c)	22.105 (f)	22.40 (c)	22.137 (d)(3)
22.6 (d)	22.105 (d)	22.43 (a)(1)	22.143
22.9 (a) and (b)	22.105 (c)	22.43 (a)(2) (Offshore)	22.1035
22.9 (c)(1)	22.3 (b)	22.43 (a)(2) (Paging)	22.511
22.9 (c)(2)	22.821	22.43 (a)(2) (Rural)	22.713
22.9 (d)	22.163	22.43 (a)(2) (Air-ground)	22.815
22.11	22.105	22.43 (a)(2) (Cellular)	22.946 (b)
22.11 (b)	22.145	22.43 (a)(3)	22.144 (b)
22.13 (a)(1)	22.108	22.43 (b)(1)	22.142 (c) and (d)
22.13 (a)(2)-(a)(6)	22.107	22.43 (b)(2)	(REMOVED)
22.13 (b)	22.115 (b)	22.43 (c)(1) and (c)(5)	(REMOVED)
22.13 (c) and (d)	(REMOVED)	22.43 (c)(2)	22.946 (a)
22.13 (f)	(REMOVED)	22.43 (c)(3)	22.946 (c)
22.15	22.115	22.43 (c)(4)	22.144 (b)
22.15 (b)(1)(i) and (b)(1)(iii)	22.559	22.43 (d)	22.143
22.15 (b)(1)(ii) and (b)(1)(iii)	22.589	22.43 (e)	22.873
22.15 (b)(2) (paging)	22.537	22.44	22.144
22.15 (b)(2) (two-way)	22.567	22.45	22.144 (a)
22.15 (c)(1)	22.115 (a)(2)	22.50	22.602
22.15 (c)(2)	22.115 (a)(3)	22.100 (a)	22.351
22.15 (i)(2)	22.529 (a)(2)	22.100 (b)	22.352
22.15 (i)(3)	22.821	22.100 (c)	22.352 (c)(5)
22.15 (j) and (k) (general)	22.115 (a)(4)	22.100 (d)	22.601
22.15 (j) and (k) (paging)	22.529	22.100 (d)(1)-(d)(11)	22.150
22.15 (l)	22.1037	22.100 (e)	22.353
22.15 (m) and (n)	(REMOVED)	22.101	22.355
22.16	(REMOVED)	22.104 (a)(1), (a)(2) and (a)(4)	22.357
22.19	22.119	22.104 (a)(3)	22.161
22.20 (a)	22.128 (d)	22.104 (b)(1)	22.357 (a)
22.20 (b)	(REMOVED)	22.104 (b)(2)	22.357 (b)(3)
22.20 (d)	22.128 (c)	22.105	22.357
22.21	22.121 (a)	22.106	22.359
22.22	22.121 (b) and (c)	22.107	22.361
22.23 (a), (b), (d) and (f)	22.122	22.108	22.363
22.23 (c)	22.123	22.109	22.365
22.23 (e)	(REMOVED)	22.110	22.367
22.23 (g)(1), (g)(2), (g)(4), (g)(6) and (g)(7)	(REMOVED)	22.113	22.369
22.23 (g)(3)	22.123 (a)	22.115	22.159
22.23 (g)(5)	22.123 (j)	22.117 (a)	22.373 (a)-(d)
22.23 (h)	(REMOVED)	22.117 (b) and (c)	22.165
22.25	22.125	22.119	(REMOVED)
22.26	22.120	22.120	22.377
22.27	22.120 (d)	22.121	22.379
22.27	22.127	22.200	22.301

OLD RULE

NEW RULE

OLD RULE

NEW RULE

22.201	22.303
22.205	22.305
22.210	22.307
22.212	(REMOVED)
22.213	22.313
22.302	22.315
22.303	22.317
22.304	(REMOVED)
22.307	22.321
22.308	22.323
22.309	22.103
22.400	22.401
22.401	22.401
22.402	22.409 (e)
22.403	22.409
22.404	22.403
22.405	22.409 (c)
22.406	22.409 (f)
22.407	22.409 (h)
22.500 (a)	22.7
22.500 (b) and (c)	22.3 (b)
22.501 (a)(1), (a)(4), (d), (h), (p)(1)	22.531
22.501 (a)(2) and (a)(3)	(REMOVED)
22.501 (a)(5)	22.411
22.501 (b) and (i)(1)	22.561
22.501 (c)	22.563
22.501 (e), (f) and (m)	22.591
22.501 (f)(1)	22.599
22.501 (f)(1)(ii)	22.413
22.501 (f)(2)	22.593
22.501 (g)(1), (g)(2) and (k)(4)	22.621
22.501 (g)(3) and (k)	22.625
22.501 (i)(2)	22.565 (a)
22.501 (i)(3)	(REMOVED)
22.501 (j)	22.651
22.501 (j)(1)	22.653
22.501 (j)(2)	22.655
22.501 (j)(3), (j)(4) and (j)(6)	22.657
22.501 (j)(5), (j)(6) and (j)(7)	22.659
22.501 (k)	22.623 (b)
22.501 (k)(1) and (k)(3)	22.625 (b)(1)
22.501 (k)(2)	22.627 (a)
22.501 (k)(5)(i), (k)(5)(iii) and (k)(5)(iv)	22.627 (b)
22.501 (k)(5)(ii)	22.625 (b)(2)
22.501 (k)(6)	22.621 (c)
22.501 (m)	22.603
22.501 (m)(4)	22.150
22.501 (p)(2)	(REMOVED)
22.502	(REMOVED)
22.503	(REMOVED)
22.504 (a) (paging)	22.537 (c)
22.504 (a) (two-way)	22.567 (c) and (e)
22.504 (b)(1) (including charts)	(REMOVED)
22.504 (b)(2)	22.537 (e) and (f)
22.504 (c) (paging)	22.559
22.504 (c) (two-way)	22.589
22.505 (a) and (b) (paging)	22.535 (c)
22.505 (a) (two-way)	22.565 (c)
22.505 (c) (paging)	22.535 (d)
22.505 (c) (two-way)	22.565 (d)

22.505 (c)(1)	(REMOVED)
22.505 (c)(2)	(REMOVED)
22.505 (c)(3) (paging)	22.559 (b)
22.505 (c)(3) (two-way)	22.589 (b)
22.506 (a) (paging)	22.535 (b)
22.506 (a) (two-way)	22.565 (b)
22.506 (b)	22.565 (g)
22.506 (c)	22.565 (f)
22.506 (d) (power)	22.809 (a) and (b)
22.506 (d) (idle tone)	22.811
22.506 (e)	22.535 (b)
22.506 (f) (paging)	22.535 (a)
22.506 (f) (two-way)	22.565 (a)
22.506 (f)(1) (paging)	22.535 (e)
22.506 (f)(1) (two-way)	22.565 (e)
22.506 (f)(2)	(REMOVED)
22.506 (f)(3) (paging)	22.559 (b)
22.506 (f)(3) (two-way)	22.589 (b)
22.507	22.357(e)
22.508 (a), (c) and (e)-(i)	(REMOVED)
22.508 (b)	22.811
22.508 (d)	22.357 (e)
22.509 (a) and (b)	22.515
22.509 (c)	22.577 (c)
22.509 (d)	22.381
22.509 (e)	22.579
22.509 (f)	(REMOVED)
22.514	22.571
22.515	22.325
22.516	(REMOVED)
22.517	22.573
22.518	22.575
22.519	22.577
22.521 (a)	22.805
22.521 (b) (allotment table)	(REMOVED)
22.521 (c) (power limits)	22.809
22.521 (c) (idle tone)	22.811
22.521 (d)	(REMOVED)
22.522	(REMOVED)
22.523	(REMOVED)
22.524	22.381
22.525 (a)	22.539 (c)
22.525 (b)	22.539 (d)
22.525 (c)	22.539 (e)
22.525 (d)	(REMOVED)
22.525 (e)	22.539 (b) and (f)
22.525 (f)	22.539 (a)
22.527	22.551
22.600 (eligibility)	22.702
22.600 (subscriber authorizations)	22.703
22.601 (a)(1) and (b)	22.725
22.601 (a)(2) and (c)	22.757
22.601 (a)(4)	22.702
22.601 (d) and (e)	(REMOVED)
22.601 (f)	22.725 (b)
22.601 (g)	22.729 and 22.725 (c)
22.604	22.731
22.605 (a),(b) and (d)-(g)	(REMOVED)
22.605 (c)	22.357 (d)
22.606	22.705

OLD RULE

NEW RULE

OLD RULE

NEW RULE

22.607	22.733
22.608	22.709 (a)
22.609 (a)	22.709 (c)
22.609 (b)	22.719 (c)
22.609 (c)	22.709 (b)
22.609 (d)	22.709 (d)
22.609 (e)	22.711
22.610	22.737
22.900	22.900
22.901 (a)	22.7
22.901 (b), (c) and (d)	22.903
22.902 (a) and (c)	22.905
22.902 (b)	22.942
22.902 (d)	22.907
22.902 (e)	22.933
22.903	22.911
22.904	22.913 (a)
22.905	22.913 (b)
22.906 (a)(1)	22.917 (a)
22.906 (a)(2)	22.915 (b)(1)
22.906 (a)(3)	(REMOVED)
22.906 (a)(4)	22.933
22.906 (a)(5)	22.915 (a)
22.906 (b)(1)	22.915 (b)(2)
22.906 (b)(2)	22.915 (b)(3)
22.906 (c)	22.915 (b)(4)
22.906 (d)	22.915 (c)
22.906 (e)	22.357
22.906 (f)	22.357 (a)
22.907 (a)	22.915 (d)
22.907 (a)(1)	22.915 (d)(1)
22.907 (a)(2)	22.915 (d)(2)
22.907 (b)-(f)	22.917 (b)-(f)
22.907 (g) and (h)	(REMOVED)
22.907 (i)	22.917 (g)
22.907 (j)	22.917 (h)
22.908	22.373
22.909	22.325
22.910	22.313 (a)(1)
22.911 (a), (b) and (c)	22.923
22.911 (a)(1)	22.925
22.911 (d)	22.901 (c)
22.912	22.927
22.913	(REMOVED)
22.914 (a)	22.901 (e)
22.914 (b)	22.901 (a) and (b)
22.915	22.933
22.916 (a) and (c)	(REMOVED)
22.916 (b)(5)-(b)(8)	22.935 (f)
22.917	22.937
22.918 (a), (b) and (d)	(REMOVED)
22.918 (c)	22.949
22.919	(REMOVED)
22.920 (a)	22.943 (c)
22.920 (b)	22.943 (a)
22.920 (c)	22.943 (b)
22.921 (a) and (b)	(REMOVED)
22.921 (c)	22.945 (c)
22.921 (d)	22.945 (a)
22.922	22.944

22.923	(REMOVED)
22.924 (a)	22.949 (a)(1) and (b)(1)
22.924 (a)(1)-(a)(3)	22.951
22.924 (b) and (c)	22.953
22.925	22.947 (c)
22.926 (applications)	22.953 (a)(5)(i)
22.926 (system information update)	22.947 (c)(1)
22.927	22.129
22.928	22.129
22.929	22.129 (c)
22.930	22.901 (d)
22.940	22.939
22.941	22.940
22.942	22.935
22.943	22.936
22.944	22.129
22.945	22.129 (c)
22.1000	22.1003
22.1001	22.1007
22.1001 (a), (b) and (c)	22.1007 (a), (b) and (c)
22.1001 (d)(1)	22.1009 (a)
22.1001 (d)(2)	22.1013 (c)(1)
22.1001 (d)(3)	22.1013 (c)(2)
22.1001 (d)(4)	22.1009 (b)
22.1001 (d)(5)	22.1011
22.1001 (d)(6)	22.1013 (b)
22.1001 (d)(7)	22.1015
22.1002	22.1013
22.1003	22.357
22.1004 (a)	(REMOVED)
22.1004 (b)	22.357 (e)
22.1004 (c)-(e)	(REMOVED)
22.1005	22.1025
22.1006	22.1031
22.1008	22.1005
22.1100	22.801
22.1101	22.7
22.1102	22.875
22.1105	22.857
22.1107 (a) and (b)	22.857 (a) and (b)
22.1109	22.859
22.1111	22.861
22.1113	22.863
22.1115	22.865
22.1117	22.867
22.1119	22.869
22.1121	22.871
(NEW)	22.5
(NEW)	22.103
(NEW)	22.105 (g)
(NEW)	22.129
(NEW)	22.130
(NEW)	22.147
(NEW)	22.157
(NEW)	22.167
(NEW)	22.371
(NEW)	22.507
(NEW)	22.513
(NEW)	22.537
(NEW)	22.539

OLD RULE

NEW RULE

OLD RULE

NEW RULE

(NEW)	22.541
(NEW)	22.567
(NEW)	22.569
(NEW)	22.701
(NEW)	22.717
(NEW)	22.801
(NEW)	22.813
(NEW)	22.817
(NEW)	22.819
(NEW)	22.919
(NEW)	22.941
(NEW)	22.949
(NEW)	22.951
(NEW)	22.953
(NEW)	22.959
(NEW)	22.1001

APPENDIX D

LIST OF COMMENTERS

1. ALLTEL Mobile Communications, Inc.
2. Antenna Specialists Company
3. Applicants Against Lottery Abuses
4. Bell Atlantic Companies
5. BellSouth Corp. and BellSouth Enterprises, Inc.
6. Biby, Richard L., Communications Engineering Services, P.C.
7. C2+ Technology, Inc.
8. Cellular Telecommunications Industry Association
9. Centel Cellular Company
10. Claircom Communications Group, L.P.
11. Comp Comm, Inc.
12. duTreil, Lundin & Rackley, Inc.
13. Global Wulfsberg Systems (Sundstrand Corp.)
14. GTE Mobilenet, Inc.
15. Hatfield & Dawson, Consultanting Engineers
16. International Mobile Machines
17. Joyce and Jacobs
18. McCaw Cellular Communications, Inc.
19. Metrocall of Delaware, Inc.
20. New Par
21. NYNEX Mobile Communications Company
22. Arthur K. Peters, Consulting Engineers
23. Pacific Bell and Nevada Bell
24. PacTel Cellular
25. PacTel Paging, et al.
26. Pac-West Telecomm, Inc. and PagePrompt U.S.A.
27. Page America Group, Inc.
28. Paging Network, Inc.
29. Petroleum Communications, Inc.
30. Radiophone, Inc.
31. RVC Services, Inc.
32. SkyTel Corporation
33. SMR Systems, Inc.
34. SNET Paging, Inc.
35. Southwestern Bell Mobile Systems
36. Telocator
37. U.S. Small Business Administration
38. United States Telephone Association
39. US West New Vector Group, Inc.
40. Vanguard Cellular Systems, Inc.

LIST OF REPLY COMMENTERS

1. Ameritech Mobile Communications
2. Bell Atlantic Mobile Systems
3. Cellular Telecommunications Industry Associaton

4. Centel Cellular Company
5. Claircom Communications Group, L.P.
6. Comp Comm, Inc.
7. Dicomm Cellular, L.P.
8. Ericsson Corporation
9. Federal Communications Bar Association
10. GTE Services Corp.
11. Land Mobile Communications Council
12. McCaw Cellular Communications, Inc.
13. Motorola, Inc.
14. New Par
15. Pacific Bell and Nevada Bell
16. PacTel Cellular
17. PacTel Paging et al.
18. Pac-West Telecom
19. Paging Network, Inc.
20. SMR Systems, Inc.
21. Telocator

**Application for Assignment of Authorization
or Consent to Transfer of Control of Licensee****Introduction**

FCC 490 is a form used for applications for assignment of authorization and consent to transfer of control in the commercial mobile radio services and the Rural Radiotelephone Service. Each such application must be made on form FCC 490. For full assignments of authorization, FCC 490 alone is sufficient. For partial assignments, additional forms (FCC 600 and FCC 489) are required.

Applicable Rules and Regulations

Before the application is prepared, the applicant should review the relevant part(s) 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 often 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 the return as unacceptable for filing or dismissal of the application.

Microfiche

For the services governed by Part 22 and Part 24 of FCC rules, applications on FCC 490 must be filed in microfiche form. Generally, three microfiche (one original and two copies) are required. Each microfiche must be a copy of the signed paper original. Each microfiche copy must be a 148mm X 105mm negative (clear transparent characters appearing on a background providing sufficient contrast to make legible copies) at 24X or 27X reduction. At least 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 7½" envelope. Row "A" (the first row for page images) of the first microfiche must be left blank. The paper original must be submitted at the same time as the microfiche.

Magnetic Disk, Electronic Filing

For the services governed by Part 22 and Part 24 of FCC rules, applications on FCC 490 may be filed in magnetic disk form or through electronic data transmission. Each application must be in a separate ASCII 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. T8>>>DC<<<). In general, for attached exhibits use the item number to which they refer with an "A" suffix. All data and text must be in ASCII format.

Exhibits

Each document attached as an exhibit must 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. Notifiers using electronic or magnetic disk filing must tag each exhibit using the relevant item number followed by "A". For example, if a text exhibit concerning item T48 is submitted, the sequence T48>>>[text of the exhibit]<<< must appear in the file.

Processing Fee

A processing fee is required with this form. To determine the required fee amount, refer to Subpart G of Part 1 of the FCC's rules (47 CFR Part 1, Subpart G) or the current fee filing guide for the radio

service involved. For assistance with fees applicable in the radio services governed by Part 22 and Part 24 of the FCC rules, call (202) 418-0220. For assistance with fees in other radio services, contact the Consumer Assistance Branch, Federal Communications Commission, Gettysburg, PA 17326, (800) 322-1117.

Incorporation by Reference

Applicants in the radio services governed by Part 22 and Part 24 of FCC rules may incorporate by reference documents, exhibits, or other lengthy showings already on file with the FCC 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 must be attached as an exhibit. The reference must contain details sufficient to locate the previously filed information can be found (e.g. station call sign, application file number if any, title of proceeding, docket number and legal citations, exhibit and page references). Items that request numbers, alphabet letters (e.g. "Y" or "N") or other short answers must be answered directly without reference to a previous filing.

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 a grant of the application would serve 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 pursuant to FCC rules. Failure to obtain prior FCC approval of an assignment of authorization or transfer of control as required by FCC rules may result in revocation or apparent liability for forfeiture.

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 Application**ASSIGNOR OR TRANSFEROR**

Items T1-T8 These items identify the licensee that is applying to assign its authorization or for consent to a transfer of control. The information provided must match the licensee's name, address and telephone numbers as they appear in FCC records, unless it is intended to change or correct this information. These items must be completed.

Items T9-T16 These items identify the contact representative (usually the headquarters office of a large licensee, the law firm or other representative of the licensee or the person or company that prepared or submitted the application on behalf of the licensee). In the event there is a question concerning the application the FCC will attempt to communicate with the contact representative first. These items are optional.

TYPE OF TRANSACTION

Item T17 This item indicates whether the application is for assignment of authorization or consent to transfer of control. This item must be completed.

Item T18 This item indicates how the assignment or transfer of control is to be accomplished. This item must be completed.

Item T19 This item indicates whether the assignment of authorization or transfer of control is voluntary or involuntary. This item must be completed.

Item T20 This item indicates whether or not the application is for a pro forma assignment of authorization or transfer of control. This item must be completed.

Item T21 This item indicates whether or not local or state authorization is required for the assignment of authorization or transfer of control. This item must be completed.

ASSIGNMENT OF STOCK

Items T22-T27 These items report the number of shares of stock and the classification of these shares (e.g. common stock) involved in a transfer of control effected by the transfer of stock. These items must be completed only for applications involving a transfer of stock.

AUTHORIZATION(S) TO BE ASSIGNED OR TRANSFERRED

This table identifies the authorization(s) to be assigned, or for which control of the licensee is to be transferred. At least one row of this table must be completed. Use a separate row for each authorization. Attach additional copies of page 2 if necessary to list more authorizations.

Item T28 This column of the table lists the call sign(s) of the authorizations to be assigned or transferred.

Item T29 This column of the table identifies the radio service or radio service sub-category for each authorization. Use the following two-letter codes designating the FCC radio service, or radio service sub-category:

Commercial	
Personal Communications Service	
Broadband	CW
Narrowband	CN
Cellular Radiotelephone Service	
Cellular Radiotelephone Service	CL
Paging and Radiotelephone Service	CD
Air-ground Radiotelephone Service	CG
Offshore Radiotelephone Service	CO
Rural Radiotelephone Service	CR
Business Radio Service (if commercial)	
806-821/851-886 MHz, conventional	GB
806-821/851-886 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
Specialized Mobile Radio	
806-821/851-886 MHz, conventional	GX
806-821/851-886 MHz, trunked	YX
896-901/935-940 MHz, conventional	GR
896-901/935-940 MHz, trunked	YS

220 MHz Systems	
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

Item T30 This column of the table lists the date on which each authorization was first granted to the assignor or transferor.

Item T31 This column of the table indicates how the assignor or transferor obtained the authorization(s). Use the following codes:

Uncontested Application (no competing applications)	UA
Contested Application (competing applications)	
Comparative Hearing	CH
Random Selection	RS
Competitive Bidding	CB
Voluntary Assignment of Authorization	VA
Involuntary Assignment of Authorization	IA
Voluntary Transfer of Control	VT
Involuntary Transfer of Control	IT

Item T32 This column of the table must contain the name of the licensee exactly as it currently appears in the official FCC records. It may differ from that in Items T1 and T3 if the name has been changed but FCC records do not yet reflect the change.

ASSIGNEE OR TRANSFEREE

Items T33-T40 These items identify the party that is applying to become or control the licensee of the authorizations listed in items T28-T32. These items must be completed.

NEW LICENSEE INFORMATION

Items T41-T46 These items identify who the licensee will be if an assignment of 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. This item must be completed only if the licensee name and other information will be different from that given in items T1-T8 after the authorization is assigned.

BASIC QUALIFICATIONS

Items T49-T53 These items request indications and information that enable the FCC to determine whether the assignee or transferee or assignor or transferor is disqualified from holding, assigning or transferring an FCC authorization because of misconduct. Items T49-T51 must be answered "N" if there is no misconduct. Item T52 must be answered "N" if the assignor or transferor and the assignee or transferee applicant is not a party in any pending matter relevant to misconduct. Item T53 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 T49, T50, T51 or T52 is "Y" or if the answer to item T53 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 T49A, T50A, T51A, T52A or T53A as the item number(s) for such exhibits, respectively.

ASSIGNOR OR TRANSFEROR CERTIFICATION

Items T54-T57 In order for the application to be acceptable for filing, the assignor or transferor must sign this certification in accordance with Part 1 of the FCC rules.

ASSIGNEE OR TRANSFEREE CERTIFICATION

Items T58-T62 In order for the application to be acceptable for filing, the assignee or transferee must sign this certification in accordance with Part 1 of the FCC rules.

FCC 490

FEDERAL COMMUNICATIONS COMMISSION

Approved by OMB
098-0008
Expires 04/19/97
Est. Avg. Burden Hours
Per Response: 30 Hrs.

FEE Use Only

**Application for Assignment of Authorization
or Consent to Transfer of Control of Licensee**

Commercial Mobile Radio Services
Rural Radiotelephone Service

File Number
(FCC Use Only)

FILING FEE

(a) Fee Type Code	(b) Fee Multiple	(c) Fee Due for Fee Type Code in (a)	(d) Total Amount Due	FEE Use Only
			\$	

ASSIGNOR OR TRANSFEROR

T1. Name of Assignor or Transferor		T2. Voice Telephone Number ()	
T3. Assumed Name Used for Doing Business (if any)		T4. Fax Telephone Number ()	
T5. Mailing Street Address or P.O. Box			
T6. City		T7. State	T8. Zip Code

T9. Name of Contact Representative (if other than Assignor or Transferor)		T10. Voice Telephone Number ()	
T11. Firm or Company Name		T12. Fax Telephone Number ()	
T13. Mailing Street Address or P.O. Box			
T14. City		T15. State	T16. Zip Code

TYPE OF TRANSACTION

T17. This application requests [] <u>Assignment of authorization</u> Consent to <u>Transfer of Control of Licensee</u>
T18. How will assignment or transfer of control be accomplished? [] <u>Sale or other transfer or assignment of stock</u> <u>Other</u>
T19. This assignment of authorization or transfer of control of licensee is [] <u>Voluntary</u> <u>Involuntary</u>
T20. Will this be a <u>pro forma</u> assignment or transfer of control? [] <u>Yes</u> <u>No</u>
T21. Is local or state authorization required for this assignment or transfer of control? [] <u>Yes</u> <u>No</u>

ASSIGNMENT OF STOCK

Stock	Number of Shares	Classification
Shares to be transferred	T22.	T23.
Shares issued and outstanding	T24.	T25.
Shares authorized	T26.	T27.

AUTHORIZATION(S) TO BE ASSIGNED OR TRANSFERRED

T28. Call Sign	T29. Radio Service	T30. Date of Grant	T31. How Obtained	T32. Name of Licensee (as appearing in FCC Records)

ASSIGNEE OR TRANSFEREE

T33. Name of Assignee or Transferee		T34. Voice Telephone Number ()	
T35. Assumed Name Used for Doing Business (if any)		T36. Fax Telephone Number ()	
T37. Mailing Street Address or P.O. Box			
T38. City		T39. State	T40. Zip Code

NEW LICENSEE INFORMATION

T41. Legal Name of Licensee		T42. Voice Telephone Number ()	
T43. Assumed Name Used for Doing Business (if any)		T44. Fax Telephone Number ()	
T45. Mailing Street Address or P.O. Box			
T46. City		T47. State	T48. Zip Code

BASIC QUALIFICATIONS

T49.	Has the assignor or transferor, assignee or transferee, or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?	[]	<u>Yes</u>	<u>No</u>
T50.	Has the assignor or transferor, assignee or transferee, or any party to this application, or any party directly or indirectly controlling the assignor or transferor, assignee or transferee, or any party to this application ever been convicted of a felony by any state or federal court?	[]	<u>Yes</u>	<u>No</u>
T51.	Has any court finally adjudged the assignor or transferor, assignee or transferee, or any party to this application, or any person directly or indirectly controlling the assignor or transferor, assignee or transferee, or any party to this application, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition?	[]	<u>Yes</u>	<u>No</u>
T52.	Is the assignor or transferor, assignee or transferee, or any party to this application, or any person directly or indirectly controlling the assignor or transferor, assignee or transferee, or any party to this application, currently a party in any pending matter referred to in the preceding two items?	[]	<u>Yes</u>	<u>No</u>
T53.	Do the assignor or transferor and the assignee or transferee each certify that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, or, in the case of a corporation, partnership or unincorporated association, no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section?	[]	<u>Yes</u>	<u>No</u>

ASSIGNOR OR TRANSFEROR CERTIFICATION

<p>The ASSIGNOR or TRANSFEROR represents that the authorization will not be assigned or that control of the licensee will not be transferred unless and until the consent of the Federal Communications Commission has been given; that all exhibits attached or referenced herein are a material part hereof and are incorporated herein as if set out in full in this application; and that all statements made in this application are true, complete and correct to the best of his or her knowledge and belief.</p>	
T54. Typed Name of Person Signing	T55. Title
T56. Signature	T57. Date

ASSIGNEE OR TRANSFEREE CERTIFICATION

<p>The ASSIGNEE or TRANSFEREE waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. The assignee or transferee certifies that grant of this assignment or transfer of control would not cause the assignee or transferee to be in violation of the spectrum aggregation limit in 47 CFR Part 20. The undersigned, individually and for the assignee or transferee, hereby certifies that the statements made herein are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.</p>	
T58. The assignee or transferee is a (an) [] <u>Individual</u> <u>Unincorporated Association</u> <u>Partnership</u> <u>Corporation</u>	
T59. Typed Name of Person Signing	T60. Title
T61. Signature	T62. Date
<p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).</p>	

**Notification of Commencement of Service
or of Additional or Modified Facilities****Introduction**

FCC 489 is a general purpose notification form for use in the Public Mobile Services and the Personal Communications Service. Each notification must contain one and only one form FCC 489, but may also use one or more of the schedules from form FCC 600 as attachments.

Applicable Rules and Regulations

Before the notification is prepared, the notifier should review the relevant part(s) 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 often require various exhibits to be filed with a notification in addition to the information requested in the notification form. Notifiers should make every effort to file complete notifications. Failure to do so can result in the return of the notification as unacceptable.

Microfiche

Notifications on FCC 489 must be filed in microfiche form. Generally, three microfiche (one original and two copies) are required. Each microfiche must be a copy of the signed paper original. Each microfiche copy must be a 148mm X 105mm negative (clear transparent characters appearing on a background providing sufficient contrast to make legible copies) at 24X or 27X reduction. At least 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 7½" envelope. Row "A" (the first row for page images) of the first microfiche must be left blank.

Paper Original

Generally, the paper original must be submitted at the same time as the microfiche. Refer to the pertinent part of the FCC rules for specific instructions.

Magnetic Disks, Electronic Filing

Notifications on FCC 489 may be filed in magnetic disk form or through electronic data transmission. Each notification must be in a separate ASCII 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. N7>>>DC<<<). For items from attached form FCC 600 Schedules B or C, add the letter "N" before the item number and 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 attached to a notification reports the addition of a location number 15, the sequence NC1{2,15}>>>A<<< must appear in the file. For another example, if the fourth Schedule B attached to a notification reports the addition of a transmitter number 3 operating on 152.24 MHz using antenna 2 at location 12, the sequences NB43{4,12,2,3}>>>A<<< and NB44{4,12,2,3}>>>152.24<<< must appear in the file. In general, for attached exhibits use the item number to which they refer with an "A" suffix. All data and text must be in ASCII format.

Exhibits

Each document attached as an exhibit must 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. Notifiers using electronic or magnetic disk filing must tag each exhibit using the relevant item number followed by "A". For example, if a text exhibit concerning item N24 is submitted the sequence N24A>>>[text of the exhibit]<<< must appear in the file.

Processing Fee

A processing fee is required with this form. To determine the required fee amount, refer to Subpart G of Part 1 of the FCC's rules (47 CFR Part 1, Subpart G) or the current fee filing guide for the radio service involved. For assistance with fees applicable to this form, call (202) 418-0220.

Incorporation by Reference

You may incorporate by reference documents, exhibits, or other lengthy showings already on file with the FCC 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 must be attached as an exhibit. The reference must contain details sufficient to locate the previously filed information can be found (e.g., station call sign, application file number if any, title of proceeding, docket number and legal citations, exhibit and page references). Items that request numbers, alphabet letters (e.g. "Y" or "N") or other short answers must be answered directly without reference to a previous filing.

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 update its official and unofficial records, and to determine whether licensees have complied with requirements imposed upon them by FCC rules. 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 notification may be delayed or the notification may be returned pursuant to FCC rules. Failure to file a notification as required by FCC rules may result in apparent liability for forfeiture.

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 Notification

LICENSEE

Items N1-N9 These items identify the licensee filing the notification (the notifier). The information provided must match the licensee's name, address and telephone numbers as they appear in FCC records, unless one of the purposes of the notification is to change or correct this information. These items must be completed.

Items N9-N16 These items identify the contact representative (usually the headquarters office of a large licensee, the law firm or other representative of the licensee or the person or company that prepared or submitted the notification on behalf of the licensee). In the event there is a question concerning the notification, the FCC will attempt to communicate with the contact representative first. These items are optional.

REFERENCE INFORMATION

Item N17 This item requests the FCC call sign assigned to the station to which the notification relates. This item must be completed.

Item N18 This item requests the file number of the application, the grant of which resulted in the specific authorization to which the notification relates. This item must be completed only for notifications reporting that construction requirements have been met, and notifications reporting that service to subscribers has commenced. For other types of notifications it may be left blank (or omitted, in the case of electronic or magnetic disk filings).

Item N19 This item requests the date of required completion of construction (or the date of required commencement of service) for the authorization to which the notification relates. This date is printed on most authorizations. The FCC may use this date for further identification of the referenced authorization and to determine whether the notification has been timely filed. If the date supplied in this item differs from the date in FCC records, an exhibit explaining the discrepancy should be attached. If the notifier realizes that the notification is being late filed, an exhibit explaining the reason for the late filing should be attached. This item must be completed only for notifications reporting that construction requirements have been met, and notifications reporting that service to subscribers has commenced. For other types of notifications it may be left blank (or omitted, in the case of electronic or magnetic disk filings).

MARKET / CHANNEL BLOCK

Item N20 This item identifies by number the market or licensing area of the station to which the notification is relevant. The market designators are listed in FCC Public Notices or in the FCC Record. The response to this item must be consistent with the response to item N23. This item must be answered only if the notification is for a station or system in one of the radio services that is licensed on a geographic licensing area or "market" basis (e.g. Cellular Radio Service). It should not be answered for notifications in radio services licensed on a station by station basis, instead it may be left blank (or omitted, in the case of electronic or magnetic disk filings).

Item N21 This item indicates the channel block assigned to the station to which the notification is relevant. It must be answered only if the notification is for a station or system 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 N22 This item identifies the sub-market of the system to which the notification is relevant. This item must be answered only if the notification is for a system in one of the radio services that is licensed

on a geographic licensing area or "market" basis, and the market has been subdivided. For notifications in other services it may be left blank (or omitted, in the case of electronic or magnetic disk filings).

Item N23 This item identifies by name the market or licensing area of the station to which the notification is relevant. The market names are listed in FCC Public Notices or in the FCC Record. The response must be consistent with the response to item N20. This item must be answered only if the notification is for a system in one of the radio services that is licensed on a geographic licensing area or "market" basis. This item should not be answered for notifications in radio services licensed on a station by station basis. For notifications in other services it may be left blank (or omitted, in the case of electronic or magnetic disk filings).

PURPOSE OF NOTIFICATION

Item N24 This item states the purpose(s) for the notification. Enter one or more letters corresponding to the listed purposes. If letters H or I are indicated, Schedule B or C from form FCC 600 must be attached, as appropriate.

CONTROL POINTS

Items N25-N27 These items provide for changes to 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 when a control point is to be added, deleted or modified. To move an existing control point or change a telephone number, delete the old information and add the new.

SYSTEM IDENTIFICATION NUMBERS

Items N28-N33 These items provide for the use or discontinuance (by licensees in the Cellular Radiotelephone Service) of the system identification numbers (SIDs) assigned to other cellular systems. For other types of notifications these items must be left blank (or omitted, in the case of electronic or magnetic disk filings). Cellular licensees that need a new (not previously assigned) SID must apply for it using form FCC 600, rather than this notification form. By placing an "A" on a row in item N28 and providing data on that row in items N29-N33 that agree with FCC records, the notifier indicates that it has sought and obtained the consent of the licensee of the cellular system identified on that row in items N30-N33 (the consenting cellular system) to the use, by the notifier in the cellular system indicated in items N20-N23, of a system identification number (given in item 29) originally assigned to the consenting cellular system.

CERTIFICATION

Items N34-N38 To be acceptable for filing, notifications must be signed in accordance with Part 1 of the FCC rules.

Attachment of Schedules A, B or C from FCC 600

SCHEDULE A

Schedule A is attached only if it is necessary or desirable to use the FACILITIES NOT CONSTRUCTED module in connection with purpose E (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 NA12A.

SCHEDULE B

Schedule B is used when site-specific data is required for notifications in radio services involving individual channel assignments. 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