

### ANTENNA

B20. Action Requested [ ] <u>A</u> dd <u>D</u> elete <u>M</u> odify	B21. Status: [ ] <u>E</u> xisting <u>P</u> roposed	B22. Antenna Number
B23. Type	B24. Manufacturer	B25. Model Number
B26. Height of Center of Radiation AAT (meters)	B27. Beamwidth of Main Lobe (degrees)	B28. Height to Tip AGL (meters)

### TRANSMITTERS FOR ANTENNA

B29. Transmitter Number	B30. Action Requested <u>A</u> dd <u>D</u> elete <u>M</u> odify	B31. Channel Center Frequency (MHz)	B32. Transmitter Class Code	B33. Non-standard Emission Type Designator	B34. Maximum Transmitting ERP
I					
II					
III					
IV					

### RADIAL DATA FOR ANTENNA

Azimuth (degrees from true North)	B35. Antenna Height AAT (meters)	B36. Transmitter I ERP (Watts)	B37. Transmitter II ERP (Watts)	B38. Transmitter III ERP (Watts)	B39. Transmitter IV ERP (Watts)
0°					
45°					
90°					
135°					
180°					
225°					
270°					
315°					

### POINTS OF COMMUNICATION FOR ANTENNA

B40. Action Requested <u>A</u> dd <u>D</u> elete	B41. Transmitter Number	B42. Location (City or Town, State)	B43. North Latitude (DD°MM'SS")	B44. West Longitude (DDD°MM'SS")	B45. Subscriber Call Sign

<b>FCC 600</b> Schedule C	<b>FEDERAL COMMUNICATIONS COMMISSION</b>  <b>Technical Data</b> (Block Channel Assignment)  <b>Cellular Radiotelephone Service</b> <b>Personal Communications Service (Broadband)</b> <b>Air-ground Radiotelephone Service (Commercial Aviation)</b>	Approved by OMB <del>8888 8888</del> Expires dd/mm/yy Est. Avg. Burden Hours Per Response: 88 Hrs.
		<b>FCC Use Only</b>

### LOCATION

C1. Action Requested [ ] <u>A</u> dd <u>D</u> elete <u>M</u> odify	C2. FCC Location Number (Key to Schedule F)	
C3. Street Address or other Description of Location		
C4. City		
C5. County	C6. State	
C7. NAD 27 North Latitude (DD-MM-SS) _____ ° _____ ' _____ "	C8. NAD 27 West Longitude (DDD-MM-SS) _____ ° _____ ' _____ "	FCC Use Only
C9. NAD 83 North Latitude (DD-MM-SS) _____ ° _____ ' _____ "	C10. NAD 83 West Longitude (DDD-MM-SS) _____ ° _____ ' _____ "	

If changing antenna location, provide coordinates, FCC location number and datum for old location:

C11. North Latitude (DD-MM-SS) _____ ° _____ ' _____ "	C12. West Longitude (DDD-MM-SS) _____ ° _____ ' _____ "	C13. FCC Location Number _____
		C14. Datum (NAD 27 or NAD 83) _____

### TECHNICAL PARAMETERS

C15. Height of Antenna Center of Radiation AAT (meters)	C16. Height to Top of Antenna AGL (meters)	C17. Maximum ERP (watts)
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### RADIAL DATA

Azimuth (degrees from true North)	C18. Antenna Height AAT (meters)	C19. Transmitting ERP (Watts)	C20. Distance to SAB (kilometers)	C21. Distance to CGSA (kilometers)
0°				
45°				
90°				
135°				
180°				
225°				
270°				
315°				



<b>FCC</b> <b>600</b> Schedule E	<b>FEDERAL COMMUNICATIONS COMMISSION</b>  <b>Station Location Data</b> (all services except those for which Schedule A is required)	Approved by OMB 0000 0000 Expires dd/mm/yy Est. Avg. Burden Hours Per Response: ## Hrs.
		<b>FCC Use Only</b>

Licensee Name	Radio Service	Call Sign or Station Location (City, State)
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E1. Specify the datum used to determine all coordinates on this filing: [    ] NAD27    NAD83    Other ( Specify \_\_\_\_\_ )

### FIXED OR PERMANENT LOCATIONS

LOC	E2. Station Address / Geographic Location	E3. City	E4. County	E5. State
A				
B				
C				
D				
E				
F				

LOC	E6. Latitude (degrees, minutes, seconds)	E7. Longitude (degrees, minutes, seconds)	E8. Ground Elevation (meters)
A			
B			
C			
D			
E			
F			

### CONTROLS MEETING THE 20 FOOT CRITERIA, MOBILE OR TEMPORARY LOCATIONS

LOC	E9. Radius (km)	E10. Area of Operation Code	E11.				E12. Operations (S) South of Line A and/or (W) West of Line C
			LATITUDE	LONGITUDE	COUNTY	STATE	
G			- -	- -			
			- -	- -			
			- -	- -			
			- -	- -			
			- -	- -			
			- -	- -			

<b>FCC</b> <b>600</b> Schedule F	<b>FEDERAL COMMUNICATIONS COMMISSION</b>  <b>Antenna Structure Data</b> (All Services)	Approved by OMB 0000 0000 Expires dd/mm/yy Est. Avg. Burden Hours Per Response: 00 Hrs.
		FCC Use Only

Licensee Name	Radio Service	Call Sign or Station Location (City, State)
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### STATUS AND IDENTIFYING INFORMATION

LOC	F1. Location Number	F2. New or Existing	F3. Call Sign of Existing Station	F4. RS Code	F5. Tower Owner's Name and Telephone Number
A					( )
B					( )
C					( )
D					( )
E					( )
F					( )

Figure 1

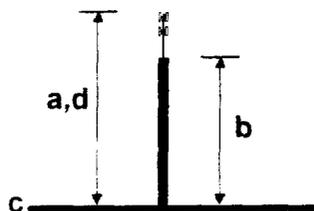


Figure 2

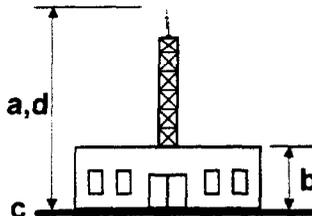
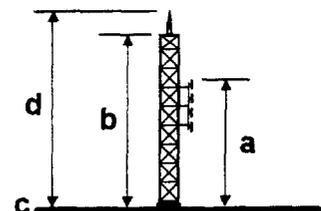


Figure 3



a = height to tip of antenna (AGL)

b = height of support structure (AGL)

c = ground elevation (AMSL)

d = overall height of structure including all appurtenances (AGL)

### STRUCTURE TYPE AND HEIGHT

LOC	F6. Figure Number	F7. Structure Type	F8. Height of Support Structure (b) (meters)	F9. Overall Height of Structure (d) (meters)
A				
B				
C				
D				
E				
F				

### FAA NOTIFICATION

LOC	F10. Was FAA notified?	F11. Date FAA Notification Filed	F12. FAA Regional Office Notified	F13. FAA Study Number
A				
B				
C				
D				
E				
F				









## APPENDIX B

### CMRS TRANSITION RULES

Parts 1 and 20 and 22 and 90 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

#### Part 1 - PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552; 31 U.S.C. 853a, unless otherwise noted.

2. Section 1.823 is amended by removing and reserving paragraph (b) (2).

3. Section 1.901 is amended by revising the section to read as follows:

#### § 1.901 Scope.

In the case of any conflict between the rules set forth in this subpart and the rules set forth in Part 13 or the rules set forth for specific services in Parts 80 through 97 (other than rules relating to Commercial Mobile Radio Services contained in Part 90), the rules in this subpart shall govern. In the case of any conflict between the rules set forth in this subpart and the rules relating to Commercial Mobile Radio Services set forth in Part 20 or in Part 90, the rules in Part 20 or Part 90 shall govern.

4. Section 1.922 is amended by revising the table of application forms as follows:

#### § 1.922 Forms to be used.

FCC Form	Title
175	Application To Participate in an FCC Auction.
175-S	Supplemental Application To Participate in an FCC Auction.
402	Application for Microwave Station Authorization in the Safety and Special Radio Services.
402-10	Instructions for Completion of FCC Form 402.

402-A	Annual Report of Licensees of Microwave and Other Fixed Stations When Such Facilities Are Used Cooperatively With Other Persons.
402-R	Renewal Notice and Certification in the Private Operational-Fixed Microwave Radio Service.
404	Application for Aircraft Radio Station License.
404-A	Temporary Aircraft Radio Station Operating Authority.
405-A	Application for Renewal of Station License.
405-B	License Expiration Notice and/or Renewal Application.
406	Application for Ground Station Authorization in the Aviation Services.
410	Registration of Canadian Radio Station Licensee and Application for Permit to Operate.
410-B	Application for Permit To Operate a Canadian General Radio Station in the United States.
452-R	Application for Renewal of Coast and Ground Services.
480	Application for Civil Air Patrol Radio Station Authorization.
490	Application for Assignment or Transfer of Control.
503	Application for Land Radio Station License in the Maritime Services.
506	Application for Ship Radio Station License.
506-A	Temporary Operating Authority, Ship Radio Station License and Restricted Radiotelephone Operator Permit.
525	Application for Disaster Communications Radio Station Construction Permit and License.
572	Temporary Permit To Operate a Business Radio Station.
572C	Conditional Temporary Authorization To Operate a Part 90 Radio Station.
574	Application for Radio Station Authorization in the General Mobile Radio Services.
574-R	Application for Renewal of Radio Station License.
574-T	Temporary Permit To Operate a General Mobile Radio Service System.
577	Temporary Permit To Operate a Part 90 Radio Station.
600	Application for Mobile Radio Service Authorization .
610	Application for Amateur Radio Station and/or Operator License.
610-A	Application of Alien Amateur Radio Licensee for Permit To Operate in the United States.
610-B	Application for Amateur Club, Military Recreation, or Radio Amateur Civil Emergency Service Station License.
660-B	Interim Amateur Permit.
702	Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast).
703	Application for Consent To Transfer of Control of Corporation Holding Construction Permit or Station License (For Station in Services Other Than Broadcast).
714	Supplement to Application for New or Modified Radio Station Authorization (Concerning Antenna Structure Notification to FAA).
820	Application for Exemption from Ship Radio Station Requirements.
845	Amateur Code Credit Certificate.
1046	Assignment of Authorization,

5. Section 1.924 is amended by revising paragraphs (b)(2)(i) and (b)(2)(vi) and by adding a new paragraph (b)(2)(vii) to read as follows:

**§ 1.924 Assignment or transfer of control; voluntary or involuntary.**

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(b) \* \* \*

(2) \* \* \*

(i) *FCC Form 600.* \* \* \*

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(vi) *FCC Form 703.* For consent to transfer control of a corporation holding any type of Part 90 license except a license to provide commercial mobile radio service.

(vii) *FCC Form 490.* For consent to transfer control of a corporation holding a Part 90 license to provide commercial mobile radio service.

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6. Section 1.925 is amended by revising paragraphs (g) and (h) as follows:

**§ 1.925 Application for special temporary authorization, temporary permit, or temporary operating authority.**

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(g) An applicant for a Business Radio Station license (other than an applicant who seeks to provide commercial mobile radio service as defined in Part 20) utilizing an already authorized facility may operate the station for a period of 180 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 572, after the mailing of a formal application for station license together with evidence of frequency coordination, if required, to the Commission. \* \* \*

(h) An applicant for a radio station license under Part 90, Subpart S, of this chapter (other than an applicant who seeks to provide commercial mobile radio service as defined in Part 20) to utilize an already existing Specialized Mobile Radio System (SMRS) facility or to utilize an already licensed transmitter may operate the radio station for a period of up to 180 days, under a temporary permit, evidenced by a properly executed certification of FCC Form 572 after the mailing of a formal application for station license, provided that the antenna employed by the control station is a maximum of 20 feet (6.1 meters) above a man-made structure (other than an antenna tower) to which it is affixed.

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7. Section 1.1105 is amended by revising all table entries from 2. to 5.n. to read as follows:

Action	FCC Form No.	Fee Amount	Fee Type Code	Address
<b>2. Domestic Public Land Mobile Stations (Paging and Radiotelephone Service, Air-ground Radiotelephone Service):</b>				
a. Application for new or additional facility (per transmitter).	FCC 800	285.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Application for major modification of an existing facility (per transmitter).	FCC 800	285.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
c. Notification of additional transmitter (per transmitter).	FCC 489	285.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
d. Major amendment of a pending application (per transmitter).	FCC 800	285.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
e. Application for assignment of authorization or consent to transfer of control.				
(i) First call sign	FCC 490	285.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Each additional call sign	FCC 490	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
f. Application for partial assignment of authorization (per call sign).	FCC 800 & FCC 490	285.00	CMD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
g. Application for renewal (per call sign).	FCC 405 & FCC 159	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
h. Minor modification (per transmitter).				
(i) Notification of minor modification	FCC 489	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Application for minor modification	FCC 800	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
i. Request for special temporary authority (per channel/per location).	written request & FCC 159	230.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.

Action	FCC Form No.	Fee Amount	Fee Type Code	Address
j. Application for extension of construction period (per authorization).	FCC 600	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
k. Notification of commencement of service to subscribers (per notification).	FCC 489	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
l. Application for new or modified auxiliary test transmitter (per transmitter).	FCC 600	230.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
m. Application for authority to provide commercial mobile service using broadcast station subcarriers (per application).	FCC 600	115.00	CFD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
n. Application for reinstatement [NO LONGER AVAILABLE].				
o. Application to combine separate authorizations (per call sign).	FCC 600	230.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
p. Application for new or modified standby transmitter (per transmitter/per location).	FCC 600	230.00	CLD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
q. 931 MHz nationwide paging renewal [SEE 2g].				
r. Application for new, modified or renewal general aviation air-ground mobile license (per application).	FCC 409 & FCC 159	45.00	CAD	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
s. Application for 932-932.5 / 941-941.5 MHz point-to-multipoint channels (per transmitter).	FCC 600	265.00	CMP	Federal Communications Commission, 932/941 MHz Point-to-Multipoint Channels, Common Carrier Bureau, P.O. Box 358924, Pittsburgh, PA 15261-5924.
<b>3. Cellular Systems [Cellular Radiotelephone Service]:</b>				
a. Initial application for new cellular system.	FCC 600	265.00	CMC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
b. Application for major modification.	FCC 600	265.00	CMC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
c. Minor modifications.				
(i) Application for minor modification	FCC 600	70.00	CDC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
(ii) Notification of minor modification or commencement of service to subscribers (per notification).	FCC 489	70.00	CDC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.

Action	FCC Form No.	Fee Amount	Fee Type Code	Address
d. Application for full or partial assignment of authorization or consent to transfer of control.	FCC 490	265.00	CMC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
e. Application for renewal.	FCC 405 & FCC 159	45.00	CAC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
f. Application for extension of construction period.	FCC 600	45.00	CAC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
g. Request for special temporary authority.	written request & FCC 159	230.00	CLC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
h. Request to combine cellular geographic service areas (per system).	written request & FCC 159	60.00	CBC	Federal Communications Commission, Cellular Systems, P.O. Box 358135, Pittsburgh, PA 15251-5135.
4. Rural Radio (Rural Radiotelephone Service):				
a. Application for new or additional facility (per transmitter).	FCC 600	125.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Application for major modification of an existing facility (per transmitter).	FCC 600	125.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
c. Major amendment of a pending application (per transmitter).	FCC 600	125.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
d. Minor modifications.				
(i) Notification of minor modification (per transmitter).	FCC 489	45.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Application for minor modification (per transmitter).	FCC 600	45.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
e. Application for assignment of authorization or consent to transfer of control.				
(i) First call sign:	FCC 490	125.00	CGR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Each additional call sign:	FCC 490	45.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(iii) Partial assignment of authorization (per call sign):	FCC 490 & FCC 600	125.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.

Action	FCC Form No.	Fee Amount	Fee Type Code	Address
f. Application for renewal (per call sign).	FCC 405 & FCC 159	45.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
g. Application for extension of construction period (per application).	FCC 600	45.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
h. Notification of commencement of service to subscribers (per notification).	FCC 489	45.00	CAR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
i. Request for special temporary authority (per channel/per location)	written request & FCC 159	230.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
j. Application for reinstatement [NO LONGER AVAILABLE].				
k. Application to combine separate authorizations (per call sign).	FCC 600	230.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
l. Application for new or modified auxiliary test transmitter (per transmitter).	FCC 600	230.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
m. Application for new or modified standby transmitter (per transmitter).	FCC 600	230.00	CLR	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
5. Offshore Radiotelephone Service:				
a. Application for new or additional facility (per transmitter).	FCC 600	125.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Application for major modification of an existing facility (per transmitter).	FCC 600	125.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
c. Fill-in transmitters [NOT AVAILABLE]				
d. Major amendment of a pending application (per transmitter).	FCC 600	125.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
e. Minor modifications.				
(i) Notification of minor modification (per transmitter).	FCC 489	45.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Application for minor modification (per transmitter).	FCC 600	45.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
f. Application for assignment of authorization or consent to transfer of control.				

Action	FCC Form No.	Fee Amount	Fee Type Code	Address
(i) First call sign:	FCC 490	125.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(ii) Each additional call sign:	FCC 490	45.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
(iii) Partial assignment of authorization (per call sign):	FCC 490 & FCC 600	125.00	CGF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
g. Application for renewal (per call sign).	FCC 405 & FCC 159	45.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
h. Application for extension of construction period (per application).	FCC 600	45.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
i. Application for reinstatement [NO LONGER AVAILABLE]				
j. Notification of commencement of service to subscribers (per notification).	FCC 489	45.00	CAF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
k. Request for special temporary authority (per channel/per location).	written request & FCC 159	230.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
l. Application to combine separate authorizations (per call sign).	FCC 600	230.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
m. Application for new or modified auxiliary test transmitter (per transmitter).	FCC 600	230.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.
n. Application for new or modified standby transmitter (per transmitter).	FCC 600	230.00	CLF	Federal Communications Commission, Common Carrier Land Mobile, P.O. Box 358130, Pittsburgh, PA 15251-5130.

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## Part 20 - COMMERCIAL MOBILE RADIO SERVICES

1. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. The Table of Contents for Part 20 is revised by adding new text and listings to read

as follows:

**PART 20--COMMERCIAL MOBILE RADIO SERVICES**

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§ 20.6 CMRS spectrum aggregation limit.

3. Part 20 is amended by adding a new Section 20.6 as follows:

**§ 20.6 CMRS spectrum aggregation limit.**

(a) *45 MHz limitation.* No licensee in the broadband PCS, cellular, or SMR services (including all parties under common control) regulated as CMRS (see § 20.9 of this chapter) shall have an attributable interest in a total of more than 45 MHz of licensed broadband PCS, cellular, and SMR spectrum regulated as CMRS with significant overlap in any geographic area.

(b) *SMR spectrum.* To calculate the amount of attributable SMR spectrum for purposes of paragraph (a), an entity must count all 800 MHz channels and 900 MHz channels located at any SMR base station inside the geographic area (MTA or BTA) where there is significant overlap. All 800 MHz channels located on at least one of those identified base stations count as 50 kHz (25 kHz paired), and all 900 MHz channels located on at least one of those identified base stations count as 25 kHz (12.5 kHz paired), except that no more than 10 MHz of SMR spectrum in the 800 MHz SMR service will be attributed to an entity when determining compliance with the cap.

(c) *Significant overlap.* (1) For purposes of paragraph (a), significant overlap of a PCS licensed service area and CGSA(s) (as defined in § 22.911 of this chapter) or SMR service area(s) occurs when at least 10 percent of the population of the PCS licensed service area, as determined by the 1990 census figures for the counties contained therein, is within the CGSA(s) and/or SMR service area(s).

(2) The Commission shall presume that an SMR service area covers less than 10 percent of the population of a PCS service area if none of the base stations of the SMR licensee is located within the PCS service area. For an SMR licensee's base stations that are located within a PCS service area, the channels licensed at those sites will be presumed to cover 10 percent of the population of the PCS service area, unless the licensee shows that its protected service contour for all of its base stations covers

less than 10 percent of the population of the PCS service area.

(d) *Ownership attribution.* For purposes of paragraph (a), ownership and other interests in broadband PCS licensees, cellular licensees, or SMR licensees will be attributed to their holders pursuant to the following criteria:

(1) Controlling interest shall be attributable. Controlling interest means majority voting equity ownership, any general partnership interest, or any means of actual working control (including negative control) over the operation of the licensee, in whatever manner exercised.

(2) Partnership and other ownership interests and any stock interest amounting to 20 percent or more of the equity, or outstanding stock, or outstanding voting stock of a broadband PCS, cellular, or SMR licensee shall be attributed, except that ownership will not be attributed unless the partnership and other ownership interests and any stock interest amount to at least 40 percent of the equity, or outstanding stock, or outstanding voting stock of a broadband PCS, cellular, or SMR licensee if the ownership interest is held by a small business, a rural telephone company, or a business owned by minorities and/or women, as these terms are defined in § 1.2110 of this chapter or other provisions of the Commission's Rules.

(3) Stock interests held in trust shall be attributed to any person who holds or shares the power to vote such stock to any person who has the sole power to sell such stock, and, in the case of stock held in trust, to any person who has the right to revoke the trust at will or to replace the trustee at will. If the trustee has a familial, personal, or extra-trust business relationship to the grantor or the beneficiary, the grantor or beneficiary, as appropriate, will be attributed with the stock interests held in trust.

(4) Non-voting stock shall be attributed as an interest in the issuing entity if in excess of the amounts set forth in subparagraph (2) of this paragraph.

(5) Debt and instruments such as warrants, convertible debentures, options, or other interests (except non-voting stock) with rights of conversion to voting interests shall not be attributed unless and until conversion is effected, except that this provision does not apply in determining whether an entity is a small business, a rural telephone company, or a business owned by minorities and/or women, as these terms are defined in § 1.2110 of this chapter or other provisions of the Commission's Rules.

(6) Ownership interests 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 if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

(e) *Divestiture.* Any party holding controlling or attributable ownership interests in SMR licensees accounting for more than 5 MHz of SMR spectrum may be a party to a broadband PCS application (*i.e.*, have a controlling or attributable interest in a broadband PCS applicant), and such PCS applicant will be eligible for PCS licenses amounting to 40 MHz of broadband PCS spectrum in a geographical area, pursuant to the divestiture procedures set forth in subparagraphs (1) through (3) of this paragraph.

(1) The broadband PCS applicant shall certify on its bidder application that it and all parties to the application will come into compliance with the limitations on spectrum aggregation set forth in this section.

(2) If such an applicant is a successful bidder, it must submit with its long-form application a signed statement describing its efforts to date and future plans to come into compliance with the limitations on spectrum aggregation set forth in this section.

(3) If such an applicant is otherwise qualified, its application will be granted subject to a condition that the licensee shall come into compliance with the limitations on spectrum aggregation set forth in this section within ninety (90) days of final grant.

(i) Parties holding controlling interests in SMR licensees that conflict with the attribution threshold or geographic overlap limitations set forth in this section will be considered to have come into compliance if they have submitted to the Commission an application for assignment of license or transfer of control of the SMR licensee (see § 90.158 of this chapter) by which, if granted, such parties no longer would have an attributable interest in the SMR license. If no such assignment or transfer application is tendered to the Commission within ninety (90) days of final grant, the Commission may consider the short-form certification and the long-form divestiture statement to be material, bad faith misrepresentations and shall invoke the condition on the PCS license, cancelling it automatically, shall retain all monies paid to the Commission, and, based on the facts presented, shall take any other action it may deem appropriate. Divestiture may be to an interim trustee if a buyer has not been secured in the required period of time, as long as the applicant has no interest in or control of the

trustee, and the trustee may dispose of the license as it sees fit.

(ii) Where parties to broadband PCS applications hold less than controlling (but still attributable) interests in SMR licensee(s), they shall submit, within ninety (90) days of final grant, a certification that the applicant and all parties to the application have come into compliance with the limitations on spectrum aggregation set forth in this section.

[NOTE 1: For purposes of the ownership attribution limit, all ownership interests in operations that serve at least 10 percent of the population of the PCS service area should be included in determining the extent of a PCS applicant's cellular or SMR ownership.]

[NOTE 2: When a party owns an attributable interest in more than one cellular or SMR system that overlaps a PCS service area, the total population in the overlap area will apply on a cumulative basis.]

## **Part 22 - PUBLIC MOBILE RADIO SERVICE**

1. The authority citation for Part 22 is amended to read as follows:

Authority: 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Table B-1 is amended by removing the number 401 in the "Form Number" column and, in its place, adding the number 600.

3. The following sections of Part 22 are amended by removing the term "FCC Form 401" and adding, in its place, the term "FCC Form 600":

- (a) 22.115(a)(2);
- (b) 22.137(c)(1)(ii);
- (c) 22.142(c) and (d);
- (d) 22.357;
- (e) 22.411(d)(1);
- (f) 22.413(b)(1);
- (g) 22.415(b)(1);

- (h) 22.417(b)(1);
- (i) 22.507;
- (j) 22.529(a) and (b);
- (k) 22.531(c);
- (l) 22.709(b);
- (m) 22.803(a) and (b);
- (n) 22.911(b);
- (o) 22.929(a) and (b);
- (p) 22.941(c);
- (q) 22.947(b); and
- (r) 22.953(a)(2)(iii).

4. Part 22 is amended by revising Section 22.131 to read as follows:

**§ 22.131 Procedures for mutually exclusive applications.**

Two or more pending applications are mutually exclusive if the grant of one application would effectively preclude the grant of one or more of the others under Commission rules governing the Public Mobile Services involved. The Commission uses the general procedures in this section for processing mutually exclusive applications in the Public Mobile Services. Additional specific procedures are prescribed in the subparts of this part governing the individual Public Mobile Services (see §§ 22.509, 22.717, and 22.949 of this part) and in Part 1 of this chapter.

(a) *Separate applications.* Any applicant that files an application knowing that it will be mutually exclusive with one or more applications should not include in the mutually exclusive application a request for other channels or facilities that would not, by themselves, render the application mutually exclusive with those other applications. Instead, the request for such other channels or facilities should be filed in a separate application.

(b) *Filing groups.* Pending mutually exclusive applications are processed in filing groups. Mutually exclusive applications in a filing group are given concurrent consideration. The Commission may dismiss as defective (pursuant to § 22.128 of this part) any mutually exclusive application(s) whose filing date is outside of the date range for inclusion in the filing group. The types of filing groups used in day-to-day

application processing are specified in paragraph (c)(3) of this section. A filing group is one of the following types:

(1) *Renewal filing group.* A renewal filing group comprises a timely-filed application for renewal of an authorization and all timely-filed mutually exclusive competing applications (see § 22.145).

(2) *Same-day filing group.* A same-day filing group comprises all mutually exclusive applications whose filing date is the same day, which is normally the filing date of the first-filed application(s).

(3) *Thirty-day notice and cut-off filing group.* A 30-day notice and cut-off filing group comprises mutually exclusive applications whose filing date is no later than thirty (30) days after the date of the Public Notice listing the first-filed application(s) (according to the filing dates) as acceptable for filing.

(4) *Window filing group.* A window filing group comprises mutually exclusive applications whose filing date is within an announced filing window. An announced filing window is a period of time between and including two specific dates, which are the first and last dates on which applications (or amendments) for a particular purpose may be accepted for filing. In the case of a one-day filing window, the two dates are the same. The dates are made known to the public in advance.

(c) *Procedures.* Generally, the Commission may grant one application in a filing group of mutually exclusive applications and dismiss the other application(s) in the filing group that are excluded by that grant, pursuant to § 22.128 of this part.

(1) *Selection methods.* In selecting the application to grant, the Commission may use competitive bidding, random selection, or comparative hearings, depending upon the type of applications involved.

(2) *Dismissal of applications.* The Commission may dismiss any application in a filing group that is defective or otherwise subject to dismissal under § 22.128 of this part, either before or after employing selection procedures.

(3) *Type of filing group used.* Except as otherwise provided in this part, the type of filing group used in the processing of two or more mutually exclusive applications depends upon the purpose(s) of the applications.

(i) If one of the mutually exclusive applications is a timely-filed application for renewal of an authorization, a renewal filing group is used.

(ii) If any mutually exclusive application filed on the earliest filing date is an application for modification and none of the mutually exclusive applications is a timely-filed application for renewal, a same-day filing group is used.

(iii) If all of the mutually exclusive applications filed on the earliest filing date are applications for initial authorization, a 30-day notice and cut-off filing group is used, except that, for Phase I unserved area applications in the Cellular Radiotelephone Service, a one-day window filing group is used (see § 22.949).

(4) *Disposition.* If there is only one application in any type of filing group, the Commission may grant that application and dismiss without prejudice any mutually exclusive applications not in the filing group. If there is more than one mutually exclusive application in a filing group, the Commission disposes of these applications as follows:

(i) *Applications in a renewal filing group.* All mutually exclusive applications in a renewal filing group are designated for comparative consideration in a hearing.

(ii) *Applications in a 30-day notice and cut-off filing group.*

(A) If all of the mutually exclusive applications in a 30-day notice and cut-off filing group are applications for initial authorization, and none is an application for facilities in the Rural Radiotelephone Service, the Commission shall administer competitive bidding procedures in accordance with Subpart Q of Part 1 of this chapter. After such procedures, the application of the successful bidder may be granted and the other applications may be dismissed without prejudice.

(B) If any of the mutually exclusive applications in a 30-day notice and cut-off filing group is an application for modification or an application for facilities in the Rural Radiotelephone Service, the Commission may attempt to resolve the mutual exclusivity by facilitating a settlement between the applicants. If a settlement is not reached within a reasonable time, the Commission may designate all applications in the filing group for comparative consideration in a hearing. In this event, the result of the hearing disposes of all of the applications in the filing group.

(iii) *Applications in a same-day filing group.* If there are two or more mutually