

(g) The provisions of this section do not apply to licensees authorized to provide commercial mobile radio service under this part.

25. Section 90.403 is amended by revising paragraph (c) to read as follows:

**§ 90.403 General operating requirements.**

\*\*\*\*\*

(c) Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to Part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum.

\*\*\*\*\*

26. Section 90.405 is amended by revising paragraph (b) to read as follows:

**§ 90.405 Permissible communications.**

\*\*\*\*\*

(b) The provisions contained in paragraph (a) of this section do not apply where a single base station licensee has been authorized to use a channel above 470 MHz on an exclusive basis, or to stations licensed under this part that are classified as CMRS providers under Part 20 of this chapter.

27. Section 90.415 is amended by revising paragraph (b) to read as follows:

**§ 90.415 Prohibited uses.**

\*\*\*\*\*

(b) Render a communications common carrier service, except for stations in the Special Emergency Radio Service providing communications standby facilities under § 90.49, operational fixed stations licensed in the Railroad Radio Service handling public telegraph messages as agents of telegraph common carriers in those instances where such public telegraph service cannot be provided through other railroad

facilities, and stations licensed under this part in the SMR, private carrier paging, Business Radio, or 220-222 MHz services.

28. Section 90.425 is amended by adding paragraph (e) to read as follows:

**§ 90.425 Station identification.**

\*\*\*\*\*

(e) Special provisions for stations licensed under this part that are classified as CMRS providers under Part 20 of this chapter.

(1) Station identification will not be required for 929-930 MHz nationwide paging licensees and MTA-based SMR licensees. All other CMRS stations will be required to comply with the station identification requirements of paragraphs (a) through (d) of this section.

(2) CMRS stations subject to a station identification requirement will be permitted to use a single call sign for commonly owned facilities that are operated as part of a single system. The call sign must be transmitted each hour within five minutes of the hour, or upon completion of the first transmission after the hour.

(3) CMRS stations granted exclusive channels may transmit their call signs digitally. The station licensee must provide the Commission with information sufficient to decode the digital transmission to ascertain the transmitted call sign.

29. Section 90.437 is amended by revising paragraphs (b) and (c) to read as follows:

**§ 90.437 Posting station licenses.**

\*\*\*\*\*

(b) Entities authorized under this part must make available either a clearly legible photocopy of the authorization for each base or fixed station at a fixed location at every control point of the station or an address or location where the current authorization may be found.

(c) Entities operating under a temporary permit authorized in accordance with § 90.159 shall post an executed copy of the Form 572 at every control point of the system or an address or location where the current executed copy may be found.

\*\*\*\*\*

30. Section 90.449 is revised to read as follows:

**§ 90.449 Answers to official communications and notices of violation.**

(a) Licensees are required to respond to official communications with reasonable dispatch and according to the tenor of the communication. Failure to do so may be considered by the Commission to reflect adversely on a person's qualifications to hold Commission authorizations and may also create liabilities for other sanctions.

(b) Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act or treaty to which the United States is a party, or the rules and regulations of the Commission, shall, within ten (10) days from such receipt or such other period as may be specified by the Commission, send a written answer to the office of the Commission originating the original notice. If an answer cannot be sent, or an acknowledgement made, within such period, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of improper operation.

31. Section 90.476 is amended by adding paragraph (c) to read as follows:

**§ 90.476 Interconnection of fixed stations and certain mobile stations.**

\*\*\*\*\*

(c) The provisions of this section do not apply to commercial mobile radio service providers, as defined in Part 20 of this chapter.

32. Section 90.483 is amended by revising the introductory paragraph to read as follows:

**§ 90.483 Permissible methods and requirements of interconnecting private and public systems of communications.**

Interconnection may be accomplished by commercial mobile service providers licensed under this part by any technically feasible means. Interconnection may be accomplished by private mobile service providers either manually or automatically under the supervision and control of a transmitter control operator at a fixed position in the authorized system of communications or it may be accomplished under the supervision and control of mobile operators, and is subject to the following provisions:

\*\*\*\*\*

33. Section 90.494 is amended by revising paragraph (c) to read as follows:

**§ 90.494 One-way paging operations in the 929-930 MHz band.**

\*\*\*\*\*

(c) All frequencies listed in this section may be used to provide one-way paging communications to persons eligible for licensing under Subpart B, C, D, or E of this part, representatives of Federal Government agencies, individuals, and foreign governments and their representatives. The provisions of § 90.173(b) apply to all frequencies listed in this section.

\*\*\*\*\*

34. Section 90.603 is amended by revising paragraph (c) to read as follows:

**§ 90.603 Eligibility.**

\*\*\*\*\*

(c) Any person, except wireline telephone common carriers, eligible under this part and proposing to provide on a commercial basis base station and ancillary facilities as a Specialized Mobile Radio System operator, for the use of individuals, Federal Government agencies, foreign governments and their representatives, and persons eligible for licensing under subparts B, C, D, or E of this part.

35. Section 90.607 is amended by revising the introductory text of paragraphs (b) and (c) to read as follows:

**§ 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.**

\*\*\*\*\*

(b) Except for applicants for SMR licenses, all applicants for conventional radio systems must:

\* \* \* \* \*

(c) Except for applicants for SMR licenses, all applicants for trunked systems must:

\* \* \*

36. Section 90.623 is amended by revising the introductory text of paragraph (c) to read as follows:

**§ 90.623 Limitations on the number of frequencies assignable for conventional systems.**

\*\*\*\*\*

(c) No non-SMR licensee will be authorized an additional frequency pair for a conventional system within 64 kilometers (40 miles) of an existing conventional system, except where:

\* \* \*

\*\*\*\*\*

37. Section 90.627 is amended by revising the introductory text of paragraph (b), removing “; or,” and adding in its place “.” at the end of paragraph (b)(2) and removing paragraph (b)(3) to read as follows:

**§ 90.627 Limitation on the number of frequency pairs that may be assignable for trunked systems and on the number of trunked systems.**

\*\*\*\*\*

(b) No non-SMR licensee will be authorized an additional trunked system within 64 kilometers (40 miles) of an existing trunked system, except where:

\*\*\*\*\*

38. Section 90. 631 is amended by revising the first sentence of paragraph (a), and revising paragraphs (b) and (c) to read as follows:

**§ 90.631 Trunked systems loading, construction, and authorization requirements.**

(a) Non-SMR trunked systems will be authorized on the basis of a loading criteria of one hundred (100) mobile stations per channel. \* \* \*

(b) Each applicant for a non-SMR trunked system must certify that a minimum of seventy (70) mobiles for each channel authorized will be placed into operation within five (5) years of the initial license grant. Except for SMR systems licensed in the 806-821/851-866 MHz band and as indicated in paragraph (i) of this section, if at the end of five (5) years a trunked system is not loaded to the prescribed levels and all channels in the licensee's category are assigned in the system's geographic area, authorizations for trunked channels not loaded to seventy (70) mobile stations cancels automatically at a rate that allows the licensee to retain one channel for every one hundred (100) mobiles loaded, plus one additional channel. If a trunked system has channels from more than one category, General Category channels are the first channels considered to cancel automatically. All non-SMR licensees initially authorized before June 1, 1993, that are within their original license term, or SMR licensees that are within the term of a two-year authorization granted in accordance with paragraph (i) of this section, are subject to this condition. A licensee that has authorized channels cancelled due to failure to meet the above loading requirements will not be authorized additional channels to expand that same system for a period of six (6) months from the date of cancellation.

(c) Except for SMR applicants and as provided in paragraph (d) of this section, an applicant seeking to expand a trunked system by requesting additional channels from the Commission, or through intercategory sharing, or through an assignment, must have a loading level of seventy (70) mobiles per channel on the existing system that is the subject of the expansion request.

\*\*\*\*\*

39. Section 90.633 is amended by revising paragraph (a), and the first sentence of paragraph (e) to read as follows:

**§ 90.633 Conventional systems loading requirements.**

(a) Non-SMR conventional systems of communication will be authorized on the basis of a minimum loading criteria of seventy (70) mobile stations for each channel authorized.

\*\*\*\*\*

(e) A non-SMR licensee may apply for additional frequency pairs if its authorized conventional channel(s) is loaded to seventy (70) mobiles. \* \* \*

\*\*\*\*\*

40. Section 90.645 is amended by revising paragraph (c) to read as follows:

**§ 90.645 Permissible operations.**

\*\*\*\*\*

(c) Except for licensees classified as CMRS providers under Part 20 of this chapter, only for the transmission of messages or signals permitted in the services in which the participants are eligible.

\*\*\*\*\*

41. Section 90.703 is amended by revising paragraph (c) to read as follows:

**§ 90.703 Eligibility.**

\*\*\*\*\*

(c) Any person, except wire line telephone common carriers, eligible under this part and proposing to provide on a commercial basis base station and ancillary facilities as a Specialized Mobile Radio System operator, for the use of individuals, Federal Government agencies, foreign governments and their representatives, and persons eligible for licensing under subparts B, C, D or E of this part.

42. Section 90.733 is amended by revising paragraph (a)(3) to read as follows:

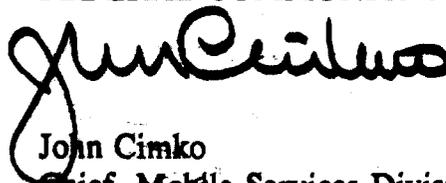
**§ 90.733 Permissible operations.**

(a) \* \* \*

(3) Except for licensees classified as CMRS providers under Part 20 of this chapter, only for the transmission of messages or signals permitted in the services in which the participants are eligible.

\*\*\*\*\*

**FEDERAL COMMUNICATIONS COMMISSION**

A handwritten signature in black ink, appearing to read "John Cimko", written in a cursive style.

**John Cimko**  
Chief, Mobile Services Division  
Common Carrier Bureau