

and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(c) Antenna Structure Registration Number. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing structures, where FAA notification prior to such construction or alteration is required by Part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with Part 17 of this chapter for the antenna structure in question.

4. Section 23.40 is amended by revising the title and deleting the previous text to read as follows:

§ 23.40 [Reserved]

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VII. Part 24 - Personal Communications Services

1. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309, and 332, unless otherwise noted.

2. A new Section 24.55 is added to read as follows:

§ 24.55 Antenna structures; air navigation safety.

Licenses that own their antenna structures must not allow these antenna structures to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by Part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, each FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of Part 17 of this chapter. See § 17.6 of this chapter.

(a) Marking and lighting. Antenna structures must be marked, lighted and maintained in accordance with Part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration.

(b) Maintenance contracts. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

3. Section 24.416 is removed.

4. Section 24.816 is removed.

VIII. Part 25 - Satellite Communications

1. The authority citation for Part 25 continues to read as follows:

AUTHORITY: Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101-104, 76 Stat. 419-427; 47 U.S.C. 701-744; 47 U.S.C. 554.

2. Section 25.113 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (f), and adding two new paragraphs (d) and (e) to read as follows:

§ 25.113 Construction Permits.

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(c) FAA notification. Before the construction of new antenna structures or alteration in the height of existing antenna structures is authorized by the FCC, a Federal Aviation Administration (FAA) determination of "no hazard" may be required. To apply for this determination, the FAA must be notified of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in Part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is not required by Part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.10 meters AGL) must contain a statement explaining why FAA notification is not required.

(d) Painting and lighting. The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(e) Antenna Structure Registration Number. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing structures, where FAA notification prior to such construction or alteration is required by Part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with Part 17 of this chapter for the antenna structure in question.

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3. Section 25.119 is amended by adding a new paragraph (c) to read as follows:

§ 25.119 Application for special temporary authorization.

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(c) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antenna structures, where FAA notification prior to such construction or alteration is required by Part 17 of this chapter, must include the FCC Antenna Structure Registration Number (s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with Part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is not required by Part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

4. Section 25.130 is amended by adding a new paragraph (e) to read as follows:

§ 25.130 Filing requirements for transmitting earth stations.

* * * * *

(e) Each application proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is required by Part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an antenna Structure Registration Number in accordance with Part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or notification or alteration is not required by Part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

5. Section 25.300 is amended by revising paragraph (h) to read as follows:

§ 25.300 Developmental Operations.

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(h) Each application for developmental operation proposing construction of one or more earth station antennas or alteration of the overall height of one or more existing earth station antennas, where FAA notification prior to such construction or alteration is required by Part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected satellite earth station antenna(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether the satellite earth station antenna owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with Part 17 of this chapter. Applications proposing construction of one or more earth station antennas or alteration of the overall height of none or more existing earth station antennas, where FAA notification prior to such construction or notification or alteration is not required by Part 17 of this chapter, must indicate such and, unless the satellite earth station antenna is 6.10 meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

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IX. Part 73 - Radio Broadcast Services

1. The authority citation for Part 73 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 303, 334.

2. Section 73.1213 is amended by revising paragraphs (a) and (b) and deleting paragraph (c) to read as follows:

§73.1213 Antenna structure, marking and lighting.

(a) The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures), requires certain antenna structures to be painted and/or lighted in accordance with that part.

(b) The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

3. Section 73.1690 is amended by revising paragraph (b)(1) to read as follows:

§73.1690 Modification of transmission systems.

* * * * *

(b) * * *

(1) Any change in the location, or directional radiation characteristics of a directional antenna system. (See §73.45 and §73.150, AM; §73.316, FM; or §73.685, TV.)

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4. Section 73.3533 is amended by adding a new paragraph (c) to read as follows:

§73.3533 Application for construction permit or modification of construction permit.

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(c) In each application referred to in subsection (a), the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with Part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

X. Part 74 - Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services

1. The authority citation for Part 74 continues to read as follows:

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

2. Section 74.22 is amended to read as follows:

§74.22 Use of common antenna structure.

The simultaneous use of a common antenna structure by more than one station authorized under this part, or by one or more stations of any other service may be authorized. The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

3. Section 74.551 is amended by adding a new paragraph (c) to read as follows:

§74.551 Equipment changes.

* * * * *

(c) Any application proposing a change in the height of the antenna structure or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with Part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not necessary.

4. Section 74.651 is amended by adding a new paragraph (d) to read as follows:

§74.651 Equipment changes.

* * * * *

(d) Any application proposing a change in the height of the antenna or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with Part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not necessary.

5. Section 74.1251 is amended by adding a new paragraph (d) to read as follows:

§74.1251 Technical and equipment modifications.

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(d) Any application proposing a change in the height of the antenna structure or its location must also include the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it proposes to locate its antenna. In the event the antenna structure does not have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with Part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance are not required.

XI. Part 78 - Cable Television Relay Service

1. The authority citation for Part 78 continues to read as follows:

AUTHORITY: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

2. Section 78.63 is revised in its entirety to read as follows:

§78.63 Antenna structure marking and lighting.

The owner of each antenna structure is responsible for ensuring that the structure, if required, is painted and/or illuminated in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee shall be responsible for ensuring that the structure complies with applicable painting and lighting requirements.

3. Section 78.109 is amended by deleting paragraph (a)(3), redesignating paragraphs (a)(4), (a)(5), (a)(6), (a)(7), and (a)(8) as (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) respectively, and adding a new paragraph (c) to read as follows:

§78.109 Equipment changes.

* * * * *

(c) Any application proposing a change in the height of the antenna structure or its location shall include the Antenna Structure Registration Number (FCC Form 854R) of the structure upon which it proposes to locate its antenna. In the event the antenna structure does not have a Registration Number, the owner of the antenna structure shall file an FCC Form 854 ("Application for Antenna Structure Registration") in accordance with Part 17 of this chapter or the applicant shall provide a detailed explanation as to why registration and clearance are not required.

XII. Part 80 - Stations in the Maritime Services

1. The authority citation for Part 80 continues to read as follows:

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.110 is amended by revising the title and initial paragraph to read as follows:

§ 80.110 Inspection and maintenance of antenna structure markings and associated control equipment.

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

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XIII. Part 87 - Aviation Services

1. The authority citation for Part 87 continues to read as follows:

AUTHORITY: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-156, 301-609.

2. Section 87.75 is amended by revising the title and initial paragraph to read as follows:

§ 87.75 Maintenance of antenna structure marking and control equipment.

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

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XIV. Part 90 - Private Land Mobile Radio Services

1. The authority citation for Part 90 continues to read as follows:

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

2. Section 90.441 is amended by revising paragraph (a) and deleting paragraph (b) to read as follows:

§ 90.441 Inspection and maintenance of antenna structure marking and associated control equipment.

(a) The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

3. Section 90.443 is amended by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

XV. Part 94 - Private Operational-Fixed Microwave Service

1. The authority citation for Part 94 continues to read as follows:

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

2. Section 94.111 is amended by revising the title and initial paragraph to read as follows:

§ 94.111 Inspection and maintenance of antenna structure marking and associated control equipment.

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with Part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

3. Section 94.113 is deleted.

XVI. Part 95 - Personal Radio Services

1. The authority citation for Part 95 continues to read as follows:

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

2. Section 95.83 is amended by adding a new paragraph (a)(3) to read as follows:

§ 95.83 Additional information for stations with antennas higher than normally allowed.

(a) * * *

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(3) Register the structure by submitting FCC Form 854. The requirements for antenna structure registration, painting, and lighting are found in Part 17 of the FCC Rules.

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XVII. Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

AUTHORITY: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 201-609, unless otherwise noted.

2. Section 97.15 is amended by revising paragraph (d) to read as follows:

§ 97.15 Station antenna structures.

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(d) Further details as to whether an aeronautical study is required or if the structure must be registered, painted, or lighted are contained in Part 17 of the FCC Rules, Construction, Marking, and Lighting of Antenna Structures. To request approval to place an antenna structure higher than the limits specified in paragraphs (a), (b), and (c) of this section, the licensee must notify the FAA using FAA Form 7460-1 and the structure owner must register the structure using FCC Form 854.

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