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BEFORE THE
Federal Communications Commission MAY - 5 1997
WASHINGTON, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Part 90 of the)	
Commission's Rules to Provide for the)	PR Docket No. 89-552
Use of the 220-222 MHz Band by the)	RM-8506
Private Land Mobile Radio Service)	
Implementation of Sections 3(n) and 332)	
of the Communications Act)	
Regulatory Treatment of Mobile Services)	GN Docket No. 93-252
Implementation of Section 309(j) of the)	
Communications Act - Competitive)	PP Docket No. 93-253
Bidding)	

PETITION FOR RECONSIDERATION

Global Cellular Communications, Inc.

By: David Kaufman

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1920 N Street, N.W., Suite 660
Washington, D.C. 20036
202-887-0600

Its Attorney

May 5, 1997

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

In the Matter of

Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHZ Band by the Private Land Mobile Radio Service)))	PR Docket No. 89-552 RM-8506
Implementation of Sections 3(n) and 332 of the Communications Act)))	GN Docket No. 93-252
Regulatory Treatment of Mobile Services)	
Implementation of Section 309(j) of the Communications Act — Competitive Bidding))	PP Docket No. 93-253

PETITION FOR RECONSIDERATION

Global Cellular Communications, Inc. ("Global"), by its attorneys and pursuant to § 1.429 of the Commission's Rules, hereby petitions for reconsideration of the *Third Report and Order* (FCC 97-57, released March 12, 1997) ("*Third R&O*") in the above-captioned proceeding.¹

I. INTRODUCTION

The *Third R&O* is a continuation of the Commission's initiative² in response to the Omnibus Budget Reconciliation Act of 1993, to modify regulations of commercial and private

¹ Global holds a license for a Phase I nationwide, commercial 220-222 MHZ ("220 MHZ") system, and therefore has a substantial interest in the nature of the rules adopted in this proceeding.

² See, e.g., *Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, *Third Report and Order*, 9 FCC Rcd 7988 (1994) ("*CMRS Third Report and Order*") (implementing new technical and operational rules for CMRS providers that are substantially similar to those governing common carriers).

mobile radio services in order to establish greater regulatory symmetry among similar mobile services and eliminate burdensome regulations.³ The agency here seeks to establish a flexible regulatory framework for the 220 MHz band that will promote efficient licensing, eliminate regulatory burdens, and enhance the competitive potential of both Phase I and Phase II licensees.

The *Third R&O* adopts specific rules to govern the future licensing and operation of the 220 MHz service for Phase II licenses; unfortunately, the Commission has simultaneously created certain inequities within the 220 MHz service, particularly for Phase I nationwide licensees left with the legacy of an earlier licensing scheme that severely disadvantages them relative to the 220 MHz newcomers.

Global thus urges the Commission to revisit the following elements of the *Third R&O*:

- Phase I nationwide licensees remain encumbered by site-by-site licensing, while rules for Phase II nationwide and other similar services allow greater flexibility and administrative ease. This disparity should be reconsidered.
- Phase II licensees apparently can meet construction requirements with base stations only operating a single channel, as opposed to a minimum five-channel build-out requirement for Phase I licenses. Rules allowing this type of licensing inequality within the same service should be eradicated.
- The Commission should clarify that the new five- and ten-year construction benchmarks for Phase II nationwide licensees that are different than those imposed on Phase I nationwide licensees apply only to Phase II nationwide licenses and *not* to Phase I nationwide licensees.

II. THE COMMISSION'S RULES CREATE UNFAIR INCONSISTENCIES IN REGULATION OF PHASE I AND PHASE II NATIONWIDE LICENSES

The rules adopted by the *Third R&O* for the auctioning and licensing of nationwide Phase II licenses prescribe procedures for amending applications, modifying authorizations, and additional licensing actions that mirror those that apply to other Part 90 CMRS licenses. Phase I

³ Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI § 6002, 107 Stat. 312 (1993) ("*Budget Act*").

commercial nationwide licenses, on the other hand, do not benefit from this same regulatory flexibility. Rules that for no apparent reason create substantial inequalities between the Phase I and Phase II nationwide commercial licensing procedures for individual locations should be modified to eliminate those inequalities.

A. Licensing Requirements for Phase I and Phase II Nationwide Licensees Should be Uniform

As established in the *Third R&O*, Phase II nationwide licensees will be permitted to construct any number of stations and place them in operation anywhere in the nation, *without the need for applications or Commission authorization on a site-by-site basis*.⁴ Once a Phase II nationwide applicant obtains its license, *no additional licensing of or FCC filings for facilities will be required* as a routine matter.⁵ In stark contrast to Phase II station licensing procedures, Commission policies, but not the regulations, impose a requirement for Phase I nationwide licensees to file a Form 600 to obtain approval before operating any proposed base station.⁶

⁴ See *Third R&O* at ¶ 36; see also new § 90.763(a).

⁵ New § 90.733(i) of the Commission's Rules requires all 220 MHz licensees constructing and operating base stations or fixed stations to comply with any rules and international agreements that restrict use of their authorized frequencies, including those relating to U.S./Mexican border areas, rules governing antenna structure marking and lighting, and environmental impact rules; these areas all involve well-defined, fact-specific "triggers" for filing particular material.

⁶ See 47 U.S.C. § 90.117 (general application procedures for authorizations under Part 90). Undersigned counsel has discussed this rule with several members of the Wireless Bureau staff. Never has any FCC staff person identified why this requirement exists for Phase I licensees or what public policy is served by it, even when counsel specifically asked, for the stated purpose of being able to debate the wisdom of this unknown policy.

Undersigned counsel also submitted an *ex parte* letter containing a recommended new rule section that would provide a workable, uniform licensing procedure for all 220 MHz nationwide licenses, a copy of which is attached as Attachment I. Under the suggested rule, nationwide licensees would not need prior Commission consent to construct a new facility, but would simply be required to notify the Commission within 15 days of commencing operation at that location. The *Third R&O* adopted an even more flexible

Other nationwide service licensees, such as those in the nationwide narrowband PCS and 929 MHz Private Carrier Paging⁷ services, do not have site-by-site licensing; nor do some regional services such as cellular and broadband PCS. Maintaining such regulatory distinctions is “at odds with [the Budget Act’s] goal of eliminating technical regulatory incongruities among different services that compete or will compete with one another.”⁸

The Commission’s stated goal of operational flexibility is also denied to Phase I nationwide licensees. Devoting time and money to preparing and filing site-by-site applications — and the delays inherent in FCC review and approval — present significant financial burdens to Phase I nationwide licensees, in addition to lengthening their ultimate implementation schedule.⁹ Processing site-specific Forms 600 from acceptance through Public Notice to final grant for even the minimum number of base stations required at the four-year benchmark (28) consumes valuable

scheme for Phase II licensees, but denied it to Phase I licensees.

⁷ Private Carrier Paging licensees can attain nationwide exclusivity on a particular channel if they construct and operate 300 transmitters in the continental U.S., serve a minimum of specified markets, and conform to certain technical parameters. Upon reaching exclusive status, no further site-by-site licensing is required for any facility in the nation.

⁸ *CMRS Third Report and Order* at ¶ 26.

⁹ Without notice or comment, the *Third R&O* imposes a new requirement upon Phase I licensees to submit financial showings or certifications if choosing to begin primary fixed or paging operations instead of or in addition to their existing land mobile operations, even though fixed or paging services differ from two-way only in the customer units, and there never has been any financial showing required for customer units. A Phase II licensee may offer any combination of fixed, mobile, or paging services on its assigned channels — it must simply submit a standardized financial certification with its Form 600 for its initial authorization, and that certification need not address the type of service to be offered. Phase I licensees have already submitted detailed financial showings pertaining to infrastructure with their initial Phase I Form 574 applications, including itemized estimates of costs to construct 40% of their land mobile systems and to operate the systems through the first four years, and proof of sufficient financial resources to accomplish the above. More importantly, licensees like Global have proven their financial commitment by building and operating 10% of its system, as required by the Commission’s Rules.

and scarce Commission resources as well. If a disaggregation has occurred, then the burden could increase as distinct filings are made for separate licensees' base stations. The public interest in swift implementation of service to customers is also curtailed by burdensome site-by-site licensing procedures. The delay caused by the licensing of individual base stations slows Phase I nationwide licensees' competitive entry into the marketplace and reduces consumer choice.

The Commission is required under the *Budget Act* to provide comparable regulation of substantially similar CMRS services.¹⁰ Phase I and Phase II nationwide commercial licensees will clearly be in competition with each other, offering similar if not identical services. Under the Commission's present regulatory framework, Phase I nationwide licensees who must license sites individually will be placed at an enormous competitive disadvantage, contrary to Congressional intent and Commission policy and precedent.¹¹ The Commission's rules thus foster inefficient and disparate regulatory schemes for similar services. The disparity must be eliminated.

B. Phase I Nationwide Licensees Should Not Be Required to Build All Licensed Channels at Each Base Station

The *Third R&O* adopts Phase II 220 MHz nationwide license construction requirements that represent increased flexibility compared to the older, Phase I nationwide construction benchmarks. The new rules impose five- and ten-year benchmarks for Phase II licensees to

¹⁰ See *Budget Act* § 6002; *CMRS Third Report and Order* at ¶¶ 3, 30. The Commission found that 220 MHz commercial, nationwide service could provide CMRS, if meeting the CMRS definition: offering for-profit, interconnected mobile service to the public. Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, *Second Report and Order*, 9 FCC Rcd 1411, 1450-53 (1994). Once constructed to 70 base stations, Global intends to use its nationwide system to provide CMRS.

¹¹ Phase I nationwide licensees will also be handicapped in relation to other similar services. As the Commission has itself acknowledged in the *Third R&O*, "[w]e agree with the commenters that 220 MHz licensees will not simply be in competition with other 220 MHz licensees but will face competition from other [CMRS] services such as cellular, PCS and SMR."

provide coverage to either minimum geographical areas or percentages of the U.S. population.¹² The new rules also state that “nationwide licensees will not be required to construct and place in operation, or commence service on, all of their [ten] authorized channels at all of their base stations or fixed stations.”¹³ Thus, Phase II nationwide licensees apparently are allowed to construct as few as *one of ten authorized channels* at sufficient base stations to meet their geographical or population-based construction requirements; a Phase II licensee could offer single-channel paging service, and warehouse its other nine channels for decades.¹⁴

In contrast, Phase I nationwide licensees must construct *all five* of their channels at a minimum amount of base stations in specified urban areas at two-, four-, six-, and ten-year construction benchmarks.¹⁵ The only reason offered by the Commission for this stringent construction requirement is that it would “further promote our objective of licensing only

¹² New § 90.769(a). Nationwide Phase II licensees offering fixed services as part of their systems alternatively may meet their construction requirements by demonstrating an appropriate level of substantial service at the five- and ten-year benchmarks. New § 90.769(b). The Commission will consider substantial service showings on a case-by-case basis. The substantial service construction option is not available to Phase I licensees in meeting their original land mobile construction requirements.

¹³ New § 90.769(e).

¹⁴ The Commission concludes in the *Third R&O* that requiring Phase II licensees to construct and operate all authorized channels at all base stations “would not provide EA and Regional licensees with flexibility to construct their base stations in a manner that best serves their technical and operational requirements.” EA and Regional Phase II licensees must protect incumbent, co-channel Phase I licensees in a particular market and may thus encounter difficulties in meeting construction requirements adopted by the *Third R&O*, especially where a Phase I incumbent serves large population centers. But Phase II nationwide licensees have no incumbents to protect, and the foregoing reasoning does not justify such minimal construction on their part. The Commission enunciated no rationale whatsoever for allowing Phase II nationwide licensees to construct single-channel base stations to meet construction minimums.

¹⁵ 47 U.S.C. § 90.725(a).

qualified applicants.”¹⁶ The strict benchmarks for Phase I nationwide licensees already provide ample, redundant assurances that only qualified applicants hold 220 MHz licenses.¹⁷ Moreover, the *Budget Act* has since directed the Commission to pursue flexibility and uniformity in shaping its licensing rules, to eradicate such service-specific incongruities.

The result of these incongruities was noted in the *CMRS Third Report and Order*, as the Commission noted the “potentially distorting effects on the market of asymmetrical regulation.”¹⁸ Distortion could certainly occur in the 220 MHz nationwide market under the *Third R&O*, where Phase I licensees will have to construct five-channel stations even where they do not immediately need that capacity, committing resources to certain markets where channels will not be fully utilized. Open competition — as well as spectrum efficiency — will thereby suffer from the *Third R&O*’s uneven treatment of Phase I and Phase II nationwide licensees. This clearly runs counter to the goals of uniformity and open competition pronounced in the Budget Act.

In addition, the *Fifth Notice of Proposed Rulemaking* (“*Fifth NPRM*”) in this proceeding proposed to allow disaggregation of Phase I nationwide licenses in an effort to increase flexibility and to allow market forces to drive spectrum utilization.¹⁹ Disaggregation does offer some relief to Phase I licensees burdened by the five-channel build-out requirement, and will enhance use of the spectrum by additional, niche market entrants. However, under the *Third R&O*, even

¹⁶ *Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services*, PR Docket No. 89-552, *Report and Order*, 6 FCC Rcd 2356, 2367 (1991).

¹⁷ Indeed, Global has already met its two-year benchmark.

¹⁸ *CMRS Third Report and Order* at ¶ 26.

¹⁹ Global submitted comments to the *Fifth NPRM* supporting the proposal to allow disaggregation for Phase I nationwide licenses.

disaggregation exacerbates the inequalities between rules for Phase I and Phase II nationwide licensees.

The *Partitioning Report and Order*²⁰ adopted rules requiring parties to a PCS disaggregation agreement to certify who will assume responsibility for the build-out requirements of the original license — either one or both parties.²¹ Applied to Phase I nationwide licensees, each party would be responsible for constructing and operating its share of the five channels it obtained in the disaggregation.²²

On the other hand, Phase II commercial, nationwide licensees hold a 10-channel authorization that apparently only needs to be constructed for one channel. Thus, a disaggregation of nine “fallow” Phase II nationwide channels to a second party could result in a new licensee obtaining nine nationwide channels with no construction requirements. Conversely, a disaggreatee could assume responsibility for meeting the original Phase II license construction requirements, leaving the original licensee with *no* further construction obligations. With no incentive to timely construct a nationwide system, service to the public could be delayed and valuable spectrum could go unused. Such arrangements plainly circumvent the Commission’s efforts to maximize spectrum utility and facilitate prompt service to the public.

The only difference between Phase I and Phase II licenses is how the licenses were/will be awarded. Phase I licenses were awarded on a random selection basis; the Commission will

²⁰ *Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees*, WT Docket No. 96-148, *Implementation of Section 257 of the Communications Act — Elimination of Market Entry Barriers*, GN Docket No. 96-113, *Report and Order* (released Dec. 20, 1996) (“*Partitioning R&O*”).

²¹ *Id.* at ¶ 63.

²² The *Fifth NPRM* proposed such an arrangement for Phase I nationwide licenses, and Global expressed support for it in its Comments.

auction Phase II licenses under direction of Congress. How the licenses are granted should not impact the application of uniform regulatory flexibility to promote open competition among like services.

C. The Commission Should Clarify that New Rule Section 90.769 Does Not Apply to Phase I Licensees

New Section 90.769 specifies geographic or population-based service requirements that a Phase II licensee must satisfy at five- and ten-year benchmarks. Section 90.725, which has governed Phase I construction requirements since the inception of such licenses, specifies a particular number and identity of markets that Phase I licensees must construct. However, Section 90.769 as drafted appears to apply to all nationwide 220 MHz licenses.

Placing *new* construction requirements upon existing Phase I licensees would be extremely burdensome at this point. Phase I licensees have already met some market-by-market construction benchmarks and continue to make business decisions based on rules that have been in place since 1991. To avoid imposing further financial and administrative burdens on Phase I licensees, therefore, the Commission should clarify that new Section 90.769 applies only to Phase II licensees.²³

III. CONCLUSION

The *Budget Act* aims at instituting comparable regulations for substantially similar telecommunications services. It follows that rules governing virtually identical services within the commercial, nationwide 220 MHz industry should be crafted with overarching consistency, open

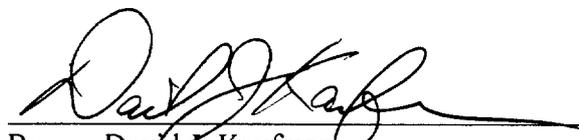
²³ In addition, it violates the Administrative Procedure Act to so modify Phase I licenses, without notice or opportunity for comment, and without any explanation of why the change is being made.

competition, and public interest in mind. Global urges the Commission to reconsider the newly-adopted rules that work against such essential goals.

The Commission will benefit as much as licensees from uniform, easily enforceable nationwide licensing rules, as well as a decrease in outmoded regulation such as site-by-site filing requirements. The difference between Phase I and Phase II nationwide licensees is that the earlier group was licensed under an earlier selection mechanism. This alone does not justify different regulatory treatment. While the *Third R&O* establishes flexibility for one segment of the 220 MHz service — Phase II licensees — Global urges that a reconsideration of the rules adopted will be necessary to ensure that all licensees in this service receive the benefits of the Commission's goals of increased flexibility, competition, and regulatory symmetry.

Respectfully submitted,

GLOBAL CELLULAR COMMUNICATIONS, INC.


By: David J. Kaufman

Its Attorney

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1920 N Street, N.W., Suite 660
Washington, D.C. 20036
202-887-0600

May 5, 1997

ATTACHMENT I

NOTICE OF *EX PARTE* COMMUNICATIONS CONCERNING THE 220 MHz SERVICE
FILED BY GLOBAL CELLULAR COMMUNICATIONS, INC.

WJW
STAMP/RETURN
COPY

LAW OFFICES
BROWN NIETERT & KAUFMAN, CHARTERED
SUITE 660
1920 N STREET, N.W.
WASHINGTON, D.C. 20036

TEL (202) 887-0600
FAX (202) 457-0126

November 6, 1996

Mr. William Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Re: FCC PR Docket No. 89-552
Amendment of Part 90 Concerning 220 MHz
Notice of Ex Parte Communications

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF THE SECRETARY

NOV 6 1996

NOV 6 1996

Dear Mr. Caton:

On November 5, 1996, David J. Kaufman, corporate secretary of Global Cellular Communications, Inc., met with Rosalind Allen of the Commission's staff to discuss Global's views concerning certain aspects of the Notice Proposed Rulemaking adopted in the above-referenced proceeding. A summary of Global's discussion is set forth in the attached written communication which was sent earlier today.

Two copies of this letter, and the attached letter of Global Cellular Communications, Inc. to Mr. Martin Liebman are being submitted to the Secretary of the Commission pursuant to Section 1.1206(a) of the Commission's rules.

Please contact the undersigned if there are any questions concerning this matter.

Sincerely yours,



Scott C. Cinnamon
Counsel to
Global Cellular Communications, Inc.

cc: Global Cellular Communications, Inc.

GLOBAL CELLULAR COMMUNICATIONS, INC.

*c/o 1920 N Street, N.W.
Suite 660
Washington, D.C. 20036
(202) 887-0600*

November 6, 1996

VIA FACSIMILE

Martin D. Liebman
Office of Plans and Policy
Federal Communications Commission
2025 M Street, N.W.
Room 5126-I
Washington, D.C. 20554
Fax No.: 418-7247

Re: FCC PR Docket No. 89-552
In the Matter of Amendment
of Part 90 Respecting 220 MHz

Dear Mr. Liebman:

At the suggestion of Rosalind Allen, I am faxing to you a copy of a proposed new subsection (f) for Section 90.159 of the Commission's Rules, as well as additional proposed text for Section 1.1102 of the Commission's Rules, for your review. This totally noncontroversial proposal is intended to streamline the deployment of nationwide 220 MHz systems, both commercial and noncommercial, by allowing nationwide 220 MHz licensees the same flexibility to construct additional locations within their licensed service area (i.e., the United States) during the initial ten-year license period that the FCC traditionally afforded to other, similar, geographically-based licensees, such as initial cellular licensees.

Initial cellular licensees were afforded a five-year period within which to fill in their respective geographic service areas by the filing of FCC Form 489 for each location within fifteen days after commencing operation from that location, and without the need for prior FCC approval. A copy of former Section 22.9(d)(7)(iii) of the FCC's Rules is enclosed for your convenience. This rule was subsequently changed when the FCC decided that cellular operators would never have to notify the FCC of additional locations constructed within their geographically licensed service areas.

We know of no person that would object to this rule change. We also know of no public policy reason underlying the current rule requiring prior FCC approval of each and every additional location.

GLOBAL CELLULAR COMMUNICATIONS, INC.

Martin D. Liebman
November 6, 1996
Page 2

The Commission has never articulated any policy reason for requiring prior approval for additional locations for nationwide licensees.

We believe that this is a simple matter, that it is within the scope of the NPRM, that if adopted by the FCC it would offend no person and prompt no petition for reconsideration from any person, and that it would conserve resources for both Commission personnel and nationwide 220 MHz licensees. Please see if you can have these proposed rule sections added to the new rules to be adopted in the Order which we expect to be released soon in the above-referenced rulemaking proceeding.

Thank you for your continued hard work on this rulemaking proceeding.

Sincerely,



David J. Kaufman,
Corporate Secretary

Enclosures

cc (by hand w/encls.): David Siddall
Jackie Chorney
Rudolpho Baca
Jill Lockett

NEW SECTION 90.159(f) OF THE FCC RULES

(f) A nationwide 220 MHz licensee may construct and commence operation of additional locations without prior Commission approval, so long as:

- i) Operation under the technical parameters of the new location does not require a waiver of the Commission's Rules;
- ii) The licensee has determined that the proposed facility will not significantly affect the environment as defined in Section 1.1307;
- iii) The licensee has determined that the proposed station affords the level of protection to radio "quite" zones and monitoring facilities as specified in Section 90.177;
- iv) The proposed antenna structure has been previously studied by the Federal Aviation Administration and determined to pose no hazard to aviation safety as required by Section 17.4 of the Commission's Rules, or the proposed antenna or tower structure does not exceed 6.1 meters (20 feet) above ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has not been previously studied by the Federal Aviation Administration and cleared by the FCC.

In order to avail itself of the right to operate under this subsection, the nationwide 220 MHz licensee must file FCC Form 489 within fifteen (15) days after it commences operation from the involved location. Attached to the FCC Form 489 shall be the applicable pages from FCC Form 600 showing the station parameters. As to any particular location in a border area which would, under current or future treaty or similar arrangements with Mexico or Canada, be secondary to the operation of Mexican or Canadian co-channel licensees, such operation pursuant to this subsection shall be secondary to such Mexican or Canadian co-channel licensees. Until receipt of an FCC license respecting such location, the nationwide 220 MHz licensee shall post a "stamp-and-return" copy of its Form 489 filing as evidence of its authority to operate.

ADDITIONAL LANGUAGE FOR INSERTION INTO
SECTION 1.1102 OF THE FCC RULES
(TABLE OF FILING FEES)

<u>Service</u>	<u>FCC Form</u>	<u>Filing Fee</u>	<u>Filing Fee Code</u>
220 MHz (nationwide licensees)	489 (with appropriate pages from FCC Form 600)	\$45	

§22.1.

this part the authorization will automatically expire.

(c) License for mobile station—(1) Land mobile stations. These stations are considered to be associated with and covered by the authorization issued to the carrier serving the land mobile station. No additional authorization is required.

(2) Airborne Mobile Stations. Applications for a license for airborne mobile stations in the 459.675-459.975 MHz band, submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be filed on FCC Form 409. This form will also be used for the modification and renewal of such licenses. Such applications shall also be accompanied by the supplemental showing set forth in §22.15(1)(2).

(d) Permissive changes or minor modifications of authorization. The following changes do not require prior Commission authorization but merely notification. A Form 489 must be filed to notify of any permissive change and the licensee may commence service the day Form 489 is postmarked.

(1) Request to delete or change antenna obstruction markings;

(2) Change in points of communications (Rural Radio Service);

(3) Correction of coordinates, provided it is not a major amendment under §22.23(c);

(4) Construction and operation of additional transmitter locations on the same frequency as allowed under §22.117(b);

(5) Return of a license to its original specifications if a partial assignment is not timely completed. §22.39(b)(5)(iii).

(6) Modifications to base station facilities provided there is no increase to the reliable service area contour.

(7) Cellular Radio Service. The items listed above, excluding (a)(2) of this section, apply to the cellular radio service. In addition, in the cellular service the following are considered permissive changes:

(i) A change in or addition of a radio frequency.

(ii) A change to or addition of a cell site, provided that the CGSA is unchanged.

(iii) A change to or addition of a cell site during the five year fill-in period,

47 CFR Ch. I (10-1-94 Edition)

provided that the service area boundary, determined in accordance with §22.903(a), does not thereby extend outside of the RSA or MSA, except in accordance with a contract pursuant to §22.903(d)(2).

(Secs. 4, 303, 307, 48 Stat., as amended, 1082, 1083; (47 U.S.C. 154, 303, 307))

[44 FR 60572, Oct. 19, 1979, as amended at 45 FR 25804, Apr. 16, 1980; 49 FR 3326, Jan. 26, 1984; 50 FR 32201, Aug. 9, 1985; 50 FR 33545, Aug. 20, 1985; 51 FR 39754, Oct. 31, 1986; 52 FR 10572, Apr. 2, 1987; 55 FR 25841, June 25, 1990; 57 FR 13648, Apr. 17, 1992]

EFFECTIVE DATE NOTE: At 51 FR 39754, Oct. 31, 1986, §22.9(c)(2) was amended. This amendment contains information collection requirements that will not be effective until approval has been obtained from the Office of Management and Budget. A notice announcing such approval will be published in the FEDERAL REGISTER.

§22.10 [Reserved]

§22.11 Miscellaneous forms shared by all domestic public radio services.

(a) Licensee qualifications. FCC Form 430 ("Common Carrier and Satellite Radio Licensee Qualifications Report") shall be filed by Mobile Service licensees only as required by Form 490 (Application for Assignment or Transfer of Control Under Part 22).

(b) Renewal of station license. Except for renewal of special temporary authorizations, FCC Form 405 ("Application for Renewal of Station License") must be filed in duplicate by the licensee between thirty (30) and sixty (60) days prior to the expiration date of the license sought to be renewed. Whenever a group of station licenses in the same radio service are to be renewed simultaneously, a single "blanket" application may be filed to cover the entire group, if the application identifies each station by call sign and station location and if two copies are provided for each station affected. Applicants should note also any special renewal requirements under the rules for each radio service.

[44 FR 60572, Oct. 19, 1979, as amended at 45 FR 57291, Dec. 29, 1983; 49 FR 3326, Jan. 26, 1984; 53 FR 48910, Dec. 5, 1988]

EFFECTIVE DATE NOTE: At 53 FR 48910, Dec. 5, 1988, §22.11 was amended by revising paragraph (a). This amendment contains information collection requirements that will not

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be effected from the A notice published

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