

Subpart B—Applications and Licenses

§ 87.17 Scope.

Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the Commission and for the filing of applications for radio station licenses in the aviation services. Specific guidance for each type of radio service license in aviation services is set forth in this part.

[63 FR 68957, Dec. 14, 1998]

§ 87.18 Station license required.

(a) Except as noted in paragraph (b) of this section, stations in the aviation service must be licensed by the FCC either individually or by fleet.

(b) An aircraft station is licensed by rule and does not need an individual license issued by the FCC if the aircraft station is not required by statute, treaty, or agreement to which the United States is signatory to carry a radio, and the aircraft station does not make international flights or communications. Even though an individual license is not required, an aircraft station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

[61 FR 58011, Nov. 12, 1996]

§ 87.19 Basic eligibility.

(a) *General.* Foreign governments or their representatives cannot hold station licenses.

(b) *Aeronautical enroute and aeronautical fixed stations.* The following persons cannot hold an aeronautical enroute or an aeronautical fixed station license.

(1) Any alien or the representative of any alien;

(2) Any corporation organized under the laws of any foreign government;

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by a corporation organized under the laws of a foreign country; or

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or its representatives, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[53 FR 28940, Aug. 1, 1988, as amended at 61 FR 55581, Oct. 28, 1996]

§ 87.25 Filing of applications.

(a) [Reserved]

(b) An application must be filed with the Commission in accordance with part 1, subpart F of this chapter. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(c) One application may be submitted for the total number of aircraft stations in the fleet (fleet license).

(d) One application for aeronautical land station license may be submitted for the total number of stations in the fleet.

(e) One application for modification or transfer of control may be submitted for two or more stations when the individual stations are clearly identified and the following elements are the same for all existing or requested station licenses involved:

- (1) Applicant;
- (2) Specific details of request;
- (3) Rule part.

(f) One application must be submitted for each Civil Air Patrol wing. The application must show the total number of transmitters to be authorized. The wing need not notify the Commission each time the number of transmitters is altered. Upon renewal, the wing must notify the Commission of any change in the total number of transmitters.

[53 FR 28940, Aug. 1, 1988, as amended at 56 FR 64715, Dec. 12, 1991; 63 FR 68957, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

§ 87.27 License term.

(a) Licenses for aircraft stations will normally be issued for a term of ten

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years from the date of original issuance, or renewal.

(b) Licenses other than aircraft stations in the aviation services will normally be issued for a term of five years from the date of original issuance, or renewal.

(c) Licenses for developmental stations will be issued for a period not to exceed one year and are subject to change or to cancellation by the Commission at any time, upon reasonable notice but without a hearing.

[53 FR 28940, Aug. 1, 1988, as amended at 58 FR 68062, Dec. 23, 1993; 62 FR 40308, July 28, 1997; 63 FR 68957, Dec. 14, 1998]

§ 87.29 Partial grant of application.

Whenever the Commission, without a hearing, grants an application in part or with any privileges, terms, or conditions other than those requested, the action will be considered as a grant of the application unless the applicant, within 30 days from the date on which such grant is made, or from its effective date if a later day is specified, files with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 87.35 Cancellation of license.

When a station permanently discontinues operation the station license must be canceled in accordance with the procedures set forth in part 1 of this chapter.

[63 FR 68957, Dec. 14, 1998]

§ 87.37 Developmental license.

This section contains rules about the licensing of developmental operations subject to this part.

(a) *Showing required.* Each application for a developmental license must be accompanied by the following showing:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential;

(3) The program has reasonable promise of substantial contribution to the use of radio;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally qualified and possesses technical facilities for conduct of the program as proposed;

(6) The public interest, convenience and necessity will be served by the proposed operation.

(b) *Signature and statement of understanding.* The showing must be signed by the applicant.

(c) *Assignable frequencies.* Developmental stations may be authorized to use frequencies available for the service and class of station proposed. The number of frequencies assigned will depend upon the specific requirements of the developmental program and the number of frequencies available.

(d) *Developmental program.* (1) The developmental program as described by the applicant must be substantially followed.

(2) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions as considered necessary in the public interest, convenience or necessity.

(3) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

(e) *Use of developmental stations.* (1) Developmental stations must conform to all applicable technical and operating requirements contained in this part, unless a waiver is specifically provided in the station license.

(2) Communication with any station of a country other than the United States is prohibited unless specifically provided in the station license.

(3) The operation of a developmental station must not cause harmful interference to stations regularly authorized to use the frequency.

(f) *Report of operation required.* A report on the results of the developmental program must be filed within 60 days of the expiration of the license. A report must accompany a request for renewal of the license. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be