

Federal Communications Commission

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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

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used solely for the Commission's information. However, public disclosure is governed by § 0.467 of the Commission's rules. The report must include the following:

- (1) Results of operation to date.
- (2) Analysis of the results obtained.
- (3) Copies of any published reports.
- (4) Need for continuation of the program.
- (5) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

[53 FR 28940, Aug. 1, 1988, as amended at 54 FR 11719, Mar. 22, 1989; 63 FR 68957, Dec. 14, 1998]

§ 87.39 Equipment acceptable for licensing.

Transmitters listed in this part must be certificated for a particular use by the Commission based upon technical requirements contained in subpart D of this part.

[53 FR 28940, Aug. 1, 1988, as amended at 63 FR 36607, July 7, 1998]

§ 87.41 Frequencies.

(a) *Applicant responsibilities.* The applicant must propose frequencies to be used by the station consistent with the applicant's eligibility, the proposed operation and the frequencies available for assignment. Applicants must cooperate in the selection and use of frequencies in order to minimize interference and obtain the most effective use of stations. See subpart E and the appropriate subpart applicable to the class of station being considered.

(b) *Licensing limitations.* Frequencies are available for assignment to stations on a shared basis only and will not be assigned for the exclusive use of any licensee. The use of any assigned frequency may be restricted to one or more geographical areas.

(c) *Government frequencies.* Frequencies allocated exclusively to federal government radio stations may be licensed. The applicant for a government frequency must provide a satisfactory showing that such assignment is required for inter-communication with government stations or required for coordination with activities of the federal government. The Commission will coordinate with the appropriate

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government agency before a government frequency is assigned.

(d) *Assigned frequency.* The frequency coinciding with the center of an authorized bandwidth of emission must be specified as the assigned frequency. For single sideband emission, the carrier frequency must also be specified.

§ 87.43 Operation during emergency.

A station may be used for emergency communications in a manner other than that specified in the station license or in the operating rules when normal communication facilities are disrupted. The Commission may order the discontinuance of any such emergency service.

§ 87.45 Time in which station is placed in operation.

This section applies only to unicom stations and radionavigation land stations, excluding radionavigation land test stations. When a new license has been issued or additional operating frequencies have been authorized, the station or frequencies must be placed in operation no later than eight months from the date of grant. The licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies have been placed in operation.

[63 FR 68957, Dec. 14, 1998]

§ 87.47 Application for a portable aircraft station license.

A person may apply for a portable aircraft radio station license if the need exists to operate the same station on more than one U.S. aircraft.

§ 87.51 Aircraft earth station commissioning.

(a) [Reserved]

(b) Aircraft earth stations authorized to operate in the Inmarsat space segment must display the Commission license together with the commissioning certificate issued by Inmarsat. Notwithstanding the requirements of this paragraph, aircraft earth stations may operate in the Inmarsat space segment without an Inmarsat-issued commissioning certificate if written approval