

## § 27.1001

(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[67 FR 41856, June 20, 2002, as amended at 68 FR 43000, July 21, 2003]

### Subpart K—2385–2390 MHz Band

SOURCE: 67 FR 41857, June 20, 2002, unless otherwise noted.

#### § 27.1001 Scope.

This subpart sets out the regulations governing service in the 2385–2390 MHz band (2385–2390 MHz band).

#### § 27.1002 Permissible communications.

Licensees in the 2385–2390 MHz band are authorized to provide fixed or mobile service, including aeronautical mobile, subject to the technical requirements of this subpart.

#### § 27.1003 Coordination requirements.

(a) The licensee in the 2385–2390 MHz band will be issued a geographic area license on a nationwide basis in accordance with § 27.6(g).

(b) The licensee in the 2385–2390 MHz Band must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in part 1, § 1.924 of this chapter;

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). The Licensee in the

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2385–2390 MHz Band must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government aeronautical telemetry sites listed in footnote US363 of § 2.106 of this chapter.

(c) The licensee in the 2385–2390 MHz Band must file a separate station application with the Commission and obtain an individual station license prior to construction or operation of any station that would require approval of the Aeronautical Flight Test Radio Coordinating Council (AFTRCC). Any fixed sites or mobile units within the protection radii of the non-Government flight test operations listed in footnote US363 of § 2.106 of this chapter will require AFTRCC approval. The licensee in the 2385–2390 MHz Band must receive AFTRCC approval prior to filing an application and the application must contain a showing of AFTRCC approval.

(d) Prior to construction of a station, the 2385–2390 MHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(e) It is the licensee's responsibility to determine whether a referral to the Commission is needed for any individual station constructed.

(f) The application required in paragraphs (b) and (c) of this section must be filed on the Universal Licensing System.

#### § 27.1004 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 2385–2390 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 2385–2390 MHz licensee and is subject to the obligations and restrictions on the 2385–2390 MHz license as set forth in this subpart.

#### § 27.1005 2385–2390 MHz service licenses subject to competitive bidding.

Mutually exclusive initial applications for the 2385–2390 MHz Band license are subject to competitive bidding. The general competitive bidding

procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

#### § 27.1006 Designated entities.

(a) *Eligibility for small business provisions.*

(1) A very small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$15 million for the preceding three years.

(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[67 FR 41857, June 20, 2002, as amended at 68 FR 43000, July 21, 2003]

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