

ten (10) days of receiving written notification.

(c) In the event that the authorization for a co-channel Phase I base station, or fixed station transmitting on base station transmit frequencies, within an EA or Regional licensee's border is terminated or revoked, the EA or Regional licensee's channel obligations to such stations will cease upon deletion of the facility from the Commission's official licensing records, and the EA or Regional licensee then will be able to construct and operate without regard to the previous authorization.

[62 FR 15998, 15999, Apr. 3, 1997, as amended at 63 FR 68973, Dec. 14, 1998]

EFFECTIVE DATE NOTE: At 63 FR 68973, Dec. 14, 1998, §90.763 was amended by revising paragraph (b)(4). This section contains information collection and recordkeeping requirements, and the amendment will not become effective until approval has been given by the Office of Management and Budget.

§90.765 Licenses term for Phase II licenses.

Nationwide licenses authorized pursuant to §90.717(a), EA and Regional licenses authorized pursuant to §90.761, and non-nationwide licenses authorized pursuant to §§90.720 and 90.719(c) will be issued for a term not to exceed ten years.

§90.767 Construction and implementation of EA and Regional licenses.

(a) An EA or Regional licensee must construct a sufficient number of base stations (*i.e.*, base stations for land mobile and/or paging operations) to provide coverage to:

(1) At least one-third of the population of its EA or REAG within five years of the issuance of its initial license; and

(2) At least two-thirds of the population of its EA or REAG within ten years of the issuance of its initial license.

(b) EA and Regional licensees offering fixed services as part of their system, and EA and Regional licensees that have one or more incumbent, co-channel Phase I licensees authorized within their EA or REAG may meet the construction requirements of paragraph (a) of this section by dem-

onstrating an appropriate level of substantial service at their five- and ten-year benchmarks.

(c) Licensees must notify the Commission in accordance with §1.946 of this chapter of compliance with the Construction requirements of paragraphs (a) and (b) of this section.

(d) Failure by an EA or Regional licensee to meet the construction requirements of paragraph (a) or (b) of this section, as applicable, will result in automatic cancellation of its entire EA or Regional license. In such instances, EA or Regional licenses will not be converted to individual, site-by-site authorizations for already constructed stations.

(e) EA and Regional licensees will not be permitted to count the resale of the services of other providers in their EA or REAG, *e.g.*, incumbent, Phase I licensees, to meet the construction requirement of paragraph (a) or (b) of this section, as applicable.

(f) EA and Regional licensees will not be required to construct and place in operation, or commence service on, all of their authorized channels at all of their base stations or fixed stations.

[62 FR 15998, 15999, Apr. 3, 1997, as amended at 63 FR 68973, Dec. 14, 1998]

§90.769 Construction and implementation of Phase II nationwide licenses.

(a) A nationwide licensee must construct a sufficient number of base stations (*i.e.*, base stations for land mobile and/or paging operations) to provide coverage to:

(1) A composite area of at least 750,000 square kilometers or 37.5 percent of the United States population within five years of the issuance of its initial license; and

(2) A composite area of at least 1,500,000 square kilometers or 75 percent of the United States population within ten years of the issuance of its initial license.

(b) Nationwide licensees offering fixed services as part of their system may meet the construction requirements of paragraph (a) of this section by demonstrating an appropriate level of substantial service at their five- and ten-year benchmarks.

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(c) Licensees must notify the Commission in accordance with §1.946 of this chapter of compliance with the Construction requirements of paragraphs (a) and (b) of this section.

(d) Failure by a nationwide licensee to meet the construction requirements of paragraphs (a) or (b) of this section, as applicable, will result in automatic cancellation of its entire nationwide license. In such instances, nationwide licenses will not be converted to individual, site-by-site authorizations for already constructed stations.

(e) Nationwide licensees will not be required to construct and place in operation, or commence service on, all of their authorized channels at all of their base stations or fixed stations.

[62 FR 15998, 15999, Apr. 3, 1997, as amended at 63 FR 68973, Dec. 14, 1998]

§ 90.771 Field strength limits.

(a) The transmissions from base stations, or fixed stations transmitting on base station transmit frequencies, of EA and Regional licensees may not exceed a predicted 38 dBu field strength at their EA or REAG border. The predicted 38 dBu field strength is calculated using the F(50,50) field strength chart for Channels 7-13 in §73.699 (Fig. 10) of this chapter, with a 9 dB correction factor for antenna height differential.

(b) Licensees will be permitted to exceed the predicted 38 dBu field strength required in paragraph (a) of this section if all affected, co-channel EA and Regional licensees agree to the higher field strength.

(c) EA and Regional licensees must coordinate to minimize interference at or near their EA and REAG borders, and must cooperate to resolve any instances of interference in accordance with the provisions of §90.173(b).

Subpart U—Competitive Bidding Procedures for 900 MHz Specialized Mobile Radio Service

SOURCE: 60 FR 48919, Sept. 21, 1995, unless otherwise noted.

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§ 90.801 900 MHz SMR spectrum subject to competitive bidding.

Mutually exclusive initial applications for 900 MHz SMR service licenses 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.

[67 FR 43575, July 9, 2002]

§§ 90.802—90.803 [Reserved]

§ 90.804 Aggregation of 900 MHz SMR licenses.

The Commission will license each 10-channel block in the 900 MHz SMR spectrum separately. Applicants may aggregate across spectrum blocks within the limitation specified in §20.6(b) of this chapter.

§§ 90.805—90.806 [Reserved]

§ 90.807 Submission of upfront payments.

Each bidder in the 900 MHz SMR auction will be required to submit an upfront payment of \$0.02 per MHz per pop, for the maximum number of licenses (in terms of MHz-pops) on which it intends to bid.

[67 FR 45376, July 9, 2002]

§ 90.808 [Reserved]

§ 90.809 License grants.

MTA licenses pursued through competitive bidding will be granted pursuant to the requirements specified in §1.945 of this chapter.

[67 FR 45376, July 9, 2002]

§ 90.810 Bidding credits for small businesses.

A winning bidder that qualifies as a small business, as defined in §90.814(b)(1), or a consortium of small businesses may use a bidding credit of 15 percent to lower the cost of its winning bid on any of the blocks identified in §90.617(d), Table 4B. A winning bidder that qualifies as a small business, as defined in §90.814(b)(2), or a consortium of small businesses may use a bidding credit of 10 percent to lower the cost of its winning bid on any of the