

Federal Communications Commission

§ 22.946

decisions or otherwise engage in practices or activities that determine, or significantly influence,

- (i) The nature or types of services offered by such licensee;
- (ii) The terms upon which such services are offered; or
- (iii) The prices charged for such services.

(9) Any licensee or its affiliate who enters into a joint marketing arrangements with a cellular, licensee, or its affiliate shall be considered to have an attributable interest, if such licensee, or its affiliate, has authority to make decisions or otherwise engage in practices or activities that determine, or significantly influence,

- (i) The nature or types of services offered by such licensee;
- (ii) The terms upon which such services are offered; or
- (iii) The prices charged for such services.

[64 FR 54576, Oct. 7, 1999, as amended at 67 FR 1642, Jan. 14, 2002; 67 FR 4675, Jan. 31, 2002]

§ 22.943 Limitations on transfer of control and assignment for authorizations issued as a result of a comparative renewal proceeding.

Except as otherwise provided in this section, the FCC does not accept applications for consent to transfer of control or for assignment of the authorization of a cellular system that has been acquired by the current licensee for the first time as a result of a comparative renewal proceeding until the system has provided service to subscribers for at least three years.

(a) The FCC may accept and grant applications for consent to transfer of control or for assignment of the authorization of a cellular system that is to be transferred as a part of a bona fide sale of an on-going business to which the cellular operation is incidental.

(b) The FCC may accept and grant applications for consent to transfer of control or for assignment of the authorization of a cellular system that is to be transferred as a result of the death of the licensee.

(c) The FCC may accept and grant applications for consent to transfer of control or for assignment of authorization if the transfer or assignment is

pro forma and does not involve a change in ownership.

[67 FR 77192, Dec. 17, 2002]

§ 22.946 Service commencement and construction systems.

(a) *Commencement of service.* New cellular systems must be at least partially constructed and begin providing cellular service to subscribers within the service commencement periods specified in Table H-1 of this section. Service commencement periods begin on the date of grant of the initial authorization, and are not extended by the grant of subsequent authorizations for the cellular system (such as for major modifications). The licensee must notify the FCC (FCC Form 601) after the requirements of this section are met (see § 1.946 of this chapter).

TABLE H-1—COMMENCEMENT OF SERVICE

Type of cellular system	Required to commence service in
The first system authorized on each channel block in markets 1-90.	36 months.
The first system authorized on each channel block in all other markets and any subsequent systems authorized pursuant to contracts in partitioned markets.	18 months.
The first system authorized on each channel block in the Gulf of Mexico Exclusive Zone.	No requirement.
All other systems	12 months.

(b) To satisfy this requirement, a cellular system must be interconnected with the public switched telephone network (PSTN) and must be providing service to mobile stations operated by its subscribers and roamers. A cellular system is considered to be providing service only if mobile stations can originate telephone calls to and receive telephone calls from wireline telephones through the PSTN.

(c) *Construction period for specific facilities.* The construction period applicable to specific new or modified cellular facilities for which a separate authorization is granted is one year, beginning on the date the authorization is granted.

[67 FR 9609, Mar. 4, 2002, as amended at 67 FR 77192, Dec. 17, 2002]