

base station licensee will be responsible for assuring that its system is operated in compliance with all applicable rules and regulations.

(b) Customers that operate mobile units on a particular Specialized Mobile Radio system will be licensed to that system. A customer that operates temporarily on more than one system will be deemed, when communicating with the other system, to be temporarily licensed to the other system and for that temporary period, the licensee of the other system will assume the same licensee responsibility for the customer's mobile station(s) as if the customer's stations were licensed to that other system.

[57 FR 40851, Sept. 8, 1992, as amended at 62 FR 18935, Apr. 17, 1997]

§ 90.658 Loading data required for base station licensees of trunked Specialized Mobile Radio systems to acquire additional channels or to renew trunked systems licensed before June 1, 1993.

(a) A base station licensee of a trunked system applying for its first renewal in a waiting list area for a system licensed before June 1, 1993 must identify, using FCC Form 601, the number of mobiles and control stations loaded on its system as calculated in paragraph (b) of this section.

(b) The number described in paragraph (a) of this section must be calculated by averaging the number of mobiles and control stations operating on a licensee's system on the first business day of each of the six months immediately preceding the filing of an application and must be based on the licensee's business records for that period. Alternative calculations will be permitted upon good cause showings of special circumstances.

(c) Business records may constitute invoices, customer service agreements, customer lists or any other type of record kept in the ordinary course of business.

(d) The FCC will use the loading data required by this section to determine whether the licensee's existing system has a sufficient number of mobiles as required by 47 CFR chapter I to qualify for additional channels or for the first

renewal of trunked systems licensed before June 1, 1993.

[57 FR 40851, Sept. 8, 1992, as amended at 63 FR 68970, Dec. 14, 1998]

POLICIES GOVERNING THE LICENSING AND USE OF MTA-BASED SMR SYSTEMS IN THE 896-901/935-940 MHZ BAND

§ 90.661 MTA-based SMR service areas.

MTA licenses for SMR spectrum blocks in the 896-901/935-940 MHz band listed in table 4B of § 90.617(d) are available in 51 Major Trading Areas (MTAs) as defined in § 90.7. Within these MTAs, licenses will be authorized in ten channel blocks as specified in table 4B of § 90.617(d) through the competitive bidding procedures described in subpart U of this part.

[60 FR 21991, May 4, 1995]

§ 90.663 MTA-based SMR system operations.

(a) MTA-based licensees authorized in the 896-901/935-940 MHz band pursuant to § 90.661 may construct and operate base stations using any frequency identified in their spectrum block anywhere within their authorized MTA, provided that:

(1) The MTA licensee affords protection, in accordance with § 90.621(b), to all sites for which applications were filed on or prior to August 9, 1994.

(2) The MTA licensee complies with any rules and international agreements that restrict use of frequencies identified in their spectrum block, including the provisions of § 90.619 relating to U.S./Canadian and U.S./Mexican border areas.

(3) The MTA licensee limits its field strength at any location on the border of the MTA service area in accordance with § 90.671 and masks its emissions in accordance with § 90.669.

(b) In the event that the authorization for a previously authorized co-channel station within the MTA licensee's authorized spectrum block is terminated or revoked, the MTA licensee's co-channel obligations to such station will cease upon deletion of the facility from the Commission's licensing record. The MTA licensee then will be

§ 90.665

able to construct and operate base stations using such frequency.

[60 FR 21991, May 4, 1995]

§ 90.665 Authorization, construction and implementation of MTA licenses.

(a) MTA licenses in the 896–901/935–940 MHz band will be issued for a term not to exceed ten years.

(b) MTA licensees in the 896–901/935–940 MHz band will be permitted five years to construct their stations. This five-year period will commence with the issuance of the MTA-wide authorization and will apply to all of the licensee's stations within the MTA spectrum block, including any stations that may have been subject to an earlier construction deadline arising from a pre-existing authorization.

(c) Each MTA licensee in the 896–901/935–940 MHz band must, three years from the date of license grant, construct and place into operation a sufficient number of base stations to provide coverage to at least one-third of the population of the MTA; further, each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant. Alternatively, an MTA licensee must demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service. An MTA licensee must, three years from license grant, either show that the $\frac{1}{3}$ population coverage standard has been satisfied, or provide written notification that it has elected to show substantial service to the MTA five years from license grant. In addition, as part of the election to provide a substantial service showing, each MTA licensee must, three years from license grant, indicate how it expects to demonstrate substantial service at five years. The MTA licensee must meet the population coverage benchmarks regardless of the extent to which incumbent licensees are present within the MTA block.

(d) MTA licensees who fail to meet the coverage requirements imposed at either the third or fifth years of their license term, or to make a convincing showing of substantial service, will forfeit the portion of the MTA license

47 CFR Ch. I (10–1–05 Edition)

that exceeds licensed facilities constructed and operating on the date of the MTA license grant.

[60 FR 21991, May 4, 1995, as amended at 60 FR 48918, Sept. 21, 1995; 60 FR 61487, Nov. 30, 1995; 64 FR 39942, July 23, 1999]

§ 90.667 Grandfathering provisions for incumbent licensees.

(a) These provisions apply to all 900 MHz SMR licensees who obtained licenses or filed applications for secondary sites on or before August 9, 1994 (“incumbent licensees”), as well as to all 900 MHz SMR licensees who obtained authorizations pursuant to § 90.173(k). An incumbent licensee's service area shall be defined by its originally-licensed 40 dBu field strength contour. Incumbent licensees are permitted to add new or modify transmit sites in this existing service area without prior notification to the Commission so long as their original 40 dBu field strength contour is not expanded.

(b) Incumbent licensees operating at multiple sites may, after grant of MTA licenses has been completed, exchange multiple site licenses for a single license, authorizing operations throughout the contiguous and overlapping 40 dBu field strength contours of the multiple sites. Incumbents exercising this license exchange option must submit specific information for each of their external base sites after the close of the 900 MHz SMR auction.

(c) Applications in the 900 MHz SMR service for secondary sites filed after August 9, 1994 shall be authorized on a secondary, non-interference basis to MTA licensee operations. No secondary sites shall be granted on this basis in an MTA once the MTA licensee has been selected.

[60 FR 48918, Sept. 21, 1995]

§ 90.669 Emission limits.

(a) On any frequency in an MTA licensee's spectrum block that is adjacent to a non-MTA frequency, the power of any emission shall be attenuated below the transmitter power (P) by at least 43 plus $10 \log_{10}(P)$ decibels or 80 decibels, whichever is the lesser attenuation.