

the channel will be available for assignment to other licensees. All authorizations for conventional systems are issued subject to this potential channel sharing condition.

(c) Except as provided in §90.629 of this part, licensees of conventional systems must place their authorized stations in operation not later than one year after the date of grant of the system license.

(d) If a station is not placed in operation within one year, except as provided in Section 90.629 of this part, the license cancels automatically. For purposes of this section, a base station is not considered to be in operation unless at least one associated mobile station is also in operation.

(e) A non-SMR licensee may apply for additional frequency pairs if its authorized conventional channel(s) is loaded to seventy (70) mobiles. Applications may be considered for additional channels in areas where spectrum is still available and not applied for, even if the already authorized channel(s) is not loaded to 70 mobile units, upon an appropriate demonstration of need.

(f) Wide area systems may be authorized to persons eligible for licensing under subparts B or C of this part upon an appropriate showing of need. For loading purposes, if the total number of mobile stations justifies the total number of authorized based frequencies in a given area, the system will be construed to be loaded.

(g) Regional, statewide, or ribbon configuration systems may be authorized to persons eligible for licensing under subparts B or C of this part upon an appropriate showing of need. In a ribbon, regional or statewide system, a mobile station will be counted for channel loading purposes only for the base station facility in the geographic area in which it primarily operates. If this cannot be determined, it will be counted fractionally over the number of base station facilities with which it communicates regularly.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 51929, Nov. 15, 1983; 56 FR 65860, Dec. 19, 1991; 59 FR 59966, Nov. 21, 1994; 62 FR 18935, Apr. 17, 1997; 64 FR 10397, Mar. 4, 1999]

TECHNICAL REGULATIONS REGARDING THE USE OF FREQUENCIES IN THE 806-824 MHz, 851-869 MHz, 896-901 MHz, AND 935-940 MHz BANDS

**§ 90.635 Limitations on power and antenna height.**

(a) The effective radiated power and antenna height for base stations may not exceed 1 kilowatt (30 dBw) and 304 m. (1,000 ft.) above average terrain (AAT), respectively, or the equivalent thereof as determined from the Table. These are maximum values, and applicants will be required to justify power levels and antenna heights requested.

(b) The maximum output power of the transmitter for mobile stations is 100 watts (20 dBw).

TABLE—EQUIVALENT POWER AND ANTENNA HEIGHTS FOR BASE STATIONS IN THE 851-869 MHz AND 935-940 MHz BANDS WHICH HAVE A REQUIREMENT FOR A 32 KM (20 MI) SERVICE AREA RADIUS

Antenna height (ATT) meters (feet)	Effective radiated power (watts) <sup>1,2,4</sup>
Above 1,372 (4,500) .....	65
Above 1,220 (4,000) to 1,372 (4,500) .....	70
Above 1,067 (3,500) to 1,220 (4,000) .....	75
Above 915 (3,000) to 1,067 (3,500) .....	100
Above 763 (2,500) to 915 (3,000) .....	140
Above 610 (2,000) to 763 (2,500) .....	200
Above 458 (1,500) to 610 (2,000) .....	350
Above 305 (1,000) to 458 (1,500) .....	600
Up to 305 (1,000) .....	<sup>3</sup> 1,000

<sup>1</sup> Power is given in terms of effective radiated power (ERP).  
<sup>2</sup> Applicants in the Los Angeles, CA, area who demonstrate a need to serve both the downtown and fringe areas will be permitted to utilize an ERP of 1 kw at the following mountaintop sites: Santiago Park, Sierra Peak, Mount Lukens, and Mount Wilson.

<sup>3</sup> Stations with antennas below 305 m (1,000 ft) (AAT) will be restricted to a maximum power of 1 kw (ERP).

<sup>4</sup> Licensees in San Diego, CA, will be permitted to utilize an ERP of 500 watts at the following mountaintop sites: Palomar, Otay, Woodson and Miguel.

[70 FR 61062, Oct. 20, 2005]

**§ 90.637 Restrictions on operational fixed stations.**

(a) Except for control stations, operational fixed operations will not be authorized in the 806-824 MHz, 851-869 MHz, 896-901 MHz, or 935-940 MHz bands. This does not preclude secondary fixed tone signaling and alarm operations authorized in §90.235 or in paragraph (c) of this section.

(b) Control stations associated with one or more mobile relay stations will

be authorized only on the assigned frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference shall not be caused to stations of licensees authorized to use the frequency for mobile service communications.

(c) Trunked and conventional systems that have exclusive-use status in their respective geographic areas may conduct fixed ancillary signaling and data transmissions subject to the following requirements:

(1) All operations must be on a secondary, non-interference basis to the primary mobile operation of any other licensee.

(2) The output power at the remote site must not exceed 30 watts.

(3) Any fixed transmitters will not count toward meeting the mobile loading requirements nor be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.

(4) Automatic means must be provided to deactivate the remote transmitter in the event the carrier remains on for a period in excess of three minutes.

(5) Operational fixed stations authorized pursuant to the provisions of paragraphs (c) and (d) of this section are exempt from the requirements of §§ 90.425 and 90.429.

(d) Conventional systems that do not have exclusive-use status in their respective geographic areas may conduct fixed ancillary signaling and data transmissions only in accordance with all the provisions of § 90.235.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 51929, Nov. 15, 1983; 49 FR 36377, Sept. 17, 1984; 51 FR 37405, Oct. 22, 1986; 52 FR 1332, Jan. 13, 1987; 53 FR 12157, Apr. 13, 1988; 57 FR 34693, Aug. 6, 1992]

**§ 90.645 Permissible operations.**

Conventional and trunked radio systems may be used:

(a) Only for purposes expressly allowed under this part.

(b) Only persons who are eligible for facilities, either under this subpart or in the radio service included under subparts B or C of this part.

(c) Except for licensees classified as CMRS providers under part 20 of this chapter, only for the transmission of messages or signals permitted in the services in which the participants are eligible.

(d) For digital or analog transmissions.

(e) An SMRS licensee or a licensee who has been authorized a channel(s) on an exclusive basis, may use the system for the transmission of any base/mobile message, page or signal permitted in the service in which the participants are eligible.

(f) Where the channel(s) is assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree, more than a single emission may be utilized within the authorized bandwidth. In such cases, the frequency stability requirements of § 90.213 shall not apply, but out-of-band emission limits of § 90.209 shall be met.

(g) Up to five (5) contiguous 809-816/854-861 band channels as listed in §§ 90.615, 90.617, and 90.619 may be authorized after justification for systems requiring more than the normal single channel bandwidth. If necessary, licensees may trade channels amongst themselves in order to obtain contiguous frequencies. Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission by filing an application for license modification.

(h) Up to 10 contiguous 896-901/935-940 MHz band channels as listed in § 90.617 may be combined for systems requiring more than the normal single channel bandwidth. If necessary, licensees may trade channels amongst themselves in order to obtain contiguous frequencies. Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission by filing an application for license modification.

(i) Paging operations may be utilized on multiple licensed facilities (community repeaters) only when all licensees of the facility agree to such use.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 51929, Nov. 15, 1983; 51 FR 37405, Oct. 22, 1986; 59 FR 59966, Nov. 21, 1994; 62 FR 18935, Apr. 17, 1997; 63 FR 68970, Dec. 14, 1998; 69 FR 67849, Nov. 22, 2004]