(c) *Channel use requirement.* In addition to the population coverage requirements described in this section, we will require EA licensees in Channel blocks A, B and C in the 816–821/861–866 MHz band to construct 50 percent of the total channels included in their spectrum block in at least one location in their respective EA-based service area within three years of initial license grant and to retain such channel usage for the remainder of the construction period.

(d) An EA licensee's failure to meet the population coverage requirements of paragraphs (b) and (c) of this section, will result in forfeiture of the entire EA license. Forfeiture of the EA license, however, would not result in the loss of any constructed facilities authorized to the licensee prior to the date of the commencement of the auction for the EA licenses.

(e) EA licensees operating on channels listed in §90.614(b) and (c) must implement an Enhanced Specialized Mobile Radio (ESMR) system—as defined in §90.7—on their EA license and any associated site-based licenses prior to the expiration date of the EA license. EA licensees operating on these channels shall follow the construction notification procedures set forth in §1.946(d) of this chapter. Failure to implement an ESMR system on their EA and site-based licenses before the expiration date of the EA license will result in termination of the EA license and any associated site-based licenses pursuant to §1.946(c) of this chapter.

[62 FR 41216, July 31, 1997, as amended at 69 FR 67852, Nov. 22, 2004; 70 FR 6760, Feb. 8, 2005; 70 FR 76712, Dec. 28, 2005]

§ 90.687 Special provisions regarding assignments and transfers of authorizations for incumbent SMR licensees in the 809–824/854–869 MHz band.

An SMR license initially authorized on any of the channels listed in Tables 4 and 5 of §90.617 may transfer or assign its channel(s) to another entity subject to the provisions of §1.948 of this chapter and §90.609(b). If the proposed transferee or assignee is the EA licensee for the spectrum block to which the channel is allocated, such transfer or assignment presumptively will be deemed to be in the public interest. However, such presumption will be rebuttable.

[69 FR 67852, Nov. 22, 2004]

§ 90.689 Field strength limits.

(a) For purposes of implementing §§90.689 through 90.699, predicted 36 and 40 dBµV/m contours shall be calculated using Figure 10 of §73.699 of this chapter with a correction factor of −9 dB, and predicted 18 and 22 dBµV/m contours shall be calculated using Figure 10a of §73.699 of this chapter with a correction factor of −9 dB.

(b) The predicted or measured field strength at any location on the border of the EA-based service area for EA licensees must not exceed 40 dBuV/m unless all bordering EA licensees agree to a higher field strength. In the event that this standard conflicts with the EA licensee's obligation to provide co-channel protection to incumbent licensees pursuant to §90.621(b), the requirements of §90.621(b) shall prevail.

[61 FR 6158, 6159, Feb. 16, 1996, as amended at 62 FR 41216, July 31, 1997]

§ 90.691 Emission mask requirements for EA-based systems.

(a) Out-of-band emission requirement shall apply only to the ''outer'' channels included in an EA license and to spectrum adjacent to interior channels used by incumbent licensees. The emission limits are as follows:

(1) For any frequency removed from the EA licensee's frequency block by up to and including 37.5 kHz, the power of any emission shall be attenuated below the transmitter power (P) in watts by at least 116 Log_{10}(f/6.1) decibels or 50 + 10 Log_{10}(P) decibels or 80 decibels, whichever is the lesser attenuation, where f is the frequency removed from the center of the outer channel in the block in kilohertz and where f is greater than 12.5 kHz.

(2) For any frequency removed from the EA licensee's frequency block greater than 37.5 kHz, the power of any emission shall be attenuated below the transmitter power (P) in watts by at least 43 + 10Log_{10}(P) decibels or 80 decibels, whichever is the lesser attenuation, where f is the frequency removed from the center of the outer channel in