

## § 101.95

are not comparable to the former facilities, the Commission may require the FSS licensee to further modify or replace the FS licensee's equipment.

[65 FR 54173, Sept. 7, 2000, as amended at 66 FR 63516, Dec. 7, 2001]

### § 101.95 Sunset provisions for licensees in the 18.30–19.30 GHz band.

(a) FSS licensees are not required to pay relocation costs after the relocation rules sunset (see §§ 74.502(c), 74.602(g), and 78.18(a)(4) of this chapter, and 101.147 (a) and (r)). Once the relocation rules sunset, an FSS licensee may require the incumbent to cease operations, provided that the FSS licensee intends to turn on a system within interference range of the incumbent, as determined by TIA Bulletin 10-F or any standard successor. FSS licensee notification to the affected FS licensee must be in writing and must provide the incumbent with no less than six months to vacate the spectrum. After the six-month notice period has expired, the FS licensee must turn its license back into the Commission, unless the parties have entered into an agreement which allows the FS licensee to continue to operate on a mutually agreed upon basis.

(b) If the parties cannot agree on a schedule or an alternative arrangement, requests for extension will be accepted and reviewed on a case-by-case basis. The Commission will grant such extensions only if the incumbent can demonstrate that:

(1) It cannot relocate within the six-month period (e.g., because no alternative spectrum or other reasonable option is available); and

(2) The public interest would be harmed if the incumbent is forced to terminate operations (e.g., if public safety communications services would be disrupted).

## 47 CFR Ch. I (10–1–09 Edition)

### § 101.97 Future licensing in the 18.30–19.30 GHz band.

(a) All major modifications and extensions to existing FS systems in the 18.3–18.58 band after November 19, 2002, or in the 18.58–19.30 band after June 8, 2000 (with the exception of certain low power operations authorized under § 101.147(r)(10)) will be authorized on a secondary basis to FSS systems. All other modifications will render the modified FS license secondary to FSS operations, unless the incumbent affirmatively justifies primary status and the incumbent FS licensee establishes that the modification would not add to the relocation costs for FSS licensees. Incumbent FS licensees will maintain primary status for the following technical changes:

- (1) Decreases in power;
- (2) Minor changes (increases or decreases) in antenna height;
- (3) Minor location changes (up to two seconds);
- (4) Any data correction which does not involve a change in the location of an existing facility;
- (5) Reductions in authorized bandwidth;
- (6) Minor changes (increases or decreases) in structure height;
- (7) Changes (increases or decreases) in ground elevation that do not affect centerline height;
- (8) Minor equipment changes.
- (9) Changes in ownership or control.

(b) The provisions of § 101.83 are applicable, notwithstanding any other provisions of this section.

[65 FR 54173, Sept. 7, 2000, as amended at 66 FR 63516, Dec. 7, 2001; 68 FR 19698, Apr. 8, 2003]

## Subpart C—Technical Standards

### § 101.101 Frequency availability.

Frequency band (MHz)	Radio service				Notes
	Common carrier (Part 101)	Private radio (Part 101)	Broadcast auxiliary (Part 74)	Other (Parts 15, 21, 22, 24, 25, 74, 78 & 100)	
928–929 .....	MAS .....	MAS .....	.....	PRS.	(1).
932.0–932.5 .....	MAS .....	MAS .....	.....	PRS.	
932.5–935.0 .....	CC .....	OFS .....	.....	.....	