

demonstration that the proposed space station will comply with the power flux density limits set forth in § 25.208(w) of this part.

(ii) In cases where the proposed space station will not comply with the power flux density limits set forth in § 25.208(w) of this part, the applicant will be required to provide a certification that all potentially affected parties acknowledge and do not object to the use of the applicant's higher power flux densities. The affected parties with whom the applicant must coordinate are those GSO 17/24 GHz BSS satellite networks located up to  $\pm 6^\circ$  away for excesses of up to 3 dB above the power flux-density levels specified in § 25.208(w) of this part, and up to  $\pm 10^\circ$  away greater for excesses greater than 3 dB above those levels.

(iii) An applicant proposing to provide international service in the 17.7–17.8 GHz band must demonstrate that it will meet the power flux density limits set forth in § 25.208(c) of this part.

(16) In addition to the requirements of paragraph (d)(15) of this section, each applicant for a license to operate a 17/24 GHz BSS space station that will be used to provide video programming directly to consumers in the United States, that will not meet the requirements of § 25.225 of this part, must include as an attachment to its application a technical analysis demonstrating that providing video programming service to consumers in Alaska and Hawaii that is comparable to the video programming service provided to consumers in the 48 contiguous United States (CONUS) is not feasible as a technical matter or that, while technically feasible, such service would require so many compromises in satellite design and operation as to make it economically unreasonable.

(17) An applicant seeking to operate a space station in the 17/24 GHz broadcasting-satellite service pursuant to the provisions of § 25.262(b) of this part, at an offset location no greater than one degree offset from an orbital location specified in Appendix F of the Report and Order adopted May 2, 2007, IB Docket No. 06–123, FCC 07–76, must submit a written request to that effect as part of the narrative portion of its application.

(e) Applicants requesting authority to launch and operate a system comprised of technically identical, non-geostationary satellite orbit space stations may file a single “blanket” application containing the information specified in paragraphs (c) and (d) of this section for each representative space station.

[68 FR 63997, Nov. 12, 2003, as amended at 69 FR 29901, May 26, 2004; 69 FR 47794, Aug. 6, 2004; 69 FR 54587, Sept. 9, 2004; 72 FR 50027, Aug. 29, 2007; 72 FR 60278, Oct. 24, 2007]

#### § 25.115 Application for earth station authorizations.

(a)(1) *Transmitting earth stations.* Commission authorization must be obtained for authority to operate a transmitting earth station. Applications shall be filed electronically on FCC Form 312, Main Form and Schedule B, and include the information specified in § 25.130, except as set forth in paragraph (a)(2) of this section.

(2) Applicants for licenses for transmitting earth station facilities are required to file on Form 312EZ, to the extent that form is available, in the following cases:

(i) The earth station will transmit in the 3700–4200 MHz and 5925–6425 MHz band, and/or the 11.7–12.2 GHz and 14.0–14.5 GHz band; and

(ii) The earth station will meet all the applicable technical specifications set forth in part 25 of this chapter.

(iii) The earth station is not an ESV.

(3) If Form 312EZ is not available, earth station license applicants specified in paragraph (a)(2) must file on FCC Form 312, Main Form and Schedule B, and include the information specified in § 25.130.

(4) Applications for earth station authorizations must be filed in accordance with the pleading limitations, periods and other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such earth station applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter;

(b) Receive-only earth stations. Applications to license or register receive only earth stations shall be filed on

FCC Form 312, Main Form and Schedule B, and conform to the provisions of § 25.131.

(c)(1) Large Networks of Small Antennas operating in the 11.7–12.2 GHz and 14.0–14.5 GHz frequency bands with U.S.-licensed or non-U.S.-licensed satellites for domestic or international services. Applications to license small antenna network systems operating in the 11.7–12.2 GHz and 14.0–14.5 GHz frequency band under blanket operating authority shall be filed on FCC Form 312 and Schedule B, for each large (5 meters or larger) hub station, and Schedule B for each representative type of small antenna (less than 5 meters) operating within the network.

(c)(2) Large Networks of Small Antennas operating in the 4/6 GHz frequency bands with U.S.-licensed or non-U.S. licensed satellites for domestic services (CSATs). Applications to license small antenna network systems operating in the standard C-Band, 3700–4200 MHz and 5925–6425 MHz frequency band shall be filed electronically on FCC Form 312, Main Form and Schedule B.

(i) An initial lead application providing a detailed overview of the complete network shall be filed. Such lead applications shall fully identify the scope and nature of the service to be provided, as well as the complete technical details of each representative type of small antenna (less than 4.5 meters) that will operate within the network. Such lead applications for a single CSAT system must identify:

(A) No more than three discrete geostationary satellites to be accessed;

(B) The amount of frequency bandwidth sought, up to a maximum of 20 MHz of spectrum in each direction at each of the satellites (The same 20 MHz of uplink and 20 MHz of downlink spectrum at each satellite would be accessible by all CSAT earth stations in the system. The 20 MHz of uplink and 20 MHz of downlink spectrum need not be the same at each satellite location);

(C) The maximum number of earth station sites;

(ii) Following the issuance of a license for the lead application, the licensee shall notify the Commission of the complete technical parameters of each individual earth station site be-

fore that site is brought into operation under the lead authorization. Full frequency coordination of each individual site (e.g., for each satellite and the spectrum associated therewith) shall be completed prior to filing Commission notification. The coordination must be conducted in accordance with § 25.203. Such notification shall be done by electronic filing and shall be consistent with the technical parameters of Schedule B of FCC Form 312.

(iii) Following successful coordination of such an earth station, if the earth station operator does not file a lead application or a Schedule B within six months after it successfully completes coordination, it will be assumed that such frequency use is no longer desired, unless a second notification has been received within ten days prior to the end of the six month period. Such renewal notifications must be sent to all parties concerned. If the lead application or Schedule B, or renewal notification, is not timely received, the coordination will lapse and the licensee must re-coordinate the relevant earth stations if it still wishes to bring them into operation.

(iv) Operation of each individual site may commence immediately after the public notice is released that identifies the notification sent to the Commission and if the requirements of paragraph (c)(2)(vi) of this section are met. Continuance of operation of each station for the duration of the lead license term shall be dependent upon successful completion of the normal public notice process. If any objections are received to the new station prior to the end of the 30 day comment period of the Public Notice, the licensee shall immediately cease operation of those particular stations until the coordination dispute is resolved and the CSAT licensee informs the Commission of the resolution. If the requirements of paragraph (c)(2)(vi) of this section are not met, operation may not commence until the Commission issues the public notice acting on the CSAT terminal authorization.

(v) Each CSAT licensee shall annually provide the Commission an updated list of all operational earth stations in its system. The annual list

shall also include a list of all earth stations deactivated during the year and identification of the satellites providing service to the network as of the date of the report.

(vi) *Conditional authorization.* (A) An applicant for a new CSAT radio station or modification of an existing CSAT station authorized under paragraph (c)(2)(i) of this section in the 3700–4200; or 5925–6425 MHz bands may operate the proposed station during the pendency of its application after the release of the public notice accepting the notification for filing that complies with paragraph (c)(2)(ii) of this section. The applicant, however, must first certify that the following conditions are satisfied:

(1) The frequency coordination procedures of § 25.203 have been successfully completed;

(2) The antenna structure has been previously studied by the Federal Aviation Administration and determined to pose no hazard to aviation safety as required by subpart B of part 17 of this chapter; or the antenna or tower structure does not exceed 6.1 meters above ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has not been previously studied by the Federal Aviation Administration and cleared by the FCC;

(3) The grant of the application(s) does not require a waiver of the Commission's rules (with the exception of a request for waiver pertaining to fees);

(4) The applicant has determined that the facility(ies) will not significantly affect the environment as defined in § 1.1307 of this chapter;

(5) The station site does not lie within 56.3 kilometers of any international border or within a radio "Quiet Zone" identified in § 1.924 of this chapter; and

(6) The filed application is consistent with the proposal that was coordinated pursuant to § 25.251.

(B) Conditional authority ceases immediately if the Schedule B is returned by the Commission because it is not accepted for filing.

(C) A conditional authorization pursuant to paragraphs (c)(2)(vi)(A) and (c)(2)(vi)(B) of this section is evidenced by retaining a copy of the Schedule B notification with the station records.

Conditional authorization does not prejudice any action the Commission may take on the subject application(s) or the Schedule B notifications.

(D) Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. An applicant operating pursuant to this conditional authority assumes all risks associated with such operation, the termination or modification of the conditional authority, or the subsequent dismissal or denial of its application(s).

(E) The copy of the Schedule B notification form must be posted at each station operating pursuant to this section.

(vii) *Period of construction.* Construction of each earth station must be completed and the station must be brought into regular operation within twelve months from the date that action is taken to authorize that station to operate under the lead authorization, except as may be otherwise determined by the Commission for any particular application.

(d) User transceivers in the NVNG, 1.6/2.4 GHz Mobile-Satellite Service, and 2 GHz Mobile-Satellite Service need not be individually licensed. Service vendors may file blanket applications for transceivers units using FCC Form 312, Main Form and Schedule B, and specifying the number of units to be covered by the blanket license. Each application for a blanket license under this section shall include the information described in § 25.136.

(e) Earth stations operating in the 20/30 GHz Fixed-Satellite Service with U.S.-licensed or non-U.S. licensed satellites: Applications to license individual earth stations operating in the 20/30 GHz band shall be filed on FCC Form 312, Main Form and Schedule B, and shall also include the information described in § 25.138. Earth stations belonging to a network operating in the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz or 29.25–30.0 GHz bands may be licensed on a blanket basis. Applications for such blanket authorization may be filed using FCC Form 312, Main Form and Schedule B, and specifying the number of terminals to be covered by

the blanket license. Each application for a blanket license under this section shall include the information described in § 25.138.

(f) User transceivers in the non-geostationary satellite orbit fixed-satellite service in the 11.7–12.2 GHz, 12.2–12.7 GHz and 14.0–14.5 GHz bands need not be individually licensed. Service vendors may file blanket applications for transceiver units using FCC Form 312, Main Form and Schedule B, and shall specify the number of terminals to be covered by the blanket license. Each application for a blanket license under this section shall include the information described in § 25.146. Any earth stations that are not user transceivers, and which transmit in the non-geostationary satellite orbit fixed-satellite service in the 10.7–11.7 GHz, 12.75–13.15 GHz, 13.2125–13.25 GHz, and 13.75–14.0 GHz bands must be individually licensed, pursuant to paragraph (a) of this section.

(g) Applications for feeder link earth stations operating in the 24.75–25.25 GHz band (Earth-to-space) and providing service to geostationary satellites in the 17/24 GHz BSS must include, in addition to the particulars of operation identified on Form 312 and associated Schedule B, the information specified in either paragraph (g)(1) or (g)(2) below for each earth station antenna type:

(1) A series of EIRP density charts or tables, calculated for a production earth station antenna, based on measurements taken on a calibrated antenna range at 25 GHz, with the off-axis EIRP envelope set forth in paragraphs (g)(1)(i) through (g)(1)(iv) of this section superimposed, as follows:

(i) Showing off-axis co-polarized EIRP spectral density in the azimuth plane, for off-axis angles from minus 10° to plus 10° and from minus 180° to plus 180°;

(ii) Showing off-axis co-polarized EIRP spectral density in the elevation plane, at off-axis angles from 0° to plus 30°;

(iii) Showing off-axis cross-polarized EIRP spectral density in the azimuth plane, at off-axis angles from minus 10° to plus 10°; and

(iv) Showing off-axis cross-polarized EIRP spectral density in the elevation

plane, at off-axis angles from minus 10° to plus 10°

(2) A certification on Schedule B that the antenna conforms to the gain pattern criteria of §§ 25.209(a) and (b), that when combined with input power density (computed from the maximum on-axis EIRP density per carrier less the antenna gain entered in Schedule B), demonstrates that the off-axis EIRP spectral density envelope set forth in §§ 25.223(b)(1) through (4) of this part will be met.

(h) Any earth station applicant filing an application pursuant to § 25.218 of this chapter must file three tables showing the off-axis EIRP level of the proposed earth station antenna of the plane of the geostationary orbit, the elevation plane, and towards the horizon. In each table, the EIRP level must be provided at increments of 0.1° for angles between 0° and 10° off-axis, and at increments of 5° for angles between 10° and 180° off-axis.

(1) For purposes of the off-axis EIRP table in the plane of the geostationary orbit, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the target satellite, within the plane determined by the focal point of the antenna and the line tangent to the arc of the geostationary satellite orbit at the position of the target satellite.

(2) For purposes of the off-axis EIRP table in the elevation plane, the off-axis angle is the angle in degrees from the line connecting the focal point of the antenna to the target satellite, within the plane perpendicular to the plane determined by the focal point of the antenna and the line tangent to the arc of the geostationary satellite orbit at the position of the target satellite.

(3) For purposes of the off-axis EIRP table towards the horizon, the off-axis angle is the angle in degrees from the line determined by the intersection of the horizontal plane and the elevation plane described in paragraph (h)(2) of this section, in the horizontal plane. The horizontal plane is the plane determined by the focal point of the antenna and the horizon.

(4) In addition, in an attachment to its application, the earth station applicant must certify that it will limit its pointing error to 0.5°, or demonstrate

that it will comply with the applicable off-axis EIRP envelopes in §25.218 of this part when the antenna is mispointed at its maximum pointing error.

(i) Any earth station applicant filing an application for a VSAT network made up of FSS earth stations and planning to use a contention protocol must include in its application a certification that it will comply with the requirements of §25.134(g)(4).

[62 FR 5928, Feb. 10, 1997, as amended at 62 FR 64172, Dec. 4, 1997; 65 FR 54169, Sept. 7, 2000; 65 FR 59142, Oct. 4, 2000; 66 FR 31559, June 12, 2001; 67 FR 53510, Aug. 16, 2002; 68 FR 16966, Apr. 8, 2003; 68 FR 63998, Nov. 12, 2003; 69 FR 29901, May 26, 2004; 69 FR 47794, Aug. 6, 2004; 70 FR 4783, Jan. 31, 2005; 70 FR 32253, June 2, 2005; 72 FR 50027, Aug. 29, 2007; 73 FR 70900, Nov. 24, 2008]

EFFECTIVE DATE NOTE: At 74 FR 9962, Mar. 9, 2009, §25.115 paragraphs (h) and (i) which contain information collection and record-keeping requirements, became effective with approval by the Office of Management and Budget for a period of three years.

#### §25.116 Amendments to applications.

(a) Unless otherwise specified, any pending application may be amended until designated for hearing, a public notice is issued stating that a substantive disposition of the application is to be considered at a forthcoming Commission meeting, or a final order disposing of the matter is adopted by the Commission.

(b) Major amendments submitted pursuant to paragraph (a) of this section are subject to the public notice requirements of §25.151. An amendment will be deemed to be a major amendment under the following circumstances:

(1) If the amendment increases the potential for interference, or changes the proposed frequencies or orbital locations to be used.

(2) If the amendment would convert the proposal into an action that may have a significant environmental effect under §1.1307 of this chapter.

(3) [Reserved]

(4) If the amendment, or the cumulative effect of the amendment, is determined by the Commission otherwise to be substantial pursuant to section 309 of the Communications Act.

(5) Amendments to “defective” space station applications, within the meaning of §25.112 will not be considered.

(c) Any application for an NGSO-like satellite license within the meaning of §25.157 will be considered to be a newly filed application if it is amended by a major amendment (as defined by paragraph (b) of this section) after a “cut-off” date applicable to the application, except under the following circumstances:

(1) The amendment resolves frequency conflicts with authorized stations or other pending applications but does not create new or increased frequency conflicts;

(2) The amendment reflects only a change in ownership or control found by the Commission to be in the public interest and, for which a requested exemption from a “cut-off” date is granted;

(3) The amendment corrects typographical, transcription, or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts; or

(4) The amendment does not create new or increased frequency conflicts, and is demonstrably necessitated by events which the applicant could not have reasonably foreseen at the time of filing.

(d) Any application for a GSO-like satellite license within the meaning of §25.158 will be considered to be a newly filed application if it is amended by a major amendment (as defined by paragraph (b) of this section), and will cause the application to lose its status relative to later-filed applications in the “queue” as described in §25.158.

(e) Any amendment to an application shall be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter. Amendments to space station applications must be filed on Form 312 and Schedule S. Amendments to space station applications must be filed on Form 312 and Schedule B.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51503, Aug. 27, 2003; 69 FR 47794, Aug. 6, 2004]