

blocks must comply with paragraphs (b), (c), and (d) of this section.

(b)(1) An applicant must include certification that, within ten years of receiving a license, it will construct a minimum of one base station in at least 70 different geographic areas designated in the application; that base stations will be located in a minimum of 28 of the 100 urban areas listed in § 90.741; and that each base station will have all five assigned nationwide channels constructed and placed in operation (regularly interacting with mobile and/or portable units).

(2) An applicant must include certification that it will meet the construction requirements set forth in § 90.725.

(3) An applicant must include a ten-year schedule detailing plans for construction of the proposed system.

(4) An applicant must include an itemized estimate of the cost of constructing 40 percent of the system and operating the system during the first four years of the license term.

(5) An applicant must include proof that the applicant has sufficient financial resources to construct 40 percent of the system and operate the proposed land mobile system for the first four years of the license term; *i.e.*, that the applicant has net current assets sufficient to cover estimated costs or a firm financial commitment sufficient to cover estimated costs.

(c) An applicant relying on personal or internal resources for the showing required in paragraph (b) of this section must submit independently audited financial statements certified within one year of the date of the application showing net current assets sufficient to meet estimated construction and operating costs. An applicant must also submit an unaudited balance sheet, current within 60 days of the date of submission, that clearly shows the continued availability of sufficient net current assets to construct and operate the proposed system, and a certification by the applicant or an officer of the applicant organization attesting to the validity of the balance sheet.

(d) An applicant submitting evidence of a firm financial commitment for the showing required in paragraph (b) of this section must obtain the commitment from a bona fide commercially

acceptable source, *e.g.*, a state or federally chartered bank or savings and loan institution, other recognized financial institution, the financial arm of a capital equipment supplier, or an investment banking house. If the lender is not a state or federally chartered bank or savings and loan institution, other recognized financial institution, the financial arm of a capital equipment supplier, or an investment banking house, the lender must also demonstrate that it has funds available to cover the total commitments it has made. The lender's commitment shall contain a statement that the lender:

(1) Has examined the financial condition of the applicant including an audited financial statement, and has determined that the applicant is credit-worthy;

(2) Has examined the financial viability of the proposed system for which the applicant intends to use the commitment; and

(3) Is willing, if the applicant is seeking a Phase I, commercial nationwide license, to provide a sum to the applicant sufficient to cover the realistic and prudent estimated costs of construction of 40 percent of the system and operation of the system for the first four years of the license term.

(e) A Phase II applicant for authorization in a geographic area for Channels 166 through 170 in the public safety/mutual aid category may not have any interest in another pending application in the same geographic area for Channels 166 through 170 in the public safety/mutual aid category, and a Phase II applicant for authorization in a geographic area for channels in the emergency medical category may not have any interest in another pending application in the same geographic area for channels in the emergency medical category.

[62 FR 15994, Apr. 3, 1997, as amended at 62 FR 18935, Apr. 17, 1997]

§ 90.715 Frequencies available.

(a) The following table indicates the channel designations of frequencies available for assignment to eligible applicants under this subpart. Frequencies shall be assigned in pairs, with base station frequencies taken

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from the 220–221 MHz band with corresponding mobile and control station frequencies being 1 MHz higher and taken from the 221–222 MHz band. Only the lower half of the frequency pair(s) is listed in the table. Use of these frequencies in the Mexican and Canadian border areas is subject to coordination with those countries. See paragraph (c) of this section for special provisions concerning use in the Mexico border area.

TABLE OF 220–222 MHz CHANNEL DESIGNATIONS

Channel No.	Base frequency (MHz)
1	220.0025
2 .....	.0075
3 .....	.0125
4 .....	.0175
5 .....	.0225
6 .....	.0275
7 .....	.0325
8 .....	.0375
9 .....	.0425
10 .....	.0475
11 .....	.0525
12 .....	.0575
13 .....	.0625
14 .....	.0675
15 .....	.0725
16 .....	.0775
17 .....	.0825
18 .....	.0875
19 .....	.0925
20 .....	.0975
21	220.1025
22 .....	.1075
23 .....	.1125
24 .....	.1175
25 .....	.1225
26 .....	.1275
27 .....	.1325
28 .....	.1375
29 .....	.1425
30 .....	.1475
31 .....	.1525
32 .....	.1575
33 .....	.1625
34 .....	.1675
35 .....	.1725
36 .....	.1775
37 .....	.1825
38 .....	.1875
39 .....	.1925
40 .....	.1975
41	220.2025
42 .....	.2075
43 .....	.2125
44 .....	.2175
45 .....	.2225
46 .....	.2275
47 .....	.2325
48 .....	.2375
49 .....	.2425
50 .....	.2475
51 .....	.2525
52 .....	.2575
53 .....	.2625
54 .....	.2675

TABLE OF 220–222 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
55 .....	.2725
56 .....	.2775
57 .....	.2825
58 .....	.2875
59 .....	.2925
60 .....	.2975
61	220.3025
62 .....	.3075
63 .....	.3125
64 .....	.3175
65 .....	.3225
66 .....	.3275
67 .....	.3325
68 .....	.3375
69 .....	.3425
70 .....	.3475
71 .....	.3525
72 .....	.3575
73 .....	.3625
74 .....	.3675
75 .....	.3725
76 .....	.3775
77 .....	.3825
78 .....	.3875
79 .....	.3925
80 .....	.3975
81	220.4025
82 .....	.4075
83 .....	.4125
84 .....	.4175
85 .....	.4225
86 .....	.4275
87 .....	.4325
88 .....	.4375
89 .....	.4425
90 .....	.4475
91 .....	.4525
92 .....	.4575
93 .....	.4625
94 .....	.4675
95 .....	.4725
96 .....	.4775
97 .....	.4825
98 .....	.4875
99 .....	.4925
100 .....	.4975
101	220.5025
102 .....	.5075
103 .....	.5125
104 .....	.5175
105 .....	.5225
106 .....	.5275
107 .....	.5325
108 .....	.5375
109 .....	.5425
110 .....	.5475
111 .....	.5525
112 .....	.5575
113 .....	.5625
114 .....	.5675
115 .....	.5725
116 .....	.5775
117 .....	.5825
118 .....	.5875
119 .....	.5925
120 .....	.5975
121	220.6025
122 .....	.6075
123 .....	.6125
124 .....	.6175

TABLE OF 220–222 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
125 .....	.6225
126 .....	.6275
127 .....	.6325
128 .....	.6375
129 .....	.6425
130 .....	.6475
131 .....	.6525
132 .....	.6575
133 .....	.6625
134 .....	.6675
135 .....	.6725
136 .....	.6775
137 .....	.6825
138 .....	.6875
139 .....	.6925
140 .....	.6975
141	220.7025
142 .....	.7075
143 .....	.7125
144 .....	.7175
145 .....	.7225
146 .....	.7275
147 .....	.7325
148 .....	.7375
149 .....	.7425
150 .....	.7475
151 .....	.7525
152 .....	.7575
153 .....	.7625
154 .....	.7675
155 .....	.7725
156 .....	.7775
157 .....	.7825
158 .....	.7875
159 .....	.7925
160 .....	.7975
161	220.8025
162 .....	.8075
163 .....	.8125
164 .....	.8175

TABLE OF 220–222 MHz CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
165 .....	.8225
166 .....	.8275
167 .....	.8325
168 .....	.8375
169 .....	.8425
170 .....	.8475
171 .....	.8525
172 .....	.8575
173 .....	.8625
174 .....	.8675
175 .....	.8725
176 .....	.8775
177 .....	.8825
178 .....	.8875
179 .....	.8925
180 .....	.8975
181	220.9025
182 .....	.9075
183 .....	.9125
184 .....	.9175
185 .....	.9225
186 .....	.9275
187 .....	.9325
188 .....	.9375
189 .....	.9425
190 .....	.9475
191 .....	.9525
192 .....	.9575
193 .....	.9625
194 .....	.9675
195 .....	.9725
196 .....	.9775
197 .....	.9825
198 .....	.9875
199 .....	.9925
200	220.9975

(b) The 200 channels are divided into three sub-bands as follows:

Channel No.	Sub-band	Frequencies (MHz)
1–40	A	220.0025–220.1975/221.0025–221.1975
41–160	C	220.2025–220.7975/221.2025–221.7975
161–200	B	220.8025–220.9975/221.8025–221.9975

(c) *U.S./Mexico border area.* (1) Channels 16–30, 45–60, 76–90, 106–120, 136–145, 156–165, 178–194 are available for primary use within the United States within 120 km (74.6 mi) of the Mexican border, subject to the power and antenna height conditions specified in § 90.729 and the use restrictions specified in §§ 90.717–90.721.

(2) Channels 195–200 are available to both the United States and Mexico in the border area on an unprotected basis. Use is limited to a maximum effective radiated power (ERP) of 2 watts and a maximum antenna height of 6.1 meters (20 ft) above ground.

(3) Channels allotted for primary Mexican use (1–15, 31–45, 61–75, 91–105, 121–135, 146–155, and 166–177) may be used in the border area subject to the condition that the power flux density not exceed –86 dB(W/m²) at or beyond any point on the border. Stations operating under this provision will be considered secondary and will not be granted protection from harmful interference from stations that have primary use of the frequencies.

[56 FR 19603, Apr. 29, 1991, as amended at 57 FR 55148, Nov. 24, 1992]