

§ 101.1112

applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area. In such partitioning cases where an unjust enrichment payment is owed the Commission, the request for authorization for partial assignment of a license must include, as an attachment, a calculation of the population of the partitioned service area and the licensed geographic service area.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined partitioning and disaggregation.* The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(d) *License term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's license term as provided for in §101.67 of this chapter.

(e) *Construction requirements.* Applications requesting approval for partitioning or disaggregation must include a certification by each party that it will satisfy the construction requirement set forth in §101.1011 of this chapter. Failure by a party to meet its respective construction requirement will result in the automatic cancellation of its license without further Commission action.

[63 FR 26507, May 13, 1998]

§ 101.1112 Definitions.

(a) *Scope.* The definitions in this section apply to §§101.1101 through 101.1112, unless otherwise specified in those sections.

(b) *Very small business.* A very small business is an entity that, together with its affiliates and controlling interests, has average gross revenues for the three preceding years of not more than \$15 million.

(c) *Small business.* A small business is an entity that, together with its affiliates and controlling interests, has average gross revenues for the three preceding years of more than \$15 million but not more than \$40 million.

(d) *Entrepreneur.* An entrepreneur is an entity that, together with its affiliates and controlling interests, has av-

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erage gross revenues for the three preceding years of more than \$40 million but not more than \$75 million.

[67 FR 46380, July 9, 2002, as amended at 68 FR 43002, July 21, 2003]

Subpart N—Competitive Bidding Procedures for the 38.6–40.0 GHz Band

SOURCE: 63 FR 6106, Feb. 6, 1998, unless otherwise noted.

§ 101.1201 38.6–40.0 GHz subject to competitive bidding.

Mutually exclusive initial applications for 38.6–40.0 GHz band licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

[67 FR 46380, July 9, 2002]

§§ 101.1202–101.1207 [Reserved]

§ 101.1208 Bidding credits for small businesses.

A winning bidder that qualifies as a small business or a consortium of small businesses, (as defined in §101.1209(b)(1)(i)) may use a bidding credit of 25 percent to lower the cost of its winning bid on any of the licenses in this part. A winning bidder that qualifies as a very small business or a consortium of very small businesses, as defined in §101.1209(b)(1)(ii), may use a bidding credit of 35 percent to lower the cost of its winning bid on any of the licenses in this part.

[67 FR 46380, July 9, 2002]

§ 101.1209 Definitions.

(a) *Scope.* The definitions in this section apply to §§101.1201 through 101.1209, unless otherwise specified in those sections.

(b) *Small business and very small business.* (1) A small business is an entity that together with its affiliates and persons or entities that hold attributable interests in such entity and their affiliates, has average gross revenues that are not more than \$40 million for the preceding three years.

(2) A very small business is an entity that together with its affiliates and