

application under the competitive bidding rules, the SMSA portion will be excluded from auction and the incumbent licensee will retain the exclusive right to those channels within the SMSA.

[65 FR 59360, Oct. 5, 2000, as amended at 69 FR 44608, July 27, 2004]

**§ 101.525 24 GHz system operations.**

(a) A licensee using the 24 GHz band may construct and operate any number of fixed stations anywhere within the area authorized to serve without prior authorization, except as follows:

(1) A station would be required to be individually licensed if:

(i) International agreements require coordination;

(ii) Submission of an Environmental Assessment is required under §1.1307 of this chapter;

(iii) The station would affect areas identified in §1.924 of this chapter.

(2) Any antenna structure that requires notification to the Federal Aviation Administration (FAA) must be registered with the Commission prior to construction under §17.4 of this chapter.

(b) Whenever a licensee constructs or makes system changes as described in paragraph (a)(1) of this section, the licensee is required to notify the Commission within 30 days of the change under §1.947 of this chapter and include a statement of the technical parameters of the changed station.

[65 FR 59360, Oct. 5, 2000, as amended at 69 FR 17959, Apr. 6, 2004]

**§ 101.526 License term.**

The license term for stations licensed under this subpart is ten years from the date of license grant or license renewal for incumbent licensees.

[65 FR 59360, Oct. 5, 2000]

**§ 101.527 Construction requirements for 24 GHz operations.**

(a) Each licensee must make a showing of "substantial service" within ten years of its license grant. A "substantial service" assessment will be made at renewal pursuant to the provisions and procedures set forth in §1.949 of this chapter. "Substantial service" is a service which is sound, favorable, and

substantially above a level of mediocre service which just might minimally warrant renewal during its past license term.

(b) Each licensee must, at a minimum file:

(1) A report, maps and other supporting documents describing its current service in terms of geographic coverage and population served to the Commission. The report must also contain a description of the licensees' investments in its operations. The report must be labeled as an attachment to the renewal application; and

(2) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph (b)(2).

(c) Failure to demonstrate that substantial service is being provided in the service area will result in forfeiture of the license, and the licensee will be unable to regain it.

(d) The frequencies associated with incumbent authorizations, licensed on a SMSA basis, that have cancelled automatically or otherwise been recovered by the Commission will automatically revert to the applicable EA licensee.

[65 FR 59360, Oct. 5, 2000]

**§ 101.529 Renewal expectancy criteria for 24 GHz licenses.**

(a) A renewal applicant involved in a renewal proceeding shall receive a preference, commonly referred to as a renewal expectancy, that is the most important factor to be considered in the proceeding as long as the applicant's past record for the relevant license period demonstrates that:

(1) The renewal applicant has provided "substantial service" pursuant to §101.527; and

(2) The renewal applicant has substantially complied with applicable FCC rules, policies, and the Communications Act of 1934, as amended.

(b) In order to establish its right to a renewal expectancy, a licensee in the 24 GHz service involved in a renewal proceeding must submit a showing explaining why it should receive a renewal expectancy. At a minimum, this showing must include: