

Federal Communications Commission

§ 101.101

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).

§ 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 .....	.....	.....

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)	
941.0–941.5	MAS	MAS	PRS.	(1).
941.5–944.0	CC	OFS	Aural BAS .....	.....
952–958 .....	.....	OFS/MAS .....	.....	PRS.
958–960	MAS	OFS .....	.....	.....
1850–1990	OFS	PCS.	F/M/TF
2110–2130	CC .....	.....	.....	PET.
2130–2150 .....	.....	OFS .....	.....	PET.
2160–2180	CC .....	.....	.....	ET.
2180–2200 .....	.....	OFS .....	.....	PET.
2450–2500	CC	OFS	TV BAS	ISM	
2650–2690 .....	.....	OFS .....	.....	MDS/ITFS.
3700–4200	CC LTTS	OFS .....	.....	SAT.
5925–6425	CC LTTS	OFS .....	.....	SAT.
6425–6525	LTTS	OFS	TV BAS	CARS	
6525–6875	CC	OFS	M.
10,550–10,680	CC	OFS DEMS.	.....	.....
10,700–11,700	CC	OFS .....	.....	SAT.
12,200–12,700	MVDDS	MVDDS, POFS .....	.....	DBS, NGSO FSS.
12,700–13,250	CC LTTS	OFS	TV BAS	CARS	
17,700–18,580	CC	OFS	TV BAS	SAT CARS.	
17,700–18,300	CC	OFS	TV BAS	CARS.	
18,300–18,580	CC	OFS	TV BAS	CARS SAT.	
18,580–18,820	CC	OFS	Aural BAS	SAT.	
18,820–18,920	CC	OFS .....	.....	SAT
18,920–19,160	CC	OFS	Aural BAS	SAT.	TF.
19,160–19,260	CC	OFS .....	.....	SAT
19,260–19,700	CC	OFS	TV BAS	CARS SAT.	
21,200–23,600	CC LTTS	OFS .....	.....	.....
24,250–25,250	CC	OFS .....	.....	.....
27,500–28,350	LMDS	LMDS.	.....	.....
29,100–29,250	LMDS	LMDS .....	.....	SAT.
31,000–31,300	CC LMDS LTTS	OFS LMDS .....	.....	.....
38,600–40,000	CC	OFS	TV BAS .....	.....
71,000–76,000	CC	OFS	25	F/M/TF.
81,000–86,000	CC	OFS	25	F/M/TF.
92,000–95,000	CC	OFS	15	F/M/TF.

BAS: Broadcast Auxiliary Service—(Part 74)
CARS: Cable Television Relay Service—(Part 78)
CC: Common Carrier Fixed Point-to-Point Microwave Service—(Part 101, Subparts C & I)
DBS: Direct Broadcast Satellite—(Part 100)
DEMS: Digital Electronic Message Service—(Part 101, Subpart G)
ISM: Industrial, Scientific & Medical—(Part 18)
ITFS: Instructional Television Fixed Service—(Part 74)
LTTS: Local Television Transmission Service—(Part 101, Subpart J)
MAS: Multiple Address System—(Part 101)
MDS: Multipoint Distribution Service—(Part 21)
OFS: Private Operational Fixed Point-to-Point Microwave Service—(Part 101, Subparts C & H)
PCS: Personal Communications Service—(Part 24)
PET: Emerging Technologies (per ET Dkt. No. 92–9, not yet assigned)
PRS: Paging and Radiotelephone Service—(Part 22, Subpart E)
SAT: Fixed Satellite Service—(Part 25)

Notes:

F—Fixed
M—Mobile
TF—Temporary Fixed

(1)—Applications for frequencies in the 932.5–935/941.5–944 MHz bands may be filed initially during a one-week period to be announced by public notice. After these applications have been processed, the Commission will announce by public notice a filing date for remaining frequencies. From this filing date forward, applications will be processed on a daily first-come, first-served basis.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23165, Apr. 29, 1997; 62 FR 24582, May 6, 1997; 65 FR 38327, June 20, 2000; 65 FR 54175, Sept. 7, 2000; 65 FR 59357, Oct. 5, 2000; 67 FR 43037, June 28, 2002; 69 FR 3266, Jan. 23, 2004; 69 FR 72047, Dec. 10, 2004; 70 FR 4787, Jan. 31, 2005]

EFFECTIVE DATE NOTE: At 76 FR 59571, Sept. 27, 2011, §101.101 was amended by adding the entry “6875–7125” to the table, effective October 27, 2011. For the convenience of the user, the added text is set forth as follows:

§ 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)	
* 6875–7125	* CC	* OFS	* TV BAS	* CARS.	* *
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§ 101.103 Frequency coordination procedures.

(a) Assignment of frequencies will be made only in such a manner as to facilitate the rendition of communication service on an interference-free basis in each service area. Unless otherwise indicated, each frequency available for use by stations in these services will be assigned exclusively to a single applicant in any service area. All applicants for, and licensees of, stations in these services must cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event harmful interference occurs or appears likely to occur between two or more radio systems and such interference cannot be resolved between the licensees thereof, the Commission may specify a time sharing arrangement for the stations involved or may, after notice and opportunity for hearing, require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference.

(b)(1) Operations in the bands 31,000–31,075 MHz and 31,225–31,300 MHz licensed prior to March 11, 1997, were licensed on an unprotected basis and are subject to harmful interference from similarly licensed operations in that band.

(i) Operations licensed in the Local Multipoint Distribution Service and those operations licensed prior to March 11, 1997, except in the Local Television Transmission Service, operating in these bands are equally protected against harmful interference from each other.

(ii) In the case of operations licensed prior to March 11, 1997, except in the Local Television Transmission Service, that are licensed on a point-to-radius basis, LMDS licensees shall be subject to the protection requirement established in this section in the case of existing links operated by such licensees, and in the case of links added by such licensees in the future in accordance with the terms of their point-to-radius licenses.

(iii) An LMDS licensee may not initiate operations within the point-to-radius area licensed to an operator (other than an operator in the Local Television Transmission Service) prior to March 11, 1997, even if such operator has not initiated operations to the fullest extent of the license. An LMDS licensee, however, may initiate operations at the border of such operator's license area without prior coordination if the LMDS licensee's operations would not cause harmful interference to the other operator's existing operations.

(iv) An operator (other than an operator in the Local Television Transmission Service) licensed on a point-to-radius basis prior to March 11, 1997, may add additional stations within its license area. Such operator shall coordinate with any affected LMDS licensee if its new operations might cause harmful interference to the existing operations of such LMDS licensee.

(v) Operations licensed prior to March 11, 1997, on a point-to-point basis may not be extended or otherwise modified through the addition of point-to-point links. Such operations shall be limited to the use of frequency pairs licensed as of March 11, 1997. Operations licensed in the Local Television Transmission Service as of March 11, 1997,