

licensees and all Local Multipoint Distribution Service and 24 GHz Service licensees in accordance with the provisions of § 21.307 of this chapter.

[65 FR 59359, Oct. 5, 2000]

### **Subpart F—Developmental Authorizations**

#### **§ 101.401 Eligibility.**

Developmental authorizations for stations in the radio services included in this part will be issued only to existing and proposed licensees who are legally, financially and otherwise qualified to conduct experimentation for the development of engineering or operational data, or techniques, directly related to a proposed radio service or to a regularly established radio service regulated by the rules of this part.

#### **§ 101.403 Scope of service.**

Developmental authorizations may be issued for:

(a) Field strength surveys relative to or precedent to the filing of applications for licenses, in connection with the selection of suitable locations for stations proposed to be established in any of the regularly established radio services regulated by the rules of this part; or

(b) The testing of existing or authorized antennas, wave guides, paths, or other equipment used in a system subject to this part.

#### **§ 101.405 Adherence to program of research and development.**

The program of research and development, as stated by an applicant in the application for license or stated in the instrument of station authorization, must be substantially adhered to unless the licensee is otherwise authorized by the Commission.

#### **§ 101.407 Special procedure for the development of a new service or for the use of frequencies not in accordance with the provisions of the rules in this part.**

(a) An authorization for the development of a new service not in accordance with the provisions of the rules in this part may be granted for a limited time, but only after the Commission has made a preliminary determination

with respect to the factors set forth in this paragraph, as each case may require. This procedure also applies to any application that involves use of a frequency which is not in accordance with the provisions of the rules in this part, although in accordance with the Table of Frequency Allocations contained in part 2 of this chapter. (An application which involves use of a frequency which is not in accordance with the Table of Frequency Allocations in part 2 of this chapter should be filed in accordance with the provisions of part 5 of this chapter, Experimental Radio Services.) The factors with respect to which the Commission will make a preliminary determination before acting on an application filed under this paragraph are as follows:

(1) That the public interest, convenience or necessity warrants consideration of the establishment of the proposed service or the use of the proposed frequency;

(2) That the proposed operation appears to warrant consideration to effect a change in the provisions of the rules in this part; and/or

(3) That some operational data should be developed for consideration in any rule making proceeding which may be initiated.

(b) Applications for stations that are intended to be used in the development of a proposed service must be accompanied by a petition to amend the Commission's rules with respect to frequencies and such other items as may be necessary to provide for the regular establishment of the proposed service.

#### **§ 101.409 Terms of grant; general limitations.**

(a) Developmental authorizations normally will be issued for one year, or such shorter term as the Commission may deem appropriate in any particular case, and will be subject to cancellation without hearing by the Commission at any time upon notice to the licensee.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as it may deem necessary in the

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public interest, convenience or necessity.

(c) Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on the basis that no interference will be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations (§2.106 of this chapter).

(d) The rendition of communication service for hire is not permitted under any developmental authorizations unless specifically authorized by the Commission.

(e) The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis either as to the service involved or the use of the frequencies assigned or any other frequencies.

## § 101.411 Supplementary showing required.

(a) Authorizations for development of a proposed radio service in the services included in this part will be issued only upon a showing that the applicant has a definite program of research and development, the details of which must be set forth, which has reasonable promise of substantial contribution to these services within the term of such authorization. A specific showing should be made as to the factors which qualify the applicant technically to conduct the research and development program, including a description of the nature and extent of engineering facilities that the applicant has available for such purposes.

(b) Expiring developmental authorizations may be renewed only upon the applicant's compliance with the applicable requirements of §101.413 (a) and (b) relative to the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

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## § 101.413 Developmental report required.

(a) Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee must submit a comprehensive report on the following items, in the order designated:

(1) Report on the various phases of the project which were investigated;

(2) Total number of hours of operation on each frequency assigned;

(3) Copies of any publication on the project;

(4) Detailed analysis of the result obtained; and

(5) Any other pertinent information.

(b) In addition to the information required by paragraph (a) of this section, the developmental report of a station authorized for the development of a proposed radio service must include comprehensive information on the following items:

(1) Probable public support and methods of its determination;

(2) Practicability of service operations;

(3) Interference encountered;

(4) Pertinent information relative to merits of the proposed service;

(5) Propagation characteristics of frequencies used, particularly with respect to the service objective;

(6) Frequencies believed to be more suitable and reasons therefor; and

(7) Type of signals or communications employed in the experimental work.

(c) Developmental reports will be made a part of the Commission's public records, except upon the applicant's specific request for confidentiality and Commission approval in accordance with §0.459 of this chapter. Information determined confidential by the Commission will not be publicly disclosed.

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