

§ 90.623

the channels consistent with the rules governing the category to which they are allocated, provided that the licensee meets the applicable eligibility requirements.

(4) [Reserved]

(5) The frequency coordinator must certify that frequencies are not available in the applicant's own category, and coordination is required from the applicable out-of-category coordinator.

(6) The out-of-category licensee must operate by the rules applicable to the category to which the frequency is allocated.

(f) Licensees of channels in the Business/Industrial/Land Transportation Categories in the 896–901/935–940 MHz bands may request a modification of the license, *see* § 1.947 of this chapter, to authorize use of the channels for commercial operation. The licensee may also, at the same time, or thereafter, seek authorization to transfer or assign the license, *see* § 1.948 of this chapter, to any person eligible for licensing in the General or SMR categories. Applications submitted pursuant to this paragraph must be filed in accordance with the rules governing other applications for commercial channels, and will be processed in accordance with those rules.

(g) Applications for Public Safety systems (both trunked and conventional) in the 806–809/851–854 MHz bands will be assigned and protected based on the criteria established in the appropriate regional plan. *See* § 90.16 and the Report and Order in General Docket 87–112.

(h) Channel numbers 511–520, 551–560, 591–600, 631–640, and 671–680 are allocated for Basic Exchange Telecommunications Radio Service as described in § 22.757 of this chapter. The FCC has proposed to remove these channels from the rural radiotelephone service in WT Docket No. 03–103 (FCC 03–95) released April 28, 2003 (68 FR 4403 July 25, 2003) which is pending.

[47 FR 41032, Sept. 16, 1982]

EDITORIAL NOTES 1. For FEDERAL REGISTER citations affecting § 90.621, *see* the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

2. At 63 FR 68968, Dec. 14, 1998, § 90.621 was amended by adding a note before Table 1 and

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revising the first two columns of Table 1. However, Table 1 of § 90.621 as it appears in the October 1, 1998 revision of title 47 parts 80–end is an illustration and cannot be amended. For the convenience of the user, the revised text is set forth as follows:

§ 90.621 Selection and assignment of frequencies.

* * * *

(b) * * *

TABLE 1—CO-CHANNEL SEPARATIONS BETWEEN COMMON ANTENNA SITES IN THE STATE OF CALIFORNIA NORTH OF 35° NORTH LATITUDE AND WEST OF 118° WEST LONGITUDE

[NOTE: Coordinates are referenced to North American Datum 1983 (NAD83)]

North latitude	West longitude	* * *
38°03'39.7"	122°36'20.9"	* * *
37°55'43.7"	122°35'14.9"	* * *
37°50'56.7"	122°29'59.9"	* * *
37°52'53.7"	121°55'08.9"	* * *
37°51'11.7"	122°12'33.9"	* * *
37°52'57.7"	122°13'14.9"	* * *
37°50'59.7"	122°11'33.9"	* * *
37°43'32.8"	122°24'55.9"	* * *
37°41'20.8"	122°26'11.9"	* * *
37°24'38.8"	122°18'23.9"	* * *
37°19'12.8"	122°08'36.9"	* * *
37°10'36.8"	121°54'27.8"	* * *
37°07'08.8"	121°50'01.8"	* * *
37°06'39.8"	121°50'32.8"	* * *
36°31'44.9"	121°36'27.8"	* * *
37°29'14.8"	121°52'06.8"	* * *
40°15'45.6"	122°05'41.0"	* * *
39°51'49.6"	121°41'23.9"	* * *
39°12'16.6"	121°49'05.9"	* * *
39°08'00.6"	121°06'01.8"	* * *
38°52'14.6"	121°07'42.8"	* * *
38°24'19.7"	122°06'33.9"	* * *
38°01'14.7"	120°35'09.7"	* * *
37°30'30.8"	121°22'29.8"	* * *
37°32'31.8"	120°03'48.6"	* * *
37°04'09.8"	119°25'42.5"	* * *
36°44'37.8"	119°17'02.4"	* * *
36°18'09.8"	120°24'06.6"	* * *
36°17'06.8"	118°50'22.3"	* * *
35°38'28.8"	118°47'11.3"	* * *
35°33'08.8"	118°49'23.3"	* * *
35°17'16.9"	119°30'58.4"	* * *
35°17'26.9"	119°45'51.5"	* * *
35°16'50.9"	119°44'55.5"	* * *

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§ 90.623 Limitations on the number of frequencies assignable for conventional systems.

(a) The maximum number of frequency pairs that may be assigned to a licensee for operation in the conventional mode in a given area is five (5).

(b) Where an applicant proposes to operate a conventional radio system to

provide facilities for the use of a single person or entity eligible under subparts B or C of this part, the applicant may be assigned only the number of frequency pairs justified on the basis of the requirement of the proposed single user of the system.

(c) No non-SMR licensee will be authorized an additional frequency pair for a conventional system within 64 kilometers (40 miles) of an existing conventional system, except where:

(1) The additional frequency pair will be used to provide radio facilities to a single entity and the additional frequency pair is justified on the basis of the requirements of the proposed single user; or,

(2) The licensee's existing frequency pair(s) is loaded to prescribed levels.

(d) No licensee will be authorized frequencies for a conventional system if that licensee is operating an unloaded trunked system or has an application pending for a trunked system to serve multiple subscribers within 64 km (40 miles) of the requested conventional system.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 44559, Sept. 29, 1983; 48 FR 51929, Nov. 15, 1983; 58 FR 44963, Aug. 25, 1993; 59 FR 59966, Nov. 21, 1994; 62 FR 18935, Apr. 17, 1997]

§ 90.625 Other criteria to be applied in assigning channels for use in conventional systems of communication.

(a) Where an applicant certifies on its application that a channel will be loaded to 70 mobile stations, that channel will be made available to that applicant for its exclusive use in the area in which it proposes to operate. If the showing made justifies the assignment of more than one channel to the applicant, additional frequencies will be authorized.

(b) Where an applicant proposes to furnish service to eligibles under subparts B or C of this part on a commercial basis using a conventional system of communication, the applicant will be considered on the same basis as that of an applicant for private or shared communication facilities.

(c) No person authorized to operate any radio facility under the provisions of this subpart shall have a right to protest proposals on grounds other

than violation of or inconsistency with the provisions of this subpart. All grants are made subject to this condition and to the other conditions and standards set out in this subpart.

[47 FR 41032, Sept. 16, 1982, as amended at 62 FR 18935, Apr. 17, 1997; 63 FR 68969, Dec. 14, 1998]

§ 90.627 Limitation on the number of frequency pairs that may be assignable for trunked systems and on the number of trunked systems.

(a) The maximum number of frequency pairs that may be assigned at any one time for the operation of a trunked radio system is twenty, except as specified in § 90.621(a)(1)(iv).

(b) No non-SMR licensee will be authorized an additional trunked system within 64 kilometers (40 miles) of an existing trunked system, except where:

(1) The additional trunked system will be used to provide radio facilities for a single entity, where the additional system is justified on the basis of the requirements of the proposed single user; or,

(2) The licensee's existing trunked system is loaded to at least 70 mobile and control stations per channel.

[47 FR 41032, Sept. 16, 1982, as amended at 48 FR 44559, Sept. 29, 1983; 48 FR 51929, Nov. 15, 1983; 49 FR 36377, Sept. 17, 1984; 51 FR 37404, Oct. 22, 1986; 53 FR 12157, Apr. 13, 1988; 58 FR 44963, Aug. 25, 1993; 59 FR 59966, Nov. 21, 1994]

§ 90.629 Extended implementation period.

Applicants requesting frequencies for either trunked or conventional operations may be authorized a period of up to five (5) years for constructing and placing a system in operation in accordance with the following:

(a) The applicant must justify an extended implementation period. The justification must describe the proposed system, state the amount of time necessary to construct and place the system in operation, identify the number of base stations to be constructed and placed in operation during each year of the extended construction period, and show that:

(1) The proposed system will require longer than twelve (12) months to construct and place in operation because of its purpose, size, or complexity; or