

**§ 90.265**

**47 CFR Ch. I (10–1–12 Edition)**

have been disrupted by disasters and/or emergencies.

(c) The FCC will not accept responsibility for protection of the circuits from harmful interference caused by foreign operations.

(d) In the event that a complaint of harmful interference resulting from operation of these circuits is received from a foreign source, the offending circuit(s) must cease operation on the particular frequency concerned immediately upon notification by the Commission.

(e) In order to accommodate the situations described in paragraphs (c) and (d) of this section, the equipment shall be capable of transmitting and receiving on any frequency within the bands between 2 and 10 MHz and capable of immediate change among the frequencies.

(f) Only 2K80J3E, 100HA1A and those emission types listed in §90.237(g) are permitted.

(g) Applicants must fulfill eligibility requirements set out in §90.20(d)(6) and shall submit disaster communications plans pursuant to §90.129(m).

(h) Training exercises which require use of these frequencies for more than seven hours a week, cumulative, are not authorized without prior written approval from the Commission.

[46 FR 52373, Oct. 27, 1981, as amended at 48 FR 32831, July 19, 1983; 49 FR 48712, Dec. 14, 1984; 62 FR 18929, Apr. 17, 1997; 72 FR 35196, June 27, 2007]

**§ 90.265 Assignment and use of frequencies in the bands allocated for Federal use.**

(a) The following center frequencies are available for assignment to fixed stations in the Public Safety Pool or the Industrial/Business Pool, subject to the provisions of this section:

**HYDRO CHANNELS (MHz)**

169.4250 .....	170.2625	171.1000	406.1250
169.4375 .....	170.2750	171.1125	406.1750
169.4500 .....	170.2875	171.1250	412.6625
169.4625 .....	170.3000	171.8250	412.6750
169.4750 .....	170.3125	171.8375	412.6875
169.4875 .....	170.3250	171.8500	412.7125
169.5000 .....	171.0250	171.8625	412.7250
169.5125 .....	171.0375	171.8750	412.7375
169.5250 .....	171.0500	171.8875	412.7625
170.2250 .....	171.0625	171.9000	412.7750
170.2375 .....	171.0750	171.9125	415.1250
170.2500 .....	171.0875	171.9250	415.1750

(1) The use of these frequencies is limited to transmitting hydrological or meteorological data.

(2) All use of these frequencies is on a secondary basis to Federal Government stations and the hydrological or meteorological data being handled must be made available on request to governmental agencies.

(3) Other provisions of this part notwithstanding, an operational fixed station operating on these frequencies shall not communicate with any station in the mobile service unless written authorization to do so has been obtained from the Commission.

(4) Persons who desire to operate stations on these frequencies should communicate with the Commission for instructions concerning the procedure to

be followed in filing formal application.

(5) After May 27, 2005, for the 169–172 MHz band and January 1, 2008 for the 406–416 MHz band, channels for new operations are limited to an authorized bandwidth not to exceed 11.25 kHz. After those dates, existing systems with an authorized bandwidth of greater than 11.25 kHz (including those systems that expand existing operations) may continue to operate with a bandwidth greater than 11.25 kHz until January 1, 2013. Such operations are limited by paragraphs (a)(6) and (a)(7) of this section.

(6) After May 27, 2005, if a licensee of a channel in the band 169–172 MHz which uses equipment with an authorized bandwidth greater than 11.25 kHz

cannot resolve an interference complaint to the satisfaction of an impacted Federal agency or is advised to do so by the Hydro Committee as approved by the FCC, then the licensee must cease operation on the frequency upon notification by the Commission.

(7) After January 1, 2008, if a licensee of a channel in the band 406.1–420 MHz which uses equipment with an authorized bandwidth greater than 11.25 kHz cannot resolve an interference complaint to the satisfaction of an impacted Federal agency or is advised to do so by the Hydro Committee as approved by the FCC, then the licensee must cease operation on the frequency upon notification by the Commission.

(8) After May 27, 2005, new assignments on the frequencies 406.125 MHz and 406.175 MHz are to be primarily for paired operations with the frequencies 415.125 MHz and 415.175 MHz, respectively and limited to an authorized bandwidth not to exceed 11.25 kHz when paired.

(9) Existing stations may continue to use the center frequencies 169.575 MHz, 409.675 MHz, 409.725 MHz, and 412.625 MHz until January 1, 2013, subject to the requirements of paragraphs (a)(6) and (a)(7) of this section.

(b) The following frequencies are available for wireless microphone operations to eligibles in this part, subject to the provisions of this paragraph:

FREQUENCIES (MHZ)	
169.445	170.245
171.045	171.845
169.505	170.305
171.105	171.905

(1) The emission bandwidth shall not exceed 54 kHz.

(2) The output power shall not exceed 50 milliwatts.

(3) The frequency stability of wireless microphones shall limit the total emission to within ±32.5 kHz of the assigned frequency.

(4) Wireless microphone operations are unprotected from interference from other licensed operations in the band. If any interference from wireless microphone operation is received by any Government or non-Government operation, the wireless microphone must cease operation on the frequency

involved. Applications are subject to Government coordination.

(c) The following center frequencies are available for assignment to licensees engaged in forest firefighting and conservation activities, subject to the provisions of this section:

FOREST FIREFIGHTING AND CONSERVATION CHANNELS (MHZ)		
170.425 .....	171.425	172.225
170.475 .....	171.475	172.275
170.575 .....	171.575	172.375

(1) These frequencies will be assigned on a secondary basis to any U.S. Government station.

(2) The frequencies 170.425 MHz, 170.475 MHz, 170.575 MHz, 171.425 MHz, 171.575 MHz, 172.225 MHz, and 172.275 MHz will be assigned only to licensees directly responsible for the prevention, detection, and suppression of forest fires.

(3) The frequencies 171.475 MHz and 172.275 MHz will be assigned to licensees directly responsible for the prevention, detection, and suppression of forest fires; or to licensees engaged in forest conservation activities for mobile relay operation only.

(4) The frequencies 170.425 MHz, 170.575 MHz, 171.475 MHz, 172.225 MHz, and 172.375 MHz will be assigned for use only in areas west of the Mississippi River.

(5) The frequencies 170.475 MHz, 171.425 MHz, 171.575 MHz, and 172.275 MHz will be assigned for use only in areas east of the Mississippi River.

(6) All applications for use of these frequencies must be accompanied by a letter of concurrence by the United States Department of Agriculture.

(7) After May 27, 2005, channels for new operations are limited to an authorized bandwidth not to exceed 11.25 kHz. Between May 27, 2005, and January 1, 2013, existing systems with an authorized bandwidth of greater than 11.25 kHz (including those systems that expand existing operations) may continue to operate with a bandwidth greater than 11.25 kHz, subject to the limitations set forth in paragraph (c)(8), of this section.

(8) After May 27, 2005, if a licensee that uses equipment with an authorized bandwidth greater than 11.25 kHz

cannot resolve an interference complaint from an impacted Federal agency, then the licensee must cease operation on the frequency upon notification by the Commission.

(d) The frequencies 166.250 MHz and 170.150 MHz are available for assignment to licensees engaged in public safety activities, subject to the provisions of this section:

(1) These frequencies are available for assignment to stations in the Public Safety Pool, only at points within 241.4 km. (150 mi.) of New York, N.Y.;

(2) Operations on these channels is on a secondary basis to any Federal station; and

(3) After May 27, 2005, if a licensee that uses equipment with an authorized bandwidth greater than 11.25 kHz cannot resolve an interference complaint from an impacted Federal agency, then the licensee must cease operation on the frequency upon notification by the Commission.

(4) After May 27, 2005, channels for new operations are limited to an authorized bandwidth not to exceed 11.25 kHz. Between May 27, 2005, and January 1, 2013, existing systems with an authorized bandwidth of greater than 11.25 kHz (including those systems that expand existing operations) may continue to operate with a bandwidth greater than 11.25 kHz, subject to the limitations set forth in paragraph (d)(3), of this section.

(e) The following frequencies are available for use by Medical Radiocommunication Systems:

(1) The frequencies 150.775 MHz, 150.790 MHz, and 163.250 MHz, subject to following provisions:

(i) After May 27, 2005, new assignments for these frequencies shall be authorized only for the purpose of delivering or rendering medical services to individuals (medical radiocommunication systems).

(ii) After May 27, 2005, new operations on the frequency 163.250 MHz are limited to an authorized bandwidth not to exceed 11.25 kHz.

(iii) After January 1, 2008, new operations on the frequencies 150.775 MHz and 150.790 MHz are limited to an authorized bandwidth not to exceed 11.25 kHz.

(iv) Existing systems with an authorized bandwidth of greater than 11.25 kHz (including those systems that expand existing operations) may continue to operate on a primary basis with a bandwidth greater than 11.25 kHz until January 1, 2013. After January 1, 2013, stations that use the frequencies 150.775 MHz, 150.790 MHz, or 163.250 MHz shall be limited to an authorized bandwidth not to exceed 11.25 kHz.

(2) The frequency 152.0075 MHz and frequencies within the bands 462.9375–463.1875 MHz and 467.9375 MHz–468.1875 MHz, subject to the limitations specified in § 90.20.

(Secs. 4(i) and 303(r), Communications Act of 1934, as amended, §§ 0.131 and 0.331 of the Commission's Rules and 5 U.S.C. 553 (b)(3)(B) and (d)(3))

[49 FR 20506, May 15, 1984, as amended at 62 FR 18929, Apr. 17, 1997; 70 FR 21661, Apr. 27, 2005]

**§ 90.266 Long distance communications on frequencies below 25 MHz.**

(a) The use of any particular frequency between 2 and 25 MHz is limited to those frequencies falling within the bands allocated to the fixed and land mobile services as indicated in § 2.106 of the Commission's Rules and Regulations.

(b) Only in the following circumstances will authority be extended to stations to operate on the frequencies below 25 MHz:

(1) To provide communications circuits to support operations which are highly important to the national interest and where other means of telecommunication are unavailable;

(2) To provide standby and/or backup communications circuits to regular domestic communications circuits which have been disrupted by disasters and/or emergencies.

(c) No protection is afforded to users of these frequencies from harmful interference caused by foreign operations.

(d) In the event that a complaint of harmful interference resulting from operation of these circuits is received from a foreign source, the offending circuit(s) must cease operation on the particular frequency concerned immediately upon notification by the Commission.