

## Federal Communications Commission

## § 25.156

be prima facie inconsistent with the public interest; and

(5) Contain a certificate of service showing that it has been mailed to the applicant no later than the date the pleading is filed with the Commission.

(b) The Commission will classify as informal objections:

(1) Any pleading not filed in accordance with paragraph (a) of this section;

(2) Any pleading to which the thirty (30) day public notice period of § 25.151 does not apply; or

(3) Any objections to the grant of an application when the objections do not conform to either paragraph (a) of this section or to other Commission rules and requirements.

(c) Except for opposition to petitions to deny an application filed pursuant to § 25.220, oppositions to petitions to deny an application or responses to comments and informal objections regarding an application may be filed within 10 days after the petition, comment, or objection is filed and must be in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such oppositions must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(d) Except for opposition to petitions to deny an application filed pursuant to § 25.220, reply comments by the party that filed the original petition may be filed with respect to pleadings filed pursuant to paragraph (c) of this section within 5 days after the time for filing oppositions has expired unless the Commission otherwise extends the filing deadline and must be in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

(e) If a petition to deny an application filed pursuant to § 25.220 is filed, the applicant must file a statement with the Commission explaining whether the applicant has resolved all outstanding issues raised by the petitioner, within 30 days of the date the

petition for deny is filed. This statement must be in accordance with the provisions of §§ 1.41 through 1.52 of this chapter applicable to oppositions to petitions to deny, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of this chapter.

[56 FR 24016, May 28, 1991, as amended at 69 FR 47795, Aug. 6, 2004; 70 FR 32254, June 2, 2005]

### § 25.155 Mutually exclusive applications.

(a) The Commission will consider applications to be mutually exclusive if their conflicts are such that the grant of one application would effectively preclude by reason of harmful electrical interference, or other practical reason, the grant of one or more other applications.

(b) An application for an NGSO-like space station license, within the meaning of § 25.157, will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with another NGSO-like space station application; and

(2) The application is received by the Commission in a condition acceptable for filing by the “cut-off” date specified in a public notice.

(c) An application for a GSO-like space station license, within the meaning of § 25.158, will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with another GSO-like space station application; and

(2) The application is received by the Commission in a condition acceptable for filing at the same millisecond as another GSO-like space station application with which it is mutually exclusive.

[68 FR 51505, Aug. 27, 2003]

### § 25.156 Consideration of applications.

(a) Applications for a radio station authorization, or for modification or renewal of an authorization, will be granted if, upon examination of the application, any pleadings or objections

filed, and upon consideration of such other matters as it may officially notice, the Commission finds that the applicant is legally, technically, and otherwise qualified, that the proposed facilities and operations comply with all applicable rules, regulations, and policies, and that grant of the application will serve the public interest, convenience and necessity.

(b) Whenever the Commission grants any application in part, or subject to any terms or conditions other than those routinely applied to applications of the same type, the grant shall be considered final unless the Commission should revise its action (either by granting the application as originally requested, or by designating the application for hearing) in response to a petition for reconsideration which:

(1) Is filed by the applicant within thirty (30) days from the release date of the conditioned grant; and

(2) Rejects the grant as made and explains the reasons why the application should be granted as originally requested.

(c) Reconsideration or review of any final action taken by the Commission will be in accordance with subpart A of part 1 of this chapter.

(d)(1) Applications for NGSO-like satellite systems will be considered pursuant to the procedures set forth in § 25.157.

(2) Applications for GSO-like satellite systems will be considered pursuant to the procedures set forth in § 25.158.

(3) Applications for NGSO-like satellite and GSO-like systems employing two or more service bands will be treated like separate applications for each service band, and each service band request will be considered pursuant to § 25.157 or § 25.158, as appropriate.

(4) Applications for feeder link authority or intersatellite link authority will be treated like an application separate from its associated service band. Each feeder link request or intersatellite link request will be considered pursuant to the procedure for GSO-like service or NGSO-like service, as applicable.

(5) In cases where the Commission has not adopted frequency-band specific service rules, the Commission will

not consider NGSO-like applications after it has granted a GSO-like application, and it will not consider GSO-like applications after it has granted an NGSO-like application, unless and until the Commission establishes NGSO/GSO sharing criteria for that frequency band. In the event that the Commission receives NGSO-like applications and GSO-like applications at the same time, and the Commission has not adopted sharing criteria in that band, the Commission will divide the spectrum between GSO-like and NGSO-like licensees based on the proportion of qualified GSO-like and NGSO-like applicants.

(6) An application for DBS or DARS services will be entitled to comparative consideration with one or more conflicting applications only if:

(i) The application is mutually exclusive with another application; and

(ii) The application is received by the Commission in a condition acceptable for filing by the “cut-off” date specified in a public notice.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51505, Aug. 27, 2003]

**§ 25.157 Consideration of NGSO-like satellite applications.**

(a) This section specifies the Commission’s procedures for considering license applications for “NGSO-like satellite systems.” For purposes of this section, the term “NGSO-like satellite system” is defined as:

(1) All NGSO satellite systems, and

(2) All GSO MSS satellite systems, in which the satellites are designed to communicate with earth stations with omni-directional antennas.

(b) Each NGSO-like satellite system application will be reviewed to determine whether it is acceptable for filing within the meaning of § 25.112. Any application that is not acceptable for filing would be returned to the applicant.

(c) Each NGSO-like satellite system application that is acceptable for filing will be reviewed to determine whether it is a “competing application,” *i.e.*, filed in response to a public notice initiating a processing round, or a “lead application,” *i.e.*, all other NGSO-like satellite system applications.

(1) Competing applications that are acceptable for filing will be placed on