

**§ 27.1168 Triggering a Reimbursement Obligation.**

(a) The clearinghouse will apply the following test to determine when an AWS entity has triggered a cost-sharing obligation and therefore must pay an AWS relocater, MSS relocater, or a voluntarily relocating microwave incumbent in accordance with the formula detailed in § 27.1164:

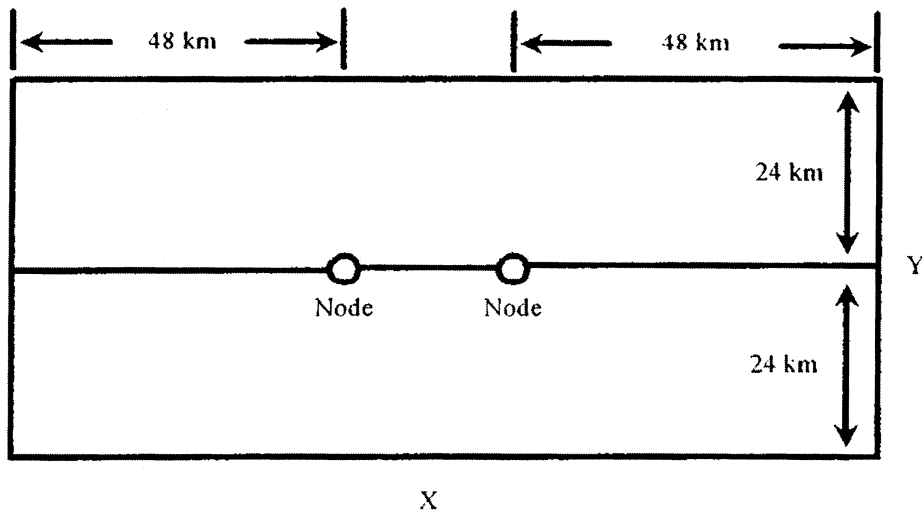
(1) All or part of the relocated microwave link was initially co-channel with the licensed AWS band(s) of the AWS entity or the selected assignment of the MSS operator that seeks and obtains ATC authority (see § 25.149(a)(2)(i) of this chapter);

(2) An AWS relocater, MSS relocater or a voluntarily relocating microwave

incumbent has paid the relocation costs of the microwave incumbent; and

(3) The AWS or MSS entity is operating or preparing to turn on a fixed base station at commercial power and the fixed base station is located within a rectangle (Proximity Threshold) described as follows:

(i) The length of the rectangle shall be  $x$  where  $x$  is a line extending through both nodes of the microwave link to a distance of 48 kilometers (30 miles) beyond each node. The width of the rectangle shall be  $y$  where  $y$  is a line perpendicular to  $x$  and extending for a distance of 24 kilometers (15 miles) on both sides of  $x$ . Thus, the rectangle is represented as follows:



(ii) If the application of the Proximity Threshold Test indicates that a reimbursement obligation exists, the clearinghouse will calculate the reimbursement amount in accordance with the cost-sharing formula and notify the AWS entity of the total amount of its reimbursement obligation.

(b) Once a reimbursement obligation is triggered, the AWS entity may not avoid paying its cost-sharing obliga-

tion by deconstructing or modifying its facilities.

[71 FR 29835, May 24, 2006, as amended at 78 FR 8271, Jan. 5, 2013]

**§ 27.1170 Payment issues.**

Prior to initiating operations for a newly constructed site or modified existing site, an AWS entity is required to file a notice containing site-specific data with the clearinghouse. The notice regarding the new or modified site must provide a detailed description of