

§§ 27.202–27.208 [Reserved]

**§ 27.209 Designated entities; bidding credits; unjust enrichment.**

(a) Designated entities entitled to preferences in the WCS in the 2305–2320 and 2345–2360 bands auction are small businesses and very small businesses as defined in §27.110(b). Designated entities will be eligible for bidding credits, as defined in paragraphs (b) and (c) of this section.

(b) A winning bidder that qualifies as a *small business* may use a bidding credit of 25 percent to lower the cost of its winning bid.

(c) A winning bidder that qualifies as a *very small business* may use a bidding credit of 35 percent to lower the cost of its winning bid.

[62 FR 9658, Mar. 3, 1997, as amended at 63 FR 2349, Jan. 15, 1998; 65 FR 57268, Sept. 21, 2000; 67 FR 45373, July 9, 2002]

**§ 27.210 Definitions.**

(a) *Scope.* The definitions in this section apply to §27.209, unless otherwise specified in those sections.

(b) *Small and very small business.* (1) A *small business* is an entity that, together with its affiliates and controlling interests, has average annual gross revenues that are not more than \$40 million for the preceding three years.

(2) A *very small business* is an entity that, together with its affiliates and controlling interests, has average annual gross revenues that are not more than \$15 million for the preceding three years.

[67 FR 45373, July 9, 2002, as amended at 68 FR 43000, July 21, 2003]

**Subpart E—Application, Licensing, and Processing Rules for WCS**

§ 27.301 [Reserved]

**§ 27.302 Eligibility.**

(a) General. Authorizations will be granted upon proper application if:

(1) The applicant is qualified under the applicable laws and the regulations, policies and decisions issued under those laws, including §27.12;

(2) There are frequencies available to provide satisfactory service; and

(3) The public interest, convenience or necessity would be served by a grant.

(b) Alien Ownership. A WCS authorization may not be granted to or held by an entity not meeting the requirements of section 310 of the Communications Act of 1934, as amended, 47 U.S.C. section 310 insofar as applicable to the particular service in question.

**§ 27.303 Upper 700 MHz commercial and public safety coordination zone.**

(a) *General.* CMRS operators are required, prior to commencing operations on fixed or base station transmitters on the 776–787 MHz and 788–793 MHz bands that are located within 500 meters of existing or planned public safety base station receivers, to submit a description of their proposed facility to a Commission-approved public safety coordinator.

(1) The description must include, at a minimum;

- (i) The frequency or frequencies on which the facility will operate;
- (ii) Antenna location and height;
- (iii) Type of emission;
- (iv) Effective radiated power;
- (v) A description of the area served and the operator’s name.

(2) It is the CMRS operator’s responsibility to determine whether referral is required for stations constructed in its area of license. Public safety base stations are considered “planned” when public safety operators have notified, or initiated coordination with, a Commission-approved public safety coordinator.

(b) CMRS operators must wait at least 10 business days after submission of the required description before commencing operations on the referenced facility, or implementing modifications to an existing facility.

(c) The potential for harmful interference between the CMRS and public safety facilities will be evaluated by the public safety coordinator.

(1) With regard to existing public safety facilities, the coordinator’s determination to disapprove a proposed CMRS facility (or modification) to be located within 500 meters of the public safety facilities will be presumed correct, but the CMRS operator may seek