

Federal Communications Commission

§ 90.155

§ 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base or a fixed transmitter at temporary locations shall be filed in accordance with § 1.931 of this chapter and the following:

(1) When one or more individual transmitters are to be operated by a licensee as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations.

(2) The application must specify the general geographic area within which the operation will be confined. The area may be specified as a city, a county or counties, a state or states or other definable geographic area such as a specified radius around a particular city or known geographic site.

(3) Applications for operation at temporary locations exceeding 180 days must be accompanied by evidence of frequency coordination, except that applications for operation at temporary locations exceeding 180 days by applicants using 220–222 MHz spectrum for geophysical telemetry operations need not be accompanied by evidence of frequency coordination.

(b) When any unit or units of a base station or fixed station which are authorized for operation at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1-year period.

(c) The provisions of this section do not apply to the 4940–4990 MHz band.

[43 FR 54791, Nov. 22, 1978, as amended at 45 FR 63862, Sept. 26, 1980; 51 FR 14997, Apr. 22, 1986; 58 FR 44956, Aug. 25, 1993; 62 FR 15992, Apr. 3, 1997; 63 FR 68963, Dec. 14, 1998; 68 FR 38639, June 30, 2003]

§ 90.138 Applications for itinerant frequencies.

An application for authority to conduct an itinerant operation in the Industrial/Business Pool must be restricted to use of itinerant frequencies or other frequencies not designated for

permanent use and need not be accompanied by evidence of frequency coordination. Users should be aware that no interference protection is provided from other itinerant operations.

[72 FR 35194, June 27, 2007]

§ 90.149 License term.

(a) Except as provided in subpart R of this part, licenses for stations authorized under this part will be issued for a term not to exceed ten (10) years from the date of the original issuance or renewal.

(b) Non-exclusive geographic area licenses for DSRCS Roadside Units (RSUs) in the 5850–5925 MHz band will be issued for a term not to exceed ten years from the date of original issuance or renewal. The registration dates of individual RSUs (see § 90.375) will not change the overall renewal period of the single license.

[43 FR 54791, Nov. 22, 1978, as amended at 49 FR 36376, Sept. 17, 1984; 56 FR 19602, Apr. 29, 1991; 56 FR 65858, Dec. 19, 1991; 59 FR 59958, Nov. 21, 1994; 62 FR 18924, Apr. 17, 1997; 63 FR 68964, Dec. 14, 1998; 65 FR 60875, Oct. 13, 2000; 69 FR 46442, Aug. 3, 2004; 70 FR 61061, Oct. 20, 2005; 78 FR 25175, Apr. 29, 2013]

§ 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part, except as provided in §§ 90.528, 90.529, 90.629, 90.631(f), 90.665, 90.685, and 90.1209, must be placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission.

(b) A local government entity in the Public Safety Pool, applying for any frequency in this part, may also seek extended implementation authorization pursuant to § 90.629.

(c) For purposes of this section, a base station is not considered to be placed in operation unless at least one associated mobile station is also placed in operation. See also §§ 90.633(d) and 90.631(f).

(d) Multilateration LMS EA-licensees, authorized in accordance with

§ 90.353, must construct and place in operation a sufficient number of base stations that utilize multilateration technology (*see* paragraph (e) of this section) to provide multilateration location service to one-third of the EA's population within five years of initial license grant, and two-thirds of the population within ten years. Licensees may, in the alternative, provide substantial service to their licensed area within the appropriate five- and ten-year benchmarks. In demonstrating compliance with the construction and coverage requirements, the Commission will allow licensees to individually determine an appropriate field strength for reliable service, taking into account the technologies employed in their system design and other relevant technical factors. At the five- and ten-year benchmarks, licensees will be required to file a map and FCC Form 601 showing compliance with the coverage requirements (*see* § 1.946 of this chapter).

(e) A multilateration LMS station will be considered constructed and placed in operation if it is built in accordance with its authorized parameters and is regularly interacting with one or more other stations to provide location service, using multilateration technology, to one or more mobile units. Specifically, LMS multilateration stations will only be considered constructed and placed in operation if they are part of a system that can interrogate a mobile, receive the response at 3 or more sites, compute the location from the time of arrival of the responses and transmit the location either back to the mobile or to a subscriber's fixed site.

(f) For purposes of this section, a station licensed to provide commercial mobile radio service is not considered to have commenced service unless it provides service to at least one unaffiliated party.

(g) Application for extension of time to commence service may be made on FCC Form 601. Extensions of time must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to commence service is due to causes beyond its control. No extensions will be granted for delays caused

by lack of financing, lack of site availability, for the assignment or transfer of control of an authorization, or for failure to timely order equipment. If the licensee orders equipment within 90 days of the license grant, a presumption of due diligence is created.

(h) An application for modification of an authorization (under construction) at the existing location does not extend the initial construction period. If additional time to commence service is required, a request for such additional time must be submitted on FCC Form 601, either separately or in conjunction with the submission of the FCC Form 601 requesting modification.

(i) DSRCS Roadside Units (RSUs) in the 5850–5925 MHz band must be placed in operation within 12 months from the date of registration (*see* § 90.375) or the authority to operate the RSUs cancels automatically (*see* § 1.955 of this chapter). Such registration date(s) do not change the overall renewal period of the single license. Licensees must notify the Commission in accordance with § 1.946 of this chapter when registered units are placed in operation within their construction period.

[65 FR 60875, Oct. 13, 2000, as amended at 68 FR 38639, June 30, 2003; 69 FR 46443, Aug. 3, 2004; 69 FR 75172, Dec. 15, 2004; 71 FR 52749, Sept. 7, 2006; 72 FR 48859, Aug. 24, 2007]

§ 90.157 Discontinuance of station operation.

(a) An authorization shall cancel automatically upon permanent discontinuance of operations. Unless stated otherwise in this part or in a station authorization, for the purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

(b) For DSRCS Roadside Units (RSUs) in the 5850–5925 MHz band, it is the DSRCS licensee's responsibility to delete from the registration database any RSUs that have been discontinued.

[72 FR 44423, Aug. 8, 2007]

§ 90.159 Temporary and conditional permits.

(a) An applicant for a license under this part (other than a commercial mobile radio license) utilizing an already licensed facility may operate the radio