

Federal Communications Commission

§ 90.523

(b) *Part 22 licensing, construction and operation rules apply.* Licensing, construction and operation of paging stations on the exclusive channels in the 929–930 MHz band are subject to the application filing, licensing procedure, auction procedure, construction, operation and notification rules and requirements that are set forth in part 22 of this chapter for paging stations operating in the 931–932 MHz band, instead of procedures elsewhere in this part.

(c) *Part 22 power limits apply; type acceptance required.* Paging operations on the exclusive channels in the 929–930 MHz band are subject to the transmitting power limits set forth in part 22 of this chapter for paging stations operating in the 931–932 MHz band, instead of power limits elsewhere in this part. Transmitters used on the exclusive channels in the 929–930 MHz band must be of a type accepted under either part 22 of this chapter or this part (or both).

[62 FR 11636, Mar. 12, 1997]

§ 90.494 Paging operations on shared channels in the 929–930 MHz band.

(a) This section applies to licensing of paging stations on the shared (non-exclusive) channels in the 929–930 MHz band. The center frequencies of these channels are listed in paragraph (b) of this section.

(b) The following frequencies are available to all eligible part 90 users for one-way paging systems on a shared basis only and will not be assigned for the exclusive use of any licensee.

929.0375	929.1625
929.0625	929.2625
929.0875	

(c) All frequencies listed in this section may be used to provide one-way paging communications to persons eligible for licensing under subpart B or C of this part, representatives of Federal Government agencies, individuals, and foreign governments and their representatives. The provisions of § 90.173(b) apply to all frequencies listed in this section.

(d) Licensees on these frequencies may utilize any type of paging operation desired (tone only, tone-voice, digital, tactile, optical readout, etc.).

(e) There shall be no minimum or maximum loading standards for these frequencies.

(f) The effective radiated power for base stations providing paging service on the shared channels must not exceed 3500 watts.

[58 FR 62291, Nov. 26, 1993, as amended at 59 FR 59966, Nov. 21, 1994; 61 FR 8483, Mar. 5, 1996; 62 FR 11637, Mar. 12, 1997; 62 FR 18934, Apr. 17, 1997; 66 FR 57885, Nov. 19, 2001]

Subpart Q [Reserved]

Subpart R—Regulations Governing the Licensing and Use of Frequencies in the 758–775 and 788–805 MHz Bands

SOURCE: 63 FR 58651, Nov. 2, 1998, unless otherwise noted.

§ 90.521 Scope.

This subpart sets forth the regulations governing the licensing and operations of all systems operating in the 758–775 MHz and 788–805 MHz frequency bands. It includes eligibility, operational, planning and licensing requirements and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

[63 FR 58651, Nov. 2, 1998, as amended at 72 FR 48860, Aug. 24, 2007; 77 FR 62463, Oct. 15, 2012]

§ 90.523 Eligibility.

This section implements the definition of public safety services contained in 47 U.S.C. 337(f)(1). The following are eligible to hold Commission authorizations for systems operating in the 763–775 MHz and 793–805 MHz frequency bands:

(a) *State or local government entities.* Any territory, possession, state, city, county, town, or similar State or local governmental entity is eligible to hold authorizations in the 764–776 MHz and 794–806 MHz frequency bands.

(b) *Nongovernmental organizations.* A nongovernmental organization (NGO)

that provides services, the sole or principal purpose of which is to protect the safety of life, health, or property, is eligible to hold an authorization for a system operating in the 764–776 MHz and 794–806 MHz frequency bands for transmission or reception of communications essential to providing such services if (and only for so long as) the NGO applicant/licensee:

(1) Has the ongoing support (to operate such system) of a state or local governmental entity whose mission is the oversight of or provision of services, the sole or principal purpose of which is to protect the safety of life, health, or property;

(2) Operates such authorized system solely for transmission of communication essential to providing services the sole or principal purpose of which is to protect the safety of life, health, or property; and

(3) All applications submitted by NGOs must be accompanied by a new, written certification of support (for the NGO applicant to operate the applied-for system) by the state or local governmental entity referenced in paragraph (b)(1) of this section.

(c) *All NGO authorizations are conditional.* NGOs assume all risks associated with operating under conditional authority. Authorizations issued to NGOs to operate systems in the 764–776 MHz and 794–806 MHz frequency bands include the following condition: If at any time the supporting governmental entity (see paragraph (b)(1)) notifies the Commission in writing of such governmental entity's termination of its authorization of a NGO's operation of a system in the 764–776 MHz and 794–806 MHz frequency bands, the NGO's application shall be dismissed automatically or, if authorized by the Commission, the NGO's authorization shall terminate automatically.

(d) Paragraphs (a) and (b) notwithstanding, no entity is eligible to hold an authorization for a system operating in the 764–776 MHz and 794–806 MHz frequency bands on the basis of services, the sole or principal purpose of which is to protect the safety of life, health or property, that such entity makes commercially available to the public.

(e) The minimum eligibility requirements for the Public Safety Broadband Licensee in the 763–768 MHz and 793–798 MHz bands are as follows:

(1) No commercial interest may be held in the Public Safety Broadband Licensee, and no commercial interest may participate in the management of the Public Safety Broadband Licensee;

(2) The Public Safety Broadband Licensee must be a non-profit organization;

(3) The Public Safety Broadband Licensee must be as broadly representative of the public safety radio user community as possible; and

(4) The Public Safety Broadband Licensee must be in receipt of written certifications from no less than ten geographically diverse state and local governmental entities (the authorizing entities), with at least one certification from a state government entity and one from a local government entity, verifying that—

(i) They have authorized the Public Safety Broadband Licensee to use spectrum at 763–768 MHz and 793–798 MHz to provide the authorizing entities with public safety services; and

(ii) The authorizing entities' primary mission is the provision of public safety services.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 53645, Sept. 5, 2000; 72 FR 48860, Aug. 24, 2007]

§ 90.525 Administration of interoperability channels.

(a) States are responsible for administration of the Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands. Base and control stations must be licensed individually. A public safety entity meeting the requirements of § 90.523 may operate mobile or portable units on the Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands without a specific authorization from the Commission provided it holds a part 90 license. All persons operating mobile or portable units under this authority are responsible for compliance with part 90 of these rules and other applicable federal laws.

(b) License applications for Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands must