

## Federal Communications Commission

## § 101.4

the receiver(s) or communicating information to the receiver(s), whether or not the information is to be retained in record form.

*Standby transmitter.* A transmitter installed and maintained for use in lieu of the main transmitter only during periods when the main transmitter is out of service for maintenance or repair.

*Symbol rate.* Modulation rate in bauds. This rate may be higher than the transmitted bit rate as in the case of coded pulses or lower as in the case of multilevel transmission.

*Telegraphy.* A form of telecommunication which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. Unless otherwise specified, telegraphy means a form of telecommunication for the transmission of written matter by the use of signal code.

*Telemetering.* The use of telecommunication for automatic indicating or recording measurements at a distance from the measuring instrument.

*Telephony.* A form of telecommunication set up for the transmission of speech, or in some cases, other sounds.

*Television.* A form of telecommunication for transmission of transient images of fixed or moving objects.

*Temporary fixed station.* A station established in a non-permanent mode (temporary) at a specified location for a short period of time, ranging up to one year. Temporary-fixed operations are itinerant in nature, and are not to be confused with mobile-type operations.

*Universal Licensing System (ULS).* The consolidated database, application filing system and processing system for all Wireless Telecommunications Services. The ULS offers Wireless Telecommunications Bureau (WTB) applicants and the general public electronic filing of all applications requests, and full public access to all WTB licensing data.

*User or subscriber station.* The station(s) in a microwave radio system operating at the users' premises on point-

to-multipoint or multipoint-to-multipoint frequencies and communicating with one or more nodal stations.

*Video entertainment material.* The transmission of a video signal (e.g. United States Standard Monochrome or National Television Systems Committee 525-line television) and an associated audio signal which is designed primarily to amuse or entertain, such as movies and games.

[61 FR 26677, May 28, 1996, as amended at 61 FR 29693, June 12, 1996; 61 FR 31052, June 19, 1996; 61 FR 44181, Aug. 28, 1996; 62 FR 23163, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998; 65 FR 17448, Apr. 3, 2000; 65 FR 38326, June 20, 2000; 65 FR 59357, Oct. 5, 2000; 67 FR 43037, June 26, 2002; 68 FR 4955, Jan. 31, 2003; 77 FR 54432, Sept. 5, 2012]

### Subpart B—Applications and Licenses

#### GENERAL FILING REQUIREMENTS

#### § 101.4 Transition plan.

(a) All systems subject to parts 21 and 94 of this chapter in effect as of July 31, 1996, which are licensed or which are proposed in an application on file, as of July 31, 1996, are subject to the requirements under part 21 or part 94 of this chapter as contained in the CFR edition revised as of October 1, 1995 and amended in the FEDERAL REGISTER through July 31, 1996, as applicable, indefinitely.

(b) For purposes of this section, a "system" shall include:

- (1) The originally licensed system;
- (2) Any modification to the original system involving a change in antenna azimuth, antenna beam width, channel loading, emission, station location, antenna height, authorized power, or authorized frequencies;
- (3) Additional links constructed to complete an integrated communications network; or
- (4) Operationally connecting new facilities and/or frequencies.

(c) All radio frequency devices authorized pursuant to part 2 of this chapter as being in compliance with applicable part 21 or part 94 of this chapter in effect as of July 31, 1996, requirements can be used indefinitely

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with systems licensed under this part 101.

[61 FR 26677, May 28, 1996, as amended at 65 FR 38326, June 20, 2000]

### § 101.5 Station authorization required.

(a) [Reserved]

(b) A separate application form must be filed electronically via ULS for each Digital Electronic Message Service (DEMS) Nodal Station. No license is required for a DEMS User Station or for a Multiple Address System (MAS) remote or mobile station. Authority for a DEMS Nodal Station licensee to serve a specific number of user stations to be licensed in the name of the carrier must be requested on FCC Form 601 filed for the DEMS Nodal Station. Authority for any number of MAS remotes and authority to serve MAS mobiles (to the extent this part permits such operation) within a specified area will be included in the authority for the MAS fixed master stations.

(c) [Reserved]

(d) For stations authorized under subpart H (Private Operational Fixed Point-to-Point Microwave Service), subpart I (Common Carrier Fixed Point-to-Point Microwave Service), and subpart L of this part (Local Multipoint Distribution Service), construction of new or modified stations may be initiated prior to grant of an authorization. As a condition to commencing construction under this paragraph (d), the Commission may, at any time and without hearing or notice, prohibit such construction for any reason. Any construction conducted under this paragraph is at the applicant's sole risk.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998; 68 FR 4955, Jan. 31, 2003]

### § 101.7 Eligibility for station license.

(a) A station license may not be granted to or held by a foreign government or by a representative of a foreign government.

(b) In the Common Carrier service, a station license may not be granted or held by:

(1) Any alien or the representative of any alien;

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(2) Any corporation organized under the laws of any foreign government;

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country; or

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[61 FR 26677, May 28, 1996, as amended at 61 FR 55581, Oct. 28, 1996]

### § 101.17 Performance requirements for the 38.6–40.0 GHz frequency band.

(a) All 38.6–40.0 GHz band licensees must demonstrate substantial service at the time of license renewal. A licensee's substantial service showing should include, but not be limited to, the following information for each channel for which they hold a license, in each EA or portion of an EA covered by their license, in order to qualify for renewal of that license. The information provided will be judged by the Commission to determine whether the licensee is providing service which rises to the level of "substantial."

(1) A description of the 38.6–40.0 GHz band licensee's current service in terms of geographic coverage;

(2) A description of the 38.6–40.0 GHz band licensee's current service in terms of population served, as well as any additional service provided during the license term;

(3) A description of the 38.6–40.0 GHz band licensee's investments in its system(s) (type of facilities constructed and their operational status is required);

(b) Any 38.6–40.0 GHz band licensees adjudged not to be providing substantial service will not have their licenses renewed.

[65 FR 38327, June 20, 2000]