

Federal Communications Commission

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the bearing (omni-bearing) of that station from an aircraft.

[53 FR 28940, Aug. 1, 1988, as amended at 54 FR 11719, Mar. 22, 1989; 54 FR 49995, Dec. 4, 1989; 55 FR 4175, Feb. 7, 1990; 57 FR 45749, Oct. 5, 1992; 64 FR 27474, May 20, 1999; 69 FR 32879, June 14, 2004; 71 FR 70676, Dec. 6, 2006; 78 FR 45074, July 26, 2013; 78 FR 61205, Oct. 3, 2013; 80 FR 38909, July 7, 2015]

Subpart B—Applications and Licenses

§ 87.17 Scope.

Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the Commission and for the filing of applications for radio station licenses in the aviation services. Specific guidance for each type of radio service license in aviation services is set forth in this part.

[63 FR 68957, Dec. 14, 1998]

§ 87.18 Station license required.

(a) Except as noted in paragraph (b) of this section, stations in the aviation service must be licensed by the FCC either individually or by fleet.

(b) An aircraft station is licensed by rule and does not need an individual license issued by the FCC if the aircraft station is not required by statute, treaty, or agreement to which the United States is signatory to carry a radio, and the aircraft station does not make international flights or communications. Even though an individual license is not required, an aircraft station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

[61 FR 58011, Nov. 12, 1996]

§ 87.19 Basic eligibility.

(a) *General.* Foreign governments or their representatives cannot hold station licenses.

(b) *Aeronautical enroute and aeronautical fixed stations.* The following persons cannot hold an aeronautical enroute or an aeronautical fixed station license.

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

(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 or by a foreign government or its representative, or by a 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, their representatives, or by a foreign government or its representatives, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[53 FR 28940, Aug. 1, 1988, as amended at 61 FR 55581, Oct. 28, 1996]

§ 87.25 Filing of applications.

(a) [Reserved]

(b) An application must be filed with the Commission in accordance with part 1, subpart F of this chapter. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(c) One application may be submitted for the total number of aircraft stations in the fleet (fleet license).

(d) One application for aeronautical land station license may be submitted for the total number of stations in the fleet.

(e) One application for modification or transfer of control may be submitted for two or more stations when the individual stations are clearly identified and the following elements are the same for all existing or requested station licenses involved:

- (1) Applicant;
- (2) Specific details of request;
- (3) Rule part.

[53 FR 28940, Aug. 1, 1988, as amended at 56 FR 64715, Dec. 12, 1991; 63 FR 68957, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999; 69 FR 32879, June 14, 2004]

§ 87.27 License term.

Licenses for stations in the aviation services will normally be issued for a

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term of ten years from the date of original issuance, or renewal.

[78 FR 25175, Apr. 29, 2013]

§ 87.29 Partial grant of application.

Whenever the Commission, without a hearing, grants an application in part or with any privileges, terms, or conditions other than those requested, the action will be considered as a grant of the application unless the applicant, within 30 days from the date on which such grant is made, or from its effective date if a later day is specified, files with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 87.35 Cancellation of license.

When a station permanently discontinues operation the station license must be canceled in accordance with the procedures set forth in part 1 of this chapter.

[63 FR 68957, Dec. 14, 1998]

§ 87.39 Equipment acceptable for licensing.

Transmitters listed in this part must be certificated for a particular use by the Commission based upon technical requirements contained in subpart D of this part.

[53 FR 28940, Aug. 1, 1988, as amended at 63 FR 36607, July 7, 1998]

§ 87.41 Frequencies.

(a) *Applicant responsibilities.* The applicant must propose frequencies to be used by the station consistent with the applicant's eligibility, the proposed operation and the frequencies available for assignment. Applicants must cooperate in the selection and use of frequencies in order to minimize interference and obtain the most effective use of stations. See subpart E and the appropriate subpart applicable to the class of station being considered.

(b) *Licensing limitations.* Frequencies are available for assignment to stations on a shared basis only and will not be assigned for the exclusive use of any licensee. The use of any assigned

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frequency may be restricted to one or more geographical areas.

(c) *Government frequencies.* Frequencies allocated exclusively to federal government radio stations may be licensed. The applicant for a government frequency must provide a satisfactory showing that such assignment is required for inter-communication with government stations or required for coordination with activities of the federal government. The Commission will coordinate with the appropriate government agency before a government frequency is assigned.

(d) *Assigned frequency.* The frequency coinciding with the center of an authorized bandwidth of emission must be specified as the assigned frequency. For single sideband emission, the carrier frequency must also be specified.

§ 87.43 Operation during emergency.

A station may be used for emergency communications in a manner other than that specified in the station license or in the operating rules when normal communication facilities are disrupted. The Commission may order the discontinuance of any such emergency service.

§ 87.45 Time in which station is placed in operation.

This section applies only to unicom stations and radionavigation land stations, excluding radionavigation land test stations. When a new license has been issued or additional operating frequencies have been authorized, the station or frequencies must be placed in operation no later than one year from the date of the grant. The licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies have been placed in operation.

[69 FR 32879, June 14, 2004]

§ 87.47 Application for a portable aircraft station license.

A person may apply for a portable aircraft radio station license if the need exists to operate the same station on more than one U.S. aircraft.

§ 87.51 Aircraft earth station commissioning.

(a) [Reserved]