

approximately equal to the measurement bandwidth, and much less than the emission bandwidth of the equipment under test, the measured results shall be corrected to account for any difference between the resolution bandwidth of the test instrument and its actual noise bandwidth.

(e) The ratio of the peak excursion of the modulation envelope (measured using a peak hold function) to the maximum conducted output power shall not exceed 13 dB across any 1 MHz bandwidth or the emission bandwidth whichever is less.

[70 CFR 28467, May 18, 2005, as amended at 74 FR 23803, May 21, 2009; 74 FR 27455, June 10, 2009]

#### § 90.1217 RF Hazards.

Licensees and manufacturers are subject to the radiofrequency radiation exposure requirements specified in §§1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

### Subpart Z—Wireless Broadband Services in the 3650–3700 MHz Band

SOURCE: 70 FR 24726, May 11, 2005, unless otherwise noted.

#### § 90.1301 Scope.

This subpart sets out the regulations governing wireless operations in the 3650–3700 MHz band. It includes licensing requirements, and specific operational and technical standards for wireless operations in this band. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in the Commission's rules; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in this band.

#### § 90.1303 Eligibility.

Any entity, other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this part.

#### § 90.1305 Permissible operations.

Use of the 3650–3700 MHz band must be consistent with the allocations for this band as set forth in part 2 of the Commission's Rules. All stations operating in this band must employ a contention-based protocol (as defined in §90.7).

#### § 90.1307 Licensing.

(a) The 3650–3700 MHz band is licensed on the basis of non-exclusive nationwide licenses. Non-exclusive nationwide licenses will serve as a prerequisite for registering individual fixed and base stations. A licensee cannot operate a fixed or base station before registering it under its license and licensees must delete registrations for unused fixed and base stations.

(b) The Commission shall issue no new licenses or license renewals under this section after April 17, 2015, except as specified in paragraph (c) of this section.

(c) If a license issued under this Section expires between April 17, 2015 and April 17, 2020, the licensee may request a one-time renewal and the Commission may renew that license for a term ending no later than April 17, 2020.

(d) Licenses that were issued after January 8, 2013 will be afforded protection from harmful interference from Citizens Broadband Radio Service users pursuant to §90.1338 until April 17, 2020 regardless of their expiration date.

[80 FR 36222, June 23, 2015]

#### § 90.1309 Regulatory status.

Licensees are permitted to provide services on a non-common carrier and/or on a common carrier basis. A licensee may render any kind of communications service consistent with the regulatory status in its license and with the Commission's rules applicable to that service.