

§ 24.831

not have been raised in connection with the underlying previously-filed application. This subsection does not apply, however, to petitioners who gain standing because of the major amendment.

§ 24.831 Mutually exclusive applications.

(a) The Commission will consider applications for broadband PCS licenses to be mutually exclusive if they relate to the same geographical boundaries (MTA or BTA) and are timely filed for the same frequency block.

(b) Mutually exclusive applications filed on Form 175 for the initial provision of broadband PCS are subject to competitive bidding in accordance with the procedures in subpart H of this part and in part 1, subpart Q of this chapter.

(c) An application will be entitled to comparative consideration with one or more conflicting applications only if the Commission determines that such comparative consideration will serve the public interest.

(d)–(j) [Reserved]

§ 24.832 [Reserved]

§ 24.833 Post-auction divestitures.

Any parties sharing a common non-controlling ownership interest who aggregate more PCS spectrum among them than a single entity is entitled to hold (See §§ 20.6(e), 24.710, 24.204, 24.229(c) of this chapter) will be permitted to divest sufficient properties within 90 days of the license grant to come into compliance with the spectrum aggregation limits as follows:

(a) The broadband PCS applicant shall submit a signed statement with its long-form application stating that sufficient properties will be divested within 90 days of the license grant. If the licensee is otherwise qualified, the Commission will grant the applications subject to a condition that the licensee come into compliance with the PCS spectrum aggregation limits within 90 days of grant.

(b) Within 90 days of license grant, the licensee must certify that the applicant and all parties to the application have come into compliance with the PCS spectrum aggregation limits. If the licensee fails to submit the cer-

47 CFR Ch. I (10–1–16 Edition)

tification within 90 days, the Commission will immediately cancel all broadband PCS licenses won by the applicant, impose the default penalty and, based on the facts presented, take any other action it may deem appropriate. Divestiture may be to an interim trustee if a buyer has not been secured in the required time frame, as long as the applicant has no interest in or control of the trustee, and the trustee may dispose of the property as it sees fit. In no event may the trustee retain the property for longer than six months from grant of license.

[59 FR 53371, Oct. 24, 1994]

§§ 24.834–24.838 [Reserved]

§ 24.839 Transfer of control or assignment of license.

(a) Restrictions on Assignments and Transfers of Licenses for Frequency Blocks C and F won in closed bidding. No assignment or transfer of control of a license for frequency Block C or frequency Block F won in closed bidding pursuant to the eligibility requirements of § 24.709 will be granted unless:

(1) The application for assignment or transfer of control is filed after five years from the date of the initial license grant; or

(2) The proposed assignee or transferee meets the eligibility criteria set forth in § 24.709 of this part at the time the application for assignment or transfer of control is filed, or the proposed assignee or transferee holds other license(s) for frequency blocks C and F and, at the time of receipt of such license(s), met the eligibility criteria set forth in § 24.709 of this part; or

(3) The application is for partial assignment of a partitioned service area to a rural telephone company pursuant to § 24.714 of this part and the proposed assignee meets the eligibility criteria set forth in § 24.709 of this part; or

(4) The application is for an involuntary assignment or transfer of control to a bankruptcy trustee appointed under involuntary bankruptcy, an independent receiver appointed by a court of competent jurisdiction in a foreclosure action, or, in the event of death or disability, to a person or entity legally qualified to succeed the deceased or disabled person under the

Federal Communications Commission

Pt. 25

laws of the place having jurisdiction over the estate involved; provided that, the applicant requests a waiver pursuant to this paragraph; or

(5) The assignment or transfer of control is pro forma; or

(6) The application for assignment or transfer of control is filed on or after the date the licensee has notified the Commission pursuant to §24.203(c) that its five-year construction requirement has been satisfied.

(b) If the assignment or transfer of control of a license is approved, the assignee or transferee is subject to the original construction requirement of §24.203 of this part.

[63 FR 68953, Dec. 14, 1998, as amended at 65 FR 53638, Sept. 5, 2000]

§§ 24.840–24.844 [Reserved]

PART 25—SATELLITE COMMUNICATIONS

Subpart A—General

Sec.

- 25.101 Basis and scope.
- 25.102 Station authorization required.
- 25.103 Definitions.
- 25.104 Preemption of local zoning of earth stations.
- 25.105 Citizenship.
- 25.106–25.107 [Reserved]
- 25.108 Incorporation by reference.
- 25.109 Cross-reference.

Subpart B—Applications and Licenses

GENERAL APPLICATION FILING REQUIREMENTS

- 25.110 Filing of applications, fees, and number of copies.
- 25.111 Additional information, ITU filings, and ITU cost recovery.
- 25.112 Dismissal and return of applications.
- 25.113 Station construction, deployment approval, and operation of spare satellites.
- 25.114 Applications for space station authorizations.
- 25.115 Applications for earth station authorizations.
- 25.116 Amendments to applications.
- 25.117 Modification of station license.
- 25.118 Modifications not requiring prior authorization.
- 25.119 Assignment or transfer of control of station authorization.
- 25.120 Application for special temporary authorization.
- 25.121 License term and renewals.

- 25.129 Equipment authorization for portable earth-station transceivers.

EARTH STATIONS

- 25.130 Filing requirements for transmitting earth stations.
- 25.131 Filing requirements and registration for receive-only earth stations.
- 25.132 Verification of earth station antenna performance.
- 25.133 Period of construction; certification of commencement of operation.
- 25.134 [Reserved]
- 25.135 Licensing provisions for earth station networks in the non-voice, non-geostationary Mobile-Satellite Service.
- 25.136 [Reserved]
- 25.137 Requests for U.S. market access through non-U.S.-licensed space stations.
- 25.138 Licensing requirements for GSO FSS earth stations in the conventional Ka-band.
- 25.139 NGSO FSS coordination and information sharing between MVDDS licensees in the 12.2 GHz to 12.7 GHz band.

SPACE STATIONS

- 25.140 Further requirements for license applications for GSO space station operation in the FSS and the 17/24 GHz BSS.
- 25.142 Licensing provisions for the non-voice, non-geostationary Mobile-Satellite Service.
- 25.143 Licensing provisions for the 1.6/2.4 GHz Mobile-Satellite Service and 2 GHz Mobile-Satellite Service.
- 25.144 Licensing provisions for the 2.3 GHz satellite digital audio radio service.
- 25.145 Licensing provisions for the FSS in the 18.3–20.2 GHz and 28.35–30.0 GHz bands.
- 25.146 Licensing and operating rules for the NGSO FSS in the 10.7–14.5 GHz bands.
- 25.147 [Reserved]
- 25.148 Licensing provisions for the Direct Broadcast Satellite Service.
- 25.149 Application requirements for ancillary terrestrial components in Mobile-Satellite Service networks operating in the 1.5/1.6 GHz and 1.6/2.4 GHz Mobile-Satellite Service.

PROCESSING OF APPLICATIONS

- 25.150 Receipt of applications.
- 25.151 Public notice.
- 25.152 [Reserved]
- 25.153 Repetitious applications.
- 25.154 Opposition to applications and other pleadings.
- 25.155 Mutually exclusive applications.
- 25.156 Consideration of applications.
- 25.157 Consideration of applications for NGSO-like satellite operation.
- 25.158 Consideration of applications for GSO-like satellite operation.