

§ 25.105

nonfederal administrative remedies, file a petition with the Commission requesting a declaration that the state or local regulation in question is preempted by this section. Nonfederal administrative remedies, which do not include judicial appeals of administrative determinations, shall be deemed exhausted when:

(1) The petitioner's application for a permit or other authorization required by the state or local authority has been denied and any administrative appeal and variance procedure has been exhausted;

(2) The petitioner's application for a permit or other authorization required by the state or local authority has been on file for ninety days without final action;

(3) The petitioner has received a permit or other authorization required by the state or local authority that is conditioned upon the petitioner's expenditure of a sum of money, including costs required to screen, pole-mount, or otherwise specially install the antenna, greater than the aggregate purchase or total lease cost of the equipment as normally installed; or

(4) A state or local authority has notified the petitioner of impending civil or criminal action in a court of law and there are no more nonfederal administrative steps to be taken.

(d) Procedures regarding filing of petitions requesting declaratory rulings and other related pleadings will be set forth in subsequent Public Notices. All allegations of fact contained in petitions and related pleadings must be supported by affidavit of a person or persons with personal knowledge thereof.

(e) Any state or local authority that wishes to maintain and enforce zoning or other regulations inconsistent with this section may apply to the Commission for a full or partial waiver of this section. Such waivers may be granted by the Commission in its sole discretion, upon a showing by the applicant that local concerns of a highly specialized or unusual nature create a necessity for regulation inconsistent with this section. No application for waiver shall be considered unless it specifically sets forth the particular regulation for which waiver is sought. Waiv-

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ers granted in accordance with this section shall not apply to later-enacted or amended regulations by the local authority unless the Commission expressly orders otherwise.

(f) A satellite earth station antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska is covered by the regulations in § 1.4000 of this chapter.

[61 FR 10898, Mar. 18, 1996, as amended at 61 FR 46562, Sept. 4, 1996]

EFFECTIVE DATE NOTE: At 61 FR 46562, Sept. 4, 1996, § 25.104 was amended by revising paragraph (b)(1) and adding paragraph (f). These paragraphs contain information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 25.105 Citizenship.

The rules that establish the requirements and conditions for obtaining the Commission's prior approval of foreign ownership in common carrier licensees that would exceed the 20 percent limit in section 310(b)(3) of the Communications Act (47 U.S.C. 310(b)(3)) and/or the 25 percent benchmark in section 310(b)(4) of the Act (47 U.S.C. 310(b)(4)) are set forth in §§ 1.5000 through 1.5004 of this chapter.

[81 FR 86613, Dec. 1, 2016]

§§ 25.106–25.107 [Reserved]

§ 25.108 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Federal Communications Commission, 445 12th Street SW, Reference Information Center, Room CY-A257, Washington, DC 20554, 202-418-0270, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to www.archives.gov/federal-register/ccfr/ibr-locations.html.

(b) European Telecommunications Standards Institute (ETSI), 650 Route

des Lucioles, 06921 Sophia-Antipolis Cedex, France; <http://www.etsi.org>; Voice: +33 (0)4 92 94 42 00; Fax: +33 (0)4 93 65 47 16; email: webstore@etsi.org.

(1) ETSI TS 103 129 V1.1.2 (2014-03), “Digital Video Broadcasting (DVB); Framing structure, channel coding and modulation of a carrier identification system (DVB-CID) for satellite transmission,” Version 1.1.2, March 2014. Incorporation by reference approved for §25.281(b).

(2) [Reserved]

(c) International Telecommunication Union (ITU), Place des Nations, 1211 Geneva 20 Switzerland; www.itu.int; Voice: +41 22 730 5111; Fax: +41 22 733 7256; email: itumail@itu.int.

(1) ITU Radio Regulations, Volume 1: Articles, Article 9, “Procedure for effecting coordination with or obtaining agreement of other administrations,” Section II, “Procedure for effecting coordination,” Edition of 2012, <http://www.itu.int/pub/R-REG-RR-2012>. Incorporation by reference approved for §25.111(e).

(2) ITU Radio Regulations, Volume 1: Articles, Article 21, “Terrestrial and space services sharing frequency bands above 1 GHz,” Section V, “Limits of power flux-density from space stations,” Edition of 2016, copyright 2016, <http://www.itu.int/pub/R-REG-RR-2016>. Incorporation by reference approved for §25.146(a).

(3) ITU Radio Regulations, Volume 1: Articles, Article 22, “Space services,” Section II, “Control of interference to geostationary-satellite systems,” Edition of 2016, copyright 2016, <http://www.itu.int/pub/R-REG-RR-2016>. Incorporation by reference approved for §§25.146(a), 25.289.

(4) ITU Radio Regulations, Volume 2: Appendices, Appendix 7, “Methods for the determination of the coordination areas around an earth station in the frequency bands between 100 MHz and 105 GHz,” Edition of 2012, <http://www.itu.int/pub/R-REG-RR-2012>. Incorporation by reference approved for §25.203(m).

(5) ITU Radio Regulations, Volume 2: Appendices, Appendix 30, “Provisions for all services and associated Plans and List for the broadcasting-satellite service in the frequency bands 11.7–12.2 GHz (in Region 3), 11.7–12.5 GHz (in Re-

gion 1) and 12.2–12.7 GHz (in Region 2),” Edition of 2012, <http://www.itu.int/pub/R-REG-RR-2012>. Incorporation by reference approved for §§25.117(h) and 25.118(e).

(6) ITU Radio Regulations, Volume 2: Appendices, Appendix 30A, “Provisions and associated Plans and List for feeder links for the broadcasting-satellite service (11.7–12.5 GHz in Region 1, 12.2–12.7 GHz in Region 2 and 11.7–12.2 GHz in Region 3) in the frequency bands 14.5–14.8 GHz and 17.3–18.1 GHz in Regions 1 and 3, and 17.3–17.8 GHz in Region 2,” Edition of 2012, <http://www.itu.int/pub/R-REG-RR-2012>. Incorporation by reference approved for §§25.110(b), 25.117(h), and 25.118(e).

(7) ITU Radio Regulations, Volume 2: Appendices, Appendix 30B, “Provisions and associated Plan for the fixed-satellite service in the frequency bands 4 500–4 800 MHz, 6 725–7 025 MHz, 10.70–10.95 GHz, 11.2–11.45 GHz and 12.75–13.25 GHz,” Edition of 2012, <http://www.itu.int/pub/R-REG-RR-2012>. Incorporation by reference approved for §§25.110(b) and 25.140(a).

(8) ITU Radio Regulations, Volume 3: Resolutions and Recommendations, Resolution 76 (Rev.WRC-15), “Protection of geostationary fixed-satellite service and geostationary broadcasting-satellite service networks from the maximum aggregate equivalent power flux-density produced by multiple non-geostationary fixed-satellite service systems in frequency bands where equivalent power flux-density limits have been adopted,” Edition of 2016, copyright 2016, <http://www.itu.int/pub/R-REG-RR-2016>. Incorporation by reference approved for §25.146(a).

(9) ITU Radio Regulations, Volume 3: Resolutions and Recommendations, Resolution 85 (WRC-03), “Application of Article 22 of the Radio Regulations to the protection of geostationary fixed-satellite service and broadcasting-satellite service networks from non-geostationary fixed-satellite service systems,” Edition of 2016, copyright 2016, <http://www.itu.int/pub/R-REG-RR-2016>. Incorporation by reference approved for §25.146(c).

[81 FR 55324, Aug. 18, 2016, as amended at 82 FR 37029, Aug. 8, 2017; 82 FR 40494, Aug. 25, 2017; 82 FR 59984, Dec. 18, 2017]