

(2) The failure to meet an applicable milestone specified in § 25.164(b)(1) or (2), if at least one authorized space station is functional in an authorized orbit, which failure will result in the termination of authority for the space stations not in orbit as of the milestone date, but allow for technically identical replacements; or

(3) The failure to meet any other milestone or construction requirement imposed as a condition of authorization. In the case of a space station authorization when at least one authorized space station is functional in orbit, however, such termination will be with respect to only the authorization for any space stations not in orbit as of the milestone date.

(b) The expiration of the license term, unless, in the case of an earth station license, an application for renewal of the license has been filed with the Commission pursuant to § 25.121(e) or, in the case of a space station license, an application for extension of the license term has been filed with the Commission; or

(c) The removal or modification of the facilities which renders the station not operational for more than 90 days, unless specific authority is requested.

(d) The failure to maintain 50 percent of the maximum number of NGSO space stations authorized for service following the 9-year milestone period as functional space stations in authorized orbits, which failure will result in the termination of authority for the space stations not in orbit as of the date of noncompliance, but allow for technically identical replacements.

[56 FR 24016, May 28, 1991, as amended at 68 FR 51507, Aug. 27, 2003; 78 FR 8425, Feb. 6, 2013; 79 FR 8320, Feb. 12, 2014; 82 FR 59985, Dec. 18, 2017]

§ 25.162 Cause for termination of interference protection.

The protection from interference afforded by the registration of a receiving earth station shall be automatically terminated if:

(a) The request for registration is not submitted to the Commission within 3 months of the completion of the frequency coordination process, except as provided for in § 25.203;

(b) The receiving earth station is not constructed and placed into service within 6 months after completion of coordination;

(c) The Commission finds that the station has been used less than 50% of the time during any 12 month period;

(d) The Commission finds that the station has been used for an unlawful purpose or otherwise in violation of the Commission's rules, regulations or policies;

(e) The Commission finds that the actual use of the facility is inconsistent with what was set forth in the registrant's application; or

(f) The Commission finds that the frequency coordination exhibit, upon which the granted registration is based, is incomplete or does not conform with established coordination procedures.

§ 25.163 Reinstatement.

(a) A station authorization terminated in whole or in part under the provisions of § 25.161 may be reinstated if the Commission, in its discretion, determines that reinstatement would best serve the public interest, convenience and necessity. Petitions for reinstatement will be considered only if:

(1) The petition is filed within 30 days after the expiration date set forth in § 25.161(a) or § 25.161(b), whichever is applicable;

(2) The petition explains the failure to file a timely notification or renewal application; and

(3) The petition sets forth with specificity the procedures that have been established to ensure timely filings in the future.

(b) A special temporary authorization shall automatically terminate upon the expiration date specified therein, or upon failure of the grantee to comply with any special terms or conditions set forth in the authorization. Temporary operation may be extended beyond the termination date only upon application to the Commission.

[56 FR 24016, May 28, 1991, as amended at 81 FR 55334, Aug. 18, 2016]

§ 25.164 Milestones.

(a) The recipient of an initial license for a GSO space station, other than a