

and agreements may be viewed or downloaded from the FCC Web site: <http://www.fcc.gov/ib/sand/agree/>.

(c) *At an environmentally sensitive site, or in a manner that may raise environmental concerns.* Rules for these locations are set forth in part 1, subpart I of this chapter (Procedures Implementing the National Environmental Policy Act of 1969).

(d) *In an area administered by the United States Government.* For example, the Department of Defense may impose restrictions on a station transmitting on land under its jurisdiction. Before operating a station at such a point, the operator should consult with the commanding officer in charge of the land.

(e) *Near the Arecibo Observatory.* Anyone planning to operate a Personal Radio Services station on the islands of Puerto Rico, Desecheo, Mona, Vieques, or Culebra in a manner that could pose an interference threat to the Arecibo Observatory must notify the observatory at least 45 days in advance of the planned operation, by mail or email, to the following address: Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612; email: prcz@naic.edu.

(1) To determine whether a planned operation could pose an interference threat to the Arecibo Observatory, operators may consult interference guidelines provided by Cornell University.

(2) The notification must include the geographical coordinates of the station, if it is a fixed or base station.

(3) After receipt of such notifications, the FCC will allow the Arecibo Observatory 20 days to comment on or object to the proposed operation. The operator must make reasonable efforts to resolve or mitigate any potential interference concern with the Arecibo Observatory. If the FCC determines that an operator has made reasonable efforts to protect the Observatory from interference, the operator may be allowed to operate the station.

§95.311 Correspondence and notices from the FCC.

Operators of Personal Radio Service stations must respond to and comply with official communications from the FCC.

(a) The FCC may send a letter to the operator of a Personal Radio Service station requesting specific information about the Personal Radio Service station or its operation. Upon receipt of such a letter, the operator must respond in writing to the FCC office that sent the letter, within the time period stated in the letter. The written response must contain the information requested by the FCC, must be complete in itself, and should not rely on references to other communications or notices.

(b) If it appears to the FCC that the operator of a Personal Radio Services station has violated the Communications Act or the FCC's rules, the FCC may send that operator an official notice concerning the apparent violation. Upon receipt of such official notice, the operator must respond in writing to the FCC office that sent the letter, within the time period stated in the letter and comply with all instructions in the notice concerning the response. The written response must contain a complete written statement that fully addresses each violation, reports any action that the operator has taken to correct the violation and to prevent it from happening again, and any other pertinent information, such as other operators or stations that may have caused the violation.

(c) If the FCC notifies the operator of a Personal Radio Service station that the station is causing interference for technical reasons, the operator must follow all instructions in the official notice. The operator must comply with restricted hours of station operation if so specified in the official notice. The notice may require the operator to stop operating the station until technical adjustments or repairs have been made to the station equipment, such that the technical problem is corrected.

§95.313 Penalties for violations of the Communications Act or FCC rules.

Operators of Personal Radio Service stations may be assessed penalties for violations of the Communications Act and the FCC Rules.

(a) If a Federal court finds that a Personal Radio Service station operator has willfully and knowingly violated any provision of the Communications Act, that operator may be fined up to \$10,000 or be imprisoned for a period not exceeding one year, or both. Upon a subsequent violation, the imprisonment may be for a period not exceeding two years. *See* §501 of the Communications Act (47 U.S.C. 501).

(b) If a Federal court finds that a Personal Radio Service station operator has willfully and knowingly violated any FCC rule, the operator may be fined up to \$500 for each violation, or in the case of a continuing violation, \$500 for each day that the violation continued. *See* section 502 of the Communications Act (47 U.S.C. 502).

(c) If the FCC finds that a Personal Radio Service station operator has willfully or repeatedly violated one or more sections of the Communications Act or of the FCC Rules, that operator may be liable for forfeiture. *See* §1.80 of this chapter for details about the forfeiture procedures and amounts.

(d) If the FCC finds that a Personal Radio Service station operator is using a Personal Radio Service station in a way that violates one or more sections of the Communications Act or of the FCC Rules, the FCC may order the operator to cease and desist (*i.e.*, immediately stop operating the station). *See* §312(b) of the Communications Act (47 U.S.C. 312(b)).

§ 95.315 [Reserved]

§ 95.317 Registration of antenna structures that may constitute a menace to air navigation.

(a) Each antenna structure used for a Personal Radio Service station is subject to the antenna structure rules set forth in part 17 of this chapter. In particular, the owner of an antenna structure that is more than 60.96 m (200 ft) in height above ground level (*see* §17.7 of this chapter for specific criteria) may be required to notify the FAA and register the antenna structure with the FCC.

(b) Further, stations located on or near a military or public-use airport with an antenna structure that is more than 6.10 meters (20 feet) high may have to obey additional restrictions.

The highest point of the antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between the antenna and the airport runway may complicate this formula. For stations near an airport, *see* <http://appsint.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp> to figure the maximum allowable height of the antenna. Consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ 95.319 Malfunctioning transmitting equipment.

If the operator of a Personal Radio Services station becomes aware that the transmitting equipment is no longer functioning properly, he or she must stop making transmissions (except for emergency communications) using the malfunctioning transmitting equipment until it has been adjusted and/or repaired, as necessary, to restore proper operation.

(a) *FCC request to discontinue operation.* If an FCC representative informs a Personal Radio Services station operator that the technical characteristics of his or her transmitted signals are not in compliance with the applicable rules (*e.g.*, regarding power, unwanted emissions, frequency accuracy), he or she must immediately stop making transmissions with the transmitter producing the non-compliant signals.

(b) *Internal repairs.* Internal adjustments and repairs to Personal Radio Services transmitters must be performed by or under the supervision of an individual who is qualified to maintain and repair transmitters.

(c) *Test transmissions.* The operator of any Personal Radio Services station may make brief test transmissions to verify the functional status of the transmitting equipment at any time, provided that such transmissions do not cause interference to the communications of other stations. A qualified individual maintaining or repairing a Personal Radio station transmitter in accordance with paragraph (b) of this section may make test transmissions as necessary to maintain or repair the