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(2) If interstitial channels are used, adjacent channels (±12.5 kHz) to a distance of 80.5 kilometers (50 miles).

(3) Third order intermodulation channels (±12.5 kHz) to a distance of 32.2 kilometers (20 miles).

(4) If the proposed transmitting antenna site is located west of longitude W.93°40′, and within 32.2 kilometers (20 miles) of the shoreline, and proposed use of the channels listed in §22.1007(b), no third-order intermodulation interference would be caused to any base or mobile station using the channels between 488 and 494 MHz.

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

FIXED PUBLIC SERVICES

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AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

SOURCE: 28 FR 13032, Dec. 5, 1963; 36 FR 2562, Feb. 6, 1971, unless otherwise noted.

FIXED PUBLIC SERVICES

§23.1 Definitions.

Assigned frequency. The frequency coinciding with the center of an authorized bandwidth of emission.

Authorized bandwidth. The maximum bandwidth authorized to be used by a station as specified in the station license. This shall be occupied bandwidth or necessary bandwidth, whichever is greater.

Authorized reference frequency. A frequency having a fixed and specific position with respect to the assigned frequency.

Authorized service. The term ''authorized service'' of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined herein subject to such special provisions as may be contained in the license of the station or in accordance with §23.53.

Fixed public service. The term ''fixed public service'' means a radiocommunication service carried on between fixed stations open to public correspondence.

Fixed public press service. The term ''fixed public press service'' means a limited radio communication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or

intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 23.53.

NOTE: This section is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.

Fixed station. The term ''fixed station'' in the fixed public or fixed public press service includes all apparatus used in rendering the authorized service at a particular location under a single instrument of authorization.

Frequency tolerance. The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or by the carrier, or suppressed carrier, from the reference frequency.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 states (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 states (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be the international fixed public radiocommunications service; provided, however, that communications solely between Alaska, or any one of the contiguous 48 states (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

International fixed public control service. A fixed service carried on for the purpose of communicating between transmitting stations, receiving stations, message centers or control points in the international fixed public radiocommunication service.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

Point-to-point telegraph station. The term ''point-to-point telegraph station'' means a fixed station authorized for radiotelegraph communication.

Point-to-point telephone station. The term ''point-to-point telephone station'' means a fixed station authorized for radiotelephone communication.

Point of communication. The term ''point of communication'' means a specific location designated in the license to which a station is authorized to communicate for the transmission of public correspondence.

Radiotelegraph. The term ''radiotelegraph'' as used in this part shall be construed to include types N0N, A1A, A2A, A3C, F1B, F2B, and F3C emission.

Radiotelephone. The term ''radiotelephone'' as used in this part, with respect to operation on frequencies below 30 MHz, means a system of radiocommunication for the transmission of speech or, in some cases, other sounds by means of amplitude modulation including double sideband (A3E), single sideband (R3E, H3E, J3E) or independent sideband (B3E) transmission.

[38 FR 22478, Aug. 21, 1973, as amended at 49 FR 48701, Dec. 14, 1984]

§ 23.11 Use of radiotelephone emissions by radiotelegraph stations.

The licensee of a radiotelegraph station, using frequencies below 30 MHz, may be authorized to use radiotelephone emissions as defined in § 23.1 for the following purposes:

(a) Transmission of addressed program material as set forth in § 23.51.

(b) Controlling the transmission or reception of addressed program material

(c) Controlling the transmission or reception of facsimile material.

[28 FR 13032, Dec. 5, 1963, as amended at 36 FR 2562, Feb. 6, 1971; 38 FR 22479, Aug. 21, 1973]

§ 23.12 Use of radiotelegraph emissions by radiotelephone stations.

The licensee of a point-to-point radiotelephone station may be authorized to use type N0N, A1A, A2A, F1B, or F2B emission for identification, for test purposes or for the exchange of service messages.

[49 FR 48701, Dec. 14, 1984]

§ 23.13 Types of emission.

Stations in the international fixed public radiocommunication services may be authorized to use any of the types of emission or combinations thereof, described in part 2 of this chapter, as well as new types which may be developed: *Provided*, That harmful interference to adjacent operations is not caused thereby, *And provided further*, That the intelligence to be transmitted will use the bandwidth requested to a degree of efficiency compatible with the current state of the art. A determination of the possibilities of interference will be made as outlined in § 23.20. In certain cases frequencies or emissions may be authorized on a temporary basis to determine if interference will occur. During normal operations, emissions shall be centered about an assigned frequency. Non-centered emissions may be employed for short periods of time as needed to avoid interfering signals or meet fluctuating traffic loading: *Provided*, That the occupied bandwidth of these emissions be contained within the authorized bandwidth, *And provided further*, That prior to any such use, the Commission be notified of the reference frequency or frequencies proposed to be used in lieu of the assigned frequency.

[38 FR 22479, Aug. 21, 1973]

§ 23.14 Emission, bandwidth, modulation and transmission characteristics.

In the services under this part emissions are designated by their classification and their necessary bandwidth in accordance with the following procedures:

(a) *Designation of emissions in applications.* In applying for new frequency assignments for emissions not presently authorized, the emissions proposed to be used shall be described and their bandwidths specified as outlined in part 2 of this chapter.

(b) *Designation of emissions in authorizations.* The emission designations used in authorizations will indicate only the maximum value of the necessary bandwidth for each type of modulation authorized.

(c) *New types of emissions.* If application is made for a type of emission not covered by part 2 of this chapter, a full description of the emission must be provided and, if possible, measurements of its occupied bandwidth.

[38 FR 22479, Aug. 21, 1973, as amended at 49 FR 48701, Dec. 14, 1984]

§ 23.15 Emission limitations.

(a) For all transmitters placed into operation after September 19, 1973, and for all transmitters after September 19, 1975, which operate on frequencies below 30 MHz:

(1) The occupied bandwidth of emission shall be confined within the least possible spectrum space consistent with the state of the art and the required quality of transmission, and in no event shall be more than the authorized bandwidth.

(2) Spurious emissions of transmitters of mean power of 50 kilowatts or less shall be attenuated at least 40 decibels below the mean power of the fundamental without exceeding the power of 50 milliwatts.

(3) Spurious emissions of transmitters of mean power exceeding 50 kilowatts shall be attenuated at least 60 decibels below the mean power of the fundamental and every effort should be made to keep the level of spurious emissions below the power of 50 milliwatts.

(b) For all transmitters placed into operation after September 19, 1973, and for all transmitters after September 19, 1975, which operate on frequencies above 30 MHz, the mean powers of emissions shall be attenuated below

the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: at least 43 plus 10 log (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than that specified in this section.

[38 FR 22479, Aug. 21, 1973; 38 FR 24901, Sept. 11, 1973]

§ 23.16 Frequency tolerances.

(a) The frequency tolerance for stations in the International Fixed Public Radiocommunications Services shall be maintained as prescribed in the following table:

Frequency range	Tolerances applicable to new transmitters installed after September 19, 1973, and to all transmitters after September 19, 1975	
	Percent	Parts per million
10 to 50 kHz	.1	1000
50 to 535 kHz	.02	200
1605 to 30,000 kHz	.0015	15
30 to 50 MHz	.002	20
50 to 000 MHz	.0005	5
1000 to 1850 MHz	.001	10
1850 to 1990 MHz	.02	200
1990 to 2500 MHz	.001	10
2500 to 10,500 MHz	.03	300
10,500 to 40,000 MHz	.05	500

(b) Until September 19, 1975, the frequency tolerance of transmitters installed at stations in these services before September 19, 1973, and operating within the frequency bands set forth below, shall be maintained within the following limits:

Frequency range	Tolerance (percent)
10 to 50 kHz	0.1
50 to 535 kHz	0.02
1605 to 30000 kHz	0.003
Above 30 MHz	(1)

[1] As set forth in the radio station license.

[38 FR 27386, Oct. 3, 1973]

§ 23.17 Frequency measurement.

Each station shall provide for the measurement of all frequencies assigned thereto, and establish a procedure for checking them regularly. These measurements shall be made by means independent of the frequency control of the transmitter and shall be of accuracy sufficient to detect deviation from the assigned frequency within one-half of the allowed tolerance. A record shall be kept of the results and dates of all frequency measurements.

[38 FR 22480, Aug. 21, 1973]

§ 23.18 Authorization of power.

(a) *Authorized power.* Power, when designated in the respective station license for a particular transmitter or transmitters, is peak envelope power for transmitters having full, unkeyed carrier, single sideband or independent sideband emissions, and mean power for transmitters having other emissions, unless specifically expressed otherwise. Designation of effective radiated power may appear in the station license in addition to designation of power for a transmitter or transmitters, when deemed necessary by the Commission.

(b) *Use of minimum power.* In the interest of avoiding interference to other operations, all stations shall radiate only as much power as is necessary to ensure a satisfactory service.

[38 FR 22480, Aug. 21, 1973]

§ 23.19 Use of directional antennas.

Insofar as is practicable, directional antennas, of type consistent with the current state of art, shall be used on all circuits for both transmitting and receiving.

[38 FR 22480, Aug. 21, 1973]

§ 23.20 Assignment of frequencies.

(a) Only those frequencies which are in accordance with § 2.106 of this chapter may be authorized for use by stations in the Fixed Public and Fixed Public Press Services. Selection of specific frequencies within such bands shall be made by the applicants therefor. After an application has been filed with the Commission for a particular frequency, its availability for assignment as requested will be determined by a study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and, if necessary, by coordination with other agencies utilizing frequencies in these ranges. The applicant will be notified of the results of such study and coordination. All new assignments of frequencies may be made subject to certain conditions as may be required to minimize the possibility of harmful interference to existing services.

(b) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P. O. Box No. 2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(c) [Reserved]

(d) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colorado: Applicants for a station authorization to operate in the vicinity of Boulder County, Colorado under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the research laboratories of the Department of Commerce, Boulder County, Colorado. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 728 hectare site (in the vicinity of coordinates 40°07′50″ N Latitude, 105°14′40″ W Longitude) resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

Frequency range	Field strength (mV/m) in authorized bandwidth of service	Power flux density [1] (dBW/m^2) in authorized bandwidth of service
Below 540 kHz	10	65.8
540 to 1600 Khz	20	59.8
1.6 to 470 MHz	10	[2] 65.8
470 to 890 MHz	30	[2] 56.2
Above 890 MHz	1	[2] 85.8

[1] Equivalent values of power flux density are calculated assuming free space characteristic impedance of $376.7=120\pi$ ohms.

[2] Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data which

indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

(i) All stations within 2.4 kilometers;

(ii) Stations within 4.8 kilometers with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 16.1 kilometers with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone;

(iv) Stations within 80.5 kilometers with 25 kW or more ERP in the primary plane or polarization in the azimuthal direction of Table Mountain Receiving Zone.

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Services, NOAA R/E5X2, Boulder Laboratories, Boulder, CO 80303; telephone (303) 497–6548, in advance of filing their applications with the Commission.

(3) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the site in excess of the field strength specified herein.

(e) Protection for Federal Communications Commission monitoring stations:

(1) Applicants in the vicinity of an FCC monitoring station for a radio station authorization to operate new transmitting facilities or changed transmitting facilities which would increase the field strength produced over the monitoring station over that previously authorized are advised to give consideration, prior to filing applications, to the possible need to protect the FCC stations from harmful interference. Geographical coordinates of the facilities which require protection are listed in §0.121(c) of the Commission's Rules. Applications for stations (except mobile stations) which will produce on any frequency a direct wave fundamental field strength of *greater than 10 mV/m* in the authorized bandwidth of service (-65.8 dBW/m^2 power flux density assuming a free space characteristic impedance of 120 ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sum-square or other ambient radio field signal levels at the indicated coordinates, a clause protecting the monitoring station may be added to the station authorization.

(2) In the event that calculated value of expected field exceeds 10 mV/m (-65.8 dBW/m^2) at the reference coordinates, or if there is any question whether field strength levels might exceed the threshold value, advance consultation with the FCC to discuss any protection necessary should be considered. Prospective applicants may communicate with: Chief, Compliance and Information Bureau, Federal Communications Commission, Washington, DC 20554, Telephone (202) 632–6980.

(3) Advance consultation is suggested particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figure indicated would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether an applicant should coordinate:

(i) All stations within 2.4 kilometers (1.5 statute miles);

(ii) Stations within 4.8 kilometers (3 statute miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Monitoring Stations.

(iii) Stations within 16 kilometers (10 statute miles) with 1 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(iv) Stations within 80 kilometers (50 statute miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(4) Advance coordination for stations operating above 1000 MHz is recommended only where the proposed station is in the vicinity of a monitoring station designated as a satellite monitoring facility in §0.121(c) of the Commission's Rules and also meets the criteria outlined in paragraphs (e)(2) and (3) of this section.

(5) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Federal Communications Commission or modification of any authorization which will cause harmful interference.

(f) Any applicant for a new permanent base or fixed station to be located on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra, or for a modification of an existing authorization which would change the frequency, power, antenna height, directivity, or location of a station on these islands and would increase the likelihood of the authorized facility causing interference, shall notify the Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612, in writing or electronically, of the technical parameters of the proposal. Applicants may wish to consult interference guidelines, which will be provided by Cornell University. Applicants who choose to transmit information electronically should e-mail to: *prcz@naic.edu*.

(1) The notification to the Interference Office, Arecibo Observatory shall be made prior to, or simultaneously with, the filing of the application with the Commission. The notification shall state the geographical coordinates of the antenna (NAD–83 datum), antenna height above ground, ground elevation at the antenna, antenna directivity and gain, proposed frequency and FCC Rule Part, type of emission, effective radiated power, and whether the proposed use is itinerant. Generally, submission of the information in the technical portion of the FCC license application is adequate notification. In addition, the applicant shall indicate in its application to the Commission the date notification was made to the Arecibo Observatory.

(2) After receipt of such applications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections in response to the notification indicated. The applicant will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory and to file either an amendment to the application or a modification application, as appropriate. If the Commission determines that an applicant has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, its application may be granted.

(3) The provisions of this paragraph do not apply to operations that transmit on frequencies above 15 GHz.

[28 FR 13032, Dec. 5, 1963, as amended at 42 FR 8329, Feb. 9, 1977; 42 FR 27894, June 1, 1977; 44 FR 77167, Dec. 31, 1979; 50 FR 39002, Sept. 26, 1985; 58 FR 44904, Aug. 25, 1993; 61 FR 8477, Mar. 5, 1996; 62 FR 55530, Oct. 27, 1997; 70 FR 31373, June 1, 2005]

§ 23.21 Communications by international control stations.

Stations in the international fixed public control service are authorized to communicate between transmitting stations, receiving stations, message centers or control points operating in the international fixed public radiocommunication services for the purpose of handling service messages or international traffic between these points: *Provided*, That only traffic originating in or destined to points outside the contiguous states may be handled. Frequencies in bands designated for international control stations in Part 2 of this chapter may be assigned to these stations.

[38 FR 22480, Aug. 21, 1973]

§ 23.23 Use of frequencies for radiotelegraph communication within the continental United States.

Licensees of point-to-point radiotelegraph stations may use any frequency authorized in a station license for communication between designated

points within the 48 contiguous states and the District of Columbia upon the express condition that the use of any frequency above 5000 kHz shall be subject to the limitation that no interference shall be caused to the international service, or to service with Alaska or Hawaii; and in the event such interference is caused the licensee shall immediately discontinue the use of the frequency or frequencies producing such interference and operation thereon may be conducted only at times when such interference will not be caused.

§ 23.24 Correspondents and points of communication.

Each instrument of authorization issued for fixed public or fixed public press service shall authorize communication to the points of communication and to the organizations, agencies, or persons specified therein only, except as provided by § 23.53: *Provided, however,* That in the event of a change in an organization, agency, or person specified or a change in the effective control of such organization, agency, or person, the licensee shall immediately notify the Commission of such change and shall file an application for modification of the instrument of authorization: *And provided further,* That where such change is occasioned by reason of circumstances beyond the control of the licensee, communication under the then outstanding instrument of authorization shall be permitted to continue pending consideration of and action upon the application for modification of the instrument of authorization.

§ 23.25 Points of communication, limitations.

No point of communication will be regularly authorized in any instrument of authorization for fixed public or fixed public press service in absence of an adequate showing that public correspondence may be transmitted and received from such points, except as provided in § 23.53.

§ 23.26 Use of transmitters.

The licensee of a point-to-point radiotelegraph or radiotelephone station may use any transmitter of the station for transmission upon any frequency assigned to the station for communication with any point of communication authorized by the station license: *Provided, however,* That the maximum power authorized for the specific frequency as shown in the license is not exceeded.

§ 23.27 Experimental research.

The licensee of a station may be authorized to use a transmitter which is licensed for fixed public or fixed public press service for experimental research in accordance with the rules and regulations governing the experimental service upon the condition that no interference will be caused to the public service. Experimental (Research) and Experimental (Developmental) Stations authorized to operate as point-to-point telegraph or telephone stations shall comply with the rules governing fixed public radio services in addition to the rules and regulations governing experimental radio services.

§ 23.28 Special temporary authorization.

(a) Requests for special temporary authority must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is primarily licensed; and, in addition, such requests must be accompanied by the following:

(1) A statement of the call signs, location, and frequencies of the transmitting station; The call signs, location, and frequencies of the received station; and the type or types of emission to be employed by both stations.

(2) A statement as to whether the frequencies are to be used for contact control purposes only.

(3) A statement of the period for which the temporary authority is desired.

(4) A statement describing the service which is to be rendered.

(b) Temporary authorizations of operation not to exceed 180 days may be granted under the standards of section 309(f) of the Communications Act where extraordinary circumstances so require. Extensions of the temporary authorizations for a period of 180 days may also be granted, but the renewal

applicant bears a heavy burden to show that extraordinary circumstances warrant such an extension.

(c) Each application proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application(s) is filed, the applicant must state in the application whether the owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the structure is 6.10-meters or less above ground level (AGL), must contain a statement explaining why FAA notification is not required.

[48 FR 27253, June 14, 1983, as amended at 61 FR 4365, Feb. 6, 1996]

§ 23.29 License period and expiration time.

(a) Licenses for stations operating in the fixed public radiocommunications services will be issued for a period of 10 years unless otherwise stated in the instrument of authorization. The date of expiration of such licenses shall be the 1st day of December, and each station license will be issued so as to expire at the hour 3 a.m., eastern standard time. Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date for licenses of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license shall be issued for the unexpired period of the current license term only.

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, the public interest, convenience or necessity would be served by such action.

[28 FR 13032, Dec. 5, 1963, as amended at 36 FR 2562, Feb. 6, 1971; 38 FR 22480, Aug. 21, 1973; 48 FR 27253, June 14, 1983]

§ 23.31 Period of construction.

Each construction permit for a radio station in the fixed public service will specify the date of grant as the earliest date of commencement of construction and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 23.32 Equipment and service tests.

(a) Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the other applicable provisions of this part and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided*, That:

(1) The engineer in charge of the district in which the station is located is notified 2 days in advance of the beginning of tests.

(2) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(b) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the other applicable provisions of this part, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a

period not to exceed 30 days: *Provided*, That:

(1) The engineer in charge of the district in which the station is located is notified 2 days in advance of the beginning of the tests.

(2) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(3) Service tests will not be authorized after the expiration date of the construction permit.

(c) The authorization for tests embodied in paragraphs (a) and (b) of this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 23.35 Compliance with tariff requirements.

No licensee authorized to perform common carrier service by means of radio communication shall engage in such service without compliance with all statutory provisions and regulations of the Commission relative to the filing of tariffs; and nothing contained in this part shall be deemed as a waiver or modification of any such statutory provision or regulation.

§ 23.36 Posting of license.

The license of a station shall be posted in a conspicuous place in the main transmitter building of the station or kept in such building where it is readily available for inspection purposes.

§ 23.37 Station identification.

(a) *General.* Every radiotelegraph or radiotelephone station in the International Fixed Public or Fixed Public Press Service shall transmit, as provided below, the identifying call sign or other approved identification signal on each of its assigned frequencies below 30 MHz on which energy is being radiated.

(b) *When required.* (1) The call sign assigned to each frequency shall be transmitted on that frequency at the beginning and end of each period of use of the frequency.

(2) During regular operation on any freuency, the call sign or other approved identification signal shall be transmitted at least at hourly intervals within the period from 10 minutes before to 10 minutes after each hour. If identification during this period would require an interruption in the transmission of a radio-photo, a telephone conversation, an addressed program or a multiple addressed press message, or a break in the continuity of a ''conference'' or ''leased line'' type of service, the identifying signal shall be transmitted at the first break in, at the conclusion of, or simultaneously with, the particular transmission as described below.

(c) *Methods of transmission.* (1) All identifying signals shall be transmitted in such a manner as to permit identification without special equipment other than communication type receivers, except as provided in paragraph (e) of this section. When emissions are being used which are not capable of identification without special equipment, the identifying signal shall be transmitted by one of the following methods:

(i) By interrupting the transmission and transmitting the call sign in a manner which can be identified without special equipment.

(ii) By superimposing the call sign or other approved identification signal on the emission being transmitted without interrupting the transmission as provided for by paragraphs (e) and (f) of this section.

(d) *Emissions to be used.* (1) Except as otherwise provided, the following emissions shall be used for identification:

(i) *Radiotelegraph stations.* The identifying call sign shall be transmitted by International Morse code at a speed not to exceed 25 words per minute and shall consist of the signal ''QRA de'' followed by the call sign. This transmission shall be made at least three times.

(ii) *Radiotelegraph stations using telephone type emissions.* When telephone type emissions are being used in accordance with § 23.11, identification may be made by voice and shall consist of announcing three times in English the call sign of the frequency being used

(iii) *Radiotelephone stations.* The identifying transmission may be made utilizing either telegraph or telephone type emissions. When telegraph emission is used, the transmission shall be made in International Morse Code at a speed not to exceed 25 words per minute and shall consist of the signal ''QRA de'' followed by the call sign. This transmission shall be made at least three times. When telephone emission is used, the identification shall consist of announcing three times in English the call sign of the frequency being used, provided that all privacy or secrecy devices shall be removed from the circuit during such transmissions.

(e) *Superimposed identification.* Radiotelegraph or radiotelephone stations identifying simultaneously with transmission of traffic: call signs or the general identification signal described in paragraph (f) of this section may be superimposed on the emission being transmitted by any method which will make identification possible with communication type receivers provided that approval of any such method shall first have been obtained from the Federal Communications Commission. (Approval by the Federal Communications Commission of any means of identification of complex emissions by superimposing identification of regular transmissions will be given upon satisfactory completion of coordinated tests thereof by the applicant and the Commission's Field Engineering Bureau.) Commission approval may be withdrawn if at any subsequent time harmful interference to adjacent frequencies is caused by the superimposed identification. When superimposed identification by call sign is used, the identifying signal shall consist of ''QTT de (call sign)'' transmitted at least three times in International Morse Code at a speed not to exceed 25 words per minute.

(f) *General identification signal.* When an approved method of superimposed identification is used, the identification signal shall consist of ''QTT de (abbreviated name of company recorded with the Commission) (abbreviated name of station recorded with the Commission).'' (It is suggested that ''abbreviated company name'' consist of two to five letters such as the initials of the company name and that ''abbreviated name of station'' consist of two or three letters indicating the name of the city where the licensee's message center is located. Both of these abbreviations shall be notified to the Commission before being used for identification.) This general identification signal shall be transmitted in International Morse Code at a speed not to exceed 25 words per minute and may be transmitted continuously or intermittently as desired provided that it shall be transmitted for at least five minutes total time during the period from 10 minutes before to 10 minutes after each hour that energy is being radiated on the frequency. The same signal may be superimposed on all transmissions being made at a particular station: *Provided, however,* That licensed call signs shall be transmitted on the frequencies to which they are assigned as often as is practicable and reasonable or at least at the beginning and end of each period of use of each frequency.

(g) *Identification by printer.* Notwithstanding the other provisions of this section with respect to methods of transmission, when single channel start-stop 5 unit code printer equipment is being used, the identifying call sign may be transmitted by means of printer signals. When identification is made by printer signals, it shall consist of the call sign for the particular frequency being used and shall be made at least three times at a speed of approximately 60 words per minute.

§ 23.38 Experimental points of communication, limitations.

Experimental (Research) or Experimental (Developmental) stations licensed to operate as point-to-point telegraph or telephone stations in the fixed public service may communicate only with other experimental stations located within the continental limits of the United States (except Alaska): *Provided, however,* That upon application the Commission may authorize such a station to communicate with one or more specific points in Alaska, Hawaii, possessions of the United States, or with a specific foreign point. In each such case, the Commission will

determine the nature of the experimental transmissions which may be made to such point of communication.

§ 23.39 Antenna structures.

(a) *FAA notification*. Before the construction of new antenna structures or alteration in the height of existing antenna structures is authorized by the FCC, a Federal Aviation Administration (FAA) determination of ''no hazard'' may be required. To apply for this determination, the FAA must be notified of the planned construction. Criteria used to determine whether FAA notification is required for a particular antenna structure are contained in part 17 of this chapter. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing antenna structures, where FAA notification prior to such construction or alteration is *not* required by part 17 of this chapter, must indicate such and, unless the reason is obvious (e.g. structure height is less than 6.10 meters AGL) must contain a statement explaining why FAA notification is not required.

(b) *Painting and lighting*. The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

(c) *Antenna Structure Registration Number*. Applications proposing construction of one or more new antenna structures or alteration of the overall height of one or more existing structures, where FAA notification prior to such construction or alteration is required by part 17 of this chapter, must include the FCC Antenna Structure Registration Number(s) for the affected structure(s). If no such number has been assigned at the time the application is filed, the applicant must state in the application whether or not the antenna structure owner has notified the FAA of the proposed construction or alteration and applied to the FCC for an Antenna Structure Registration Number in accordance with part 17 of this chapter for the antenna structure in question.

[61 FR 4366, Feb. 6, 1996]

§ 23.40 [Reserved]

§ 23.41 Quarterly report of frequency usage.

(a) *Transmitted frequencies*. Each licensee in the international fixed radiocommunication services shall submit a report of frequency usage for all authorized frequencies below 30 MHz for each station. If more than one station is operated from a common control point, reports for the stations may be combined into one. This report shall be due 40 days after the close of each calendar quarter and shall contain the following information: Each frequency assigned to the station or stations and the number of hours it was used during the quarter to each point of communication for each class of service rendered (such as telegraph, telephone, program, or radiophoto), the types of emission normally used to each point of communication, and the total hours each frequency was used.

(b) *Received frequency report*. Upon specific request by the Commission, licensees in the international fixed public radiocommunication services shall furnish promptly the following information regarding frequencies received from all points of communication: All frequencies received, including call signs, location of transmitting station, type and bandwidth of emission normally employed, point of reception, and a symbol from the following table indicating the amount of usage of the particular received frequency.

Symbol	Usage
D	Daily regular use during business days.
O	Occasional use; not used daily, but offered frequently when required by propagation or operational conditions.
S	Seldom received; where records indicate light use during the past year.
L	Limited use; limited by solar activity to a part of the solar cycle or to a part of each year.

The following criteria shall be used to determine whether or not a frequency shall be reported as received:

(1) Report all frequencies regularly used during the period under consideration.

(2) Report frequencies received consistently during a substantial part of any cyclical change in frequency usefulness even though they may be unused for considerable periods of time during another part of the cycle.

(3) Do not report any frequency, the use of which is known to have been discontinued or transferred to another operation by a foreign correspondent.

(4) Do not report any frequency which has been inactive for a period of 6 months or longer, except as indicated in paragraph (b)(2) of this section.

[38 FR 22480, Aug. 21, 1973]

§ 23.42 License, simultaneous modification and renewal.

When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 23.43 Maintenance tests of licensed stations.

Station licensees are authorized to carry on such routine tests as may be required for the proper maintenance of the stations: *Provided,* That the tests shall be so conducted as not to cause interference with the service of other stations.

§ 23.44 Station inspection.

The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 23.45 Operator license, posting of.

The original license of each station operator shall be posted at the place where he is on duty.

§ 23.46 Operators, class required and general duties.

(a) The operation and control of all transmitting apparatus licensed at a station in the international fixed public radiocommunication services shall be carried on only by a person holding a valid operator license issued by the Commission, except as provided in other paragraphs of this section.

(b) Classes of operator licenses required are as follows:

(1) Radiotelegraph stations: Radiotelegraph or Radiotelephone first- or second-class license: *Provided, however:*

(i) If manual morse code keying is used for transmitting public correspondence, the person manipulating the telegraph key shall be the holder of a radio-telegraph first- or second-class license except as provided by paragraph (b)(1)(iv) of this section;

(ii) If manual morse code keying is used only for the purposes of identification or for sending service messages, the person manipulating the telegraph key shall be the holder of a radiotelegraph third-class permit or higher class of radiotelegraph license except as provided by paragraph (b)(1)(iv) of this section;

(iii) If automatic keying equipment is used, the operator of such equipment may send short service signals (requests for repeats, etc.) by manual morse code without being the holder of a radio operator license.

(iv) Unlicensed telegraph operators of appropriate skill as determined by the radio station licensee may manipulate the telegraph key of radiotelegraph stations provided that properly licensed radiotelegraph operators are on duty at the transmitting station or authorized remote control point and that such licensed operators are fully responsible for the proper operation of the transmitting equipment.

(2) Radiotelephone stations: Radiotelephone first- or second-class license: *Provided, however,* that, if manual morse code keying is employed in accordance with § 23.12, the person manipulating the telegraph key shall be the holder of a valid radiotelegraph third-class permit or higher class of radiotelegraph license.

(3) Radiotelegraph-Radiotelephone stations: Provisions under paragraph (b)(1) of this section are applicable.

(4) International control stations: Radiotelegraph or radiotelephone first- or second-class license.

(c) One or more licensed operators of the grade specified in paragraph (b) of this section shall be on duty at the place where the transmitting apparatus is located and in actual charge thereof when it is being operated: *Provided, however*, That:

(1) In case of stations in these services operating on frequencies above 30 MHz, the Commission may authorize unattended operation upon application therefor and showing that the equipment is so designed and constructed as to make such operation feasible. When such unattended operation is authorized, properly licensed operators shall be on duty at a terminal of the system of which the unattended station or stations are a part or shall be available on call to perform necessary maintenance duties.

(2) In the case of a station where remote control is used, the Commission may grant authority to employ an operator or operators at the control point in lieu of the place where the transmitting apparatus is located, provided that the following conditions are complied with:

(i) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(ii) A device shall be provided at the remote control point which gives a continuous visual indication whenever the control circuits have been placed in a condition to activate the radio transmitting apparatus.

(iii) Provision shall be made to monitor aurally all transmissions originating under control of the responsible operator at the remote point.

(iv) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license or applicable provisions of this chapter.

(v) When remote control of a transmitter is performed from a separate location such as a message center or telephone exchange and manual morse code keying is not used, the operator(s) at that point need not be licensed by the Commission provided that licensed operator(s) are on duty at the transmitter location or authorized remote control point at all times that the station is in operation, and they are fully responsible for the proper operation of the transmitting equipment. If manual morse code keying is used at a remote control point, the provisions of paragraph (b)(1) of this section shall apply.

(3) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding the proper license, who shall be responsible for the proper functioning of the radio facilities. A radiotelephone station must be under the supervision of a person holding a radiotelephone or radiotelegraph first- or second-class license, and a radiotelegraph station must be under the supervision of a person holding a radiotelegraph first- or second-class license.

(4) When a radio station is not radiating, persons of appropriate technical skill, who are not licensed radio operators, may perform the functions described in paragraph (c)(3) of this section without direct supervision after having been authorized to do so by the responsible licensed operator under whose immediate supervision the facilities shall thereafter initially be placed in operation and be determined to be operating properly.

[38 FR 22480, Aug. 21, 1973]

§ 23.47 Station records.

(a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations, or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be made by a person qualified to do so and having actual knowledge of the facts to be recorded, and each entry shall clearly identify the person making the entry. Each entry or group of entries shall be certified by the signature of the person or persons responsible: *Provided*, That each physical page contain such certification:

And provided further, That any such group of entries contain entries made only during a single daily period of duty.

(c) No record or portions thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the corrections made, and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least 1 year: *Provided, that:*

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suit upon such claim.

[38 FR 22481, Aug. 21, 1973]

§ 23.48 Content of station records.

(a) For each station in the services under this part, except stations in the international fixed public control service, the licensee shall maintain a technical log of the station operating showing:

(1) Signature of each licensed operator responsible for the operation of the transmitting equipment and an indication of his hours of duty.

(2) Hours of use of each frequency assignment and type of emission indicating time of beginning and end of each period of operation and points of communication to which each frequency is used (or area if service is pursuant to § 23.53).

(3) Hours of use of each transmitter indicating time of beginning and end of each period of operation.

(4) Power input to the final stage of each transmitter.

(5) Dates and results of each frequency measurement.

(b) For stations in the international fixed public control service, the licensee shall maintain a technical log of the station operating showing:

(1) Normal hours of operation and dates and times of interruptions to service.

(2) Dates and results of each frequency measurement.

(3) When service or maintenance duties are performed, the responsible operator shall sign and date the station record giving pertinent details of all duties performed by him or under his supervision; his name and the class, serial number, and date of expiration of his license.

(c) For each station having an antenna structure which is required to be obstruction-lighted, appropriate entries shall be made in the station's technical log as required by § 23.39.

[38 FR 22481, Aug. 21, 1973]

§ 23.49 Discontinuance of operation.

The licensee of each fixed radio station except stations operating in Alaska, shall notify the Engineer in Charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change: (a) Temporary discontinuance of operation for a period of ten days or more; (b) the date of resumption of operation after temporary discontinuance of operation for a period of ten days or more; (c) permanent discontinuance of operation: *Provided, however*, Where any such discontinuance of operation is not voluntary and results from causes beyond the control of the licensee, notice thereof shall be given not later than two days after such discontinuance of operation. In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation, immediately forward the station license to the Washington, D.C., office of the Commission for cancellation.

[28 FR 13002, Dec. 5, 1963, as amended at 30 FR 7176, May 28, 1965; 35 FR 10447, June 26, 1970. Redesignated at 38 FR 22481, Aug. 21, 1973]

§ 23.50 Place of filing application; fees and number of copies.

(a) Standard numbered forms applicable to the international fixed public radiocommunication services discussed within the subpart are as follows:

Form No.	Description
403	Application for radio station license or modification thereof.
405	Application for renewal of radio station license in specified services.
407	Application for radio station construction permit.
408	Application for temporary authorization in addition to authority contained in license.
701	Application for additional time to construct radio station.
702	Application for consent to assignment of radio station construction permit or license (for stations in services other than broadcast).
704	Application for consent to transfer of control of corporation holding common carrier radio station construction permit or license.
714	Supplement to application for new or modified radio station authorization (concerning antenna structure notification to FAA).

These forms may be obtained from the Secretary, Federal Communications Commission, Washington, DC 20554, or from any of the Commission's engineering field offices, the addresses of which are listed in §0.121(a) of this chapter.

(b) Every application for a radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, DC 20554. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with §0.401(b) of the rules.

(c) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(d) Each application shall be accompanied by a fee prescribed in subpart G of part 1 of this chapter.

[38 FR 22481, Aug. 21, 1973, as amended at 52 FR 5294, Feb. 20, 1987; 52 FR 10230, Mar. 31, 1987]

§ 23.51 Addressed program material.

(a) Stations operating in the fixed public service and in the fixed public press service may be authorized to transmit addressed program material to a fixed point, or points, outside the 48 contiguous States and the District of Columbia, specifically named in the instrument of authorization granted to the licensee, intended for broadcast only by a broadcast station. Any such authorization shall be subject to the condition that no interference is caused to the authorized regular service of the station as defined by §23.8.

(b) Such stations may also, upon proper application therefor, be authorized to transmit addressed program material to any such fixed point in South or Central America for simultaneous interception and broadcast by a broadcast station at one or more additional points in the same general area upon a showing that public message service to such fixed point of communication will not be unduly impaired. Application for such authority shall be submitted not less than 10 days prior to the proposed date of the first interception. Such application shall show, in addition to the proposed intercept and broadcast points, the South or Central American station or stations over which the program will be broadcast, a full description of the arrangements made for such intercept and broadcast, and the period for which such authority is requested. Authorizations will be limited to the period for which arrangements for broadcasting by South or Central American stations have been made and in no event will extend beyond the term of the point-to-point station license.

§ 23.52 Mobile stations, transmission simultaneously to.

A point-to-point telegraph station, in addition to the fixed points of communication specified in an instrument of authorization, may be authorized to communicate simultaneously with mobile stations for the transmission of press material destined primarily to fixed points.

§ 23.53 Addressed press and meteorological services.

(a) The licensee of a station in the fixed public or fixed public press service may be authorized to transmit, without coordinated reception, addressed press messages (including press facsimile and photographs) and weather maps, charts and photographs for reception at overseas or foreign points by

meteorological organizations by facsimile and radio phototelegraphy, to one or more persons at one or more fixed points not specifically named in its license: *Provided, however*, That the licensee, upon institution of addressed press service to any point, shall promptly notify the Commission of the following:

(1) The name and location of the person subscribing to such service.

(2) The date of institution of such service, and

(3) The location of the licensee's station from which such service is transmitted.

Any authority, granted under this paragraph, to transmit addressed press messages to any person or to any point may be terminated by the Commission upon notice to the licensee within 30 days after notification of institution of service to such person or point is filed by the licensee.

(b) In the event of the deletion of service to any point or to any person or any change with respect to the facts reported under paragraph (a) (1) or (3) of this section, the licensee shall promptly notify the Commission of such deletion or change and the date thereof.

(c) On or before the first day of February and the first day of August of each year, the licensee shall submit, for each of its stations authorized to render addressed press service in accordance with provisions of this section, a recapitulative list, as of the first day of January and the first day of July respectively of that year, containing the following:

(1) The name and location of each person subscribing to such service, and

(2) The date of institution of such service to each person at each point.

[28 FR 13032, Dec. 5, 1963, as amended at 36 FR 2562, Feb. 6, 1971]

§ 23.54 Use of double sideband radiotelephone.

Use of double sideband radiotelephone transmissions, on frequencies below 30 MHz, shall be held to a minimum with a view towards discontinuance of such operations as soon as possible. Except in cases where the foreign correspondent is unable to receive single sideband transmissions, double sideband radiotelephone shall not be transmitted after January 1, 1965.

§ 23.55 Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all common carrier licensees or permittees to all qualified persons, and no personnel shall be discriminated against in employment because of sex, race, color, religion, or national origin.

(b) *Equal employment opportunity program.* Each licensee or permittee shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of employment policy and practice. Under the terms of its program, a licensee or permittee shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to sex, race, color, religion, or national origin, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon sex, race, color, religion, or national origin, from the licensees' or permittees' personnel policies and practices and working conditions.

(5) Conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility.

(c) *Additional information to be furnished to the Commission.* (1) Equal Employment Programs to be filed by common carrier licensees or permittees.

(i) All licensees or permittees will file a statement of their equal employment opportunity program not later than December 17, 1970, indicating specific practices to be followed in order to assure equal employment opportunity on the basis of sex, race, color, religion, or national origin in such aspects of employment practices as regards recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination.

(*a*) Any changes or amendments to existing programs should be filed with the Commission on April 1 of each year thereafter.

(*b*) If a licensee or permittee has fewer than 16 full-time employees, no such statement need be filed.

(2) The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of licensee size, location, etc.

(i) *To assure nondiscrimination in recruiting.* (*a*) Posting notices in the licensee's or permittee's offices informing applicants for employment of their equal employment rights and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency. Where a substantial number of applicants are Spanish-surnamed Americans such notice should be posted in Spanish and English.

(*b*) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion, or national origin is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission or other appropriate agency if they believe they have been discriminated against.

(*c*) Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

(*d*) Recruiting through schools and colleges with significant minority-group enrollments.

(*e*) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral of qualified minority or female applicants.

(*f*) Encouraging present employees to refer minority or female applicants.

(*g*) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members are being sought for consideration whenever the licensee hires.

(ii) *To assure nondiscrimination in selection and hiring.* (*a*) Instructing personally those on the staff of the licensee or permittee who make hiring decisions that all applicants for all jobs are to be considered without discrimination.

(*b*) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements.

(*c*) Avoiding use of selection techniques or tests which have the effect of discriminating against minority groups or females.

(iii) *To assure nondiscriminatory placement and promotion.* (*a*) Instructing personally those of the licensee's or permittee's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination.

(*b*) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower-paid employees with respect to any of the higher-paid positions, followed by assistance, counseling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

(*c*) Reviewing seniority practices to insure that such practices are nondiscriminatory and do not have a discriminatory effect.

(*d*) Avoiding use of selection techniques or tests, which have the effect of discriminating against minority groups or females.

(iv) *To assure nondiscrimination in other areas of employment practices.* (*a*) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

(*b*) Proving opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(d) *Report of complaints filed against licensees and permittees.* (1) All licensees or permittees shall submit an annual report to the FCC no later than May 31 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

(i) The report should state the parties involved the date filing, the courts or agencies before which the matters have been heard, the appropriate file number (if any), and the respective disposition or current status of any such complaints.

(ii) Any licensee or permittee who has filed such information with the EEOC need not do so with the Commission, if such previous filing is indicated.

(e) *Complaints of violations of Equal Employment Programs.* (1) Complaints alleging employment discrimination against a common carrier licensee will be considered by the Commission in the following manner:

(i) If a complaint raising an issue of discrimination is received against a licensee or permittee who is within the jurisdiction of the EEOC, it will be submitted to that agency. The Commission will maintain a liaison with that agency which will keep the Commission informed of the disposition of complaints filed against any of the common carrier licensees.

(ii) Complaints alleging employment discrimination against a common carrier licensee of permittee who does not fall under the jurisdiction of the EEOC but is covered by appropriate enforceable State law, to which penalties apply, may be submitted by the Commission to the respective State agency.

(iii) Complaints alleging employment discrimination against a common carrier licensee or permittee who does not fall under the jurisdiction of the EEOC or an appropriate State law, will be accorded appropriate treatment by the FCC.

(iv) The Commission will consult with the EEOC on all matters relating to the evaluation and determination of compliance by the common carrier licensees or permittees with the principles of equal employment as set forth herein.

(2) Complaints indicating a general pattern of disregard of equal employment practices which are received against a licensee or permittee who is required to file an employment report to the Commission under §1.815(a) of this chapter will be investigated by the Commission.

(f) *Records available to public*—(1) *Commission records.* A copy of every annual employment report, equal employment opportunity program, and reports on complaints regarding violation of equal employment provisions of Federal, State, Territorial, or local law, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference, are open for public inspection at the offices of the Commission.

(2) *Records to be maintained locally for public inspection by licensees or permittees*—(i) *Records to be maintained.* Each licensee or permittee required to file annual employment reports, equal employment opportunity programs, and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law shall maintain for public inspection, in the same manner and in the same locations as required for the keeping and posting of tariffs as set forth in §61.72 of this chapter, a file containing a copy of each such report

and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference.

(ii) *Period of retention.* The documents specified in paragraph (f)(2)(i) of this section shall be maintained for a period of 2 years.

[35 FR 12894, Aug. 14, 1970, as amended at 36 FR 3119, Feb. 18, 1971. Redesignated at 38 FR 22481, Aug. 21, 1973]

PART 24—PERSONAL COMMUNICATIONS SERVICES

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24.53 Calculation of height above average terrain (HAAT).
24.55 Antenna structures; air navigation safety.

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24.103 Construction requirements.
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24.131 Authorized bandwidth.
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Subpart E—Broadband PCS

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24.239 Cost-sharing requirements for broadband PCS.
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