Federal Communications Commission

§ 90.709 Special limitations on amendment of applications and on assignment or transfer of authorizations licensed under this part.

(a) Except as indicated in paragraph (b) of this section, the Commission will not consent to the following:
   (1) Any request to amend an application so as to substitute a new entity as the applicant;
   (2) Any application to assign or transfer a license for a Phase I, non-nationwide system prior to the completion of construction of facilities; or
   (3) Any application to transfer or assign a license for a Phase I nationwide system before the licensee has constructed at least 40 percent of the proposed system pursuant to the provisions of §90.725(a) or §90.725(h), as applicable.

(b) The Commission will grant the applications described in paragraph (a) of this section if:
   (1) the request to amend an application or to transfer or assign a license does not involve a substantial change in the ownership or control or the applicant; or
   (2) The changes in the ownership or control of the applicant are involuntary due to the original applicant’s insolvency, bankruptcy, incapacity, or death.

(b) The assignee or transferee of a Phase I nationwide system is subject to the provisions of §90.1017 and 1.2111(a) of this chapter.

(b) The assignee or transferee of a Phase I nationwide system is subject to the construction benchmarks and reporting requirements of §90.725. The assignee or transferee of a Phase I nationwide system is not subject to the entry criteria described in §90.713.

(c) A licensee may partially assign any authorization in accordance with §90.1019.

(c) A licensee may partially assign any authorization in accordance with §90.1019.

(c) Phase II applications for authorization on all non-Government channels other than Channels 161 through 170 and 181 through 185 shall be processed in accordance with the provisions of subpart W of this part.