permanent authorization at that location, regardless of whether locating the station at the STA site is in strict conformance with the provisions of paragraphs (a) and (b) of this section, if the licensee certifies that such a modification is in conformance with §§90.723 and 90.729 and:

1. It has constructed its base station and has placed it in operation, or commenced service, at the STA site on or before January 26, 1996; or
2. It has taken delivery of its base station transceiver on or before January 26, 1996.

(d) The application for a Phase I non-nationwide licensee proposing a base station modification resulting in less than 120 km separation from a co-channel licensee’s initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee’s application submission on FCC Form 601.

(e) The application of a Phase I non-nationwide licensee proposing a base station modification resulting in at least a 120 km separation from each co-channel licensee’s initially authorized base station but more than one-half the distance over 120 km toward any co-channel licensee’s initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee’s submission on FCC Form 601.

§ 90.761 EA and Regional licenses.

(a) EA licenses for spectrum blocks listed in Table 2 of §90.721(b) are available in 175 Economic Areas (EAs) as defined in §90.7.

(b) Regional licenses for spectrum blocks listed in Table 2 of §90.721(b) are available in six Regional Economic Area Groupings (REAGs) as defined in §90.7.

§ 90.763 EA, Regional and nationwide system operations.

(a) A nationwide licensee authorized pursuant to §90.717(a) may construct and operate any number of land mobile or paging base stations, or fixed stations, anywhere in the Nation, and transmit on any of its authorized channels, provided that the licensee complies with the requirements of §90.733(i).

(b) An EA or Regional licensee authorized pursuant to §90.761 may construct and operate any number of land mobile or paging base stations, or fixed stations, anywhere within its authorized EA or REAG, and transmit on any of its authorized channels, provided that:
§ 90.765 Licenses term for Phase II licenses.

Nationwide licenses authorized pursuant to §90.717(a), EA and Regional licenses authorized pursuant to §90.761, and non-nationwide licenses authorized pursuant to §§90.720 and 90.719(c) will be issued for a term not to exceed ten years.

§ 90.767 Construction and implementation of EA and Regional licenses.

(a) An EA or Regional licensee must construct a sufficient number of base stations (i.e., base stations for land mobile and/or paging operations) to provide coverage to at least one-third of the population of its EA or REAG within five years of the issuance of its initial license and at least two-thirds of the population of its EA or REAG within ten years of the issuance of its initial license. Licensees may, in the alternative, provide substantial service to their licensed areas at the appropriate five- and ten-year benchmarks.

(b) Licensees must notify the Commission in accordance with §1.946 of this chapter of compliance with the Construction requirements of paragraph (a) of this section.