§ 101.523 Service areas.

(a) The service areas for 24 GHz are Economic Areas (EAs) as defined in this paragraph (a). The Bureau of Economic Analysis, U.S. Department of Commerce, organized the 50 States and the District of Columbia into 172 EAs. See 60 FR 13111 (March 16, 1995). Additionally, there are four FCC-created EA-like areas:

(1) Guam and Northern Mariana Islands;

(2) Puerto Rico and the U.S. Virgin Islands;

(3) American Samoa, and

(4) the Gulf of Mexico. The Gulf of Mexico EA extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf. See 62 FR 9636 (March 3, 1997), in which the Commission created an additional four economic area-like areas for a total of 176 EA service areas. Maps of the EAs and the Federal Register Notice that established the 172 Economic Areas (EAs) are available for public inspection and copying at the FCC Reference Center, Room CY A–257, 445 12th St., SW., Washington, DC 20554. These maps and data are also available on the FCC Web site at www.fcc.gov/oet/info/maps/areas/.

(b) Whenever a licensee constructs or makes system changes as described in paragraph (a)(1) of this section, the licensee is required to notify the Commission within 30 days of the change under §1.947 of this chapter and include a statement of the technical parameters of the changed station.

§ 101.525 24 GHz system operations.

(a) A licensee using the 24 GHz band may construct and operate any number of fixed stations anywhere within the area authorized to serve without prior authorization, except as follows:

(1) A station would be required to be individually licensed if:

(i) International agreements require coordination;

(ii) Submission of an Environmental Assessment is required under §1.1507 of this chapter;

(iii) The station would affect areas identified in §1.924 of this chapter.

(2) Any antenna structure that requires notification to the Federal Aviation Administration (FAA) must be registered with the Commission prior to construction under §17.4 of this chapter.

(b) Whenever a licensee constructs or makes system changes as described in paragraph (a)(1) of this section, the licensee is required to notify the Commission within 30 days of the change under §1.947 of this chapter and include a statement of the technical parameters of the changed station.

§ 101.526 License term.

The license term for stations licensed under this subpart is ten years from the date of license grant or license renewal for incumbent licensees.

§ 101.527 Construction requirements for 24 GHz operations.

(a) Each licensee must make a showing of “substantial service” within ten years of its license grant. A “substantial service” assessment will be made at renewal pursuant to the provisions and procedures set forth in §1.949 of this chapter. “Substantial service” is a service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal during its past license term.

(b) Each licensee must, at a minimum file:

(1) A report, maps and other supporting documents describing its current service in terms of geographic coverage and population served to the Commission. The report must also contain a description of the licensees’ investments in its operations. The report
must be labeled as an attachment to the renewal application; and
(2) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph (b)(2).
(c) Failure to demonstrate that substantial service is being provided in the service area will result in forfeiture of the license, and the licensee will be unable to regain it.
(d) The frequencies associated with incumbent authorizations, licensed on a SMSA basis, that have cancelled automatically or otherwise been recovered by the Commission will automatically revert to the applicable EA licensee.

§ 101.531 [Reserved]

§ 101.533 Regulatory status.

(a) Initial applications. An applicant for a 24 GHz license must specify on FCC Form 601 if it is requesting authorization to provide services on a common carrier basis, a non-common carrier basis, or on both a common carrier and non-common carrier basis.

(b) Amendment of pending applications. Any pending application may be amended to:
(1) Change the carrier status requested; or
(2) Add to the pending request in order to obtain both common carrier and non-common carrier status in a single license.

(c) Modification of license. A licensee may modify a license to:
(1) Change the carrier status authorized; or
(2) Add to the status authorized in order to obtain both common carrier and non-common carrier status in a single license.

§ 101.535 Geographic partitioning and spectrum aggregation/disaggregation.

(a) Eligibility. (1) 24 GHz licensees may apply to the Commission to partition their licensed geographic service areas to eligible entities and are free to determine the portion of their service areas to be partitioned. 24 GHz licensees may aggregate or disaggregate their licensed spectrum at any time following the grant of a license.

(2) Any existing frequency coordination agreements shall convey with the assignment of the geographic area or spectrum, and shall remain in effect unless new agreements are reached.

(b) Technical standards—(1) Aggregation. There is no limitation on the amount of spectrum that a 24 GHz licensee may aggregate.
(2) Partitioning. In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to §1.948 of