§ 80.60 Partitioned licenses and disaggregated spectrum.

(a) Except as specified in §20.15(c) of this chapter with respect to commercial mobile radio service providers, charges must not be made for service of:

(1) VHF Public Coast area licensees, see §80.371(c)(1)(ii), may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section.

(2) AMTS geographic area licensees, see §80.385(a)(3), may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section. Site-based AMTS public coast station licensees may partition their license or disaggregate their spectrum pursuant to the procedures set forth in this section, provided that the partitionee or disaggregatee’s predicted 38 dBu signal level contour does not extend beyond the partitioner or disaggregator’s predicted 38 dBu signal level contour. The predicted 38 dBu signal level contours shall be calculated using the F(50, 50) field strength chart for Channels 7–13 in §73.699 (Fig. 10) of this chapter, with a 9 dB correction for antenna height differential.

(3) Nationwide or multi-region LF, MF, and HF public coast station licensees, see §§80.357(b)(1), 80.361(a), 80.363(a)(2), 80.371(b), and 80.374, may partition their spectrum pursuant to the procedures set forth in this section, except that frequencies or frequency pairs licensed to more than one licensee as of March 13, 2002 may be partitioned only by the earliest licensee, and only on the condition that the partitionee shall operate on a secondary, non-interference basis to stations licensed as of March 13, 2002 other
than the earliest licensee. Coordina-
tion with government users is required
for partitioning of spectrum the licens-
ing of which is subject to coordination
with government users.

(b) Technical standards—(1) Partitioning. In the case of partitioning, all
requests for authorization for partial
assignment of a license must include,
as an attachment, a description of the
partitioned service area. The parti-
tioned service area shall be defined by
coordinate points at every 3 degrees
along the partitioned service area un-
less an FCC-recognized service area is
utilized (e.g., Metropolitan Service
Area, Rural Service Area, or Economic
Area) or county lines are used. The ge-
ographic coordinates must be specified
in degrees, minutes, and seconds to the
nearest second of latitude and lon-
gitude, and must be based upon the 1983
North American Datum (NAD83). In a
case where an FCC-recognized service
area or county lines are utilized, appli-
cants need only list the specific area(s)
(through use of FCC designations or
county names) that constitute the par-
titioned area.

(2) Disaggregation. VHF (156–162 MHz)
spectrum may only be disaggregated
according to frequency pairs. AMTS
spectrum may be disaggregated in any
amount.

(3) Combined partitioning and
disaggregation. The Commission will
consider requests for partial assign-
ment of licenses that propose combina-
tions of partitioning and
disaggregation.

(c) License term. The license term for
a partitioned license area and for
disaggregated spectrum shall be the re-
mainder of the original licensee’s term
as provided for in §80.25 of this part.

(d) Construction Requirements—(1) Par-
titioning. Partial assignors and assign-
ees for license partitioning have two
options to meet construction require-
ments. Under the first option, the
partitionor and partitionee would each
certify that they will independently
satisfy the substantial service require-
ment for their respective partitioned
areas. If either licensee failed to meet
its substantial service showing require-
ment, only the non-performing licens-
ee’s renewal application would be sub-
ject to dismissal. Under the second op-
tion, the partitioner certifies that it
has met or will meet the substantial
service requirement for the entire mar-
ket. If the partitioner fails to meet the
substantial service standard, however,
only its renewal application would be
subject to forfeiture at renewal.

(2) Disaggregation. Partial assignors
and assignees for license
disaggregation have two options to
meet construction requirements. Under
the first option, the disaggregator and
disaggregatee would certify that they
each will share responsibility for meet-
ing the substantial service requirement
for the geographic service area. If par-
ties choose this option and either party
fails to do so, both licenses would be
subject to forfeiture at renewal. The
second option would allow the parties
to agree that either the disaggregator
or the disaggregatee would be respon-
sible for meeting the substantial serv-
ice requirement for the geographic
service area. If parties choose this op-
tion, and the party responsible for
meeting the construction requirement
fails to do so, only the license of the
nonperforming party would be subject
to forfeiture at renewal.

(3) Site-based AMTS, and nationwide or
multi-region LF, MF, and HF public
coast. Parties seeking to acquire a par-
tioned license or disaggregated spec-
trum from a site-based AMTS, or na-
tionwide or multi-region LF, MF, and HF public
coast licensee will be re-
quired to construct and commence
’service to subscribers’ in all facilities
acquired through such transactions
within the original construction dead-
line for each facility as set forth in
§80.49. Failure to meet the individual
construction deadline will result in the
automatic termination of the facility’s
authorization.

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