§ 101.129 Transmitter location.

(a) The applicant must determine, prior to filing an application for a radio station authorization, that the antenna site specified therein is adequate to render the service proposed. In cases of questionable antenna locations, it is desirable to conduct propagation tests to indicate the field intensity which may be expected in the principal areas or at the fixed points of communication to be served, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site survey tests to be made pursuant to an experimental license under part 5 of this chapter. In such cases, propagation tests should be conducted in accordance with recognized engineering methods and should be made with a transmitting antenna simulating, as near as possible, the proposed antenna installation. Full data obtained from such surveys and its analysis, including a description of the methods used and the name, address and qualifications of the engineer making the survey, must be supplied to the Commission.

(b) In the 12.2–12.7 GHz band, licensees must not locate MVDDS transmitting antennas within 10 km of any qualifying NGSO FSS receiver unless mutual agreement is obtained between the MVDDS and NGSO FSS licensees. Such agreements must be retained by the licensees and made available for inspection by interested parties upon request.

(1) A qualifying NGSO FSS receiver, for the purposes of this section, is deemed to be one that is in regular use by an NGSO FSS subscriber for normal reception purposes in the 12.2-12.7 GHz band and not one for monitoring or testing purposes. In addition, qualifying receivers must either be in operation on the date or already be under construction and then operating within thirty days of the date that the MVDDS licensee notifies the NGSO FSS licensee of its intent to construct a new MVDDS transmitting antenna at a specified location.

(2) Except as provided in paragraph (b)(3) of this section, the 10 kilometer spacing requirement for each MVDDS transmitting antenna site shall not apply with respect to NGSO FSS receivers that might be installed or become operational (except for those under construction and operating within thirty days as specified in paragraph (b)(1) of this section) subsequent to the original date that the MVDDS licensee provided notice of its intention to construct a given transmission facility.

(3) In the event that a proposed MVDDS transmitting antenna for which notice has been duly given to the NGSO FSS licensees has not been placed in normal operation within one calendar year of the date of notice, then the MVDDS licensee loses the benefit of the original notice. Upon such anniversary, the MVDDS licensee must re-determine compliance with the minimum 10 kilometer spacing requirement based upon locations of qualifying NGSO FSS receivers on that anniversary date. A new determination of compliance with the spacing requirement shall be made for each succeeding anniversary of non-operation for each proposed MVDDS transmission site or additional antenna. This provision contemplates that failure to commence normal operation at a given MVDDS transmitting antenna site within one year of the date of NGSO FSS notification may require successive relocations of the proposed transmitter site in order to meet the minimum spacing distance as determined on each anniversary of non-operation.


§ 101.131 Transmitter construction and installation.

(a) The equipment at the operating and transmitting positions must be so installed and protected that it is not accessible to, or capable of being operated by, persons other than those duly authorized by the licensee.

(b) In any case where the maximum modulating frequency of a transmitter is prescribed by the Commission, the transmitter must be equipped with a low-pass or band-pass modulation filter of suitable performance characteristics. In those cases where a modulation limiter is employed, the modulation filter must be installed between the...
transmitter stage in which limiting is
effected and the modulated stage of the
transmitter.

(c) Each transmitter employed in
these services must be equipped with
an appropriately labeled pilot lamp or
meter which will provide continuous
visual indication at the transmitter
when its control circuits have been
placed in a condition to activate the
transmitter. In addition, facilities
must be provided at each transmitter
to permit the transmitter to be turned
on and off independently of any remote
control circuits associated therewith.

(d) At each transmitter control point
the following facilities must be in-
stalled:

(1) A carrier operated device which
will provide continuous visual indica-
tion when the transmitter is radiating,
or, in lieu thereof, a pilot lamp or
meter which will provide continuous
visual indication when the transmitter
control circuits have been placed in a
condition to activate the transmitter; and

(2) Facilities which will permit the
operator to turn transmitter carrier on
and off at will.

(e) Transmitter control circuits from
any control point must be so installed
that grounding or shorting any line in
the control circuit will not cause the
transmitter to radiate: provided, how-
ever, That this provision will not be
applicable to control circuits of sta-
tions which normally operate with con-
tinuous radiation or to control circuits
which are under the effective opera-
tional control of responsible oper-
ating personnel 24 hours per day.

§ 101.133 Limitations on use of trans-
mitters.

(a) Transmitters licensed for oper-
ation in Common Carrier services may
be concurrently licensed or used for
non-common carrier communication
purposes. Mobile units may be concurre-
ently licensed or used for non-common
carrier communication purposes pro-
vided that the transmitter is certifi-
cated for use in each service.

(b) Private operational fixed point-
to-point microwave stations authorized
in this service may communicate with
associated operational-fixed stations
and fixed receivers and with units of
associated stations in the mobile serv-
vice licensed under Private Radio Serv-
vice rule parts. In addition, inter-
communication is permitted with other
licensed stations and with U.S. Govern-
ment stations in those cases which re-
quire cooperation or coordination of
activities or when cooperative use ar-
rangements in accordance with §101.135
are contemplated; provided, however,
that where communication is desired
with stations authorized to operate
under the authority of a foreign juris-
diction, prior approval of this Commis-
sion must be obtained; And provided
further, That the authority under
which such other stations operate does
not prohibit the intercommunication.

(c) Two or more persons or govern-
mental entities eligible for private
operational fixed point-to-point micro-
wave licenses may use the same trans-
mittng equipment under the following
terms and conditions:

(1) Each licensee complies with the
general operating requirements set out
in this part:

(2) Each licensee is eligible for the
frequency(ies) on which the facility op-
erates; and

(3) Each licensee must have the abil-
ity to access the transmitter(s) that it
is authorized to operate under the mul-
tiple licensing arrangement.

(d) LMDS subscriber transmissions.
LMDS licensees shall not operate
transmitters from subscriber locations
in the 29.1–29.25 GHz band.

(e) Existing private operational fixed
wireless licensees applying to become
common carrier wireless licensees shall
comply with all provisions of the Com-
 munications Act and the Commission’s
rules. Applicants must take all re-
quired filings, including FCC Form 601,
and receive all necessary Commission
approval prior to operating as a com-
mon carrier wireless licensee. The reg-
ulatory fee associated with FCC wire-
less application Form 601 is waived for
applicants who are existing private
operational fixed licensees seeking
common carrier status, provided that
such licensees have also complied with
all other discontinuance requirements