

## § 22.921

in interference to users of another radio service, the FCC may require a greater attenuation of that emission than specified in this section.

[67 FR 77191, Dec. 17, 2002, as amended at 82 FR 17583, Apr. 12, 2017]

## § 22.921 [Reserved]

### § 22.923 Cellular system configuration.

Mobile stations communicate with and through base transmitters only. Base transmitters communicate with mobile stations directly or through cellular repeaters. Auxiliary test stations may communicate with base or mobile stations for the purpose of testing equipment.

### § 22.925 Prohibition on airborne operation of cellular telephones.

Cellular telephones installed in or carried aboard airplanes, balloons or any other type of aircraft must not be operated while such aircraft are airborne (not touching the ground). When any aircraft leaves the ground, all cellular telephones on board that aircraft must be turned off. The following notice must be posted on or near each cellular telephone installed in any aircraft:

“The use of cellular telephones while this aircraft is airborne is prohibited by FCC rules, and the violation of this rule could result in suspension of service and/or a fine. The use of cellular telephones while this aircraft is on the ground is subject to FAA regulations.”

## §§ 22.927–22.943 [Reserved]

### § 22.946 Construction period for Unserved Area authorizations.

The construction period applicable to new or modified Cellular facilities for which an authorization is granted pursuant to the Unserved Area process is one year, beginning on the date the authorization is granted. To satisfy this requirement, a Cellular system must be providing service to mobile stations operated by subscribers and roamers. The licensee must notify the FCC (FCC Form 601) after the requirements of this section are met. *See* § 1.946 of this chapter. *See also* § 22.949.

[79 FR 72151, Dec. 5, 2014]

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### § 22.948 Geographic partitioning and spectrum disaggregation; spectrum leasing.

Cellular licensees may apply to partition any portion of their licensed Cellular Geographic Service Area (CGSA) or to disaggregate their licensed spectrum at any time following the grant of their authorization(s). Parties seeking approval for partitioning and disaggregation shall request from the FCC an authorization for partial assignment of a license pursuant to § 1.948 of this chapter. *See also* paragraph (d) of this section regarding spectrum leasing.

(a) *Partitioning, disaggregation, or combined partitioning and disaggregation.* Applicants must file FCC Form 603 (“Assignment of Authorization and Transfer of Control”) pursuant to § 1.948 of this chapter, as well as GIS map files and a reduced-size PDF map pursuant to § 22.953 for both the assignor and assignee.

(b) *Field strength limit.* For purposes of partitioning and disaggregation, Cellular systems must be designed so as to comply with § 22.983.

(c) *License term.* The license term for a partitioned license area and for disaggregated spectrum will be the remainder of the original license term.

(d) *Spectrum leasing.* Cellular spectrum leasing is subject to all applicable provisions of subpart X of part 1 of this chapter as well as the provisions of paragraph (a) of this section, except that applicants must file FCC Form 608 (“Application or Notification for Spectrum Leasing Arrangement or Private Commons Arrangement”), not FCC Form 603.

[79 FR 72152, Dec. 5, 2014]

### § 22.949 Unserved Area licensing; minimum coverage requirements.

(a) The Unserved Area licensing process described in this section is on-going and applications may be filed at any time, subject to the following coverage requirements:

(1) Applicants for authority to operate a new Cellular system or expand an existing Cellular Geographic Service Area (CGSA) in Unserved Area must propose a CGSA or CGSA expansion of

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at least 130 contiguous square kilometers (50 contiguous square miles) using the methodology of § 22.911.

(2) Applicants for authority to operate a new Cellular system must not propose coverage of water areas only (or water areas and uninhabited islands or reefs only), except for Unserved Area in the Gulf of Mexico Service Area.

(b) There is no limit to the number of Unserved Area applications that may be granted on each channel block of each CMA that is subject to the procedures of this section. Consequently, Unserved Area applications are mutually exclusive only if the proposed CGSAs would overlap. Mutually exclusive applications are processed using the general procedures under § 22.131.

(c) Unserved Area applications under this section may propose a CGSA covering more than one CMA. Each Unserved Area application must request authorization for only one CGSA and must not propose a CGSA overlap with an existing CGSA.

(d) Settlements among some, but not all, applicants with mutually exclusive applications for Unserved Area (partial settlements) under this section are prohibited. Settlements among all applicants with mutually exclusive applications under this section (full settlements) are allowed and must be filed no later than the date that the FCC Form 175 (short-form) is filed.

[79 FR 72152, Dec. 5, 2014]

### § 22.950 Provision of service in the Gulf of Mexico Service Area (GMSA).

The GMSA has been divided into two areas for licensing purposes, the Gulf of Mexico Exclusive Zone (GMEZ) and the Gulf of Mexico Coastal Zone (GMCZ). This section describes these areas and sets forth the process for licensing facilities in these two respective areas within the GMSA.

(a) The GMEZ and GMCZ are defined as follows:

(1) *Gulf of Mexico Exclusive Zone.* The geographical area within the Gulf of Mexico Service Area that lies between the coastline line and the southern demarcation line of the Gulf of Mexico Service Area, excluding the area comprising the Gulf of Mexico Coastal Zone.

(2) *Gulf of Mexico Coastal Zone.* The geographical area within the Gulf of Mexico Service Area that lies between the coast line of Florida and a line extending approximately twelve nautical miles due south from the coastline boundary of the States of Florida and Alabama, and continuing along the west coast of Florida at a distance of twelve nautical miles from the shoreline. The line is defined by Great Circle arcs connecting the following points (geographical coordinates listed as North Latitude, West Longitude) consecutively in the order listed:

- (i) 30°16'49" N 87°31'06" W
- (ii) 30°04'35" N 87°31'06" W
- (iii) 30°10'56" N 86°26'53" W
- (iv) 30°03'00" N 86°00'29" W
- (v) 29°33'00" N 85°32'49" W
- (vi) 29°23'21" N 85°02'06" W
- (vii) 29°49'44" N 83°59'02" W
- (viii) 28°54'00" N 83°05'33" W
- (ix) 28°34'41" N 82°53'38" W
- (x) 27°50'39" N 83°04'27" W
- (xi) 26°24'22" N 82°23'22" W
- (xii) 25°41'39" N 81°49'40" W
- (xiii) 24°59'02" N 81°15'04" W
- (xiv) 24°44'23" N 81°57'04" W
- (xv) 24°32'37" N 82°02'01" W

(b) *Service Area Boundary Calculation.* The service area boundary of a cell site located within the Gulf of Mexico Service Area is calculated pursuant to § 22.911(a)(2). Otherwise, the service area boundary is calculated pursuant to § 22.911(a)(1) or § 22.911(b).

(c) *Gulf of Mexico Exclusive Zone (GMEZ).* GMEZ licensees have an exclusive right to provide Cellular service in the GMEZ, and may add, modify, or remove facilities anywhere within the GMEZ without prior FCC approval. There is no Unserved Area licensing procedure for the GMEZ.

(d) *Gulf of Mexico Coastal Zone (GMCZ).* The GMCZ is subject to the Unserved Area licensing procedures set forth in § 22.949.

[67 FR 9610, Mar. 4, 2002, as amended at 79 FR 72152, Dec. 5, 2014]

### § 22.951 [Reserved]

### § 22.953 Content and form of applications for Cellular Unserved Area authorizations.

Applications for authority to operate a new Cellular system or to modify an