

bandwidths of 25 kHz or less. New authorizations for frequencies 12.5 kHz removed from these frequencies will be made for channel bandwidths of 12.5 kHz or less (*i.e.*, in the Public Safety Pool, frequencies subject to § 90.20(d)(27) and in the Industrial/Business Pool, frequencies subject to § 90.35(c)(30)). Authorizations for frequencies 6.25 kHz removed from these frequencies will be granted with channel bandwidths of 6.25 kHz or less (*i.e.*, in the Public Safety Pool, frequencies subject to § 90.20(d)(44), and in the Industrial/Business Pool, frequencies subject to § 90.35(c)(33)).

(n) Any recovered channels in the 800 MHz SMR service will revert automatically to the holder of the EA license within which such channels are included. If there is no EA licensee for recovered channels, such channels will be retained by the Commission for future licensing.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[43 FR 54791, Nov. 22, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 90.173, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 90.175 Frequency coordinator requirements.

Except for applications listed in paragraph (j) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in § 90.135(a), or for operation at temporary locations in accordance with § 90.137 must include a showing of frequency coordination as set forth further.

(a) Frequency coordinators may request, and applicants are required to provide, all appropriate technical information, system requirements, and justification for requested station parameters when such information is necessary to identify and recommend the most appropriate frequency. Additionally, applicants bear the burden of proceeding and the burden of proof in requesting the Commission to overturn a coordinator's recommendation.

(b) *For frequencies between 25 and 470 MHz.* (1) A statement is required from the applicable frequency coordinator as

specified in §§ 90.20(c)(2) and 90.35(b) recommending the most appropriate frequency. In addition, for frequencies to which § 90.35(c)(63) or (66) is applicable, the written concurrence of the Commission-certified frequency coordinator for frequencies designated for central station alarm operations must be obtained. In addition, for frequencies above 150 MHz, if the interference contour of a proposed station would overlap the service contour of a station on a frequency formerly shared prior to radio service consolidation by licensees in the Manufacturers Radio Service, the Forest Products Radio Service, the Power Radio Service, the Petroleum Radio Service, the Motor Carrier Radio Service, the Railroad Radio Service, the Telephone Maintenance Radio Service or the Automobile Emergency Radio Service, the written concurrence of the coordinator for the industry-specific service, or the written concurrence of the licensee itself, must be obtained. Requests for concurrence must be responded to within 20 days of receipt of the request. The written request for concurrence shall advise the receiving party of the maximum 20 day response period. The coordinator's recommendation may include comments on technical factors such as power, antenna height and gain, terrain and other factors which may serve to minimize potential interference. In addition:

(2) On frequencies designated for coordination or concurrence by a specific frequency coordinator as specified in §§ 90.20(c)(3) and 90.35(b), and on frequencies designated for concurrence as specified in § 90.35(c)(63) or (66), the applicable frequency coordinator shall provide a written supporting statement in instances in which coordination or concurrence is denied. The supporting statement shall contain sufficient detail to permit discernment of the technical basis for the denial of concurrence. Concurrence may be denied only when a grant of the underlying application would have a demonstrable, material, adverse effect on safety.

(3) In instances in which a frequency coordinator determines that an applicant's requested frequency or the most

§ 90.175

appropriate frequency is one designated for coordination or concurrence by a specific frequency coordinator as specified in § 90.20(c)(3) or § 90.35(b), that frequency coordinator may forward the application directly to the appropriate frequency coordinator. A frequency coordinator may only forward an application as specified above if consent is received from the applicant.

(4) For any application for mobile repeater station operations on frequencies denoted by both § 90.20(d)(90) and (92), or by both § 90.35(c)(93) and (95) the frequency coordinator responsible for the application must determine and disclose to the applicant the call signs and the service areas of all active co-channel incumbent remote control and telemetry stations inside the applicant's proposed area of operation by adding a special condition to the application, except when the applicant has obtained written concurrence from an affected incumbent licensee, or when the applicant and the incumbent licensee are the same entity.

(c) *For frequencies above 800 MHz:* When frequencies are shared by more than one service, concurrence must be obtained from the other applicable certified coordinators.

(d) *For frequencies in the 450–470 MHz band:* When used for secondary fixed operations, frequencies shall be assigned and coordinated pursuant to § 90.261.

(e) *For frequencies between 470–512 MHz, 769–775/799–805 MHz, 806–824/851–869 MHz and 896–901/935–940 MHz:* A recommendation of the specific frequencies that are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service, frequency pool, or category of user involved is required from an applicable frequency coordinator. In addition, a frequency coordinator must perform the contour overlap analysis detailed in § 90.621(d) when coordinating applications for channels in the 809–817 MHz/854–862 MHz band segment once interstitial 12.5 kHz bandwidth channels become available for licensing in a National Public Safety Planning Advisory Committee region.

47 CFR Ch. I (10–1–23 Edition)

(f) *For frequencies in the 929–930 MHz band listed in paragraph (b) of § 90.494:* A statement is required from the coordinator recommending the most appropriate frequency.

(g) *For frequencies between 1427–1432 MHz and 4940–4990 MHz:* A statement is required as follows.

(1) *For frequencies between 1427–1432 MHz:* A statement is required from the coordinator recommending the most appropriate frequency, operating power and area of operation in accordance with the requirements of § 90.259(b).

(2) *For frequencies between 4940–4990 MHz:* A statement is required from the nationwide band manager recommending the most appropriate channel(s), bandwidth, operating power, and any other technical parameter which promotes robust and efficient use of the band while minimizing interference based on the standard for harmful interference specified in § 90.1211(a).

(3) *Compliance date.* Paragraph (g)(2) of this section may contain information collection and/or recordkeeping requirements. Compliance with paragraph (g)(2) will not be required until this paragraph (g)(3) is removed or contains a compliance date, which will not occur until the date specified in a final rule published by the FCC announcing that the Office of Management and Budget has completed review of any information collection requirements associated with paragraph (g)(2) of this section or that they have determined such review is not required, which date shall be no earlier than February 28, 2024.

(h) Any recommendation submitted in accordance with paragraphs (a), (c), (d), or (e) of this section is advisory in character and is not an assurance that the Commission will grant a license for operation on that frequency. Therefore, applicants are strongly advised not to purchase radio equipment operating on specific frequencies until a valid authorization has been obtained from the Commission.

(i) Applications for facilities near the Canadian border north of line A or east of line C in Alaska may require coordination with the Canadian government. *See* § 1.928 of this chapter.

Federal Communications Commission

§ 90.176

(j) The following applications need not be accompanied by evidence of frequency coordination:

(1) Applications for frequencies below 25 MHz.

(2) Applications for a Federal Government frequency.

(3) Applications for frequencies in the 72–76 MHz band except for mobile frequencies subject to § 90.35(c)(77).

(4) [Reserved]

(5) Applications in the Industrial/Business Pool requesting a frequency designated for itinerant operations.

(6) Applications in the Radiolocation Service.

(7) Applications filed exclusively to modify channels in accordance with band reconfiguration in the 806–824/851–869 band.

(8) Applications for SMR frequencies contained in §§ 90.617(d) Table 4A, 90.617(e), 90.617(f) and 90.619(b)(2).

(9) Applications indicating license assignments such as change in ownership, control or corporate structure if there is no change in technical parameters.

(10) Applications for mobile stations operating in the 470–512 MHz band, 799–805 MHz band, or above 800 MHz if the frequency pair is assigned to a single system on an exclusive basis in the proposed area of operation.

(11) Applications for add-on base stations in multiple licensed systems operating in the 470–512 MHz, 769–775 MHz band, or above 800 MHz if the frequency pair is assigned to a single system on an exclusive basis.

(12) Applications for control stations operating below 470 MHz, 769–775/799–805 MHz, or above 800 MHz and meeting the requirements of § 90.119(b).

(13) Except for applications for the frequencies set forth in § 90.719(c) and § 90.720, applications for frequencies in the 220–222 MHz band.

(14) Applications for a state license under § 90.529.

(15) Applications for narrowband low power channels listed for itinerant use in § 90.531(b)(4).

(16) Applications for DSRCS licenses (as well as registrations for Roadside Units) under subpart M of this part in the 5895–5925 MHz band.

(17) Applications for the deletion of a frequency and/or transmitter site location.

(18) Applications for base, mobile, or control stations in the 763–768 MHz and 793–798 MHz bands.

(19) Applications filed exclusively to return channels that had been authorized for commercial operation pursuant to § 90.621(e) or (f) to non-commercial operation (including removal of the authorization to interconnect with the public switched telephone network).

(20) Applications for a reduction in the currently authorized emission bandwidth or a deletion of an existing emission designator.

(21) Applications for a reduction in antenna height or authorized power.

(22) [Reserved]

[67 FR 41858, June 20, 2002, as amended at 67 FR 63289, Oct. 11, 2002; 68 FR 38639, June 30, 2003; 69 FR 39867, July 1, 2004; 69 FR 46443, Aug. 3, 2004; 70 FR 61061, Oct. 20, 2005; 70 FR 76708, Dec. 28, 2005; 72 FR 48859, Aug. 24, 2007; 75 FR 19284, Apr. 14, 2010; 77 FR 45506, Aug. 1, 2012; 78 FR 25175, Apr. 29, 2013; 81 FR 2110, Jan. 15, 2016; 83 FR 61095, Nov. 27, 2018; 84 FR 29085, June 21, 2019; 86 FR 23296, May 3, 2021; 88 FR 12570, Feb. 28, 2023]

§ 90.176 Coordinator notification requirements on frequencies below 512 MHz, at 769–775/799–805 MHz, or at 1427–1432 MHz.

(a) Frequencies below 470 MHz. Within one business day of making a frequency recommendation, each frequency coordinator must notify and provide the information indicated in paragraph (g) of this section to all other frequency coordinators who are also certified to coordinate that frequency.

(1) The applicable frequency coordinator for each frequency is specified in the coordinator column of the frequency tables of §§ 90.20(c)(3) and 90.35(b)(3).

(2) For frequencies that do not specify any frequency coordinator, all certified in-pool coordinators must be notified.

(3) For frequencies that are shared between the Public Safety Pool and the Industrial/Business Pool (frequencies subject to §§ 90.20(d)(7), (d)(25), (d)(34), or (d)(46) in the Public Safety Pool, and subject to §§ 90.35(c)(13), (c)(25), or (d)(4) in the Industrial/Business Pool), all