

# **federal register**

**WEDNESDAY, FEBRUARY 9, 1977**

**PART III**



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## **FEDERAL COMMUNICATIONS COMMISSION**

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### **CLASS D STATIONS IN CITIZENS RADIO SERVICE**

**Operating Rules; Republication**

## Title 47—Telecommunication

CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION

[Docket No. 20120; FCC 76-1138]

CLASS D STATIONS IN CITIZENS RADIO  
SERVICE

## Revision of Operating Rules

NOTE: Technical problems with the typesetting and printing of the original publication of these rule revisions on December 23, 1976 at 41 FR 56068 have necessitated this republication.

Licenses and manufacturers who obtained copies of the December 23 printing should be aware of the errors in that edition, and should rely on this republished version.

Adopted: December 14, 1976.

Released: December 16, 1976.

In the matter of revision of operating rules for Class D stations in the Citizens Radio Service; FCC 76-1138; Dockets 20120; RM-1508, 1592, 1733, 1751, 1841, 1905, 1991, 2053, 2084, 2132, 2300, 2317, 2318; *Third Report and Order*.

1. A Notice of Inquiry and Further Notice of Proposed Rule Making in the above-captioned matter was released March 29, 1976 and published in the FEDERAL REGISTER April 6, 1976, 41 FR 14527 (1976). A Second Report and Order was released July 29, 1976 and published in the FEDERAL REGISTER August 4, 1976, 41 FR 32678 (1976).

2. In our Notice of Inquiry and Further Notice of Proposed Rule Making, we proposed to change the names of the Citizens Radio Service and its subdesignations. We proposed to redesignate the Citizens Radio Service the General Radio Service, and the Class D and Class A Services were to be redesignated the CB Radio Service and the UHF CB Service, respectively. We believed the new names would be more descriptive of the character of the Services and more in keeping with present user references to the Services.

3. The comments we received in response to the proposal to change the name of the Citizens Radio Service were generally favorable. In its Second Report and Order in this proceeding, however, the Commission deferred action on this proposal, stating that it would be implemented at a more appropriate time in the future.

4. We believe that the time is now right for the implementation of the name changes, and we are therefore changing the names of the Citizens Radio Service and its subdesignations, as follows: the Citizens Radio Service is redesignated the *Personal Radio Services*; the Class A Service is redesignated the *General Mobile Radio Service*; the Class C Service is redesignated the *Radio Control (R/C) Service*; and the Class D Service is redesignated the *Citizens Band (CB) Radio Service*.

5. We estimate that the total conversion of all license documents and other printed materials to reflect the various name changes adopted herein will require at least five years. Supplies of application forms and licenses at the Commission bearing the new designations will

be put into use as soon as stocks of the present forms are exhausted. Licensees must not attempt to exchange their present licenses for licenses bearing the new Service designations, as this would seriously burden our application processing facilities.

6. Another matter we addressed in our Notice of Inquiry and Further Notice of Proposed Rule Making was a proposal that a copy of Part 95 of the Commission's Rules and Regulations be furnished with each Class D transmitter sold. We adopted this proposal in the Second Report and Order. We believe it to be essential that all licensees have in their possession a set of pertinent rules to aid them in determining the procedures necessary for proper and legal operation in the Service they are using. We do not believe, however, that Part 95 of the Rules must be retained in its entirety by all licensees. Rather, we believe that licensees should possess and be familiar with only those parts of Part 95 directly affecting their operations.

7. We are aware of the difficulty many people encounter reading and understanding Part 95 of the Rules. Much of the material contained therein is of either a legal or technical nature and is not organized in a manner facilitating rapid comprehension. As a first step towards a more comprehensible Part 95, we are therefore reorganizing the rules governing the Personal Radio Services into four subparts. The four new subparts of Part 95 are as follows: Subpart A, encompassing application procedures and operating rules for the General Mobile Radio Service; Subpart C, encompassing application procedures and operating rules for the Radio Control (R/C) Service; Subpart D, encompassing application procedures and operating rules for the Citizens Band (CB) Radio Service; and Subpart E, encompassing all technical requirements and type acceptance standards pertinent to radio equipment used by licensees operating under the provisions of Subparts A, C, and D. We are revising the rules to require that each licensee have in his possession the rule subpart governing the radio service in which he is operating, instead of the complete Part 95. We are also revising the rules to require that only subpart D of Part 95 need be provided with each CB Service transmitter sold. Suppliers wishing to do so may of course continue to supply complete editions of Part 95, however.

8. The rule revisions we are adopting herein are largely of an editorial nature. We expect to make future, more substantive revisions to Part 95 as our resources permit. Our objectives are to clarify the text of Part 95, thereby increasing its readability, and to eliminate altogether those regulations and restrictions found to be unnecessary. Each of the new subparts of Part 95 is considerably shorter and better organized than the present Part 95, and we believe that the increased length of the reorganized rule part is more than offset by its reduced complexity.

9. In view of the foregoing, we believe that the revised rules, as discussed above,

are in the public interest. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, it is ordered That Parts 0, 1, 2, 5, 15, 23, 25, 73, 74, 89, 91, 93, 95, and 99 of the Commission's Rules are amended as set forth below effective January 27, 1977. It is further ordered That this proceeding is continued.

FEDERAL COMMUNICATIONS  
COMMISSION.<sup>1</sup>VINCENT J. MULLINS,  
Secretary.

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

Parts 0, 1, 2, 5, 15, 23, 25, 73, 74, 89, 91, 93 and 99 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended, as follows:

## PART 0—COMMISSION ORGANIZATION

1. § 0.241(c) is amended to read as follows:

§ 0.241 Authority delegated to the Chief Engineer.

(c) To assign new or modified call signs to stations in all of the radio services except the Personal and Amateur Radio Services. See §§ 0.332(a) and 1.550 of this chapter.

2. § 0.242(a) and (c) are amended to read as follows, and § 0.242(c)(14) is amended:

§ 0.242 Additional authority delegated to the Chief Engineer.

(a) In accordance with applicable rules, all applications filed in a region for authorizations in the Public Safety, Land Transportation, and Industrial Radio Services (excluding applications in the Industrial Radiolocation Service) and for General Mobile Radio Service station authorizations in the Personal Radio Services.

(c) On the following matters insofar as they involve the Public Safety, Industrial, Land Transportation (excluding the Industrial Radiolocation Service), Personal Radio Services (General Mobile Radio Service only) or Remote Pickup Broadcast Service (shared frequencies only).

(14) To act on requests for assignment of call signs to new stations in the Personal Radio Services (General Mobile Radio Service only) and for changes in the call signs of existing stations in this service.

3. § 0.431 is amended to read as follows:

§ 0.431 The FCC Service Frequency Lists.

Lists of frequency assignments to radio stations authorized by the Commission

<sup>1</sup> Commissioners Lee and Hooks absent; Commissioner White not participating.

are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and, in Washington, D.C., in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465 (a).

4. § 0.455(h) (1) is amended to read as follows:

§ 0.455 Other locations at which records may be inspected.

(h) \* \* \*

(1) Amateur Radio Service and Personal Radio Services application files.

5. § 0.481 is amended to read as follows:

§ 0.481 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	VIA engineer in charge radio district No. 14 Seattle, Wash. 98104.	2.
(b) Amateur.	See secs. 0.483 and 0.485.	As specified in form.
(c) Interim ship station license.	See sec. 0.487.	Do.
(d) Personal.	To Federal Communications Commission, Gettysburg, Pa. 17326.	Do.
(e) Ship (FCC forms 502 and 405-B).	do.	Do.
(f) Aircraft (FCC forms 404 and 405-B).	do.	Do.
(g) All others.	Directly to the main Washington, D.C., office of the Commission. See sec. 0.401.	Do.

**PART 1—PRACTICE AND PROCEDURE**

§ 1.912 Where applications are to be filed.

(d) All formal applications for Radio Control (R/C) or Citizens Band (CB) new, modified, or renewal station authorizations shall be submitted to the Commission's office, Gettysburg, Pennsylvania 17326. All formal applications for ship station licenses (FCC Forms 502 and 405-B) shall be submitted to the Commission's office, Box 1040, Gettysburg, Pennsylvania 17325. All formal applications for aircraft station licenses (FCC Forms 404 and 405-B) shall be submitted to the Commission's office, Box 1030, Gettysburg, Pennsylvania 17325.

Any special requests or applications for special temporary authority concerning a Radio Control (R/C) or Citizens Band (CB) station and all applications for General Mobile Radio Service station licenses shall be filed in accordance with paragraph (e) of this section.

7. § 1.922 is amended to read as follows:

§ 1.922 Forms to be used.

FCC Form:

	Title
505	Application for Station License in the R/C or CB Service.
555-B	Temporary Permit, Citizens Band (CB) Radio Service, Personal Radio Service.

8. § 1.924 (a) (2) and (c) (3) are amended to read as follows:

§ 1.924 Assignment or transfer of control, voluntary and involuntary.

(a) \* \* \*

(2) Licenses for stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

(c) \* \* \*

(3) In the case of stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

9. § 1.925 (d) is amended to read as follows:

§ 1.925 Application for special temporary authorization or temporary permit.

(d) An individual applicant for a Citizens Band (CB) station license in the Personal Radio Services may operate his radio station pending issuance of his CB station authorization by the Commission for a period of 60 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 555-B.

10. § 1.926 (b) (5), (10) and (11) are amended to read as follows:

§ 1.926 Application for renewal of license.

(b) \* \* \*

(5) Beginning April 1, 1972, applications for renewal of licenses for base, mobile and fixed stations operating on frequencies below 950 MHz in the Public Safety, Industrial, Land Transportation Radio Services, and for General Mobile Radio Service stations in the Personal

Radio Services which are located in the Chicago, Ill., Regional Area (defined in Parts 89, 91, 93, and 95 of this chapter) shall be filed on FCC Form 425. Such applications shall be filed at the Commission's Washington, D.C. office until January 1, 1973. After January 1, 1973, they shall be filed at the Commission's Chicago Regional Office.

(10) Application for renewal of Radio Control (R/C) or Citizens Band (CB) station license in the Personal Radio Services shall be submitted on FCC Form 505.

(11) Application for renewal of General Mobile Radio Service station license in the Personal Radio Services shall be submitted on FCC Form 400.

11. § 1.931 (b) is amended to read as follows:

§ 1.931 Application for extension of construction permit.

(b) Application for extension of time within which to construct a station in the Public Safety, Industrial and Land Transportation Radio Services shall be submitted on FCC Form 400 or on FCC Form 402, as appropriate; in the Aviation Services, on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the case of General Mobile Radio Service stations in the Personal Radio Services, on FCC Form 400; and in all other services, on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

12. § 1.933 (b) is amended to read as follows:

§ 1.933 Installation or removal of apparatus.

(b) In the Personal Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided*, The replacement transmitter appears in the Commission's "Radio Equipment List," as designated for use in the Personal Radio Services or, in the case of an R/C station for a CB station until November 23, 1978 if first licensed prior to November 22, 1974), using crystal control, the substitute equipment is crystal controlled: *Provided, further*, That the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

13. § 1.951 (a) and (d) are amended to read as follows:

§ 1.951 How applications are distributed.

(a) Amateur and Citizens Division: Amateur, Disaster, RACES, and Personal.

**RULES AND REGULATIONS**

(d) Chicago, Ill., Regional Office (beginning January 1, 1973); applications for base, mobile and fixed stations to operate on frequencies below 950 MHz within the Chicago, Ill., Region (defined in Parts 89, 91, 93 and 95 of this chapter) filed in the Public Safety, Land Transportation, and Industrial (excluding Industrial Radiolocation) Services, and for General Mobile Radio Service stations in the Personal Radio Services.

14. § 1.952(b) is amended to read as follows:

**§ 1.952 How file numbers are assigned.**

(b) File number symbols and service or class of station designators:

**PERSONAL RADIO SERVICES**

- CA—General Mobile Radio Service.
- CC—Radio Control (R/C) Service.
- CD—Citizens Band (CB) Radio Service.

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

15. In § 2.1 the definition "Citizens radio service" is deleted and the following definition "Personal radio services" added alphabetically to read as follows:

**§ 2.1 Definitions.**

*Personal radio services.* A radiocommunication service of fixed, land, and

mobile stations intended for personal or business radiocommunications, radio signaling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

16. § 2.106 is amended to read as follows:

**§ 2.106 Table of Frequency Allocations.**

United States		Federal Communications Commission				
Band (megahertz)	Allocation	Band (megahertz)	Service	Class of Station	Frequency (megahertz)	Nature (of services and stations)
5	6	7	8	9	10	11
26.45 to 27.54	NG	26.95 to 26.96	Fixed	Fixed	26.955	International. Fixed public.
		26.96 to 27.23	Personal (US 1).	Fixed. Land Mobile.	27.12	Industrial, scientific and medical equipment.
		27.23 to 27.28	Personal. Fixed. Mobile.	do.		Personal. Public safety. Industrial. Land transportation.
		27.28 to 27.41	Personal. Land mobile.	Base. Land mobile.		Personal. Industrial.
		27.41 to 27.54	Land mobile	do.		Industrial.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (megahertz)	Service	Band (megahertz)	Service	Band (megahertz)	Allocation	Band (megahertz)	Service	Class of station	Frequency (megahertz)	Nature (of services and stations)
1	2	3	4	5	6	7	8	9	10	11
						456 to 459	Land mobile. (NG112).	Land mobile		Public safety. Industrial. Land transportation.
						459 to 460	Land mobile. (NG112).	Base. Land mobile.		Domestic. Public. (12)NG.
460 to 470 (324B).	Fixed. Mobile. Meteorological-satellite (Space-to-earth). (318A).				(US100) (US201) (US209).	460 to 462.5375	Land mobile	do.		Public safety. Industrial. Land transportation.
						462.5375 to 462.7375	do.	do.		Personal.
						462.7375 to 465.0125	do.	do.		Public safety. Industrial. Land transportation. Do.
						465.0125 to 467.5375	do.	Land mobile		Do.
						467.5375 to 467.7375	do.	do.		Personal.
						467.7375 to 470	do.	do.		Public safety. Industrial. Land transportation.
470 to 890 (332A).		470 to 890 (329A) (332) (332A).	Broadcasting	470 to 902	NG. (N G30) (N G43) (N G63) (US96) (US88) (US100) (US116) (US215).	470 to 512	Broadcasting. Land mobile. (NG66).	Television broadcasting. Land mobile. Base.		Broadcasting. Public safety. Industrial. Land transportation. Domestic. Public.
						512 to 806	Broadcasting	Television broadcasting.		
						806 to 821	Land mobile	Land mobile		Conventional and Trunked Systems.
						821 to 825	do.	do.		Reserve.
						825 to 845	do.	Land mobile		Cellular Systems.
						845 to 851	do.	do.		Reserve.

17. In § 2.106, Note NG56 is amended to read as follows:

**NG FOOTNOTES**

NG56 The frequencies 72.08, 72.16, 72.24, 72.32, 72.40, 72.96, and 75.64 MHz may be

authorized for low powered (1-watt input) mobile operations in the Personal Radio Services for radio control of models subject to the condition that interference will not be caused to remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television stations operating on Channels 4 or 5.

TV interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signals or the distance to the television station.

18. § 2.302 is amended to read as follows:



2.302 Call signs.

Class of station	Composition of call sign	Call sign blocks
Personal radio.....	3 letters, 4 digits, or 4 letters, 4 digits.	KAA0001 through KZZ9999, WAA0001 through WPZ9999, KAAA0001 through KZZZ9999, KAA00000 through KZZ99999.
Personal radio, temporary permit.	3 letters, 5 digits.....	
Personal radio in trust territories.	1 letter, 4 digits.....	K0001 through K9999.

**PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)**

19. § 5.69 is amended to read as follows:

**§ 5.69 Notification to the National Radio Astronomy Observatory.**

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south and 80°30' W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

**PART 15—RADIO FREQUENCY DEVICES**

20. § 15.59 (a) and (b) are amended to read as follows:

**§ 15.59 Interference requirement for a CB receiver.**

(a) For the purpose of this regulation a CB receiver is defined as any receiver

that operates in the Personal Radio Services on frequencies allocated for CB stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. The term CB receiver includes the following:

A CB receiver sold as a separate piece of equipment.

The receiver section of a CB transceiver.  
A converter to be used with any receiver for the purpose of receiving CB transmissions.

The CB band of a multiband receiver in which such band can be separately selected and is labelled "CB band" or "11 meter band."

(b) \* \* \* *Provided, however,* If the receiver is a part of a CB transceiver for which an application for type acceptance is filed on or after September 10, 1976, an application for certification of the receiver section of such transceiver must be filed simultaneously with the application for type acceptance.

**PART 23—INTERNATIONAL FIXED PUBLIC RADI COMMUNICATION SERVICES**

21. § 23.20(b) is amended to read as follows:

**§ 23.20 Assignment of frequencies.**

(b) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south and 80°30' W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Vir-

ginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

**PART 25—SATELLITE COMMUNICATIONS**

22. § 25.203(g) is amended to read as follows:

**§ 25.203 Choice of sites and frequencies.**

(g) Notification to the National Radio Astronomy Observatory: In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period

from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

#### PART 73—RADIO BROADCAST SERVICES

23. In § 73.1207(c) Note 2(d) is added to read as follows:

##### § 73.1207 Rebroadcast.

NOTE 2. \* \* \*

(d) A broadcasting station may not rebroadcast, live or delayed, the transmissions of a Personal Radio Services station.

#### PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

24. § 74.405(b) is amended to read as follows:

##### § 74.405 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(b) \* \* \*

###### CATEGORY II

###### GROUP D

Domestic public land mobile radio service.<sup>1</sup>

###### GROUP E

Personal radio services (General Mobile Radio Service).

#### PART 89—PUBLIC SAFETY RADIO SERVICE

25. § 89.81(b) is amended to read as follows:

##### § 89.81 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(b) \* \* \*

###### CATEGORY II

###### GROUP D

Domestic public land mobile radio service.<sup>1</sup>

###### GROUP E

Personal radio services (General Mobile Radio Service).

26. § 89.101(d) (3) is amended to read as follows:

<sup>1</sup>These frequencies will not be shared with private systems in the Chicago region at this time.

#### § 89.101: Frequencies.

(d) \* \* \*

(3) Effective September 10, 1976, station authorizations for the use of 27.235, 27.245, 27.255, 27.265, and 27.275 MHz will be issued only to applicants in the Personal Radio Services. Licenses in the Public Safety Radio Services authorizing the use of these frequencies shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 and 27.41 MHz should be modified prior to December 31, 1979 to permit operation on other authorized frequencies.

#### PART 91—INDUSTRIAL RADIO SERVICES

27. § 91.67(b) is amended to read as follows:

##### § 91.67 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(b) \* \* \*

###### CATEGORY II

###### GROUP D

Domestic public land mobile radio service.<sup>1</sup>

###### GROUP E

Personal Radio Services (General Mobile Radio Service).

28. § 91.254(b) (5) is amended to read as follows:

##### § 91.254 Frequencies available.

(b) \* \* \*

(5) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

29. § 91.304(b) (7) is amended to read as follows:

##### § 91.304 Frequencies available.

(b) \* \* \*

(7) Effective September 10, 1976 station authorizations for the use of fre-

quencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

30. § 91.354(b) (3) is amended to read as follows:

##### § 91.354 Frequencies available.

(b) \* \* \*

(3) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other frequencies.

31. § 91.404(b) (8) is amended to read as follows:

##### § 91.404 Frequencies available.

(b) \* \* \*

(8) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

32. § 91.454(b) (6) is amended to read as follows:

##### § 91.454 Frequencies available.

(b) \* \* \*

(6) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain

valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

33. § 91.504(b) (5) is amended to read as follows:

§ 91.504 Frequencies available.

(b) \* \* \*  
 (5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

34. § 91.554(b) (5) is amended to read as follows:

§ 91.554 Frequencies available.

(b) \* \* \*  
 (5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

35. § 91.730 (b) (9) and (b) (13) are amended to read as follows:

§ 91.730 Frequencies available.

(b) \* \* \*  
 (9) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to Decem-

ber 31, 1979, to permit operation on other authorized frequencies.

(13) This frequency is shared with Radio Control (R/C) stations in the Personal Radio Services which are used solely for the radio control of models.

36. § 91.754(b) (1) is amended to read as follows:

§ 91.754 Frequencies available.

(b) \* \* \*  
 (1) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

37. In § 91.806 the headnote and text are amended to read as follows:

§ 91.806 Participation of General Mobile Radio Service licensees in the Personal Radio Services.

Industrial entities may utilize their Personal Radio Services (General Mobile Radio Service) facilities, licensed to them under § 95.55 of the Commission's rules, in the operation of their own Detailed Operational Industrial Communications Emergency Plans as developed in accordance with the procedures established in this subpart.

PART 93—LAND TRANSPORTATION RADIO SERVICES

38. § 93.67(b) is amended to read as follows:

§ 93.67 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(b) \* \* \*  
 CATEGORY II  
 GROUP D  
 Domestic public land mobile radio service.  
 GROUP E  
 Personal Radio Services (General Mobile Radio Service).

39. §§ 93.254(d), 93.356(d), 93.404(d) and 93.504(d) are amended as follows:

§ ----- Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(d) Effective September 10, 1976, station authorizations for the use of fre-

quencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979 to permit operation on authorized frequencies.

PART 99—DISASTER COMMUNICATIONS SERVICE

40. § 99.11(e) is amended to read as follows:

§ 99.11 Applications.

(e) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south, and 80°30' W on the west, shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

PART 95—PERSONAL RADIO SERVICES

Part 95 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as set forth below:



Redesignation table

	Subpt. A	C	D	Former edition
<b>General:</b>				
Basis and purpose	§ 95.1	.201	.401	§ 95.1
Definitions	§ 95.3	.203	.403	§ 95.3
<b>Applications and licenses:</b>				
Eligibility for station license	§ 95.11	.211	.411	§ 95.13
General citizenship requirements	§ 95.13	.213	.413	§ 95.7
Standard forms to be used	§ 95.15	.215	.415	§ 95.19
Filing of applications	§ 95.17	.217	.417	§ 95.15
Mailing address furnished by licensee	§ 95.19	.219	.419	§ 95.14
Who may sign applications	§ 95.21	.221	.421	§ 95.17
Defective applications	§ 95.23	.223	.423	§ 95.29
Amendment or dismissal of application	§ 95.25	.225	.425	§ 95.25
Partial grant	§ 95.27	.227	.427	§ 95.31
License term	§ 95.29	.229	.429	§ 95.33
Types of operation authorized	§ 95.31	.231	.431	§ 95.6
Transfer of license prohibited	§ 95.33	.233	.433	§ 95.27
Changes in terms of license	§ 95.35	.235	.435	§ 95.35
Limitations on antenna structures	§ 95.37	.237	.437	§ 95.37
<b>Station operating requirements:</b>				
Station authorization required	§ 95.51	.251	.451	§ 95.11
Posting station license and transmitter identification cards or plates	§ 95.53	.253	.453	§ 95.101
Authorized frequencies	§ 95.55	.255	.455	§ 95.41
Policy governing the assignment/availability of frequencies	§ 95.57	.257	.457	§ 95.5
Emission types authorized	§ 95.59	.259		§ 95.47
Telephony only			.459	§ 95.47
Permissible communications	§ 95.61		.461	§ 95.81
Emergency and assistance to motorist use	§ 95.63		.463	§ 95.85
Operation by, or on behalf of, persons other than the licensee	§ 95.65	.265	.465	§ 95.87
Telephone answering services	§ 95.67		.467	§ 95.89
Duration of transmissions	§ 95.69	.269	.469	§ 95.91
Station identification	§ 95.71	.271	.471	§ 95.95
Station location	§ 95.73	.273	.473	§ 95.117
Control points, dispatch points and remote control	§ 95.75		.475	§ 95.119
Dispatch points and remote control		.275	.477	§ 95.121
Civil defense communications	§ 95.77			§ 95.119
<b>Station administration requirements:</b>				
Prohibited communications	§ 95.101	.301	.501	§ 95.83
False signals	§ 95.103		.503	§ 95.115
Current copy of rules required	§ 95.105	.305	.505	§ 95.105
Answers to notices of violations	§ 95.107	.307	.507	§ 95.113
External radio frequency power amplifiers prohibited			.509	§ 95.44
Transmitter service and maintenance	§ 95.111	.311	.511	§ 95.97
Modification of transmitters			.513	§ 95.35
Tests and adjustments	§ 95.115	.315	.515	§ 95.93
Inspection and maintenance of tower marking and lighting and associated control equipment	§ 95.117			§ 95.107
Recording of tower light inspections	§ 95.119			§ 95.111
Inspection of stations and station records	§ 95.121	.321	.521	§ 95.103

Technical regulations

	Subpt. E	Former edition
<b>General:</b>		
Basis and purpose	§ 95.601	§ 95.1
Definitions	§ 95.603	§ 95.3
<b>Frequencies, power and emissions:</b>		
Availability of frequencies	§ 95.611	§ 95.41
Transmitter power	§ 95.613	§ 95.43
Frequency tolerance	§ 95.615	§ 95.45
Emission limitations	§ 95.617	§ 95.49
Modulation requirements	§ 95.619	§ 95.51
Compliance with technical requirements	§ 95.621	§ 95.53
<b>Prohibited equipment:</b>		
External radio frequency power amplifiers	§ 95.631	§ 95.44
<b>Type acceptance and certification:</b>		
Acceptability of transmitters for licensing	§ 95.641	§ 95.55
Procedure for type acceptance of equipment	§ 95.643	§ 95.57
Additional requirements for type acceptance	§ 95.645	§ 95.58
Submission of noncrystal controlled class C station transmitters for type approval	§ 95.647	§ 95.59
Type approval of receiver-transmitter combinations	§ 95.649	§ 95.61
Minimum equipment specifications	§ 95.651	§ 95.63
Test procedure	§ 95.653	§ 95.65
Certificate of type approval	§ 95.655	§ 95.67

Subpart A—General Mobile Radio Service

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95.3	Definitions.
<b>APPLICATIONS AND LICENSES</b>	
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95.13	General citizenship requirements.
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Sec.	
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95.21	Who may sign applications.
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95.27	Partial grant.
95.29	License term.
95.31	Types of operation authorized.
95.33	Transfer of license prohibited.
95.35	Changes in terms of license.
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<b>STATION OPERATING REQUIREMENTS</b>	
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95.61	Permissible communications.
95.63	Emergency and assistance to motorist use.
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Sec.	
95.101	Prohibited communications.
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95.119	Recording of tower light inspections.
95.121	Inspection of stations and station records.

Subpart B—[Reserved.]

GENERAL

Subpart C—Radio Control (R/C) Service

GENERAL

Sec.	
95.201	Basis and purpose.
95.203	Definitions.
<b>APPLICATIONS AND LICENSES</b>	
95.211	Eligibility for station license.
95.213	General citizenship requirements.
95.215	Standard forms to be used.
95.217	Filing of applications.
95.219	Mailing address furnished by licensee.
95.221	Who may sign applications.
95.223	Defective applications.
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95.227	Partial grant.
95.229	License term.
95.231	Types of operation authorized.
95.233	Transfer of license prohibited.
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95.237	Limitations on antenna structures.

STATION OPERATING REQUIREMENTS

95.251	Station authorization required.
95.253	Posting station license and transmitter identification cards or plates.
95.255	Authorized frequencies.
95.257	Policy governing the availability of frequencies.
95.259	Emission types authorized.
95.265	Operation by, or on behalf of, persons other than the licensee.
95.269	Duration of transmissions.
95.271	Station identification.
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95.275	Dispatch points and remote control.

STATION ADMINISTRATION REQUIREMENTS

95.301	Prohibited communications.
95.305	Current copy of rules required.
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GENERAL

95.401	Basis and purpose.
95.403	Definitions.
<b>APPLICATIONS AND LICENSES</b>	
95.411	Eligibility for station license.
95.413	General citizenship requirements.
95.415	Standard forms to be used.
95.417	Filing of applications.
95.419	Mailing address furnished by licensee.
95.421	Who may sign applications.
95.423	Defective applications.
95.425	Amendment or dismissal of application.
95.427	Partial grant.
95.429	License term.
95.431	Types of operation authorized.
95.433	Transfer of license prohibited.
95.435	Changes in terms of license.
95.437	Limitations on antenna structures.



STATION OPERATING REQUIREMENTS

- Sec.
- 95.451 Station authorization required.
- 95.453 Posting station license and transmitter identification cards or plates.
- 95.455 Authorized frequencies.
- 95.457 Policy governing the availability of frequencies.
- 95.459 Telephony only.
- 95.461 Permissible communications.
- 95.463 Emergency and assistance to motorist use.
- 95.465 Operation by, or on behalf of, persons other than the licensee.
- 95.467 Telephone answering services.
- 95.469 Duration of transmissions.
- 95.471 Station identification.
- 95.473 Station location.
- 95.475 Dispatch points and remote control.
- 35.477 Civil Defense communications.

STATION ADMINISTRATION REQUIREMENTS

- 95.501 Prohibited communications.
- 95.503 False signals.
- 95.505 Current copy of rules required.
- 95.507 Answers to notices of violations.
- 95.509 External radio frequency power amplifiers prohibited.
- 95.511 Transmitter service and maintenance.
- 95.513 Modification of transmitters.
- 95.515 Tests and adjustments.
- 95.521 Inspection of stations and station records.

Subpart E—Technical Regulations

GENERAL

- 95.601 Basis and purpose.
- 95.603 Definitions.

FREQUENCIES, POWER AND EMISSIONS

- 95.611 Availability of frequencies.
- 95.613 Transmitter power.
- 95.615 Frequency tolerance.
- 95.617 Emission limitations.
- 95.619 Modulation requirements.
- 95.621 Compliance with technical requirements.

PROHIBITED EQUIPMENT

- 95.631 External radio frequency power amplifiers prohibited.

TYPE ACCEPTANCE AND CERTIFICATION

- 95.641 Acceptability of transmitters for licensing.
- 95.643 Procedure for type acceptance of equipment.
- 95.645 Additional requirements for type acceptance.
- 95.647 Submission of noncrystal controlled Class C station transmitters for type approval.
- 95.649 Type approval of receiver-transmitter combinations.
- 95.651 Minimum equipment specifications.
- 95.653 Test procedure.
- 95.655 Certificate of type approval.

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

Subpart A—General Mobile Radio Service

GENERAL

§ 95.1 Basis and purpose.

These rules are designed to provide for private short-distance personal or business radio-communications service for the business or personal activities of licensees, for radio signaling, for the control of remote objects or devices by means of radio; all to the extent that

these uses are not specifically prohibited in this part.

§ 95.3 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations.

**General Mobile Radio Service station.** A station in the Personal Radio Services licensed to be operated on an assigned frequency in the 460–470 MHz band with a transmitter output power of not more than 50 watts.

**Base station.** A station in the land mobile service not intended for operation while in motion.

**Fixed station.** A station intended to be operated between specified fixed points.

**Mobile station.** A station intended to be operated between mobile and land stations or between mobile stations. A mobile station is operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

**Antenna structure.** The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

**Assigned frequency.** The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

**Control point.** A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

**Dispatch point.** A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

**Harmful interference.** Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

**Man-made structure.** A man-made structure is any construction other than a tower, mast or pole.

**Necessary bandwidth.** For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment, as for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

**Person.** The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

**Remote control.** The term "remote control" when applied to the use or operation

of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

**Station authorization.** Any construction permit, temporary permit, license or special temporary authorization issued by the Commission.

APPLICATIONS AND LICENSES

§ 95.11 Eligibility for station license.

Subject to the general restrictions of § 95.13, any person is eligible to hold an authorization to operate a station: *Provided* That if an applicant for a station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

**NOTE:** While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

§ 95.13 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

§ 95.15 Standard forms to be used.

(a) **FCC Form 400. Application for Radio Station Authorization in the Safety and Special Radio Services.** Except as provided in paragraph (b) of this section, this form shall be used when:

(1) Application is made for a new base station or fixed station authorization. Separate applications shall be submitted for each proposed base or fixed station at different fixed locations: however, all equipment intended to be operated at a single fixed location is considered to be one station which may, if necessary, be classed as both a base station and a fixed station.

(2) Application is made for a new station authorization for any required number of mobile units (including hand-carried and pack-carried units) to be operated as a group in a single radio-communication system in a particular area. An application for mobile station authorization may be combined with the application for a single base station authorization when such mobile units are to be operated with that base station only.

(3) Application is made for station license of any base station or fixed station upon completion of construction or installation in accordance with the terms and conditions set forth in any construction permit required to be issued for that station, or application for extension of time within which to construct such a station.

(4) Application is made for modification of any existing station authorization in those cases where prior Commission approval of certain changes is required (see § 95.35).

(5) Application is made for renewal of an existing station authorization, or for reinstatement of such an expired authorization.

(6) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action within the meaning of Subpart I of Part 1.

(7) Application is made for an authorization for a new base or fixed station to be operated at unspecified or temporary locations. When one or more individual transmitters are each intended to be operated as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary location. The application shall specify the general geographic area within which the operation will be confined. Sufficient data must be submitted to show the need for the proposed area of operation.

(b) Applicants for stations located in the Chicago Regional Area (defined to consist of the counties listed below) shall use FCC Form 425 in lieu of FCC Form 400.

#### ILLINOIS

- |                 |                  |
|-----------------|------------------|
| 1. Boone.       | 28. Livingston.  |
| 2. Bureau.      | 29. Logan.       |
| 3. Carroll.     | 30. Macon.       |
| 4. Champalgn.   | 31. Marshall.    |
| 5. Christlan.   | 32. Mason.       |
| 6. Clark.       | 33. McHenry.     |
| 7. Coles.       | 34. McLean.      |
| 8. Cook.        | 35. Menard.      |
| 9. Cumberland.  | 36. Mercer.      |
| 10. De Kalb.    | 37. Moultrie.    |
| 11. De Witt.    | 38. Ogle.        |
| 12. Douglas.    | 39. Peoria.      |
| 13. Du Page.    | 40. Platt.       |
| 14. Edgar.      | 41. Putnam.      |
| 15. Ford.       | 42. Rock Island. |
| 16. Fulton.     | 43. Sangamon.    |
| 17. Grundy.     | 44. Shelby.      |
| 18. Henry.      | 45. Stark.       |
| 19. Iroquois.   | 46. Stephenson.  |
| 20. Jo Davless. | 47. Tazewell.    |
| 21. Kane.       | 48. Vermillion.  |
| 22. Kankakee.   | 49. Warren.      |
| 23. Kendall.    | 50. Whiteside.   |
| 24. Knox.       | 51. Will.        |
| 25. Lake.       | 52. Winnebago.   |
| 26. La Salle.   | 53. Woodford.    |
| 27. Lee.        |                  |

#### INDIANA

- |                 |                 |
|-----------------|-----------------|
| 1. Adams.       | 28. Madison.    |
| 2. Allen.       | 29. Marion.     |
| 3. Benton.      | 30. Marshall.   |
| 4. Blackford.   | 31. Miami.      |
| 5. Boone.       | 32. Montgomery. |
| 6. Carroll.     | 33. Morgan.     |
| 7. Cass.        | 34. Newton.     |
| 8. Clay.        | 35. Noble.      |
| 9. Clinton.     | 36. Owen.       |
| 10. De Kalb.    | 37. Parke.      |
| 11. Delaware.   | 38. Porter.     |
| 12. Elkhart.    | 39. Pulaski.    |
| 13. Fountain.   | 40. Putnam.     |
| 14. Fulton.     | 41. Randolph.   |
| 15. Grant.      | 42. St. Joseph. |
| 16. Hamilton.   | 43. Starke.     |
| 17. Hancock.    | 44. Steuben.    |
| 18. Hendricks.  | 45. Tippecanoe. |
| 19. Henry.      | 46. Tipton.     |
| 20. Howard.     | 47. Vermillion. |
| 21. Huntington. | 48. Vtgo.       |
| 22. Jasper.     | 49. Wabash.     |
| 23. Jay.        | 50. Warren.     |
| 24. Kosciusko.  | 51. Wells.      |
| 25. Lake.       | 52. White.      |
| 26. Lagrange.   | 53. Whitley.    |
| 27. La Porte.   |                 |

#### IOWA

- |             |               |
|-------------|---------------|
| 1. Cedar.   | 5. Jones.     |
| 2. Clinton. | 6. Muscatine. |
| 3. Dubuque. | 7. Scott.     |
| 4. Jackson. |               |

#### MICHIGAN

- |               |                 |
|---------------|-----------------|
| 1. Allegan.   | 13. Kalamazoo.  |
| 2. Barry.     | 14. Kent.       |
| 3. Berrien.   | 15. Lake.       |
| 4. Branch.    | 16. Mason.      |
| 5. Calhoun.   | 17. Mecosta.    |
| 6. Cass.      | 18. Montcalm.   |
| 7. Clinton.   | 19. Muskegon.   |
| 8. Eaton.     | 20. Newaygo.    |
| 9. Hillsdale. | 21. Oceana.     |
| 10. Ingham.   | 22. Ottawa.     |
| 11. Ionia.    | 23. St. Joseph. |
| 12. Jackson.  | 24. Van Buren.  |

#### OHIO

- |              |              |
|--------------|--------------|
| 1. Defiance. | 4. Van Wert. |
| 2. Mercer.   | 5. Williams. |
| 3. Paulding. |              |

#### WISCONSIN

- |                 |                 |
|-----------------|-----------------|
| 1. Adams.       | 18. Manitowoc.  |
| 2. Brown.       | 19. Marquette.  |
| 3. Calumet.     | 20. Milwaukee.  |
| 4. Columbia.    | 21. Outagamie.  |
| 5. Dane.        | 22. Ozaukee.    |
| 6. Dodge.       | 23. Racine.     |
| 7. Door.        | 24. Richland.   |
| 8. Fond du Lac. | 25. Rock.       |
| 9. Grant.       | 26. Sauk.       |
| 10. Green.      | 27. Sheboygan.  |
| 11. Green Lake. | 28. Walworth.   |
| 12. Iowa.       | 29. Washington. |
| 13. Jefferson.  | 30. Waukesha.   |
| 14. Juneau.     | 31. Waupaca.    |
| 15. Kenosha.    | 32. Waushara.   |
| 16. Kewaunee.   | 33. Winnebago.  |
| 17. Lafayette.  |                 |

(c) *FCC Form 703. Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

#### § 95.17 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports sub-

mitted for Commission consideration. Standard numbered forms applicable to this service are discussed in § 95.15, and may be obtained from the Washington, D.C. 20554, office of the Commission, or from any of its engineering field offices.

(b) Applications for station authorizations, applications for consent to transfer of control of a corporation holding a radio station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a radio station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary. Applicants for stations in the Chicago Regional Area, defined in § 95.15 shall submit their applications to the Commission's Chicago Regional Office.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

#### § 95.19 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

#### § 95.21 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications,

amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed: copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

**§ 95.23 Defective applications.**

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

**§ 95.25 Amendment or dismissal of application.**

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

**§ 95.27 Partial grant.**

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the

Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

**§ 95.29 License term.**

Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

**§ 95.31 Types of operation authorized.**

Stations may be authorized as mobile stations, as base stations, as fixed stations, or as base or fixed stations to be operated at unspecified or temporary locations.

**§ 95.33 Transfer of license prohibited.**

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

**§ 95.35 Changes in terms of license.**

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of license be submitted to the Commission. Application for modification shall be submitted in the same manner as an application for a new station license, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superseding authorization. Any of the following changes to authorized stations may be made only upon approval by the Commission:

- (1) Increase the overall number of transmitters authorized.
- (2) Change the presently authorized location of a fixed or base station or control point.
- (3) Move, change the height of, or erect a station antenna structure.
- (4) Make any change in the type of emission or any increase in bandwidth of emission or power of a station.
- (5) Addition or deletion of control point(s) for an authorized transmitter of a station.
- (6) Change or increase the area of operation of a mobile station or a base or fixed station authorized to be operated at temporary locations.
- (7) Change the operating frequency of a station.

(b) Commission approval is not required to change either of the following terms:

- (1) Name of a licensee (without changes in the ownership, control or corporate structure.)
- (2) Mailing address of a licensee (without changing the authorized location of the base or fixed station). Although prior approval of the Commission is not required for these changes,

prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) Engineer in Charge of the Radio District in which the station is located, and a copy shall be maintained with the license of the station until a new license is issued.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station may be made without prior Commission approval. Included in such changes is the substitution of transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List," and is listed as acceptable for use in this service.

**§ 95.37 Limitations on antenna structures.**

(a) Except as provided in paragraph (b) of this section, an antenna for a station which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on any airport listed in the Airport Directory of the current Airman's Information Manual (§ 17.7(c) of this chapter).



(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration of station antenna structures.

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures."

(d) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

STATION OPERATING REQUIREMENTS

§ 95.51 Station authorization required.

No radio station shall be operated in this service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 95.53 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters: *Provided*, That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

§ 95.55 Authorized frequencies.

(a) Frequencies available for assignment in the General Mobile Radio Service.

BASE AND MOBILE (MHz)	
Base and mobile (MHz)	Mobile only (MHz)
462.550	467.550
462.575	467.575
462.600	467.600
462.625	467.625
462.650	467.650
462.675	467.675
462.700	467.700
462.725	467.725

(b) Special conditions—(1) Frequency assignment to fixed stations.

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(A) If the station is used to control one or more base stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limit radiation in other directions to the extent feasible.

(B) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 dB. When the station controls more than one base station, the 6 dB control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(C) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(D) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center of an urbanized area of 200,000 or more population. The centers of urbanized areas of 200,000 or more population are listed on page 226 of the Appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a



front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz.

(2) Stations authorized prior to March 18, 1968. Fixed stations located 100 or more miles from the center of any urbanized area of 200,000 or more population authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph will not have to change frequencies provided no interference is caused to the operation of stations in the land mobile service.

**§ 95.57 Policy governing the assignment of frequencies.**

(a) Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) In no case will more than one frequency be assigned to stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency is essential to the operation proposed.

(c) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

**§ 95.59 Emission types authorized.**

(a) Transmitters used at stations in this service will normally be authorized to transmit radiotelephony only.

(b) The use of tone signals or signaling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or maintain voice communications, is permitted.

(c) The use of tone signals solely to attract attention is prohibited.

(d) Other types of emission may be authorized for stations in this service, provided that need thereof is demonstrated. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of bandwidths, reference should be made to Part 2 of this chapter.

(e) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purposes of this section, any tone or combination of tones having no frequency above 150 hertz shall be considered subaudible.

**§ 95.61 Permissible communications.**

Stations licensed in this Service are authorized to transmit the following types of communications:

(a) Communications to facilitate the personal or business activities of the licensee.

(b) Communications relating to:

(1) The immediate safety of life or the immediate protection of property in accordance with § 95.63.

(2) The rendering of assistance to a motorist, mariner or other traveler.

(3) Civil defense activities in accordance with § 95.77.

(4) Other activities only as specifically authorized pursuant to § 95.65.

(c) Communications with stations authorized in other radio services except as prohibited in § 95.101(a)(3).

**§ 95.63 Emergency and assistance to motorist use.**

(a) All stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property.

(b) Any station in this service may be utilized during an emergency involving the immediate safety of life of individuals or the immediate protection of property for the transmission of emergency communications. It may also be used to transmit communications necessary to render assistance to a motorist.

(1) When used for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.55); prohibited uses (§ 95.101(a)(3)); operation by or on behalf of persons other than the licensee (§ 95.65) and duration of transmissions (§ 95.69(a)) shall not apply.

(2) The exemptions granted from certain rule provisions in subparagraph (1) of this paragraph may be rescinded by the Commission at its discretion.

(c) If the emergency use under paragraph (b) of this section extends over a period of 12 hours or more, notice shall be sent to the Commission in Washington, D.C., as soon as it is evident that the emergency has or will exceed 12 hours. The notice should include the identity of the stations participating, the nature of the emergency, and the use made of the stations. A single notice covering all participating stations may be submitted.

**§ 95.65 Operation by, or on behalf of, persons other than the licensee.**

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

(1) The licensee;

(2) Members of the licensee's immediate family living in the same household;

(3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Licensee proposes the shared or cooperative use of a station with one or more other licensees in this service for the purpose of communicating on a regular basis with units of their respective stations, or with units of other stations if the communications transmitted are otherwise permissible. The use of these private radiocommunication facilities shall be conducted pursuant to a written contract which shall provide that contributions to capital and operating expense shall be made on a nonprofit, cost-sharing basis, the cost to be divided on an equitable basis among all parties to the agreement. Records which show the cost of service and its nonprofit, cost-sharing basis shall be maintained by the licensee. In any case, however, licensee must show a separate and independent need for the particular units proposed to be shared to fulfill his own communications requirements.

(iii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a station licensee shall not be permitted

## RULES AND REGULATIONS

to operate any station of the same class licensed to another person until such time as he again has been issued a valid radio station license, when his license has been:

- (1) Revoked by the Commission.
- (2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.
- (3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

#### § 95.67 Telephone answering services.

(a) Notwithstanding the provisions of § 95.65, a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same unit may not be operated under the authorization of more than one licensee. In all cases, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum, that:

- (1) The licensee will have control over the operation of the radio unit at all times;
- (2) The licensee will have full and unrestricted access to the transmitter to enable him to carry out his responsibilities under his license;
- (3) Both parties understand that the licensee is fully responsible for the proper operation of the station; and
- (4) The unit so furnished shall be used only for the transmission of communications to other units belonging to the licensee's station.

(b) A station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

#### § 95.69 Duration of transmissions.

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) The transmission of permissible control signals shall be limited to the minimum practicable time necessary to accomplish the desired control or actuation of remote objects or devices. The continuous radiation of energy for periods exceeding 3 minutes duration for the purpose of transmission of control signals shall be limited to control functions requiring at least one or more changes during each minute of such transmission. An exception to the limitations contained in this paragraph may be authorized upon a satisfactory showing that a continuous control signal is required to perform a control function which is necessary to insure the safety of life or property.

#### § 95.71 Station identification.

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits.

(b) Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separately and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunciation of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.

(c) Except as provided in paragraph (d) of this section, all transmissions from each unit of a station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions, but at least at intervals not to exceed ten (10) minutes.

(d) Unless specifically required by the station authorization, the transmissions of a station need not be identified when the station (1) automatically retransmits the information received by radio from another station which is properly identified or (2) is not being used for telephony emission.

(e) In lieu of complying with the requirements of paragraph (c) of this section, base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed stations shall transmit their call signs at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit communicating with a base station on the same frequency shall transmit once during each exchange of transmissions any unit identified which is on file in the station records of such base station.

(3) A mobile unit communicating with a base station on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

#### § 95.73 Station location.

(a) The specific location of each base station and each fixed station and the specific area of operation of each mobile station shall be indicated in the application for license. An authorization may be granted for the operation of a base station or fixed station in this service at unspecified temporary fixed locations within a specified general area of operation. However, when any unit or units of a base station or fixed station authorized to be operated at temporary locations actually remains or is intended to remain at the same location for a period of over a year, application for separate authorization specifying the fixed location shall be made as soon as

possible but not later than 30 days after the expiration of the 1-year period.

(b) A mobile station authorized in this service may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section: *Provided*, That when the area of operation is changed for a period exceeding 7 days, the following procedure shall be observed:

(1) When the change of area of operation occurs inside the same Radio District, the Engineer in Charge of the Radio District involved and the Commission's office, Washington, D.C. 20554, shall be notified.

(2) When the station is moved from one Radio District to another, the Engineers in Charge of the two Radio Districts involved and the Commission's Office, Washington, D.C. 20554, shall be notified.

(c) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

#### § 95.75 Control points, dispatch points, and remote control.

(a) Each base or fixed station shall be provided with a control point, the location of which will be specified in the license. The location of the control point must be the same as the transmitting equipment unless the application includes a request for a different location. Exception to the requirement for a control point may be made by the Commission upon specific request and justification therefor in the case of certain unattended stations employing special emissions pursuant to § 95.59(d). Authority for such exception must be shown on the license.

(b) No authorization is required to install dispatch points.

(c) A base or fixed station may be authorized to be used or operated by remote control from another fixed location or from mobile units: *Provided*, That adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from each remote control position should improper operation occur.

#### § 95.77 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests, or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which

the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) Such communications are conducted under the direction of civil defense authorities.

(c) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(d) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(e) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

**STATION ADMINISTRATION REQUIREMENTS**

**§ 95.101 Prohibited communications.**

(a) A station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(2) For the transmission of communications containing obscene, indecent, profane words, language, or meaning.

(3) To communicate with an Amateur Radio Service station, an unlicensed station, or foreign stations except for communications pursuant to §§ 95.65(b) and 95.77.

(4) To convey program material for retransmission, live or delayed, on a broadcast facility. Note: A station may be used in connection with, administrative, engineering, or maintenance activities of a broadcasting station: A station may be used for control functions by radio which do not involve the transmission of program material; and a station may be used in the gathering of news items or preparation of programs: *Provided*, That the actual or recorded transmissions of the station are not broadcast at any time in whole or in part.

(5) To intentionally interfere with the communications of another station.

(6) For the direct transmission of any material to the public through a public address system or similar means.

(7) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(8) To transmit the word "MAYDAY" or other international distress signals, except when the station is located in a ship, aircraft, or other vehicle which is

threatened by grave and imminent danger and requests immediate assistance.

(9) For advertising or soliciting the sale of any goods or services.

(10) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(11) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

(b) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

**§ 95.103 False signals.**

No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

**§ 95.105 Current copy of rules required.**

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart A of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

**§ 95.107 Answers to notices of violations.**

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of 95.621 and the answer to the notice shall state fully what steps, if any, have been taken to prevent future viola-

tions, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

**§ 95.111 Transmitter service and maintenance.**

(a) All transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

**§ 95.115 Tests and adjustments.**

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a nonradiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with commu-



communications already in progress on the operating frequency, and shall be properly identified as required by § 95.71 but may otherwise be unmodulated as appropriate.

**§ 95.117 Inspection and maintenance of tower marking and lighting, and associated control equipment.**

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

**§ 95.119 Recording of tower light inspections.**

When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records in conformity with the requirements set forth in Part 17 of this chapter.

**§ 95.121 Inspection of stations and station records.**

All stations and records of stations in this service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative (see § 1.6 of this chapter). Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

**Subpart B—[Reserved]**

**Subpart C—Radio Control (R/C) Service**

**GENERAL**

**§ 95.201 Basis and purpose.**

These rules are designed to provide for radio signaling, for the control of remote objects or devices by means of radio; all to the extent that these uses are not specifically prohibited in this part.

**§ 95.203 Definitions.**

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations.

**Radio Control (R/C) Service station.** A station in the Personal Radio Services licensed to be operated on an authorized frequency in the 26.96–27.23 MHz band, or on the frequency 27.255 MHz, for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72–76 MHz band for the radio control of models used for hobby purposes only.

**Mobile station.** A station intended to be operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

**Antenna structure.** The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

**Control point.** A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

**Dispatch point.** A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

**Harmful interference.** Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

**Man-made structure.** A man-made structure is any construction other than a tower, mast or pole.

**Omnidirectional antenna.** An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

**Person.** The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

**Remote control.** The term "remote control" when applied to the use or operation of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

**Station authorization.** Any construction permit, temporary permit, license, or special temporary authorization issued by the Commission.

**APPLICATIONS AND LICENSES**

**§ 95.211 Eligibility for station license.**

(a) Subject to the general restrictions of § 95.213 any person is eligible to hold an authorization to operate a station: *Provided*, That, if an applicant is an individual or partnership, such individual or each partner is twelve or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

**NOTE.**—While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) No person shall hold more than one station license.

**§ 95.213 General citizenship requirements.**

A station license shall not be granted to or held by a foreign government or a representative thereof.

**§ 95.215 Standard forms to be used.**

(a) FCC Form 505. *Application for Station License in the R/C or CB Service.* This form shall be used when:

(1) Application is made for a new station authorization.

(2) Application is made for modification of any existing station authorization in those cases where prior Commission approval of certain changes is required (see § 95.235).

(3) Application is made for renewal of an existing station authorization, or for reinstatement of such an expired authorization.

(b) FCC Form 703. *Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

**§ 95.217 Filing of applications.**

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to this service are discussed in § 95.215, and may be obtained from the Washington, D.C., 20554, office of the Commission, or from any of its engineering field offices.

(b) All formal applications for new, modified, or renewal station authorizations shall be submitted to the Commission's office at Gettysburg, Pa. 17236. Applications for consent to transfer of control of a corporation holding any station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S.



Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

**§ 95.219 Mailing address furnished by licensee.**

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

**§ 95.221 Who may sign applications.**

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed: copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment. U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communication Act of 1934, as amended.

**§ 95.223 Defective applications.**

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to

comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

**§ 95.225 Amendment or dismissal of application.**

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

**§ 95.227 Partial grant.**

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

**§ 95.229 License term.**

Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

**§ 95.231 Types of operation authorized.**

Stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

**§ 95.233 Transfer of license prohibited.**

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for a cancellation.

**§ 95.235 Changes in terms of license.**

(a) Commission approval is required to increase the number of transmitters authorized for a particular station.

(b) Commission approval is not required to change either of the following terms:

- (1) Name of a licensee (without changes in the ownership, control or corporate structure.)
- (2) Mailing address of a licensee.

Although prior approval of the Commission is not required for any of these changes, prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to FCC, Gettysburg, PA, 17325, and a copy shall be maintained with the records of the station.

(c) Commission approval is not required to substitute transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List" and is listed as acceptable for use in the R/C Service. Provided it is crystal-controlled and otherwise complies with the power, frequency tolerance, emission and modulation percentage limitations prescribed, non-type acceptance equipment may be substituted at R/C stations operated on frequencies in the 26.99-27.26 MHz band.

**§ 95.237 Limitations on antenna structures.**

(a) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a station operated from a fixed location must comply with at least one of the following:

- (1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or
- (2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

**NOTE.**—A man-made structure is any construction other than a tower, mast, or pole.

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna and its supporting structure do not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of the nearest airport runway.

**NOTE.**—A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure.

(b) R/C stations operated on frequencies in the 72-76 MHz band shall employ

a transmitting antenna which complies with all of the following:

(1) The gain of the antenna shall not exceed that of a half-wave dipole;

(2) The antenna shall be immediately attached to, and an integral part of, the transmitter; and

(3) Only vertical polarization shall be used.

(c) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered *de novo* by the Commission.

#### STATION OPERATING REQUIREMENTS

##### § 95.251 Station authorization required.

No radio station shall be operated in this service except under and in accordance with an authorization granted by the Federal Communications Commission.

##### § 95.253 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a station) operated at a fixed location shall

be posted at conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters: *Provided*, That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

##### § 95.255 Authorized frequencies.

R/C stations are authorized to operate on the following frequencies subject to the classifications and conditions set forth below.

(a) Control of remote objects or devices by radio, or remote actuation of devices which are used solely as a means of attracting attention.

(MHz): 26.995; 27.045; 27.095; 27.145; 27.195; 27.255<sup>1</sup>.

(b) Radio remote control of any model used for hobby purposes.

(MHz): 72.16; 72.32; 72.96.

(c) Radio remote control of aircraft models only.

(MHz): 72.08; 72.24; 72.40; 75.64.

(d) Special conditions.

(1) Such stations operate on a shared basis with other stations in this service.

(2) The frequencies available for the control of remote objects or devices or for the remote actuation of devices which are used solely as a means of attracting attention are not afforded any protection from interference caused by the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band.

(3) The frequencies available for the radio remote control of models used for hobby purposes are subject to the condition that interference will not be caused to the remote control of industrial equip-

<sup>1</sup> This frequency is shared with stations in other services.

ment operating on the same or adjacent frequencies or to the reception of television transmissions on Channels 4 and 5. These frequencies are not afforded any protection from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies.

##### § 95.257 Policy governing the availability of frequencies.

(3) Each frequency available for use by stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

(c) Simultaneous operation on more than one frequency in the 72-76 MHz band by a transmitter or transmitters of a single licensee is prohibited whenever such operation will cause harmful interference to the operation of other licensees in this service.

##### § 95.259 Emission types authorized.

(a) Transmitters used in this service are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the control of remote objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention.

(b) A station in this service is prohibited from transmitting any form of telegraphy, telephony or recorded communications.

(c) Telemetering, except for the transmission of simple, short duration signals indicating the presence or absence of a condition or the occurrence of an event, is also prohibited.

##### § 95.265 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

- (1) The licensee;
- (2) Members of the licensee's immediate family living in the same household;
- (3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Any person under the control or supervision of the licensee when the station is used solely for the control of remote objects or devices, other than devices used only as a means of attracting attention; and

(7) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a station licensee shall not be permitted to operate any station of the same class licensed to another person until such time as he again has been issued a valid radio station license, when his license has been:

- (1) Revoked by the Commission.
- (2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.
- (3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

**§ 95.269 Duration of transmissions.**

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) The transmission of permissible control signals shall be limited to the minimum practicable time necessary to accomplish the desired control or actu-

ation of remote objects or devices. The continuous radiation of energy for periods exceeding 3 minutes duration for the purpose of transmission of control signals shall be limited to control functions requiring at least one or more changes during each minute of such transmission. However, while it is actually being used to control model aircraft in flight by means of interrupted tone modulation of its carrier, a station may transmit a continuous carrier without being simultaneously modulated if the presence or absence of the carrier also performs a control function. An exception to the limitations contained in this paragraph may be authorized upon a satisfactory showing that a continuous control signal is required to perform a control function which is necessary to insure the safety of life or property.

**§ 95.271 Station identification.**

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits.

(b) Unless specifically required by the station authorization, the transmissions of an R/C station need not be identified.

**§ 95.273 Station location.**

(a) A station may be used or operated anywhere in the United States subject to the provisions of paragraph (b) of this section.

(b) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

**§ 95.275 Dispatch points and remote control.**

(a) No authorization is required to install dispatch points.

(b) Operation of any station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

**STATION ADMINISTRATION REQUIREMENTS**

**§ 95.301 Prohibited communications.**

- (a) A station shall not be used:
- (1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.
  - (2) To intentionally interfere with the communications of another station.
  - (3) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.
- (b) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license.

**§ 95.305 Current copy of rules required.**

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart C of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

**§ 95.307 Answers to notices of violations.**

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of § 95.621, and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

**§ 95.311 Transmitter service and maintenance.**

(2) Except as provided in paragraph (c) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate for the



type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Except as provided in § 95.621 and in paragraph (c) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of transmitters: *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by non-factory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification concerning design and construction features of station transmitting equipment, as required if the provisions of this para-

graph are invoked, may be specific as to the particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in this paragraph have been fulfilled.

(6) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

#### § 95.315 Tests and adjustments.

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a non-radiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.271 but may otherwise be unmodulated as appropriate.

#### § 95.321 Inspection of stations and station records.

All stations and records of stations shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative (see § 1.6 of this chapter). Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

### Subpart D—Citizens Band (CB) Radio Service

#### GENERAL

#### § 95.401 Basis and purpose.

These rules are designed to provide a private short-distance radiocommunications service for the business or personal activities of licensees, all to the extent that these uses are not specifically prohibited in this part.

#### § 95.403 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

##### (a) Definitions of stations.

*Citizens Band (CB) Radio Service station.* A station in the Personal Radio Services licensed to be operated for radiotelephony only, on an authorized frequency in the 26.96–27.41 MHz band.

*Mobile station.* A station intended to be operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

*Antenna structures.* The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

*Control point.* A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

*Dispatch point.* A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

*External radio frequency power amplifiers.* As defined in § 2.815(a) and as used in this part, an external radio frequency power amplifier is any device which (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

*Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

*Man-made structure.* A man-made structure is any construction other than a tower, mast or pole.

*Omnidirectional antenna.* An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

*Person.* The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

*Remote control.* The term "remote control" when applied to the use or operation of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

*Single sideband emission.* An emission in which only one sideband is transmitted. The carrier, or a portion thereof, also may be present in the emission.

*Double sideband emission.* An emission in which both upper and lower sidebands resulting from the modulation of a particular carrier are transmitted. The carrier, or a portion thereof, also may be present in the emission.

*Station authorization.* Any construction permit, temporary permit, license, or special temporary authorization issued by the Commission.



APPLICATIONS AND LICENSES

§ 95.411 Eligibility for station license.

(a) Subject to the general restrictions of § 95.413, any person is eligible to hold an authorization to operate a station: *Provided*, That if an applicant for a station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

**NOTE:** While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) No person shall hold more than one station license.

§ 95.413 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

§ 95.415 Standard forms to be used.

(a) *FCC Form 505. Application for Station License in the R/C or CB Service.* This form shall be used when:

(1) Application is made for a new station authorization.

(2) Application is made for modification of any existing station authorization in those cases where prior Commission approval of certain changes is required (see § 95.435).

(3) Application is made for renewal of an existing station authorization, or for reinstatement of such an expired authorization.

(b) *FCC Form 555-B. Temporary Permit in the CB Service.* This form shall be used when application is made by an individual for temporary operating authorization.

(c) *FCC Form 703. Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

§ 95.417 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to this service are discussed in § 95.415, and

may be obtained from the Washington, D.C. 20554, office of the Commission, or from any of its engineering field offices.

(b) All formal applications for new, modified, or renewal station authorizations shall be submitted to the Commission's office, Gettysburg, Pa. 17326. An application for a temporary permit shall be made by completing and making the certifications required by FCC Form 555-B. Applications for consent to transfer of control of a corporation holding a station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) A temporary permit may not be held by an applicant already holding a station license.

(e) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(f) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

§ 95.419 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

§ 95.421 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partner-

ship; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment. U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 95.423 Defective applications.

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 95.425 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

**§ 95.427 Partial grant.**

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

**§ 95.429 License term.**

Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

**§ 95.431 Types of operation authorized.**

Stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

**§ 95.433 Transfer of license prohibited.**

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

**§ 95.435 Changes in terms of license.**

(a) Commission approval is required to increase the number of transmitters authorized for a particular station.

(b) Commission approval is not required to change either of the following terms:

(1) Name of a licensee (without changes in the ownership, control or corporate structure.)

(2) Mailing address of a licensee.

Although prior approval of the Commission is not required for any of these changes, prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to FCC, Gettysburg, PA, 17325, and a copy shall be maintained with the records of the station.

(c) Commission approval is not required to substitute transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List" and is listed as acceptable for use in this service.

**§ 95.437 Limitations on antenna structures.**

(a) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a station operated from a fixed location

must comply with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna and its supporting structure do not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of the nearest airport runway.

**NOTE:** A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure.

(b) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

**NOTE:** The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

**STATION OPERATING REQUIREMENTS****§ 95.451 Station authorization required.**

No radio station shall be operated in this service except under and in accordance with an authorization granted by the Federal Communications Commission.

**§ 95.453 Posting station license and transmitter identification cards or plates.**

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a station) operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters. *Provided*, That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

**§ 95.455 Authorized frequencies.**

(a) The following frequencies may be used for communications between stations:

MHz—26.965; 26.975; 26.985; 27.005; 27.015; 27.025; 27.035; 27.055; 27.075; 27.085; 27.105; 27.115; 27.125; 27.135;

27.155; 27.165; 27.175; 27.185; 27.205; 27.215; 27.225; 27.235; 27.245; 27.255; 27.265; 27.275; 27.285; 27.295; 27.305; 27.315; 27.325; 27.335; 27.345; 27.355; 27.365; 27.375; 27.385; 27.395; 27.405;

(b) Special conditions.

(1) These frequencies are available on a shared basis with other stations in this service.

(2) These frequencies are subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band.

(3) The frequency 27.065 MHz shall be used solely for:

(i) Emergency communications involving immediate safety of life of individuals or the immediate protection of property or

(ii) Communications necessary to render assistance to a motorist.

§ 95.457 Policy governing the availability of frequencies.

(a) Each frequency available for use by stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

§ 95.459 Telephony only.

(a) Transmitters used at stations in this service are authorized to transmit telephony (voice), either single or double sideband.

(b) Tone signals or signalling devices may not be used, except for functions such as tone operated squelch or selective calling circuits used primarily to establish or maintain voice contact. Signals may not be used solely to attract attention or to control remote objects or devices.

(c) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purposes of this section, any tone or combination of tones having no frequency above 150 hertz shall be considered subaudible.

§ 95.461 Permissible communications.

Stations are authorized to transmit the following types of communications:

(a) Communications to facilitate the personal or business activities of the licensee.

(b) Communications relating to:

(1) The immediate safety of life or the immediate protection of property in accordance with § 95.463.

(2) The rendering of assistance to a motorist, mariner or other traveler.

(3) Civil defense activities in accordance with § 95.477.

(4) Other activities only as specifically authorized pursuant to § 95.465.

(c) Communications with stations authorized in other radio services except as prohibited in § 95.501(a)(3).

§ 95.463 Emergency and assistance to motorist use.

(a) All stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property.

(b) Any station in this service may be utilized during an emergency involving the immediate safety of life of individuals or the immediate protection of property for the transmission of emergency communications. It may also be used to transmit communications necessary to render assistance to a motorist.

(1) When used for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.455); prohibited uses (§ 95.501(a)(3)); operation by or on behalf of persons other than the licensee (§ 95.465) and duration of transmissions (§ 95.469(a) and (b)) shall not apply.

(2) When used for transmissions of communications necessary to render assistance to a traveler, the provisions of this part concerning duration of transmissions § 95.469(b) shall not apply.

(3) The exemptions granted from certain rule provisions in subparagraphs (1) and (2) of this paragraph may be rescinded by the Commission at its discretion.

(c) If the emergency use under paragraph (b) of this section extends over a period of 12 hours or more, notice shall be sent to the Commission in Washington, D.C., as soon as it is evident that the emergency has or will exceed 12 hours. The notice should include the identity of the stations participating, the nature of the emergency, and the use made of the stations. A single notice covering all participating stations may be submitted.

§ 95.465 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

(1) The licensee;

(2) Members of the licensee's immediate family living in the same household;

(3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the

communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a station licensee shall not be permitted to operate any station licensed to another person until such time as he again has been issued a valid radio license, when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

§ 95.467 Telephone answering services.

(a) Notwithstanding the provisions of § 95.465 a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same unit may not be operated under the authorization of more than one licensee. In all cases, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum, that:

(1) The licensee will have control over the operation of the radio unit at all times;

(2) The licensee will have full and unrestricted access to the transmitter to enable him to carry out his responsibilities under his license;



(3) Both parties understand that the licensee is fully responsible for the proper operation of the station; and

(4) The unit so furnished shall be used only for the transmission of communications to other units belonging to the licensee's station.

(b) A station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

#### § 95.469 Duration of transmissions.

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) All communications between stations (interstation) shall be restricted to not longer than five (5) continuous minutes. At the conclusion of this 5 minute period, or the exchange of less than 5 minutes, the participating stations shall remain silent for at least one minute.

(c) All communications between units of the same station (intra-station) shall be restricted to the minimum practicable transmission.

#### § 95.471 Station identification.

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits. The call sign of a station operating under a temporary permit shall consist of three letters followed by five digits.

(b) Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separately and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunciation of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.

(c) Except as otherwise provided, all transmissions from each unit of a station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions, but at least at intervals not to exceed ten (10) minutes.

#### § 95.473 Station location.

(a) A station may be used or operated anywhere in the United States subject to the provisions of paragraph (b) of this section.

(b) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provi-

sions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

#### § 95.475 Dispatch points and remote control.

(a) No authorization is required to install dispatch points.

(b) Operation of any station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

#### § 95.477 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) Such communications are conducted under the direction of civil defense authorities.

(c) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(d) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(e) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

#### STATION ADMINISTRATION REQUIREMENTS

##### § 95.501 Prohibited communications.

(a) A station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law;

(2) For the transmission of communications containing obscene, indecent, profane words, language, or meaning;

(3) To communicate with an Amateur Radio Service station, an unlicensed station, or foreign stations except for communications pursuant to § 95.465(b) and § 95.477.

(4) To convey program material for retransmission, live or delayed, on a broadcast facility.

*NOTE:* A station may be used in connection with, administrative, engineering, or maintenance activities of a broadcasting station. A station may be used in the gathering of news items or preparation of programs: *Provided*, that the actual or recorded transmissions of the station are not broadcast at any time in whole or in part.

(5) To intentionally interfere with the communications of another station.

(6) For the direct transmission of any material to the public through a public address system or similar means.

(7) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(8) To transmit the word "MAYDAY" or other international distress signals, except when the station is located in a ship, aircraft, or other vehicle which is threatened by grave and imminent danger and requests immediate assistance.

(9) For advertising or soliciting the sale of any goods or services.

(10) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(11) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

(b) A station may not be used to communicate with, or attempt to communicate with, any unit of the same or another station over a distance of more than 150 miles.

(c) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

#### § 95.503 False signals.

No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

#### § 95.505 Current copy of rules required.

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart D of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

#### § 95.507 Answers to notices of violations.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning

the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of § 95.621 and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

#### § 95.509 External radio frequency power amplifiers prohibited.

No external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way at any station.

NOTE.—An external radio frequency power amplifier at a station will be presumed to have been used where it is in the operator's possession or on his premises and there is extrinsic evidence of any operation of such station in excess of power limitations provided under this rule part unless the operator of such equipment holds a station license in another radio service under which license the use of the said amplifier at its maximum rated output power is permitted.

#### § 95.511 Transmitter Service and Maintenance.

(a) Except as provided in paragraph (b) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate

for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Except as provided in § 95.621 and in (c) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of transmitters used at stations authorized prior to May 24, 1974: *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by non-factory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification

concerning design and construction features of station transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to the particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in this paragraph have been fulfilled.

(c) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

#### § 95.513 Modification of transmitters.

(a) Transmitting equipment type accepted for use in this service shall not be modified by the user. Changes which are specifically prohibited include:

(1) Internal or external connection or addition of any part, device or accessory not included by the manufacturer with the transmitter for its type acceptance. This shall not prohibit the external connection of antennas or antenna transmission lines, antenna switches, passive networks for coupling transmission lines or antennas to transmitters, or replacement of microphones.

(2) Modification in any way not specified by the transmitter manufacturer and not approved by the Commission.

(3) Replacement of any transmitter part by a part having different electrical characteristics and ratings from that replaced unless such part is specified as a replacement by the transmitter manufacturer.

(4) Substitution or addition of any transmitter oscillator crystal unless the crystal manufacturer or transmitter manufacturer has made an express determination that the crystal type, as installed in the specific transmitter type, will provide that transmitter type with the capability of operating within the frequency tolerance specified in § 95.615 (a).

(5) Addition or substitution of any component, crystal or combination of crystals, or any other alteration to enable transmission on any frequency not authorized for use by the licensee.

(b) Only the manufacturer of the particular unit of equipment type accepted for use in CB stations may make the permissive changes allowed under the provisions of Part 2 of this chapter for type acceptance. However, the manufacturer shall not make any of the following changes to the transmitter without prior written authorization from the Commission:

(1) Addition of any accessory or device not specified in the application for type acceptance and approved by the Commission in granting said type acceptance.

(2) Addition of any switch, control, or external connection.

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(3) Modification to provide capability for an additional number of transmitting frequencies.

### § 95.515 Tests and adjustments.

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a non-radiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.471, but may otherwise be unmodulated as appropriate.

### § 95.521 Inspection of stations and station records.

All stations and records of stations in this service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative. Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

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### Subpart E—Technical Regulations

#### GENERAL

### § 95.601 Basis and purpose.

These rules are designed to provide the technical standards necessary for proper operation and maintenance of units used in the Personal Radio Services. They also provide for procedures whereby manu-



facturers of radio equipment to be used or operated in the Personal Radio Services may obtain type acceptance of such equipment as may be appropriate.

§ 95.603 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations.

**Base station.** A land station in the land mobile service carrying on a service with land mobile stations.

**General Mobile Radio Service station.** A station in the Personal Radio Services licensed to be operated on an assigned frequency in the 460-470 MHz band with a transmitter output power of not more than 50 watts.

**Radio Control (R/C) Service station.** A station in the Personal Radio Services licensed to be operated on an authorized frequency in the 26.96-27.23 MHz band, or on the frequency 27.255 MHz, for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72-76 MHz band for the radio control of models used for hobby purposes only.

**Citizens Band (CB) Radio Service station.** A station in the Personal Radio Services licensed to be operated for radiotelephony only, on an authorized frequency in the 26.96-27.41 MHz band.

**Base station.** A station in the land mobile service not intended for operation while in motion.

**Fixed station.** A station intended to be operated between specified fixed points.

**Mobile station.** A station intended to be operated between mobile and land stations or between mobile stations. A mobile station is operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

**Antenna structure.** The term "antenna structure" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

**Assigned frequency.** The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

**Authorized bandwidth.** The maximum permissible bandwidth for the particular emission used. This shall be the occupied bandwidth or necessary bandwidth, whichever is greater.

**Carrier power.** The average power at the output terminals of a transmitter (other than a transmitter having a suppressed, reduced or controlled carrier) during one radio frequency cycle under conditions of no modulation.

**External radio frequency power amplifiers.** As defined in § 2.815(a) and as used in this part, an external radio frequency power amplifier is any device which (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

**Harmful interference.** Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

**Man-made structure.** Any construction other than a tower, mast or pole.

**Mean power.** The power at the output terminals of a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of  $\frac{1}{10}$  second during which the mean power is greatest, will be selected normally.

**Necessary bandwidth.** For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment, as for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

**Occupied bandwidth.** The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5% of the total mean power radiated by a given emission.

**Omnidirectional antenna.** An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

**Peak envelope power.** The average power at the output terminals of a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

**Remote control.** The term "remote control" when applied to the use or operation of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

**Single sideband emission.** An emission in which only one sideband is transmitted. The carrier, or a portion thereof, also may be present in the emission.

**Double sideband emission.** An emission in which both upper and lower sidebands resulting from the modulation of a particular carrier are transmitted. The carrier, or a portion thereof, also may be present in the emission.

**Station authorization.** Any construction permit, license, or special temporary authorization issued by the Commission.

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§ 95.611 Availability of frequencies.

(a) Frequencies available for assignment in the General Mobile Radio Service:

Base and Mobile (MHz)	Mobile Only (MHz)
462.550	467.550
462.575	467.575
462.600	467.600
462.625	467.625
462.650	467.650
462.675	467.675
462.700	467.700
462.725	467.725

(b) Fixed stations in the General Mobile Radio Service.

(1) Such fixed stations may be eligible for an assigned frequency under the following conditions:

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(a) If the station is used to control one or more base stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limit radiation in other directions to the extent feasible.

(b) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 dB. When the station controls more than one base station, the 6 dB control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(c) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(d) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 59. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center of an urbanized area of 200,000 or more

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population. The centers of urbanized areas of 200,000 or more population are listed on page 226 of the Appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz.

(2) Such fixed stations authorized prior to March 18, 1968, located 100 or more miles from the center of any urbanized area of 200,000 or more population, authorized to operate on frequencies other than those specified above, will not have to change frequencies provided no interference is caused to the operation of stations in the land mobile service.

(c) R/C stations. (1) Frequencies authorized for use at R/C stations.

(a) Control of remote objects or devices by radio, or remote actuation of devices which are used solely as a means of attracting attention.

MHz: 26.995; 27.045; 27.095; 27.145; 27.195; 27.255.

(b) Radio remote control of any model used for hobby purposes.

MHz: 72.16; 72.32; 72.96.

(c) Radio remote control of aircraft models only.

MHz: 72.08; 72.24; 72.40; 75.64.

(2) Special conditions.

(a) Such stations may employ only amplitude tone modulation or on-off keying of the unmodulated carrier.

(b) Such stations operate on a shared basis with other stations in the Personal Radio Services on the frequencies authorized above.

(c) The frequencies available for the control of remote objects or devices or for the remote actuation of devices which are used solely as a means of attracting attention are not afforded any protection from interference caused by the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band.

(d) The frequencies available for the radio remote control of models used for hobby purposes are subject to the condition that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies or to the reception of television transmissions on Channels 4 and 5. These frequencies are not afforded any protection from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies.

(d) CB stations.

<sup>1</sup> This frequency is shared with stations in other services.

(1) Frequencies authorized for use at CB stations.

(i) The following frequencies may be used for communications between CB stations:

MHz: 26.965; 26.975; 26.985; 27.005; 27.015; 27.025; 27.035; 27.055; 27.075; 27.085; 27.105; 27.115; 27.125; 27.135; 27.155; 27.165; 27.175; 27.185; 27.205; 27.215; 27.225; 27.235; 27.245; 27.255; 27.265; 27.275; 27.285; 27.295; 27.305; 27.315; 27.325; 27.335; 27.345; 27.355; 27.365; 27.375; 27.385; 27.395; 27.405.

(2) Special conditions.

(i) The frequencies listed above are available for use with radiotelephony (voice) transmissions only.

(ii) These frequencies are available on a shared basis with other stations in the Personal Radio Services.

(iii) These frequencies are subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band.

(iv) The frequency 27.065 MHz shall be used solely for emergency communications, which are defined as:

(a) communications involving the immediate safety of life of individuals or the immediate protection of property, or

(b) Communications necessary to render assistance to a motorist.

#### § 95.613 Transmitter power.

(a) Transmitter power is the power at the transmitter output terminals and delivered to the antenna, antenna transmission line, or any other impedance-matched, radio frequency load.

(1) For single sideband transmitters and other transmitters employing a reduced carrier, a suppressed carrier or a controlled carrier, used at CB stations, transmitter power is the peak envelope power.

(2) For all transmitters other than those covered by paragraph (a)(1) of this section, the transmitter power is the carrier power.

(b) The transmitter power of a station shall not exceed the following values under any condition of modulation or other circumstances.

Class of station:	Transmitter power in watts
General mobile radio service.....	50
R/C (27.255 MHz).....	25
R/C (26.965 to 27.185 MHz).....	4
72 to 78 MHz.....	75
CB (Carrier (where applicable)).....	4
(Peak envelope power (where applicable)).....	12

#### § 95.615 Frequency tolerance.

(a) Except as provided in paragraphs (b) and (c) of this section, the carrier frequency of a transmitter in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Frequency tolerance	
	Fixed and base	Mobile
General Mobile Radio Service.....	0.00025	0.0005
R/C.....	.005	.005
CB.....	.005	.005

(b) Transmitters used at R/C stations operating on authorized frequencies between 26.99 and 27.26 MHz with 2.5 watts or less mean output power, which are used solely for the control of remote objects or devices by radio (other than devices used solely as a means of attracting attention), are permitted a frequency tolerance of 0.01 percent.

(c) General Mobile Radio Service stations operated at a fixed location used to control base stations, through use of a mobile only frequency, may operate with a frequency tolerance of 0.0005 percent.

#### § 95.617 Emission limitations.

(a) Each authorization issued to a General Mobile radio station will show, as a prefix to the classification of the authorized emission, a figure specifying the maximum bandwidth to be occupied by the emission.

(b) The authorized bandwidth of the emission of any transmitter employing amplitude modulation shall be 8 kHz for double sideband and 4 kHz for single sideband. The authorized bandwidth of the emission of any transmitter employing frequency or phase modulation (Class F2 or F3) shall be 20 kHz. The use of F2 and F3 emissions in the frequency band 26.96 MHz-27.41 MHz is not authorized.

(c) The mean power of emissions shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(1) When using emissions other than single sideband:

(i) On any frequency removed from the center of the authorized bandwidth by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(2) When using single sideband emissions:

(i) On any frequency removed from the center of the authorized bandwidth by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least 43+10 log<sub>10</sub> (mean power in watts) decibels, for CB transmitters type accepted before September 10, 1976 and all General Mobile Radio Service transmitters.

(4) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth up to a frequency of twice the fundamental frequency; at least 53+10 log<sub>10</sub> (mean power in watts) decibels, for CB transmitters type accepted after September 10, 1976.

(5) On any frequency twice or greater than twice the fundamental frequency: at least 60 decibels (mean power in watts) for CB transmitters type accepted after September 10, 1976.

NOTE.—The requirements of paragraph (c) must be met both with and without connection of all attachments acceptable for use with such transmitters. External speakers, microphones, power cords, and antennas are among the devices included in this requirement. Additionally, if it is shown that a licensee causes interference to television reception because of insufficient harmonic attenuation, he may be required to insert a low pass filter between the transmitter RF output terminal and the antenna feedline.

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

**§ 95.619 Modulation requirements.**

(a) When double sideband, amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall not exceed 100 percent.

(b) Each transmitter for use in CB stations, other than single sideband, suppressed carrier, or controlled carrier, for which type acceptance is requested after May 24, 1974, having more than 2.5 watts maximum output power shall be equipped with a device which automatically prevents modulation in excess of 100 percent on positive and negative peaks.

(c) The maximum audio frequency required for satisfactory radiotelephone intelligibility for use in this service is considered to be 3000 Hz.

(d) Transmitters for use at General Mobile Radio Service stations shall be provided with a device which automatically will prevent greater than normal audio level from causing modulation in excess of that specified in this subpart; *Provided, however,* That the requirements of this paragraph shall not apply to transmitters authorized at mobile stations and having an output power of 2.5 watts or less.

(e) Each transmitter of a General Mobile Radio Service station which is equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section shall also be equipped with an audio low-pass filter. This audio low-pass filter shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation at 1 kHz by at least 60 log<sub>10</sub> (f/3) decibels where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

(f) Simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

(g) The maximum frequency deviation of frequency modulated transmitters used at General Mobile Radio stations shall not exceed ±5 kHz.

**§ 95.621 Compliance with technical requirements.**

(a) Upon receipt of notification from the Commission of a deviation from the technical requirements of the rules in this part, the radiations of the transmitter involved shall be suspended immediately, except for necessary tests and adjustments, and shall not be resumed until such deviation has been corrected.

(b) When any station licensee receives a notice of violation indicating that the station has been operated contrary to any of the provisions contained in Subpart E of this part, or where it otherwise appears that operation of a station in this service may not be in accordance with applicable technical standards, the Commission may require the licensee to conduct such tests as may be necessary to determine whether the equipment is capable of meeting these standards and to make such adjustments as may be necessary to assure compliance therewith. A licensee who is notified that he is required to conduct such tests and/or make adjustments must, within the time limit specified in the notice, report to the Commission the results thereof.

(c) All tests and adjustments which may be required in accordance with paragraph (b) of this section shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radio telegraph as may be appropriate for the type of emission employed. In each case, the report which is submitted to the Commission shall be signed by the licensed commercial operator. Such report shall describe the results of the tests and adjustments, the test equipment and procedures used, and shall state the type, class, and serial number of the operator's license. A copy of this report shall also be kept with the station records.

**PROHIBITED EQUIPMENT**

**§ 95.631 External radio frequency power amplifiers prohibited.**

No external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way at any CB station.

NOTE.—An external radio frequency power amplifier at a CB station will be presumed to have been used where it is in the operator's possession or on his premises and there is extrinsic evidence of any operation of such CB station in excess of power limitations provided under this rule part unless the operator of such equipment holds a station license in another radio service under which license the use of the said amplifier at its maximum rated output power is permitted.

**TYPE ACCEPTANCE AND CERTIFICATION**

**§ 95.641 Acceptability of transmitters for licensing.**

Transmitters type approved or type accepted for use under this part are included in the Commission's Radio Equipment List. Copies of this list are available for public reference at the Commission's Washington, D.C. offices and field offices. The requirements for transmitters

which may be operated under a license in this service are set forth in the following paragraphs.

(a) General Mobile Radio Service Stations: All transmitters shall be type accepted.

(b) R/C stations:

(1) Transmitters operated in the band 72-76 MHz shall be type accepted.

(2) All transmitters operated in the band 26.99-27.26 MHz shall be type approved, type accepted or crystal controlled.

(c) CB Stations:

(1) All transmitters first licensed, or marketed as specified in § 2.805 of this chapter, prior to November 22, 1974, shall be type accepted or crystal controlled.

(2) All transmitters first licensed, or marketed as specified in § 2.803 of this chapter, on or after November 22, 1974, shall be type accepted.

(3) Effective November 23, 1978, all transmitters shall be type accepted.

(4) Effective January 1, 1977 transmitters which are equipped to operate on any frequency not included in § 95.611 may not be installed at or used by any CB station unless there is a station license posted at the transmitter location, or a transmitter identification card (FCC Form 452-C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

(5) No CB transmitter type accepted pursuant to an application filed prior to September 10, 1976 shall be manufactured on or after August 1, 1977.

(6) No CB transmitter type accepted pursuant to an application filed prior to September 10, 1976 shall be marketed on or after January 1, 1978.

NOTE.—A "transmitter" is defined to include any radio frequency (RF) power amplifier.

(d) With the exception of equipment type approved for use at a R/C station, all transmitting equipment authorized in this service shall be crystal controlled.

(e) No controls, switches or other functions which can cause operation in violation of the technical regulations of this part shall be accessible from the operating panel or exterior to the cabinet enclosing a transmitter authorized in this service.

**§ 95.643 Procedure for type acceptance of equipment.**

(a) Any manufacturer of a transmitter built for use in this service, except non-crystal controlled transmitters for use at R/C stations, may request type acceptance for such transmitter in accordance with the type acceptance requirements of this part, following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List", but will be in-



dividually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type-accepted equipment, and limitations on the findings upon which type acceptance is based.

(d) Transmitters equipped with a frequency or frequencies not listed in § 95.611(d) will not be type accepted for use at CB stations unless the transmitter is also type accepted for use in the service in which the frequency is authorized, if type acceptance in that service is required.

**§ 95.645 Additional requirements for type acceptance.**

(a) All transmitters shall be crystal controlled.

(b) Except for transmitters type accepted for use at General Mobile Radio Service stations transmitters shall not include any provisions for increasing power to levels in excess of the pertinent limits specified in § 95.613.

(c) In addition to all other applicable technical requirements set forth in this part, transmitters for which type acceptance is requested for use at CB stations shall comply with the following:

(1) Single sideband transmitters and other transmitters employing reduced, suppressed or controlled carrier shall include a means for automatically preventing the transmitter power from exceeding either the maximum permissible peak envelope power or the rated peak envelope power of the transmitter, whichever is lower.

(2) Multi-frequency transmitters shall be capable of operation only on those frequencies authorized by § 95.611.

(3) All transmitter frequency determining circuitry (including crystals), other than the frequency selection mechanism, employed in CB station equipment shall be internal to the equipment and shall not be accessible from the exterior of the equipment cabinet or operating panel. Add-on devices, whether internal or external to the equipment, the function of which is to extend the frequency coverage capability of a CB unit beyond its original frequency coverage capability, shall not be sold, manufactured, or attached to any transmitter capable of operation on CB frequencies.

(4) Single sideband transmitters shall be capable of transmitting on the upper sideband. Capability for transmission also on the lower sideband is permissible.

(5) The total dissipation ratings, established by the manufacturer of the electron tubes or semiconductors which supply radio frequency power to the antenna terminals of the transmitter, shall not exceed 10 watts. For electron tubes, the rating shall be the Intermittent Commercial and Amateur Service (ICAS) plate dissipation value if established. For semiconductors, the rating shall be the collector or device dissipation value, whichever is greater, which may be

temperature derated to not more than 50° C.

(d) Only the following external transmitter controls, connections or devices will normally be permitted in transmitters for which type acceptance is requested for use at CB stations. Approval of additional controls, connections or devices may be given after consideration of the functions to be performed by such additions.

(1) Primary power connection. (Circuitry or devices such as rectifiers, transformers, or inverters which provide the nominal rated transmitter primary supply voltage may be used without voiding the transmitter type acceptance.)

(2) Microphone connection.

(3) Radio frequency output power connection.

(4) Audio frequency power amplifier output connector and selector switch.

(5) On-off switch for primary power to transmitter. May be combined with receiver controls such as the receiver on-off switch and volume control.

(6) Upper-lower sideband selector; for single sideband transmitters only.

(7) Selector for choice of carrier level; for single sideband transmitters only. May be combined with sideband selector.

(8) Transmitting frequency selector switch.

(9) Transmit-receive switch.

(10) Meter(s) and selector switch for monitoring transmitter performance.

(11) Pilot lamp or meter to indicate the presence of radio frequency output power or that transmitter control circuits are activated to transmit.

(e) An instruction book for the user shall be furnished with each transmitter sold and one copy (a draft or preliminary copy is acceptable providing a final copy is furnished when completed) shall be forwarded to the Commission with each request for type acceptance or type approval. The book shall contain all information necessary for the proper installation and operation of the transmitter including:

(1) Instructions concerning all controls, adjustments and switches which may be operated or adjusted without causing violation of technical regulations of this part;

(2) Warnings concerning any adjustment which, according to the rules of this part, may be made only by, or under the immediate supervision of, a person holding a commercial first or second class radio operator license;

(3) Warnings concerning the replacement or substitution of crystals, tubes or other components which could cause violation of the technical regulations of this part and of the type acceptance or type approval requirements of Part 2 of this chapter;

(4) Warnings concerning licensing requirements and details concerning the application procedures for licensing.

(f) A CB Radio Service application form (FCC Form 505), a Temporary Permit, CB Radio Service (FCC Form 555-B), and a copy of Subpart D of Part 95 of the Commission's Rules and Regulations, each to be current at the time of packing of the transmitter, shall be fur-

nished with each transmitter marketed after January 1, 1977.

(g) The serial number of each new CB unit marketed after January 1, 1977, shall be engraved on the unit's chassis.

**§ 95.647 Submission of noncrystal controlled R/C station transmitters for type approval.**

Type approval of noncrystal controlled transmitters for use at R/C stations in this service may be requested in accordance with the procedure specified in Part 2 of this chapter.

**§ 95.649 Type approval of receiver-transmitter combinations.**

Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, is constructed on the same chassis in whole or in part, or is identified with a common type or model number with a radio receiver, unless such receiver has been certificated to the Commission as complying with the requirements of Part 15 of this chapter.

**§ 95.651 Minimum equipment specifications.**

Transmitters submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part, and in addition, shall comply with the following:

(a) Any basic instructions concerning the proper adjustment, use, or operation of the equipment that may be necessary shall be attached to the equipment in a suitable manner and in such positions as to be easily read by the operator.

(b) A durable nameplate shall be mounted on each transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the transmitter serial number, FCC type approval number, and the class of station for which approved.

(c) The transmitter shall be designed, constructed, and adjusted by the manufacturer to operate on a frequency or frequencies available to the class of station for which type approval is sought. In designing the equipment, every reasonable precaution shall be taken to protect the user from high voltage shock and radio frequency burns. Connections to batteries (if used) shall be made in such a manner as to permit replacement by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the generation of radio frequency currents so as to guard against unnecessary interference to other services. In cases of harmful interference arising from the design, construction, or operation of the equipment, the Commission may require appropriate technical changes in equipment to alleviate interference.

(d) Controls which may effect changes in the carrier frequency of the transmitter shall not be accessible from the exterior of any unit unless such accessibility is specifically approved by the Commission.

**§ 95.653 Test procedure.**

Type approval tests to determine whether radio equipment meets the technical specifications contained in this part will be conducted under the following conditions:

(a) Gradual ambient temperature variations from 0° to 125° F.

(b) Relative ambient humidity from 20 to 95 percent. This test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60, and 95 percent, respectively, at a temperature of approximately 80° F.

(c) Movement of transmitter or objects in the immediate vicinity thereof.

(d) Power supply voltage variations normally to be encountered under actual operating conditions.

(e) Additional tests as may be prescribed, if considered necessary or desirable.

**§ 95.655 Certificate of type approval.**

A certificate or notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the Personal Radio Services, constitutes a recognition that on the basis of the test made, the particular type of equipment appears to have the capability of functioning in accordance with the technical specifications and regulations contained in this part: *Provided*, That all such additional equipment of the same type is properly constructed, maintained, and operated: *And provided further*, That no change whatsoever is made in the design or construction of such equipment except upon specific approval by the Commission.

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