

**Federal Communications Commission**

**§ 90.723**

the above-specified entities, may only be conducted on a secondary non-interference basis to such communications.

[62 FR 18936, Apr. 17, 1997]

EFFECTIVE DATE NOTE: At 81 FR 66544, Sept. 28, 2016, §90.720 was amended by revising paragraphs (a) introductory text, (2) and (b), effective Oct. 28, 2016. For the convenience of the user, the revised text is set forth as follows:

**§ 90.720 Channels available for public safety/mutual aid.**

(a) Part 90 licensees who meet the eligibility criteria of §§90.20(a)(1), 90.20(a)(2)(i), 90.20(a)(2)(ii), 90.20(a)(2)(iii), 90.20(a)(2)(iv), 90.20(a)(2)(vii), 90.20(a)(2)(ix), 90.20(a)(2)(xiii) or 90.20(a)(2)(xiv) are authorized by this rule to use mobile and/or portable units on Channels 161–170 throughout the United States, its territories, and the District of Columbia to transmit:

\* \* \* \* \*

(2) Communications to facilitate interoperability among entities eligible under §§90.20(a)(1), 90.20(a)(2)(i), 90.20(a)(2)(ii), 90.20(a)(2)(iii), 90.20(a)(2)(iv), 90.20(a)(2)(vii), 90.20(a)(2)(ix), 90.20(a)(2)(xiii) and 90.20(a)(2)(xiv); or

\* \* \* \* \*

(b) Any Government entity and any non-Government entity eligible to obtain a license under §§90.20(a)(1), 90.20(a)(2)(i), 90.20(a)(2)(ii), 90.20(a)(2)(iii), 90.20(a)(2)(iv), 90.20(a)(2)(vii), 90.20(a)(2)(ix), 90.20(a)(2)(xiii) or 90.20(a)(2)(xiv) is also eligible to obtain a license for base/mobile operations on Channels 161 through 170. Base/mobile or base/portable communications on these channels that do not relate to the immediate safety of life or to communications interoperability among the above-specified entities, may only be conducted on a secondary non-interference basis to such communications.

**§ 90.721 Other channels available for non-nationwide systems in the 220–222 MHz band.**

(a) The channel groups listed in the following Table are available to both Government and non-Government Phase I applicants for trunked operations or operations of equivalent or greater efficiency for non-commercial or commercial operations.

TABLE 1—PHASE I TRUNKED CHANNEL GROUPS

Group No.	Channel Nos.
1 .....	1–31–61–91–121

TABLE 1—PHASE I TRUNKED CHANNEL GROUPS—Continued

Group No.	Channel Nos.
2 .....	2–32–62–92–122
3 .....	3–33–63–93–123
4 .....	4–34–64–94–124
5 .....	5–35–65–95–125
6 .....	6–36–66–96–126
7 .....	7–37–67–97–127
8 .....	8–38–68–98–128
9 .....	9–39–69–99–129
10 .....	10–40–70–100–130
11 .....	11–41–71–101–131
12 .....	12–42–72–102–132
13 .....	13–43–73–103–133
14 .....	14–44–74–104–134
15 .....	15–45–75–105–135
16 .....	16–46–76–106–136
17 .....	17–47–77–107–137
18 .....	18–48–78–108–138
19 .....	19–49–79–109–139
20 .....	20–50–80–110–140

(b) The channels listed in the following Table are available to non-Government applicants for Phase II assignments in Economic Areas (EAs) and Regional Economic Area Groupings (REAGs) (see §§90.761 and 90.763).

TABLE 2—PHASE II EA AND REGIONAL CHANNEL ASSIGNMENTS

Assignment	Assignment area	Group Nos. (from table 1)	Channel Nos.
A .....	EA	2 and 13.	171–180
B .....	EA	3 and 16.	
C .....	EA	5 and 18.	
D .....	EA	8 and 19.	
E .....	EA	.....	
F .....	REAG	1, 6, and 11.	186–200
G .....	REAG	4, 9, and 14.	
H .....	REAG	7, 12, and 17.	
I .....	REAG	10, 15, and 20.	
J .....	REAG	.....	

[62 FR 15995, Apr. 3, 1997]

**§ 90.723 Selection and assignment of frequencies.**

(a) Phase II applications for frequencies in the 220–222 MHz band shall specify whether their intended use is for 10-channel nationwide systems, 10-channel EA systems, 15-channel Regional systems, public safety/mutual aid use, or emergency medical use. Phase II applicants for frequencies for public safety/mutual aid use or emergency medical use shall specify the number of frequencies requested. All frequencies in this band will be assigned by the Commission.

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(b) Phase II channels will be assigned pursuant to §§90.717, 90.719, 90.720, 90.721, 90.761 and 90.763.

(c) Phase II applicants for public safety/mutual aid and emergency medical channels will be assigned only the number of channels justified to meet their requirements.

(d) Phase I base or fixed station receivers utilizing 221–222 MHz frequencies assigned from Sub-band A as designated in §90.715(b) will be geographically separated from those Phase I base or fixed station transmitters utilizing 220–221 MHz frequencies removed 200 kHz or less and assigned from Sub-band B as follows:

**GEOGRAPHIC SEPARATION OF SUB-BAND A;  
BASE OR FIXED STATION RECEIVERS AND  
SUB-BAND B; BASE OR FIXED STATION  
TRANSMITTERS EFFECTIVE**

Separation distance (kilometers)	Radiated power (watts) <sup>1</sup>
0.0–0.3 .....	( <sup>2</sup> )
0.3–0.5 .....	5
0.5–0.6 .....	10
0.6–0.8 .....	20
0.8–2.0 .....	25
2.0–4.0 .....	50
4.0–5.0 .....	100
5.0–6.0 .....	200
Over 6.0 .....	500

<sup>1</sup> Transmitter peak envelope power shall be used to determine effective radiated power.

<sup>2</sup> Stations separated by 0.3 km or less shall not be authorized. This table does not apply to the low-power channels 196–200. See §90.729(c).

(e) Phase II licensees authorized on 220–221 MHz frequencies assigned from Sub-band B will be required to geographically separate their base station or fixed station transmitters from the base station or fixed station receivers of Phase I licensees authorized on 221–222 MHz frequencies 200 kHz removed or less in Sub-band A in accordance with the Table in paragraph (d) of this section. Such Phase II licensees will not be required to geographically separate their base station or fixed station transmitters from receivers associated with additional transmitter sites that are added by such Phase I licensees in accordance with the provisions of §90.745(a).

(f) Phase II licensees with base or fixed stations transmitting on 220–221 MHz frequencies assigned from Sub-band B and Phase II licensees with base or fixed stations receiving on Sub-band

A 221–222 MHz frequencies, if such transmitting and receiving frequencies are 200 kHz or less removed from one another, will be required to coordinate the location of their base stations or fixed stations to avoid interference and to cooperate to resolve any instances of interference in accordance with the provisions of §90.173(b).

(g) Phase I licensees with base or fixed stations transmitting on 220–221 MHz frequencies assigned from Sub-band B and Phase I licensees with base or fixed stations receiving on Sub-band A 221–222 MHz frequencies (if such transmitting and receiving frequencies are 200 kHz or less removed from one another) that add, remove, or modify station sites in accordance with the provisions of §90.745(a) will be required to coordinate such actions with one another to avoid interference and to cooperate to resolve any instances of interference in accordance with the provisions of §90.173(b).

(h) Phase I licensees with base or fixed stations transmitting on 220–221 MHz frequencies assigned from Sub-band B that add, remove, or modify station sites in accordance with the provisions of §90.745(a) will be required to coordinate such actions with Phase II licensees with base or fixed stations receiving on Sub-band A 221–222 MHz frequencies 200 kHz or less removed.

(i) A mobile station is authorized to transmit on any frequency assigned to its associated base station. Mobile units not associated with base stations (see §90.720(a)) must operate on “mobile” channels.

(j) A licensee’s fixed station is authorized to transmit on any of the licensee’s assigned base station frequencies or mobile station frequencies.

(k) Except for nationwide assignments, the separation of co-channel Phase I base stations, or fixed stations transmitting on base station frequencies, shall be 120 kilometers. Except for Phase I licensees seeking license modification in accordance with the provisions of §§90.751 and 90.753, shorter separations between such stations will be considered by the Commission on a case-by-case basis upon submission of a technical analysis indicating that at least 10 dB protection will be provided to an existing Phase I

station's predicted 38 dBu signal level contour. The existing Phase I station's predicted 38 dBu signal level contour shall be calculated using the F(50,50) field strength chart for Channels 7-13 in §73.699 (Fig. 10) of this chapter, with a 9 dB correction factor for antenna height differential. The 10 dB protection to the existing Phase I station's predicted 38 dBu signal level contour shall be calculated using the F(50,10) field strength chart for Channels 7-13 in §73.699 (Fig. 10a) of this chapter, with a 9 dB correction factor for antenna height differential.

[62 FR 15995, Apr. 3, 1997, as amended at 62 FR 18936, Apr. 17, 1997; 63 FR 32590, June 12, 1998]

**§ 90.725 Construction requirements for Phase I licensees.**

(a) Licensees granted commercial nationwide authorizations will be required to construct base stations and placed those base stations in operation as follows:

(1) In at least 10 percent of the geographic areas designated in the application within two years of initial license grant, including base stations in at least seven urban areas listed in §90.741 of this part;

(2) In at least 40 percent of the geographic areas designated in the application within four years of initial license grant, including base stations in at least 28 urban areas listed in §90.741 of this part;

(3) In at least 70 percent of the geographic areas designated in the application within six years of initial license grant, including base stations in at least 28 urban areas listed in §90.741 of this part;

(4) In all geographic areas designated in the application within ten years of initial license grant, including base stations in at least 28 urban areas listed in §90.741 of this part.

(b) Licensees not meeting the two and four year criteria shall lose the entire authorization, but will be permitted a six month period to convert the system to non-nationwide channels, if such channels are available.

(c) Licensees not meeting the six and ten year criteria shall lose the authorizations for the facilities not con-

structed, but will retain exclusivity for constructed facilities.

(d) Each commercial nationwide licensee must file a system progress report on or before the anniversary date of the grant of its license after 2, 4, 6 and 10 years, demonstrating compliance with the relevant construction benchmark criteria.

(1) An overall status report of the system, that must include, but need not be limited to:

(i) A list of all sites at which base stations have been constructed, with antenna heights and effective radiated power specified for each site;

(ii) A list of all other known base station sites at which construction has not been completed; and

(iii) A construction and operational schedule for the next five-year period, including any known changes to the plan for construction and operation submitted with the licensee's original application for the system.

(2) An analysis of the system's compliance with the requirements of paragraph (a) of this section, with documentation to support representations of completed construction, including, but not limited to:

(i) Equipment purchase orders and contracts;

(ii) Lease or purchase contracts relating to antenna site arrangements;

(iii) Equipment and antenna identification (serial) numbers; and

(iv) Service agreements and visits.

(e) Beginning with its second license term, each nationwide licensee must file a progress report once every five years on the anniversary date of the grant of the first renewal of its authorization, including the information required by paragraph (d)(1) of this section.

(f) Licensees authorized Phase I non-nationwide systems, or authorized on Channels 161 through 170 or Channels 181 through 185, must construct their systems (*i.e.*, have all specified base stations constructed with all channels) and place their systems in operation, or commence service in accordance with the provisions of §90.167, within twelve months of the initial license grant date. Authorizations for systems not constructed and placed in operation, or having commenced service,