

provided in paragraph (a). Such operation must comply with all applicable rules in this part.

(a) *Individual licenses.* A valid individual license may be required under this part to operate or use stations in a particular service, certain types of stations, stations transmitting on certain channels or frequency bands, or stations transmitting with power above a certain level. Any such requirements applicable to stations in any of the Personal Radio Services are set forth in the subpart governing that specific service. *See e.g.*, §95.1705. Otherwise, the FCC does not require or accept applications for an individual license to operate any type of Personal Radio Service station.

(b) *Operator eligibility.* Some of the Personal Radio Services have specific operator eligibility requirements, which are set forth in the subparts governing those services. Otherwise, any person is eligible to operate a Personal Radio Service station, except as stated in paragraphs (c) and (d) of this section.

(c) *Foreign government operator.* No entity that is a foreign government or which is acting in its capacity as a representative of a foreign government is authorized by this section to operate Personal Radio Service stations.

(d) *Cease and desist order.* No person subject to a cease and desist order issued pursuant to §95.313(d) is authorized by this section to operate Personal Radio Service stations.

(e) *Federal station.* No person is authorized by this section to operate a United States Government radio station.

(f) *Foreign station.* No person is authorized by this section to operate a foreign government radio station.

§95.307 Authorized station locations.

Personal Radio Service stations generally may be operated in any location included within the descriptions in the following paragraphs in this section. In certain specific locations, however, coordination procedures or operating restrictions may apply, as set forth in §95.309. Operation of Personal Radio Service stations in any location outside of those described in the following

paragraphs is not authorized by this part.

(a) *Within the United States and its territories.* Those areas include the fifty United States and the District of Columbia, the Commonwealth of Puerto Rico, Navassa Island, the United States Virgin Islands (50 islets and cays), American Samoa (seven islands), Baker Island, the Commonwealth of Northern Mariana Islands, Guam Island and Howland Island, Jarvis Island, Johnston Island (Islets East, Johnston, North and Sand), Kingman Reef, Midway Island (Islets Eastern and Sand), Palmyra Island (more than 50 islets), and Wake Island (Islets Peale, Wake and Wilkes).

(b) *Aboard any vessel or aircraft registered in the United States.* With the permission of the captain, while the vessel or aircraft is within or over the United States or its territories, U.S. territorial waters, or upon or over international waters.

(c) *Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.* While that vessel or aircraft is within or over the United States or its territories, U.S. territorial waters or upon or over international waters.

(d) *Other locations.* Any other area of the world, except within the territorial limits of areas where radio services are regulated by:

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

§95.309 Coordination procedures and other restrictions for operation in certain locations.

The operator of a Personal Radio Service station may be required to coordinate operation in advance and/or may be subject to operating restrictions if the station is to be operated in certain locations, described in the following paragraphs in this section.

(a) *In a Quiet Zone or near a protected FCC field office.* Rules for these locations are set forth in §1.924 of this chapter.

(b) *Near a U.S. border or in an area that is or may be subject to an international treaty or agreement.* Treaties

and agreements may be viewed or downloaded from the FCC Web site: <http://www.fcc.gov/ib/sand/agree/>.

(c) *At an environmentally sensitive site, or in a manner that may raise environmental concerns.* Rules for these locations are set forth in part 1, subpart I of this chapter (Procedures Implementing the National Environmental Policy Act of 1969).

(d) *In an area administered by the United States Government.* For example, the Department of Defense may impose restrictions on a station transmitting on land under its jurisdiction. Before operating a station at such a point, the operator should consult with the commanding officer in charge of the land.

(e) *Near the Arecibo Observatory.* Anyone planning to operate a Personal Radio Services station on the islands of Puerto Rico, Desecheo, Mona, Vieques, or Culebra in a manner that could pose an interference threat to the Arecibo Observatory must notify the observatory at least 45 days in advance of the planned operation, by mail or email, to the following address: Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612; email: prcz@naic.edu.

(1) To determine whether a planned operation could pose an interference threat to the Arecibo Observatory, operators may consult interference guidelines provided by Cornell University.

(2) The notification must include the geographical coordinates of the station, if it is a fixed or base station.

(3) After receipt of such notifications, the FCC will allow the Arecibo Observatory 20 days to comment on or object to the proposed operation. The operator must make reasonable efforts to resolve or mitigate any potential interference concern with the Arecibo Observatory. If the FCC determines that an operator has made reasonable efforts to protect the Observatory from interference, the operator may be allowed to operate the station.

§95.311 Correspondence and notices from the FCC.

Operators of Personal Radio Service stations must respond to and comply with official communications from the FCC.

(a) The FCC may send a letter to the operator of a Personal Radio Service station requesting specific information about the Personal Radio Service station or its operation. Upon receipt of such a letter, the operator must respond in writing to the FCC office that sent the letter, within the time period stated in the letter. The written response must contain the information requested by the FCC, must be complete in itself, and should not rely on references to other communications or notices.

(b) If it appears to the FCC that the operator of a Personal Radio Services station has violated the Communications Act or the FCC's rules, the FCC may send that operator an official notice concerning the apparent violation. Upon receipt of such official notice, the operator must respond in writing to the FCC office that sent the letter, within the time period stated in the letter and comply with all instructions in the notice concerning the response. The written response must contain a complete written statement that fully addresses each violation, reports any action that the operator has taken to correct the violation and to prevent it from happening again, and any other pertinent information, such as other operators or stations that may have caused the violation.

(c) If the FCC notifies the operator of a Personal Radio Service station that the station is causing interference for technical reasons, the operator must follow all instructions in the official notice. The operator must comply with restricted hours of station operation if so specified in the official notice. The notice may require the operator to stop operating the station until technical adjustments or repairs have been made to the station equipment, such that the technical problem is corrected.

§95.313 Penalties for violations of the Communications Act or FCC rules.

Operators of Personal Radio Service stations may be assessed penalties for violations of the Communications Act and the FCC Rules.