

47 C.F.R. § 90.523

Effective: October 23, 2007

Code of Federal Regulations [Currentness](#)
 Title 47. Telecommunication
 Chapter I. Federal Communications
 Commission ([Refs & Annos](#))
 Subchapter D. Safety and Special Radio
 Services
 ▣ [Part 90](#). Private Land Mobile Radio
 Services ([Refs & Annos](#))
 ▣ [Subpart R](#). Regulations Governing The
 Licensing and Use of Frequencies in the
 763-775 and 793-805 Mhz Bands ([Refs &](#)
[Annos](#))

→ § 90.523 Eligibility.

This section implements the definition of public safety services contained in [47 U.S.C. 337\(f\)\(1\)](#). The following are eligible to hold Commission authorizations for systems operating in the 763-775 MHz and 793-805 MHz frequency bands:

(a) State or local government entities. Any territory, possession, state, city, county, town, or similar State or local governmental entity is eligible to hold authorizations in the 764-776 MHz and 794-806 MHz frequency bands.

(b) Nongovernmental organizations. A nongovernmental organization (NGO) that provides services, the sole or principal purpose of which is to protect the safety of life, health, or property, is eligible to hold an authorization for a system operating in the 764-776 MHz and 794-806 MHz frequency bands for transmission or reception of communications essential to providing such services if (and only for so long as) the NGO applicant/licensee:

(1) Has the ongoing support (to operate such system) of a state or local governmental entity whose mission is the oversight of or provision of services, the sole or principal purpose of which is to protect the safety of life, health, or property;

(2) Operates such authorized system solely for

transmission of communication essential to providing services the sole or principal purpose of which is to protect the safety of life, health, or property; and

(3) All applications submitted by NGOs must be accompanied by a new, written certification of support (for the NGO applicant to operate the applied-for system) by the state or local governmental entity referenced in paragraph (b) (1) of this section.

(c) All NGO authorizations are conditional. NGOs assume all risks associated with operating under conditional authority. Authorizations issued to NGOs to operate systems in the 764-776 MHz and 794-806 MHz frequency bands include the following condition: If at any time the supporting governmental entity (see paragraph (b)(1)) notifies the Commission in writing of such governmental entity's termination of its authorization of a NGO's operation of a system in the 764-776 MHz and 794-806 MHz frequency bands, the NGO's application shall be dismissed automatically or, if authorized by the Commission, the NGO's authorization shall terminate automatically.

(d) Paragraphs (a) and (b) notwithstanding, no entity is eligible to hold an authorization for a system operating in the 764-776 MHz and 794-806 MHz frequency bands on the basis of services, the sole or principal purpose of which is to protect the safety of life, health or property, that such entity makes commercially available to the public.

(e) The minimum eligibility requirements for the Public Safety Broadband Licensee in the 763-768 MHz and 793-798 MHz bands are as follows:

(1) No commercial interest may be held in the Public Safety Broadband Licensee, and no commercial interest may participate in the management of the Public Safety Broadband Licensee;

(2) The Public Safety Broadband Licensee must be a non-profit organization;

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(3) The Public Safety Broadband Licensee must be as broadly representative of the public safety radio user community as possible; and

(4) The Public Safety Broadband Licensee must be in receipt of written certifications from no less than ten geographically diverse state and local governmental entities (the authorizing entities), with at least one certification from a state government entity and one from a local government entity, verifying that--

(i) They have authorized the Public Safety Broadband Licensee to use spectrum at 763-768 MHz and 793-798 MHz to provide the authorizing entities with public safety services; and

(ii) The authorizing entities' primary mission is the provision of public safety services.

[[64 FR 3048](#), Jan. 20, 1999; [65 FR 53645](#), Sept. 5, 2000; [72 FR 48860](#), Aug. 24, 2007]

SOURCE: [43 FR 54791](#), Nov. 22, 1978; [55 FR 28029](#), July 9, 1990; [56 FR 19600](#), April 29, 1991; [56 FR 32517](#), July 17, 1991; [57 FR 34693](#), Aug. 6, 1992; [60 FR 21990](#), May 4, 1995; [60 FR 37156](#), July 19, 1995; [60 FR 48917](#), Sept. 21, 1995; [60 FR 55484](#), Nov. 1, 1995; [61 FR 6155](#), Feb. 16, 1996; [61 FR 45635](#), Aug. 29, 1996; [63 FR 58651](#), Nov. 2, 1998; [64 FR 39942](#), July 23, 1999; [72 FR 48860](#), Aug. 24, 2007, unless otherwise noted.

AUTHORITY: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, [47 U.S.C. 154\(i\)](#), [161](#), [303\(g\)](#), [303\(r\)](#), [332\(c\)\(7\)](#).

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Current through May 15, 2008; 73 FR 28318

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