

jurisdiction of the state or local governmental entity supporting the non-governmental organization.

(b) Subject to § 90.1209, a 4940–4990 MHz band license gives the licensee authority to construct and operate any number of base stations anywhere within the area authorized by the license, except as follows:

(1) A station is required to be individually licensed if:

(i) International agreements require coordination;

(ii) Submission of an environmental assessment is required under § 1.1307 of this chapter; or

(iii) The station would affect areas identified in § 1.924 of this chapter.

(2) Any antenna structure that requires notification to the Federal Aviation Administration (FAA) must be registered with the Commission prior to construction under § 17.4 of this chapter.

(c) A 4940–4990 MHz band license gives the licensee authority to operate base and mobile units (including portable and handheld units) and operate temporary (1 year or less) fixed stations anywhere within the area authorized by the license. Such licensees may operate base and mobile units and/or temporary fixed stations outside their authorized area to assist public safety operations with the permission of the jurisdiction in which the radio station is to be operated. Base and temporary fixed stations are subject to the requirements of paragraph (b) of this section.

(d) A 4940–4990 MHz band license does not give the licensee authority to operate permanent fixed point-to-point stations. Licensees choosing to operate such fixed stations must license them individually on a site-by-site basis. Such fixed operation will be authorized only on a secondary, non-interference basis to base, mobile and temporary fixed operations.

[68 FR 38639, June 30, 2003, as amended at 69 FR 17959, Apr. 6, 2004]

**§ 90.1209 Policies governing the use of the 4940–4990 MHz band.**

(a) Channels in this band are available on a shared basis only and will not be assigned for the exclusive use of any licensee.

(b) All licensees shall cooperate in the selection and use of channels in order to reduce interference and make the most effective use of the authorized facilities. Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If licensees are unable to do so, the Commission may impose restrictions including specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned. Further, the Commission may prohibit the use of any 4.9 GHz channel under a system license at a given geographical location when, in the judgment of the Commission, its use in that location is not in the public interest.

(c) Licensees will make every practical effort to protect radio astronomy operations as specified in § 2.106, footnote US311 of this chapter.

(d) There is no time limit for which base and temporary fixed stations authorized under a 4940–4990 MHz band license must be placed in operation. Fixed point-to-point stations which are licensed on a site-by-site basis must be placed in operation within 18 months of the grant date or the authorization for that station cancels automatically.

**§ 90.1211 Regional plan.**

(a) To facilitate the shared use of the 4.9 GHz band, each region may submit a plan on guidelines to be used for sharing the spectrum within the region. Any such plan must be submitted to the Commission within 12 months of the effective date of the rules.

(b) Such plans must incorporate the following common elements:

(1) Identification of the document as a plan for sharing the 4.9 GHz band with the region specified along with the names, business addresses, business telephone numbers and organizational affiliations of the chairperson(s) and all members of the planning committee.

(2) A summary of the major elements of the plan and an explanation of how all eligible entities within the region were given an opportunity to participate in the planning process and to have their positions heard and considered fairly.