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MUSHROOM TWO..
I GOT THE
FRONT DOOR..
NO SMOKEYS
IN SIGHT..."

4-25

ONE OF THE
NEIGHBORS JUST
CALLED...YOU'D
BETTER TURN
DOWN YOUR
CB RADIO!



FEDERAL
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rules and regulations april 1976

part 95—
**CITIZENS
RADIO
SERVICE.**



RULES AND REGULATIONS

Part 95 | *Citizens Radio Service*

APRIL 1976

This copy of Part 95 of the Commission's Rules and Regulations governing
CITIZENS RADIO SERVICE is current as of April 1, 1976.
The Commission will issue revised editions annually or as required. In
the interim, all Rule Amendments will be published in the Federal Register.

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INFORMATION REGARDING FEES FOR FILING APPLICATIONS IN THE SAFETY AND SPECIAL RADIO SERVICES

The following rules concerning fees and the schedule for filing applications in the Safety and Special Radio Services are extracted from Part 1 of the Commission's Rules for the convenience of the users of this pamphlet:

SUBPART G--SCHEDULE OF FEES PAID WITH THE COMMISSION

General Information

§1.1181 Authority.

Authority for this subpart is contained in Title V of the Independent Office Appropriation Act of 1962 (81 Stat. 452) which provides that any surplus in performance of the duties of the Commission shall be available for the payment of the fees for the filing of applications in the Safety and Special Radio Services.

This copy of Part 95 of the Commission's Rules and Regulations governing CITIZENS RADIO SERVICE is current as of April 1, 1976.

The Commission will issue revised editions annually or as required. In the interim, all Rule Amendments will be published in the Federal Register.

§1.1182 Payment of fees.

(a) Fees for each application or other filing filed on or after April 1, 1976, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there shall be attached to the remittance an itemized check or notice stating what fees are covered by the check or money order.

(b) Check fees. The applicant shall attach the receipt contained in the notice of grant recording payment of grant fees. Grant fees shall be accompanied by a receipted check identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will be filed.

(c) All remittances should be accompanied by a letter, application, and card, grant for design or other payment to properly identify the purpose of the fee.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services the grant fee is announced and transferred to the Commission by the new license holder directly following consummation of the transfer or assignment. All grants, renewals, and modifications

made by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee in the Commission or the required date shall result in the grant, authorization, or approval becoming null, void, and inoperative after that date.

(1) For broadcast stations. The annual license fee prescribed for broadcast stations shall be submitted each year on or before the anniversary date of the expiration date of the station's license. The license shall contain the amount of the annual fee together with the amount due for the preceding year, on which the annual fee is based. The station shall pay the fee for the service month period immediately preceding the anniversary date on which the fee is payable.

(2) A new station and existing station for the annual license fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of grant of program test authority until the anniversary (anniversary) date. Example: If a station is in operation for seven full months prior to the anniversary date, the fee will cover the period from the date of grant of program test authority until the anniversary date.

(3) For AM and FM stations. The annual license fee will be a percentage equal to 6.7 times the station's highest "one-minute" peak instantaneous rate, but in no event shall the annual license fee for each AM and each FM station be less than \$25.00.

(4) For broadcast broadcast stations. The annual license fee will be a percentage equal to 6.7 times the station's highest "one-minute" peak instantaneous rate, but in no event shall the annual fee be less than \$100.00.

(5) Fees applicable to any license month period ending on or before February 1, 1976, shall be submitted on or before August 1, 1975. Fees applicable to any license month period ending after February 1, 1976, shall be submitted on or before the anniversary date of the expiration date of the station's license as provided above.

(6) For broadcast stations submitting a fee on August 1, 1976, applicable to the period from 1, 1975, to April 1, 1976, or June 1, 1976, the fee shall be based on the rate of June 1, 1975. For broadcast stations submitting a fee on August 1, 1976, applicable to the period from August 1, 1975, to December 1, 1975, or February 1, 1976, the fee shall be based on the rate of June 1, 1974.

(7) For broadcast stations paying an annual license fee applicable to part of a calendar year 1974 and in part to a calendar year 1975, the broadcast station license fee will be prorated between the two years as provided in paragraph (c) of this

INFORMATION REGARDING FEES FOR FILING APPLICATIONS IN THE SAFETY AND SPECIAL RADIO SERVICES

The following rules concerning fees and the fee schedule for filing applications in the Safety and Special Radio Services are extracted from Part 1 of the Commission's Rules for the convenience of the users of this pamphlet:

SUBPART G—SCHEDULE OF FEES FILED WITH THE COMMISSION

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1102 Payment of fees.

(a) *Filing fees.* Each application or other filing filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there should be attached to the remittance an accounting sheet or notice stating what fees are covered by the check or money order.

(b) *Grant fees.* The applicant shall observe the instruction contained in the notice of grant concerning payment of grant fees. Grant fees shall be accompanied by a transmittal advice identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(c) All remittances should be accompanied by a letter, application, rate card, grant fee notice or other document to properly identify the purpose of the fee.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services the grant fee in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations

issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null, void and ineffective after that date.

(e) *Broadcast Annual License fee.* The annual license fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall submit the amount of the annual fee together with the station's rate card for the preceding June 1, on which the annual fee is based. (See § 1.1111(a) (6).) Such fee shall be for the twelve-month period immediately preceding the anniversary date on which the fee is payable.

(1) A new station first becomes liable for the annual license fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of grant of program test authority until the next payment (anniversary) date. (Example: If a station is in operation for seven full months prior to the next payment date, the annual license fee is seven-twelfths of the annual rate.)

(2) Each broadcast station shall pay an annual license fee to the Commission for the period April 1, 1973–February 28, 1975. The fee applicable to the period after December 31, 1974 shall be the fee prescribed in § 1.1111(a) (6) of this chapter. The fee applicable to the period April 1, 1973–December 31, 1974 is as follows:

(i) For AM and FM stations: The annual license fee will be a payment equal to 6.7 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than \$25.00.

(ii) For television broadcast stations: The annual license fee will be a payment equal to 3.4 times the station's highest "30-second" spot announcement rate, but in no event shall the annual fee be less than \$100.00.

(3) Fees applicable to any twelve-month period ending on or before February 1, 1975 must be submitted on or before August 1, 1975. Fees applicable to any twelve-month period ending after February 1, 1975, must be submitted on or before the anniversary date of the expiration date of the station's license as provided above.

(4) For broadcast stations submitting a fee on August 1, 1975 applicable to the period April 1, 1973–April 1, 1974 or June 1, 1973–June 1, 1974, the rate card on which the fee will be based is that of June 1, 1973. For broadcast stations submitting a fee on August 1, 1975 applicable to the period August 1, 1973–August 1, 1974, October 1, 1973–October 1, 1974, December 1, 1973–December 1, 1974 or February 1, 1974–February 1, 1975, the rate card on which the fee will be based is that of June 1, 1974.

(5) For broadcast stations paying an annual license fee applicable in part to a portion of calendar year 1974 and in part to a portion of calendar year 1975, the broadcast annual license fee will be prorated between the annual fee prescribed in paragraph (e) (2) of this

section and the annual fee prescribed in § 1.1111(a) (6) of this chapter. A station's annual license fee will be computed by taking the number of months from the anniversary date to December 31, 1974, divided by 12, times the full year annual fee which is required by paragraph (e) (2) of this section, and adding to that the fee computed by taking the number of months from January 1, 1975 to the anniversary date, divided by 12 times the full year annual fee which is required by § 1.1111(a) (6) of this chapter.

NOTE 1: Example: AM station X has a license expiration date on October 1. Station X's highest single "one-minute" spot announcement rate is \$10 as of June 1, 1974 and \$20 as of June 1, 1975. Station X is required to pay an annual fee for the period October 1, 1973–October 1, 1974 on August 1, 1975 and an annual fee for the period October 1, 1974–October 1, 1975 on October 1, 1975. The fee due on August 1, 1975 will be \$67.00. This is calculated by multiplying 6.7, the fee multiplier specified in paragraph (e) (2) of § 1.1102, times \$10.00 the highest single "one minute" spot announcement rate as it appears on the applicable rate card, that of June 1, 1974. The fee due on October 1, 1975 is \$161.00. To calculate this fee it is necessary to prorate the fee based on the portion of the twelve-month fee payment period during calendar year 1974 and that during calendar year 1975. The number of months from October 1, 1974 to December 31, 1974 is 3. The first step in calculating the fee is to multiply $\frac{3}{12} \times 6.7 \times \20 , the portion of calendar year 1974 covered by the fee ($\frac{3}{12}$) times the applicable fee multiplier (6.7), times the spot rate (\$20 here as the June 1, 1975 rate card is used). This portion of the fee is \$33.50. Next it is necessary to multiply $\frac{9}{12} \times 8.5 \times \20 , the portion of calendar year 1975 covered by the fee ($\frac{9}{12}$) times the fee multiplier from § 1.1111(a) (6) (8.5), times the spot rate. This portion of the fee is \$127.50. The annual fee equals the sum of the two amounts \$33.50 and \$127.50 or \$161.00.

(f) *Cable Television Annual Authorization fee.* The annual fee prescribed in § 1.1116(b) of this chapter for cable television systems must be submitted by April 1 of each year for the preceding calendar year. The fee will be based on the average number of subscribers as set out in § 1.1116(b).

(1) A new cable television system becomes liable for the annual authorization fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each calendar quarter of operation up to the end of the calendar year. (Example: If a cable system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last day figures is to be used in computing the fee required.) The fee will cover the number of full months of operation until the end of the calendar year. (Example: If a cable system is in operation for seven full months prior to the end of the calendar year, the fee is seven twelfths of the annual rate.)

(2) Each CATV system shall pay an annual authorization fee to the Commission for calendar years 1973 and 1974 to be submitted on or before August 1, 1975. The fee for each system shall be equal to the number of subscribers times 6 cents. The number of subscribers

shall be determined by averaging the number of subscribers on the last day of each calendar quarter.

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(h) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(i) Except as provided in §§ 1.1103 and 1.1104, all application filing fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in a major change in the application; the resubmission will then be treated as a new application requiring a new filing fee.

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Upon return of an application for renewal of an operator license which is received after expiration of the grace period.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(1) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Services rules (e.g. change of address, proforma change of corporate name, etc.)

(7) When construction permit holders and licensees make nonsubstantive correction in license grants within a period of 60 days from the grant.

(b) Payment in excess of an applicable fee will be refunded only if the overpayment exceeds \$3.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal

Government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) A receiver model certificated prior to August 1, 1970, and which will continue to be distributed after August 1, 1970, need not be recertificated and no filing or grant fee shall be required for continued distribution provided it will continue to be distributed under the same trade name and model number and with identical circuitry.

§ 1.1105 General rule (STA and waiver).

Except as otherwise provided no filing fee is required for any application or request for special temporary authority (STA) or waiver of brief duration or minor character in any service or for the grant of either an STA or a waiver of brief duration or minor character. Upon the grant of an application or request for either an STA or a waiver of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast services.....	\$25
Common carrier services.....	25
Safety and special radio.....	5
Cable television services.....	25

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	\$4
Ship license that includes interim authorization.....	10
Operational fixed stations using frequencies above 952 MHz:	
Initial license, 5-year renewal and assignment of license	20
Yearly renewal for stations used in CATV systems...	5
Stations using frequencies in the band 806–947 MHz and providing service on a commercial basis—per channel	200
Common carrier public coast stations:	
Initial license, renewal and assignment of license...	75

Amateur service:	
Modification of license without renewal.....	\$3
Special call sign (in addition to other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fee set forth below shall accompany the following application or requests in the Safety and Special Radio Services:

Duplicate license.....	\$2
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(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: hospitals, disaster relief organizations, beach patrols, school buses, and non-profit ambulance operators and rescue organizations.

(4) Applications filed in the Disaster Communications Services.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Application for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave applications filed for Closed Circuit Educational Television Service.

(8) Applications for Aeronautical Radionavigation Stations, Aeronautical Search and Rescue Stations, and any applications filed by the Civil Air Patrol or its component units in the Safety and Special Radio Services.

(9) Applications for licenses for aircraft stations to operate with only an emergency locator transmitter (ELT); or an application for only an emergency position indicating radio-beacon (EPIRB) station; or an application for modification of a ship station license to include authority for operation of an EPIRB.

(10) Amendments to applications for authorizations in the Safety and Special Radio Services if the amended application on an original filing would not have required a higher fee than that already paid for the application being amended. If a higher fee would have been required than that already paid, the applicant will be required to pay the difference upon filing the amendment. If the fee would have been lower, no refund will be made.

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AUTHORITY: §§ 95.1 to 95.147 issued under secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. Sub-chap. I, III-VI.

SUBPART A—GENERAL

§ 95.1 Basis and purpose.

The rules and regulations set forth in this part are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations. These rules are designed to provide for private short-distance radiocommunications 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. They also provide for procedures whereby manufacturers of radio equipment to be used or operated in the Citizens Radio Service may obtain type acceptance and/or type approval of such equipment as may be appropriate.

§ 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 services.

Citizens Radio Service. A radiocommunications service of fixed, land, and mobile stations intended for short-distance personal or business radiocommunications, radio signaling, and control of remote objects or devices by radio; all to the extent that these uses are not specifically prohibited in this part.

Fixed service. A service of radiocommunication between specified fixed points.

Mobile service. A service of radiocommunication between mobile and land stations or between mobile stations.

(b) Definitions of stations.

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

Class A station. A station in the Citizens Radio Service 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.

Class B station. (All operations terminated as of November 1, 1971.)

Class C station. A station in the Citizens Radio Service 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.

Class D station. A station in the Citizens Radio Service licensed to be operated for radiotelephony, only, on an authorized frequency in the 26.96–27.23 MHz band and on the frequency 27.255 MHz.

Fixed station. A station in the fixed service.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part.)

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For the purpose of this part, the term includes hand-carried and pack-carried units.)

(c) 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.

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.

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.

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.

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 radiocommunication 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.

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 citizens radio 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.

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

§ 95.5 Policy governing the assignment of frequencies.

(a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and the frequencies which are available for use by Class C or Class D stations are listed in Subpart C of this part. 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 Class A stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assign-

ment 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.

(d) 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.

§ 95.6 Types of operation authorized.

(a) Class A 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.

(b) Class C and Class D stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

§ 95.7 General citizenship requirements.

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

SUBPART B—APPLICATIONS AND LICENSES

§ 95.11 Station authorization required.

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

§ 95.13 Eligibility for station license.

(a) Subject to the general restrictions of § 95.7, any person is eligible to hold an authorization to operate a station in the Citizens Radio Service: *Provided*, That if an applicant for a Class A or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; or if an applicant for a Class C station authorization 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) [Reserved]

(c) No person shall hold more than one Class C and one Class D station license.

§ 95.14 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 2508 and 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 this purpose.

§ 95.15 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 the Citizens Radio Service are discussed in § 95.19 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 Class C or Class D new, modified, or renewal station authorizations shall be submitted to the Commission's office at 334 York Street, Gettysburg, Pa. 17325. Applications for Class A station authorizations, applications for consent to transfer of control of a corporation holding any citizens radio station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for any class citizens 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. Beginning January 1, 1973, applicants for Class A stations in the Chicago Regional Area, defined in § 95.19, shall submit their applications to the Commission's Chicago Regional Office. The address of the Regional Office will be announced at a later date. Applications involving Class A or Class D station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and methods employed in testing it to determine compliance with the technical requirements set forth in Subpart C of this part.

(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.

§ 95.17 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.

§ 95.19 Standard forms to be used.

(a) *FCC Form 505. Application for Class C or D Station License in the Citizens Radio Service.* This form shall be used when:

(1) Application is made for a new Class C or Class D authorization. A separate application shall be submitted for each proposed class of station.

(2) Application is made for modification of any existing Class C or Class D station authorization in those

cases where prior Commission approval of certain changes is required (see § 95.35).

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

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

(1) Application is made for a new Class A 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 Class A 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 radiocommunication system in a particular area. An application for Class A mobile station authorization may be combined with the application for a single Class A 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 Class A 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 Class A 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 Class A 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 Class A 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 opera-

tion will be confined. Sufficient data must be submitted to show the need for the proposed area of operation.

(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 citizens radio station authorization.

(d) Beginning April 1, 1972, FCC Form 425 shall be used in lieu of FCC Form 400. Applicants for Class A stations located in the Chicago Regional Area defined to consist of the counties listed below:

ILLINOIS

- | | |
|-----------------|------------------|
| 1. Boone. | 28. Livingston. |
| 2. Bureau. | 29. Logan. |
| 3. Carroll. | 30. Macon. |
| 4. Champaign. | 31. Marshall. |
| 5. Christian. | 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 Daviess. | 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. Vigo. |
| 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. | |

§ 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 Transfer of license prohibited.

A station authorization in the Citizens Radio Service 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.

§ 95.29 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.

§ 95.31 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.

§ 95.33 License term.

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

§ 95.35 Changes in transmitters and authorized stations.

Authority for certain changes in transmitters and authorized stations must be obtained from the Commission before the changes are made, while other changes do not require prior Commission approval. The following paragraphs of this section describe the conditions under which prior Commission approval is or is not necessary.

(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 Class A fixed or base station or control point.

(3) Move, change the height of, or erect a Class A station antenna structure.

(4) Make any change in the type of emission or any increase in bandwidth of emission or power of a Class A station.

(5) Addition or deletion of control point(s) for an authorized transmitter of a Class A station.

(6) Change or increase the area of operation of a

Class A mobile station or a Class A base or fixed station authorized to be operated at temporary locations.

(7) Change the operating frequency of a Class A station.

(b) When the name of a licensee is changed (without changes in the ownership, control, or corporate structure), or when the mailing address of the licensee is changed (without changing the authorized location of the base or fixed Class A station) a formal application for modification of the license is not required. However, the licensee shall notify the Commission promptly of these changes. The 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, as the case may be, and the call signs and classes of all radio stations authorized to the licensee under this part. The notice concerning Class C or D radio stations shall be sent to Federal Communications Commission, Gettysburg, Pa. 17325, and a copy shall be maintained with the records of the station. The notice concerning Class A stations shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) to 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 the appropriate class of station in this 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:

(1) Class C stations operated on frequencies in the 26.99-27.28 MHz band;

(2) Class D stations until November 22, 1974.

(d) Transmitting equipment type accepted for use in Class D stations 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 Section 95.45(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.

(e) Only the manufacturer of the particular unit of equipment type accepted for use in Class D 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.

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

§ 95.37 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a Class 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 take-off 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 Class A 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) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a Class C or D Citizens Radio 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 does 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.

(d) Class 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.

(e) 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."

(f) 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.

SUBPART C—TECHNICAL REGULATIONS

§ 95.41 Frequencies available.

(a) Frequencies available for assignment to Class A stations.

(1) The following frequencies or frequency pairs are available primarily for assignment to base and mobile stations. They may also be assigned to fixed stations as follows:

(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.

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

(2) Conditions governing the operation of stations authorized prior to March 18, 1968:

(i) All base and mobile stations authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph may continue to operate on those frequencies only until January 1, 1970.

(ii) 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.

(iii) Fixed stations, other than those used to control base stations, located less than 100 miles (75 miles if the transmitter power output does not exceed 15 watts) from the center of any urbanized area of 200,000 or more population must discontinue operation by November 1, 1971. However, any operation after January 1, 1970, must be on frequencies listed in subparagraph (1) of this paragraph.

(iv) Fixed stations, located less than 100 miles from the center of any urbanized area of 200,000 or more population, which are used to control base stations and are authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph may continue to operate on those frequencies only until January 1, 1970.

(v) All fixed stations must comply with the applicable technical requirements of subparagraph (1) relating to antennas and radiated signal strength of this paragraph by November 1, 1971.

(vi) Notwithstanding the provisions of subdivisions (i) through (v) of this subparagraph, all stations authorized to operate on frequencies between 465.000 and 465.500 MHz and located within 75 miles of the center of the 20 largest urbanized areas of the United States, may continue to operate on these frequencies only until January 1, 1969. An extension to continue operation on such frequencies until January 1, 1970, may be granted to such station licensees on a case by case basis if the Commission finds that continued operation would not be inconsistent with planned usage of the particular frequency for police purposes. The 20 largest urbanized areas can be found 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."

(b) [Reserved].

(c) Class C mobile stations may employ only amplitude tone modulation or on-off keying of the unmodulated carrier, on a shared basis with other stations in the Citizens Radio Service on the frequencies and under the conditions specified in the following tables:

(1) 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 and subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band, the following frequencies are available:

(MHz)	(MHz)	(MHz)
26.995	27.095	27.195
27.045	27.145	27.255

¹ The frequency 27.255 MHz also is shared with stations in other services.

(2) Subject to the conditions that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on Channels 4 or 5; and that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies in the band, the following frequencies are available solely for the radio remote control of models used for hobby purposes:

(1) For the radio remote control of any model used for hobby purposes:

MHz	MHz	MHz
72.16	72.32	72.96

(ii) For the radio remote control of aircraft models only:

MHz	MHz	MHz
72.08	72.24	72.40
75.64		

(d) The frequencies listed in the following tables are available for use by Class D mobile stations employing radiotelephony only, on a shared basis with other stations in the Citizens Radio Service, and subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96-27.28 MHz band.

(1) The following frequencies, commonly known as channels, may be used for communication between units of the same station (intrastation) or different stations (interstation):

MHz	Channel	MHz	Channel
26.965	1	27.125	14
26.975	2	27.135	15
26.985	3	27.155	16
27.005	4	27.165	17
27.015	5	27.175	18
27.025	6	27.185	19
27.035	7	27.205	20
27.055	8	27.215	21
27.075	10	27.225	22
27.105	12	27.255	23
27.115	13		

(2) The frequency 27.065 MHz (Channel 9) shall be used solely for:

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

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

(3) The frequency 27.085 MHz (Channel 11) shall be used only as a calling frequency for the sole purpose of establishing communications and moving to another frequency (channel) to conduct communications.

NOTE: A licensee, before using Channel 9, must make a determination that his communication is either or both (a) an emergency communication or (b) is necessary to render assistance to a motorist. To be an emergency communication, the message must have some direct relation to the immediate safety of life or immediate protection of property. If no immediate action is required, it is not an emergency. What may not be an emergency under one set of circumstances may be an emergency under different circumstances. There are many worthwhile public service communications that do not qualify as emergency communications. In the case of motorist assistance, the message must be necessary to assist a particular motorist and not, except in a valid emergency, motorists in general. If the communications are to be lengthy, the exchange should be shifted to another channel, if feasible, after contact is established. No nonemergency or nonmotorist assistance communications are permitted on Channel 9 even for the limited purpose of calling a licensee monitoring a channel to ask him to switch to another channel. Although Channel 9 may be used for marine emergencies, it should not be considered a substitute for the authorized marine distress system. The Coast Guard has stated it will not "participate directly in the Citizens Radio Service by fitting with and/or providing a watch on any Citizens Band Channel. (Coast Guard Commandant Instructions 2302.6.)"

The following are examples of permitted and prohibited types of communications. They are guidelines and are not intended to be all inclusive.

Permitted	Example message
Yes-----	"A tornado sighted six miles north of town."
No-----	"This is observation post number 10. No tornadoes sighted."
Yes-----	"I am out of gas on Interstate 95."
No-----	"I am out of gas in my driveway."
Yes-----	"There is a four-car collision at Exit 10 on the Beltway, send police and ambulance."
No-----	"Traffic is moving smoothly on the Beltway."
Yes-----	"Base to Unit 1, the Weather Bureau has just issued a thunderstorm warning. Bring the sailboat into port."
No-----	"Attention all motorists. The Weather Bureau advises that the snow tomorrow will accumulate 4 to 6 inches."
Yes-----	"There is a fire in the building on the corner of 6th and Main Streets."
No-----	"This is Halloween patrol unit number 3. Everything is quiet here."

The following priorities should be observed in the use of Channel 9.

1. Communications relating to an existing situation dangerous to life or property, i.e., fire, automobile accident.
2. Communications relating to a potentially hazardous situation, i.e., car stalled in a dangerous place, lost child, boat out of gas.
3. Road assistance to a disabled vehicle on the highway or street.
4. Road and street directions.

(e) Upon specific request accompanying application for renewal of station authorization, a Class A station in this service, which was authorized to operate on a frequency in the 460-461 MHz band until March 31, 1967, may be assigned that frequency for continued use until not later than March 31, 1968, subject to all other provisions of this part.

§ 95.43 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 Class D 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
A	50
C-27.255 MHz	25
C-26.995-27.195 MHz	4
C-72-76 MHz	0.75
D-Carrier (where applicable)	4
D-Peak envelope power (where applicable)	12

§ 95.44 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 Class D station.

NOTE: An external radio frequency power amplifier at a Class D 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 Class D 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.

§ 95.45 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
A	0.00025	0.0005
C		.005
D		.005

(b) Transmitters used at Class 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) Class A 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.

§ 95.47 Types of emission.

(a) Except as provided in paragraph (e) of this section, Class A stations in this service will normally be authorized to transmit radiotelephony only. However, the use of tone signals or signalling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or establish and maintain voice communications, is permitted. The use of tone signals solely to attract attention is prohibited.

(b) [Reserved]

(c) Class C stations 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. The transmission of any form of telegraphy, telephony or recorded communications by a Class C station is prohibited. Telemetry, 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.

(d) Transmitters used at Class D stations in this service are authorized to use amplitude voice modulation, either single or double sideband. Tone signals or signalling devices may be used only 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. The use of any signals solely to attract attention or for the control of remote objects or devices is prohibited.

(e) Other types of emission not described in paragraph (a) of this section may be authorized for Class A citizens radio stations upon a showing of need therefor. 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 bandwidth, reference should be made to Part 2 of this chapter.

§ 95.49 Emission limitations.

(a) Each authorization issued to a Class A citizens 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) [Reserved]

(c) The authorized bandwidth of the emission of any transmitter employing amplitude modulation shall be 8

kHz for double sideband, 4 kHz for single sideband and the authorized bandwidth of the emission of transmitters employing frequency or phase modulation (Class F2 or F3) shall be 20 kHz. The use of Class F2 and F3 emissions in the frequency band 26.96-27.28 MHz is not authorized.

(d) 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 plus 10 log₁₀ (mean power in watts) decibels.

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

§ 95.51 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 Class D 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 Class A 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 Class A 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:

$60 \log_{10} (f/3)$ 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 Class A stations shall not exceed ± 5 kHz.

§ 95.53 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 citizens radio station licensee receives a notice of violation indicating that the station has been operated contrary to any of the provisions contained in Subpart C 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.

§ 95.55 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) Class A stations: All transmitters shall be type accepted.

(b) Class 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) Class D 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) Transmitters which are equipped to operate on any frequency not included in § 95.41(d) (1) may not be installed at, or used by, any Class D stations 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.

(d) With the exception of equipment type approved for use at a Class 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.

§ 95.57 Procedure for type acceptance of equipment.

(a) Any manufacturer of a transmitter built for use in this service, except noncrystal controlled transmitters for use at Class 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 individually 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 § 95.41(d) (1) will not be type accepted for use at Class D 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.

§ 95.58 Additional requirements for type acceptance.

(a) All transmitters shall be crystal controlled.

(b) Except for transmitters type accepted for use at Class A stations, transmitters shall not include any provisions for increasing power to levels in excess of the pertinent limits specified in Section 95.43.

(c) In addition to all other applicable technical requirements set forth in this part, transmitters for which type acceptance is requested after May 24, 1974, for use at Class D 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 not provide more than 23 transmitting frequencies, and the frequency selector shall be limited to a single control.

(3) Other than the channel selector switch, all transmitting frequency determining circuitry, including crystals, employed in Class D, station equipment shall be internal to the equipment and shall not be accessible from the exterior of the equipment cabinet or operating panel.

(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 after May 24, 1974, for use at Class D 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.

§ 95.59 Submission of noncrystal controlled Class C station transmitters for type approval.

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

§ 95.61 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.

§ 95.63 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.

§ 95.65 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.

§ 95.67 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 Citizens Radio Service, 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.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 95.81 Permissible communications.

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

- (a) Communications to facilitate the personal or business activities of the licensee.
- (b) Communication relating to:
 - (1) The immediate safety of life or the immediate protection of property in accordance with § 95.85.
 - (2) The rendering of assistance to a motorist, mariner or other traveler.
 - (3) Civil defense activities in accordance with § 95.121.
 - (4) Other activities only as specifically authorized pursuant to § 95.87.
- (c) Communications with stations authorized in other radio services except as prohibited in § 95.83 (a) (3).

§ 95.83 Prohibited communications.

- (a) A citizens radio 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 (other than as provided in Subpart E of this part) except for communications pursuant to §§ 95.85(b) and 95.121.
 - (4) To convey program material for retransmission, live or delayed, on a broadcast facility. Note: A Class A or Class D station may be used in connection with, administrative, engineering, or maintenance activities of a broadcasting station; a Class A or Class C station may be used for control functions by radio which do not involve the transmission of program material; and a Class A or Class D station may be used in the gathering of news items or preparation of programs: *Provided*, that the actual or recorded transmissions of the Citizens radio 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 Class D 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 Citizens radio station who is engaged in the business of selling Citizens 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.

§ 95.85 Emergency and assistance to motorist use.

(a) All citizens radio 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 (§ 95.41(d)); prohibited uses (§ 95.83(a)(3)); operation by or on behalf of persons other than the licensee (§ 95.87); and duration of transmissions (§ 95.91(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 transmission (§ 95.91(b)) shall not apply.

(3) The exemptions granted from certain rule provisions in subparagraphs (1) and (2) of this para-

graph 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.

§ 95.87 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) Citizens radio 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) Licensee proposes the shared or cooperative use of a Class 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 Class A stations, or with units of other Class A 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 non-profit, 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 non-profit, 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 citizens radio station licensee shall not be permitted to operate any citizens radio station of the same class licensed to another person until such time as he again has been issued a valid radio station license of that class, 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.

§ 95.89 Telephone answering services.

(a) Notwithstanding the provisions of § 95.87, 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 citizens radio 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 citizens radio station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

§ 95.91 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 Class D 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 Class D station (intrastation) shall be restricted to the minimum practicable transmission.

(d) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits in accordance with § 95.47 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.

(e) 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. However, while it is actually being used to control model aircraft in flight by means of interrupted tone modulation of its carrier, a citizens radio 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.

§ 95.93 Tests and adjustments.

All tests or adjustments of citizens 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 in-

stallation 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 § 95.95, but may otherwise be unmodulated as appropriate.

§ 95.95 Station identification.

(a) The call sign of a citizens radio station shall consist of three 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 citizens radio 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 citizens radio station need not be identified when the station (1) is a Class A station which 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, Class A base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed stations of a Class A radio system 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 of a Class A station communicating with a base station of a Class A radio system on the same frequency shall transmit once during each exchange of transmissions any unit identifier which is on file in the station records of such base station.

(3) A mobile unit of Class A stations communicating with a base station of a Class A radio system 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.

§ 95.97 Operator license requirements.

(a) No operator license is required for the operation of a citizens radio station except that stations man-

ually transmitting Morse Code shall be operated by the holders of a third or higher class radiotelegraph operator license.

(b) 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.

(c) Except as provided in § 95.53 and in paragraph (d) 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 Class C transmitters, or Class D 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 nonfactory 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 Class C or Class D 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.

(d) Any tests and adjustments necessary to correct any deviation of a transmitter of any Class of 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.

§ 95.101 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 Class C or Class D 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.

§ 95.103 Inspection of stations and station records.

All stations and records of stations in the Citizens Radio 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.

§ 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 Part 95, Citizens Radio Service, of this chapter.

§ 95.107 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.

§ 95.111 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.

§ 95.113 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 § 95.53, 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.

visions of § 95.53, 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.

§ 95.115 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.

§ 95.117 Station location.

(a) The specific location of each Class A base station and each Class A fixed station and the specific area of operation of each Class A mobile station shall be indicated in the application for license. An authorization may be granted for the operation of a Class 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 Class 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 Class C or Class D mobile station may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section.

(d) 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.

§ 95.119 Control points, dispatch points, and remote control.

(a) 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. Each Class A 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 Class A stations employing special emissions pursuant to § 95.47(e). Authority for such exception must be shown on the license.

(b) A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the proper operation of the transmitter. No authorization is required to install dispatch points.

(c) Remote control of a Citizens radio station means the 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 remote control. A Class 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.

(d) Operation of any Class C or Class D station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

§ 95.121 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) [Reserved]

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

(d) 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.

(e) 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.

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

SUBPART E—OPERATION OF CITIZENS RADIO STATIONS IN THE UNITED STATES BY CANADIANS

§ 95.131 Basis, purpose and scope.

(a) The rules in this subpart are based on, and are applicable solely to the agreement (TIAS #6931) between the United States and Canada, effective July 24, 1970, which permits Canadian stations in the General Radio Service to be operated in the United States.

(b) The purpose of this subpart is to implement the agreement (TIAS #6931) between the United States and Canada by prescribing rules under which a Canadian licensee in the General Radio Service may operate his station in the United States.

§ 95.133 Permit required.

Each Canadian licensee in the General Radio Service desiring to operate his radio station in the United States, under the provisions of the agreement (TIAS #6931), must obtain a permit for such operation from the Federal Communications Commission. A permit for such operation shall be issued only to a person holding a valid license in the General Radio Service issued by the appropriate Canadian governmental authority.

§ 95.135 Application for permit.

(a) Application for a permit shall be made on FCC Form 410-B. Form 410-B may be obtained from the Commission's Washington, D.C., office or from any of

the Commission's field offices. A separate application form shall be filed for each station or transmitter desired to be operated in the United States.

(b) The application form shall be completed in full in English and signed by the applicant. The application must be filed by mail or in person with the Federal Communications Commission, Gettysburg, Pa. 17325, U.S.A. To allow sufficient time for processing, the application should be filed at least 60 days before the date on which the applicant desires to commence operation.

(c) The Commission, at its discretion, may require the Canadian licensee to give evidence of his knowledge of the Commission's applicable rules and regulations. Also the Commission may require the applicant to furnish any additional information it deems necessary.

§ 95.137 Issuance of permit.

(a) The Commission may issue a permit under such conditions, restrictions and terms as it deems appropriate.

(b) Normally, a permit will be issued to expire 1 year after issuance but in no event after the expiration of the license issued to the Canadian licensee by his government.

(c) If a change in any of the terms of a permit is desired, an application for modification of the permit is required. If operation beyond the expiration date of a permit is desired an application for renewal of the permit is required. Application for modification or for renewal of a permit shall be filed on FCC Form 410-B.

(d) The Commission, in its discretion, may deny any application for a permit under this subpart. If an application is denied, the applicant will be notified by letter. The applicant may, within 30 days of the mailing of such letter, request the Commission to reconsider its action.

§ 95.139 Modification or cancellation of permit.

At any time the Commission may, in its discretion, modify or cancel any permit issued under this subpart.

In this event, the permittee will be notified of the Commission's action by letter mailed to his mailing address in the United States and the permittee shall comply immediately. A permittee may, within 30 days of the mailing of such letter, request the Commission to reconsider its action. The filing of a request for reconsideration shall not stay the effectiveness of that action, but the Commission may stay its action on its own motion.

§ 95.141 Possession of permit.

The current permit issued by the Commission, or a photocopy thereof, must be in the possession of the operator or attached to the transmitter. The license issued to the Canadian licensee by his government must also be in his possession while he is in the United States.

§ 95.143 Knowledge of rules required.

Each Canadian permittee, operating under this subpart, shall have read and understood this Part 95, Citizens Radio Service.

§ 95.145 Operating conditions.

(a) The Canadian licensee may not under any circumstances begin operation until he has received a permit issued by the Commission.

(b) Operation of a station by a Canadian licensee under a permit issued by the Commission must comply with all of the following:

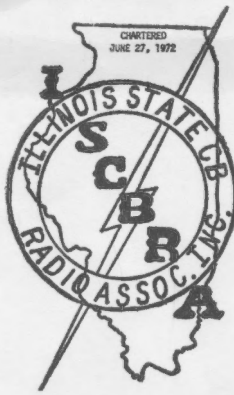
- (1) The provisions of this subpart and of Subparts A through D of this part.
- (2) Any further conditions specified on the permit issued by the Commission.

§ 95.147 Station identification.

The Canadian licensee authorized to operate his radio station in the United States under the provisions of this subpart shall identify his station by the call sign issued by the appropriate authority of the government of Canada followed by the station's geographical location in the United States as nearly as possible by city and state.

PRESIDENT

PH.: _____



VICE PRESIDENT

PH.: _____

TREASURER
DWIGHT E. ALLEN

R. R. #2

OREGON, IL 61061

PH.: **(815) 652-4555**

EXECUTIVE SECRETARY

PH.: _____

PH.: _____

April 7, 1976

Dear Betty Ford:

Welcome to the C B
World. I hope you bought a book on
the Rules and Regulations Part 95 as
you should have read that before you sent
for a license that is the first rule. If
you have used your C B you know by now
we need more Channels maybe you can
help us get more. I made you a C B
badge with your temporary license
Number we are it proudly
73rd & 88th

Dwight E. Allen



1976 APR 12 AM 10 19

THE WHITE HOUSE
SOCIAL CORRESPONDENCE

PH: (812) 625-4222
OFFICE 21001
21001
21001
21001

PH: _____

EXECUTIVE SECRETARY

PH: _____

PH: _____

PRESIDENT



PH: _____

VICE PRESIDENT

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ITEM TRANSFER FORM

The item described below has been transferred from this file to:

_____ Audiovisual Unit
_____ Oversized Container
_____ Book Collection
 X Ford Museum in Grand Rapids

Item: 1 blue and white badge with "FIRST LADY, KUY 9532" on the front.

The item was transferred from: Betty Ford White House Papers
Box 5
Folder: Citizen Band Radio Information

ACCESSION NUMBER (A/V & Museum Transfers only): 1979-NLF-010

Initials/Date SD/3-15-2017

FIRST LADY

KUY 9532



FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

April 2, 1976

IN REPLY REFER TO:

Call sign: KUY 9532

sta-ch

Units: 5

Expiration Date: 7-2-76

Class: D

Elizabeth B. Ford
The White House
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20500

Dear Citizens Band Applicant:

Special Temporary Authority is hereby granted for you to operate your Citizens Radio Service station using the temporary call sign and the number of units listed above. Your application for a permanent license will be processed and a different call sign will be issued. You must identify your radio station before and after each transmission with the above call sign. All operations must be in compliance with Part 95 of the Rules. This authority may be revoked by the Commission in its discretion at any time, and expires on the above date.

Sincerely yours,

for John B. Johnston
Charles A. Higinbotham
Chief, Safety and Special
Radio Services Bureau



FCC Rules and Regulations

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AUTHORITY: §§95.1 to 95.147 issued under secs. 4,303,48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. Sub-chap. I, III-VI.

SUBPART A - GENERAL

§ 95.1 Basis and Purpose

The rules and regulations set forth in this part are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations. These rules are designed to provide for private short - distance radiocommunications 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. They also provide for procedures whereby manufacturers of radio equipment to be used or operated in the Citizens Radio Service may obtain type acceptance and/or type approval of such equipment as may be appropriate.

§ 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 services.

Citizens Radio Service. A radiocommunications service of fixed, land, and mobile stations intended for short - distance personal or business radiocommunications, radio signaling, and control of remote objects or devices by radio; all to the extent that these uses are not specifically prohibited in this part.

Fixed Service. A service of radiocommunication between specified fixed points.

Mobile service. A service of radiocommunication between mobile and land stations or between mobile stations.

(b) Definitions of stations.

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

Class A station. A station in the Citizens Radio Service licensed to be operated on assigned frequency in the 460-470 MHz band with a transmitter output power of not more than 50 watts.

Class B station. (All operations terminated as of November 1, 1971.)

Class C station. A station in the Citizens Radio Service 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.

Class D station. A station in the Citizens Radio Service licensed to be operated for radiotelephony, only, on an authorized frequency in the 26.96 - 27.23 MHz band and on the frequency 27.255 MHz.

Fixed station. A station in the fixed service.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part.)

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For the purposes of this part, the term includes hand-carried and pack-carried units.)

(c) Miscellaneous definitions.

Antenna structures. 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.

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.

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.

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.

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 radionavigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with applicable laws, treaties, and regulations.

Made-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 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.

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 citizens radio 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.

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

§ 95.5 Policy governing the assignment of frequencies

(a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and the frequencies which are available for use by Class C or Class D stations are listed in Subpart C of this part. 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 Class A 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.

(d) 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.

§ 95.6 Types of operation authorized

(a) Class A 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.

(b) Class C and Class D stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

§ 95.7 General citizenship restrictions

A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

SUBPART B APPLICATIONS AND LICENSES

§ 95.11 Station authorization required

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

§ 95.13 Eligibility For station license

(a) Subject to the general restrictions of § 95.7, any person is eligible to hold an authorization to operate a station in the Citizens Radio Service: *Provided*, That if an applicant for a Class A or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; or if an applicant for a Class C station authorization is an individual or partnership, such individual or each partner is twelve or more years of age. An un-incorporated 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) (Reserved)

(c) No person shall hold more than one Class C and one Class D station license:

§ 95.15 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 the Citizens Radio Service are discussed in § 95.19 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 Class C or Class D new, modified, or renewal station authorizations shall be submitted to the Commission's office at 334 York Street, Gettysburg, Pa. 17325. Applications for Class A station authorizations, applications for consent to transfer of control of a corporation holding any citizens radio station authorization, requests for special temporary authority or other special requests

and correspondence relating to an application for any class citizens 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.

Beginning January 1, 1973, applicants for Class A stations in the Chicago Regional Area, defined in § 95.19, shall submit their applications to the Commission's Chicago Regional Office. The address of the Regional Office will be announced at a later date. Applications involving Class A or Class D station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and methods employed in testing it to determine compliance with the technical requirements set forth in Subpart C of this part.

(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.

§ 95.17 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 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.

§ 95.19 Standard forms to be used

(a) *FCC Form 505, Application for Class C or D Station License in the Citizens Radio Service.* This form shall be used when:

(1) Application is made for a new Class C or Class D authorization. A separate application shall be submitted for each proposed class of station.

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

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

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

(1) Application is made for a new Class A 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 Class A 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 radiocommunication system in a particular area. An application for Class A mobile station

authorization may be combined with the application for a single Class A 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 Class A 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 Class A 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 Class A 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 I of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part I.

(7) Application is made for an authorization for a new Class A 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 tem-

porary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary locations. 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.

(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 citizens radio station authorization.

(d) Beginning April 1, 1972, FCC Form 425 shall be used in lieu of FCC Form 400, applicants for Class A stations located in the Chicago Regional Area defined to consist of the counties listed below:

ILLINOIS		31. Marshall.	7. Cass.	39. Pulaski.	5. Calhoun.	2. Brown.
1. Boone.	32. Mason.	9. Clinton.	8. Clay.	40. Putnam.	6. Cass.	3. Calumet.
2. Bureau.	33. McHenry.	10. De Kalb.	9. Clinton.	41. Randolph.	7. Clinton.	4. Columbia.
3. Carroll.	34. McLean.	11. Delaware.	10. De Kalb.	42. St. Joseph.	8. Eaton.	5. Dane.
4. Champaign.	35. Menard.	12. Elkhart.	11. Delaware.	43. Starke.	9. Hillsdale.	6. Dodge.
5. Christian.	36. Mercer.	13. Fountain.	12. Elkhart.	44. Steuben.	10. Ingham.	7. Door.
6. Clark.	37. Moultrie.	14. Fulton.	13. Fountain.	45. Tippecanoe.	11. Ionia.	8. Fond du Lac.
7. Coles.	38. Ogle.	15. Grant.	14. Fulton.	46. Tipton.	12. Jackson.	9. Grant.
8. Cook.	39. Peoria	16. Hamilton.	15. Grant.	47. Vermilion.	13. Kalamazoo.	10. Green.
9. Cumberland.	40. Piatt.	17. Hancock.	16. Hamilton.	48. Vigo.	14. Kent.	11. Green Lake.
10. De Kalb.	41. Putnam.	18. Hendricks.	17. Hancock.	49. Wabash.	15. Lake.	12. Iowa.
11. De Witt.	42. Rock Island.	19. Henry.	18. Hendricks.	50. Warren.	16. Mason.	13. Jefferson.
12. Douglas.	43. Sangamon.	20. Howard.	19. Henry.	51. Wells.	17. Mecosta.	14. Juneau.
13. Du Page.	44. Shelby.	21. Huntington.	20. Howard.	52. White.	18. Montcalm.	15. Kenosha.
14. Edgar.	45. Stark.	22. Jasper.	21. Huntington.	53. Whitley.	19. Muskegon.	16. Kewaunee.
15. Ford.	46. Stephenson.	23. Jay.	22. Jasper.		20. Newaygo.	17. Lafayette.
16. Fulton.	47. Tazewell.	24. Kosciusko.	23. Jay.	IOWA		18. Manitowoc.
17. Grundy.	48. Vermilion.	25. Lake.	24. Kosciusko.	1. Cedar.	21. Oceana.	19. Marquette.
18. Henry.	49. Warren	26. Lagrange.	25. Lake.	2. Clinton.	22. Ottawa.	20. Milwaukee.
19. Iroquois.	50. Whiteside.	27. La Porte.	26. Lagrange.	3. Dubuque.	23. St. Joseph.	21. Outagamie.
20. Jo Daviess.	51. Will.	28. Madison.	27. La Porte.	4. Jackson.	24. Van Buren.	22. Ozaukee.
21. Kane.	52. Winnebago.	29. Marion.	28. Madison.	5. Jones.	OHIO	
22. Kankakee.	53. Woodford.	30. Marshall.	29. Marion.	6. Muscatine.	1. DeFiance.	23. Racine.
23. Kendall.	INDIANA		30. Marshall.	7. Scott.	2. Mercer.	24. Richland.
24. Knox.	1. Adams.	31. Miami.	31. Miami.		3. Paulding.	25. Rock.
25. Lake.	2. Allen.	32. Montgomery.	32. Montgomery.	MICHIGAN	4. Van Wert.	26. Sauk.
26. La Salle.	3. Benton.	33. Morgan.	33. Morgan.	1. Allegan.	5. Williams.	27. Sheboygan.
27. Lee.	4. Blackford.	34. Newton.	34. Newton.	2. Barry.	WISCONSIN	
28. Livingston.	5. Boone.	35. Noble.	35. Noble.	3. Berrien.	1. Adams.	30. Waukesha.
29. Logan.	6. Carroll.	36. Owen.	36. Owen.	4. Branch.		31. Waupaca.
30. Macon.		37. Parke.	37. Parke.			32. Waushara.
		38. Porter.	38. Porter.			33. Winnebago.

§ 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 Transfer of license prohibited

A station authorization in the Citizens Radio Service 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.

§ 95.29 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 ap-

plication 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.

§ 95.31 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.

tion 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.

§ 95.33 License term

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

§ 95.35 Changes in transmitters and authorized stations

Authority for certain changes in transmitters and authorized stations must be obtained from the Commission before the changes are made, while other changes do not require prior Commission approval. The following paragraphs of this section describe the conditions under which prior Commission approval is or is not necessary.

(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 Class A fixed or base station or control point.

(3) Move, change the height of, or erect a Class A station antenna structure.

(4) Make any change in the type of emission or any increase in bandwidth of emission of power of a Class A station.

(5) Addition or deletion of control point(s) for an authorized transmitter of a Class A station.

(6) Change or increase the area of operation of a Class A mobile station or a Class A base or fixed station authorized to be operated at temporary locations.

(7) Change the operating frequency of a Class A station.

(b) When the name of a licensee is changed (without changes in the ownership, control, or corporate structure), or when the mailing address of the licensee is changed (without changing the authorized location of the base or fixed Class A station) a formal application for modification of the licensee is not required. However, the licensee shall notify the Commission promptly of these changes. The 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, as the case may be, and the call signs and classes of all radio stations authorized to the licensee under this part.

The notice concerning Class C or D radio stations shall be sent to Federal Communications Commission, Gettysburg, Pa. 17325, and a copy shall be maintained with the records of the station. The notice concerning Class A stations shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) to 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 the appropriate class of station in this service. Provided it is crystal-controlled and otherwise complies with the power, frequency tolerance, emission and modulation percentage limitations prescribed, non-type accepted equipment may be substituted at:

(1) Class C stations operated on frequencies in the 26.99-27.26 MHz band;

(2) Class D stations until November 22, 1974.

(d) Transmitting equipment type accepted for use in Class D stations 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 Section 95.45 (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.

(e) Only the manufacturer of the particular unit of equipment type accepted for use in Class D 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.

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

§ 95.37 Limitations on antenna structures

(a) Except as provided in paragraph (b) of this section, an antenna for a Class 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

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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 Class A 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) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a Class C or D Citizens Radio 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 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 does 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.

(d) Class 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.

(e) 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."

(f) Subpart I or Part I 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 800.2 (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 of 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.

SUBPART C - TECHNICAL REGULATIONS

§ 95.41 Frequencies available

(a) Frequencies available for assignment to Class A stations

(1) The following frequencies or frequency pairs are available primarily for assignment to base and mobile stations. They may also be assigned to fixed stations as follows:

(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 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.

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

(2) Conditions governing the operation of stations authorized prior to March 18, 1968:

(i) All base and mobile stations authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph may continue to operate on those frequencies only until January 1, 1970.

(ii) 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.

(iii) Fixed stations, other than those used to control base stations, located less than 100 miles (75 miles if the transmitter power output does not exceed 15 watts) from the center of any urbanized area of 200,000 or more population must discontinue operation by November 1, 1971. However, any operation after January 1, 1970, must be on frequencies listed in subparagraph (1) of this paragraph.

(iv) Fixed stations, located less than 100 miles from the center of any urbanized area of 200,000 or more population, which are used to control base stations and are authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph may continue to operate on those frequencies only until January 1, 1970.

(v) All fixed stations must comply with the applicable technical requirements of subparagraph (1) relating to antennas and radiated signal strength of this paragraph by November 1, 1971.

(vi) Notwithstanding the provisions of subdivisions (i) through (v) of this subparagraph, all stations authorized to operate on frequencies between 465,000 and 465,500 MHz and located within 75 miles of the center of the 20 largest urbanized areas of the United States, may

continue to operate on these frequencies only until January 1, 1969. An extension to continue operation on such frequencies until January 1, 1970, may be granted to such station licensees on a case by case basis if the Commission finds that continued operation would not be inconsistent with planned usage of the particular frequency for police purposes. The 20 largest urbanized areas can be found 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."

(b) (Reserved)

(c) Class C mobile stations may employ only amplitude tone modulation or on-off keying of the unmodulated carrier, on a shared basis with other stations in the Citizens Radio Service on the frequencies and under the conditions specified in the following tables:

(1) 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 and subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96 - 27.28 MHz band, the following frequencies are available:

(MHz)	(MHz)	(MHz)
26.995	27.095	27.195
27.045	27.145	27.255

¹The frequency 27.255 MHz also is shared with stations in other services.

(2) Subject to the conditions that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on Channels 4 or 5; and that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies are available solely for the radio remote control of models used for hobby purposes:

(i) For the radio remote control of any model used for hobby purposes:

MHz	MHz	MHz
72.16	72.32	72.96

(ii) For the radio remote control of aircraft models only:

MHz	MHz	MHz
72.08	72.24	72.40
75.64		

(d) The frequencies listed in the following tables are available for use by Class D mobile stations employing radiotelephony only, on a shared basis with other stations in the Citizens Radio Service, and subject to no protection from interference due to the operation of

industrial, scientific, or medical devices within the 26.96 - 27.28 MHz band.

(1) The following frequencies, commonly known as channels, may be used for communication between units of the same station (intrastation) or different stations (interstation):

MHz	Channel
26.965	1
26.975	2
26.985	3
27.005	4
27.015	5
27.025	6
27.035	7
27.055	8
27.075	10
27.105	12
27.115	13
27.125	14
27.135	15
27.155	16
27.165	17
27.175	18
27.185	19
27.205	20
27.215	21
27.225	22
27.255	23

(2) The frequency 27.065 MHz (Channel 9) shall be used solely for:

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

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

NOTE: A licensee, before using Channel 9, must make a determination that his communication is either or both (a) an emergency communication or (b) is necessary to render assistance to a motorist. To be an emergency communication, the message must have some direct relation to the immediate safety of life or immediate protection of property. If no immediate action is required, it is not an emergency. What may not be an emergency under one set of circumstances may be an emergency under different circumstances. There are many worthwhile public service communications that do not qualify as emergency communications. In the case of motorist assistance, the message must be necessary to assist a particular motorist and not, except in a valid emergency, motorists in general.

If the communications are to be lengthy, the exchange should be shifted to another channel, if feasible, after contact is established. No nonemergency or non-motorist assistance communications are permitted on Channel 9 even for the limited purpose of calling a licensee monitoring a channel to ask him to switch to another channel. Although Channel 9 may be used for marine emergencies, it should not be considered a substitute for the authorized marine distress system. The Coast Guard has stated it will not

"participate directly in the Citizens Radio Service by fitting with and/or providing a watch on any Citizens Band Channel. (Coast Guard Commandant Instruction 2302.6.)"

The following are examples of permitted and prohibited types of communications. They are guidelines and are not intended to be all inclusive.

Permitted	Example message
Yes...	"A tornado sighted six miles north of town."
No...	"This is observation post number 10. No tornadoes sighted."
Yes...	"I am out of gas on Interstate 95."
No...	"I am out of gas in my driveway."
Yes...	"There is a four-car collision at Exit 10 on the Beltway, send police and ambulance."
No...	"Traffic is moving smoothly on the Beltway."
Yes...	"Base to Unit 1, the Weather Bureau has just issued a thunderstorm warning. Bring the sailboat into port."
No...	"Attention all motorists. The Weather Bureau advises that the snow tomorrow will accumulate 4 to 6 inches."
Yes..	"There is a fire in the building on the corner of 6th and Main Streets."
No...	"This is Halloween patrol unit number 3. Everything is quiet here."

The following priorities should be observed in the use of Channel 9.

1. Communications relating to an existing situation dangerous to life or property, e.g., fire, automobile accident.
2. Communications relating to a potentially hazardous situation, i.e., car stalled in a dangerous place, lost child, boat out of gas.
3. Road assistance to a disabled vehicle on the highway or street.
4. Road and street directions.

(3) The frequency 27.085 MHz (Channel 11) shall be used only as a calling frequency for the sole purpose of establishing communications and moving to another frequency (channel) to conduct communications.

(e) Upon specific request accompanying application for renewal of station authorization, a Class A station in this service, which was authorized to operate on a frequency in the 460-461 MHz band until March 31, 1967, may be assigned that frequency for continued use until not later than March 31, 1968, subject to all other provisions of this part.

§ 95.43 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 Class D 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
A.....	50
C-27.255 MHz.....	25
c-26.995-27.195MHz.....	4
C-72-76 MHz.....	0.75
D-Carrier (where applicable).....	4
D-Peak envelope power (where applicable).....	1 ²

§ 95.44 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 Class D station.

NOTE: An external radio frequency power amplifier at a Class D 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 Class D 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.

§ 95.45 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	Fixed and Mobile base
A.....	0.0005 0.00025
C.....	0.005
D.....	0.005

(b) Transmitters used at Class 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) Class A 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.

§ 95.47 Types of emission

(a) Except as provided in paragraph (e) of this section, Class A stations in this service will normally be authorized to

transmit radiotelephony only. However, 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 establish and maintain voice communications, is permitted. The use of tone signals solely to attract attention is prohibited.

(b) (Reserved)

(c) Class C stations 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. The transmission of any form of telegraphy, telephony or record communications by a Class C station is prohibited. Telemetry, 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.

(d) Transmitters used at Class D stations in this service are authorized to use amplitude voice modulation, either single or double sideband. Tone signals or signaling devices may be used only 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. The use of any signals solely to attracting attention or for the control of remote objects or devices is prohibited.

(e) Other types of emission not described in paragraph (a) of this section may be authorized for Class A citizens radio stations upon a showing of need therefor. 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 bandwidth, reference should be made to Part 2 of this chapter.

§ 95.49 Emission limitations

(a) Each authorization issued to a Class A citizens 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) (Reserved)

(c) The authorized bandwidth of the emission of any transmitter employing amplitude modulation shall be 8 kHz for double sideband, 4 kHz for single sideband and the authorized bandwidth of the emission of transmitters employing frequency or phase modulation (Class F2 or F3) shall be 20 kHz. The use of Class F2 and F3 emissions in the frequency band 26.96 - 27.28 MHz is not authorized.

(d) 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 plus $10 \log 10$ (mean power in watts) decibels.

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

§ 95.51 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 Class D 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 Class A 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 Class A 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 modulation 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:

$$60 \log 10^{10} (f/3) \text{ decibels}$$

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 Class A stations shall not exceed +5 kHz.

§ 95.53 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 citizens radio station licensee receives a notice of violation indicating that the station has been operated contrary to any of the provisions contained in Subpart C 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.

§ 95.55 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) Class A stations: All transmitters shall be type accepted.

(b) Class 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) Class D 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) Transmitters which are equipped to operate on any frequency not included in § 95.41 (d) (1) may not be installed at, or used by, any Class D 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.

(d) With the exception of equipment type approved for use at a Class 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.

§ 95.57 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 Class 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 transmitter, if accepted, will not normally be included on the Commission's "Radio Equipment List", but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type

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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 § 95.41 (d) (1) will not be type accepted for use at Class S 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.

§ 95.58 Additional requirements for type acceptance

(a) All transmitters shall be crystal controlled.

(b) Except for transmitters type accepted for use at Class A stations, transmitters shall not include any provisions for increasing power to levels in excess of the pertinent limits specified in Section 95.43.

(c) In addition to all other applicable technical requirements set forth in this part, transmitters for which type acceptance is requested after May 24, 1974, for use at Class D 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 not provide more than 23 transmitting frequencies, and the frequency selector shall be limited to a single control.

(3) Other than the channel selector switch, all transmitting frequency determining circuitry, including crystals, employed in Class D station equipment shall be internal to the equipment and shall not be accessible from the exterior of the equipment cabinet or operating panel.

(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 or 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 de-rated 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 after May 24, 1974, for use at Class D stations. Approval of additional controls, connections or devices may be given after consideration of the function 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 of 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.

§ 95.59 Submission of noncrystal controlled Class C Station transmitters for type approval

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

§ 95.61 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.

§ 95.63 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 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.

§ 95.65 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.

§ 95.67 Certificate of type approval

A certificate of notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the Citizens Radio Service, 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.

§ 95.81 Permissible communications

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

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

(b) Communication relating to:

(1) the immediate safety of life or the immediate protection of property in accordance with § 95.85.

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

(3) civil defense activities in accordance with § 95.121.

(4) other activities only as specifically authorized pursuant to § 95.87.

(c) Communications with stations authorized in other radio services except as prohibited in § 95.83(a) (3).

SUBPART D - STATION OPERATING REQUIREMENTS

§ 95.83 Prohibited communications

(a) A citizens radio station shall not be used:

(a) 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 (other than as provided in Subpart E of this part) except for communications pursuant to §§ 95.85(b) and 95.121.

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

NOTE: A Class A or Class D station may be used in connection with administrative, engineering, or maintenance activities of a broadcasting station; a Class A or Class C station may be used for control functions by radio which do not involve the transmission of program material; and a Class A or Class D station may be used in the gathering of news items or preparation of programs: Provided, that the actual or recorded transmissions of the Citizens radio 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 of 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 Class D 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 Citizens radio station who is engaged in the business of selling Citizens 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 mes-

sages addressed to other units of the same station.

§ 95.85 Emergency and assistance to motorist use

(a) All citizens radio 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 (§ 95.41 (d)); prohibited uses (§ 95.83(a) (3)); operation or on behalf of persons other than the licensee (§ 95.87); and duration of transmissions (§ 95.91(a) and (b)) shall not apply.

(2) When used for transmission of communications necessary to render assistance to a traveler, the provisions of this Part concerning duration of transmission (§ 95.91(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.

§ 95.87 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) Citizens radio 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 stations 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) Licensee proposes the shared or cooperative use of a Class 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 Class A stations, or with units of other Class A 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 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 license 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 citizens radio station licensee shall not be permitted to operate any citizens radio station of the same class licensed to another person until such time as he again has been issued a valid radio station license of that class, 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.

§ 95.89 Telephone answering services

(a) Notwithstanding the provisions of § 95.87, 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 citizens radio 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 citizens radio station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

§ 95.91 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 Class D 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 communication between units of the same Class D station (intrastation) shall be restricted to the minimum practicable transmission.

(d) The transmission of audible tone signals for the operation of the tone operated squelch or selective calling circuits in accordance with § 95.47 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.

(e) 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.

However, while it is actually being used to control model aircraft in flight by means of interrupted tone modulation of its carrier, a citizens radio 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.

§ 95.93 Tests and adjustments

All tests or adjustments of citizens 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 § 95.95, but may otherwise be unmodulated as appropriate.

§ 95.95 Station identification

(a) The call sign of a citizens radio station shall consist of three 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 transmission from each unit of a citizens radio 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 citizens radio station need not be identified when the station (1) is a Class A station which 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, Class A base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed stations of a Class A radio system 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 of Class A station communicating with a base station of a Class A radio system on the same frequency shall transmit once during each exchange of transmissions any unit identifier which is on file in the station records of such base station.

(3) A mobile unit of Class A stations communicating with a base station of a Class A radio system 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.

§ 95.97 Operator license requirements

(a) No operator license is required for the operator of a citizens radio station except that stations manually transmitting Morse Code shall be operated by holders of a third or higher class radiotelegraph operator license.

(b) 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 ser-

vice, 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.

(c) Except as provided in § 95.53 and in paragraph (d) 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 Class C transmitters, or Class D 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, over-

modulation, 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 Class C or Class D station transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to a 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.

(d) Any tests and adjustments necessary to correct any deviation of a transmitter of any Class of 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.

§ 95.101 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 Class C or Class D 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.

§ 95.103 Inspection of stations and station records

All stations and records of stations in the Citizens Radio 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.

§ 95.105 Current copy of rules required

Each licensee in this service shall maintain as a part of this station records a current copy of Part 95, Citizens Radio Service, of this chapter.

§ 95.107 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.

§ 95.111 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.

§ 95.113 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, acknowledgement 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 § 95.53, 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 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.

§ 95.115 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.

§ 95.117 Station location

(a) The specific location of each Class A base station and each Class A fixed station and the specific area of operation of each Class A mobile station shall be indicated in application for license. An authorization may be granted for the operation of a Class 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 Class A mobile station authorized in this service may be used or operated anywhere in the United States subject to the provision 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 Class C or Class D mobile station may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section.

(d) 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.

§ 95.119 Control points, dispatch points, and remote control

(a) 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. Each Class A 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 Class A stations employing special emissions pursuant to § 95.47 (e). Authority for such exception must be shown on the license.

(b) A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the proper operation of the transmitter. No authorization is required to install dispatch points.

(c) Remote control of a Citizens radio station means the 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 remote control. A Class 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.

(d) Operation of any Class C or Class D station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

§ 95.121 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) (Reserved)

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

(d) 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.

(e) 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 event of any change in the nature of or termination of any such series of tests.

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

SUBPART E - OPERATION OF CITIZENS RADIO STATIONS IN THE UNITED STATES BY CANADIANS

§ 95.131 Basis, purpose and scope

(a) The rules in this subpart are based on, and are applicable solely to the agreement (TIAS #6931) between the United States and Canada, effective July 24, 1970, which permits Canadian stations in the General Radio Service to be operated in the United States.

(b) The purpose of this subpart is to implement the agreement (TIAS #6931) between the United States and Canada by prescribing rules under which a Canadian licensee in the General Radio Service may operate his station in the United States.

§ 95.133 Permit required

Each Canadian licensee in the General Radio Service desiring to operate his radio station in the United States, under the provisions of the agreement (TIAS #6931), must obtain a permit for such operation from the Federal Communications Commission. A permit for such operation shall be issued only to a person holding a valid license in the General Radio Service issued by the appropriate Canadian governmental authority.

§ 95.135 Application for permit

(a) Application for a permit shall be made on FCC Form 410-B. Form 410-B may be obtained from the Commission's Washington, D.C., office or from any of the Commission's field offices. A separate application form shall be filed for each station or transmitter desired to be operated in the United States.

(b) The application form shall be completed in full in English and signed by the applicant. The application must be filed by mail or in person with the Federal Communications Commission, Gettysburg, Pa. 17325, U.S.A. To allow sufficient time for processing, the application should be filed at least 60 days before the date on which the applicant desires to commence operation.

(c) The Commission, at its discretion, may require the Canadian licensee to give evidence of his knowledge of the Commission's applicable rules and regulations. Also the Commission may require the applicant to furnish any additional information it deems necessary.

§ 95.137 Issuance of permit

(a) The commission may issue a permit under such conditions, restrictions and terms as it deems appropriate.

(b) Normally, a permit will be issued to expire 1 year after issuance but in no event after the expiration of the license issued to the Canadian licensee by his government.

(c) If a change in any of the terms of a permit is desired, an application for modification of the permit is required. If operation beyond the expiration date of a permit is desired an application for

renewal of the permit is required. Application for modification or for renewal of a permit shall be filed on FCC Form 410-B.

(d) The Commission, in its discretion, may deny any application for a permit under this subpart. If an application is denied, the applicant will be notified by letter. The applicant may, within 30 days of the mailing of such letter, request the Commission to reconsider its action.

§ 95.139 Modification or cancellation of permit

At any time the Commission may, in its discretion, modify or cancel any permit issued under this subpart. In this event, the permittee will be notified of the Commission's action by letter mailed to his mailing address in the United States and the permittee shall comply immediately. A permittee may, within 30 days of the mailing of such letter, request the Commission to reconsider its action. The filing of a request for reconsideration shall not stay the effectiveness of that action, but the Commission may stay its action on its own motion.

§ 95.141 Possession of permit

The current permit issued by the Commission, or a photocopy thereof, must be in the possession of the operator or attached to the transmitter. The license issued to the Canadian licensee by his government must also be in his possession while he is in the United States.

§ 95.143 Knowledge of rules required

Each Canadian permittee, operating under this subpart, shall have read and understood this Part 95, Citizens Radio Service.

§ 95.145 Operating conditions

(a) The Canadian licensee may not under any circumstances begin operation until he has received a permit issued by the Commission.

(b) Operation of station by a Canadian licensee under a permit issued by the Commission must comply with all of the following:

(1) The provision of this subpart and of Subparts A through D of this part.

(2) Any further conditions specified on the permit issued by the Commission.

§ 95.147 Station identification

The Canadian licensee authorized to operate his radio station in the United States under the provisions of this subpart shall identify his station by the call sign issued by the appropriate authority of the government of Canada followed by the station's geographical location in United States as nearly as possible by city and state.

Carolyn,

Mrs. Ford should have this
with her on the Wisconsin
trip. A permanent license will
follow later.

Nancy



file copy

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

April 2, 1976

IN REPLY REFER TO:

Call sign: KUY 9532

attach

Units: 5

Expiration Date: 7-2-76

Class: D

Elizabeth B. Ford
The White House
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20500

Dear Citizens Band Applicant:

Special Temporary Authority is hereby granted for you to operate your Citizens Radio Service station using the temporary call sign and the number of units listed above. Your application for a permanent license will be processed and a different call sign will be issued. You must identify your radio station before and after each transmission with the above call sign. All operations must be in compliance with Part 95 of the Rules. This authority may be revoked by the Commission in its discretion at any time, and expires on the above date.

Sincerely yours,

for John B. Johnston
Charles A. Higginbotham
Chief, Safety and Special
Radio Services Bureau

