

**§ 21.27 [Amended]**

6. In § 21.27 paragraphs (a)(7) and (8) are added to read as follows:

**§ 21.27 Public notice period.**

(a) \* \* \*

(7) The BTAs designated for licensing through the competitive bidding process and the filing date for short-form applications for those areas;

(8) the auction winners in the competitive bidding process;

\* \* \* \* \*

7. Section 21.35 is amended by revising paragraph (a) introductory text to read as follows:

**§ 21.35 Comparative evaluation of mutually exclusive applications.**

(a) In order to expedite action on mutually exclusive applications in services under this rules part where the competitive bidding process or random selection process do not apply, the applicants may request the Commission to consider their applications without a formal hearing in accordance with the summary procedure outlined in paragraph (b) in this section if:

\* \* \* \* \*

**§ 21.41 [Amended]**

8. In § 21.41, paragraph (b)(7) is added to read as follows:

**§ 21.41 Special processing of applications for minor facility modifications.**

\* \* \* \* \*

(b) \* \* \*

(7) In the Multipoint Distribution Service, the modified facility would not produce a power flux density that exceeds—73 dBW/m<sup>2</sup>, pursuant to §§ 21.902 and 21.939 of this subpart, at locations on the boundaries of protected service areas to which there is an unobstructed signal path.

\* \* \* \* \*

**§ 21.42 [Amended]**

9. Section 21.42 is amended by revising paragraphs (a), (b)(3), (c)(3)(ii) and (d), and by adding paragraphs (b)(4) and (c)(3)(iii) to read as follows:

**§ 21.42 Certain modifications not requiring prior authorization.**

(a) Equipment in an authorized radio station may be replaced without prior authorization or notification if:

(1) The replacement equipment is identical (i.e., same manufacturer and model number) with the replacement equipment;

(2) For the Multipoint Distribution Service, the replacement transmitter, transmitting antenna, transmission line loss and/or devices between the transmitter and antenna, or

combinations of the above, do not change the EIRP of a station in any direction.

(b) \* \* \*

(3) The Commission is notified of changes made to facilities by the submission of a completed FCC Form 494, or for the Multipoint Distribution Service, and MDS long-form application, as applicable, within thirty days after the changes are made.

(4) In the Multipoint Distribution Service, the modified facility would not produce a power flux density at the protected service area boundary that exceeds—73 dBW/m<sup>2</sup>, pursuant to §§ 21.902 and 21.939 of this subpart.

(c) \* \* \*

(3) \* \* \*

(i) \* \* \*

(ii) For Digital Electronic Message Service, the new antenna conforms with § 21.906 and the gain of the new antenna does not exceed that of the previously authorized antenna by more than one dB in any direction.

(iii) For the Multipoint Distribution Service, the new antenna conforms with § 21.906 and the EIRP resulting from the new antenna does not exceed that resulting from the previously authorized antenna by more than one dB in any direction.

\* \* \* \* \*

(d) Licensees may be correct erroneous information on a license which does not involve a major change (i.e., a change that would be classified as a major amendment as defined § 21.23) without obtaining prior Commission approval by filing a completed FCC Form 494, or for the Multipoint Distribution Service licensees, by filing the MDS long-form application.

**§ 21.43 [Amended]**

10. Section 21.43 is amended by revising the first sentence of paragraph (a) to read as follows:

**§ 21.43 Period of Construction; certification of completion of construction.**

(a) Except for Multipoint Distribution Service Station licenses granted to BTA and PSA authorization holders, each license for a radio station for the services included in this Part shall specify as a condition therein the period during which construction of facilities will be completed and the station made ready for operation. \* \* \*

\* \* \* \* \*

**§ 21.44 [Amended]**

11. Section 21.44 is amended by revising paragraph (a)(1) to read as follows:

**§ 21.44 Forfeiture and termination of station authorization.**

(a) \* \* \*

(1) The expiration of the construction period specified therein, where applicable, or after such additional time as may be authorized by the Commission, unless within 5 days after that date certification of completion of construction has been filed with the Commission pursuant to § 21.43;

\* \* \* \* \*

**§ 21.900 [Amended]**

12. Section 21.900 is amended by revising the concluding text to read as follows:

**§ 21.900 Eligibility.**

\* \* \* \* \*

(c) \* \* \*

The applicant shall state whether or not service will be provided on a common carrier or non common carrier basis. In addition, a common carrier applicant shall state whether there is any affiliation or relationship to any intended or likely subscriber or program originator.

**§ 21.901 [Amended]**

13. Section 21.901 is amended by revising the first sentence of paragraph (d)(5) and by revising paragraph (d)(7) to read as follows:

**§ 21.901 Frequencies.**

\* \* \* \* \*

(d) \* \* \*

\* \* \* \* \*

(5) Notwithstanding the provision of § 21.31(a) all applications, except for those filed on or after September 15, 1995, that propose to locate transmission facilities within or within 24.1 kilometers (15 miles) of the border of a Standard Metropolitan Statistical Area (SMSA) will be considered together. \* \* \*

\* \* \* \* \*

(7) All applications for frequencies in this band, except for those filed on or after September 15, 1995, must contain a showing of how interference with the operation of adjacent channels will be avoided and what steps the applicant has taken to comply with § 21.902(a) of this part.

\* \* \* \* \*

**§ 21.902 [Amended]**

14. Section 21.902 is amended by revising paragraphs (a), (b) introductory text, (b)(1), (b)(3), (b)(4), (c) introductory text, (c)(1), (c)(1)(i), (c)(2), (c)(3), (d), (f) introductory text, (g) and (h), by removing paragraph (c)(5), and by adding paragraphs (b)(5), (b)(6), (f)(4), (f)(5), (f)(6), and (f)(7), and by amending