

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

■ 9. The authority citation for part 90 continues to read as follows:

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

■ 10. Section 90.159 is amended by revising paragraph (b)(5) to read as follows:

**§ 90.159 Temporary and conditional permits.**

\* \* \* \* \*

(b) \* \* \*

\* \* \* \* \*

(5) The applicant has determined that the proposed station affords the level of protection to radio quiet zones and radio receiving facilities as specified in § 1.924 of this chapter.

\* \* \* \* \*

■ 11. Section 90.1207 is amended by revising paragraph (b)(1)(iii) to read as follows:

**§ 90.1207 Licensing.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

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

\* \* \* \* \*

**PART 101—FIXED MICROWAVE SERVICES**

■ 12. The authority citation for part 101 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

■ 13. Section 101.31 is amended by revising paragraph (b)(1)(v) to read as follows:

**§ 101.31 Temporary and conditional authorizations.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(v) The station site does not lie within 56.3 kilometers of any international border, within areas identified in §§ 1.924(a) through (d) of this chapter unless the affected entity consents in writing to conditional operation or, if operated on frequencies in the 17.8–19.7 GHz band, within any of the areas identified in § 1.924 of this chapter;

\* \* \* \* \*

■ 14. Section 101.525 is amended by revising paragraph (a)(1)(iii) to read as follows:

**§ 101.525 24 GHz system operations.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

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

\* \* \* \* \*

■ 15. Section 101.1009 is amended by revising paragraph (a)(1)(iii) to read as follows:

**§ 101.1009 System operations.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

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

\* \* \* \* \*

■ 16. Section 101.1329 is amended by revising paragraph (c) to read as follows:

**§ 101.1329 EA Station license, location, modifications.**

\* \* \* \* \*

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

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 90**

[WT Docket No. 99-87; FCC 03-306]

**Suspension of Effective Date in 47 CFR 90.209(b)(6)**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; suspension of effectiveness.

**SUMMARY:** In this document, the Commission grants four petitions for stay of the *Second Report and Order*, released on February 25, 2003, in this proceeding. Specifically, the FCC stays the effectiveness of 47 CFR 90.209(b)(6), which provides that no new applications for the 150–174 MHz and/or 421–512 MHz bands will be acceptable for filing if the applicant utilizes channels with a bandwidth exceeding 11.25 kHz beginning January 13, 2004, and no modification applications for stations in the 150–174 MHz and/or 421–512 MHz bands that increase the station's authorized interference contour will be acceptable for filing if the applicant utilizes channels with a bandwidth exceeding 11.25 kHz, beginning January 13, 2004. Consequently, the FCC will continue to accept and process such applications.

**DATES:** Effective April 6, 2004, 47 CFR 90.209(b)(6) is stayed indefinitely. The Commission will publish a document in the *Federal Register* announcing the date on which the stay expires.

**FOR FURTHER INFORMATION CONTACT:** Scot Stone, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Order*, released on December 3, 2003. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). The full text may also be downloaded at: <http://www.fcc.gov/Wireless/Orders/2003/fcc03306.txt>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

In the *Order*, the Commission stayed the effectiveness of 47 CFR 90.209(b)(6), which provides that no new applications for the 150–174 MHz and/or 421–512 MHz bands will be acceptable for filing if the applicant utilizes channels with a bandwidth exceeding 11.25 kHz beginning January 13, 2004, and no modification applications for stations in the 150–174 MHz and/or 421–512 MHz bands that increase the station's authorized interference contour will be acceptable for filing if the applicant utilizes channels with a bandwidth exceeding 11.25 kHz, beginning January 13, 2004. The stay will remain in effect until resolution of the petitions for reconsideration of the *Second Report and Order*, 68 FR 42296, July 17, 2003, released on February 25, 2003, in this proceeding.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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