

FCC Regulations: You Don't Know What You Don't Know

It's honestly understandable; you obtain an FCC license to operate radios within your business, but managing that license isn't the top thing on your mind. It's a step you take to get where you want to go... like obtaining a permit to build a house, or getting a degree to qualify for a new job. Once you have it, it just isn't something you think about during the normal course of business; you're busy running your business, just like you're busy building your house, or busy working your new job.

However, when the FCC grants you a license, there are quite a few responsibilities that accompany that authorization, even if you aren't aware of them. Unfortunately, failure to meet those responsibilities can be costly and just a little bit of education can save you a lot of headaches down the road.

The "costly" part of non-compliance can comprise one or more items from the FCC's arsenal. Though not often employed, you could simply lose your license. Operation on public frequencies is considered a privilege and not a right.

Then, there are monetary forfeiture penalties. The penalty amount is based on amounts provided for in the regulations. For example, the prescribed base forfeiture for operating without authorization (a license) is \$10,000 that can be applied per violation, or per day, up to a maximum. However, the FCC has a note in the rules that states, "The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute."

The FCC has been historically known to utilize this discretion to lower forfeiture amounts. Indeed, they have listed criteria in the rules with which to use in making this determination, and a licensee found in violation can request mitigation based on these criteria. But the FCC has on numerous occasions denied mitigation stating that licensees are expected to know and conform their conduct to the requirements of the rules.

As well, there exists criteria for making an upward adjustment and the FCC has used this ability more often in recent years noting that reduced forfeiture amounts applied in past cases do not appear to be creating sufficient incentives for all PLMRS licensees to comply.

If monetary forfeiture wasn't bad enough, you could be required to institute operating procedures, a compliance plan, a compliance manual, a compliance training program, and submit annual compliance reports to the FCC for several years.

Needless to say, a license holder would be wise to make sure they know their duties and responsibilities. The following is a list of a few of those things you might not be aware of with regard to that license your dealer helped you obtain when you set up your communications system.

- First and foremost, as the licensee, you and only you are responsible for your license. Even if you have an understanding with your dealer, or a contract with a third party to manage your license, the FCC will hold the licensee responsible for your license. Any forfeitures for violations will be levied against you or your business.
- Licenses aren't forever. Within the Private Land Mobile Radio Services, most licenses are good for ten years. Renewals must be applied for before the expiration date.
- You are responsible with being familiar with the rules and regulations pertinent to your license. You are not required to have a physical copy, but you must have access to the Code of Federal Regulations. Fortunately, you can find an electronic copy online.
- Licenses are not the property of the licensee. When an application for license is prepared, there are several questions that relate specifically to the entity applying. The FCC grants authorization to only the entity who answered those questions. This means, if you sell your company or your radio equipment, the new owner doesn't automatically get your license. The same holds true if you simply re-organize your company from one type of entity to another. If you go from a general partnership to a corporation, you aren't the same entity.
- Except for a few rare cases, the FCC requires that a construction notice be filed with the FCC once your system has been built and is operating. For most licenses under Part 90, this construction notice must be filed within one year of the date the license is granted. If a notice is not filed, the FCC will assume you are not using the license and will cancel it automatically.
- It is your responsibility to keep your mailing address up-to-date on your license. Any notices and reminders sent by the FCC will be mailed to the address shown on the license. As a side note, the FCC does not accept non-receipt of renewal notices as an excuse for not renewing your license on time. The reminders are a courtesy, but it is ultimately up to the licensee to ensure that the license is renewed.
- You must operate your system only as authorized on your license. You may not change to a different frequency not licensed, increase the number of mobile units, increase the power, or relocate the transmitter.
- The license holder is directly responsible for proper use of the licensed system, as well as securing the system from use by unauthorized persons.
- Understand that you do not own the frequencies that you are authorized to use. Unless specifically authorized exclusive use, frequencies are shared and "all applicants and licensees shall cooperate in the selection and use of frequencies in order to reduce interference and make the most effective use of the authorized facilities. Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements."
- Licensed systems must provide station identification. The rules state specifically, "each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation." There are many methods, options and exclusions detailed within the rules, so you should work closely with your radio dealer to ensure you meet this requirement, as required.
- In the same vein, you are required to take reasonable precautions to avoid causing interference. This includes monitoring your frequency before transmitting.
- Station records must be kept and available for inspection upon request of the FCC. Records must contain the current original license, transmitting measurements results, and maintenance logs, along with any shared-use agreements or other records as may be required, depending on your system. Records must be retained for a year, and must be kept orderly with each entry signed by an authorized and qualified person with actual knowledge of the fact recorded.

This listing is by no means complete, but it should give you a good idea of what is involved with being a licensee, and a place to start your education. For more comprehensive training on licensing, please feel free to visit our website at www.prosrf.com.

Pros RF is a radio engineering and licensing assistance firm involved with the design and licensing of systems in the Private Land Mobile Radio Service (also known as Part 90). Pros provides a full spectrum of services including propagation studies, FCC



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