

established for the license associated with its application.

**(4) Payment for licenses**

No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

**(5) Auction authority**

If, after the amendment of an application pursuant to subsection (a)(1)(B) of this section, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (1) pursuant to subsection (a)(1)(B) of this section by competitive bidding pursuant to section 309(j) of this title.

**(c) Prohibition of transfer**

During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a) of this section, the Commission may not authorize the transfer or assignment of that license under section 310 of this title. Nothing in this chapter may be construed to prohibit any applicant granted a license pursuant to subsection (a) of this section from contracting with other licensees to improve cellular telephone service.

**(d) Definitions**

For the purposes of this section, the following definitions shall apply:

**(1) Applicant**

The term “applicant” means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

**(2) Commission**

The term “Commission” means the Federal Communications Commission.

**(3) Covered rural service area licensing proceeding**

The term “covered rural service area licensing proceeding” means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

**(4) Tentative selectee**

The term “tentative selectee” means a party that has been selected by the Commis-

sion under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission’s rules for grant of the license.

(Pub. L. 106-553, §1(a)(2) [title X, §1007], Dec. 21, 2000, 114 Stat. 2762, 2762A-138.)

REFERENCES IN TEXT

This chapter, referred to subsec. (c), was in the original “this Act”, and was translated as reading “this title”. See References in Text note set out under section 1101 of this title.

**§ 1107. Sunset**

No loan guarantee may be approved under this chapter after December 31, 2006.

(Pub. L. 106-553, §1(a)(2) [title X, §1009], Dec. 21, 2000, 114 Stat. 2762, 2762A-140.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”. See References in Text note set out under section 1101 of this title.

**§ 1108. Definitions**

In this chapter:

**(1) Affiliate**

The term “affiliate”—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

**(2) Nonserved area**

The term “nonserved area” means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to such signals by any commercial, for profit, multichannel video provider.

**(3) Underserved area**

The term “underserved area” means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

**(4) Common terms**

Except as provided in paragraphs (1) through (3), any term used in this chapter that is defined in the Communications Act of 1934 (47

<sup>1</sup> So in original. No closing parenthesis was enacted.

U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

(Pub. L. 106-553, §1(a)(2) [title X, §1010], Dec. 21, 2000, 114 Stat. 2762, 2762A-140.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”. See References in Text note set out under section 1101 of this title.

The Communications Act of 1934, referred to in par. (4), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

### § 1109. Authorizations of appropriations

#### (a) Cost of loan guarantees

##### (1) Authorization of appropriations

For the cost of the loans guaranteed under this chapter, including the cost of modifying the loans, as defined in section 661a of title 2, there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

##### (2) Commodity Credit Corporation funds

###### (A) In general

Notwithstanding any other provision of law, subject to subparagraph (B), in addition to amounts made available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available for loan guarantees to carry out this chapter \$80,000,000 for the period beginning on May 13, 2002, and ending on December 31, 2006, to remain available until expended.

###### (B) Broadband loans and loan guarantees

###### (i) In general

Amounts made available under subparagraph (A) that are not obligated as of the release date described in clause (ii) shall be available to the Secretary to make loans and loan guarantees under section 950bb of title 7.

###### (ii) Release date

For purposes of clause (i), the release date is the date that is the earlier of—

(I) the date the Secretary determines that at least 75 percent of the designated market areas (as defined in section 122(j) of title 17) not in the top 40 designated market areas described in section 1103(e)(1)(C)(i) of this title have access to local television broadcast signals for virtually all households (as determined by the Secretary); or

(II) December 31, 2006.

###### (C) Advanced appropriations

Subsections (c) and (h)(1)(B) of section 1103 of this title and section 1104(n)(3)(B) of this title shall not apply to amounts made available under this paragraph.

#### (b) Cost of administration

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter, other than to cover costs under subsection (a) of this section.

#### (c) Availability

Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) of this section shall remain available until expended.

(Pub. L. 106-553, §1(a)(2) [title X, §1011], Dec. 21, 2000, 114 Stat. 2762, 2762A-141; Pub. L. 107-171, title VI, §6404(a), May 13, 2002, 116 Stat. 429.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original “this Act”, and was translated as reading “this title”. See References in Text note set out under section 1101 of this title.

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171 designated existing provisions as par. (1), inserted heading, and added par. (2).

### § 1110. Prevention of interference to direct broadcast satellite services

#### (a) Testing for harmful interference

The Federal Communications Commission shall provide for an independent technical demonstration of any terrestrial service technology proposed by any entity that has filed an application to provide terrestrial service in the direct broadcast satellite frequency band to determine whether the terrestrial service technology proposed to be provided by that entity will cause harmful interference to any direct broadcast satellite service.

#### (b) Technical demonstration

In order to satisfy the requirement of subsection (a) of this section for any pending application, the Commission shall select an engineering firm or other qualified entity independent of any interested party based on a recommendation made by the Institute of Electrical and Electronics Engineers (IEEE), or a similar independent professional organization, to perform the technical demonstration or analysis. The demonstration shall be concluded within 60 days after December 21, 2000, and shall be subject to public notice and comment for not more than 30 days thereafter.

#### (c) Definitions

As used in this section:

##### (1) Direct broadcast satellite frequency band

The term “direct broadcast satellite frequency band” means the band of frequencies at 12.2 to 12.7 gigahertz.

##### (2) Direct broadcast satellite service

The term “direct broadcast satellite service” means any direct broadcast satellite system operating in the direct broadcast satellite frequency band.

(Pub. L. 106-553, §1(a)(2) [title X, §1012], Dec. 21, 2000, 114 Stat. 2762, 2762A-141.)

## CHAPTER 11—COMMERCIAL MOBILE SERVICE ALERTS

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