JANUARY 15, 1975

TRUST TERRITORY OF THE PACIFIC ISLANDS HEADQUARTERS, SAIPAN, MARIANA ISLANDS

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territorial

register

IN THE SPOTLIGHT

TITLE 33 BUSINESS REGULATIONS - MISCELLANEOUS

FOREIGN INVESTMENT REGULATIONS

CCT 21.1975 Congress of Micronesia

The Territorial Register is dedicated to Mr. James Stanton, former Assistant Attorney General, who conceived the idea of a Territorial Register.

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TITLE 33 BUSINESS REGULATIONS

CHAPTER 1

FOREIGN INVESTMENT REGULATIONS

PART 1. GENERAL PROVISIONS

1.1 Authority. The regulations in this chapter have been promulgated by the Director of Resources and Development in accordance with Public Law 5-86 of the Code of the Trust Territory and shall have the force and effect of law.

1.2 Basis and Purpose. The regulations in this chapter are designed to carry into effect and facilitate the administration of the foreign investment laws of the Trust Territory of the Pacific Islands.

1.3 Definitions. As used in this Chapter, unless the context otherwise requires, the term:

a. "Act" means Foreign Investors Business Permit Act as set forth in Title 33 of the Trust Territory Code, as amended.

b. "Director means Director of Resources and Development.

c. "Board" means District Economic Development Board.

d. "Non-citizen" means:

(1) any person who is not a Trust Territory citizen; or

(2) any person who is married to a person who is not a Trust Territory citizen or unintertained Morris

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(3) any person under the age of eighteen years and who is adopted by parents, at least one of whom is not a Trust Territory citizen; or

(4) any company, corporation, or association in which a non-Trust Territory citizen or a non-citizen as defined in Subsections (2) or (3) of this section owns any interest.

e. "Foreign Business" means any company, corporation, association or sole proprietorship organized for profit under laws other than the laws of the Trust Territory and which has a purpose or purposes qualifying the business to be organized under the laws of the Trust Territory.

f. "Investment" means:

(1) equity participation in a domestic company, corporation or association. It includes both original and additional investments, whether made directly from the business entity, as in stock subscriptions, or directly through the transfer of equity from one investor to another, such as stock purchase. The receipt of stock dividends by all the stockholders of a corporation on a pro rata basis shall not be deemed new or additional investment;

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(2) interest on a loan or debenture which is not set at a fixed rate but based upon profits or receipts of the enterprise. Ownership of bonds (including income bonds), debentures, notes or other evidences of indebtedness is not investment. However, where the indebtedness is convertible to equity, the acquisition of such bond shall be deemed an investment;

(3) the acquisition of stock options or warrants which could result in the actual acquisition of stock from the corporation.g. The performance in the Trust Territory of any act or combination of acts enumerated in this Section shall constitute "doing business":

(1) Soliciting orders, purchases (sales) or service contracts. Solicitations by a non-citizen 1 firm or by an agent of such non-citizen firm amounting to negotiation or fixing of the terms and conditions of sales or service contracts, regardless of where the contracts are actually reduced to writing, shall constitute doing business even if the enterprise has no office or fixed place of business in the Trust Territory. The arrangements agreed upon as to manner, time and terms of delivery of the goods or the transfer of title thereto is immaterial. A non-citizen firm which does business through middlemen, acting in their own names, such as indentors, commercial brokers or commission merchants shall not be deemed doing business in the Trust Territory. But such indentors, commercial brokers, or commission merchants shall be deemed to be doing business in the Trust Territory. Casual solicitations from licensed importers for periods of less than thirty (30) days shall be exempt from the provisions of this paragraph;

(2) Appointing a representative or distributor who is domiciled in the Trust Territory, unless said representative or distributor has an independent status, and transacts business in its name and for its own account, and not in the name or for the account of a principal. Where a non-citizen firm is represented in the Trust Territory by a person or local company which does not act in its name, but in the name of the non-citizen firm, the latter is doing business in the Trust Territory;

(3) appointing as representative or distributor a non-citizen who entered the Trust Territory on a Trust Territory work permit or entry permit solely or principally to act as such representative or distributor and who is physically present in the Trust Territory for seven (7) days in any calendar year. The seven days need not be consecutive. It is not necessary that said representative or distributor maintain a stock of goods produced by the enterprise whom he represents before he can be deemed to be doing business;

(4) opening offices, whether called "liaison office", agencies or branches, unless proved otherwise;

(5) establishing a factory, workshop or processing plant;

(6) undertaking building, construction, or assembly projects;(7) opening a store, whether wholesale or retail;

(8) maintaining or operating a warehouse for business purposes, including the storage, display or delivery of its own products;

(9) participating in the management, supervision or control of any domestic business firm, entity or corporation in the Trust Territory, including exclusive franchises where the franchisee obtains the business permit;

(10) making a loan secured by real estate;

(11) any other act or acts that indicate a continuity of commercial transactions or arrangements; or the performance of any acts or the exercise of any rights for the purpose of eventual commercial benefit or profit.

h. the following acts by themselves shall not be deemed "doing business" in the Trust Territory:

(1) the publication of general advertisements through newspapers, or brochures or other publications media or through radio or television;

(2) conducting scientific research or investigations in the Trust Territory, providing that the research or investigation is sponsored by a university, college, agency or institution normally concerned with such;

(3) maintaining a stock of goods in the Trust Territory, solely for the purpose of having the same processed by another entity in the Trust Territory;

(4) collecting information in the Trust Territory if done by bona fide journalists, news photographers, movie makers, TV makers and other representatives of news media;

(5) performance of casual service auxiliary to an existing contract of sale, such as installing in the Trust Territory machinery which has been manufactured and exported to the Trust Territory by the manufacturer, servicing same, training Trust Territory citizens to operate it and similar incidental services.

(6) performance of government contracts and subcontracts thereunder;

(7) acting as a manager of a domestic entity pursuant to a management contract, serving as the director or officer of a domestic corporation, or mere investment in a domestic enterprise which has a district legal personality and is duly licensed to do business in the Trust Territory, or the exercise of the rights as such investor;

8) maintaining or defending any action or suit or any administrative or arbitration proceedings or effecting the settlement thereof or the settlement of claims or disputes;

(9) holding meetings of directors or shareholders;

(10) maintaining bank accounts;

(11) effecting sales through independent contractors;

(12) conducting an isolated transaction completed within a period of thirty days and not in the course of a series of repeated transactions of like nature;

(13) operating a non-profit corporation;

(14) exploring for minerals and other natural resources;

(15) performing professional services as attorneys admitted to the Trust Territory Bar; physicians, dentists, and other medical personnel licensed by the Director of Health Services; surveyors licensed by the Trust Territory Board of Land Surveying Examiners;

(16) All other activities shall be considered to be doing business in the Trust Territory unless the Director of Resources and Development designates otherwise.

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PART 2. APPLICATION FOR BUSINESS PERMIT

2.1 <u>Additional information required.</u> In addition to information required in Section 6, Title 33, of the Trust Territory Code, as amended, an individual applicant shall submit a copy of his latest financial statement, certified correct by the person preparing it.

If the applicant is a corporation, association, partnership or joint venture, copies of its latest annual report and financial statement shall be submitted.

2.2 Incomplete application. Where an application is found defective or incomplete as to certain data or filing fee, the applicant shall be informed of such fact in writing with notice that the correction of the deficiency must be supplied within a period of thirty (30) calendar days from receipt of such notice. Failure of the applicant to submit the required data or fee within the 30 day period shall be construed as an abandonment of the application. The period may be extended by the Director of Resources and Development for good cause upon written request made before the expiration of the period sought to be extended.

PART 3. PROCEDURE IN GRANTING BUSINESS PERMITS

3.1 <u>Notice of Public Hearing</u>. In addition to the requirements of Section 7, Title 33, of the Trust Territory Code, as amended, the Board shall, upon receipt of the application from the Director of Resources and Development, post a notice in three (3) public places and publish in a local newspaper (if available) or broadcast three (3) times by radio that the application is before the Board for consideration. The notice shall read as follows:

PUBLIC NOTICE OF APPLICATION FOR FOREIGN BUSINESS PERMIT

Date: ---

Chairman, District Econ. Dev. Bd. (Address of Board) If the Board receives a request to hold a public hearing, the date and time of the hearing shall be posted in three (3) public places at least ten (10) days prior to the date of the hearing.

3.2 <u>Acceptance by applicant</u>. No permit shall be issued until the applicant has accepted in writing its terms and conditions. For this purpose, the applicant shall be notified of the terms and conditions of its permit by the Director of Resources and Development prior to the issuance of the permit. From the date of receipt of the notice, the applicant shall have 20 days to submit his acceptance. Failure to accept within the prescribed period shall be deemed a rejection of the proposed permit but such period may be extended by the Director for good cause. The Director, in his discretion, may determine that there are adequate grounds for the applicant's non-acceptance of certain terms or conditions of the permit. In this event, the Director may confer with the Chairman of the Board and propose certain changes on behalf of the applicant.

3.3 <u>Time limit.</u> If the Director has not received the Board's recommendation within 60 days after the application has been forwarded to it by the Director, the permit is deemed to have the Board's approval and the Director will prepare a recommendation on the permit application to the High Commissioner.

3.4 <u>Final authority of High Commissioner</u>. The High Commissioner, in all cases, has the final authority to either approve or disapprove any permit considered under this Act.

PART 4. DISTRICT ECONOMIC DEVELOPMENT BOARDS-DUTIES AND POWERS

4.1 <u>Annual Reports.</u> In addition to the duties and powers outlined in Section 5, Title 33, Trust Territory Code, as amended, the District Economic Development Board shall make an annual report to the High Commissioner at the end of each fiscal year. This report shall contain the name of each application received during the year and the action taken on it. It shall also include a record of any other action taken by the Board during the year. A copy of the report shall be provided by the Board to the Director, Resources and Development.

4.2 <u>Minutes of meetings</u>. District Economic Development Boards shall keep minutes of each meeting. A copy of such minutes shall be provided to the Director, Resources and Development after each meeting of the Board.

PART 5. NON-CITIZENS DOING BUSINESS IN THE TRUST TERRITORY--SERVICE OF PROCESS--BOOKS & RECORDS

5.1 Annual Reports

a. In addition to information required to be sumitted in Section 10 (2), Title 33, of the Trust Territory Code, as amended, every non-citizen shall file, along with the annual report, a list containing the name and citizenship of each stockholder and the number of and aggregate value of shares held by each stockholder. The transfer of equity participation from a Trust Territory citizen to a non-citizen, regardless of

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the amount, shall also be reported. The acquisition or retirement by a corporation of its shares of stock from Trust Territory citizens, such that the equity participation of non-citizens therein is increased relative to Trust Territory citizen participation, shall also be reported.

b. Stocks listed or approved for listing on the New York Stock Exchange, the American Stock Exchange, or any other security exchange of substantially equal rank, are exempted from this Part.

PART 6. COMMENCEMENT OF BUSINESS

Commencement of business shall mean the date when a particular enterprise begins its operations for commercial or business purposes. Subject to verification, such date shall be reported to the Director of Resources and Development with a copy to the District Economic Board(s) within 10 calendar days from the start of operations.

PART 7. AMENDMENT OF BUSINESS PERMIT

7.1 Procedure for amending business permit.

a. A non-citizen doing business in the Trust Territory may amend his business permit by submitting a request to amend the permit to the Director of Resources and Development.

b. The Director shall transmit the request for permit amendment to the Chairman of the Board in the District in which the applicant is doing business.

c. The Chairman of the Board may act for the Board and review the amendment according to criteria established by the Act, and shall submit his preliminary opinion to the Director according to Section 7, subsections (5) and (6) of the Act which shall govern procedure.

d. If the scope is to be amended, the Chairman must submit the amendment to the entire Board for their review, and post a public hearing notice as described in subpart 3.1.

7.2 Decreases in percentage of Trust Territory ownership. Proposed amendments to articles or bylaws which decrease the percentage of Trust Territory citizen ownership shall also require an amendment to the business permit, pursuant to the provisions of this Part.

PART 8. RENEWAL OF BUSINESS PERMIT

When the terms of the permit expressly provide that the permit is "subject to renewal", the procedure for renewal will be the same as the procedure set forth for amendments in Part 7.

PART 9. REPRESENTATIVES OF FOREIGN BUSINESS

9.1 Application to foreign businesses and non-citizens. This section shall apply to all foreign businesses including those on United States installations, wishing to maintain representation in the Trust Territory. It shall also apply to all non-citizens of the Trust Territory affiliated in any way with a foreign business, who are soliciting or concluding orders, purchases, sales, or other service contracts regardless of whether the contracts are actually reduced to writing, who are making

collections, or who are providing advisory, professional or technical services in the Trust Territory and to airlines, travel agents, and shipping companies. Other businesses as may from time to time be designated by the Director are to be within the provisions of this Part.

9.2 Requirements for establishing Trust Territory representatives. Foreign businesses may maintain permanent representation in the Trust Territory;

a. Through Trust Territory citizen representatives by complying with the following requirements:

(1) employment of a Trust Territory citizen representative;

(2) filing of an aggreement of representation between the business and its representative(s) with the Department of Resources and Development and with the District Administrator in each District in which the non-citizen is seeking representation;

b. Through non-citizen representatives by complying with either of the following requirements:

(1) qualification for a business permit pursuant to the requirements of the Foreign Investors Business Permit Act; or (2) employment of a non-citizen representative holding a business permit which authorizes its holder to act as a Trust Territory representative for noncitizen firms or individuals.

Foreign businesses maintaining permanent representation in the Trust Territory must obey all the laws of the Trust Territory including the reporting requirements of Subsection (2) of Section 10 of Title 33 of the Trust Territory Code as amended; other provisions of Title 33; the Protection of Resident Workers Act; the Trust Territory immigration laws; and the Trust Territory Income Tax law.

9.3 Filing Tax Returns. All Trust Territory representatives of foreign businesses, whether citizens or noncitizens, must file Trust Territory tax returns on their personal income.

PART 10. LEASE OF REAL PROPERTY BY FOREIGN **INVESTORS**

10.1 Use of Real Property. No acquisition of interest in real property by a non-citizen of the Trust Territory shall be approved by the High Commissioner unless the acquisition document contains a covenant by the non-citizen stating in full detail the particular intended use of the real property.

10.2 Commercial Enterprises. No acquisition of interest in real property by a non-citizen of the Trust Territory, wherein said real property is to be used for commercial enterprises, shall be approved by the High Commissioner unless the noncitizen holds a current valid business permit under the provisions of the Trust Territory Code; provided, however, that the term of the interest in real property shall not exceed the duration (term) of such business permit. Such written approval will not permit the leasing of real property for purposes other than stated in the business permit.

10.3 Options for leaseholds by business permit applicants. Notwithstanding the provisions of Part 10.2 of these regulations, options for leasehold interests in real property may be obtained at the time a business permit application is

submitted to the Director, provided that said option may not be exercised until the terms and conditions of the complete lease agreement have been approved by the High Commissioner in accordance with the provisions of Part 10.2 of these regulations, and until such time as the permit is approved and conditions established in Part 9 of these regulations have been complied with. No option shall be effective for more than two (2) years from the date of execution by the parties and the terms and provisions of any such option must provide that the option shall not become effective until the lessee's business permit application is filed with the Director. A copy of any option agreements entered into subsequent to submission of a business permit application shall be filed with the Director, and with the District Administrator of the district wherein the land the subject of the option is located within thirty (30) days of its execution by the parties.

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DIVISION OF COMMUNICATIONS

PART 22. FOREIGN SHIP STATIONS IN TRUST TERRITORY WATERS

22.1 <u>Applicable Law.</u> All foreign ship stations, including those stations on vessels registered in any state or territory of the United States of America, shall be required to comply with these rules and regulations; the provisions of the International Radio Regulations and other international treaties and agreements applicable to communication provisions for safety of life and property on the high seas, while in the waters of any port of the Trust Territory of the Pacific Islands.

22.2 <u>Inspection of Station</u>. The radio station on board any foreign ship within the territorial jurisdiction of the Trust Territory shall be available at any reasonable time for inspection by representatives of the High Commissioner of the Trust Territory or of the Director of Communications, at such intervals as will insure compliance with the applicable rules, regulations, laws and treaties.

22.3 <u>Limitations on Transmission</u>. Transmissions of communications or signals by a foreign ship station while in any port of the Trust Territory shall be kept to a minimum and shall be in accordance with the following:

(a) The frequency or frequencies and the class or classes of emission used shall be those authorized by their radio license provided such license has been issued pursuant to the allocation of frequencies to radio services and the use of classes of emission established by the International Radio Regulations and pursuant to the terms of all other applicable international treaties and agreements to which the Trust Territory and the United States are a party;

(b) The operation of the radio apparatus shall not cause interference with the normal communications of other radio services, and only the minimum power necessary for effective communication shall be used.

(c) Any transmission by a station on board a foreign man-of-war shall, in addition to the provisions of paragraph (a) of this Section, be in accordance with such provisions that have been requested from and approved by the Commander Naval Forces, Mariana Islands.

PART 23. PROHIBITED PRACTICES AND ADMINISTRATIVE SANCTIONS

23.1 <u>No Remuneration for Use of Station.</u> Stations in the maritime mobile service are not open to public correspondence and shall not transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised, including messages of a personal nature. Commercial messages may be sent or received provided no ships charges are made. 23.2 <u>Broadcasting Prohibited.</u> Stations subject to these rules and regulations shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations.

23.3 <u>Communications with Amateur Stations Prohibited</u>. A ship station shall not communicate with or transmit to any amateur station except in the immediate danger to life and property.

23.4 <u>Music Prohibited</u>. The transmission of music by any ship station is forbidden.

23.5 <u>Codes and Ciphers Prohibited</u>. All communications must be transmitted in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

23.6 Obscenity, Indecency, Profanity. No licensed radio operator or other person shall transmit communications containing obscene, or profane words, language or meaning.

23.7 <u>False Signals.</u> No licensed radio operator or other person shall transmit false or deceptive signals or communications, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

23.8 <u>Unidentified Communications</u>. No licensed radio operator or person shall transmit unidentified communications or signals.

23.9 <u>Intentional Interference</u>. No licensed radio operator or other person shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

23.10 <u>Answers to Notices of Violation</u>. Any licensee who appears to have violated any provision of these rules and regulations or any applicable national or international law, shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer to the Director of Communications, through the District Administrator of the district in which the station is located, if and when such notice so directs. 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.

(a) 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 emission 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 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 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 shall also be given.

23.11 <u>Revocation of License. Pursuant</u> to notice and answer in accordance with Section 23.10, whenever it appears that a station license shall be revoked for reasons set forth in these regulations and any future amendments thereto, the Director will issue an order directing the license to show cause why an order of revocation should not be issued.

(a) Any order to show cause issued in accordance with this Section will contain a statement of matters with respect to which the Trust Territory is inquiring and shall call upon the licensee, within ten (10) days of receipt of such notice, to send a written answer direct to the Office of the Director of Communications. In his written answer, the licensee may, if he so desires, request a hearing.

(b) If the licensee fails to submit a statement showing why he believes an order of revocation should not be issued, or fails to appear at a hearing which he has requested, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued invoking the sanction specified in the order to show cause. Failure to appear at a hearing shall be deemed a waiver of hearing.

(c) On the basis of the facts before the Director of Communications and on the basis of facts presented by the licensee, either in the written answer or on his requested hearing, the Director shall issue a decision stating his reasons for invoking the sanction specified in the order to show cause or for dismissing the allegations, as the case maybe; provided that where a written statement by the licensee contains factual allegations contrary to those upon which the show cause order was based, the Director may call upon the submitting party to furnish additional information under oath or, if necessary, designate the proceedings for oral hearing.

(d) Any order of revocation issued pursuant to this Section shall include a statment of the findings and the grounds and reasons therefor and specify the effective date of the order and shall be served on said licensee. 23.12 Disregard of Notices of Violation. Any licensee who has more than three notices of violation and who continues to perform such act or acts in violation of these rules and regulations or who shall continue to operate after his license has been revoked, shall be subject to such further sanction as the Director of Communications shall deem necessary to impose which may include the filing of a criminal complaint against the licensee.

23.13 Right of Appeal. A licensee has the right to appeal a final decision of the Director of Communications concerning revocation of a station license by directing and appeal within 30 days of such final decision to the High Commissioner of the Trust Territory of the Pacific Islands which is to include all facts in the case including, but not necessarily limited to, a complete statment on each point on which his appeal is based. The decision of the High Commissioner, based on all facts set before him, shall be conclusive. However, the order of revocation issued by the Director of Communications which is under appeal shall remain in full force and effect unless and until the High Commissioner shall issue a decision to the contrary.

23.14 <u>Violations Punishment</u>. Notwithstanding any administrative proceedings or actions taken pursuant to this regulation, any person who willfully and knowingly violates the provisions of this regulation shall, upon conviction thereof, be punished in accordance with Section 6, Title 35 of the Trust Territory Code.

PARTS 24 through 30 reserved for future use.

CHAPTER III

Non-Government Land Stations

PART 31. BASIS AND PURPOSE.

The purpose of the regulations in Parts 31 through 45 are designed to provide for radio communications by non-government entities as follows:

(a) To permit the installation and operation of fixed stations, not open to public correspondence, by any individual, partnership, association, joint stock company, trust, or corporation for the sole use of these agencies in operating their own radio communication facilities in the industrial, marine transportation, missionary or public safety services.

(b) To permit radio communications between ship stations and land stations licensed and operated by any agency defined in paragraph (a) of this Section.

PART 32. DEFINITIONS.

32.1 General. All the General Definitions outlined in

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Section 3.1, Part 3, of these regulations also apply to Non-Government Land Stations Regulations.

32.2 Station, Types of

(a) Fixed Station. A station in the fixed service intended to provide point-to-point communications with other stations in the fixed service.

(b) Coastal Station. A land station in the maritime mobile service intended to provide communications which serve the operational and business needs of ships, and which provide for the safety of life and property.

(c) Mobile Station. A station in the mobile service intended to be used while in motion or during halts at unspecified points, including ship and land stations.

32.3 Services, Types of-

(a) Fixed Service. A service of radio communications between specified points, not open to public correspondence.

(b) Maritime Mobile Service. A service of radio communications between fixed coastal stations, not open to public correspondence, and ship stations.

(c) Land Mobile Service. A mobile service between base stations and land mobile stations or between land mobile stations.

32.4 Operational-

(a) Safety Communications. The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radio communication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

(b) Distress Signal. The distress signal is the international radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(1) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots," transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(2) In radiotelephony, the international distress signal consists of the word MAYDAY.

(c) Urgency Signal. The urgency signal is the international radiotelegraph or radiotelephone signal which indicates the calling station has a very urgent

message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(1) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX" sent before the call, with the letters of each group and successive groups clearly separated from each other.

(2) In radiotelephony, the international urgency signal consists of the word PAN, sent before the call.

(d) Safety Signal. The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(1) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT" sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(2) In radiotelephony, the international safety signal consists of three oral repetitions of the word SECURITY sent before the call.

(e) Superfluous Radiocommunication. Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(f) Harmful interference. Any emission or radiation which seriously degrades, obstructs, or repeatedly interrupts the functioning of any radio communication service.

(g) Watch. The act of listening on a designated frequency.

(h) Calling. Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(i) Working. Radio communication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(j) Control point. An operating position associated with a particular station or stations which is:

(1) Under the control and supervision of the station licensee or his authorized agent.

(2) A place at which the required monitoring and control facilities are available.

(3) A place at which a duly licensed operator responsible for the operation of the transmitter(s) is stationed.

(k) Dispatch Point. A place from which radio communications may be transmitted under supervision of

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a responsible operator at the control point.

32.5 <u>Technical.</u>

(a) Assigned Frequency. The frequency coinciding with the center of an authorized bandwidth of emission. In single-side-band radiotelephony emission, the assigned frequency shall be 1.5 kcs above or below the carrier frequency.

(b) Authorized Bandwidth. The authorized bandwidth is the occupied bandwidth authorized to be used by a station.

(c) Carrier Frequency. A specific carrier frequency authorized for use by a station, from which the actual or suppressed carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(d) Frequency Tolerance. The extent to which an actual or suppressed carrier frequency is permitted to depart, solely because of frequency instability, from the authorized carrier frequency.

(e) Spurious Emission. Emission on a frequency or frequencies which are outside the necessary band, and the level of which may be reduced without affecting the corresponding transmission of information.

PART 33. ELIGIBILITY FOR LICENSE

All requirements for establishing eligibility for a license other than for Amateur Radio are outlined in Part 5 of these Regulations.

PART 34. APPLICATION AND LICENSING

34.1 <u>Application Precedent to Authorization</u>. The regulations pertaining to application for Non-Government Land Station licenses are identical to, and covered by, Section 17.1 Part 17 of these regulations.

34.2 Who May Sign Applications. Section 17.2 of these regulations also applies to Non-Government Land Stations.

34.3 <u>Manner of Filing</u>. Section 17.3 of these regulations also applies to Non-Government Land Stations.

34.4 <u>Modification of Station Authorization</u>. Section 17.4 of these regulations also applies to Non-Government Land Stations. In addition, the following changes are also considered as deviations from the terms of an authorization.

(a) Change in the physical location of radio transmitting apparatus.

(b) Relocation or physical change in the antenna structure(s) as noted in Section 36.2.

34.5 <u>Issuance of Authority</u>. Section 17.5 of these regulations also applies to Non-Government Land Stations.

34.6 <u>Normal License Period</u>. Section 17.6 of these regulations also applies to Non-Government Land Stations.

34.7 <u>Temporary or Short Term Authorization</u>. When a valid reason exists, the Director of Communications may issue a temporary authorization or a short term authorization (less than one year) and the station license document shall contain a note of such limitation.

34.8 <u>Renewal of License.</u> Section 17.8 of these regulations also applies to Non-Government Land Stations.

34.9 Assignment of Call Signs.

(a) Each land station in the fixed and maritime mobile (coastal) service shall be assigned call signs consisting of three letters and two figures from the call groups KUT30 to KUT59 or KWH50 to KWH69.

(b) Each station in the land mobile service shall be assigned call signs consisting of two letters and four digits from the calls groups KG2100 to KG2133.

34.10 Establishment of Station. Except as provided in paragraphs (a) and (b) of this Section, a newly authorized station shall be activated within a period of three months after the issuance of authorization, and the licensee shall so inform the Director of Communications, in writing with a copy to the District Administrator of the district in which located, of such activation. In the absence of such notice, the authorization shall be cancelled, with or without notice of the licensee.

(a) If for reasons beyond the control of the licensee, it appears that activation of the station can not be accomplished within the 3-month period, the licensee may request, in writing, extension of said period.

(b) If circumstances indicate that the activation period for a particular proposed station should be longer than three months, the Director may, in his discretion, extend the activation period and so note his decision on the station authorization.

(c) In his notice of activation to the Director and the District Administrator, the licensee shall include the hours of operation of said station.

34.11 <u>Authorization Not Transferrable</u>. Authorizations for any station subject to these regulations, may not be transferred or reassigned. In lieu therefor, the authorization shall be forwarded to the Director for cancellation and a new application submitted.

PART 35. GENERAL REQUIREMENTS

35.1 Location of Station. Stations in the fixed and coastal services shall be located at such points so as to provide the services for which they are intended, subject to the conditions set forth in the following paragraphs of this Section.

(a) No fixed or coast station may be located, and no mobile land station may be operated, in an area adjacent to a government station or a previously authorized station when such location or operation may result in harmful interference as defined in paragraph (f) of Section 32.4

(b) Stations in the fixed and coastal services shall not be located within 1000 feet of an airport or airdrome and in any case, must comply with the provisions of Section 36.2.

35.2 <u>Construction Permit.</u> A construction permit for the purposes of these regulations is defined as any authorization from the Director of Communications, in letter form or on standard form, authorizing an applicant to perform such operation or installation set forth in the document.

(a) A construction permit is required:

(1) To establish a network of stations within the territorial limits of the Trust Territory or to add three or more stations to an established network.

(2) When in the opinion of the District Administrator, on the advise from communication personnel stationed in his district, any station has caused or may cause harmful interference to communications or hazard to air navigation, and he requests investigation into the matter before he approves or disapproves the application.

(b) A request for construction permit under the provisions of paragraph (a) (1) of this Section, shall be submitted in letter form to the Director of Communications setting forth the proposal for establishment of or additions to a network, attaching thereto the required application forms and a statement from each of the District Administrators of the districts in which the stations are proposed to be located.

(c) Information to be included in the request shall include:

(1) Justification of need.

(2) Proposed equipment.

(3) Availability of personnel to maintain and operate the facilities.

(4) Other information which will provide a basis on which a decision may be made.

(5) The District Administrator shall indicate approval or disapproval and if disapproval is recommended, reasons for such disapproval shall be indicated.

permit under the conditions contained in paragraph (a)(2) of this Section, he shall forward all documents submitted to him by the applicant to the Director of Communications, outlining his reasons for requiring such permit.

(e) On the basis of the facts before him, including any additional information, drawings, sketches provided by the applicant on request, the Director of Communications shall issue or deny a construction permit. Reasons for denial shall be fully set forth.

35.3 <u>Inspection of Station</u>. All stations subject to these regulations and all station records shall be made available for inspection by authorized representatives of the High Commissioner or the Director of Communications at such times and intervals which are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements. A report of such inspection shall be made a part of the station records. Inspection is required prior to establishment of a new station and prior to renewal of a license.

(a) A certificate of inspection provided the licensee three months prior to submission of application shall meet the requirements set forth in this Section, provided that licensees in remote areas of the Territory which an inspector has not visited for a period of more than three months may request that the certificate provided by the last inspection may be accepted.

35.4 <u>Posting of Station License</u>. The current station authorization(s) for each station shall be posted in the principal control point of that station. In addition, the transmitter shall be marked with a small card, readily accessible to the operator, with the following information.

(a) Name of licensee.

(b) Station call sign.

(c) Exact location or locations of the actual station authorization(s).

(d) The assigned frequency or frequencies on which the transmitter is authorized for operation.

(e) Signature of the licensee or his duly authorized agent.

35.5 <u>Authorized Operator Required</u>. The actual operation of all transmitting apparatus of a fixed or coastal station using telephony, shall be carried on only by a person holding a restricted radiotelephone or higher operator license issued in accordance with parts 46 through 55 of these regulations. However, the licensed operator may, if authorized by the station licensee to do so, permit any person to speak over the station microphone, provided, that during such transmission the station licensee or licensed operator shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations.

(d) When a District Administrator requests a construction

(a) The original license of each operator while he is employed

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or designated as radio operator of the station shall be posted in a conspicuous place at the control point where the operator is stationed.

PART 36. TECHNICAL REQUIREMENTS

36.1 <u>Equipment Requirements.</u> Equipment must be type accepted for the purpose for which it will be used, i.e., it is capable of permitting reception and transmission of the class or classes of emission on the frequencies being requested. When the type of transmitter or receiver is not a specific and readily identifiable type, the applicant may be requested to present documentation, which may include certification from the manufacturer, charts, graphs, or test data, attesting that the actual technical performance is in accordance with all pertinent rules, regulations and agreements.

36.2 <u>Limitation on Antenna Structures</u>. No new antenna or antenna structures shall be erected for use by any class station licensed, or proposed to be licensed, so as to increase its overall height above ground level, without prior approval from the Director of Communications in any case when either:

(a) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet; or

(b) The antenna structure(s) proposed to be erected will exceed an overall height of one (1) foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area except where the antenna does not exceed 20 feet above the ground or where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

(c) In his acceptance of any antenna structure, the Director may require that the licensee provide such marking and/or lighting on said structure as necessary for safety to air navigation. Such requirement shall be noted on the station authorization.

36.3 <u>Frequencies and Types of Emission</u>. The following frequencies and emissions are available for assignment to stations in the fixed, coastal and land mobile services.

| Frequency | Emission | Carrier Frequency |
|------------|----------|---------------------|
| 4538.5 kcs | 3A3J | 4540 kcs-lower band |
| 4540 kcs | 6A3 | |
| 4541.5 kcs | 3A3J | 4540 kcs-upper band |
| 4598.5 kcs | 3A3J | 4600 kcs-lower band |
| 4600 kcs | 6A3 | |
| 4601.5 kcs | 3A3J | 4600 kcs-upper band |

and the traffic and

(a) Use of the lower side bands of carrier frequencies 4540 kcs and 4600 kcs is limited to that of back-up frequencies and in cases of emergency.

(b) Use of these frequencies is on a shared basis and in no case shall both bands be authorized except under exceptional circumstances.

(c) Trust Territory Government frequencies may be authorized for use by non-government stations only under exceptional circumstances. Requests for such use will be considered on an individual basis and such request must be fully justified by the applicant. Provided, however, that any authorization granted under this provision may be withdrawn at any time by the Director.

36.4 <u>Frequency Tolerance</u>. The authorized tolerance of stations subject to these regulations shall be not more than .002 parts for emissions other than A3J. A3J emissions require a tolerance not to exceed 50 c/s.

36.5 <u>Authorized Emission Bandwidth.</u> Unless otherwise specified in the station license, bandwidths shall not exceed 8.0 kcs in the case of 6A3 emission and 3.5 kcs in the case of A3J emission.

36.6 <u>Authorized Transmitter Power</u>. Stations may use such antenna power as is necessary to carry on the service for which the station is licensed, provided that the maximum authorized transmitter power output of 150 watts shall not be exceeded.

36.7 <u>Modulation Adjustments for Telephony.</u> All stations subject to this regulation using class A3 emission shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent.

PART 37. OPERATIONAL REQUIREMENTS AND PROCEDURES

37.1 Operating Controls. The transmitting apparatus of all stations subject to these regulations shall be installed and protected so as not to be accessible to other than duly authorized persons. Readily accessible operating controls for the authorized operator, for commencing and discontinuing normal operation of each station, normal radio channel changing, and normal changing from transmission to reception and vice versa, shall be made available at the principal (control point) operating location of the station. During the station's hours of service and when the authorized operator is present at the principal operating location, the station shall be capable of:

(a) Commencing operation within one minute after the need to do so occurs.

(b) Discontinuing all emission within five seconds after emission is no longer required.

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37.2 Adjustment and Test of Equipment. Except as

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provided in paragraph (a) 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 station shall be made by or under the immediate supervision and responsibility of a person holding a first-or second-class commercial radio operator license or a fully qualified Trust Territory or U. S. Government electronic technician, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or test. 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 by a qualified technician or mechanic, or not under the supervision of such licensed operator, mechanic or technician, other than the factory assembly or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the regulations by a commercial radio operator, mechanic or technician of the proper grade before it is placed on the air. Any tests and adjustments necessary to correct any deviation of a transmitter of any class of station from the technical requirements of these regulations shall be made by, or under the immediate supervision and responsibility of a person holding a first-or second-class commercial radio operator license or a fully qualified Trust Territory, U. S. Government electronic technician.

(a) A holder of a Restricted Radiotelephone Operator license may perform transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance, 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 frequencies within the prescribed tolerance.

(2) The transmitting equipment either shall have been factory assembled or shall nave 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-frèquency 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 kits, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions.

(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 Director of Communications on request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing portions of this paragraph (a). The manufacturer's certification concerning design and construction features of 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 and/or the Director that the conditions described in this paragraph have been fulfilled.

37.3 <u>Cooperative Use of Frequencies. Unless specifically</u> noted on a station authorization, each radio channel authorized for use by a station in the land services is available on a shared basis and shall not be construed as available for the exclusive use by any one station or any one radio licensee. All station licensees shall cooperate in the use of their respective frequency assignments in order to minimize interference and obtain the most effective use of the authorized radio channels.

37.4 <u>Current Copy of Rules Required</u>. A current copy of these rules and regulations shall be maintained by each licensee as a part of his station records.

37.5 <u>Radio Station Logs.</u> Each station shall maintain an accurate radiotelephone log during its hours of service, as hereinafter specified.

(a) Each sheet of the log shall be numbered in sequency and dated and shall include the official call sign of the station and the signature(s) of the licensed operator(s) performing operating duties.

(b) The entry "on duty" shall be made by the operator at the beginning of his operating duty period followed by his signature. All log entries shall be currently completed and made by the licensed operator on duty.

(c) The time of making an entry shall be expressed in local time.

transmitter adjustments or (d) All distress, urgency or safety signals and TERRITORIAL REGISTER, VOL. 1 NO. 7 – JANUARY 15, 1975 223 communications made or intercepted, the complete text, if possible, of such communication; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observations or occurrence, identification of the radio channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit, in need of assistance, if this can be determined.

(e) All calls transmitted from or received by a station shall be entered, showing the call signs or geographical names or names of vessels, the time and the frequencies used.

(f) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(g) All test transmissions shall be entered, together with the time of such transmission without regard to whether two-way communication with any other station is established.

(h) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communications shall be entered.

(i) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the authorized carrier frequency(s) as may be observed and a statement of any corrective action taken.

(j) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mailing address and the class, serial number and expiration date of his license; or if by a radio mechanic or technician as authorized under Section 37.2, name of employer and duty station.

(k) Entries shall be also made in reference to operation of antenna lights as required by Section 37.7.

(1) All station logs shall be retained by the licensee for a period of one year from date of last entry and for such additional periods as required by the following:

(1) Station logs involving communications incident to a distress or disaster shall be retained for a period of three years from date of entry.

(2) Station logs which include entries of communications incident to or involved in any investigation by the Director of Communications and concerning which the station licensee has been notified shall be retained by the licensee until such licensee is specifically authorized to destroy them.

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

(m) Station logs shall be made available to an authorized representative of the Director upon request.

37.6 <u>Inspection and Maintenance of Tower Marking and</u> <u>Associated Control Equipment.</u> The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to provisions included in his authorization, shall operate and maintain the tower marking and associated control equipment in accordance with the following paragraphs of this Section.

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within 30 minutes, regardless of the cause of such failure,shall be reported immediately to the District Administrator of the district in which the station is located. Further notification shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three (3) months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

37.7 <u>Recording of Tower Light Inspections</u>. When a station has an antenna structure which is required to

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be illuminated, appropriate entries shall be made in the station records as follows:

(a) The time the tower lights are turned on and off each day, if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light; nature of such failure; date and time the failure was observed or otherwise noted; date, time and nature of the adjustments, repairs or replacements made; date and time notice was given to the District Administrator of failure of any code or rotating beacon light not corrected within 30 minutes; and the date and time notice was given to the District Administrator that the required illumination was resumed.

(d) Upon completion of the 3-month periodic inspection required by Section 37.6(c); the date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems; any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments or repairs were made.

37.8 <u>Secrecy of Communications.</u> All persons who may have knowledge of the text or of the existence of radio communications transmitted or received by a station, have the obligation of observing and insuring the secrecy of communications to the extent required by the Code of the Trust Territory of the Pacific Islands.

37.9 <u>Permissible Communications</u>. Stations in the services subject to these regulations may communicate with any non-government station in the fixed, coastal, maritime mobile and land mobile service unless the station authorization specifies otherwise.

(a) Stations in these services may communicate with government stations only in emergencies which may endanger the health, life and safety of persons or property as provided in Section 37.20 of these regulations, unless the station authorization specifies otherwise.

(b) Stations subject to these regulations shall acknowledge all calls from land and maritime mobile stations operated by the Government of the Trust Territory and the United States, and to receive all such communications addressed or directed to them by authorized representatives of these Governments.

37.10 <u>Unauthorized Transmissions</u>. Stations subject to these regulations shall not engage in radio communications which are superfluous or unnecessary in their service.

(a) Stations subject to these regulations shall not transmit a general call or transmit signals or communications not addressed to a particular station or stations, <u>provided</u> that this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

(b) Stations subject to these regulations shall not engage in radio communications with foreign stations including the states and territories of the United States except as specifically authorized by such foreign country or in cases of emergency relating to immediate safety of life and property.

(c) Stations subject to these regulations shall not engage in radio communications with amateur stations.

37.11 <u>Suspension of Transmission</u>. Transmissions shall be suspended immediately upon detection by station personnel or upon notification by an authorized representative of the High Commissioner or Director of Communications of any deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for emergency transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency terminates.

37.12 Notice of Discontinuance, Reduction or Impairment of Service. When the service of any station is discontinued, reduced or impaired for any reason for a period longer than 10 days, the station licensee shall advise other stations which it normally is in communication with as well as the District Administrator of the district in which located. Such notice shall contain a statement of conditions leading to discontinuance, reduction or impairment of service, and when normal station operation is expected to be resumed.

37.13 <u>Permanent Discontinuance of Operation</u>. In all cases of permanent discontinuance of operation, the licensee shall immediately forward the station license to the Director of Communications, through the District Administrator for the district in which located, for cancellation.

37.14 <u>Station Identification</u>. All radiotelephone emissions shall be clearly identified by voice transmission therefrom in the English language of the official call sign assigned to that station by the Director. Identification shall be made at the beginning and upon completion of each communication with any other station; at the beginning and upon conclusion of each transmission made for any other purpose; and at intervals not exceeding fifteen minutes whenever transmissions or communications are sustained for a period exceeding fifteen minutes.

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(a) During the course of communication with any other station and subject to the fifteen-minute provision above, the geographical location of the station may be used in lieu of the call sign.

37.15 <u>Time Limitation on Communications.</u> Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, stations subject to these regulations shall call the particular station(s) with which it intends to communicate. All communications shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

37.16 Order of Priority of Communications. The order of priority of communications shall be as follows:

(a) Communications relative to disaster, distress or in the interest of public safety.

(b) Communications concerning the safety of navigation or important meteorological warnings.

(c) Government communications for which priority right has been claimed.

(d) All other communications.

37.17 <u>Procedure in Testing.</u> Stations subject to these regulations are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided that every precaution shall be taken to insure that when conducting operational transmitter test, the emissions of the station will not cause harmful interference. Test transmissions shall not continue for more than 30 seconds in any 15-minute period. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed.

(a) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmission in progress.

(b) The official call sign and the geographic location, followed by the word "testing" shall be announced as a warning that test emissions are about to be made on that frequency.

(c) If as a result of the announcement prescribed in (b) above, any station transmits the word "wait," testing shall be suspended. When after and appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in paragraph (d), below. (d) The operator shall announce the words "testing" followed by the count "1, 2, 3, 4, etc." or by test phrases or sentences not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its geographic location.

37.18 <u>Prevention of Interference</u>. Before any signals or communications are transmitted on any frequency, the operator of the transmitting station shall first listen on the associated frequency to determine insofar as practicable whether transmission will interfere with communications already in progress. Except in event of emergency, distress, either actual or impending, communications in progress are not to be interferred with.

37.19 <u>Radiotelephone Watch by Coast Stations.</u> Each coast station shall, during its hours of service, keep watch on the authorized frequencies which are used normally by mobile stations for communications with the particular coast station.

37.20 <u>Procedure Relative to Distress and Emergency</u> <u>Situations:</u>

(a) No provisions in these regulations shall prevent the use by a land station, in exceptional circumstances, of any means at its disposal to assist a mobile station in distress.

(b) A land station receiving a distress, urgency, or safety signal as defined in Section 32.4 shall, without delay, take the necessary action to advise the appropriate authorities responsible for providing for the operation of rescue or relief facilities.

(c) All stations which hear a distress call shall immediately cease any transmission capable of interfering with the distress traffic and shall continue to listen on the frequency used for the emission of the distress call.

(d) A station which hears a distress call from a mobile unit which beyond doubt is within its immediate vicinity shall acknowledge such call provided that, after careful listening, no other station, land or mobile, has acknowledged such call. (See paragraph (i) of this Section.)

(e) The acknowledgement of receipt of a distress message is transmitted by radiotelephony in the following form:

(1) The call sign or other identification of the station, sending the distress message, spoken three times.

(2) The words THIS IS.

(3) The call sign or other identification of the station acknowledging receipt, spoken three times.

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(4) The word RECEIVED.

(5) The distress signal MAYDAY.

(f) The control of distress traffic is the responsibility of the mobile station in distress or of the station which has transmitted the distress message. These stations may, however, delegate the control of the distress traffic to another station.

(g) The station in distress or the station in control of distress traffic may impose silence either on all stations in the area or any station which interferes with the distress traffic. It shall address these instructions "To All Stations" or to one station only, according to circumstances. In either case, it shall use the signal SILENCE MAYDAY. The use of this signal shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(h) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(i) A land station which learns that a mobile station is in distress shall transmit a distress message in any of the following cases:

(1) When the station in distress is not itself in a position to transmit the distress message.

(2) When the person responsible for land station considers that further help is necessary.

(3) When, although not in a position to render assistance, it has heard a distress message which has not been acknowledged. At the same time, all necessary steps shall be taken to notify the authorities who may be able to render assistance.

(j) The transmission of a distress message under these conditions shall be made on any available frequency on which attention might be attracted.

(k) The call of a station transmitting a distress message for a mobile station in distress, using radiotelephony, shall consist of:

(1) The signal MAYDAY RELAY, spoken three times.

(2) The words THIS IS.

(3) The call sign or other identification of the transmitting station, spoken three times.

(1) When distress traffic has ceased, or when silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic shall transmit on that frequency a message addressed "to all stations" indicating that normal working may be resumed. In radiotelephony, this message consists of:

(1) The distress signal MAYDAY.

(2) The call "to all stations," spoken three times.

(3) The words THIS IS.

(4) The call sign or other identification of the station sending the message.

(5) The time of handing in of the message.

(6) The name and call sign of the mobile station which was in distress.

(7) The words SILENCE FINISHED.

PART 38. PROHIBITED PRACTICES AND ADMINISTRATIVE SANCTIONS

In addition to Section 38.1 below, all Prohibited Practices and Administrative Sanctions as outlined in Section 23.2 thru 23.14 of these regulations also apply to all Non-Government Land Stations.

38.1 <u>No Remuneration for Use of Station</u>. Stations in the land fixed, coastal or mobile/portable services are not open to public correspondence and shall not transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised; nor shall they transmit or receive any message of a personal nature.

PARTS 39 through 45 reserved for future use.

CHAPTER IV

Commercial Radio Operators

PART 46. GENERAL REQUIREMENTS, COMMERCIAL RADIO OPERATORS.

46.1 <u>Licensed Operators Required.</u> Unless otherwise specified by the High Commissioner of the Trust Territory, the actual operation of any radio station for which a station license is required shall be carried on only by a licensed radio operator of the required class.

46.2 <u>Class of Operator Licenses</u>. The classes of commercial radio operator licenses issued by the High Commissioner are classified as radiotelegraph and radiotelephone licenses, as follows:

(a) RadioTelegraph first-class operator license.

(b) RadioTelegraph second-class operator license.

(c) Temporary Limited radiotelegraph second-class operator license.

(d) Radiotelephone first-class operator license.

(e) Radiotelephone second-class operator license.

(f) Restricted radiotelephone operator license.

46.3 <u>Terms of Licenses</u>. Commercial operator licenses (except Restricted Radiotelephone Operator Licenses) will normally be issued for a term of five years from date of issuance. Restricted Radiotelephone Operator Licenses will normally be issued for the lifetime of the operator.

46.4 <u>Eligibility for New License.</u> United States citizens and citizens of the Trust Territory of the Pacific Islands who are found qualified by the High Commissioner are the only persons to whom radio operator licenses may be issued, except that no person otherwise eligible shall be deemed eligible to be examined for or to receive a commercial radio operator license of any class.

(a) Whose commercial radio operator license is under suspension or is involved in a suspension hearing.

(b) Who is involved in any pending litigation based on an alleged violation of the Code of the Trust Territory of the Pacific Islands, international agreement, treaty or rules and regulations issued by the High Commissioner.

46.5 <u>Operator License</u>, Posting of. The original license of each station operator shall be posted at the place where he is on duty, except as otherwise provided in this part or in regulations governing the class of station concerned.

46.6 <u>Duplicate or Replacement Licenses</u>. An operator whose license, permit or authorization has been lost, destroyed or mutilated shall immediately notify the High Commissioner and embody a statement of the circumstances involved.

46.7 <u>Endorsement of Service Record.</u> A station licensee, or his duly authorized agent, or the master of a vessel acting as the agent of the licensee, shall endorse the service record appearing on the said operator's license, showing the call letters and types of emission of the station operated, the nature and period of employment, and quality of performance of duty.

46.8 <u>Service Acceptability.</u> Credit will be allowed only for satisfactory service obtained under conditions that required the employment of licensed operators, or when obtained at United States or Trust Territory Government stations.

PART 47. APPLICATIONS AND EXAMINATIONS

47.1 <u>Applications</u>. Application in the prescribed form, including subsidiary forms and documents, shall be submitted in person or by mail to the district office at which the applicant desires his application to be considered and acted upon, which office will make final arrangements for conducting any examination. If the application is for renewal of license, it may be filed during the final year of the license term or during a one year period of grace after the date of expiration of the license. An expired license is not valid during the grace period.

47.2 <u>Restricted Radiotelephone, Examinations.</u> Applicants for Restricted Radiotelephone Operator License will be required to pass examinations as follows:

(a) Ability to transmit and receive slowly spoken messages in English.

(b) Give a satisfactory demonstration of his knowledge of simplified radiotelephone procedure.

(c) Give a satisfactory evidence of his knowledge of the regulations contained herein.

47.3 <u>Radiotelephone Second-Class, Examinations</u>. Applicants for Radiotelephone Second-class Operator License will be required to pass examinations as follows:

(a) Ability to transmit and receive spoken messages in English.

(b) Written examination in basic law contained in international agreement, treaties and rules and regulations; radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations; basic technical, legal and other matters particular to the operation of radiotelephone stations.

47.4 <u>Radiotelephone First-Class, Examinations.</u> Applicants for Radiotelephone First-class Operator License will be required to pass examinations as follows:

(a) Ability to transmit and receive spoken messages in English.

(b) Written examination in those subjects required for radiotelephone second-class and advanced technical, legal and other matters.

47.5 <u>Temporary Limited Radiotelegraph Second-Class</u> <u>Examinations</u>. Applicants for Temporary Limited Radiotelegraph Second-class Operator License will be required to pass examinations as follows:

(a) Ability to transmit and receive spoken messages in English.

(b) Transmitting and receiving code test of ten (10) code groups per minute.

(c) Demonstration of radio operating procedures and practices generally followed or required in communication by means of radiotelegraph stations.

47.6 <u>Radiotelegraph Second-Class Examinations.</u> Applicants for Radiotelegraph Second-class Operator License will be required to pass examinations as follows:

(a) Ability to transmit and receive spoken messages in English.

(b) Transmitting and receiving code test of sixteen (16) code groups per minute.

(c) Written examination in basic law contained in international agreement, treaties and rules and regulations; radio operating procedures and practices generally followed or required in communicating by means of radiotelephone or radiotelegraph stations; technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices win the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

47.7 <u>Radiotelegraph First-Class Examinations</u>. Applicants for Radiotelegraph First-class Operator License will be required to pass examinations as follows:

(a) Ability to transmit and receive spoken messages in English.

(b) Transmitting and receiving code tests of twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(c) Written examination as required for Radiotelegraph second-class operator license.

47.8 <u>Passing Marks</u>. A passing mark of 75 percent of a possible 100 percent will be required of a written examination which shall be in English and written by the applicant in longhand.

47.9 <u>New Class, Additional Requirements.</u> The holder of a license, who applies for another class of license, will be required to pass only the added examination elements for the new class of license. However, no person holding a Temporary Limited Radiotelegraph Second-class Operator License will, by the holding of such license, be relieved of qualifying by examination when applying for any other class of license for which examination on any subject matter is required.

47.10 <u>Cancelling and Issuing New Licenses</u>. If the holder of a license qualifies for a higher class in the same

group, the license held will be cancelled upon issuance of the new license.

47.11 <u>Eligibility for Reexamination</u>. An applicant who fails an examination will be ineligible for one month to take an examination for any class of license requiring that element, except that, where in the opinion of the examining officer a proper showing has been made that transportation difficulties will prevent the applicant from returning to the place of examination for reexamination, the period of ineligibility shall be one (1) week.

47.12 <u>Renewal Service Requirements</u>. A license, except a Temporary Limited Radiotelegraph Second-class, may be renewed without examination provided that the service record on the reverse side shows at least two years of satisfactory service in the aggregate during the term of the license. Failing to show the required satisfactory service, a renewal examination will be required.

PART 48. SCOPE OF AUTHORIZATIONS

The various classes of commercial radio operator licenses issued by the High Commissioner of the Trust Territory authorize the holders thereof to operate radio stations, except amateur, and except as indicated in the following Sections.

48.1 <u>Radiotelegraph First-Class</u>. Authorized to operate any station except that on a cargo vessel required by treaty or statute to be equipped with a radiotelegraph installation the holder of this class of license may not act as chief or sole operator until he has had at least six months satisfactory service in the aggregate as a qualified radiotelegraph operator on board a ship or ships of the Trust Territory or the United States.

48.2 <u>Radiotelegraph Second-Class.</u> Authorized to operate any station except that on a passenger vessel (a ship shall be considered a passenger vessel if it carries or is licensed or certificated to carry more than 12 passengers; a cargo ship means any ship not a passenger ship) required by treaty or statute to maintain a continuous radio watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class license may not act as chief operator.

48.3 <u>Temporary Limited Radiotelegraph Second-Class.</u> Authorized to operate any station except:

(a) Stations transmitting television or any of the various classes of broadcast or remote pickup.

(b) Radiotelegraph stations on board a vessel required by treaty or statute to be equipped with a radio installation.

(c) Fixed land station used solely for telephony and at which the power in the antenna of the unmodulated carrier is authorized to exceed 100 watts for communications.

48.4 <u>Radiotelephone First-Class</u>. Authorized to operate any station except:

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(a) Stations transmitting telegraphy by any type of the Morse Code.

(b) Ship stations licensed to use telephony and power in excess of 100 watts for communication with coastal telephone stations.

48.5 <u>Radiotelephone Second-Class.</u> Authorized to operate any station except:

(a) Stations transmitting telegraphy by any type of the Morse Code.

(b) Ship stations licensed to use telephony and power in excess of 100 watts for communication with coastal telephone stations.

48.6 <u>Restricted Radiotelephone</u>. Holders of this class of license may replace fuses or tubes but are specifically prohibited from making any adjustment that may result in improper transmitter operation. Any needed adjustments of the transmitter that may affect the proper operation of the transmitter are to 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 radiotelegraph. In addition to these restrictions, holders of this class of license may not operate:

(a) Stations transmitting television or any of the various classes of broadcast or remote pickup.

(b) Stations transmitting telegraphy by any type of the Morse Code.

(c) Radio stations provided on board vessels for safety purposes pursuant to treaty or statute.

(d) Fixed land stations at which the power in the antenna of the unmodulated carrier is authorized to exceed 250 watts.

48.7 <u>Operator's Responsibility</u>. The licensed operator responsible for the maintenance of a transmitter may permit other persons to adjust a transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge skill, provided that he shall not be relieved thereby from responsibility for the proper operation of the equipment.

48.8 <u>Obedience to Lawful Orders</u>. All licensed radio operators shall obey and carry out the lawful orders of the master 'or person lawfully in charge of the ship or station on which they are employed.

48.9 <u>Damage to Apparatus</u>. No licensed radio operator shall willfully damage, or cause or permit to be dámaged, any radio apparatus or installation in any licensed radio station. 48.10 <u>Unnecessary</u>, <u>Unidentified</u>, or <u>Superfluous</u> <u>Communications</u>. No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

48.11 <u>Obscenity</u>, <u>Indecency</u>, <u>Profanity</u>. No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language or meaning.

48.12 <u>False Signals.</u> No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authorities to the station he is operating.

48.13 <u>Interference</u>. No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

48.14 <u>Fraudulent Licenses</u>. No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain an operator's license by fraudulent means.

PARTS 49 through 55 reserved for future use.

CHAPTER V

Amateur Radio Service

PART 56. GENERAL PROVISIONS, AMATEUR RADIO SERVICE

56.1 <u>Basis and Purpose</u>. The rules and regulations in Parts 56 through 81 are designed to provide an Amateur Radio Service within the Trust Territory of the Pacific Islands having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communications and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio services of trained operators, technicians and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

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(f) Development of a medium for contributing to the general education of the people of the Trust Territory of the Pacific Islands through international fellowship.

56.2 <u>Definitions Applicable to the Amateur Radio</u> Service.

(a) <u>Amateur Service</u>. A radio service carried on by amateur stations.

(b) Amateur Operator. A person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the High Commissioner of the Trust Territory of the Pacific Islands, or his authorized representative, authorizing him to operate licensed amateur stations.

(c) Amateur Station. A station used by an amateur operator and embracing all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

(d) Amateur portable station. An amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

(e) Amateur mobile station. An amateur station that is so constructed that it may conveniently be transferred to or from a mobile unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

(f) Amateur radio communication. Radio communication between amateur stations solely with a personal aim and without pecuniary interest.

(g) Remote control. Control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible, except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

(h) Antenna structure. The radiating system, including its supporting structures, and any surrounding appurtenances.

(i) Aircraft landing area. Any locality, either on land or water, including airports and intermediate landing fièlds, which is used or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for the receiving or discharging of passengers or cargo.

(j) Alien. Unless otherwise specified, the term "alien" for the purpose of this regulation includes any person

not a citizen of the Trust Territory of the Pacific Islands or of the United States of America.

(k) Alien or foreign government. Unless otherwise specified, the term "alien or foreign government" for the purpose of this regulation does not include a state or territory of the United States of America.

(1) Director of Communications. Wherever used herein, Director of Communications, or Director, shall include any person assigned to the Office of the Director of Communications designated by him to perform any act or function pertaining to these regulations.

PART 57. CLASSES OF LICENSES AND PRIVILEGES

57.1 Classes of Operator Licenses.

(a) General class

(b) Conditional class

- (c) Technician class
- (d) Novice class

57.2 <u>General and Conditional Class Privileges.</u> All authorized amateur privileges.

57.3 Technician Class Privileges. All authorized amateur privileges in the amateur frequency bands 50 to 54 mcs and 145.0 to 147.0 mcs, and in the amateur frequency bands above 220 mcs.

57.4 <u>Novice Class Privileges.</u> Amateur privileges designated and limited as follows:

(a) The d.c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(b) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(1) 3700 to 3750 kcs. Radiotelegraphy using only type A1 emission.

(2) 21.10 to 21.25 mcs. Radiotelegraphy using only type A1 emission.

(3) 145 to 147 mcs. Radiotelegraphy using types of emission as set forth in Section 65.1.

PART 58. OPERATOR LICENSE ELIGIBILITY

Persons are eligible to apply for the various classes of amateur operator licenses as indicated in the following Sections.

58.1 <u>General Class.</u> Any citizen of the Trust Territory of the Pacific Islands or any citizen of the United States of America who is a bona fide resident of the Trust Territory of the Pacific Islands or any member of

the United States Armed Forces, stationed within the Trust Territory, with the approval of his commanding officer.

58.2 <u>Conditional Class</u>. Any person meeting the requirements for the General Class

(a) Whose actual residence and amateur station location are more than 75 miles airline distance from the nearest location at which examinations are held at intervals of not more than three (3) months for general class amateur operator licenses.

(b) Who is shown by physician's certificate to be unable to appear for examination because of protracted disability.

(c) Who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and for that reason to be unable to appear for examination at the time and place designated.

58.3 <u>Technician Class</u>. Any person meeting the requirement for general class.

58.4 <u>Novice Class.</u> Any person meeting the requirements for the general class except a former holder of an a mateur license of any class issued by the Trust Territory Government or issued by any agency of the United States Government, military or civilian.

PART 59. SUBMISSION OF APPLICATIONS

59.1 For Examinations Supervised by Trust Territory Personnel. An application (TT Form 657) for a new operator license, including an application for change in operating privileges, which will require an examination supervised by Trust Territory personnel, shall be submitted to the Director of Communications, Trust Territory of the Pacific Islands. Members of the United States armed forces and civilian employees thereof, shall file in accordance with orders set forth by the commanding officer. Upon receipt of the application, the Director's Office will make arrangements for conducting the required examination either at its location or at an examination point within its area.

59.2 For Examinations Supervised by Volunteer Examiners. An application (TT Form 657) for a new operator license, including an application for change in operating privileges, which requests an examination supervised by a volunteer examiner under the provisions of Section 60.6, shall be submitted to the Director of Communications, Trust Territory of the Pacific Islands, together with the request for the written examination material.

59.3 For Renewal and/or Modification. An application (TT Form 657) for renewal and/or modification of

license when no change in operating privileges is involved shall be submitted to the Director of Communications, Trust Territory of the Pacific Islands.

(a) An amateur operator license, except the novice class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Trust Territory, a minimum total of either two (2) hours operating time during the last three (3) months or five (5) hours operating time during the last twelve (12) months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in Section 68.1, both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i.e., straight key or any other type of hand operated key such as a semi-automatic or electronics key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class to be renewed.

(b) The novice class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this Section are not fulfilled.

(d) Application for renewal and/or modification (change of address, etc.) of an amateur operator license shall be submitted on TT Form 657 and shall be accompanied by the applicant's license. Application for renewal of unexpired licenses must be made during the license term and should be filed within ninety (90) days but not later than thirty (30) days prior to the end of the license term. In any case in which the licenseee has, in accordance with the provision of these rules, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(e) If a license is allowed to expire, application for renewal may be made during a period of grace of one year after the expiration date. During this one-year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be back-dated to the date of its expiration. Application for renewal shall be submitted on TT Form 657 and shall be accompanied by the applicant's expired license.

PART 60. OPERATOR LICENSE EXAMINATIONS

60.1 <u>When Examination is Required.</u> Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges

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except applicants holding valid Federal Communication Commission amateur licenses may file either the original or a photostat copy thereof as evidence of having passed an examination equivalent to that which would be given by the Trust Territory Government for the same class of license. Credit may be given for certain elements of examination as provided in Section 60.4.

60.2 <u>Examination Elements</u>. Examinations for amateur operator privileges will comprise one or more of the following examination elements:

(a) Element 1A: Beginner's code test. Code test at five(5) words per minute.

(b) Element 1B: General code test. Code test at thirteen (13) words per minute.

(c) Element 2: Basic amateur practice. Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

(d) Element 3A: Basic law. Rules and regulations essential to beginner's operation, including sufficient elementary radio theory for the understanding of those rules.

(e) Element 3B: General regulations. Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

60.3 <u>Examination Requirements</u>. Applicant for original licenses will be required to pass examinations as follows:

(a) General class. Elements 1B, 2 and 3B.

(b) Conditional class. Elements 1B, 2 and 3B.

(c) Technician class. Elements 1A, 2 and 3B.

(d) Novice class. Elements 1A and 3A.

60.4 <u>Examination Credit</u>. An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Trust Territory or the Federal Communications Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of Section 60.6.

(a) An applicant for any class of amateur operator will be given credit for the telegraph code element if within five (5) years prior to the receipt of his application by the Director of Communications he held a commercial radiotelegraph operator license or permit issued by the Trust Territory or the Federal Communications Commission.

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

60.5 <u>Availability of Conditional Class License Examinations</u>. The examinations for conditional class will be available only to applicants meeting one or more of the requirements shown under Section 58.2.

60.6 <u>Manner of Conducting Examinations</u>. The examinations for general class amateur operator license will be conducted by an authorized Trust Territory employee or representative at locations and at times specified.

(a) Unless otherwise prescribed, an examination for the conditional, technician or novice class license will be conducted and supervised by a volunteer examiner selected by the applicant. A volunteer examiner shall be at least 21 years of age and shall be the holder of a general class amateur radio operator license, or shall be employed in the service of the Trust Territory as the operator of a manully operated radiotelegraph station. The written portion of the examination shall be obtained, supervised, and submitted in accordance with paragraph (b), (c) and (d) of this Section.

(b) Within ten (10) days after passing the code test required by paragraph (e) of this Section, an applicant shall submit an applicant (TT Form 657) to the Director's Office at Saipan, Mariana Islands. The application shall include a written request from the volunteer examiner for the appropriate examination papers. The examiner's written request shall include (1) the names and permanent addresses of the examiner and the applicant, (2) a description of the examiner's qualification to administer the examination, (3) the examiner's statement that the applicant has passed the code test for the class of license involved under his supervision within ten (10 days prior to submission of the request, and (4) the examiner's written signature. Examination papers will be forwarded only to the volunteer examiner. Note: When the applicant is entitled to examination credit for the code test pursuant to Section 60.4(a), an application may be submitted without regard to the 10-day limitation. The examiner's request should then state that a code test was not administered for that reason. The applicant should furnish details as to the class, number, and expiration date of the commercial radiotelegraph operator license involved by attaching a copy of such license to his application.`

(c) The volunteer examiner shall be responsible for the proper conduct and necessary supervision of the examination. Administration of the examination shall be in accordance with the instructions included with the examination papers and as prescribed in this Section and in Sections 60.7 and 60.8.

(d) The examination papers, either completed or unopened in the event the examination is not taken, shall be returned by the volunteer examiner to the Director's office within the time prescribed (normally not later than twenty (20) days after the date when the papers are forwarded to the examiner).

(e) The code test required of an applicant for amateur radio operator license, in accordance with the provisions of Sections 60.2 and 60.3 shall determine the applicant's ability to transmit by hand key (straight key, or, if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least one (1) minute during a test period of five (5) minutes counting five characters to the word, each numeral or punctuation mark counting as two characters.

(f) All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

60.7 Grading of Examinations. Code tests for sending and receiving are graded separately from the written examination. Failure to pass the required code test for either sending or receiving will terminate the examination. Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements required in qualifying for a particular license will be considered a single examination. All written examinations will be graded only by personnel of the Headquarters Communications Department.

60.8 <u>Eligibility for Re-examination</u>. An applicant who fails an examination for an amateur operator license may not take another examination for the same or a higher class amateur operator license within thirty (30) days, except that this limitation shall not apply to an examination for a general class license following an examination conducted by a volunteer examiner for a novice, technician or conditional class license.

60.9 <u>Additional Examination for Holders of Novice,</u> <u>Technician or Conditional Class Operator Licenses.</u> A licensee holding a novice, technician or conditional class of operator license may be required to appear for a Trust Territory-supervised license examination at a specified location. If the licensee fails to appear for this examination when directed to do so, or fails to pass such examination, the novice, technician or conditional class operator license previously issued shall be subject to cancellation, and upon cancellation, a new license will not be issued for the same class operator license that was cancelled.

(a) Whenever the holder of a novice, technician, or conditional class amateur operator license is required by the Trust Territory to restrict the operation of his amateur station in accordance with the provisions of Sections 71.1, 71.2 or 71.3, the necessity for such restriction shall be considered sufficient grounds to require the holder of the novice, technician or conditional class license to appear for a Trust Territory supervised examination.

60.10 <u>Examination Points.</u> Examinations for amateur radio operator licenses are conducted at the Trust Territory Headquarters in Saipan by appointment with the Director of Communications. Examinations are also given by appointment at the following points:

Majuro, Marshall Islands; Ponape, Caroline Islands; Truk, Caroline Islands; Yap, Caroline Islands; and Koror, Caroline Islands.

PART 61. STATION LICENSES

61.1 <u>General Eligibility for Station License</u>. A license for an amateur station will be issued in response to proper application therefor to a licensed amateur operator who has made a satisfactory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location.

61.2 An amateur station license may be issued to an individual, company or other organization, not licensed amateur operator, in response to proper application therefor for a bona fide amateur radio organization, club or society under the following conditions:

(a) The licensee/applicant has made a satisfactory showing that the transmitting station for which a license is desired shall be under the custodianship of a licensed operator, other than a holder of a novice license, that the station shall be under the control and operated only by licensed operators, and that the premises upon which the station apparatus is to be located is protected from unauthorized persons at all times.

(b) When such club is organized for recreation under military auspices (of the Armed Forces of the United States only) or will be located in an area under the jurisdiction of the Armed Forces of the United States, the license shall be issued to the commanding officer

of the cognizant facility or command, for such amateur club or society.

(c) When such club is sponsored for recreation by an entity of the Trust Territory Government, a school, company, or other organization, the license shall be issued to an authorized officer of such entity or organization, for such amateur club or society.

61.3 <u>Eligibility of Corporations or Organizations to Hold</u> <u>Station License.</u> Except as provided for by Section 61.2, an amateur station license will not be issued to a school, company, corporation, or other organization, nor shall it be issued for its use.

61.4 <u>Application for Station License</u>. Each application for a station license shall be made on TT Form 657. One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. The application shall be approved and signed by the District Administrator in charge of the area where the station is to be located, and then forwarded to the Director of Communications, Saipan; except that members of the United States Armed Forces and civilian employees thereof shall file in accordance with orders set forth by the commanding officer.

61.5 <u>Renewal and/or Modification of Amateur Station</u> <u>License.</u> Application for renewal and/or modification (change of address, etc.) of any station license shall be submitted on TT Form 657. In every case the application shall be accompanied by the applicant's license. Applications for renewal of unexpired licenses must be made during the license term and should be filed within ninety (90) days but not later than thirty (30) days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this Part, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

61.6 Modification of Station License by Trust Territory Government. Whenever the Director shall determine that the public interest, convenience and necessity would be served, or applicable laws, will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, the Director shall issue an order for such licensee to show cause why such license should not be modified. Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to submit a written answer within thirty (30) days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued. If the licensee against whom the order to show

cause is directed does not submit an answer within the time provided in said order, a final order of modification shall issue forthwith.

61.7 <u>Duplicate License</u>. Any licensee requesting a duplicate license to replace an original which has been lost,; mutilated or destroyed, shall submit a statement setting forth the facts regarding the manner in which the original license was lost, mutilated or destroyed. If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or the original license shall be returned immediately to the Office of the Director of Communications.

61.8 License Term. Amateur operator and station licenses are normally valid for a period of five (5) years from the date of issuance of a new or renewed license except as noted below.

(a) Novice class licenses are normally valid for a period of one (1) year from date of issuance.

(b) Any class of license, other than novice, issued to members of the United States armed forces and civilian employees thereof, are normally valid for a period of two (2) years from the date of issuance of a new or renewed license.

(c) A duplicate license or a modified license which is not being renewed shall bear the same expiration date as the license for which it is a modification or duplicate.

PART 62. · LOCATION OF AMATEUR STATION

62.1 Fixed Transmitter Location. Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

62.2 <u>Remote Control Operation</u>. Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on TT Form 657, provided that the following conditions are met:

(a) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(b) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(c) In addition to the requirements of Section 66.5 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(d) Means shall be provided at the control point to permit the continuous monitoring of the emissions on the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(e) Means shall be provided at the remote control point immediately to suspend the radiation cf the transmitter when there is any deviation from the terms of the station license or from the amateur radio service rules.

(f) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on TT Form 657 should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote control location will operate within amateur frequency bands 28 megacycles or higher and that there will be full compliance with paragraphs (a) through (e) of this Section. Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit and means employed for turning the main transmitter on and off from the remote control location.

(g) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Director when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in paragraphs (a) through (e) of this Section.

PART 63. ANTENNA STRUCTURES

63.1 <u>Limitations.</u> No new antenna structure shall be erected for use by any station in the amateur radio service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the amateur radio service so as to increase its overall height above ground level, without prior approval of the Director, in any case when either (1) the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on an existing man-made structure other than an antenna structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for approval, when such approval is required, shall be submitted in letter form.

PART 64. CALL SIGNS

64.1 <u>Assignment of Call Signs.</u> The call signs of amateur stations will be assigned systematically by the Director or his authorized representative with the following exceptions:

(a) A specific unassigned call sign may be reassigned to the most recent holder thereof.

(b) A specific unassigned call sign may be assigned to a previous holder if not under license during the past five (5) years.

(c) A specific unassigned call sign may be assigned to an amateur organization in memorial to a deceased member and former holder thereof.

(d) A specific call sign may be temporarily assigned to a station connected with an event, or events of general public interest.

64.2 <u>Composition of Call Signs.</u> An amateur call sign will consist of a sequence of two letters, a numeral designation for the call sign area, and two letters. Trust Territory call sign areas are as follows:

KC6AA-KC6WZ-Eastern and Western Caroline Islands. KC6YA--KC6ZZ-Eastern and Western Caroline Islands. KG6SA--KG6SZ--Mariana Islands except Guam. KX6AA-KX6MZ-Eniwetok and Kwajalein, Marshall Islands. KX6NA--KX6WZ--Marshall Islands except Eniwetok/Kwajalein. KX6YA--KX6ZZ--Marshall Islands except Eniwetok/Kwajalein.

PART 65. TECHNICAL STANDARDS

65.1 <u>Authorized Frequencies and Types of Emissions.</u> Subject to the limitations and restrictions set forth in Section 65.2 and 65.4. The following frequency bands and types of emissions are allocated and available for amateur operations:

| Band | Emission(s) | Limitations |
|----------------------|-------------|-------------|
| 3500 to 3900 kcs | Al, A3, F3 | 1 |
| 7000 to 7100 kcs | Al, A3, F1 | 2 |
| 14000 to 14350 kcs | Al, A3, F3 | 3 |
| 21000 to 21450 kcs | Al, A3, F3 | 4 |
| 28.0 to 29.7 Mcs | Al, A3, F3 | 5 |
| 50.0 to 54.0 Mcs | Al, A3, F3 | 5 |
| 144.0 to 148.0 Mcs | A3 | 5 |
| 420.0 to 450.0 Mcs | A, F | 6 |
| 1215.0 to 1300.0 Mcs | A, F | 6 |

65.2 <u>Explanation of Limitations, Frequencies, Emissions.</u> Explanation of the limitation notes appearing in the frequency tabulation of Section 65.1.

1-3500 to 3900 kcs, type A1 emission; 3800 to kcs type A3 and F3 emission.

2-7000 to 7100 kcs type A1 and F1 emission; 7050 to 7100 kcs, type A3 emission.

3-1400 to 14350 kcs type A1 emission; 14200 to 14350 kcs type A3 and F3 emission.

4-21000 to 21450 kcs type A1 emission; 21250 to 21450 kcs type A3 and F3 emission.

5-28.0 to 29.7 mcs, type A1 emission; 28.5 to 29.7 mcs type A3 and F3 emission.

6-These bands may be used only on a case-by-case authorization from the Director of Communications and further provided that transmission on any of the frequencies within these bands must be specifically coordinated with and approved by the Frequency Manager of the Kwajalein Missile Range or his successor in the Kwajalein area.

65.3 <u>Individual Frequency Not Specified</u>. Except as limited in Section 65.2, transmission by an amateur station may be on any frequency within any authorized amateur band. Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

65.4 Special Emission Limitations

(a) Type AO emission, where not specifically designated in the bands listed in Section 65.1, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes.

(b) Whenever code practice, in accordance with Section 66.8(d), is conducted in bands authorized for A3 emission, tone modulation of the radiotelephone transmitter may be utilized when interspersed with appropriate voice instructions.

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of Section 65.8.

65.5 <u>Maximum Authorized Power</u>. Amateur transmitters may be operated with a power input not exceeding one (1) kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

65.6 <u>Radio Teleprinter Transmission</u>. The following special conditions shall be observed during the transmission of radio teleprinter signals on authorized frequencies by amateur stations:

(a) A signal channel five-unit (start-stop) teleprinter code shall be used which will correspond to the international Telegraphic Alphabet No. 2 with respect to all letters and numerals (including the slant sign or fraction bar) but special signals may be employed for the remote control of receiving printers, or for other purposes, in "figures" positions not utilized for numerals. In general, this code shall conform as nearly as possible to the teleprinter code or codes in common commercial usage in the United States.

(b) The nominal transmitting speed of the radio teleprinter signal keying equipment shall be adjusted as nearly as possible to the standard speed of 60 words per minute and, in any event, within the range of 55 to 65 words per minute.

(c) When frequency shift keying (type A2 and type F2 emission) is utilized, the highest fundamental modulating audio frequency shall not exceed 3000 cycles per second, and the difference between the modulating audio frequency for the mark signal and that for the space signal shall be less than 900 cycles per second.

65.7 <u>Transmitter Power Supply.</u> The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from the source.

65.8 <u>Purity and Stability of Emissions</u>. Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate electivity characteristics, which is tuned to a frequency or frequencies outside the

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frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this Section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

65.9 Frequency Measurement and Regular Check. The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedures for making such measurement regularly. The measurement of the cmitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

PART 66. OPERATING REQUIREMENTS AND PROCEDURES

66.1 <u>Practice to be Observed by All Licensees.</u> In all respects not specifically covered by these regulations each amateur station shall be operated in accordance with good engineering and good amateur practice.

66.2 Who May Operate an Amateur Station. An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony or radio teleprinter transmissions the station licensee may permit any person to transmit by voice or teleprinter, provided during such transmission call signs are announced or transmitted as prescribed by Section 66.6 and a duly licensed amateur operator maintains actual control over

the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

66.3 <u>Authorized Apparatus.</u> An amateur station license authorizes the use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies, allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

66.4 Availability of Operator License. The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Director of Communications, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and request has been made for a duplicate license in accordance with Section 61.7. No recognition shall be accorded to any photocopy of an operator license; however, nothing in this Section shall be construed to prohibit the photocopying for other purposes of any amateur radio operator license.

66.5 Availability of Station License. The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Director of Communications, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and request has been made for a duplicate license in accordance with Section 61.7.

66.6 Transmission of Call Signs

(a) The operator of an amateur station shall transmit the call sign of the station or stations (or may transmit the generally accepted identification of the network) being called or communicated with, or shall identify appropriately any other purpose of a

transmission, followed by the authorized call sign of the station transmitting

(1) At the beginning and end of each single transmission.

(2) At the beginning and end of a series of transmissions between stations having established communication, each transmission of which is of less than three (3) minutes duration (the identification at the end of such a series may be omitted when the duration of the entire series is less than three minutes).

(3) At least once every ten (10) minutes or as soon thereafter as possible during a series of transmissions between stations having established communication.

(4) At least once every ten (10) minutes during any single transmission of more than ten minutes duration.

(b) The required identification shall be transmitted on the frequency or frequencies being employed at the time and, in accordance with the type of emission authorized thereon, shall be by either telegraphy using the International Morse Code, or telephony, except that, when a method of communication other than telegraphy using the International Morse Code or telephony is being used or attempted, the required identification shall be transmitted by that method and only the call sign of the transmitting station need be transmitted either by telegraphy using the International Morse Code or by telephony.

(c) In addition to complying with the requirements of paragraphs (a) and (b) of this Section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character (DN) followed by the number of the amateur call sign area in which the portable or mobile amateur station is then being operated, as for example:

Example 1. Portable or mobile amateur station operating in the Caroline Islands <u>calls</u> a <u>fixed amateur</u> station: <u>KX6WZ</u> KX6WZ KX6WZ DE KG6SZ DN KC6 KG6SZ DN KC6 KG6SZ DN KC6 AR.

Example 2. Fixed amateur station answers the portable or mobile amateur station: KG6SZ KG6SZ KG6SZ DE KX6WZ K.

Example 3. Portable or mobile amateur station <u>calls</u> a portable or mobile station: <u>KG6SZ</u> KG6SZ KG6SZ DE KG6SA DN KC6 KG6SA DN KC6 AR.

When telephony is used, the call sign of the station shall be preceded by the words "this is" or the word "from" instead of the letters "DE", followed by an announcement of the geographical location in which the portable or mobile station is being operated. Example 4. Portable or mobile amateur radiotelephone station operating in the Caroline Islands calls a fixed amateur station: KC6AB KC6AB KC6AB this is KG6SZ KG6SZ KG6SZ operating portable (or mobile) on the island of Mokil.

(d) When telephony is used the transmission of call signs prescribed by paragraphs (a), (b) and (c) of this Section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by Section 66.2.

(e) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(f) In addition to complying with the requirements of paragraphs (a) and (b) of this Section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft enroute on an international flight, shall when the vessel or aircraft is outside the call sign area prescribed in Section 64.2 comply with the following calling procedure:

(1) Mobile operations aboard a vessel using telegraphy. The amateur operator shall <u>transmit</u> immediately after the call sign of the station the fraction bar DN followed by, the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel,

(2) Mobile operations aboard a vessel using telephony. When using telephony the call sign of the station shall be preceded by the words "this is," or the word "from" followed by the words "maritime mobile" to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(3) Mobile operations aboard aircraft using telegraphy. When using telegraphy the amateur operator shall <u>transmit</u> immediately after the call sign of the station the fraction bar DN followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(4) Mobile operations aboard aircraft using telephony. When using telephony the call sign of the station shall

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be preceded by the words "this is," or the word "from" followed by the words "aeronautical mobile," to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

66.7 Points of Communications. An amateur station may be used to communicate only with other amateur stations, except that in emergencies involving the immediate safety of life or property, it may also be used temporarily for communication with other classes of stations licensed by the Trust Territory and with Trust Territory Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the High Commissioner to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communication, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in Section 66.8.

66.8 <u>One-way Communications.</u> In addition to the experimental one-way transmissions permitted by Section 66.7 the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting:

(a) Emergency communications, including bona fide emergency-drill practice transmissions.

(b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such.

(c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other stations of the group and

(d) Code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

66.9 <u>Modulation of Carrier</u>. Except for brief tests or adjustments, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 51 megacycles unless modulated for the purpose of communication. Single audiofrequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radiotelephone equipment.

PART 67. STATION OPERATION AWAY FROM AUTHORIZED LOCATION

67.1 Requirements for Portable and Mobile Operation.

Within the limits of the Trust Territory, an amateur station may be operated as either a portable or mobile station on any frequency authorized and available for the amateur radio service provided prior authorization has been obtained from the Director of Communications. A request for such operation shall be in accordance with the provisions of Section 67.2.

(a) When outside the limits of the Trust Territory, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Prior authorization has been received from the Office of the High Commissioner.

(2) Operation may not be conducted within the jurisdiction of a foreign government or any state or territory of the United States of America, except pursuant to, and in accordance with express authority granted to the licensee by such foreign government. When a foreign government permits Trust Territory licensees to operate within its territory, the amateur frequency bands which may be used shall be as prescribed or limited by that government.

(b) In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions:

(1) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft.

(2) The amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft.

(3) The electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency.

(4) The operation of the amateur mobile station shall not interfere with the efficient operation of any other

radio equipment installed on board the same ship or aircraft.

(5) The amateur mobile station and its associated equipment either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

67.2 Notice of Operation Away from Authorized Location. Whenever an amateur station is to be operated away from the fixed transmitter location specified on the station license, the licensee shall make a written request to the Director of Communications in accordance with Section 61.4. A new notice is required

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whenever there is any change in the particulars of a previous notice or whenever operation away from the authorized station continues for a period in excess of four (4) months. The notice required by this Section shall contain the following specific information:

(a) Name of Licensee.

(b) Station call sign.

(c) Authorized fixed transmitter location.

(d) Portable location(s), or mobile itinerary as specifically as possible, or temporary fixed transmitter location, or new permanent fixed transmitter location.

(e) The dates of the beginning and end of each period of operation away from the location specified in the station license.

(f) The address at which, or through which, the licensee can be readily reached.

(g) In the case of mobile operation, the official name, register number of license number (including the name of the issuing state or territory, if any) of the aircraft, vessel, or land vehicle in which the mobile station is installed and operated.

67.3 Special Requirements for Nonportable Stations

(a) An amateur station that has been moved from the authorized permanent location to another permanent location may be operated for a period not exceeding four (4) consecutive months at the latter location, but in no event beyond the expiration of the license unless timely application for renewal thereof has been filed in accordance with the provisions of Section 61.5 under the following conditions:

(1) Advance notice, in accordance with the provisions of Section 67.2 shall be given to the Director of Communications.

(2) Formal application for modification to change the permanent location shall be filed within the above specified four-month period.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed transmitter location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-custodian for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may operate the station at such temporary location under the condition that notice in accordance with the provisions of Section 67.2 shall be given to the Director of Communications. (c) When the station is operated under the provisions of this Section, the portable identification procedures specified in Section 66.6 shall be used.

PART 68. LOGS

68.1 <u>Station Log Requirements. Each licensee of an</u> amateur station shall keep an accurate log of station operations which shall include the following:

(a) The date and time of each transmission, except that for a period of continuous mobile operation the time of each transmission may be omitted, provided that the dates and times of commencing and terminating such mobile operations are entered in the log. The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequency of communication which immediately follows; however, an entry shall be made in the log when signing off so as to show the period during which communication was carried on.

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter; the signature of each licensed operator who operates a transmitter of any type; and the name of any person not holding an amateur operator license who either directly or by recording transmits by voice over a radiotelephone transmitter or operates a teleprinter keying a radiotelegraph transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. This entry need not be repeated for calls made to the same station during any sequency of communication, provided the time of signing off is given.

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. This need be entered only once, provided that input power is not changed.

(e) The frequency band used. This information need be entered only once in the log for all transmissions until there is a change in frequency to another amateur band.

(f) The type of emission used. This need be entered only once until there is a change in the type of emission.

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. This need be entered only once provided the location of the station is not changed.

However, suitable entry shall be made in the log upon changing the location. Where operation at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.

(h) The message traffice handled. If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least one year.

68.2 <u>Retention of Logs.</u> The log shall be preserved for a period of at least one year following the last date of entry. The copies of record communications and station log required by Section 68.1 shall be available for inspection by authorized representatives of the Director of Communications.

PART 69. EMERGENCIES

69.1 Declaration and Effect. In the event of an emergency disrupting normally available communications facilities in any widespread area or areas, the High Commissioner, or his authorized representative, may, in his discretion, declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs participating in emergency communications within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the District Administrator of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements set forth in this Section, but such requirements shall in nowise affect other normal amateur communications in the affected area when conducted on frequencies not designated for emergency operation.

69.2 <u>Suspension of all Transmissions.</u> All transmissions within all designated amateur emergency communication bands other than communications relating directly to relief work, emergency service, or the establishment and maintenance of efficient amateur radio network for handling of such communications, shall be suspended. Incidental calling, answering, testing or working (including casual conversation, remarks or messages) not pertinent to constructive handling of the emergency situation shall be prohibited within these bands.

69.3 <u>Assistance by Amateur Stations</u>. The High Commissioner, or his authorized representative, may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the designated amateur emergency communications bands, and to warn non-complying stations observed to be operating in those bands. Such station, when so designated, may transmit for that purpose on any frequency or frequencies authorized to be used by that station, provided such transmissions do not interfere with essential emergency communications in progress; however, such transmissions shall preferably be made on authorized frequencies immediately adjacent to those segments of the amateur bands being cleared for the emergency. Individual transmissions for the purpose of advising other stations of the existence of the communications emergency shall refer to this Section by number 69.3 and shall specify, briefly and concisely, the date of the High Commissioner's declaration, the area and nature of the emergency, and the amateur frequency bands or segments of such bands which constitute the amateur emergency communications bands at the time. The designated stations shall not enter into discussions with other stations beyond furnishing essential facts relative to the emergency, or acting as advisors to stations desiring to assist in the emergency, and the operators of such designated stations shall report fully to the High Commissioner, or his authorized representative, the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this Section.

69.4 <u>Termination of Emergency</u>. The special conditions imposed under the provisions of this Part shall cease to apply only after the High Commissioner, or his authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the High Commissioner from modifying the terms of his declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

PART 70. PROHIBITED PRACTICES

70.1 No <u>Remuneration for Use of Station</u>. An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

70.2 <u>Broadcasting Prohibited.</u> Subject to the provisions of Section 66.8, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provisions shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations, of the transmissions of their amateur stations, provided, that the transmissions of the

amateur stations shall not contain any direct or indirect reference to the rebroadcast.

70.3 <u>Music Prohibited</u>. The transmission of music by an amateur station is forbidden.

70.4 <u>Codes and Ciphers Prohibited</u>. The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

70.5 <u>Obscenity</u>, <u>Indecency</u>, <u>Profanity</u>. No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language or meaning.

70.6 No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

70.7 <u>Unidentified Communications</u>. No licensed radio operator shall transmit unidentified radio communications or signals.

70.8 <u>Interference</u>. No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

70.9 <u>Damage to Apparatus</u>. No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

70.10 <u>Fraudulent Licenses</u>. No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

PART 71. ADMINISTRATIVE SANCTIONS

71.1 <u>Restricted Operation</u>. If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p.m. to 10:30 p.m., local time, and on Sunday for the additional period from 10:30 a.m. until 1 p.m., local time, upon the frequency or frequencies used when the interference is created. In general, such steps as may be necessary to minimize interference to stations operating in other services may

be required after investigation by the Director or his authorized representative.

71.2 Second Notice of Same Violation. In every case where an amateur station licensee is cited within a period of twelve (12) consecutive months for the second violation of the provisions of Sections 65.1 through 65.4, 65.7 and 65.8, the station licensee, if directed to do so by the Director of Communications, or his authorized representative, shall not operate the station and shall not permit it to be operated from 6 p.m. to 10:30 p.m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p.m. to 10:30 p.m., local time. Such tests are to be made for the specific purpose of aiding the licensee in determining whether the emissions of the station are in accordance with the provisions of these rules and regulations. The licensee shall report to the Director of Communications the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

71.3 Third Notice of Same Violation. In every case where an amateur station licensee is cited within a period of twelve (12) consecutive months for the third violation of Sections 65.1 through 65.4, 65.7 and 65.8, the station licensee if directed by the Director of Communications, or his authorized representative, shall not operate the station and shall not permit it to be operated from 8 a.m. to 12 midnight, local time, except for the purpose of transmitting a prearranged test to be observed by a monitoring station of the Trust Territory to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Director of Communications, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

71.4 <u>Answers to Notices of Violations.</u> Any licensee receiving official notice that he has violated any of the terms of the United States Communications Act of 1934, as amended, any legislative act, executive order, treaty to which the United States is a party, or the rules and regulations of the Trust Territory Government, shall, within ten (10) days from such receipt, send a written answer direct to the Office of the Director of Communications; provided, however, that if an answer cannot be sent or an acknowledgment made within such 10-day 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. The answer to each notice shall be complete in itself and shall not be abbreviated

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by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are 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 promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

71.5 <u>Revocation of Station License</u>, <u>Cease and Desist</u> <u>Order.</u> Pursuant to notice and answer in accordance with Section 71.4

(a) Whenever it appears that a station license should be revoked for any reasons set forth in these rules and regulations and any future amendments thereto, the Director will issue an order directing the licensee to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this Section will contain a statement of matters with respect to which the Trust Territory is inquiring and shall call upon the licensee, within ten (10) days of receipt of such notice, to send a written answer direct to the Office of the Director of Communications. In his written answer, the licensee may, if he so desires, request a hearing.

(c) If the licensee fails to submit a statement showing why he believes an order of revocation or a cease and desist order should not be issued, or fails to appear at a hearing which he has requested, the allegations specified in the order to show cause will be deemed to be admitted and decision will be issued invoking the sanction specified in the order to show cause. Failure to appear at a hearing shall be deemed a waiver of hearing.

(d) On the basis of the facts before the Director of Communications and on the basis of facts presented by the licensee, either in the written answer or on his requested hearing, the Director shall issue a decision stating his reasons for invoking the sanction specified in the order to show cause or for dismissing the allegations, as the case may be; provided that where a written statement by the licensee contains factual allegations contrary to those upon which the show cause order was based, the Director of Communications may call upon the submitting party to furnish additional information under oath or, if necessary, designate the proceedings for oral hearing.

(e) Any order of revocation or cease and desist order issued pursuant to this Section shall include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order and shall be served on said licensee. 71.6 Order of Suspension of Operator's License. No order of suspension of any operator's license shall take effect until 30 days notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who shall within said 30-day period submit a written statement showing why such order of suspension should not be issued. In his written answer, the operator licensee may, if he so desires, request a hearing. The notice to the operator licensee shall not be effective until actually received by him and from that time he shall have 30 days in which to mail his answer. In the event that physical conditions prevent mailing of the answer at the expiration of the 30-day period, the answer shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. In any event, failure to answer within 60 days of date of receipt shall be deemed an admission of the facts upon which the order of suspension is based. Further written answer shall be deemed waived. Upon receipt by the Director of application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing. The Director may, in his discretion, order a hearing where he determines there is a sufficient issue of fact to warrant such hearing. Failure to appear at any hearing pursuant to provisions of this Section shall be deemed a waiver of hearing and an admission of the facts upon which the order of suspension is based. On the basis of the facts before the Director presented by the licensee, either in the written answer or on his requested hearing, if any, the Director shall issue a decision stating his reasons for invoking the sanction specified in the order of suspension or for dismissing the allegations, as the case may be.

71.7 <u>Proceeding</u>. Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Director in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent who shall send his operator license to the office of the Director of Communications in Saipan, Mariana Islands, on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Director forthwith.

71.8 <u>Disregard of Notices of Violation</u>. Any licensee who has received more than three notices of violation and who continues to perform such act or acts in violation of these rules and regulations or who shall continue to operate after his license, either station or operator, has been suspended or revoked, shall be subject to such further sanction as the Director of Communications shall deem necessary to impose which may include the filing of a criminal complaint against the licensee.

71.9 <u>Right of Appeal.</u> A licensee has the right to appeal a final decision of the Director of Communications concerning revocation of a station or operator's license by directing an appeal within 30 days of such final decision of the High Commissioner of the Trust Territory of the Pacific Islands which is to include all facts in the case including, but not necessarily limited to, a complete statement on each point on which his appeal is based. The decision of the High Commissioner, based on all facts set before him, shall be conclusive. However, the order of revocation, cease and desist, or suspension, as the case may be, issued by the Director of Communications which is under appeal shall remain in full force and effect unless and until the High Commissioner shall issue a decision to the contrary.

71.10 <u>Punishment for Violations</u>. Notwithstanding any administrative proceedings or action taken pursuant to this regulation, any person who willfully and knowingly violates any provision of this regulation shall, upon conviction thereof, be punished in accordance with Section 1205 of the Trust Territory Code.

PART 72. THIRD-PARTY MESSAGE TRAFFIC

Radio Communications between amateur stations in the Trust Territory and in the countries listed below on behalf of third parties are permitted in accordance with various agreements entered into by the United States of America and subject countries; such agreements having application to the Trust Territory:

Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Haite, Honduras, Israel, Liberia, Mexico, Nicaragua, Panama, Paraguay, and Venezuela.

PART 73. FORBIDDEN COMMUNICATIONS BETWEEN DIFFERENT COUNTRIES

The following countries have given notice that they have forbidden radio comunications between amateur stations of different countries:

Countries and their call sign prefix-

Cambodia, F18, XU; Indonesia, PK, YB-YH; Thailand, HS; Vietnam, FI, XV, 3W.

PARTS 74 through 80 reserved for future use.

PART 81. Extracts from Radio Regulations Annexed to the International Telecommunication Convention (Geneva 1959):

ARTICLE 41

<u>Section 1</u>. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications. <u>Section 2.</u> (1) When transmissions between amateur stations of different countries are permitted, they shall be made in plain language and shall be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, recourse to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties. (2) The preceding provisions may be modified by special arrangements between the administrations of the countries concerned.

<u>Section 3.</u> (1) Any person operating the apparatus of an amateur station shall have proved that he is able to send correctly by hand and to receive correctly by ear, texts in Morse Code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 144 mc/s. (2) Administrations shall take such measures as they judge necessary to verify the technical qualifications of any person operating the apparatus of an amateur station.

<u>Section 4</u>. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operator and to the conditions under which these stations are to work.

<u>Section 5.</u> (1) All the general rules of the Convention and of these Regulations shall apply to amateur stations. In particular, the emitted frequency shall be as stable and as free from spurious emissions as the state of technical development for such stations permits. (2) During the course of their transmissions, amateur stations will transmit their call sign at short intervals.

CHAPTER VI

Citizens Radio Service

PART 82. CITIZENS RADIO SERVICE, GENERAL REGULATIONS

82.1 <u>Basis and Purpose</u>. These regulations are designed to provide for private short-distance radio communications intended for personal and business use.

82.2 Definitions.

(a) Citizens radio service. A radiocommuniations service of fixed, land and mobile stations intended for personal or business radio communications, and signaling and control of remote objects or devices by radio.

(b) Fixed service. A service between specified fixed points.

(c) Mobile service. A service between mobile and land stations or between mobile stations.

(d) Base station. A land station in the land mobile service with land mobile stations.

(e) Class A station. A station in the citizens radio service licensed to operate on an assigned frequency in the 462.55 to 466.45 mcs band with input power of 60 watts or less.

(f) Class B station. A station in the citizens radio service licensed to operate on an authorized frequency in the 462.55 to 466.45 mcs band with an input power of 5 watts or less.

(g) Class C station. A station in the citizens radio service licensed to operate on an authorized frequency in the 26.96 to 27.23 mcs band with a power input of 5 watts or on 27.255 with a power input of 30 watts, 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.

(h) Class D station. A station in the citizens radio service licensed to operate on an authorized frequency of 26.96 to 27.23 mcs band or on the frequency 27.255 mcs with input power of 5 watts or less for radiotelephony only.

(i) Fixed station. A station in the fixed service.

(j) 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 the Citizens Radio Service.

(k) Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. This term includes hand-carried and pack-carried units.

(1) 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.

(m) Dispatch point. A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

(n) 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 radio-communication service operating in accordance with applicable laws and regulations.

(o) Landing area. A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(p) Man-made structure. Any construction other than a tower, mast or pole.

(q) Person. The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

(r) 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.

(s) Station authorization. Any permit, license or special temporary authorization issued in accordance with these regulations.

(t) Alien. Unless otherwise specified, the term "alien" for the purpose of this regulation includes any person not a citizen of the Trust Territory of the Pacific Islands or of the United States of America.

(u) Alien or Foreign Government. Unless otherwise specified, the term "alien or foreign government" for the purpose assigned to the Communications, or Director, shall include a state or territory of the United States of America.

(v) Director of Communications. Wherever used herein, Director of Communications, or Director, shall include any person assigned to the Office of the Director of Communications designated by him to perform any act or function pertaining to these regulations.

82.3 <u>Assignment of Frequencies</u>. 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 B, Class C, or Class D stations, are listed in Section 84.1 of this regulation. 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 area.

(a) 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 that the assignment of an additional frequency is essential to the operation proposed.

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(b) 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.

82.4 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 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 regulation.

82.5 <u>General Citizenship Requirements.</u> A station license may only be granted to or held by:

(a) A citizen of the Trust Territory eighteen or more years of age.

(b) A citizen of the United States eighteen or more years of age who, by reason of employment, is a resident of the Trust Territory.

(c) An alien who, by reason of employment, is a resident of the Trust Territory and has demonstrated conclusively that such a station license is essential in the conduct of his business.

(d) An unincorporated association, corporation or partnership provided that members or partners of such associations and partnerships are eighteen or more years of age.

PART 83. APPLICATIONS AND LICENSES

83.1 <u>Station Authorization Required</u>. No radio station shall be operated in the citizens radio service except in accordance with authorization granted under these regulations.

NOTE: The Trust Territory has exempted all classes of citizens band stations from its general licensing requirements provided:

(a) The power input shall not exceed one (1) watt.

(b) The antenna shall consist of a single element that does not exceed 5 feet in length.

(c) No transmission may be made on 26.965 mcs (channel 1), 27.015 mcs (channel 5), or 27.035 mcs (channel 7). These frequencies are reserved for government use only.

(d) That this exemption does not apply to operations in the Kwajalein Atoll and Eniwetok areas under military jurisdiction where approval of the respective commanding officer is required.

83.2 <u>Eligibility for Station License.</u> Subject to the general restrictions of Section 82.5, any person is eligible to operate a station in the citizens radio service, except that an unincorporated association may be authorized to operate a Class D station in this service only under the provision contained in Paragraph (a) of this Section.

(a) An unincorporated association may be authorized to operate a Class D station in this service upon a showing satisfactory to the Director of Communications that the proposed radio operations are not feasible, or may not be as efficient or economical, when conducted under station licenses issued to the individual members. A station license shall not be issued to an unincorporated association solely to avoid the operating restrictions on communications between stations licensed to different persons, contained elsewhere in these regulations. An unincorporated association, when licensed under the provisions of this paragraph may, upon specific prior approval of the Director of Communications, provide radio-communications for its members.

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

83.3 Filing of* Applications. An application, on prescribed form, for any class station in the citizens radio service shall be filed with the Director of Communications, Trust Territory of the Pacific Islands, Saipan, Mariana Islands, 96950. An application shall be filed at least 30 days prior to the date on which it is desired action thereon to be completed. In any case where the applicant has made timely and sufficient application for renewal of license in accordance with these regulations, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined. 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 applicant without action.

(a) Applications involving Class C 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 these regulations.

83.4 <u>Who May Sign Applications</u>. Applications, amendments thereto, and related statements of fact

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required by the Director of Communications 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 in behalf of government entities, such as district and municipal units, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of such entity. All applications and amendments thereto must be signed under oath as follows:

(a) Before the District Administrator, or his authorized representative, of the district in which the service is expected to be established, or,

(b) In the Kwajalein Atoll and Eniwetok areas under military jurisdiction, in lieu of the District Administrator, before the commanding officer, or his authorized representative, of the respective commands.

(c) In addition to the requirement contained in (a) and (b) above, all applications and amendments thereto from members of the United States Armed Forces and civilian employees thereof, shall contain the approval of the commanding officer of the unit by which employed.

83.5 <u>Separate Applications</u>. A separate application shall be submitted for each proposed class of station.

(a) 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.

(b) Application for Class A station may be made 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 a 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.

(c) An application made for authorization for a 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 or fixed station for indeterminate periods, 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. 83.6 <u>Transfer of License Prohibited</u>. 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 Director of Communications for cancellation.

83.7 License Period. Unless otherwise stated in the authorization, licenses for all classes of stations in the citizens radio service shall be issued for a term of two years from the date of original issuance, renewal or modification.

83.8 Changes in Authorized Stations

(a) <u>Prior Approval Required</u>. Proposed changes which will result in operations not consistent with any of the terms of the current authorization require an application for modification. Applications for modification shall be submitted as prescribed in Section 83.3 through 83.5, and shall be accompanied by the existing authorization for cancellation. Any of the following changes to an authorized station may be made only with the prior approval of the Director of Communications:

(1) Increase in the overall number of transmitters authorized.

(2) Change in 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 of the type which requires prior approval as set forth in Section 84.7.

(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) Change in Address of Licensee. The operation of any station in this service shall be discontinued upon a change in the permanent mailing address of the station licensee unless, within 30 days before or after such change and prior to commencement of operation, notice of such change has been furnished the Director of Communications in writing in which both the former and the new permanent mailing addresses are located and an application for modification of the station license has been filed. Upon compliance with these conditions the station may be operated until a final

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determination has been made by the Director with respect to such application. These provisions do not authorize a change in the location of a Class A base or fixed station, the control point of a Class A station, without prior approval of the Director.

(c) Prior Approval not Required. Proposed changes which will not depart from any of the items of the outstanding authorization for the station involved may be made without prior approval of the Director of Communications. Included in such changes is the substitution of various makes of transmitting equipment at any station, provided that the particular equipment to be installed is type approved and acceptable for use under the technical standards governing such use under this regulation or, in the case of a Class C or Class D station using crystal control, the substitute equipment is crystal controlled; and further, provided the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitation prescribed for the particular class of station involved.

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