

## CHAPTER 5

### AUTHORIZED RADIO FREQUENCY USAGE

#### 5.0 GENERAL

Pursuant to the Federated States of Micronesia Radio Communications Act of 1991, within the national territory of the Federated States of Micronesia, all use of the radio frequency spectrum for transmissions by radio for telecommunications or for other purposes shall be made only as authorized by the Department of Transportation, Communications and Infrastructure.

The Secretary of the Department has authority to allocate electromagnetic spectrum so as to provide flexibility of use, if –

- a) such use is consistent with international agreements to which the Federated States of Micronesia is a party; and
- b) such use would not deter investment in communications services and systems, or technology development; and
- c) such use would not result in harmful interference among users.

#### 5.1 Requirement for Radio Frequency License

Except as provided in this chapter, a radio frequency license authorizing use of a radio frequency by specific radiocommunications equipment, is required before any radio frequency emitter can be turned on. The requirement for a radio frequency license also applies to national government

departments and offices, state and local governments, foreign embassies, foreign companies, visitors and private sector. Except for common carrier services, FSM citizenship is not a requirement to obtain a license.

A radio frequency license may be obtained by submitting an application for a license (See Section 5.8 of this chapter for the radio frequency application forms and associated instructions.) along with the license fee to:

**FSM Department of  
Transportation, Communications  
and Infrastructure  
P.O Box PS-2  
Palikir, Pohnpei FM 96941**

All licenses must be renewed at the end of their term if the radiocommunication equipment is still being used. The fee for license renewal is same as listed in the fee schedule.

1. Assignment of License: Except with the consent of the Secretary of the Department of Transportation, Communications and Infrastructure or his designee, a licensee shall not transfer his license or assign, sublet or otherwise dispose of, or admit any other person to participate in, any of the benefits of his license or the power or authorities granted by his license.

2. Refusal of License: The Secretary of the Department of Transportation, Communications and Infrastructure or his designee may refuse to grant or renew a license.

3. Form of License: A license shall be in the form of document or a label or both, as determined by the Secretary of the Department of Transportation,

Communications and Infrastructure or his designee.

4. Exhibition and Inspection of License:

(a) Except in the case of a license to which Subsection(c) applies, a licensee must clearly exhibit his license at all times in the room or place where the equipment the subject of the license is located.

(b) In the case of a license in the form of label, the license must be kept affixed at all times to part of the equipment the subject of the license.

(c ) In case of:

- (i) an aircraft station license; or
- (ii) a handphone station license; or
- (iii) a harbor mobile station license, or
- (iv) an interior paging service license, or
- (v) a land mobile station license, or
- (vi) a radiocommunication station license, or
- (vii) radio-linked microphone service, or
- (viii) an earth station license.

the licensee shall make his license available for inspection at all reasonable times on demand by the Department of Transportation, Communications and Infrastructure or its designee.

## 5.2 Emergency Communications

1. In an emergency it is permissible to operate temporarily on regularly assigned frequencies in a manner other than that specified in the terms of an existing assignment or on other appropriate circumstances:

2. An emergency must actually exist or imminently threaten. An emergency for the purpose of this provision means a situation of temporary duration resulting directly or indirectly from a natural catastrophe or other occurrence that seriously affects the welfare of a

community or of an area to the extent of endangering human life and property and in connection with which special communication facilities are required temporarily.

3. Emergency operations shall be discontinued as soon as substantially normal communication facilities are restored.

## 5.3 Radio Frequency Licenses

### 5.3.1 Amateur Radio Service

1. A license is required for individuals and club stations. For individuals, two classes of amateur operator licenses are issued: novice and general. Amateur radio licenses are issued for a period of four years unless a special call sign is requested. One year license is issued if a special call sign is requested.

2. A non-FSM citizen may obtain a license for use while they are staying in the Federated States of Micronesia if he or she already holds a license issued by another government or successfully achieves a passing grade on an amateur radio examination in the FSM. A copy of the license issued by his or her home government must be submitted with the application for a license. The class of license that is issued is dependent on the class of license that is held in his or her home country or the level of examination that is passed in the FSM. Non-FSM citizens Amateur station licenses are for a period of one year subject for renewal.

### 5.3.2 Broadcasting Service

1. A station license is required for all AM, FM and shortwave (high frequency) radio stations, all VHF and UHF television stations, and multi-point distribution service systems providing

television and/or radio programming. All licenses in the broadcasting service are for a period of one year.

2. No radio frequency license is required to provide cable television or broadcasting satellite services as long as the satellite is not owned or partially owned or operated by an FSM legal entity. Broadcasting satellite receive only earth stations are authorized under a blanket license to the service provider.

3. If a broadcasting station fails to transmit broadcast signals for any consecutive twelve month period, then the station license granted for the operation of the broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

### 5.3.3 Business Radio Services

1. All base and mobile or mobile to mobile (including portables/hand held radios) radio systems for example; belonging to a taxi service require a business radio service license. A business radio license is also required for “**citizens band**” radios that operate in the 25.10-25.98 MHz band if the system includes a base station or mobile station with greater than 10 watts of output power. Hand held citizens band radios operating with an output power of less than 10 watts do not require a license. All radios operating in the citizens band must not use the following reserved channels for conducting its business at all times. The following CB channels are: 9, 17, and 26 which operate on 27.065MHz, 27.165MHz and 27.265MHz. These channels are reserved for emergency communications, disaster and government use. All licenses in the

business radio service are for a period of one year.

2. Users of cellular radios, cordless phones, pagers and hand-held satellite terminals do not require an individual radio license. Authority for operation of such radios is granted to the service provider. Cellular telephones, cordless phones, pagers and hand-held satellite terminals not authorized by the service provider (such as “cloned” cellular telephones) are considered unlicensed and are prohibited.

3. Radio Dealer’s License: All radio dealers doing business in the FSM require a business license. A radio dealer’s license authorizes the licensee to deal in or let or hire or loan or demonstrate, apparatus, or to repair or adjust or to manufacture apparatus. A radio dealer shall keep a record of his business dealings. All radio dealers license are for four years.

4. Radio Programmers: All radio dealers doing business in the FSM require a business license. A radio dealer’s license authorizes the licensee to deal in or let or hire or loan or demonstrate, apparatus, or to repair or adjust or to manufacture apparatus. A radio programmers shall keep a record of his business dealings. All radio programmers license are for four years.

### 5.3.4 Aeronautical Radio Services

All aeronautical radio services operated by airlines or private plane owners at or near airports require a business radio license. Radios operated on-board aircraft while they are in movement at an airfield or in flight, do not require a radio license. All station licenses in the

aeronautical radio services are for a period of one year.

### **5.3.5 Maritime Radio Services**

1. Shipborne radios that operate in the medium frequency (MF), high frequency (HF) or very high frequency (VHF) bands do not require an individual radio license nor do shipborne radars, global positioning satellite receivers or depth finders. Such authorizations are granted by regulation. Operation without individual licenses is allowed provided that the equipment complies with the technical specifications in Annex C. Maritime land coast stations in the MF, HF or VHF bands do require a business radio license.

2. Radio stations in the Maritime Radio Services, Fixed and mobile except as mentioned above require a license. The licenses are for a period of one year.

### **5.3.6 Common Carrier Services**

Companies providing cellular, personal communications and/or paging services are required to have common carrier licenses. Use of very small aperture satellite terminals (VSAT) and wireless local loop technologies (WLL) to extend public switched telephone network services are also required to have a common carrier license. All licenses in the common carrier service are for a period of four years.

### **5.3.7 Fixed Services**

1. All inter-island MF and HF fixed networks are authorized under a blanket license issued by the Department of Transportation, Communications and Infrastructure. Individual stations do not require a license,

2. All fixed point-to-point microwave links, VHF and UHF point-to-point radio systems, point-to-multi-point radio systems and all over the horizon radio system require a fixed service license. All licenses in the fixed service are for a period of one year.

3. All individual MF and HF fixed stations are required individual station license. All such licenses are for a period of one year.

### **5.3.8 Satellite Services**

1. Any satellite that is owned or partially owned or operated by an FSM legal entity requires a license. All transmitting and receiving satellite earth stations also require a license. Before they begin operating, all satellites and transmitting earth stations are subject to coordination with neighboring countries under International Telecommunication Union (ITU) coordination procedures with regard to possible harmful interference to terrestrial radio services and other earth stations. All satellite licenses are for a period of eight years. All earth stations are for a period of one year. All entities including foreign embassies that want to establish Intelsat earth stations, including very small aperture terminals (VSAT), must obtain Intelsat service by going through FSM Telecommunications Corporations.

2. A portable earth station, such as an Inmarsat land terminal, may be authorized if there is special justification. An example of a justification would be use of such equipment in areas beyond the public switched telephone network. A license for a portable earth stations is for a period of one year.

### **5.3.9 Other Radio Services**

All radiocommunications systems that operate in other radio services defined in this Chapter including individual or private radiocommunication system, require a general radio station license. All licenses in the general radio service are for a period of one year.

### **5.4 National, State and Local Governments**

All national government departments and offices and state and local governments must obtain a radio frequency license from the Department of Transportation, Communications and Transportation for all radiocommunication equipment before it can be purchased or operated. Licensing is required before expenditure of funds to ensure the availability of radio frequency support and to ensure that the equipment meets FSM technical standards. There are no fees for radio licenses for federal government departments and state and local governments. The term of radio licenses for these stations is four years.

### **5.5 Radio Frequency Licenses for Foreign Governments**

1. In accordance with Article 27 of the Vienna Convention, all radiocommunications equipment operated by foreign embassies (except for the embassy of the United States of America) anywhere in the Federated States of Micronesia on a continuing basis, during emergency conditions or during the visit of senior government officials require either a license or a letter of approval from the Department of Transportation,

Communications and Infrastructure. Payment of a license fee is required to cover part of the costs incurred in managing the use of the radio spectrum for the benefit of all licensees as a whole, including those associated with ensuring radio operations free of harmful interference.

2. All requests for authority to operate radiocommunication equipment are to be submitted by diplomatic note to the Department of Foreign Affairs at least ten working days prior to planned commencement of use. Applications for satellite earth stations require 30 working days advance notice. The diplomatic note must include the frequency(ies) requested, emission designator including the bandwidth, transmitter power, station class (or specify base station, repeater, mobiles, portables/hand held radios), coordinates of transmitter and a description of the frequency usage. Requests to establish a transmitting or receiving satellite earth station must include the technical characteristics required by appendix S4 of the ITU Radio Regulations.

3. All requests (including those to renew licenses) for authority to operate radiocommunication equipment by the U.S. embassy or U.S. government agencies are to be submitted to the U.S. Competent Authority for communication issues with the Government of the Federated States of Micronesia at the U.S. Department of State, Washington, D.C. The U.S. Competent Authority will, as appropriate, submit the request to the Department of Transportation, Communications and Infrastructure for coordination pursuant to the procedures established by FSM/U.S. Joint Telecommunication Board (JTB) under the Compact of Free Association.

4. The FSM Government will endeavor to accommodate all embassy requests for radio licenses. However, under normal circumstances, all frequency usage requests must be in accordance with the ITU international Table of Frequency Allocations and Radio Regulations and must not interfere with radio stations already authorized by the FSM Government.

5. All frequency usage for a period greater than thirty days requires a radio frequency license that is issued for a period of one year and payment of a license fee of \$50. Use of a radio frequency for less than thirty days does not require a license but a letter of approval from the Department of Transportation Communications and Infrastructure is required. This procedure applies to visiting military vessels and airplanes as well.

6. Embassies are expected to use the FSM Telecommunications Corporation's

public switched telephone network for all regular domestic and international telephone traffic. Any earth station operated as a private network must pay a \$5,000 annual license fee.

### 5.6 Licensing Fees

A license fee is assessed to cover part of the costs incurred by the Division of Communications in the Department of Transportation, Communications and Infrastructure in managing the use of the radio frequency spectrum for the benefit of all licensees. Those costs include administrative processing of radio frequency applications, technical support to applicants and ensuring that all licensed communication systems can be operated free from harmful radio interference that might be caused by other communications facilities. The fee structure is based on the nature of the service being provided.

### LICENSE FEE SCHEDULE

Item No.	US Dollar
1. Mobile Base (VHF, UHF)	\$30
2. Fixed Base (SSB/HF, MF)	\$80
3. Repeater	\$40
4. Fixed Base – Supplementary	\$40
5. Mobile	\$20
7. Corporate	\$500
8. Paging Transmitter	\$10
9. Remote Control Station	\$30
10. Citizen Band Radio Service (CBRS) –	
a) Mobile	\$5
b) Base	\$5
c) Repeater	\$10
11. Outpost Station	\$20
12. Aeronautical Station	\$400

13. Aircraft Station	
a) Class 1	\$40
b) Class 2	\$60
c) Class 3	\$90
14. Coast Station	\$400
15. Limited Coast Station	\$70
16. Ship Station	
a) Class 1	\$10
b) Class 2	\$25
c) Class 3	\$75
17. Point-to-Point simplex	\$150
18. Point-to-Point duplex	\$400
19. Point-to-Multi-Point (5 remote stations)	\$400
20. AM Station	\$150
21. FM Station	\$175
21. Television Station	\$800
22. Outside Broadcast Station	
a) Sound	\$50
b) Television	\$200
23. Amateur Service	
a) Novice	\$10
b) General	\$10
24. Earth Station Receive Only	\$100
25. Earth Station Handheld (Receive Only)	\$10
26. Earth Station Handheld	\$20
27. Earth Station Portable/Mobile	\$100
28. Earth Station Transportable	\$300
29. Earth Station Fixed	
a) Standard A	\$2,500
b) Standard B	\$2,000
c) Operate own network	\$5,000
30. Radionavigation Station	\$90
31. Radiolocation Station	\$70
32. Meteorology Station	\$90
33. General Station	\$300
34. Channel Reservation Fee	\$30
35. Radio Dealer Limited	\$400
36. Radio Dealer Full	\$600
37. Multi-Channel Multi-point Distribution Service	

a) 10 W	\$1,000
b) 1 W	\$800
c) 0.1 W	\$900
38. Cellular Mobile (Digital) –	
a) Base Control	\$1,400
39. Cellular Mobile (Analog) –	
a) Base Channel	\$300
40. Narrow Cast Subscription Television –	
a) Less than 10 W	\$1,000
b) Less than 100 W	\$1,250
41. Narrow Cast Subscription Sound –	
a) FM 20 W	\$140
b) AM 10 W	\$200
42. Narrow Cast Open Television –	
a) Less than 10 W	\$500
b) Less than 100 W	\$500
43. Narrow Cast Open Sound –	
a) FM 20 W	\$70
b) AM 10 W	\$100
44. Spread Spectrum Transmitter (Low Power 1 W)	\$10
45. Television Transponder	\$300
46. Low Power Device	Not Applicable.

\* These license fees are subject to being doubled if special handling is required.

### **5.7 Impoundment of Unauthorized Equipment**

Pursuant to section 109 of title 21 of the Code of the Federated States of Micronesia, the Department of Transportation, Communications and Infrastructure is authorized to regulate radiocommunications in the FSM by authorizing the impoundment of

equipment not in compliance with the law, and for other purposes.

Section 109 of the Code reads as follows:

(1) No person shall possess or use any radio transmission equipment which is not in compliance with this chapter or the regulations promulgated thereto.

(2) The Secretary of the Department of Transportation, Communications and Infrastructure or his designee, on reasonable belief, may declare any radio transmission equipment as not in compliance with this



chapter or the regulations promulgated thereto. Upon declaring radio equipment as not in compliance, the Secretary or his designee shall give a written notice to the owner or possessor of the noncomplying equipment and therein state the factors regarding why the equipment is not in compliance. The notice shall also include the provisions of this section.

(3) In the notice the Secretary or his designee may prohibit further use of the noncomplying equipment, may state conditions regarding continued use of the noncomplying equipment, and may direct the owner or possessor to have the equipment brought into compliance within 30 or more days. The owner or possessor of radio equipment designated by the Secretary or his designee as not in compliance may, pursuant to section 108 of title 17 of this code, petition the Secretary for a hearing on and reconsideration of the finding of noncompliance.

(4) Noncomplying equipment used when prohibited, used in violation of the conditions stated in the notice, or not brought into compliance within the time frame stated in the notice, may be taken and impounded by the Secretary, his designee, or any duly authorized officer of the law. At the time of removal, the impounding authority shall leave a notice of impoundment with the possessor or owner of the noncomplying equipment or, if unavailable, at the place from which the equipment was taken. The notice of impoundment shall include information about the custodian, the location and identification of the equipment, and the basis for the impoundment of the noncomplying equipment.

(5) An impoundment made pursuant to this section may continue until the Secretary or his designee is given reasonable assurances by the owner or possessor that the equipment will be brought into compliance. The Secretary or his designee may send noncomplying equipment directly to a repair shop: PROVIDED, however, that the owner or possessor has executed a written agreement to pay for the cost of bringing the equipment into compliance.

(6) Impoundments made pursuant to this section shall in no way be deemed a seizure.

(7) Copies of the notices required by this section shall be retained by the Secretary or his designee for at least 5 years. Noncomplying equipment must be returned within 10 days after a complaint, if proper notice was not given. Nothing herein, however, shall prevent the equipment from again being taken and impounded upon proper notice.

(8) The owner or possessor of impounded radio equipment may petition the Secretary for an administrative hearing and reconsideration of the decision to impound. Upon a negative result from the administrative hearing, the owner or possessor may appeal by bringing an action in the Trial Division of the Supreme Court of the Federated States of Micronesia.

(9) An owner or possessor of radio equipment regulated under this chapter shall be deemed to have consented to the inspection at reasonable hours of his or her equipment for

compliance with this chapter or the regulations promulgated thereto. The Secretary or his designee, upon a reasonable belief that radio equipment is not in compliance, shall be permitted access to inspect the equipment during reasonable hours. Refusal to permit reasonable entry for inspection of the equipment shall constitute adequate probable cause for a search warrant.

(10) The impoundments permitted by this section shall not preclude any other penalties provided in this chapter.”

## **5.8 Application for Radio Frequency License**

This section contains the application for station license and the instructions for completing it. The Department avails the following application forms:

- a). fsmtci001- Amateur Radio
- b). fsmtci002- Broadcast (FM, AM or TV)
- c). fsmtci003- Land and Ship station.

Application forms must be legibly completed and submitted to the following address:

FSM Department of Transportation,  
Communications and Infrastructure  
P.O Box PS-2  
Palikir, Pohnpei FM 96941

The same application forms can be used for renewal of an existing license. Each application must specify an address in the Federated States of Micronesia to be used by the Department of Transportation, Communications and Infrastructure to direct correspondence to the licensee.

The Secretary of the Department reserved the rights to reject any application. License applications can be obtained from the FSM Department of Transportation, Communications and Infrastructure P.O Box PS-2 Palikir, Pohnpei FM 96941 or can be downloaded from the Department’s website at <http://www.ict.fm/>

## **5.9 CALL SIGNS**

### **5.9.1 International Provisions**

The international provisions concerning the identification of transmissions of radio stations are contained in Article 19 of the ITU Radio Regulations, 2004 edition.

### **5.9.2 Use of Call Signs**

1. Users of radio are required to comply with the aforementioned ITU Radio Regulations. The following procedure is the recommended practice where applicable in the conduct of operations in the types of services indicated:

#### *Fixed and Land*

2. Each station shall transmit its assigned call sign on each frequency in use at the beginning and end of operation, and at least once an hour. More frequent identification may be made if delay to traffic will not result.

3. Radiotelephony transmissions shall be identified by speaking the words "THIS IS" followed by the letters or alpha-numeric combination of the call sign; or by means of an automatic identifier transmitting in International Morse Code in the prosign, "DE" followed by the call sign. When an

automatic identifier is used, it will be programmed to identify the station once every 30 minutes. Radiotelegraphy transmissions shall be identified by sending in international Morse Code the prosign "DE" followed by the call sign.

4. Radioteletype transmissions shall be identified by transmitting the prosign "DE" followed by the call sign, in teletype characters. Facsimile transmissions shall be identified by

any one of the preceding methods after removing the facsimile signal. Pictures need not be interrupted to comply with the hourly identification.

5. Twin-channel single sideband circuits employing telephony on one or both channels shall be identified through the use of radiotelephony identification procedures on either channel. Circuits employing single or multiple tone modulation shall be identified through the use of tone modulated telegraphy on at least one channel employing the procedure described under radio telegraphy transmissions.

#### *Mobile*

6. A mobile station associated with a base station which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

5. A mobile station which transmits on any frequency other than the transmitting frequency of the associated base station, or which has no associated base station, shall transmit the required identification at the end of each transmission or exchange of transmission or once each hour of the operating period. Identification procedures shall be those set forth for the fixed service. A mobile station in the maritime mobile service is subject to

the applicable provisions of the ITU Radio Regulations and all other international agreements in force to which the Federated States of Micronesia is a party.

#### *Automatic Morse Equipment*

8. Automatically activated equipment may be used to identify radiotelephone stations by the International Morse Code providing the following conditions are met:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer provided signal input terminal and shall be adjusted to produce  $40\% \pm 10\%$  of the maximum permissible modulation/deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse Code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be  $1200 \text{ Hz} \pm 800 \text{ Hz}$ .

#### *Miscellaneous*

9. Stations which are entirely automatic in their operation such as telemetering, hydrological and weather reporting, and aeronautical instrumentation, are exempt from these requirements.

10. Stations employing complex systems which require special terminal equipment for normal reception of traffic will, so far as practicable, identify at least hourly.

### **5.9.3 Obtaining Call Signs**

All stations operating in the Federated States of Micronesia including all stations generating on land, sea, and in the air shall have special call letters designated by the Department of Transportation, Communication and Infrastructure." Call signs to be used for the identification of transmissions of radio stations may be obtained by communicating with the Department of Transportation, Communication and Infrastructure, Palikir, Pohnpei, Federated States of Micronesia 96941.

### **5.10 MARITIME SERVICE IDENTITIES**

Under the ITU Radio Regulations (RR S19.30), ship stations and ship earth stations to which the provisions of Chapter SXI and coast stations or coast earth stations capable of communicating with such ships shall have assigned to them maritime mobile service identities, as the need arises. The maritime identities consist of a code, the Maritime ID, or MID, which is assigned to ships and coast stations, internationally, in accordance with RR S19, and Section VI, and the Preface to List VIIA. Certain blocks of codes are assigned to each administration which then are assigned by the administration to its ships and coast stations. In the Federated States of Micronesia the Department of Transportation, Communication and Infrastructure will be the responsible agency for the assignment of MID codes. MID codes are used as unique addresses for digital selective calling and maritime mobile satellite calling, in some cases.

### **5.11 Non-Licensed Devices**

1. All users of the radio frequency spectrum may purchase "off-the-shelf" non-licensed devices that conform to Part 15 of the United States Federal Communications Commission's (FCC) Rules and Regulations (47 CFR 15) without further authority from the Department of Transportation, Communications and Infrastructure.

2. Non-licensed devices are subject to the FCC equipment authorization programs of certification, notification and verification and shall bear the required appropriate FCC label or statement of limitations to operations.

3. The user operating a non-licensed device that causes interference to an authorized radio service shall promptly take steps to eliminate the interference. Upon notification by the Department of Transportation, Communications and Infrastructure that the device is causing interference, the operator of the non-licensed device shall cease all radiations from the device until the interference is eliminated.

4. Users operating a purchased non-licensed device have no vested recognized right to continued use of the device in any part of the radio frequency spectrum. Non-licensed device operations must accept any interference from any authorized radio system, other non-licensed device, or industrial, scientific and medical (ISM) equipment.

### **5.12 Low Power Intentional, Unintentional or Incidental Radiator or Device**

As stated in Section 5.11 above, a low power intentional, unintentional or incidental radiator or device may be operated without a license as long as the non-licensed FCC Part 15 device is operated in accordance with the

standards and procedures set forth in the United States FCC Rules and Regulations. The regulations and standards in these Regulations are a subset of the FCC Part 15 regulations that govern the use of low power devices in the Federated States of Micronesia. See Annex K of these regulations for the definitions and technical standards for the operation of these devices.

### **5.13 USE OF NON-LICENSED DEVICES**

1. Annex K of these regulations is based on Part 15 of the FCC's Rules and Regulations (47 CFR 15) which governs use of radio frequency devices that do not require an individual license to operate (i.e., "non-licensed devices"). The term "non-licensed device" used in this Section refers only to devices - and operations of such devices - that conform to the technical criteria in Annex K. Users may operate devices that conform to the technical criteria in Annex K without further authority from the Department of Transportation, Communications and Infrastructure. Additionally, any operational capability that conforms to the technical criteria in Annex K may be incorporated into otherwise authorized telecommunication systems without further authority.
2. The user operating such developed devices that cause interference shall take steps to eliminate the interference. Upon notification by cognizant spectrum management personnel that the device is causing interference, the operator of the non-licensed device shall cease all radiations from the device until the interference is eliminated.
3. Users operating a device developed under the technical criteria of Annex K,

have no vested or recognized right to continued use of the device in any part of the radio frequency spectrum. These devices must accept any interference from any authorized radio system, other non-licensed device, or industrial, scientific or medical (ISM) equipment.

### **5.14 USE OF FREQUENCIES BY INDUSTRIAL, SCIENTIFIC, AND MEDICAL (ISM) EQUIPMENT**

Without further authority from the Department of Transportation, Communications and Infrastructure, ISM equipment may be operated under the conditions specified in this section for particular categories of equipment or types of operations.

#### **5.14.1 Operation on Particular Frequencies Designated for ISM Equipment**

1. The following frequencies are designated for use by ISM equipment, the emissions of which shall be confined within the frequency limits associated with each frequency:

6780 kHz	±15.0 kHz
13560 kHz	±15.0 kHz
27120 kHz	±163.0 kHz
40.68 MHz	±20.0 kHz
915 MHz	±13.0 MHz
2450 MHz	±50.0 MHz
5800 MHz	±75.0 MHz
24.125 GHz	±125.0 MHz
61.25 GHz	±250.0 MHz
122.5 GHz	±500.0 MHz
245 GHz	±1.0 GHz

In the event harmful interference is caused by ISM operation to any authorized radio service outside the frequency

limits specified, the operator of the ISM equipment shall promptly take necessary steps to eliminate such interference, except in those cases where the interference is due to direct intermediate frequency pickup by a receiver of the fundamental frequency emissions of ISM equipment operating on an ISM frequency, and the operator otherwise complies with this section.

2. ISM equipment, other than industrial heating equipment, that is operated on the frequencies 915, 2450, 5800 MHz, and 24.125 GHz, is subject to the following conditions:

a. The energy radiated and the bandwidth of emission shall be reduced to the maximum extent practicable.

b. In the event harmful interference is caused to authorized radio services from spurious or harmonic radiation from ISM equipment, the operation of the ISM equipment shall be discontinued until necessary measures have been taken to eliminate such interference.

3. Medical diathermy equipment may be operated on the designated ISM frequencies without regard to the type or power of emissions being radiated, except as specified above. However, any harmonic or other spurious radiation outside the frequency limits specified in this section shall be suppressed so as not to exceed a strength of 25  $\mu\text{V}/\text{m}$  at a distance of 300 meters. Measurements to determine field intensity shall be made in accordance with standard engineering procedures.

4. Miscellaneous ISM equipment may be operated on the designated ISM frequencies without regard to the type or power of emissions being radiated, provided any harmonic or other spurious radiation outside the frequency limits specified in this section is suppressed so as to not exceed:

25  $\mu\text{V}/\text{m}$  at a distance of 300 meters or, for equipment generating more than 500 watts of RF power on the fundamental frequency, 25  $\mu\text{V}/\text{m}$  times the square root of  $P/500$  (where  $P$  is the actual RF power generated), but not to exceed 10  $\mu\text{V}/\text{m}$  at 1600 meters, provided this increase is not permitted for equipment located in a predominantly residential area and operating on a frequency below 1000 MHz.

#### **5.14.2 Operation on Frequencies Other Than Those Designated for ISM Equipment**

1. Operation of ISM equipment within the following safety, search and rescue frequency bands is prohibited: 490-510 kHz, 2170-2194 kHz, 8354-8374 kHz, 121.4-121.6 MHz, 156.7-156.9 MHz, and 242.8-243.2 MHz.

2. In the event harmful interference is caused to any authorized radio service outside the frequency limits specified in Section 5.14.1, by ISM operation conducted pursuant to this section, the operator of the ISM equipment shall promptly take the necessary steps to eliminate the interference.

3. Medical diathermy equipment shall be provided with a rectified and filtered plate power supply, powerline filters, and shall be constructed so that any radiated radio frequency energy (including harmonic or other spurious emissions) on a frequency outside the frequency limits specified in Section 5.14.1 does not exceed a strength of 15  $\mu\text{V}/\text{m}$  at a distance of 300 meters. Measurements to determine field intensity shall be made in accordance with standard engineering procedures. Industrial heating equipment and RF stabilized arc welders may be operated

provided all of the following conditions are met:

a. Radiation on the fundamental carrier frequency, as well as spurious and harmonic radiations resulting from any source frequency, and falling outside the frequency limits specified in Section 5.14.1, shall be suppressed so that

(1) below 5725 MHz the field strength does not exceed  $10 \mu\text{V}/\text{m}$  at a distance of 1600 meters and (2) above 5725 MHz it is reduced to the greatest extent practicable.

b. Filtering between the industrial heating equipment and power lines shall be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than the designated ISM frequencies, with a field strength in excess of  $10 \mu\text{V}/\text{m}$  at a distance of 1600 meters from the industrial heating equipment and at a distance of 15 meters from the power line.

3. Miscellaneous ISM equipment may be operated on frequencies other than those designated for ISM equipment provided all of the following conditions are met:

a. The equipment shall be provided with a rectified and filtered plate power supply and power line filters.

b. Any radiated radio frequency energy outside the frequency limits specified in Section 5.14.1 (including harmonic or other spurious emissions) shall not exceed:

$15 \mu\text{V}/\text{m}$  at a distance of 300 meters; or, for equipment generating more than 500 watts of RF power on the fundamental frequency,  $15 \mu\text{V}/\text{m}$  times the square root of  $P/500$  (where P is the actual RF power generated), but not to exceed  $10 \mu\text{V}/\text{m}$  at 1600 meters, provided this increase is not permitted for equipment located in a pre-

dominantly residential area and operating on a frequency below 1000 MHz.

4. Operation of ultrasonic equipment shall not result in radiation exceeding the following limits:

a. Below 490 kHz

$2400 \mu\text{V}/\text{m}$  at 300 meters  $\div$  Frequency (in kHz)

Between 490 and 1600 kHz

$24000 \mu\text{V}/\text{m}$  at 30 meters  $\div$  Frequency (in kHz)

Over 1600 kHz (excluding frequencies within the limits specified in Section 5.14.1)  $15 \mu\text{V}/\text{m}$  at 30 meters

b. For equipment operating below 490 kHz and generating more than 500 watts of RF power on the fundamental frequency.

$2400 \mu\text{V}/\text{m}$  at 300 meters  $\div$  Frequency (in kHz) times the square root of  $P/500$  (where P is the actual RF power generated), but not to exceed  $10 \mu\text{V}/\text{m}$  at 1600 meters, provided this increase is not permitted for equipment located in a predominantly residential area.

c. On any frequency 490 kHz and above, the radio frequency voltage appearing on each power line shall not exceed  $200 \mu\text{V}$ ; below 490 kHz it shall not exceed  $1000 \mu\text{V}$ .

#### **5.15 USE OF FREQUENCIES 10.525 GHz AND 24.150 GHz OR THE BAND 33.4-36.0 GHz FOR RADIOLOCATION DEVICES**

National, state and local law enforcement organizations may operate radio units for the purpose of determining distance, direction, speed or position by means of a radiolocation device on the frequencies 10.525 GHz and 24.150 GHz or in the band 33.4-36.0 GHz, provided FCC type-accepted equipment or equipment developed with

identical standards or specifications is used.

## 5.16 VIOLATION AND PENALTY

### 1. Definitions:

**Department:** The FSM Department of Transportation, Communication and Infrastructure.

**Secretary:** The Secretary of the Department of Transportation, Communication and Infrastructure.

**Person:** An individual, firm, partnership, association or corporation.

**Willful:** Deliberately, intentionally, or premeditated.

**Non-FSM Citizen:** An individual who is not born of a natural mother or father who is an FSM citizen.

**Directions:** Orders, requirements or directives given by the Secretary or Department of Transportation, Communication and Infrastructure.

**False Statement:** An act of making a false or misleading statement with the intent to deceive or mislead someone.

**Profane Language:** An abusive, vulgar, or irreverent language under Micronesian Customs and Traditions.

**Forfeiture:** The loss of property or a privilege without compensation due to breaking a law.

**Hate Speech:** Speech attacking or disparaging a social or ethnic group or a member of such a group on the bases of religion, natural origin, ancestry, sex, race social status or language.

### 2. **Other Powers and Duties of the Secretary's of the Department of Transportation, Communication and Infrastructure**

Except as otherwise provided in these Regulations, the Secretary of Transportation, Communications and Infrastructure from time to time, as a public convenience, interest, or necessity requires, shall make such regulations not inconsistent with law as it may deem necessary to prevent interference between radiocommunication stations and to carry out the provisions of this chapter.

### 3. **Indemnity**

The authorized officials or any other person exercising or performing powers or functions under this regulation, is not responsible for any act or omission done bona fide and without negligence under or for the purpose of this Regulation.

### 4. **General Penalty for violations**

Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing prohibited or declared to be unlawful, or willfully or knowingly omits or fails to



do any act, matter, or thing required to be done, or willfully and knowingly causes or suffers such omission or failure required by any regulation made or imposed by the Secretary of the Department of Transportation and Communication, or any rule, regulation, restriction, or condition made or imposed by an international radio or wire communications treaty or convention, or regulations annexed thereto, to which the Federated States of Micronesia is or may hereafter become a party, shall upon conviction thereof be punished for such offense by a fine of not more than \$10,000, or by imprisonment for a term not exceeding one year, or both.

**5. War emergency provisions- Penalties for violation**

Any person who willfully does or causes or suffers to be done any act prohibited pursuant to the exercise of the President of the Federated States of Micronesia's authority under the preceding section, or who willfully fails to do any act which he is required to do pursuant to the exercise of the President's authority under the preceding section, or who willfully causes or suffers such failure, shall, upon conviction thereof, be punished for such offense by a fine of not more than \$1,000, or by imprisonment for not more than a year, or both, and, if a firm, partnership, association, or corporation, by fine of not more than \$5,000, except that any person who commits such an offense with intent to injure the Federated States of Micronesia, or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000, or by

imprisonment for not more than 20 years, or both.

**6. Operating Without Frequency Authorization**

A person who operates any radio equipment or apparatus without a frequency authorization for which a prior radio frequency authorization is required under this Regulation is guilty of an offense.

Penalty: Fine not exceeding \$ 100 per day for each day of illegal operation.

**7. Operating Without Radio Station License**

A person who operates any radio equipment or apparatus without a Radio Station License for which is required under this Regulation is guilty of an offense.

Penalty: Fine not exceeding \$ 100 per day for each day of illegal operation.

**8. Importation of Unapproved Radio Equipment or Apparatus**

Any person who except as provided for by this regulation or with the consent of the Department, imports any equipment or apparatus other than approved equipment or apparatus is guilty of an offense.

Penalty: Fine not exceeding \$ 1,000 (Department discretion depending on value of equipment or apparatus).

**9. Failure To Comply with Directions**

Any person, who fails to comply with any order, requirement or directive given under this Regulation, is guilty of an offense.

Penalty: Fine not exceeding \$ 1,000 (Department discretion depending on compliance violation).

### **10. False Statement**

Any person, who makes any false statement for any purpose of this Regulation, is guilty of an offense.

Penalty: Fine not exceeding \$ 1,000 (Department discretion depending on severity of violation).

### **11. Profane Language**

Any person, who uses any profane language for any purpose of this Regulation, is guilty of an offense.

Penalty: Fine not exceeding \$ 1,000 (Department discretion depending on severity of violation).

### **12. False or Deceptive Signals or Communications**

Any person, who transmits false or deceptive signals or communications, for any purpose of this Regulation, is guilty of an offense.

Penalty: Fine not exceeding \$ 1,000 (Department discretion depending on severity of violation).

### **13. Forfeitures**

Any person, who willfully or repeatedly fail to comply with any provisions of this Regulation, is guilty of an offense.

Penalty: Fine not exceeding \$ 10,000 (Department discretion depending on severity of violation).

### **14. Hate Speech**

Any person, who makes any speech over the radio broadcast or television station or any radiocommunication station, that advocates the use of force against an individual or a specific group of individuals where such advocacy is directed to inciting or producing imminent lawless actions for any purpose of this Regulation, is guilty of an offense.

Penalty: Fine not exceeding \$ 10,000 (Department discretion depending on severity of violation).

### **15. Enforcement of Violations**

Enforcement of violations of the above violations and penalties shall be carried out by the Secretary of the Department of Justice.

## **517. MISCELLANEOUS**

### **1. Settlement of Interference Disputes**

Where a complaint in writing is made to the Secretary of the Department to the effect that:

a). a person has engaged; is engaging or is proposing to engage in conduct (including any act and any refusal or omission to act ) that has caused, is causing or likely to cause:

(i) interference or risk of interference to radiocommunication; or

(ii) any other disruption or disturbance, or risk of disruption or disturbance, to radiocommunication; and

b). the interests of another person have been, are or are likely to be affected by the disputed conduct.

## **2. Hearing for Settlement of Interference of Disputes**

Hearing for settlement regarding interference disputes shall be conducted in accordance with FSMC Title 17.