

# **NARCC**

## **DISPUTE RESOLUTION PROCESS**

### **REJECTED APPLICATIONS FOR COORDINATION**

- A) If the Application for Coordination is rejected for any reason, notice of such rejection shall be sent to the Applicant stating in reasonable detail the justification for such rejection. This notice shall be sent as soon as reasonably possible and in no event more than 30 days following the rejection.
- B) The notification of rejection shall advise the Applicant of the right to an Administrative Review of the rejection. The purpose of this review is to reconsider the reasons given for the rejection, plus any new information available.
- C) Upon notification of the rejection, the applicant has ten days to submit a request for an Administrative Review of the rejection and to submit any additional information to be considered.
- D) If no coordination decision has been made within 120 days following first publication of the application as “pending,” the applicant may at any time thereafter request an Administrative Review of the application.
- E) The Administrative Review shall consist of the Coordination Committee reviewing the application and reasons for its rejection. The Coordination Committee has 21 days to make its decision.
- F) The ruling, stating the reason(s) for the Committee’s decision, shall be sent to the applicant within 30 days from the applicant’s request for the Administrative Review.
- G) The decision of the Coordination Committee is subject to appeal to the Board of Directors, whose decision shall be final. The notice of rejection by the Committee shall advise the applicant of the right to appeal the decision.
- H) Applications for Coordination on frequencies between 420 and 450 MHz require mitigation of potential interference to the PAVE PAWS military radar system at Beale Air Force Base. The NARCC 440 Coordinator will advise the applicant of how to achieve the mitigation necessary. If the Applicant disputes the Coordinator’s decision on PAVE PAWS mitigation, the Applicant may submit their system information and other pertinent data to the ARRL for review, also sending a copy of the request to the NARCC 440 Coordinator. The applicant must provide copies of all ARRL correspondence and results to NARCC.

The recommendation of the ARRL has precedence over that of the NARCC 440 Coordinator. During the period of time the application is under review by the ARRL, NARCC time limits are suspended, and the application will remain marked as pending.

## **RESOLUTION OF DISPUTES (Appeal to Board of Directors)**

A) In the event that parties to a Coordination dispute are not able to resolve their differences among themselves, said dispute may only be presented to the Board of Directors following a ruling by the Coordination Committee, as follows:

- 1) Within 30 days of a decision by the Coordination Committee, any party to the dispute may submit a Request for Dispute Resolution in writing to the Board of Directors and to each party to the dispute setting forth the facts and the reasons for the dispute.
- 2) The Board shall, after conferring with the parties, set a date for the hearing and give all parties to the dispute at least thirty days notice in writing of the time and place.
- 3) The responding party or parties to the dispute may submit a responsive brief to the Board.
- 4) Unless otherwise directed by the Board the brief shall be sent to the Board and all other parties at least ten days prior to the hearing.
- 5) Once the dispute process is commenced the parties are not to discuss any material issues of the dispute with individual Board members. Inquiries on procedural matters relating to the dispute process should be directed to the president or his delegated representative.
- 6) The dispute hearing shall take place in front of a quorum of the full Board of Directors.
- 7) The board will rely on the parties to present the facts. However, the Coordinators and the technical committee shall cooperate with the parties in making information available for presentation at the hearing.

B) A Board member shall disclose any bias, relationship to any of the parties or discussions relating to the matter he has had with any of the parties after the filing of the dispute and excuse himself from participating in the proceedings if such facts would prevent him from being fair and impartial. This would not prevent him from testifying at the request of any party at the hearing. Any of the parties or members of the Board may raise the issue of ability of a Board member to be fair and impartial.

C) All written documentation that is to be presented at the hearing must be exchanged between the parties at least ten days prior to the hearing date..

D) Each party shall be allowed a reasonable time to present the issues and for rebuttal and closing. The presentation may consist of written documentation and oral testimony by the parties and witnesses.

E) At the request of any party or on its own motion the Board may continue the hearing to allow the presentation of further evidence or for the filing of briefs by the parties.

F) After presentation by the parties the Board shall make its decision within a reasonable period of time. The deliberations shall be at a meeting open to the public.

G) The decision and the reasons for the decision together with the vote of each member shall be set forth in writing and entered in the minutes of the meeting.

I) Copies of the decision shall be sent to each party.