

ENTELEC 2000

# The Washington Report

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## I. MAS REPORT & ORDER (WT Docket No. 97-81; January 19, 2000)

A. Immediately lifted licensing freeze on all bands designated for private, internal use

1. Definition of "private, internal": use of frequencies purely for internal business purposes or public safety communications and not on a for-hire or for-profit basis

B. 928/952/956 MHz Bands

1. Reserved for private, internal services; applicants must certify that they meet this requirement

2. First come, first served, site-based licensing will continue (no auctions)

3. All incumbent operations (i.e., systems licensed before July 1, 1999) will be grandfathered

4. Non-profit cost-sharing will not be permitted

C. 928/959 MHz Band

1. "Overlay" licenses will be assigned on geographic area basis, via competitive bidding

2. No eligibility restrictions

3. Incumbent operations are grandfathered; will not be subject to relocation
  - a. Incumbent's protected service area defined as 25-mile radius from master station transmitter site and the resulting composite contour
  - b. Geographic licensee must protect incumbent to signal strength of 40 dBuV/m or less at incumbent's service area boundaries
  - c. Incumbent may modify operations within protected contour without filing application with FCC

D. 932/941 MHz Band

1. 15 channel pairs reserved for public safety/Federal Government and private internal use (major victory for private licensees)
  - a. To be licensed on site-by-site basis (no auctions)
  - b. Some key issues were deferred to BBA proceeding: how to deal with MX situations and how to interpret "public safety radio services" auction exemption
2. 5 channel pairs available only to governmental public safety entities
3. 20 channel pairs to be auctioned on geographic area basis
  - a. Licenses will be awarded in each of 175 Economic Areas (EAs)
  - b. In each EA, will have one paired 50 kHz license and 16 paired 12.5 kHz licenses

E. Operational/Technical Rules

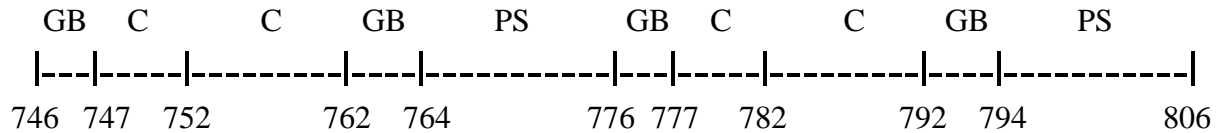
1. No spectrum aggregation limits or loading requirements to be imposed in any MAS bands
  - a. However: private internal licensees must offer justification if seeking to combine contiguous channels beyond 50 kHz of bandwidth
2. Existing construction requirements still applicable to private licensees
3. Operational flexibility permitted in all MAS bands: point-to-multipoint, point-to-point, and mobile operations will be allowed on co-primary basis

F. Likely areas to be addressed by CICC Petition for Reconsideration:

1. Oppose operational flexibility in private bands
2. Not-for-profit cost-sharing should be allowed
3. Offer input on resolving MX situations prior to resolution of BBA rule making

## II. 700 MHz BAND PROCEEDING

### A. Overview of band plan:



GB = Guard Band: subject to auction; eligibility TBD

C = Commercial use spectrum: subject to auction; no eligibility restrictions

PS = Public Safety allocation: available only to government entities, w/limited exceptions

### B. Public Safety allocation (WT Docket No. 96-86)

1. Nongovernmental organizations (NGOs) may license these public safety channels under certain circumstances:

- a. Must submit written statement from state or local government entity authorizing the NGO and certifying that the government entity's mission includes the oversight of or provision of services related to the safety of life, health or property; or
- b. NGO may share use of a governmental entity's licensed system (subject to approval of govt. entity)
- c. In either instance, NGO must use the spectrum for services whose sole or principal purpose is to protect the safety of life, health or property

### C. Commercial Use spectrum (WT Docket No. 99-168)

1. *First Report and Order* (January 7, 2000)

- a. 30 of 36 MHz to be auctioned beginning May 10, 2000
- b. Two license bands:
  - i. Two paired 10 MHz blocks
  - ii. Two paired 5 MHz blocks
- c. Licenses to be auctioned in each of six Economic Area Groupings

(EAGs); Gulf of Mexico included, but split among two different EAGs

d. Any wireless use will be permitted: fixed, mobile, broadcasting, etc.

2. Remaining 6 MHz = "guard bands," adjacent to public safety allocation

a. Competing proposals for how it should be used:

i. ITA/Motorola: band managers will buy spectrum at auction, lease to private wireless users

ii. FreeSpace: broadband data service

b. FCC Public Notice (Jan. 7, 2000): sought comment on what technical rules are needed in guard bands to protect public safety

c. Comment period has closed; LMCC, equipment manufacturers and several public safety organizations supported ITA/Motorola approach

d. FCC decision expected soon, due to Congressional mandate that proceeds from auction be deposited in U.S. Treasury by Sept. 30, 2000

### III. "REFARMING" UPDATE

#### A. Summary of New Rules Presently in Effect

1. Narrowband channel plan based upon current channel centers:
  - a. In VHF band, channels listed every 7.5 kHz
  - b. In UHF band, channels listed 6.25 kHz
2. "Soft" transition, based on type acceptance rules:
  - a. February 14, 1997: new type accepted equipment must be capable of operating with 12.5 kHz bandwidth or equivalent (15 kHz for VHF)
  - b. January 1, 2005: new type accepted equipment must be capable of operating with 6.25 kHz bandwidth or equivalent (7.5 kHz for VHF)
  - c. Note: SMR industry has asked FCC to implement date certain transition (Dec. 31, 2003 in 50 largest markets; Dec. 31, 2008 in markets 51-100; Dec. 31, 2020 in all other markets)
3. Service pool consolidation: Public Safety & Industrial/Business
  - a. Note: API/UTC/AAR have filed a Petition for Rulemaking seeking establishment of a third pool for public service entities (still pending)
4. Competitive frequency coordination, except: special coordination protection for channels previously allocated to power, petroleum or railroad services on an exclusive basis
5. ERP and antenna HAAT restricted to safe harbor tables; deviation permitted in areas of extreme terrain
6. Trunking permitted in bands below 800 MHz
7. Most low power UHF offset channels to become high power, subject to transition plan to protect low power users (7-month transition period contemplated before new high power operations can begin)

#### B. LMCC Low Power Proposal (submitted June 1997)

1. Specific low power offset channels designated as follows:

- a. 50 I/B coordinated channel pairs (10 available nationwide, 40 available only within 50 mile radius of top 100 urban areas)
- b. 10 I/B non-voice coordinated channel pairs
- c. 5 I/B Central Station Alarm channel pairs
- d. 25 I/B uncoordinated channel pairs
- e. 14 Public Safety coordinated channel pairs

2. LMCC proposal yet to be adopted due to interference concerns raised by medical telemetry industry

- a. Separate proceeding underway to find new spectrum for medical telemetry, but a transition period of several years is expected
- b. Most medical telemetry equipment thought to be in 460-470 MHz portion of 450-470 MHz band
  - i. may enable high power freeze to be lifted in 450-460 MHz band
  - ii. Jan. 31, 2000 was deadline for medical telemetry users to respond to FCC request for info regarding their operations

C. *Second MO&O* (April 1999)

- 1. API, UTC, AAR and AAA given coordination control over channels formerly allocated to the Petroleum, Power, Railroad and Automobile Emergency services on either an exclusive or shared basis
  - a. This new rule has been stayed due to concerns raised by coordinators for the manufacturer and forestry industries
- 2. Clarification of rules governing low power operations in 450-470 MHz band
  - a. Existing low power licensees on channels designated for high power may continue operating at low power using their existing wideband (25 kHz) equipment, but operations would be on a secondary basis
  - b. Low power licensees who relocate to designated low power channels and continue using wideband equipment will have primary status with respect to co-channel licensees, but secondary status with respect to adjacent channel operations

c. New low power wideband stations on the new low power channels will be licensed on a secondary basis to both co-channel and adjacent channel operations (waiver requests for primary status will be considered)

D. *Third MO&O* (July 1999) -- Centralized Trunking

1. Trunking applicants whose predicted interference contour overlaps an existing co-channel or adjacent channel service contour for stations that are within 70 miles of the proposed station must obtain consent from the incumbent licensee
2. No consent required for co-channel or adjacent channel licensees whose systems are located more than 70 miles from the proposed station
3. Consent must be obtained from *all* affected licensees
4. Frequency coordinators will place 60-day “hold” on applied-for frequencies for trunking operations while the applicant obtains the necessary consents
5. 10-channel limit imposed on initial trunking applications; additional channels may be requested in subsequent applications upon certification that the previously authorized channels have been constructed and placed into operation

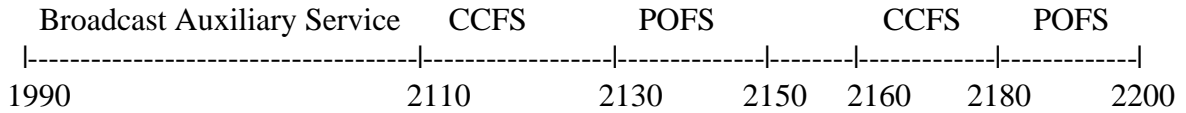
E. Other Outstanding Issues

1. Adoption of incentives for efficient spectrum use (originally raised in June 1997 FNPRM; probably being deferred to BBA proceeding):
  - a. Spectrum auctions
  - b. User fees
  - c. “Shared exclusivity”
  - d. Permit PLMRS to lease excess capacity
  - e. Allow commercial carriers to provide traditional private services
2. AMTA Petition for Rule Making to institute auctions in 450-470 MHz band

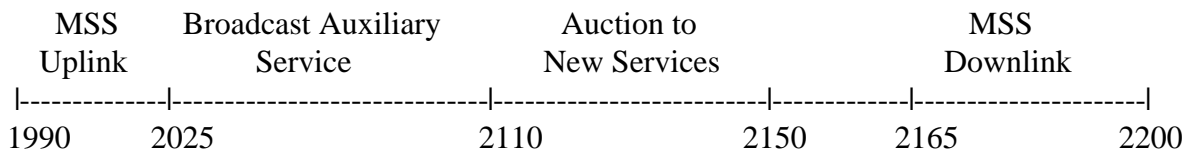
**IV. 2.1 GHz/MSS PROCEEDING (ET Docket No. 95-18)**

A. Summary of Band Plan:

1. Previous Status (pre-ET Docket No. 95-18)



2. Current Reallocation Status (Under MO&O & Third NPRM)



B. *MO&O and Third NPRM* (Nov. 1998)

1. Reallocation of POFS spectrum:

- a. 2180-2200 MHz: reallocated to MSS, effective 1/1/00
- b. 2130-2150 MHz: to be auctioned for new services by September 2002

2. Relocation/Reimbursement policies established in Emerging Technologies proceeding will apply

- a. FCC asked for comment on whether modifications necessary to tailor relocation rules to 2.1 GHz band

3. Pro Rata distribution of relocation costs between auction winners and MSS licensees

C. Expected FCC Decision on issues raised in *Third NPRM*

- 1. Condense voluntary and mandatory negotiation periods into one year
- 2. Full reimbursement for incumbents (not just depreciated value)
- 3. In-band relocations to be permitted
- 4. Feasibility of FS/MSS sharing to be determined pursuant to criteria being developed by TIA JWG 34

## V. BALANCED BUDGET ACT PROCEEDING (WT Docket No. 99-87)

### A. Summary of Act (relevant portions)

1. *Requires* FCC to use auctions to resolve mutually exclusive license applications, with limited exemptions
  - a. One crucial exemption: “public safety radio services” (PSRS)
    - i. Includes private internal radio services that are used to protect the safety of life, health or property and are not made commercially available to the public
    - ii. According to Conference Report, exemption encompasses radio services used by pipelines, utilities, railroads (and others)
2. Eliminated FCC's lottery authority, except in noncommercial broadcast services

### B. Balanced Budget Act NPRM (March 1999):

1. How should the PSRS exemption be implemented?
  - a. Include services other than traditional public safety/”guns n hoses”?
  - b. What eligibility criteria and use restrictions should be applied?
  - c. Adopt API/UTC/AAR “third pool” proposal?
  - d. How to interpret “Noncommercial” requirement?
2. More general issues:
  - a. Use of geographic licensing in existing private bands
  - b. Designing auctions to meet private radio needs
  - c. Spectrum lease fees
  - d. Band Manager proposal
3. FCC also asked about:
  - a. AMTA proposal for mandatory narrowbanding
  - b. Nextel waiver request to incorporate PMRS channels into its CMRS system

C. Comment Period Closed Sept. 30, 1999

1. Except for Nextel/AMTA, virtually all commenting parties:
  - a. Opposed introduction of auctions in private bands
  - b. Preferred site-by-site over geographic licensing
  - c. Advocated broad interpretation of PSRS exemption, opposed use restrictions, favored cost-sharing
  - d. Do not like Band Manager proposal
2. Main area of disagreement: "separate pools" proposal
  - a. Manufacturers and other non-CII oppose creation of separate pool from which they'd be excluded; argue that separate pool not necessary
3. Report & Order expected sometime this year