

(4) A temporary fixed broadband station may use any available broadband channel on a secondary basis, except that operation of temporary fixed broadband stations is not allowed within 56.3 km (35 miles) of Canada.

(5)(i) A point-to-point EBS station on the E and F-channel frequencies, may be involuntarily displaced by a BRS applicant or licensee, provided that suitable alternative spectrum is available and that the BRS entity bears the expenses of the migration. Suitability of spectrum will be determined on a case-by-base basis; at a minimum, the alternative spectrum must be licensable by broadband operators on a primary basis (although it need not be specifically allocated to the broadband service), and must provide a signal that is equivalent to the prior signal in picture quality and reliability, unless the broadband licensee will accept an inferior signal. Potential expansion of the BRS licensee may be considered in determining whether alternative available spectrum is suitable.

(ii) If suitable alternative spectrum is located pursuant to paragraph (h)(6)(i) of this section, the initiating party must prepare and file the appropriate application for the new spectrum, and must simultaneously serve a copy of the application on the EBS licensee to be moved. The initiating party will be responsible for all costs connected with the migration, including purchasing, testing and installing new equipment, labor costs, reconfiguration of existing equipment, administrative costs, legal and engineering expenses necessary to prepare and file the migration application, and other reasonable documented costs. The initiating party must secure a bond or establish an escrow account to cover reasonable incremental increase in ongoing expenses that may fall upon the migrated licensee. The bond or escrow account should also account for the possibility that the initiating party subsequently becomes bankrupt. If it becomes necessary for the Commission to assess the sufficiency of a bond or escrow amount, it will take into account such factors as projected incremental increase in electricity or maintenance expenses, or relocation expenses, as relevant in each case.

(iii) The EBS licensee to be moved will have a 60-day period in which to oppose the involuntary migration. The broadband party should state its opposition to the migration with specificity, including engineering and other challenges, and a comparison of the present site and the proposed new site. If involuntary migration is granted, the new facilities must be operational before the initiating party will be permitted to begin its new or modified operations. The migration must not disrupt the broadband licensee's provision of service, and the broadband licensee has the right to inspect the construction or installation work.

[62 FR 9658, Mar. 3, 1997, as amended at 65 FR 3145, Jan. 20, 2000; 65 FR 17602, Apr. 4, 2000; 67 FR 5510, Feb. 6, 2002; 67 FR 41854, June 20, 2002; 69 FR 5714, Feb. 6, 2004; 69 FR 72032, Dec. 10, 2004; 69 FR 77950, Dec. 29, 2004; 70 FR 58064, Oct. 5, 2005; 71 FR 35189, June 19, 2006]

§ 27.6 Service areas.

(a) WCS service areas are Major Economic Areas (MEAs) and Regional Economic Area Groupings (REAGs) as defined in the Table immediately following paragraph (a)(1) of this section. Both MEAs and REAGs are based on the U.S. Department of Commerce's 172 Economic Areas (EAs). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall separately license Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico, which have been assigned Commission-created EA numbers 173–176, respectively. Maps of the EAs, MEAs, and REAGs and the FEDERAL REGISTER Notice that established the 172 EAs are available for public inspection and copying at the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

(1) The 52 MEAs are composed of one or more EAs and the 12 REAGs are composed of one or more MEAs, as defined in the table below:

Federal Communications Commission

§ 27.6

REAGs	MEAs	EAs
1 (Northeast)	1 (Boston)	1-3.
	2 (New York City)	4-7, 10.
	3 (Buffalo)	8.
	4 (Philadelphia)	11-12.
2 (Southeast)	5 (Washington)	13-14.
	6 (Richmond)	15-17, 20.
	7 (Charlotte-Greensboro-Greenville-Raleigh)	18-19, 21-26, 41-42, 46.
	8 (Atlanta)	27-28, 37-40, 43.
	9 (Jacksonville)	29, 35.
	10 (Tampa-St. Petersburg-Orlando)	30, 33-34.
	11 (Miami)	31-32.
3 (Great Lakes)	12 (Pittsburgh)	9, 52-53.
	13 (Cincinnati-Dayton)	48-50.
	14 (Columbus)	51.
	15 (Cleveland)	54-55.
	16 (Detroit)	56-58, 61-62.
	17 (Milwaukee)	59-60, 63, 104-105, 108.
	18 (Chicago)	64-66, 68, 97, 101.
	19 (Indianapolis)	67.
	20 (Minneapolis-St. Paul)	106-107, 109-114, 116.
	21 (Des Moines-Quad Cities)	100, 102-103, 117.
4 (Mississippi Valley)	22 (Knoxville)	44-45.
	23 (Louisville-Lexington-Evansville)	47, 69-70, 72.
	24 (Birmingham)	36, 74, 78-79.
	25 (Nashville)	71.
	26 (Memphis-Jackson)	73, 75-77.
	27 (New Orleans-Baton Rouge)	80-85.
	28 (Little Rock)	90-92, 95.
	29 (Kansas City)	93, 99, 123.
	30 (St. Louis)	94, 96, 98.
5 (Central)	31 (Houston)	86-87, 131.
	32 (Dallas-Fort Worth)	88-89, 127-130, 135, 137-138.
	33 (Denver)	115, 140-143.
	34 (Omaha)	118-121.
	35 (Wichita)	122.
	36 (Tulsa)	124.
	37 (Oklahoma City)	125-126.
	38 (San Antonio)	132-134.
	39 (El Paso-Albuquerque)	136, 139, 155-157.
	40 (Phoenix)	154, 158-159.
6 (West)	41 (Spokane-Billings)	144-147, 168.
	42 (Salt Lake City)	148-150, 152.
	43 (San Francisco-Oakland-San Jose)	151, 162-165.
	44 (Los Angeles-San Diego)	153, 160-161.
	45 (Portland)	166-167.
	46 (Seattle)	169-170.
7 (Alaska)	47 (Alaska)	171.
8 (Hawaii)	48 (Hawaii)	172.
9 (Guam and the Northern Mariana Islands) ..	49 (Guam and the Northern Mariana Islands) ..	173.
10 (Puerto Rico and U.S. Virgin Islands) ..	50 (Puerto Rico and U.S. Virgin Islands) ..	174.
11 (American Samoa)	51 (American Samoa)	175.
12 (Gulf of Mexico)	52 (Gulf of Mexico)	176.

(2) The Gulf of Mexico EA extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

(b) 746-764 MHz and 776-794 MHz bands. WCS service areas for the 746-764 MHz and 776-794 MHz bands are as follows.

(1) Service areas for Block A in the 746-747 and 776-777 MHz bands and Block B in the 762-764 and 792-794 MHz bands are based on Major Economic Areas (MEAs), as defined in paragraphs (a)(1) and (a)(2) of this section.

(2) Service areas for Blocks C and D in the 747-762 MHz and 777-792 MHz bands are based on Economic Area Groupings (EAGs) as defined by the Federal Communications Commission. See 62 FR 15978 (April 3, 1997) extended with the Gulf of Mexico. See also paragraphs (a)(1) and (a)(2) of this section and 62 FR 9636 (March 3, 1997), in which the Commission created an additional four economic area-like areas for a total of 176. Maps of the EAGs and the

§ 27.6

47 CFR Ch. I (10–1–06 Edition)

FEDERAL REGISTER Notice that established the 172 Economic Areas (EAs) are available for public inspection and copying at the Reference Center, Room CY A-257, 445 12th St., S.W., Washington, DC 20554. These maps and data

are also available on the FCC website at www.fcc.gov/oet/info/maps/areas/.

(i) There are 6 EAGs, which are composed of multiple EAs as defined in the table below:

Economic area groupings	Name	Economic areas
EAG001	Northeast	1–11, 54
EAG002	Mid-Atlantic	12–26, 41, 42, 44–53, 70
EAG003	Southeast	27–40, 43, 69, 71–86, 88–90, 95, 96, 174, 176(part)
EAG004	Great Lakes	55–68, 97, 100–109
EAG005	Central/Mountain	87, 91–94, 98, 99, 110–146, 148, 149, 152, 154–159, 176(part)
EAG006	Pacific	147, 150, 151, 153, 160–173, 175

NOTE 1 TO PARAGRAPH (b)(2)(i): Economic Area Groupings are defined by the Federal Communications Commission; see 62 FR 15978 (April 3, 1997) extended with the Gulf of Mexico.

NOTE 2 TO PARAGRAPH (b)(2)(i): Economic Areas are defined by the Regional Economic Analysis Division, Bureau of Economic Analysis, U.S. Department of Commerce February 1995 and extended by the Federal Communications Commission, see 62 FR 9636 (March 3, 1997).

(ii) For purposes of paragraph (b)(2)(i) of this section, EA 176 (the Gulf of Mexico) will be divided between EAG003 (the Southeast EAG) and EAG005 (the Central/Mountain EAG) in accordance with the configuration of the Eastern/Central and Western Planning Area established by the Mineral Management Services Bureau of the Department of the Interior (MMS). That portion of EA 176 contained in the Eastern and Central Planning Areas as defined by MMS will be included in EAG003; that portion of EA 176 contained in the Western Planning Area as defined by MMS will be included in EAG005. Maps of these areas may be found on the following MMS website: www.gomr.mms.gov/homepg/offshore/offshore.html.

(c) 698–746 MHz band. WCS service areas for the 698–746 MHz band are as follows.

(1) Service areas for Blocks A, B, D, and E in the 698–746 MHz band are based on Economic Area Groupings (EAGs) as defined in paragraph (b)(2) of this section.

(2) Service areas for Block C in the 698–746 MHz band are based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs) as defined by Public

Notice Report No. CL-92-40 “Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties,” dated January 24, 1992, DA 92-109, 7 FCC Rcd 742 (1992), with the following modifications:

(i) The service areas of cellular markets that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline.

(ii) The service area of cellular market 306 that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

(d) 1390–1392 MHz band. Service areas for the 1390–1392 MHz band is based on Major Economic Areas (MEAs), as defined in paragraphs (a)(1) and (a)(2) of this section.

(e) The paired 1392–1395 and 1432–1435 MHz bands. Service areas for the paired 1392–1395 and 1432–1435 MHz bands are as follows. Service areas for Block A in the 1392–1393.5 MHz and 1432–1433.5 MHz bands and Block B in the 1393.5–1395 MHz and 1433.5–1435 MHz bands are based on Economic Area Groupings (EAGs) as defined in paragraph (b)(2) of this section.

(f) 1670–1675 MHz band. Service areas for the 1670–1675 MHz band are available on a nationwide basis.

(g) [Reserved]

(h) 1710–1755 and 2110–2155 MHz bands. AWS service areas for the 1710–1755 MHz and 2110–2155 MHz bands are as follows:

(1) Service areas for Block A (1710–1720 MHz and 2110–2120 MHz) are based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs) as defined

Federal Communications Commission

§27.11

by Public Notice Report No. CL-92-40 "Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties," dated January 24, 1992, DA 92-109, 7 FCC Rcd 742 (1992), with the following modifications:

(i) The service areas of cellular markets that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline.

(ii) The service area of cellular market 306 that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

(2) Service areas for Blocks B (1720-1730 MHz and 2120-2130 MHz) and C (1730-1735 MHz and 2130-2135 MHz) are based on Economic Areas (EAs) as defined in paragraph (a) of this section.

(3) Service areas for blocks D (1735-1740 MHz and 2135-2140 MHz), E (1740-1745 MHz and 2140-2145 MHz) and F (1745-1755 MHz and 2145-2155 MHz) are based on Regional Economic Area Groupings (REAGs) as defined by paragraph (a) of this section.

[62 FR 9658, Mar. 3, 1997, as amended at 64 FR 60726, Nov. 8, 1999; 65 FR 3145, Jan. 20, 2000; 65 FR 17602, Apr. 4, 2000; 65 FR 60113, Oct. 10, 2000; 67 FR 13225, Mar. 21, 2002; 67 FR 5510, Feb. 6, 2002; 67 FR 41854, June 20, 2002; 69 FR 5714, Feb. 6, 2004; 69 FR 77950, Dec. 29, 2004; 70 FR 58065, Oct. 5, 2005]

Subpart B—Applications and Licenses

§27.10 Regulatory status.

Except with respect to *Guard Band Manager* licenses, which are subject to subpart G of this part, the following rules apply concerning the regulatory status in the frequency bands specified in §27.5.

(a) *Single authorization.* Authorization will be granted to provide any or a combination of the following services in a single license: common carrier, non-common carrier, private internal communications, and broadcast services. A licensee may render any kind of communications service consistent with the regulatory status in its license and with the Commission's rules applicable to that service. An applicant or licensee may submit a petition at any time requesting clarification of the regulatory status for which author-

ization is required to provide a specific communications service.

(b) *Designation of regulatory status in initial application.* An applicant shall specify in its initial application if it is requesting authorization to provide common carrier, non-common carrier, private internal communications, or broadcast services, or a combination thereof.

(c) *Amendment of pending applications.* The following rules apply to amendments of a pending application.

(1) Any pending application may be amended to:

(i) Change the carrier regulatory status requested, or

(ii) Add to the pending request in order to obtain common carrier, non-common carrier, private internal communications, or broadcast services status, or a combination thereof, in a single license.

(2) Amendments to change, or add to, the carrier regulatory status in a pending application are minor amendments filed under §1.927 of this chapter.

(d) *Modification of license.* The following rules apply to amendments of a license.

(1) A licensee may modify a license to:

(i) Change the regulatory status authorized, or

(ii) Add to the status authorized in order to obtain a combination of services of different regulatory status in a single license.

(2) Applications to change, or add to, the carrier status in a license are modifications not requiring prior Commission authorization. The licensee must notify the Commission within 30 days of the change. If the change results in the discontinuance, reduction, or impairment of an existing service, the licensee is subject to the provisions of §27.66.

[65 FR 3146, Jan. 20, 2000, as amended at 65 FR 17602, Apr. 4, 2000; 67 FR 5510, Feb. 6, 2002; 67 FR 41854, June 20, 2002; 68 FR 66286, Nov. 25, 2003]

§27.11 Initial authorization.

(a) An applicant must file a single application for an initial authorization for all markets won and frequency blocks desired. Initial authorizations shall be granted in accordance with