

state department of education; a privately controlled educational institution must be accredited by the appropriate state department of education or the recognized regional and national accrediting organizations), or

(iv) A nonprofit organization whose purposes are educational and include providing educational and instructional television material to such accredited institutions and governmental organizations.

(v) Other noncommercial entities with an educational mission.

(3) *Editorial control.* (i) A DBS operator will be required to make capacity available only to qualified programmers and may select among such programmers when demand exceeds the capacity of their reserved channels.

(ii) A DBS operator may not require the programmers it selects to include particular programming on its channels.

(iii) A DBS operator may not alter or censor the content of the programming provided by the qualified programmer using the channels reserved pursuant to this section.

(4) *Non-commercial channel limitation.* A DBS operator cannot initially select a qualified programmer to fill more than one of its reserved channels except that, after all qualified entities that have sought access have been offered access on at least one channel, a provider may allocate additional channels to qualified programmers without having to make additional efforts to secure other qualified programmers.

(5) *Rates, terms and conditions.* (i) In making the required reserved capacity available, DBS providers cannot charge rates that exceed costs that are directly related to making the capacity available to qualified programmers. Direct costs include only the cost of transmitting the signal to the uplink facility and uplinking the signal to the satellite.

(ii) Rates for capacity reserved under paragraph (a) of this section shall not exceed 50 percent of the direct costs as defined in this section.

(iii) Nothing in this section shall be construed to prohibit DBS providers from negotiating rates with qualified programmers that are less than 50 percent of direct costs or from paying

qualified programmers for the use of their programming.

(iv) DBS providers shall reserve discrete channels and offer these to qualifying programmers at consistent times to fulfill the reservation requirement described in these rules.

(6) *Public file.* (i) Each DBS provider shall keep and permit public inspection of a complete and orderly record of:

(A) Quarterly measurements of channel capacity and yearly average calculations on which it bases its four percent reservation, as well as its response to any capacity changes;

(B) A record of entities to whom non-commercial capacity is being provided, the amount of capacity being provided to each entity, the conditions under which it is being provided and the rates, if any, being paid by the entity;

(C) A record of entities that have requested capacity, disposition of those requests and reasons for the disposition; and

(D) A record of all requests for political advertising time and the disposition of those requests.

(ii) All records required by this paragraph shall be placed in a file available to the public as soon as possible and shall be retained for a period of two years.

(7) *Effective date.* DBS providers are required to make channel capacity available pursuant to this section upon the effective date. Programming provided pursuant to this rule must be available to the public no later than six months after the effective date.

[67 FR 51114, Aug. 7, 2002]

## PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

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AUTHORITY: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

SOURCE: 62 FR 9658, Mar. 3, 1997, unless otherwise noted.

### Subpart A—General Information

#### § 27.1 Basis and purpose.

This section contains the statutory basis for this part of the rules and provides the purpose for which this part is issued.

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(a) *Basis.* The rules for miscellaneous wireless communications services (WCS) in this part are promulgated under the provisions of the Communications Act of 1934, as amended, that vest authority in the Federal Communications Commission to regulate radio transmission and to issue licenses for radio stations.

(b) *Purpose.* This part states the conditions under which spectrum is made available and licensed for the provision of wireless communications services in the following bands.

- (1) 2305–2320 MHz and 2345–2360 MHz.
- (2) 746–764 MHz and 776–794 MHz.
- (3) 698–746 MHz.
- (4) 1390–1392 MHz.
- (5) 1392–1395 MHz and 1432–1435 MHz.
- (6) 1670–1675 MHz.
- (7) 2385–2390 MHz.

(c) *Scope.* The rules in this part apply only to stations authorized under this part.

[62 FR 9658, Mar. 3, 1997, as amended at 65 FR 3144, Jan. 20, 2000; 65 FR 17601, Apr. 4, 2000; 67 FR 5510, Feb. 6, 2002; 67 FR 41854, June 20, 2002]

### § 27.2 Permissible communications.

(a) *Miscellaneous wireless communications services.* Except as provided in paragraph (b) of this section and subject to technical and other rules contained in this part, a licensee in the frequency bands specified in § 27.5 may provide any services for which its frequency bands are allocated, as set forth in the non-Federal Government column of the Table of Allocations in § 2.106 of this chapter (column 5).

(b) *746–747 MHz, 776–777 MHz, 762–764 MHz and 792–794 MHz bands.* Operators in the 746–747 MHz, 776–777 MHz, 762–764 MHz and 792–794 MHz bands may not employ a cellular system architecture. A cellular system architecture is defined, for purposes of this part, as one that consists of many small areas or cells (segmented from a larger geographic service area), each of which uses its own base station, to enable frequencies to be reused at relatively short distances.

(c) *Satellite DARS.* Satellite digital audio radio service (DARS) may be provided using the 2310–2320 and 2345–2360 MHz bands. Satellite DARS service

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shall be provided in a manner consistent with part 25 of this chapter.

[65 FR 3144, Jan. 20, 2000, as amended at 65 FR 17601, Apr. 4, 2000]

### § 27.3 Other applicable rule parts.

Other FCC rule parts applicable to the Wireless Communications Service include the following:

(a) *Part 0.* This part describes the Commission's organization and delegations of authority. Part 0 of this chapter also lists available Commission publications, standards and procedures for access to Commission records, and location of Commission Field Offices.

(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; competitive bidding procedures; and the environmental requirements that, if applicable, must be complied with prior to the initiation of construction. Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

(c) *Part 2.* This part contains the Table of Frequency Allocations and special requirements in international regulations, recommendations, agreements, and treaties. This part also contains standards and procedures concerning the marketing and importation of radio frequency devices, and for obtaining equipment authorization.

(d) *Part 5.* This part contains rules prescribing the manner in which parts of the radio frequency spectrum may be made available for experimentation.

(e) *Part 15.* This part sets forth the requirements and conditions applicable to certain radio frequency devices.

(f) *Part 17.* This part contains requirements for construction, marking and lighting of antenna towers.

(g) *Part 20.* This part sets forth the requirements and conditions applicable to commercial mobile radio service providers.

(h) *Part 21.* This part sets forth rules the requirements and conditions applicable to point-to-point microwave services relating to communications common carriers.

(i) *Part 22.* This part sets forth the requirements and conditions applicable to public mobile services.

(j) *Part 24.* This part sets forth the requirements and conditions applicable to personal communications services.

(k) *Part 25.* This part contains the requirements for satellite communications, including satellite DARS.

(l) *Part 51.* This part contains general duties of telecommunications carriers to provide for interconnection with other telecommunications carriers.

(m) *Part 68.* This part contains technical standards for connection of terminal equipment to the telephone network.

(n) *Part 73.* This part sets forth the requirements and conditions applicable to radio broadcast services.

(o) *Part 90.* This part sets forth the requirements and conditions applicable to private land mobile radio services.

(p) *Part 101.* This part sets forth the requirements and conditions applicable to fixed microwave services.

[62 FR 9658, Mar. 3, 1997, as amended at 63 FR 68954, Dec. 14, 1998; 65 FR 3144, Jan. 20, 2000; 67 FR 5510, Feb. 6, 2002]

#### § 27.4 Terms and definitions.

*Affiliate.* This term shall have the same meaning as that for "affiliate" in part 1, § 1.2110(b)(5) of this chapter.

*Assigned frequency.* The center of the frequency band assigned to a station.

*Authorized bandwidth.* The maximum width of the band of frequencies permitted to be used by a station. This is normally considered to be the necessary or occupied bandwidth, whichever is greater.

*Average terrain.* The average elevation of terrain between 3 and 16 kilometers from the antenna site.

*Band Manager.* The term *Band Manager* refers to a licensee in the paired 1392-1395 MHz and 1432-1435 MHz bands and the unpaired 1390-1392 MHz, 1670-1675 MHz and 2385-2390 MHz bands that functions solely as a spectrum broker by subdividing its licensed spectrum and making it available to system operators or directly to end users for fixed or mobile communications consistent with Commission Rules. A *Band Manager* is directly responsible for any interference or misuse of its licensed

frequency arising from its use by such non-licensed entities.

*Base station.* A land station in the land mobile service.

*Broadcast services.* This term shall have the same meaning as that for "broadcasting" in section 3(6) of the Communications Act of 1934, *i.e.*, "the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations." 47 U.S.C. 153(6).

*Effective Radiated Power (ERP)* (in a given direction). The product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction.

*Equivalent Isotropically Radiated Power (EIRP).* The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

*Fixed service.* A radio communication service between specified fixed points.

*Fixed station.* A station in the fixed service.

*Guard band manager.* The term *Guard band manager* refers to a commercial licensee in the 746-747 MHz, 762-764 MHz, 776-777 MHz, and 792-794 MHz bands that functions solely as a spectrum broker by subdividing its licensed spectrum and making it available to system operators or directly to end users for fixed or mobile communications consistent with Commission Rules. A *Guard band manager* is directly responsible for any interference or misuse of its licensed frequency arising from its use by such non-licensed entities.

*Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.

*Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographic limits of a country or continent.

*Land station.* A station in the mobile service not intended to be used while in motion.

*Mobile service.* A radio communication service between mobile and land stations, or between mobile stations.

*Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

*National Geodetic Reference System (NGRS).* The name given to all geodetic control data contained in the National Geodetic Survey (NGS) data base. (Source: National Geodetic Survey, U.S. Department of Commerce)

*Portable device.* Transmitters designed to be used within 20 centimeters of the body of the user.

*Radiodetermination.* The determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves.

*Radiolocation.* Radiodetermination used for purposes other than those of radionavigation.

*Radiolocation land station.* A station in the radiolocation service not intended to be used while in motion.

*Radiolocation mobile station.* A station intended to be used while in motion or during halts at unspecified points.

*Radionavigation.* Radiodetermination used for the purpose of navigation, including obstruction warning.

*Satellite Digital Audio Radio Service (satellite DARS).* A radiocommunication service in which compact disc quality programming is digitally transmitted by one or more space stations.

*Time division multiple access (TDMA).* A multiple access technique whereby users share a transmission medium by being assigned and using (one-at-a-time) for a limited number of time division multiplexed channels; implies that several transmitters use one channel for sending several bit streams.

*Time division multiplexing (TDM).* A multiplexing technique whereby two or more channels are derived from a transmission medium by dividing access to the medium into sequential intervals. Each channel has access to the entire bandwidth of the medium during its interval. This implies that one transmitter uses one channel to send several bit streams of information.

*Universal Licensing System.* The Universal Licensing System (ULS) is the consolidated database, application filing system, and processing system for all Wireless Radio Services. ULS supports electronic filing of all applications and related documents by applicants and licensees in the Wireless

Radio Services, and provides public access to licensing information.

*Wireless communications service.* A radiocommunication service licensed pursuant to this part for the frequency bands specified in § 27.5.

[62 FR 9658, Mar. 3, 1997, as amended at 62 FR 16497, Apr. 7, 1997; 63 FR 68954, Dec. 14, 1998; 65 FR 3145, Jan. 20, 2000; 65 FR 17602, Apr. 4, 2000; 67 FR 41854, June 20, 2002]

### § 27.5 Frequencies.

(a) *2305–2320 MHz and 2345–2360 MHz bands.* The following frequencies are available for WCS in the 2305–2320 MHz and 2345–2360 MHz bands:

(1) Two paired channel blocks are available for assignment on a Major Economic Area basis as follows:

Block A: 2305–2310 and 2350–2355 MHz; and  
Block B: 2310–2315 and 2355–2360 MHz.

(2) Two unpaired channel blocks are available for assignment on a Regional Economic Area Grouping basis as follows:

Block C: 2315–2320 MHz; and  
Block D: 2345–2350 MHz.

(b) *746–764 MHz and 776–794 MHz bands.* The following frequencies are available for licensing pursuant to this part in the 746–764 MHz and 776–794 MHz bands:

(1) Two paired channels of 1 megahertz each are available for assignment solely to Guard band managers. Block A: 746–747 MHz and 776–777 MHz.

(2) Two paired channels of 2 megahertz each are available for assignment solely to Guard band managers. Block B: 762–764 MHz and 792–794 MHz.

(3) Two paired channels of 5 megahertz each are available for assignment. Block C: 747–752 MHz and 777–782 MHz.

(4) Two paired channels of 10 megahertz each are available for assignment. Block D: 752–762 MHz and 782–792 MHz.

(c) *698–746 MHz band.* The following frequencies are available for licensing pursuant to this part in the 698–746 MHz band:

(1) Three paired channel blocks of 12 megahertz each are available for assignment as follows:

Block A: 698–704 MHz and 728–734 MHz;  
Block B: 704–710 MHz and 734–740 MHz; and

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Block C: 710–716 MHz and 740–746 MHz.

(2) Two unpaired channel blocks of 6 megahertz each are available for assignment as follows:

Block D: 716–722 MHz; and

Block E: 722–728 MHz.

(d) *1390–1392 MHz band.* The 1390–1392 MHz band is available for assignment on a Major Economic Area basis.

(e) *The paired 1392–1395 and 1432–1435 MHz bands.* The paired 1392–1395 MHz and 1432–1435 MHz bands are available for assignment on an Economic Area Grouping basis as follows: Block A: 1392–1393.5 MHz and 1432–1433.5 MHz; and Block B: 1393.5–1395 MHz and 1433.5–1435 MHz.

(f) *1670–1675 MHz band.* The 1670–1675 MHz band is available for assignment on a nationwide basis.

(g) *2385–2390 MHz band.* The 2385–2390 MHz band is available for assignment on a nationwide basis.

[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]

**§ 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:

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.
	3 (Great Lakes)	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.	
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.	

REAGs	MEAs	EAs
	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 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/](http://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

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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](http://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) *2385–2390 MHz band.* Service areas for the 2385–2390 MHz band are available on a nationwide basis.

[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]

### Subpart B—Applications and Licenses

#### § 27.10 Regulatory status.

Except with respect to *Band Manager* licenses and *Guard Band Manager* licenses, which are subject to subpart G of this part, the following rules apply concerning the regulatory status of licensees 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 authorization 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-

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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]

### § 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 § 27.5. Applications for individual sites are not required and will not be accepted, except where required for environmental assessments, in accordance with §§ 1.1301 through 1.1319 of this chapter.

(b) *2305–2320 MHz and 2345–2360 MHz bands.* Initial authorizations for the 2305–2320 MHz and 2345–2360 MHz bands shall be for 10 megahertz of spectrum in accordance with § 27.5(a).

(1) Authorizations for Blocks A and B will be based on Major Economic Areas (MEAs), as specified in § 27.6(a)(1).

(2) Authorizations for Blocks C and D will be based on Regional Economic Area Groupings (REAGs), as specified in § 27.6(a)(2).

(c) *746–764 MHz and 776–794 MHz bands.* Initial authorizations for the

746–764 MHz and 776–794 MHz blocks shall be for 1, 2, 5, or 10 megahertz of spectrum in accordance with § 27.5(b).

(1) Authorizations for Block A, consisting of two paired channels of 1 megahertz each, will be based on those geographic areas specified in § 27.6(b)(1).

(2) Authorizations for Block B, consisting of two paired channels of 2 megahertz each, will be based on those geographic areas specified in § 27.6(b)(1).

(3) Authorizations for Block C, consisting of two paired channels of 5 megahertz each, will be based on Economic Area Groupings (EAGs), as specified in § 27.6(b)(2).

(4) Authorizations for Block D, consisting of two paired channels of 10 megahertz each, will be based on EAGs, as specified in § 27.6(b)(2).

(d) *698–746 MHz band.* Initial authorizations for the 698–746 MHz band shall be for 6 or 12 megahertz of spectrum in accordance with § 27.5(c).

(1) Authorizations for Blocks A and B, consisting of two paired channels of 6 megahertz each, will be based on those geographic areas specified in § 27.6(c)(1).

(2) Authorizations for Block C, consisting of two paired channels of 6 megahertz each, will be based on those geographic areas specified in § 27.6(c)(2).

(3) Authorizations for Blocks D and E, consisting of an unpaired channel block of 6 megahertz each, will be based on those geographic areas specified in § 27.6(c)(1).

(e) *1390–1392 MHz band.* Initial authorizations for the 1390–1392 MHz band shall be for 2 megahertz of spectrum in accordance with § 27.5(c). Authorizations will be based on Major Economic Areas (MEAs), as specified in § 27.6(c).

(f) *The paired 1392–1395 MHz and 1432–1435 MHz bands.* Initial authorizations for the paired 1392–1395 MHz and 1432–1435 MHz bands shall be for 3 megahertz of paired spectrum in accordance with § 27.5(d). Authorization for Blocks A and B will be based on Economic Areas Groupings (EAGs), as specified in § 27.6(d).

(g) *1670–1675 MHz band.* Initial authorizations for the 1670–1675 MHz band shall be for 5 megahertz of spectrum in

accordance with § 27.5(e). Authorizations will be on a nationwide basis.

(h) *2385–2390 MHz band.* Initial authorizations for the 2385–2390 MHz band shall be for 5 megahertz of spectrum in accordance with § 27.5(f). Authorizations will be on a nationwide basis.

[62 FR 9658, Mar. 3, 1997, as amended at 63 FR 68954, Dec. 14, 1998; 65 FR 3146, Jan. 20, 2000; 67 FR 5511, Feb. 6, 2002; 67 FR 41854, June 20, 2002]

#### § 27.12 Eligibility.

(a) Except as provided in § 27.604, any entity other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this part.

(b) *Band Manager licenses.* For the 1392–1395 MHz, 1670–1675 MHz, and 2385–2390 MHz bands and the paired 1392–1395 MHz and 1432–1435 MHz bands, applicants applying for an initial license may elect to operate as a Band Manager, subject to the rules governing Guard Band Managers under subpart G of part 27, provided however, that the following rules do not apply to Band Managers:

(1) The prohibition in §§ 27.601(a) and (b) against employing a cellular system architecture;

(2) The requirement in § 27.601(d)(1) to notify Public Safety frequency coordinators;

(3) The requirement in § 27.603(c) to lease the predominant amount of its spectrum to non-affiliates;

(4) The prohibition in § 27.604 against a single applicant becoming the winning bidder of both blocks A and B in a single geographic service area; and

(5) The requirement in § 27.605 that any entity that acquires a portion of a Guard Band Manager's spectrum or geographic area through partitioning or disaggregation must also act as a band manager.

[67 FR 41854, June 20, 2002]

#### § 27.13 License period.

(a) *2305–2320 MHz and 2345–2360 MHz bands.* Initial WCS authorizations for the 2305–2320 MHz and 2345–2360 MHz bands will have a term not to exceed ten years from the date of original issuance or renewal.

(b) *698–764 MHz and 776–794 MHz bands.* Initial authorizations for the

698–764 MHz and 776–794 MHz bands will extend until January 1, 2015, except that a part 27 licensee commencing broadcast services will be required to seek renewal of its license for such services at the termination of the eight-year term following commencement of such operations.

(c) *1390–1392 MHz band.* Initial authorizations for the 1390–1392 MHz band will have a term not to exceed ten years from the date of initial issuance or renewal.

(d) *The paired 1392–1395 and 1432–1435 MHz bands.* Initial WCS authorizations for the paired 1392–1395 MHz and 1432–1435 MHz bands will have a term not to exceed ten years from the date of initial issuance or renewal.

(e) *1670–1675 MHz band.* Initial authorizations for the 1670–1675 MHz band will have a term not to exceed ten years from the date of initial issuance or renewal.

(f) *2385–2390 MHz band.* Initial authorizations for the 2385–2390 MHz band will have a term not to exceed ten years from the date of initial issuance or renewal.

[65 FR 3146, Jan. 20, 2000; 65 FR 12483, Mar. 9, 2000, as amended at 65 FR 17602, Apr. 4, 2000; 65 FR 57267, Sept. 21, 2000; 67 FR 5511, Feb. 6, 2002; 67 FR 41855, June 20, 2002]

#### § 27.14 Construction requirements; Criteria for comparative renewal proceedings.

(a) WCS licensees must make a showing of “substantial service” in their license area within the prescribed license term set forth in § 27.13. “Substantial” service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(b) A renewal applicant involved in a comparative renewal proceeding shall receive a preference, commonly referred to as a renewal expectancy, which is the most important comparative factor to be considered in the proceeding, if its past record for the relevant license period demonstrates that:

(1) The renewal applicant has provided “substantial” service during its past license term; and

(2) The renewal applicant has substantially complied with applicable FCC rules, policies and the Communications Act of 1934, as amended.

(c) In order to establish its right to a renewal expectancy, a WCS renewal applicant involved in a comparative renewal proceeding must submit a showing explaining why it should receive a renewal expectancy. At a minimum, this showing must include:

(1) A description of its current service in terms of geographic coverage and population served;

(2) An explanation of its record of expansion, including a timetable of new construction to meet changes in demand for service;

(3) A description of its investments in its WCS system; and

(4) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(d) In making its showing of entitlement to a renewal expectancy, a renewal applicant may claim credit for any system modification applications that were pending on the date it filed its renewal application. Such credit will not be allowed if the modification application is dismissed or denied.

[62 FR 9658, Mar. 3, 1997, as amended at 65 FR 3146, Jan. 20, 2000]

**§ 27.15 Geographic partitioning and spectrum disaggregation.**

(a) *Eligibility.* (1) Parties seeking approval for partitioning and disaggregation shall request from the Commission an authorization for partial assignment of a license pursuant to § 1.948.

(2) WCS licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum at any time following the grant of their licenses.

(b) *Technical Standards*—(1) *Partitioning.* In the case of partitioning, applicants and licensees must file FCC Form 603 pursuant to section 1.948 and list the partitioned service area on a schedule to the application. The geo-

graphic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude and must be based upon the 1983 North American Datum (NAD83).

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined partitioning and disaggregation.* The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(4) *Signal levels.* For purposes of partitioning and disaggregation, part 27 systems must be designed so as not to exceed the signal level specified for the particular spectrum block in § 27.55 at the licensee’s service area boundary, unless the affected adjacent service area licensees have agreed to a different signal level.

(c) *License term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee’s license term as provided for in § 27.13.

(d) *Compliance with construction requirements.* The following rules apply for purposes of implementing the construction requirements set forth in § 27.14.

(1) *Partitioning.* Parties to partitioning agreements have two options for satisfying the construction requirements set forth in § 27.14. Under the first option, the partitioner and partitionee each certifies that it will independently satisfy the substantial service requirement for its respective partitioned area. If a licensee subsequently fails to meet its substantial service requirement, its license will be subject to automatic cancellation without further Commission action. Under the second option, the partitioner certifies that it has met or will meet the substantial service requirement for the entire, pre-partitioned geographic service area. If the partitioner subsequently fails to meet its substantial service requirement, only its license will be subject to automatic cancellation without further Commission action.

(2) *Disaggregation.* Parties to disaggregation agreements have two options for satisfying the construction requirements set forth in § 27.14. Under

the first option, the disaggregator and disaggregatee each certifies that it will share responsibility for meeting the substantial service requirement for the geographic service area. If the parties choose this option and either party subsequently fails to satisfy its substantial service responsibility, both parties' licenses will be subject to forfeiture without further Commission action. Under the second option, both parties certify either that the disaggregator or the disaggregatee will meet the substantial service requirement for the geographic service area. If the parties choose this option, and the party responsible subsequently fails to meet the substantial service requirement, only that party's license will be subject to forfeiture without further Commission action.

[62 FR 9658, Mar. 3, 1997, as amended at 63 FR 68954, Dec. 14, 1998; 65 FR 3146, Jan. 20, 2000; 65 FR 57268, Sept. 21, 2000; 67 FR 45373, July 9, 2002]

### Subpart C—Technical Standards

#### § 27.50 Power and antenna height limits.

(a) The following power limits apply to the 2305–2320 MHz and 2345–2360 MHz bands:

(1) Fixed, land, and radiolocation land stations transmitting are limited to 2000 watts peak equivalent isotropically radiated power (EIRP).

(2) Mobile and radiolocation mobile stations transmitting are limited to 20 watts EIRP peak power.

(b) The following power and antenna height limits apply to transmitters operating in the 746–764 MHz and 776–794 MHz bands:

(1) Fixed and base stations transmitting in the 746–764 MHz band and the 777–792 MHz band must not exceed an effective radiated power (ERP) of 1000 watts and an antenna height of 305 m height above average terrain (HAAT), except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section;

(2) Control stations and mobile stations transmitting in the 747–762 MHz band and the 776–794 MHz band and fixed stations transmitting in the 776–

777 MHz band and the 792–794 MHz band are limited to 30 watts ERP;

(3) Portable stations (hand-held devices) transmitting in the 747–762 MHz band and the 776–794 MHz band are limited to 3 watts ERP;

(4) Maximum composite transmit power shall be measured over any interval of continuous transmission using instrumentation calibrated in terms of RMS-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, etc., so as to obtain a true maximum composite measurement for the emission in question over the full bandwidth of the channel.

(c) The following power and antenna height requirements apply to stations transmitting in the 698–746 MHz band:

(1) Fixed and base stations are limited to a maximum effective radiated power (ERP) of 50 kW, with the limitation on antenna heights as follows:

(i) Fixed and base stations with an ERP of 1000 watts or less must not exceed an antenna height of 305 m height above average terrain (HAAT) except when the power is reduced in accordance with Table 1 of this section;

(ii) The antenna height for fixed and base stations with an ERP greater than 1000 watts but not exceeding 50 kW is limited only to the extent required to satisfy the requirements of § 27.55(b).

(2) Control and mobile stations are limited to 30 watts ERP.

(3) Portable stations (hand-held devices) are limited to 3 watts ERP.

(4) Maximum composite transmit power shall be measured over any interval of continuous transmission using instrumentation calibrated in terms of RMS-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, etc., so as to obtain a true maximum composite measurement for the emission in question over the full bandwidth of the channel.

(5) Licensees intending to operate a base or fixed station at a power level greater than 1 kW ERP must provide

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advanced notice of such operation to the Commission and to licensees authorized in their area of operation. Licensees that must be notified are all licensees authorized under this part to operate a base or fixed station on an adjacent spectrum block at a location within 75 km of the base or fixed station operating at a power level greater than 1 kW ERP. Notices must provide the location and operating parameters of the base or fixed station operating at a power level greater than 1 kW ERP, including the station's ERP, antenna coordinates, antenna height above ground, and vertical antenna pattern, and such notices must be provided at least 90 days prior to the commencement of station operation.

(d) The following power limits apply to the paired 1392–1395 MHz and 1432–1435 MHz bands as well as the unpaired 1390–1392 MHz band (1.4 GHz band):

(1) Fixed stations transmitting in the 1390–1392 MHz and 1432–1435 MHz bands are limited to 2000 watts EIRP peak power. Fixed stations transmitting in the 1392–1395 MHz band are limited to 100 watts EIRP peak power.

(2) Mobile stations transmitting in the 1390–1392 MHz and 1432–1435 MHz bands are limited to 4 watts EIRP peak power. Mobile stations transmitting in the 1392–1395 MHz band are limited to 1 watt EIRP peak power.

(e) The following power limits apply to the 1670–1675 MHz band:

(1) Fixed and base stations are limited to 2000 watts EIRP peak power.

(2) Mobile stations are limited to 4 watts EIRP peak power.

(f) The following power limits apply to the 2385–2390 MHz band:

(1) Fixed and base stations are limited to 2000 watts EIRP peak power.

(2) Mobile and aeronautical mobile stations are limited to 4 watts EIRP peak power.

(g) Peak transmit power shall be measured over any interval of continuous transmission using instrumentation calibrated in terms of rms-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, *etc.*, so as to obtain a true peak measurement for

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the emission in question over the full bandwidth of the channel.

TABLE 1—PERMISSIBLE POWER AND ANTENNA HEIGHTS FOR BASE AND FIXED STATIONS IN THE 698–764 MHz AND 777–792 MHz BANDS

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500) .....	65
Above 1220 (4000) To 1372 (4500) .....	70
Above 1067 (3500) To 1220 (4000) .....	75
Above 915 (3000) To 1067 (4000) .....	100
Above 763 (2500) To 915 (3000) .....	140
Above 610 (2000) To 763 (2500) .....	200
Above 458 (1500) To 610 (2000) .....	350
Above 305 (1000) To 458 (1500) .....	600
Up to 305 (1000) .....	1000

[62 FR 16497, Apr. 7, 1997, as amended at 65 FR 3147, Jan. 20, 2000; 65 FR 17602, Apr. 4, 2000; 65 FR 42882, July 12, 2000; 65 FR 57267, Sept. 21, 2000; 67 FR 5511, Feb. 6, 2002; 67 FR 41855, June 20, 2002]

**§ 27.51 Equipment authorization.**

(a) Each transmitter utilized for operation under this part must be of a type that has been authorized by the Commission under its certification procedure.

(b) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter.

[65 FR 3147, Jan. 20, 2000]

**§ 27.52 RF safety.**

Licensees and manufacturers are subject to the radio frequency radiation exposure requirements specified in sections 1.1307(b), 2.1091, and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of mobile or portable devices operating under this section must contain a statement confirming compliance with these requirements for both fundamental emissions and unwanted emissions. Technical information showing the basis for this statement must be submitted to the Commission upon request.

**§ 27.53 Emission limits.**

(a) For operations in the bands 2305–2320 MHz and 2345–2360 MHz, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, by the following amounts:

(1) *For fixed, land, and radiolocation land stations:* By a factor not less than  $80 + 10 \log(p)$  dB on all frequencies between 2320 and 2345 MHz;

(2) *For mobile and radiolocation mobile stations:* By a factor not less than  $110 + 10 \log(p)$  dB on all frequencies between 2320 and 2345 MHz;

(3) *For fixed, land, mobile, radiolocation land and radiolocation mobile stations:* By a factor not less than  $70 + 10 \log(p)$  dB on all frequencies below 2300 MHz and on all frequencies above 2370 MHz; and not less than  $43 + 10 \log(p)$  dB on all frequencies between 2300 and 2320 MHz and on all frequencies between 2345 and 2370 MHz that are outside the licensed bands of operation;

(4) Compliance with these provisions is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or less, but at least one percent of the emission bandwidth of the fundamental emission of the transmitter, provided the measured energy is integrated over a 1 MHz bandwidth;

(5) In complying with the requirements in § 27.53(a)(1) and § 27.53(a)(2), WCS equipment that uses opposite sense circular polarization from that used by Satellite DARS systems in the 2320–2345 MHz band shall be permitted an allowance of 10 dB;

(6) When measuring the emission limits, the nominal carrier frequency shall be adjusted as close to the edges, both upper and lower, of the licensee's bands of operation as the design permits;

(7) The measurements of emission power can be expressed in peak or average values, provided they are expressed in the same parameters as the transmitter power;

(8) Waiver requests of any of the out-of-band emission limits in paragraphs (a)(1) through (a)(7) of this section shall be entertained only if interference protection equivalent to that afforded by the limits is shown;

(9) In the 2305–2315 MHz band, if portable devices comply with all of the following requirements, then paragraph (a)(2) of this section shall not apply to portable devices, which instead shall attenuate all emissions into the 2320–2345 MHz band by a factor of not less than  $93 + 10 \log(p)$  dB:

(i) The portable device has a duty cycle of 12.5% or less, with at most a 312.5 microsecond pulse every 2.5 milliseconds;

(ii) The portable device must employ time division multiple access (TDMA) technology;

(iii) The nominal peak transmit output power of the portable device is no more than 200 milliwatts (25 milliwatts average power);

(iv) The portable device operates with the minimum power necessary for successful communications;

(v) The nominal average base station transmit output power is no more than 800 milliwatts when the base station antennas is located at a height of at least 8 meters (26.25 feet) above the ground;

(vi) Only fixed and portable devices and services may be provided; vehicle-mounted units are not permitted; and

(vii) Transmitting antennas shall employ linear polarization or another polarization that provides equivalent of better discrimination with respect to a DARS antenna;

(10) The out-of-band emissions limits in paragraphs (a)(1) through (a)(9) of this section may be modified by the private contractual agreement of all affected licensees, who shall maintain a copy of the agreement in their station files and disclose it to prospective assignees or transferees and, upon request, to the Commission.

(b) *For WCS Satellite DARS operations:* The limits set forth in § 25.202(f) of this chapter shall apply, except that Satellite DARS operations shall be limited to a maximum power flux density of  $-197$  dBW/m<sup>2</sup>/4 kHz in the 2370–2390 MHz band at Arecibo, Puerto Rico.

(c) For operations in the 747 to 762 MHz band and the 777 to 792 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured

in watts, in accordance with the following:

(1) On any frequency outside the 747 to 762 MHz band, the power of any emission shall be attenuated outside the band below the transmitter power (P) by at least  $43 + 10 \log (P)$  dB;

(2) On any frequency outside the 777 to 792 MHz band, the power of any emission shall be attenuated outside the band below the transmitter power (P) by at least  $43 + 10 \log (P)$  dB;

(3) On all frequencies between 764 to 776 MHz and 794 to 806 MHz, by a factor not less than  $76 + 10 \log (P)$  dB in a 6.25 kHz band segment, for base and fixed stations;

(4) On all frequencies between 764 to 776 MHz and 794 to 806 MHz, by a factor not less than  $65 + 10 \log (P)$  dB in a 6.25 kHz band segment, for mobile and portable stations;

(5) Compliance with the provisions of paragraphs (c)(1) and (c)(2) of this section is based on the use of measurement instrumentation employing a resolution bandwidth of 100 kHz or greater. However, in the 100 kHz bands immediately outside and adjacent to the frequency block, a resolution bandwidth of at least 30 kHz may be employed;

(6) Compliance with the provisions of paragraphs (c)(3) and (c)(4) of this section is based on the use of measurement instrumentation such that the reading taken with any resolution bandwidth setting should be adjusted to indicate spectral energy in a 6.25 kHz segment.

(d) For operations in the 746–747 MHz, 762–764 MHz, 776–777 MHz, and 792–794 MHz bands, transmitters must meet the following emission limitations:

(1) The adjacent channel coupled power (ACCP) requirements for transmitters designed for various channel sizes are shown in the following tables. Mobile station requirements apply to handheld, car mounted and control station units. The tables specify a maximum value for the ACCP relative to maximum output power as a function of the displacement from the channel center frequency. In addition, the ACCP for a mobile station transmitter at the specified frequency displacement must not exceed the value shown in the tables. For transmitters that have power control, the latter ACCP requirement can be met at maximum power reduction. In the following charts, “(s)” means that a swept measurement is to be used.

6.25 KHZ MOBILE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
6.25 .....	6.25	–40	not specified
12.50 .....	6.25	–60	–45
18.75 .....	6.25	–60	–45
25.00 .....	6.25	–65	–50
37.50 .....	25.00	–65	–50
62.50 .....	25.00	–65	–50
87.50 .....	25.00	–65	–50
150.00 .....	100.00	–65	–50
250.00 .....	100.00	–65	–50
>400 to receive band .....	30(s)	–75	–55
In the receive band .....	30(s)	–100	–70

12.5 KHZ MOBILE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
9.375 .....	6.25	–40	not specified
15.625 .....	6.25	–60	–45
21.875 .....	6.25	–60	–45
37.500 .....	25.00	–65	–50
62.500 .....	25.00	–65	–50
87.500 .....	25.00	–65	–50
150.000 .....	100.00	–65	–50
250.000 .....	100.00	–65	–50
>400 to receive band .....	30(s)	–75	–55

12.5 KHz MOBILE TRANSMITTER ACCP REQUIREMENTS—Continued

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
In the receive band .....	30(s)	-100	-70

25 KHz MOBILE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
15.625 .....	6.25	-40	not specified
21.875 .....	6.25	-60	-45
37.500 .....	25.00	-65	-50
62.500 .....	25.00	-65	-50
87.500 .....	25.00	-65	-50
150.000 .....	100.00	-65	-50
250.000 .....	100.00	-65	-50
>400 to receive band .....	30(s)	-75	-55
In the receive band .....	30(s)	-100	-70

150 KHz MOBILE TRANSMITTER ACCP REQUIREMENTS 12.5 KHz MOBILE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
100 .....	50	-40	not specified
200 .....	50	-50	-35
300 .....	50	-50	-35
400 .....	50	-50	-35
600 to 1000 .....	30(s)	-60	-45
1000 to receive band .....	30(s)	-70	-55
In the receive band .....	30(s)	-100	-75

6.25 KHz BASE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
6.25 .....	6.25	-40
12.50 .....	6.25	-60
18.75 .....	6.25	-60
25.00 .....	6.25	-65
37.50 .....	25.00	-65
62.50 .....	25.00	-65
87.50 .....	25.00	-65
150.00 .....	100.00	-65
250.00 .....	100.00	-65
>400 to receive band .....	30(s)	-80 (continues @ -6dB/oct)
In the receive band .....	30(s)	-100

12.5 KHz BASE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
9.375 .....	6.25	-40
15.625 .....	6.25	-60
21.875 .....	6.25	-60
37.500 .....	25.00	-60
62.500 .....	25.00	-65
87.500 .....	25.00	-65
150.000 .....	100.00	-65
250.000 .....	100.00	-65
>400 to receive band .....	30(s)	-80 (continues @ -6dB/oct)

12.5 KHZ BASE TRANSMITTER ACCP REQUIREMENTS—Continued

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
In the receive band .....	30(s)	-100

25 KHZ BASE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
15.625 .....	6.25	-40
21.875 .....	6.25	-60
37.500 .....	25.00	-60
62.500 .....	25.00	-65
87.500 .....	25.00	-65
150.000 .....	100.00	-65
250.000 .....	100.00	-65
>400 to receive band .....	30(s)	-80 (continues @ -6dB/oct)
In the receive band .....	30(s)	-100

150 KHZ BASE TRANSMITTER ACCP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
100 .....	50	-40
200 .....	50	-50
300 .....	50	-55
400 .....	50	-60
600 to 1000 .....	30(s)	-65
1000 to receive band .....	30(s)	-75 (continues @ -6dB/oct)
In the receive band .....	30(s)	-100

(2) *ACCP measurement procedure.* The following procedures are to be followed for making ACCP transmitter measurements. For time division multiple access (TDMA) systems, the measurements are to be made under TDMA operation only during time slots when the transmitter is on. All measurements must be made at the input to the transmitter's antenna. Measurement bandwidth used below implies an instrument that measures the power in many narrow bandwidths (e.g. 300 Hz) and integrates these powers across a larger band to determine power in the measurement bandwidth.

(i) *Setting reference level:* Using a spectrum analyzer capable of ACCP measurements, set the measurement bandwidth to the channel size. For example, for a 6.25 kHz transmitter, set the measurement bandwidth to 6.25 kHz; for a 150 kHz transmitter, set the measurement bandwidth to 150 kHz. Set the frequency offset of the measurement

bandwidth to zero and adjust the center frequency of the spectrum analyzer to give the power level in the measurement bandwidth. Record this power level in dBm as the "reference power level".

(ii) *Measuring the power level at frequency offsets <600kHz:* Using a spectrum analyzer capable of ACCP measurements, set the measurement bandwidth as shown in the tables above. Measure the ACCP in dBm. These measurements should be made at maximum power. Calculate the coupled power by subtracting the measurements made in this step from the reference power measured in the previous step. The absolute ACCP values must be less than the values given in the table for each condition above.

(iii) *Measuring the power level at frequency offsets >600kHz:* Set a spectrum analyzer to 30 kHz resolution bandwidth, 1 MHz video bandwidth and sample mode detection. Sweep ±6 MHz from

the carrier frequency. Set the reference level to the RMS value of the transmitter power and note the absolute power. The response at frequencies greater than 600 kHz must be less than the values in the tables above.

(iv) *Upper Power Limit Measurement:* The absolute coupled power in dBm measured above must be compared to the table entry for each given frequency offset. For those mobile stations with power control, these measurements should be repeated with power control at maximum power reduction. The absolute ACCP at maximum power reduction must be less than the values in the tables above.

(3) *Out-of-band emission limit.* On any frequency outside of the frequency ranges covered by the ACCP tables in this section, the power of any emission must be reduced below the unmodulated carrier power (P) by at least  $43 + 10 \log (P)$  dB.

(4) *Authorized bandwidth.* Provided that the ACCP requirements of this section are met, applicants may request any authorized bandwidth that does not exceed the channel size.

(e) For operations in the 746–764 MHz and 776–794 MHz bands, emissions in the band 1559–1610 MHz shall be limited to –70 dBW/MHz equivalent isotropically radiated power (EIRP) for wideband signals, and –80 dBW EIRP for discrete emissions of less than 700 Hz bandwidth. For the purpose of equipment authorization, a transmitter shall be tested with an antenna that is representative of the type that will be used with the equipment in normal operation.

(f) For operations in the 698–746 MHz band, the power of any emission outside a licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, by at least  $43 + 10 \log (P)$  dB. Compliance with this provision is based on the use of measurement instrumentation employing a resolution bandwidth of 100 kilohertz or greater. However, in the 100 kilohertz bands immediately outside and adjacent to a licensee's frequency block, a resolution bandwidth of at least 30 kHz may be employed.

(g) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

(h) For operations in the unpaired 1390–1392 MHz band and the paired 1392–1395 MHz and 1432–1435 MHz bands, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) by at least  $43 + 10 \log (P)$  dB. Compliance with these provisions is based on the procedures described in paragraph (a)(4) of this section.

(i) For operations in the 1670–1675 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) by at least  $43 + 10 \log (P)$  dB. Compliance with these provisions is based on the procedures described in paragraph (a)(4) of this section.

(j) For operations in the 2385–2390 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) by at least  $43 + 10 \log (P)$  dB. Compliance with these provisions is based on the procedures described in paragraph (a)(4) of this section.

(k) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

[62 FR 16497, Apr. 7, 1997, as amended at 65 FR 3147, Jan. 20, 2000; 65 FR 17602, Apr. 4, 2000; 65 FR 42883, July 12, 2000; 67 FR 5511, Feb. 6, 2002; 67 FR 41855, June 20, 2002]

#### § 27.54 Frequency stability.

The frequency stability shall be sufficient to ensure that the fundamental emissions stay within the authorized bands of operation.

#### § 27.55 Signal strength limits.

(a) *Field strength limits.* For the following bands, the predicted or measured median field strength at any location on the geographical border of a licensee's service area shall not exceed the value specified unless the adjacent affected service area licensee(s) agree(s) to a different field strength.

## § 27.56

This value applies to both the initially offered service areas and to partitioned service areas.

(1) 2305–2320 and 2345–2360 MHz bands: 47 dB $\mu$  V/m.

(2) 698–764 and 776–794 MHz bands: 40 dB $\mu$  V/m.

(3) The paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz band (1.4 GHz band): 47 dB $\mu$  V/m.

(b) *Power flux density limit.* For base and fixed stations operating in the 698–746 MHz band, with an effective radiated power (ERP) greater than 1 kW, the power flux density that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure.

[67 FR 5511, Feb. 6, 2002, as amended at 67 FR 41855, June 20, 2002]

## § 27.56 Antenna structures; air navigation safety.

A licensee that owns its antenna structure(s) must not allow such antenna structure(s) to become a hazard to air navigation. In general, antenna structure owners are responsible for registering antenna structures with the FCC if required by part 17 of this chapter, and for installing and maintaining any required marking and lighting. However, in the event of default of this responsibility by an antenna structure owner, the FCC permittee or licensee authorized to use an affected antenna structure will be held responsible by the FCC for ensuring that the antenna structure continues to meet the requirements of part 17 of this chapter. See § 17.6 of this chapter.

(a) *Marking and lighting.* Antenna structures must be marked, lighted and maintained in accordance with part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration. For any construction or alteration that would exceed the requirements of section 17.7 of this chapter, licensees must notify the appropriate Regional Office of the Federal Aviation Administration (FAA Form 7460-1) and file a request for antenna height clearance and obstruction

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marking and lighting specifications (FCC Form 854) with the FCC, WTB, 1270 Fairfield Road, Gettysburg, PA 17325.

(b) *Maintenance contracts.* Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) may enter into contracts with other entities to monitor and carry out necessary maintenance of antenna structures. Antenna structure owners (or licensees and permittees, in the event of default by an antenna structure owner) that make such contractual arrangements continue to be responsible for the maintenance of antenna structures in regard to air navigation safety.

## § 27.57 International coordination.

(a) WCS operations in the border areas shall be subject to coordination with those countries and provide protection to non-U.S. operations in the 2305–2320 and 2345–2360 MHz bands as appropriate. In addition, satellite DARS operations in WCS spectrum shall be subject to international satellite coordination procedures.

(b) Operation in the 698–764 MHz and 776–794 MHz bands is subject to international agreements between Mexico and Canada. Unless otherwise modified by international treaty, licenses must not cause interference to, and must accept harmful interference from, television broadcast operations in Mexico and Canada.

[62 FR 9658, Mar. 3, 1997, as amended at 67 FR 5511, Feb. 6, 2002]

## § 27.58 Interference to MDS/ITFS receivers.

(a) WCS licensees shall bear full financial obligation to remedy interference to MDS/ITFS block downconverters if all of the following conditions are met:

(1) The complaint is received by the WCS licensee prior to February 20, 2002;

(2) The MDS/ITFS downconverter was installed prior to August 20, 1998;

(3) The WCS fixed or land station transmits at 50 or more watts peak EIRP;

(4) The MDS/ITFS downconverter is located within a WCS transmitter's free space power flux density contour of  $-34$  dBW/m<sup>2</sup>; and

(5) The MDS/ITFS customer or licensee has informed the WCS licensee of the interference within one year from the initial operation of the WCS transmitter or within one year from any subsequent power increases at the WCS station.

(b) Resolution of the complaint shall be at no cost to the complainant.

(c) Two or more WCS licensees collocating their antennas on the same tower shall assume shared responsibility for remedying interference complaints within the area determined by paragraph (a)(4) of this section unless an offending station can be readily determined and then that station shall assume full financial responsibility.

(d) If the WCS licensee cannot otherwise eliminate interference caused to MDS/ITFS reception, then that licensee must cease operations from the offending WCS facility.

(e) At least 30 days prior to commencing operations from any new WCS transmission site or with increased power from any existing WCS transmission site, a WCS licensee shall notify all MDS/ITFS licensees in or through whose licensed service area they intend to operate of the technical parameters of the WCS transmission facility. WCS and MDS/ITFS licensees are expected to coordinate voluntarily and in good faith to avoid interference problems and to allow the greatest operational flexibility in each other's operations.

[62 FR 16498, Apr. 7, 1997]

**§ 27.59 [Reserved]**

**§ 27.60 TV/DTV interference protection criteria.**

Base, fixed, control, and mobile transmitters in the 698-764 MHz and 776-794 MHz frequency bands must be operated only in accordance with the rules in this section to reduce the potential for interference to public reception of the signals of existing TV and DTV broadcast stations transmitting on TV Channels 51 through 68.

(a) *D/U ratios.* Licensees must choose site locations that are a sufficient distance from co-channel and adjacent channel TV and DTV stations, and/or must use reduced transmitting power or transmitting antenna height such

that the following minimum desired signal-to-undesired signal ratios (D/U ratios) are met.

(1) The minimum D/U ratio for co-channel stations is:

(i) 40 dB at the hypothetical Grade B contour (64 dB $\mu$  V/m) (88.5 kilometers (55 miles)) of the TV station;

(ii) For transmitters operating in the 698-746 MHz frequency band, 23 dB at the equivalent Grade B contour (41 dB $\mu$  V/m) (88.5 kilometers (55 miles)) of the DTV station; or

(iii) For transmitters operating in the 746-764 MHz and 776-794 MHz frequency bands, 17 dB at the equivalent Grade B contour (41 dB $\mu$  V/m) (88.5 kilometers (55 miles)) of the DTV station.

(2) The minimum D/U ratio for adjacent channel stations is 0 dB at the hypothetical Grade B contour (64 dB $\mu$ V/m) (88.5 kilometers (55 miles)) of the TV station or -23 dB at the equivalent Grade B contour (41 dB $\mu$ V/m) (88.5 kilometers (55 miles)) of the DTV station.

(b) *TV stations and calculation of contours.* The methods used to calculate TV contours and antenna heights above average terrain are given in §§ 73.683 and 73.684 of this chapter. Tables to determine the necessary minimum distance from the 698-764 MHz or 776-794 MHz station to the TV/DTV station, assuming that the TV/DTV station has a hypothetical or equivalent Grade B contour of 88.5 kilometers (55 miles), are located in § 90.309 of this chapter and labeled as Tables B, D, and E. Values between those given in the tables may be determined by linear interpolation. Distances for station parameters greater than those indicated in the tables should be calculated in accordance with the required D/U ratios, as provided in paragraph (a) of this section. The locations of existing and proposed TV/DTV stations during the period of transition from analog to digital TV service are given in part 73 of this chapter and in the final proceedings of MM Docket No. 87-268.

(1) Licensees of stations operating within the ERP and HAAT limits of § 27.50 must select one of four methods to meet the TV/DTV protection requirements, subject to Commission approval:

(i) Utilize the geographic separation specified in Tables B, D, and E of § 90.309 of this chapter, as appropriate;

(ii) When station parameters are greater than those indicated in the tables, calculate geographic separation in accordance with the required D/U ratios, as provided in paragraph (a) of this section;

(iii) Submit an engineering study justifying the proposed separations based on the actual parameters of the land mobile station and the actual parameters of the TV/DTV station(s) it is trying to protect; or,

(iv) Obtain written concurrence from the applicable TV/DTV station(s). If this method is chosen, a copy of the agreement must be submitted with the application.

(2) The following is the method for geographic separations.

(i) Base and fixed stations that operate in the 746–764 MHz and 777–792 MHz bands having an antenna height (HAAT) less than 152 m. (500 ft.) shall afford protection to co-channel and adjacent channel TV/DTV stations in accordance with the values specified in Table B (co-channel frequencies based on 40 dB protection) and Table E (adjacent channel frequencies based on 0 dB protection) in § 90.309 of this chapter. Base and fixed stations that operate in the 698–746 MHz band having an antenna height (HAAT) less than 152 m. (500 ft.) shall afford protection to adjacent channel DTV stations in accordance with the values specified in Table E in § 90.309 of this chapter, shall afford protection to co-channel DTV stations by providing 23 dB protection to such stations' equivalent Grade B contour (41 dB $\mu$  V/m), and shall afford protection to co-channel and adjacent channel TV stations in accordance with the values specified in Table B (co-channel frequencies based on 40 dB protection) and Table E (adjacent channel frequencies based on 0 dB protection) in § 90.309 of this chapter. For base and fixed stations having an antenna height (HAAT) between 152–914 meters (500–3,000 ft.) the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure B in § 90.309 of this chapter. For heights of more than 152 m. (500 ft.)

above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the hypothetical or equivalent Grade B contour of a co-channel TV/DTV station (*i.e.*, it exceeds the distance from the appropriate Table in § 90.309 of this chapter to the relevant TV/DTV station), an authorization will not be granted unless it can be shown in an engineering study (*see* paragraph (b)(1)(iii) of this section) that actual terrain considerations are such as to provide the desired protection at the actual Grade B contour (64 dB $\mu$  V/m for TV and 41 dB $\mu$  V/m for DTV stations) or unless the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the actual Grade B contour (64 dB $\mu$  V/m for TV and 41 dB $\mu$  V/m coverage contour for DTV stations) will be achieved. Directions for calculating powers, heights, and reduction curves are listed in § 90.309 of this chapter for land mobile stations. Directions for calculating coverage contours are listed in §§ 73.683 through 73.685 of this chapter for TV stations and in § 73.625 of this chapter for DTV stations.

(ii) Control, fixed, and mobile stations (including portables) that operate in the 776–777 MHz and 792–794 MHz bands and control and mobile stations (including portables) that operate in the 698–746 MHz, 747–762 MHz and 777–792 MHz bands are limited in height and power and therefore shall afford protection to co-channel and adjacent channel TV/DTV stations in the following manner:

(A) For control, fixed, and mobile stations (including portables) that operate in the 776–777 MHz and 792–794 MHz bands and control and mobile stations (including portables) that operate in the 747–762 MHz and 777–792 MHz band, co-channel protection shall be afforded in accordance with the values specified in Table D (co-channel frequencies based on 40 dB protection for TV stations and 17 dB for DTV stations) in § 90.309 of this chapter.

(B) For control and mobile stations (including portables) that operate in the 698–746 MHz band, co-channel protection shall be afforded to TV stations

in accordance with the values specified in Table D (co-channel frequencies based on 40 dB protection) and to DTV stations by providing 23 dB protection to such stations' equivalent Grade B contour (41 dB $\mu$ V/m).

(C) For control, fixed, and mobile stations (including portables) that operate in the 776-777 MHz and 792-794 MHz bands and control and mobile stations (including portables) that operate in the 698-746 MHz, 747-762 MHz, and 777-792 MHz band, adjacent channel protection shall be afforded by providing a minimum distance of 8 kilometers (5 miles) from all adjacent channel TV/DTV station hypothetical or equivalent Grade B contours (adjacent channel frequencies based on 0 dB protection for TV stations and -23 dB for DTV stations).

(D) Since control, fixed, and mobile stations may affect different TV/DTV stations than the associated base or fixed station, particular care must be taken by applicants/licensees to ensure that all appropriate TV/DTV stations are considered (e.g., a base station may be operating within TV Channel 62 and the mobiles within TV Channel 67, in which case TV Channels 61, 62, 63, 66, 67 and 68 must be protected). Control, fixed, and mobile stations shall keep a minimum distance of 96.5 kilometers (60 miles) from all adjacent channel TV/DTV stations. Since mobiles and portables are able to move and communicate with each other, licensees must determine the areas where the mobiles can and cannot roam in order to protect the TV/DTV stations.

NOTE TO § 27.60: The 88.5 km (55 mi) Grade B service contour (64 dB $\mu$ V/m) is based on a hypothetical TV station operating at an effective radiated power of one megawatt, a transmitting antenna height above average terrain of 610 meters (2000 feet) and the Commission's R-6602 F (50,50) curves. See § 73.699 of this chapter. Maximum facilities for TV stations operating in the UHF band are 5 megawatts effective radiated power at an antenna HAAT of 610 meters (2,000 feet). See § 73.614 of this chapter. The equivalent contour for DTV stations is based on a 41 dB $\mu$ V/m signal strength and the distance to the F (50,90) curve. See § 73.625 of this chapter.

[65 FR 3148, Jan. 20, 2000, as amended at 65 FR 17605, Apr. 4, 2000; 65 FR 42883, July 12, 2000; 67 FR 5511, Feb. 6, 2002]

§§ 27.61-27.62 [Reserved]

**§ 27.63 Disturbance of AM broadcast station antenna patterns.**

WCS licensees that construct or modify towers in the immediate vicinity of AM broadcast stations are responsible for measures necessary to correct disturbance of the AM station antenna pattern which causes operation outside of the radiation parameters specified by the FCC for the AM station, if the disturbance occurred as a result of such construction or modification.

(a) *Non-directional AM stations.* If tower construction or modification is planned within 1 kilometer (0.6 mile) of a non-directional AM broadcast station tower, the WCS licensee must notify the licensee of the AM broadcast station in advance of the planned construction or modification. Measurements must be made to determine whether the construction or modification would affect the AM station antenna pattern. The WCS licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper non-directional performance of the AM station tower.

(b) *Directional AM stations.* If tower construction or modification is planned within 3 kilometers (1.9 miles) of a directional AM broadcast station array, the WCS licensee must notify the licensee of the AM broadcast station in advance of the planned construction or modification. Measurements must be made to determine whether the construction or modification would affect the AM station antenna pattern. The WCS licensee is responsible for the installation and continued maintenance of any detuning apparatus necessary to restore proper performance of the AM station array.

**§ 27.64 Protection from interference.**

Wireless Communications Service (WCS) stations operating in full accordance with applicable FCC rules and the terms and conditions of their authorizations are normally considered to be non-interfering. If the FCC determines, however, that interference which significantly interrupts or degrades a radio service is being caused, it may, after notice and an opportunity

for a hearing, require modifications to any WCS station as necessary to eliminate such interference.

(a) *Failure to operate as authorized.* Any licensee causing interference to the service of other stations by failing to operate its station in full accordance with its authorization and applicable FCC rules shall discontinue all transmissions, except those necessary for the immediate safety of life or property, until it can bring its station into full compliance with the authorization and rules.

(b) *Intermodulation interference.* Licensees should attempt to resolve such interference by technical means.

(c) *Situations in which no protection is afforded.* Except as provided elsewhere in this part, no protection from interference is afforded in the following situations:

(1) *Interference to base receivers from base or fixed transmitters.* Licensees should attempt to resolve such interference by technical means or operating arrangements.

(2) *Interference to mobile receivers from mobile transmitters.* No protection is provided against mobile-to-mobile interference.

(3) *Interference to base receivers from mobile transmitters.* No protection is provided against mobile-to-base interference.

(4) *Interference to fixed stations.* Licensees should attempt to resolve such interference by technical means or operating arrangements.

(5) *Anomalous or infrequent propagation modes.* No protection is provided against interference caused by tropospheric and ionospheric propagation of signals.

**§ 27.66 Discontinuance, reduction, or impairment of service.**

(a) *Involuntary act.* If the service provided by a fixed common carrier licensee, or a fixed common carrier operating on spectrum licensed to a Guard Band Manager, is involuntarily discontinued, reduced, or impaired for a period exceeding 48 hours, the licensee must promptly notify the Commission, in writing, as to the reasons for discontinuance, reduction, or impairment of service, including a statement when normal service is to be resumed. When

normal service is resumed, the licensee must promptly notify the Commission.

(b) *Voluntary act by common carrier.* If a fixed common carrier licensee, or a fixed common carrier operating on spectrum licensed to a Guard Band Manager, voluntarily discontinues, reduces, or impairs service to a community or part of a community, it must obtain prior authorization as provided under § 63.71 of this chapter. An application will be granted within 31 days after filing if no objections have been received.

(c) *Voluntary act by non-common carrier.* If a fixed non-common carrier licensee, or a fixed non-common carrier operating on spectrum licensed to a Guard Band Manager, voluntarily discontinues, reduces, or impairs service to a community or part of a community, it must give written notice to the Commission within seven days.

(d) *Notifications and requests.* Notifications and requests identified in paragraphs (a) through (c) of this section should be sent to: Federal Communications Commission, Common Carrier Radio Services, 1270 Fairfield Road, Gettysburg, Pennsylvania, 17325.

[65 FR 3149, Jan. 20, 2000; 65 FR 12483, Mar. 9, 2000, as amended at 65 FR 17605, Apr. 4, 2000; 65 FR 57267, Sept. 21, 2000]

**Subpart D—Competitive Bidding Procedures for the 2305–2320 MHz and 2345–2360 MHz Bands**

**§ 27.201 WCS in the 2305–2320 MHz and 2345–2360 MHz bands subject to competitive bidding.**

Mutually exclusive initial applications for WCS licenses in the 2305–2320 MHz and 2345–2360 MHz bands are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

[67 FR 45373, July 9, 2002]

**§§ 27.202–27.208 [Reserved]**

**§ 27.209 Designated entities; bidding credits; unjust enrichment.**

(a) Designated entities entitled to preferences in the WCS in the 2305–2320

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## § 27.303

and 2345–2360 bands auction are small businesses and very small businesses as defined in §27.110(b). Designated entities will be eligible for bidding credits, as defined in paragraphs (b) and (c) of this section.

(b) A winning bidder that qualifies as a *small business* may use a bidding credit of 25 percent to lower the cost of its winning bid.

(c) A winning bidder that qualifies as a *very small business* may use a bidding credit of 35 percent to lower the cost of its winning bid.

[62 FR 9658, Mar. 3, 1997, as amended at 63 FR 2349, Jan. 15, 1998; 65 FR 57268, Sept. 21, 2000; 67 FR 45373, July 9, 2002]

### § 27.210 Definitions

(a) *Scope.* The definitions in this section apply to §27.209, unless otherwise specified in those sections.

(b) *Small and very small business.* (1) A *small business* is an entity that, together with its affiliates and controlling interests, has average annual gross revenues that are not more than \$40 million for the preceding three years.

(2) A *very small business* is an entity that, together with its affiliates and controlling interests, has average annual gross revenues that are not more than \$15 million for the preceding three years.

[67 FR 45373, July 9, 2002, as amended at 68 FR 43000, July 21, 2003]

## Subpart E—Application, Licensing, and Processing Rules for WCS

### § 27.301 [Reserved]

### § 27.302 Eligibility.

(a) General. Authorizations will be granted upon proper application if:

(1) The applicant is qualified under the applicable laws and the regulations, policies and decisions issued under those laws, including §27.12;

(2) There are frequencies available to provide satisfactory service; and

(3) The public interest, convenience or necessity would be served by a grant.

(b) Alien Ownership. A WCS authorization may not be granted to or held by an entity not meeting the requirements of section 310 of the Communica-

tions Act of 1934, as amended, 47 U.S.C. section 310 insofar as applicable to the particular service in question.

### § 27.303 Upper 700 MHz commercial and public safety coordination zone.

(a) *General.* CMRS operators are required, prior to commencing operations on fixed or base station transmitters on the 777–792 MHz band that are located within 500 meters of existing or planned public safety base station receivers, to submit a description of their proposed facility to a Commission-approved public safety coordinator.

(1) The description must include, at a minimum;

(i) The frequency or frequencies on which the facility will operate;

(ii) Antenna location and height;

(iii) Type of emission;

(iv) Effective radiated power;

(v) A description of the area served and the operator's name.

(2) It is the CMRS operator's responsibility to determine whether referral is required for stations constructed in its area of license. Public safety base stations are considered "planned" when public safety operators have notified, or initiated coordination with, a Commission-approved public safety coordinator.

(b) CMRS operators must wait at least 10 business days after submission of the required description before commencing operations on the referenced facility, or implementing modifications to an existing facility.

(c) The potential for harmful interference between the CMRS and public safety facilities will be evaluated by the public safety coordinator.

(1) With regard to existing public safety facilities, the coordinator's determination to disapprove a proposed CMRS facility (or modification) to be located within 500 meters of the public safety facilities will be presumed correct, but the CMRS operator may seek Commission review of such determinations. Pending Commission review, the CMRS operator will not activate the facility or implement proposed modifications.

(2) With regard to proposed public safety facilities, the coordinator's determination to disapprove a proposed

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CMRS facility (or modification) to be located within 500 meters of the public safety facilities will be presumed correct, but the CMRS operator may seek Commission review and, pending completion of review, operate the facility during construction of the public safety facilities. If coordination or Commission review has not been completed when the public safety facilities are ready to operate, the CMRS operator must cease operations pending completion of coordination or Commission review. Such interim operation of the CMRS facility within the coordination zone (or implementation of modifications) will not be relied on by the Commission in its subsequent review and determination of measures necessary to control interference, including relocation or modification of the CMRS facility.

(d) If, in the event of harmful interference between facilities located within 500 meters proximity, the parties are unable, with the involvement of the coordinator, to resolve the problem by mutually satisfactory arrangements, the Commission may impose restrictions on the operations of any of the parties involved.

[67 FR 49245, July 30, 2002]

**§§ 27.304–27.307 [Reserved]**

**§ 27.308 Technical content of applications.**

All applications required by this part shall contain all technical information required by the application forms or associated public notice(s). Applications other than initial applications for a WCS license must also comply with all technical requirements of the rules governing the applicable frequency band (see subparts C, D, F, and G of this part, as appropriate).

[65 FR 57268, Sept. 21, 2000]

**§§ 27.310–27.320 [Reserved]**

**§ 27.321 Mutually exclusive applications.**

(a) Two or more pending applications are mutually exclusive if the grant of one application would effectively preclude the grant of one or more of the others under the Commission's rules governing the Wireless Communica-

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tions Services involved. The Commission uses the general procedures in this section for processing mutually exclusive applications in the Wireless Communications Services.

(b) An application will be entitled to comparative consideration with one or more conflicting applications only if the Commission determines that such comparative consideration will serve the public interest.

**§§ 27.322–27.325 [Reserved]**

**Subpart F—Competitive Bidding Procedures for the 746–764 MHz and 776–794 MHz Bands**

SOURCE: 65 FR 3149, Jan. 20, 2000, unless otherwise noted.

**§ 27.501 746–764 MHz and 776–794 MHz bands subject to competitive bidding.**

Mutually exclusive initial applications for licenses in the 746–764 MHz and 776–794 MHz bands are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

[68 FR 43000, July 21, 2003]

**§ 27.502 Designated entities.**

Eligibility for small business provisions.

(a) A *small business* is an entity that, together with its controlling interests and affiliates, has average gross revenues not exceeding \$40 million for the preceding three years.

(b) A *very small business* is an entity that, together with its controlling interests and affiliates, has average gross revenues not exceeding \$15 million for the preceding three years.

[67 FR 45374, July 9, 2002, as amended at 68 FR 43000, July 21, 2003]

**Subpart G—Guard Band Managers**

SOURCE: 65 FR 17605, Apr. 4, 2000, unless otherwise noted.

**§ 27.601 Guard Band Manager authority and coordination requirements.**

(a) Subject to the provisions of § 27.2(b) and paragraphs (c) and (d) of this section, a Guard Band Manager may allow a spectrum user, pursuant to a written agreement, to construct and operate stations at any available site within the licensed area and on any channel for which the Guard Band Manager is licensed, provided such stations comply with Commission Rules and coordination requirements.

(b) Subject to the provisions of § 27.2(b) and paragraphs (c) and (d) of this section, a Guard Band Manager may allow a spectrum user, pursuant to a written agreement, to delete, move or change the operating parameters of any of the user's stations that are covered under the Guard Band Manager's license without prior Commission approval, provided such stations comply with Commission Rules and coordination requirements.

(c)(1) A Guard Band Manager must file a separate station application and obtain all appropriate Commission approvals or authorizations prior to construction of stations that—

- (i) Require submission of an Environmental Assessment under § 1.1307 of this chapter;
- (ii) Require international coordination; or
- (iii) Would affect the radio frequency quiet zones described in § 90.177 of this chapter.

(2) Prior to construction of a station, a Guard Band Manager must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(3) It is the Guard Band Manager's responsibility to determine whether a referral to the Commission is needed for any individual station constructed in the Guard Band Manager's license area.

(d)(1) A Guard Band Manager must notify Commission-recognized public safety frequency coordinators for the 700 MHz public safety band and adjacent-area Guard Band Managers within one business day after the Guard Band Manager has:

- (i) Coordinated a new station or modification of an existing station; or

- (ii) Filed an application for an individual station license with the Commission.

(2) The notification required in paragraph (d)(1) of this section must include, at a minimum—

- (i) The frequency or frequencies coordinated;
- (ii) Antenna location and height;
- (iii) Type of emission;
- (iv) Effective radiated power;
- (v) A description of the service area, date of coordination, and user name or, in the alternative, a description of the type of operation.

(3) In the event a Guard Band Manager partitions its service area or disaggregates its spectrum, it is required to submit the notification required in paragraph (d)(1) of this section to other Guard Band Managers in the same geographic area.

(4) Entities coordinated by a Guard Band Manager must wait at least 10 business days after the notification required in paragraph (d)(1) of this section before operating under the Guard Band Manager's license;

(5) If, in the event of harmful interference, the Guard Band Manager is unable to resolve the problem by mutually satisfactory arrangements, the Commission may impose restrictions on the operations of any of the parties involved.

(e) Where a deletion, move or change authorized under paragraph (b) of this section constitutes a discontinuance, reduction, or impairment of service under § 27.66 or where discontinuance, reduction or impairment of service results from an involuntary act subject to § 27.66(a), the Guard Band Manager must comply with the notification and authorization requirements set forth in that section.

**§ 27.602 Guard Band Manager agreements.**

Guard Band Managers are required to enter into written agreements regarding the use of their licensed spectrum by others, subject to the following conditions:

- (a) The duration of spectrum user agreements may not extend beyond the term of the Guard Band Manager's FCC license.

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(b) The spectrum user agreement must specify in detail the operating parameters of the spectrum user's system, including power, maximum antenna heights, frequencies of operation, base station location(s), area(s) of operation, and other parameters specified in Commission rules for the use of spectrum identified in §27.5(b)(1) and (b)(2).

(c) The spectrum user agreement must require the spectrum user to use Commission-approved equipment where appropriate and to complete post-construction proofs of system performance prior to system activation.

(d) The spectrum user must agree to operate its system in compliance with all technical specifications for the system contained in the agreement and agree to cooperate fully with any investigation or inquiry conducted by either the Commission or the Guard Band Manager.

(e) The spectrum user must agree to comply with all applicable Commission rules, and the spectrum user must accept Commission oversight and enforcement.

(f) The spectrum user agreement must stipulate that if the Guard Band Manager determines that there is an ongoing violation of the Commission's rules or that the spectrum user's system is causing harmful interference, the Guard Band Manager shall have the right to suspend or terminate operation of the spectrum user's system. The spectrum user agreement must stipulate that if the spectrum user refuses to comply with a suspension or termination order, the Guard Band Manager will be free to use all legal means necessary to enforce the order.

(g) The spectrum user agreement may not impose unduly restrictive requirements on use of the licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Guard Band Manager.

(h) Guard Band Managers shall maintain their written agreements with spectrum users at their principal place of business, and retain such records for at least two years after the date such agreements expire. Such records shall be kept current and be made available

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upon request for inspection by the Commission or its representatives.

**§27.603 Access to the Guard Band Manager's spectrum.**

(a) A Guard Band Manager may not engage in unjust or unreasonable discrimination among spectrum users and may not unreasonably deny prospective spectrum users access to the Guard Band Manager's licensed spectrum.

(b) A Guard Band Manager may not impose unduly restrictive requirements on use of its licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Guard Band Manager.

(c) A Guard Band Manager may lease a reasonable amount of its spectrum to an affiliate for the affiliate's own internal use or for the affiliate's provision of commercial or private radio services. However, a Guard Band Manager must lease the predominant amount of its spectrum to non-affiliates.

**§27.604 Limitation on licenses won at auction.**

(a) For the first auction of licenses in Blocks A and B, as defined in §27.5, no applicant may be deemed the winning bidder of both a Block A and a Block B license in a single geographic service area.

(b) For purposes of paragraph (a) of this section, licenses will be deemed to be won by the same bidder if an entity that wins one license at the auction is an affiliate of any other entity that wins a license at the auction.

**§27.605 Geographic partitioning and spectrum disaggregation.**

An entity that acquires a portion of a Guard Band Manager's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under §27.15 must function as a Guard Band Manager and is subject to the obligations and restrictions on Guard Band Manager licenses set forth in this subpart.

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### § 27.606 Complaints against Guard Band Managers.

Guard Band Managers are expected to resolve disputes with their customers or disputes between multiple customers of the Guard Band Manager in the same manner that the parties would resolve other commercial disputes arising out of the spectrum user agreement. The Commission will also consider complaints filed against a Guard Band Manager for violating the Communications Act or the Commission's regulations or policies. When there is a dispute between a Guard Band Manager, or its spectrum user, and a non-contracting party, and the Guard Band Manager is unable or unwilling to resolve such dispute in a timely fashion, the non-contracting party may file a complaint with the Commission pursuant to §1.41 of this chapter.

### § 27.607 Performance requirements and annual reporting requirement.

(a) Guard Band Managers are subject to the performance requirements specified in §27.14(a).

(b) Guard Band Managers are required to file an annual report providing the Commission with information about the manner in which their spectrum is being utilized. Such reports shall be filed with the Commission on a calendar year basis, no later than the March 1 following the close of each calendar year, unless another filing date is specified by Public Notice.

(c) Guard Band Managers must, at a minimum, include the following information in their annual reports:

(1) The total number of spectrum users and the number of those users that are affiliates of the Guard Band Manager;

(2) The amount of the Guard Band Manager's spectrum being used by the Guard Band Manager's affiliates in any part of the licensed service area;

(3) The amount of Guard Band Manager's spectrum being used pursuant to agreements with unaffiliated third parties;

(4) The nature of the spectrum use of the Guard Band Manager's customers; and

(5) The length of the term of each spectrum user agreement.

(d) The specific information that Guard Band Managers will provide and the procedures that they will follow in submitting their annual reports will be announced in a Public Notice issued by the Wireless Telecommunications Bureau.

### Subpart H—Competitive Bidding Procedures for the 698–746 MHz Band

SOURCE: 67 FR 5512, Feb. 6, 2002, unless otherwise noted.

### § 27.701 698–746 MHz bands subject to competitive bidding.

Mutually exclusive initial applications for licenses in the 698–746 MHz band are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

[67 FR 45374, July 9, 2002]

### § 27.702 Designated entities.

(a) *Eligibility for small business provisions.* (1) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average gross revenues not exceeding \$3 million for the preceding three years. This definition applies only with respect to licenses in Block C (710–716 MHz and 740–746 MHz) as specified in §27.5(c)(1).

(2) A very small business is an entity that, together with its controlling interests and affiliates, has average gross revenues not exceeding \$15 million for the preceding three years.

(3) A small business is an entity that, together with its controlling interests and affiliates, has average gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as an entrepreneur, as defined in this section, or a consortium of entrepreneurs may use the bidding credit specified in §1.2110(f)(2)(i) of this chapter. A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in §1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined

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in this section, or a consortium of small businesses may use the bidding credit specified in §1.2110(f)(2)(iii) of this chapter.

[67 FR 5512, Feb. 6, 2002, as amended at 68 FR 43000, July 21, 2003]

### Subpart I—1.4 GHz Band

SOURCE: 67 FR 41855, June 20, 2002, unless otherwise noted.

#### § 27.801 Scope.

This subpart sets out the regulations governing service in the paired 1392–1395 MHz and 1432–1435 MHz bands as well as the unpaired 1390–1392 MHz band (1.4 GHz band).

#### § 27.802 Permissible communications.

Licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz band are authorized to provide fixed or mobile service, except aeronautical mobile service, subject to the technical requirements of this subpart.

#### § 27.803 Coordination requirements.

(a) Licenses in the 1.4 GHz band will be issued geographic area licenses in accordance with the service areas listed in §27.6(d) and (e).

(b) Licenses in the 1.4 GHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, §1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in part 1, §1.924 of this chapter; or

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). Stations that require FAS approval are as follows:

(i) Licenses in the 1390–1392 MHz and 1392–1395 MHz band must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government sites listed in footnote US351 of §2.106 of this chapter.

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(ii) Licenses in the 1432–1435 MHz band must receive FAS approval, prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government sites listed in footnote US361 of §2.106 of this chapter.

(c) Prior to construction of a station, a licensee in the 1.4 GHz Band must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(d) It is the licensee's responsibility to determine whether an individual station needs referral to the Commission.

(e) The application required in paragraph (b) of this chapter must be filed on the Universal Licensing System.

#### § 27.804 Field strength limits at WMTS facility.

For any operation in the 1392–1395 MHz band, the predicted or measured field strength—into the WMTS band at 1395–1400 MHz—shall not exceed 150 uV/m at the location of any registered WMTS healthcare facility. When performing measurements to determine compliance with this provision, measurement instrumentation employing an average detector and a resolution bandwidth of 1 MHz may be used, provided it accurately represents the true interference potential of the equipment.

#### § 27.805 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 1.4 GHz band licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under §27.15 must function as a 1.4 GHz band licensee and is subject to the obligations and restrictions on the 1.4 GHz band license as set forth in this subpart.

#### § 27.806 1.4 GHz service licenses subject to competitive bidding.

Mutually exclusive initial applications for 1.4 GHz Band licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands as well as the unpaired 1390–1392 MHz band are subject to competitive

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bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

### § 27.807 Designated entities.

(a) Eligibility for small business provisions for 1.4 GHz band licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz band.

(1) A very small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$15 million for the preceding three years.

(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[67 FR 41855, June 20, 2002, as amended at 68 FR 43000, July 21, 2003]

## Subpart J—1670–1675 MHz Band

SOURCE: 67 FR 41856, June 20, 2002, unless otherwise noted.

### § 27.901 Scope.

This subpart sets out the regulations governing service in the 1670–1675 MHz band (1670–1675 MHz band).

### § 27.902 Permissible communications.

Licensees in the 1670–1675 MHz band are authorized to provide fixed or mobile service, except aeronautical mobile service, subject to the technical requirements of this subpart.

### § 27.903 Coordination requirements.

(a) The licensee in the 1670–1675 MHz band will be issued a geographic area license on a nationwide basis in accordance with § 27.6(f).

(b) Licensees in the 1670–1675 MHz band must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed under part 1, § 1.924 of this chapter.

(c) The application required in paragraph (b) of this section must be filed on the Universal Licensing System.

(d) Prior to construction of a station, a licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(e) It is the licensee's responsibility to determine whether an individual station requires referral to the Commission.

### § 27.904 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 1670–1675 MHz band licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 1670–1675 MHz licensee and is subject to the obligations and restrictions on the 1670–1675 MHz license as set forth in this subpart.

### § 27.905 1670–1675 MHz service licenses subject to competitive bidding.

Mutually exclusive initial applications for the 1670–1675 MHz Band license are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

### § 27.906 Designated entities.

(a) *Eligibility for small business provisions.* (1) A very small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$15 million for the preceding three years.

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(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[67 FR 41856, June 20, 2002, as amended at 68 FR 43000, July 21, 2003]

### Subpart K—2385–2390 MHz Band

SOURCE: 67 FR 41857, June 20, 2002, unless otherwise noted.

#### § 27.1001 Scope.

This subpart sets out the regulations governing service in the 2385–2390 MHz band (2385–2390 MHz band).

#### § 27.1002 Permissible communications.

Licensees in the 2385–2390 MHz band are authorized to provide fixed or mobile service, including aeronautical mobile, subject to the technical requirements of this subpart.

#### § 27.1003 Coordination requirements.

(a) The licensee in the 2385–2390 MHz band will be issued a geographic area license on a nationwide basis in accordance with § 27.6(g).

(b) The licensee in the 2385–2390 MHz Band must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in part 1, § 1.924 of this chapter;

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). The Licensee in the

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2385–2390 MHz Band must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government aeronautical telemetry sites listed in footnote US363 of § 2.106 of this chapter.

(c) The licensee in the 2385–2390 MHz Band must file a separate station application with the Commission and obtain an individual station license prior to construction or operation of any station that would require approval of the Aeronautical Flight Test Radio Coordinating Council (AFTRCC). Any fixed sites or mobile units within the protection radii of the non-Government flight test operations listed in footnote US363 of § 2.106 of this chapter will require AFTRCC approval. The licensee in the 2385–2390 MHz Band must receive AFTRCC approval prior to filing an application and the application must contain a showing of AFTRCC approval.

(d) Prior to construction of a station, the 2385–2390 MHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(e) It is the licensee's responsibility to determine whether a referral to the Commission is needed for any individual station constructed.

(f) The application required in paragraphs (b) and (c) of this section must be filed on the Universal Licensing System.

#### § 27.1004 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 2385–2390 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 2385–2390 MHz licensee and is subject to the obligations and restrictions on the 2385–2390 MHz license as set forth in this subpart.

#### § 27.1005 2385–2390 MHz service licenses subject to competitive bidding.

Mutually exclusive initial applications for the 2385–2390 MHz Band license are subject to competitive bidding. The general competitive bidding

procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

#### § 27.1006 Designated entities.

(a) *Eligibility for small business provisions.*

(1) A very small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$15 million for the preceding three years.

(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[67 FR 41857, June 20, 2002, as amended at 68 FR 43000, July 21, 2003]

## PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

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