



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC REVISES 700 MHz RULES TO ADVANCE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS AND PROMOTE WIRELESS BROADBAND DEPLOYMENT

Washington, D.C. – In a Second Report & Order (Order) adopted today, the Federal Communications Commission (FCC) revised the 700 MHz band plan and service rules to promote the creation of a nationwide interoperable broadband network for public safety and to facilitate the availability of new and innovative wireless broadband services for consumers.

The 700 MHz Band spectrum, which runs from 698-806 MHz, currently is occupied by television broadcasters and will be made available for other wireless services, including public safety and commercial services, as a result of the digital television (DTV) transition. The Digital Television and Public Safety Act of 2005 (DTV Act) set a firm deadline of February 17, 2009, for the completion of the DTV transition. The DTV Act also requires the FCC to commence an auction of the previously unauctioned commercial spectrum in the 700 MHz Band no later than January 28, 2008.

In implementing Congress' directive to reallocate the airwaves, the Commission is focused on serving the public interest and the American people. The service rules the Commission adopts today help create a national broadband network for public safety that will address the interoperability problems of today's system, provide for a more open wireless platform that will facilitate innovation and investment, and facilitate the emergence of next generation wireless broadband services in both urban and rural areas.

Today's Order establishes a framework for a 700 MHz Public Safety/Private Partnership between the licensee for one of the commercial spectrum blocks and the licensee for the public safety broadband spectrum. As part of the Partnership, the commercial licensee will build out a nationwide, interoperable broadband network for the use of public safety. This network will facilitate effective communications among first responders not just in emergencies, but as part of cooperative communications plans that will enable first responders from different disciplines, such as police and fire departments, and jurisdictions to work together in emergency preparedness and response. Under the Partnership, the Public Safety Broadband Licensee will have priority access to the commercial spectrum in times of emergency, and the commercial licensee will have preemptible, secondary access to the public safety broadband spectrum. Many national and local public safety organizations have expressed support for a public safety/private partnership approach. Providing for shared infrastructure will help achieve significant cost efficiencies while maximizing public safety's access to interoperable broadband spectrum.

In order to promote broadband competition and the development of innovative wireless services for consumers, today's Order also makes several changes to the rules governing the commercial services portion of the 700 MHz Band. Most notably, the FCC determined that licensees for one of the spectrum blocks to be auctioned – the large, 22-megahertz Upper 700 MHz C Block – will be required to provide a platform that is more open to devices and applications. These licensees will be required to allow customers, device manufacturers, third-party application developers, and others to use any device or application of their choice on their networks in this band, subject to certain conditions. The FCC also adopted several changes to the 700 MHz band plan, the build-out requirements for licensees, and the auction procedures, as described below.

700 MHz Band Plan (see attached diagram)

- Under the new band plan, 62 megahertz of spectrum, divided into five spectrum blocks, will be auctioned for commercial uses.
- The commercial spectrum will be made available at auction in a mix of geographic area sizes, including Cellular Market Areas (CMAs), Economic Areas (EAs), and Regional Economic Area Groupings (REAGs).
- The 10-megahertz Upper D Block will be licensed on a nationwide basis and will become part of a 700 MHz Public Safety/Private Partnership.
- Within the 24 megahertz of public safety spectrum, the public safety wideband spectrum is being redesignated for broadband use to allow for nationwide interoperable broadband communications by public safety users.
- The public safety broadband spectrum is placed in a 10-megahertz block at the bottom of this band and the existing public safety narrowband spectrum is consolidated in a 12-megahertz block at the top of the band. Internal guard bands are placed in between the broadband and narrowband segments.
- There will be a single, nationwide license for the public safety broadband spectrum, assigned to a Public Safety Broadband Licensee, which will work with the adjacent commercial D Block licensee as part of the 700 MHz Public Safety/Private Partnership.
- The Public Safety Band is shifted by downward by one megahertz from 764-776/794-806 MHz to 763-775/793-805 MHz in order to protect public safety narrowband operations in the Canadian border areas.
- To accommodate the shift in the Public Safety Band, the Guard Band A Block is being relocated to a new location between the Upper C and D Blocks, and, to further protect the public safety narrowband operations from potential interference, the Guard Band B Block is being placed above the narrowband block at the top of the 700 MHz Band.

Public Safety/Private Partnership

- The Upper D Block commercial licensee and the Public Safety Broadband Licensee will form a Public Safety/Private Partnership to develop a shared, nationwide interoperable network for both commercial and public safety users.

- The terms of the Partnership will be governed both by FCC rules and by the details of the Network Sharing Agreement (NSA) to be negotiated by the Upper D Block commercial licensee and the Public Safety Broadband Licensee. The NSA is subject to FCC approval, and must contain certain provisions such as service fees and a detailed build-out schedule for the network.

Performance Requirements for Commercial Spectrum

- New, more stringent performance requirements were adopted for commercial licenses that have not yet been auctioned in order to promote better access to spectrum and the provision of service, especially in rural areas.
- For licenses based on CMAs and EAs, licensees are required to provide service sufficient to cover at least 35 percent of the geographic area of their license within four years, and 70 percent of this area by the end of the license term.
- For licenses based on REAGs, licensees must provide service sufficient to cover at least 40 percent of the population of their license area within four years, and 75 percent of the population of the license area by the end of the license term.
- If licensees fail to meet the four-year, interim geographic or population benchmark, the license term will be reduced from ten to eight years, thus requiring these licensees to meet the end-of-term benchmark at an accelerated schedule. Interim reporting requirements have also been adopted to ensure that build out is timely.
- If licensees fail to meet the end-of-term buildout requirements, the FCC will automatically reclaim the unserved portions of the license area and make them available to other potential users.

Open Platform

- The licensees of the Upper 700 MHz Band C Block of spectrum will be required to provide a platform that is more open to devices and applications. This would allow consumers to use the handset of their choice and download and use the applications of their choice in this spectrum block, subject to certain reasonable network management conditions that allow the licensee to protect the network from harm.

Auction Procedures

- In the upcoming 700 MHz auction, the FCC will use “anonymous” bidding procedures, in which any information that may indicate specific applicants’ interests in the auction, including their license selections and bidding activity, is withheld until after the close of the auction. These procedures will be used irrespective of any pre-auction measurement of likely competition in the auction.
- The FCC will use “package bidding” procedures when auctioning the 12 licenses in the Upper 700 MHz Band C Block in order to assist bidders that are seeking to create a nationwide footprint.
- The Order directs the Wireless Telecommunications Bureau to establish reserve prices for the upcoming 700 MHz Band auction.

Action by the Commission on July 31, 2007, by Second Report and Order (FCC 07-132). Chairman Martin, with Commissioners Copps, Adelstein, Tate approving in part/concurring in part, McDowell approving in part/dissenting in part. Separate statements issued by Chairman Martin and Commissioners Copps, Adelstein, Tate, and McDowell.

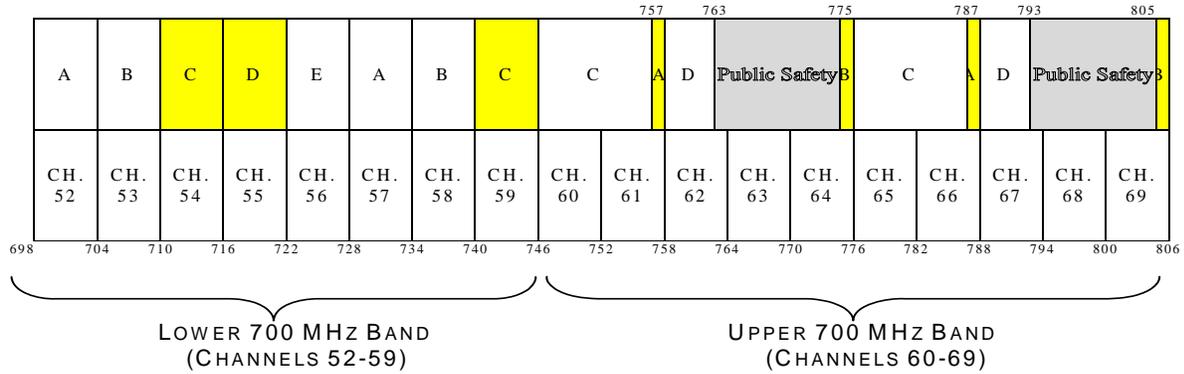
For additional information on the commercial services portion of the 700 MHz Band, contact Paul D'Ari at (202) 418-1550 or Paul.Dari@fcc.gov. For additional information on the public safety portion of the 700 MHz Band, contact Jeff Cohen at (202) 418-0799 or Jeff.Cohen@fcc.gov. For additional information on the 700 MHz Guard Bands, contact Paul Moon at (202) 418-1793 or Paul.Moon@fcc.gov.

WT Docket Nos. 06-150, 01-309, 03-264, 06-169, and 96-86
CC Docket No. 94-102
PS Docket No. 06-229

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Revised 700 MHz Band Plan For Commercial Services



Block	Frequencies	Bandwidth	Pairing	Area Type	Licenses
A	698-704, 728-734	12 MHz	2 x 6 MHz	EA	176
B	704-710, 734-740	12 MHz	2 x 6 MHz	CMA	734
C	710-716, 740-746	12 MHz	2 x 6 MHz	CMA	734*
D	716-722	6 MHz	unpaired	EAG	6*
E	722-728	6 MHz	unpaired	EA	176
C	746-757, 776-787	22 MHz	2 x 11 MHz	REAG	12
D	758-763, 788-793	10 MHz	2 x 5 MHz	Nationwide	1***
A	757-758, 787-788	2 MHz	2 x 1 MHz	MEA	52**
B	775-776, 805-806	2 MHz	2 x 1 MHz	MEA	52**

- * These Blocks have been auctioned.
- ** These Guard Band Blocks have been auctioned, but are being relocated.
- *** This Block is associated with the 700 MHz Public/Private Partnership.

Revised 700 MHz Band Plan for Public Safety Services

