



PUBLIC NOTICE

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WT Docket 99-168
DA 00-31
Released: January 7, 2000

**PUBLIC COMMENT SOUGHT
ON ISSUES RELATED TO GUARD BANDS IN THE
746-764 MHz AND 776-794 MHz SPECTRUM BLOCK
(WT Docket No. 99-168)**

Comment Date: January 18, 2000

Final Ex Parte and Other Presentations Due: January 25, 2000

In the *First Report and Order* in WT Docket No. 99-168, adopted January 5, 2000, the Commission adopted service rules, including technical, operational, and licensing rules, for 30 MHz of the 746-764 MHz and 776-794 MHz bands (700 MHz band).¹ The Commission provided for two paired frequency bands – one of 20 megahertz and one of 10 megahertz -- to address the increasing demand for broadband wireless access capacity. To protect public safety licensees in bands immediately adjacent to these 700 MHz bands, the Commission also provided for two guard bands – one of 4 megahertz and one of 2 megahertz. The Commission also adopted out-of-band-emission (OOBE) criteria to protect public safety uses from operations in the 30 megahertz spectrum blocks (747-762 MHz and 777-792 MHz).

In the weeks immediately preceding adoption of the *First Report and Order*, the Commission received a large number of *ex parte* filings addressing the technical and operational standards to be applied to the guard bands. Parties advanced conflicting arguments on these issues and the specific technical, operational and licensing regulations that are necessary to adequately protect adjacent public safety operations. Moreover, a number of these recent filings reflected new representations and analyses of these issues by both potential bidders and the public safety community.

In order to supplement the official record and to provide all interested parties with a final opportunity, if they wish, to address issues relating to the technical and operational standards the Commission should establish for these 6 MHz guard bands, the Wireless Telecommunications Bureau (Bureau) seeks comment on the following limited issues. Parties should limit their

¹ *In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-168, FCC 00-5, Report and Order (rel. Jan. 7, 2000).

comments to the specific issues identified in this Public Notice. Seeking additional limited comment should not preclude the Commission action necessary to meet the Congressional mandate that the receipts from auctioning this spectrum be deposited in the U.S. Treasury by September 30, 2000.

Issues on Which Comment Is Sought

- What out-of-band emission (OOBE) limits should the Commission apply to licensees operating in the guard bands to protect public safety?
- For instance, should licensees operating in the guard bands be required to: (1) comply with the Adjacent Channel Coupled Power (ACCP) OOBE limits that were adopted for 700 MHz public safety operations and (2) implement frequency coordination procedures with the designated public safety coordinators?
- Should the Commission restrict operation in the guard bands to those entities that would not use an architecture that employs an intense, cellular-like frequency re-use pattern? Alternatively, should there be different OOBE and/or frequency coordination rules applicable to such systems?
- To the extent no restrictions are placed on the nature of the system architecture of the licensee operating in the guard bands, what other limitations should be placed on licensees because of the important need to protect public safety? For example, should the Commission require equipment in the guard bands not only to meet the same OOBE limits required of equipment operating in the 30 MHz spectrum, but also to frequency coordinate? What form should such frequency coordination take? As another example, should such equipment in the guard band be subject to higher OOBE limits than required of equipment operating in the 30 MHz spectrum? If so, would frequency coordination be necessary?

Procedural Matters

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Comments must be filed with the Bureau by **January 18, 2000**; reply comments will not be accepted. ***Pursuant to section 1.1200(a) of the Commission's rules, presentations on issues in this proceeding other than those decided in the First Report and Order, will be prohibited after 7 p.m., January 25, 2000, until release of the Commission's order dealing with those issues. 47 C.F.R. . . 1.1200(a) & 1.1202(a).*** Parties should reference WT 99-168 in their comments.

Parties may obtain the *First Report and Order* at the FCC website, <<http://www.fcc.gov/e-file/ecfs.html>>. The *First Report and Order* is available for public inspection and copying in the Reference Center, Room CY A-257, 445 12th St., S.W., Washington, DC 20554. Copies of the *First Report and Order* are also available from ITS, at 1231 20th Street, NW, Washington, DC 20036, or by calling (202) 857-3800.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply.

Interested parties who choose to file by paper must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., S.W., Room TW-A325, Washington, D.C. 20554. In addition, parties should send two copies to Stan Wiggins, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth St., S.W., Washington, D.C. 20554, and one copy to ITS, at 1231 20th Street, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Stan Wiggins or Martin Liebman at (202) 418-1310 or by email at swiggins@fcc.gov or mliebman@fcc.gov. The TTY number is: (202) 418-0484. The fax number is (202) 418-8188.

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