

MAS Service Rules

Auction 59 Seminar

February 23, 2005

Disclaimer

Nothing herein is intended to supersede any provision of the Commission's rules or public notices. These slides should not be used as a substitute for a prospective applicant's review of the Commission's relevant orders, rules, and public notices. Prospective applicants must familiarize themselves thoroughly and remain current with the Commission's rules relating to Multiple Address Systems spectrum, rules relating to application and auction procedures, and the procedures, terms and conditions contained in the Auction No. 59 public notices.

Spectrum Allocation

- ■ Bands covered: (remaining) 12.5 Mhz pairs at 928/959 and 932/941 MHz, not assigned by Auction 42.
- ■ All 928/959 bands are licensed on geographic (Economic Area) basis.
- ■ Half of 932/941 bands are licensed on geographic (Economic Area) basis.

Channeling Plans

- ■ 928/959 bands:
- Neither uses nor eligibility restricted
- Licenses awarded on basis of 12.5 KHz
- License aggregation not limited

■ 932/941 bands:

- Neither uses nor eligibility restricted
- Licenses awarded on 12.5 kHz basis
 - Except for a single paired (preconfigured) 50 kHz license in each geographic area
 - No limit on license aggregation
- Limited to channels not reserved for public safety and private internal use

Operational Flexibility

- No use restrictions:
 - Point-to-point
 - Point-to-multipoint
 - Fixed and mobile (co-primary basis)
- Regulatory status reporting:
 - Rely on applicants to identify type of service
 - Fee-for-service not dispositive
 - Sufficient detail required for classification review
 - Any interested party allowed to challenge regulatory status granted an MAS licensee.

Applicable Rules

- For new licensees, MAS rules have been consolidated in Part 101 (subpart O).
- Incumbents may make modifications, transfers, assignments, renewals through forms, fees and filing requirements in Part 22.
- Thus: don't assume that outstanding decisions, applications etc. by incumbents will necessarily be recovered by searching for references to Part 101.

Incumbents

- Allowed to continue operations; no sunset provision.
- Grandfathered indefinitely without regard to eligibility restrictions.
- New licenses or expansions require incumbent to take part in auction (overlay)
- Protected service area based on 25-mile radius from master station transmitter site (composite contour).
- Fill-in permitted without site specific application.

Geographic Area Licensing

- Based on Economic Areas (EAs).
- 175 such areas, to extent listed in 'Attachment A' to the Public Notice, DA 04-3985.
 - Construction of master stations allowed at any available site within licensed area.
 - Remote stations 'blanket licensed.'
 - Terminated or cancelled incumbent's license reverts to applicable EA licensee.
- Partitioning and disaggregation permitted.

Spectrum Limits

- None.
- No limit on single entity's spectrum.
- MAS service not subject to CMRS spectrum cap of 55 MHz.

Partitioning and Disaggregation

- EA licensees permitted to partition any portion of the geographic area, and to disaggregate any amount of spectrum to eligible entity.
- Minimum construction requirements (Sec. 101.1323) – joint or several obligation?

Spectrum Sub-division

- Shared responsibility (stated in subdivision agreement).
 - Either party fails to satisfy construction, both licenses subject to forfeiture at renewal.
- Discrete responsibility (agreement specifies single entity).
 - Only license of non-performing party subject to forfeiture.

Geographic Sub-division

- Separate certifications; each party's failure affects only its own renewal.
- “Second option” – partitioner takes undivided responsibility; his failure does not impair other entity.
- [Combined disaggregation and partitioning also permitted.]

Construction Requirements

- Geographic area licensees to cover at least 1/5 of population OR “substantial service” within 5 years of license grant.
- Showing of continued substantial service required within ten years of initial grant.

Renewal Expectancy

- Demonstration of substantial service during past term (excepting subordinate entities when partition or disaggregation agreement attached full responsibility to original licensee).
- Demonstrated compliance with rules, policies, and Communications Act.
- Explain record of expansion.
- Describe system investments.

Substantial Service

- “service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.”
- May consider:
 - Specialized or niche service
 - Service to populations not served by others
- One-fifth coverage requirement (at 5 years) not waived. Sec. 101.1325.

Technical Flexibility

- No limit (or showing required) for combination of contiguous channels by competitive bidding licensees.
- Co-channel interference:
 - Signal strength limit of 40 dBuV/m at service area boundary, unless negotiated
 - Frequency coordination required between co-channel adjacent EA licensees and other affected parties.

Border Areas

- Licenses issued uniformly, without regard to border location or other restrictions on operation.
- Licensees' use subject to relevant or future border agreements and related coordination requirements.
- Licensee must notify Commission to extent site-by-site coordination required by international agreements, and may be required to file applications to ensure coordination.