

LEGAL AND TECHNICAL **OVERVIEW**

Broadband Radio Service (Auction 86)

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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, orders, and public notices relating to Broadband Radio Service, rules relating to application and auction procedures, and the procedures, terms and conditions contained in the Auction 86 public notices.

Introduction

 Technical Issues

 Licensing Rules

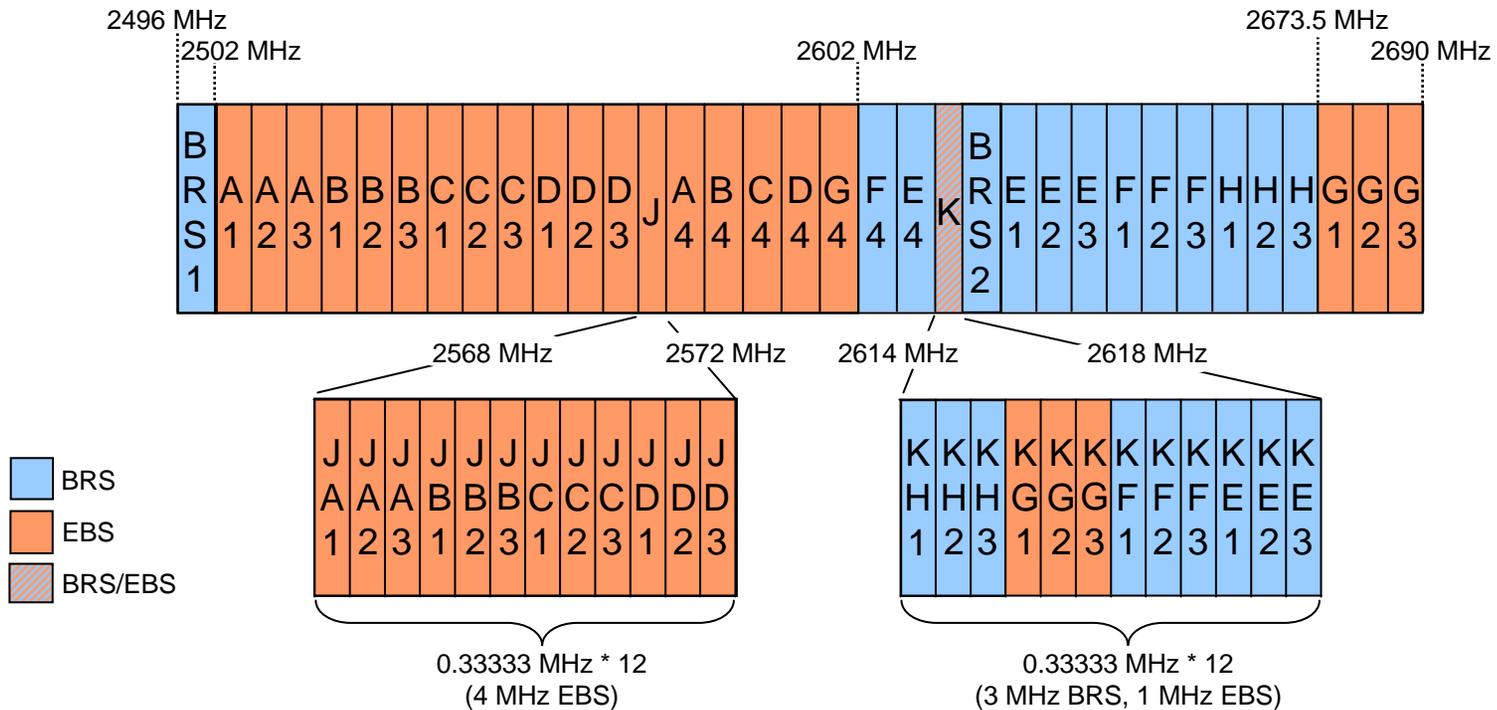


Technical Issues

- Band Plan
- Geographic Area Licenses
- Transition to New Band Plan
- Technical Rules

Band Plan

(See 47 CFR §27.5)



Features of Band Plan

- 3 segments – Lower Band Segment (LBS), Middle Band Segment (MBS), Upper Band Segment (UBS)
- 76.5 MHz of BRS spectrum - 5.5 MHz channels in LBS/UBS, 6 MHz in MBS
- BRS channels: 1, 2, E Group, F Group, and H Group

Features of Band Plan (continued)

- BRS Channels 1 and 2 – 6 MHz channels moved from 2150-2160/62 MHz
- 2496-2500 MHz shared with other services
- J and K bands – designed as guard bands between MBS and LBS/UBS - secondary
- Shared with Educational Broadband Service (EBS)

Different Band Segments

- LBS and UBS – Rules designed for low-power cellularized operations
- MBS – Rules designed for video Operations, although broadband operations may be possible

Geographic Area Licenses

- 78 Basic Trading Areas (BTAs)
 - 71 entire BTAs
 - 1 partitioned BTA (B396—Salina, KS)
 - 6 BTA-like areas in Puerto Rico, Guam, American Samoa, and Gulf of Mexico (3 zones)
- Excluded – channels licensed to BRS incumbents inside 35-mile radius Geographical Service Areas (GSAs)
 - Grandfathered E and F channel EBS licenses

Geographic Area Licensing (cont'd)

- A licensee is allowed to place transmitters that comply with the technical rules throughout its license area without further authorization. However, a separate license is required if:
 - (1) international agreements require coordination;
 - (2) Environmental Assessment is required (§ 1.1307);
 - (3) transmitter would affect radio quiet zones (§ 1.924).

Transition

- Transitioning to new band plan
- Licenses in auction will be for new band plan
- In markets where transition has not been completed, pre-transition operations must be protected
- If transition has not been completed in a BTA when a license is issued, winner may be liable for costs of transitioning EBS licensees to new band plan
- WT Docket No. 06-136 – transition status

Technical Rules

- MBS has different rules from LBS/UBS
- Power limits – §27.50(h)
- Emission limits – §27.53(m)
- Signal strength limits at border – §27.55(a)(4)
- Height Benchmarking – §27.1221



Licensing Rules

- Part 27
- Eligibility
- License term and renewal expectancy
- Build-out requirements
- Partitioning and Disaggregation

Part 27

- Part 27, specifically, subparts A, B, C, and M rules apply to the band
- The BRS band is a flexible licensing band – rules allow any fixed and mobile communications consistent with technical rules

Eligibility

- Open eligibility, except:
 - Cable/cross ownership restrictions apply to proposed video operations - § 27.1202
- Licensees can choose common carrier or non-common carrier status



License Term and Renewal

- Licenses expire 10 years from the date of license grant or renewal, see §§ 27.13(h) and 27.1212(a).



Partitioning and Disaggregation

- Partitioning (dividing geographic service areas) and disaggregation (dividing spectrum) are permitted - § 27.15.

Background of Proceeding

- WT Docket 03-66
 - Report and Order (FCC 04-135)
 - Modification Order (FCC 04-258)
 - 3rd MO&O & 2nd R&O (FCC 06-46)
 - 4th MO&O (FCC 08-83)
- WT Docket 06-136
 - Status of the transition



Post-auction Procedures

- Bidding ends
- FCC releases auction closing notice
- 10 business days after auction closing notice – Long-form applications & down payments due
- 10 business days after down payments due – Final payments due

Due Diligence

- *Applicant responsibility*. Applicants should perform their individual due diligence before proceeding, as they would with any new business venture. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in the Auction.

Due Diligence

- *Pending proceedings.* Applicants should also be aware that certain pending and future applications (including those for modification), petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal oppositions, and applications for review before the Commission may relate to particular applicants or incumbent licensees or the licenses available in this auction.
- In addition, pending and future judicial proceedings may relate to particular applicants or incumbent licensees, or the licenses available in the auction.
- Applicants are responsible for assessing the likelihood of the various possible outcomes, and considering their potential impact on spectrum licenses available in this auction.
- Applicants should make their own assessments of encumbrances relating to licenses in which they are interested.

References

- FCC home page
 - <http://www.fcc.gov>
- FCC Electronic Document Management System (EDOCS)
 - http://hraunfoss.fcc.gov/edocs_public
- FCC Electronic Comment Filing System (ECFS)
 - <http://www.fcc.gov/cgb/ecfs>

References

- WTB BRS website

- http://wireless.fcc.gov/services/index.htm?job=service_home&id=ebs_brs

- Auction No. 86 website

- <http://wireless.fcc.gov/auctions/86>

- Also see <http://wireless.fcc.gov/auctions/6>

References

- Universal Licensing System website
 - <http://wireless.fcc.gov/uls>
- National Archives & Records Administration website for FCC rules
 - <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>
 - Look under Title 47, Telecommunication

Questions ?

- Legal or technical questions about BRS
 - John Schauble or Nancy Zaczek, 202-418-2487
- Technical questions
 - John Schauble or Stephen Zak, 202-418-2487
- Legal auction questions
 - Sayuri Rajapakse, 202-418-0660
- General auction questions
 - Lisa Stover, 717-338-2888
- ULS or licensing questions
 - Ruth Taylor, 717-338-2658