



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES LICENSING AND INTERIM LINK REGISTRATION PROCESS, INCLUDING START DATE FOR FILING APPLICATIONS FOR NON-EXCLUSIVE NATIONWIDE LICENSES IN THE 71-76 GHz, 81-86 GHz, AND 92-95 GHz BANDS

By this Public Notice, the Wireless Telecommunications Bureau (“WTB” or “Bureau”) announces the details of the licensing and link registration process for the 71-76, 81-86, 92-94.0 and 94.1-95 GHz bands.<sup>1</sup> The Bureau also announces June 21, 2004, as start date for filing applications for non-exclusive nationwide licenses and July 19, 2004, as the start date for licensees to register individual links under an interim link registration process.

### I. BACKGROUND

On October 16, 2003, the Commission adopted a *Report and Order* establishing service rules to promote non-Federal Government development and use of the “millimeter wave” spectrum in the 71-76 GHz, 81-86 GHz and 92-95 GHz bands<sup>2</sup> on a shared basis with Federal Government operations.<sup>3</sup> These bands are essentially undeveloped and available for use in a broad range of new products and services, including high-speed, point-to-point wireless local area networks and broadband Internet access.<sup>4</sup> Highly directional, “pencil-beam” signal characteristics permit systems in these bands to be engineered in close proximity to one another without causing interference. Thus, the Commission adopted a flexible and innovative regulatory framework for the 71-95 GHz bands that would not require traditional frequency coordination among non-Federal Government users. Under this approach, the Commission will issue an unlimited number of non-exclusive nationwide licenses to non-Federal Government entities for the

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<sup>1</sup> In a *Report and Order* released November 4, 2003 (adopted October 16, 2003), the Commission adopted rules for both unlicensed (Part 15) and licensed (Part 101) use of portions of these bands. Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146, *Report and Order*, 18 FCC Rcd 23318 (2003) (*Report and Order*) (*recon. pending*). The instant Public Notice concerns licensed use of the bands, which involves all of the bands except for 100 megahertz of spectrum at 94.0-94.1 GHz. For convenience only, we refer to the licensed spectrum herein as “the bands,” “the Millimeter Wave 70/80/90 GHz Radio Service,” or “the 71-95 GHz bands”; such references do not include 94.0-94.1 GHz. See note 5, *infra*.

<sup>2</sup> On February 23, 2004, The Wireless Communications Association International, Inc. filed a petition for reconsideration of certain aspects of the *Report and Order*. That petition will be handled by separate order, and the issuance of this Public Notice is not intended to prejudice or resolve any of the issues raised by the petitioner.

<sup>3</sup> In the context of spectrum management, “Federal Government” refers to use by the Federal Government and “non-Federal Government” refers to use by private entities and state and local governments. See *Report and Order*, 18 FCC Rcd at 23319 n.3.

12.9 gigahertz of spectrum allocated for commercial use.<sup>5</sup> These licenses will serve as a prerequisite for registering individual point-to-point links. The 71-95 GHz bands are allocated on a shared basis with Federal Government users. Therefore, a licensee will not be authorized to operate a link under its non-exclusive nationwide license until the link is both (1) coordinated with the National Telecommunications and Information Administration (NTIA) with respect to Federal Government operations and (2) registered as an approved link with the FCC (interim process) or third-party Database Manager (permanent process).<sup>6</sup>

*NTIA coordination.* NTIA is developing an automated coordination mechanism that will allow non-Federal Government users and independent database managers (Database Managers) selected by the FCC<sup>7</sup> to use an Internet site to determine whether a given non-Federal Government link has any potential conflict with Federal Government users.<sup>8</sup> However, until that database is operational, NTIA coordination will occur using the existing process: licensees will file link registrations on the FCC's Universal Licensing System (ULS), which the FCC will refer to NTIA's Interdepartment Radio Advisory Committee (IRAC) Frequency Assignment Subcommittee. Once NTIA's Web-based system is operational, it is anticipated that Database Managers will supply the necessary information directly to NTIA for frequency interference coordination with Federal Government entities. The automation is designed to streamline the administrative process for non-Federal Government users in the bands.<sup>9</sup>

*Link registration through ULS and Database Managers.* Until the Commission selects Database Managers, licensees will register links through ULS. Thereafter, licensees will register links with Database Managers, who will develop and maintain a non-FCC database of link registrations to assist parties in planning new links to avoid interference.<sup>10</sup> In the event of an interference dispute, rights with regard to specific links will be established based on the date and time of link registration.

In the *Report and Order*, the Commission explained that the licensing and link registration process would be detailed in subsequent public notices.<sup>11</sup> Accordingly, the non-exclusive nationwide licensing process, the interim link registration process and general provisions for the permanent link registration process are set forth herein.

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<sup>4</sup> For a brief description of important propagation characteristics of these frequency bands and their potential uses, see Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146, *Notice of Proposed Rule Making*, 17 FCC Rcd 12182, 12185-87 (2002).

<sup>5</sup> The 71-76 GHz, 81-86 GHz and 92-95 GHz bands are allocated to both Federal Government and non-Federal Government users on a co-primary basis, except the 94.0-94.1 GHz portion, which is allocated for exclusive Federal Government use. See generally *Report and Order*, 18 FCC Rcd at 23322-31.

<sup>6</sup> See, e.g., 47 C.F.R. §§ 101.147(z) (sites may not operate until NTIA approval is received); 101.511 (authorization will be granted upon proper application filing and link coordination in accordance with the Commission's rules); 101.1523 (sharing and coordination among non-Federal Government licensees and between non-Federal Government licensees and Federal Government services).

<sup>7</sup> See Public Notice, DA 04-672 (WT Docket No. 02-146) released March 12, 2004 (*Database Manager PN*).

<sup>8</sup> See *Notice*, Establishment of a Frequency Assignment Coordination Web Site, National Telecommunications and Information Administration, 68 FR 74218 (Dec. 23, 2003). In the interim, NTIA has made available a web site which will provide information regarding the status of applications in the 71-95 GHz bands that have been submitted to NTIA for coordination. See <http://ntiacsd.ntia.doc.gov/webcoord/status.cfm>.

<sup>9</sup> See *id.* The classified nature of some Federal Government operations precludes the use of a public database containing both Federal Government and non-Federal Government links. See *Report and Order*, 18 FCC Rcd at 23340 ¶ 48.

<sup>10</sup> The Database Managers will assist in resolution of interference disputes using the interference protection dates of the affected parties. (See *Database Manager PN* for more complete details of the responsibilities of the Database Managers.) If unsatisfied with the outcome of that process, and after 30 days have passed, a licensee may seek Commission assistance in resolution of the dispute. *Report and Order* at ¶ 58.

<sup>11</sup> *Report and Order* at ¶ 59. See also 47 C.F.R. § 101.1523(b).

## II. NON-EXCLUSIVE NATIONWIDE LICENSE

A license for the Millimeter Wave 70/80/90 GHz Radio Service will consist of a non-exclusive nationwide license, combined with site-based links obtained through a link registration process. All interested parties must have a non-exclusive nationwide license prior to registering a link whether under the interim or permanent link registration processes described herein. The non-exclusive nationwide license does not authorize operation until a link is both (1) coordinated with NTIA and (2) registered.<sup>12</sup>

### **Application Filing Process for Non-Exclusive Nationwide License**

*NOTICE: FILING AND REGULATORY FEES ARE DISCUSSED IN SECTION IV.*

Applicants for non-exclusive nationwide licenses are encouraged to electronically file FCC Form 601 using the Universal Licensing System (ULS).<sup>13</sup> Applicants can access the ULS web site at <http://wireless.fcc.gov/uls>. Applicants must have an FCC Registration Number (FRN) in order to file applications and link registrations in ULS. If the applicant does not have an existing FRN, it must register and obtain an FRN prior to filing the license application.<sup>14</sup>

Applicants for non-exclusive nationwide licenses will be required to file FCC Form 601 Main Form and Schedule B. Applicants should specify that they are filing an application in the MM - Millimeter Wave 70/80/90 Radio Service and specify the purpose of the application as New (NE). When filing electronically, the ULS will automatically load FCC Form 601.<sup>15</sup> An FCC Form 601 Main Form is required for all filings and collects necessary administrative data to identify the filer, establishes the filer's basic eligibility and qualifications, and classifies the filing. It also contains the required certifications and signature block. An FCC Form 601 Schedule B must be included with the application for the initial non-exclusive nationwide license. Because the non-exclusive nationwide license serves as a prerequisite for registering links, an applicant will initially receive a single license for all available frequency bands (71-76, 81-86, 92- 94.0, and 94.1 - 95 GHz).<sup>16</sup> During the electronic filing process, FCC Form 601 Schedule B will be automatically pre-filled with the correct technical data, and cannot be changed; FCC Form 601 Schedule B is a view-only screen for this radio service.

Applications are assigned file numbers and all applications (and major amendments thereto) that are accepted for filing are listed on the Bureau's weekly public notice of such applications. An application may be granted at any time if the Bureau finds that it meets all of the Commission's

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<sup>12</sup> See note 6, *supra* and accompanying text.

<sup>13</sup> Pursuant to Section 1.913(d) of the Commissions Rules certain categories of applicants are permitted to file their license applications manually. However, the Bureau urges all applicants to file electronically using ULS because "[l]icensees who continue to file applications manually risk dismissal of their applications for routine errors." See Wireless Telecommunications Bureau Revises and Begins Phased Implementation of its Unified Policy for Reviewing License Applications and Pleadings, *Public Notice*, 14 FCC Rcd 11182, 11186 (WTB 1999). The Bureau has noted that "[m]any of the filing errors routinely made by applicants involve missing signatures, missing or invalid answers to mandatory questions, missing or incorrect fees, and technical information inconsistent with the applicant's authorization," and that using the ULS would nearly eliminate the filing of applications with these types of errors because the applicant receives real-time feedback online and is prompted to and must correct errors prior to submitting the application electronically." *Id.* at 11185.

<sup>14</sup> The FCC Registration Number (FRN) is the 10-digit number assigned to all entities (individual and corporate) that transact business with the FCC (including via ULS) and is not to be confused with the "link registrations" discussed in Section III of the instant Public Notice. Applicants can obtain an FCC Registration Number (FRN) using the Wireless Telecommunications Bureau web site at <http://wireless.fcc.gov/> and select "CORES/Call Sign Registration" from the right hand menu under the heading of Licensing.

<sup>15</sup> Applicants must consult and follow FCC Form 601-Instructions.

<sup>16</sup> See 47 C.F.R. §101.147(z)(1).

requirements (e.g. meets qualification requirements, foreign ownership restrictions, payment obligations), except that certain applications will not be granted prior to the 31st day following the issuance of a Public Notice of the acceptance for filing of such application (see below).<sup>17</sup> When an application is granted, an authorization will be issued to the applicant, and the grant will be placed on the Wireless Telecommunications Bureau's Weekly Action Public Notice.

*NOTICE: APPLICANTS SEEKING TO OPERATE UNDER MORE THAN ONE REGULATORY STATUS MAY FILE ONE APPLICATION FOR COMMON CARRIER REGULATORY STATUS AND A SECOND APPLICATION FOR NON-COMMON CARRIER AND/OR PRIVATE, INTERNAL REGULATORY STATUS.*

Applications to provide non-common carrier service or for private, internal communications (Codes "N" and "P," respectively on FCC Form 601 Item 35) may be granted anytime after they are accepted for filing. Applications that include a request for common carrier regulatory status (Code "C," FCC Form 601 Item 35) will *not* be granted prior to the 31st day following the issuance of a Public Notice of the acceptance for filing of such application.<sup>18</sup>

EXAMPLE: On June 30, 2004, the Bureau releases the weekly Public Notice of applications filed between June 21-25, 2004, that are acceptable for filing. The 31<sup>st</sup> day following this public notice is Saturday, July 31, 2004, making Monday, August 2, 2004, the first day on which a common carrier application can be granted. A license is required to file link registrations. Given that July 19, 2004, is the starting date for filing link registrations, and that no common carrier licenses can be granted prior to August 2, 2004, applicants seeking to operate under more than one regulatory status may wish to file one application for common carrier regulatory status and a second application for non-common carrier and/or private, internal regulatory status, as applicable.<sup>19</sup>

### **Modifications to Non-exclusive Nationwide License**

Modifications to the non-exclusive nationwide license will be limited to data on the FCC Form 601 Main Form. Any such modifications should be filed on FCC Form 601 and should specify the purpose of the filing as modification (MD). Modifications to FCC Form 601 Schedule B data will not be permitted. Modifications to the FCC Form 601 Main Form data will not affect the interference protection date for individual links registered under that license. License modifications must be filed independent of any filing involving registration of individual links.

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<sup>17</sup> See 47 C.F.R. §§ 1.945(b)(c).

<sup>18</sup> See *id.* at § 1.945(b); see also 47 C.F.R. § 1.939(a)(2) (petitions to deny common carrier applications must be filed no later than 30 days after the date of the Public Notice listing such applications as accepted for filing).

<sup>19</sup> Ordinarily, in requesting authority to offer both common carrier and non-common carrier service, an applicant would choose to file a single FCC Form 601 and enter Codes C and N on it in response to Item 35. However, the entire application would be processed under the "common carrier" track, *i.e.*, the "notice and 30-day waiting period" of Section 1.945(b), because system limitations preclude us from processing the non-common carrier request separately when filed on the same form as the common carrier request.

## **Transfer and Assignment of Non-exclusive Nationwide Licenses**

Licensees may assign or transfer their non-exclusive nationwide license using FCC Form 603. Pursuant to the *Report and Order*, licensees will not be permitted to partition or disaggregate their non-exclusive nationwide licenses.<sup>20</sup> Therefore, licensees will only be permitted to assign or transfer the entire geographic license. Any links registered under the non-exclusive nationwide license will remain associated with the license during a full assignment or transfer. However, at a date to be announced in the future by Public Notice, we will, pursuant to our delegated authority, *see* note 11, *supra*, permit licensees to assign individual links from one non-exclusive nationwide license to another.<sup>21</sup>

### **Applications May be Filed Beginning June 21, 2004**

Parties may file applications for non-exclusive nationwide licenses starting on June 21, 2004. Applications filed before June 21, 2004, will be dismissed.

## **III. INDIVIDUAL LINK REGISTRATION AND COORDINATION**

### **A. Introduction**

As noted above, the non-exclusive nationwide license is a required prerequisite for registering individual links. Therefore, individual links cannot be registered until a geographical (nationwide) license is obtained (see above).

In Appendix C of the *Report and Order*, the Commission specified certain technical parameters that would be required for link registration. The *Report and Order* also stated that the Commission would provide details regarding the licensing requirements and coordination with NTIA in a future Public Notice.<sup>22</sup> Ongoing coordination with NTIA in developing the Federal Government/non-Federal Government coordination process has resulted in refinements to the required link data. Certain refinements will facilitate efficient coordination using NTIA's automated system. Specifically, it was determined that EIRP(dBm), Receiver Latitude (ddmmss.s), Receiver Longitude (dddmmss.s), Receiver Noise Figure (dB), and Polarization are needed. Other data elements were determined to be redundant and therefore will not be required, namely Bandwidth,<sup>23</sup> Path Distance, and Data Type.<sup>24</sup> Finally, Path Status, Proposed Date, and Inception Date will not be required because the filing date and IRAC coordination dates will automatically be recorded in ULS.

The process for link registration and coordination with NTIA prior to the implementation of NTIA's automated system and the appointment of third party database managers is referred to in this Public Notice as the "interim link registration process." The process for link registration and coordination with NTIA subsequent to the implementation of NTIA's automated system is referred to in this Public Notice as the "permanent link registration process."

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<sup>20</sup> *Report and Order* at ¶ 87.

<sup>21</sup> *See* discussion of transfer and assignment of registered links at 9, *infra*.

<sup>22</sup> *Report and Order* at ¶ 59.

<sup>23</sup> Transmitter Emission Bandwidth will be collected as part of the Transmitter Emission Designator.

<sup>24</sup> Data Type will be collected as part of the Transmitter Emission Designator consistent with the ITU format for emission designators. *See also* Section 2.201 of the Commission's Rules.

## **B. Interim Process for Link Coordination and Registration**

*NOTICE: DURING THE INTERIM PROCESS – ALL LINK REGISTRATIONS MUST BE FILED ELECTRONICALLY (IN ULS) USING THE PROCESS DESCRIBED BELOW.*

- **Effective Date for Interim Link Registration Process**

In the *Report and Order* the Commission specified that during the interim link registration process, licensees would be permitted to register links in ULS and coordination with NTIA would be accomplished through the existing IRAC process. Licensees may not initiate link registrations through ULS until after their non-exclusive nationwide license application is granted.<sup>25</sup> ULS will be ready to accept electronic link registrations starting at 9:00 AM (EDT) on Monday, July 19, 2004. Registrations filed before that date and time will not be processed. You must have a non-exclusive nationwide license before initiating a link registration. (As discussed above, you can apply for a non-exclusive nationwide license starting on June 21, 2004.)

- **How to File Individual Link Registrations under the Interim Process**

During the interim link registration process, individual links must be registered with the Commission in ULS. Links will be coordinated with NTIA through IRAC using the existing IRAC coordination process. FCC Form 601 has been revised to add Schedule M (Schedule for Link Registration)<sup>26</sup> to collect the necessary data elements as set forth in the *Report and Order* and this Public Notice. To register a link, licensees must file electronically using FCC Form 601 Main Form and Schedule M. During the interim process, all link registrations must be filed electronically in ULS.<sup>27</sup> Upon initiating electronic filing by entering their FRN and password, licensees will be presented with a list of call signs assigned to their FRN. Licensees should click on the non-exclusive nationwide (MM radio service) call sign under which they intend to register links, and then click on the link labeled “Register Links”. Licensees should then click on the link labeled “Add New Link”, clicking on this link will step through the filing process for registering a new link. This process must be repeated for each link that is registered. Link registrations will not be placed on Public Notice as a matter of routine unless they raise a matter of public significance, *e.g.*, environmental concerns.<sup>28</sup> If the proposed link requires environmental assessment, is located in a quiet zone, or is in an area subject to international coordination, the licensee should specify so on the FCC Form 601 Schedule M and provide any necessary information in accordance with the instructions and FCC Rules. The ULS electronic form performs edit checks as information is entered. If ULS finds an error, it may not allow the application to be submitted until the error has been corrected.

When an individual link has been successfully coordinated with IRAC and is approved the licensee will be notified by letter that their link registration has been posted in ULS as accepted. Individual link registrations will be available for public inspection through ULS electronically. However,

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<sup>25</sup> See discussion of non-exclusive nationwide license filing procedures at 4, *supra*.

<sup>26</sup> Schedule M is the new FCC Schedule that must be used for link registration. The form may be accessed for electronic filing through ULS, downloaded from the FCC forms page at <http://www.fcc.gov/formpage.html>, or ordered from the Forms Distribution Center at 1-800-418-3676.

<sup>27</sup> See 47 C.F.R. § 101.147(z)(1) (registration is on a first-come, first served basis in ULS); 47 C.F.R. § 1.907 (“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.”).

<sup>28</sup> See, *e.g.*, 47 C.F.R. § 1.933(a)(3) (categories of information of public significance include special environmental considerations as required by Part 1, FCC Rules).

the printed copy of the non-exclusive nationwide license will not be updated to reflect link registrations and will not be re-issued when individual links are registered with that call sign.

- **How to Coordinate Links with NTIA/IRAC During the Interim Process**

The FCC will coordinate links with NTIA/IRAC. Licensees need not provide any special information or take any special action other than filing the FCC Form 601 Main Form and Schedule M as described above. If during the NTIA/IRAC coordination process it is determined that additional information is required to complete that process, the link registration will be “returned” to the licensee. If the licensee provides the needed information within 60 days of the date of the “return notice,” it will keep its original filing date for that registration unless the new information modifies the link registration, in which case the filing date will be advanced to the filing date of the new information. If the licensee fails to timely provide the information within 60 days of the return notice, the link registration will be dismissed.

- **Interference Protection Date and Interference Dispute Resolution**

In establishing the link registration process, the Commission adopted the standard by which interference disputes are to be resolved. Specifically, the Commission stated that, “[f]or the purpose of non-Federal Government licensee interaction with each other, instead of requiring prior coordination of all prospective links, we will institute the link registration mechanism...which will provide priority based on date/time of application in any cases in which interference may arise.”<sup>29</sup> Thus, during the interim link registration process, the date on which the FCC Form 601 Main Form and Schedule M are submitted to the Commission in a state acceptable for filing will be used as the first-in-time interference protection date while the application is coordinated with NTIA through the existing IRAC coordination process. If the link is cleared via the coordination process, interference protection will become effective based on the first-in-time date established by the aforementioned filing date of the FCC Form 601 Main Form and Schedule M. If at any time the link registration is found to be defective or cannot be successfully coordinated with IRAC, the link registration will be dismissed and the interference protection date rendered ineffective. If the applicant re-files its link registration request, the interference protection date will be established by the date that the new request is received at the Commission in a state acceptable for filing.

During the coordination process, licensees may be asked to provide additional information to facilitate coordination with NTIA. In these circumstances the licensee will be given 60 days to provide the requested information. If the licensee responds with the requested information within the required time frame, and does not make any changes to the data on FCC Form 601 Schedule M, the initial first-in-time interference protection date will be preserved.

Pursuant to our delegated authority set forth in the *Report and Order*, see note 11, *supra*, we will assign a new interference protection date whenever there is a change to the technical data on an individual link. In cases in which the modification does create new interference, the licensee whose links are already registered will be protected against the licensee who modified its links. This is consistent with the Commission’s desire to ensure that the system of licensing and link registration adequately protects those that have diligently engineered their systems to bring service to the public unencumbered by either regulation or harmful interference.<sup>30</sup> To ensure an orderly, reliable and streamlined link registration system, we believe first-in-time protection rights can only be established and enforceable for a link that

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<sup>29</sup> *Report and Order* at ¶ 45.

<sup>30</sup> In the *Report and Order*, the Commission stated that, “The overarching purpose of our requirements...concerning link construction, modification, and discontinuance, is to ensure that spectrum is put to use and to maintain the integrity of the information in the relevant databases by correctly reflecting the actual record concerning these issues.” *Id.* at ¶ 80. Notably, in establishing both the construction and loading deadlines, the Commission barred the use of the initial link registration date for interference protection where the licensee fails to meet its regulatory obligations. *Id.* at n.204 and ¶ 81.

can or ultimately will be constructed. For example, we do not want a licensee arbitraging high value paths (such as in urban areas like New York City) by filing link registrations to preserve first in time protections against its competitors for those paths, and then later making conforming modifications to meet particular business needs. Further, even where modifications are necessary (for example, during the NTIA coordination process), we are concerned that a licensee may displace or compete with another licensee's first in time protection with even the most minor of changes to the technical parameters of a link. In cases in which the modification causes no new interference, the new interference protection date will have no practical effect on the licensee's first-in-time rights.

Should a licensee receive interference from another licensee, the licensee experiencing the harmful interference shall follow the interference resolution procedures outlined in Section 101.105 of the Commission's Rules (*e.g.*, notify the licensee believed to be causing the interference and shall supply information describing its problem and supporting its claim).<sup>31</sup> The licensee who has the earlier interference protection date is to be protected against later filed link registrations. The licensee causing the interference shall respond immediately and make every reasonable effort to identify and resolve the conflict. Prior links shall be protected in accordance with the interference criteria specified in Section 101.147(z)(2).<sup>32</sup> Licensees are encouraged to resolve the harmful interference before seeking resolution from the Commission.<sup>33</sup>

- **Modifications and Amendments to Link Registrations**

*NOTICE: ANY CHANGE TO TECHNICAL DATA ON A LINK REGISTRATION WILL RESULT IN A NEW INTERFERENCE PROTECTION DATE.*<sup>34</sup>

Licensees must electronically file FCC Form 601 Main Form and Schedule M to modify the technical data on an individual link registration. Upon initiating electronic filing by entering their FRN and password, licensees will be presented with a list of call signs assigned to their FRN. Licensees should click on the non-exclusive nationwide (MM radio service) call sign containing the link they wish to modify, and then click on the link labeled "Register Links". Licensees will then be presented with a list of links associated with that license. Links can be modified by clicking on the desired link. This process must be repeated for each link that is modified. To amend the technical data on an individual link registration which has not yet been approved, licensees will be required to file FCC Form 601 Main Form and Schedule M. Upon initiating electronic filing by entering their FRN and password, licensees will be presented with a list of call signs assigned to their FRN. Licensees should click on the link labeled "My Applications" and then click on the link labeled "Pending" to display a list of applications which can be amended. An application can be amended by clicking on the file number of the desired application and then clicking on the link labeled "Update". Under electronic filing, the previously entered data from FCC Form 601 Schedule M will be displayed and the licensee will be allowed to change the data. This process must be repeated for each link that is amended.

- **Transfer and Assignment of Registered Links**

Transfer or assignment of a non-exclusive nationwide license,<sup>35</sup> unless otherwise specified, will include all links registered under that call sign. The ability to file for partial assignment of individual link registrations will not be available in ULS on July 19, 2004, the date that ULS will be ready to accept link registration filings from licensees. However, by future Public Notice, the Bureau will announce, pursuant

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<sup>31</sup> 47 C.F.R. § 101.105.

<sup>32</sup> See 47 C.F.R. § 101.147(z)(2).

<sup>33</sup> See 47 C.F.R. § 101.105(e).

<sup>34</sup> See "Interference Protection Date and Interference Dispute Resolution," at 6-7, *supra*.

<sup>35</sup> See "Transfer and Assignment of Non-exclusive Nationwide Licenses," at 5, *supra*.



to its delegated authority, *see* note 11, *supra*, procedures for assignment of individual link registrations from one non-exclusive nationwide call sign to another.

### C. **Permanent Process for Link Coordination and Registration**

*NOTICE: THE EFFECTIVE DATE AND DETAILS OF THE PERMANENT PROCESS WILL BE ANNOUNCED IN A FUTURE PUBLIC NOTICE.*

Under the permanent process, link registrations will be made on a non-FCC registration database and NTIA will have an automated coordination system. Three things must occur before the permanent process can become effective. First, the Database Managers must be selected. Second, the Database Managers must have the registration database system completed. Third, NTIA's automated coordination system must be operational. In this connection, the following is a general update on the status of these endeavors.

The Bureau is reviewing four proposals, and comments thereto, submitted in response to the *Database Managers PN*. WTB will designate one or more Database Managers, and such designation(s) will take effect upon the execution by such Database Manager(s) and the WTB of a Memorandum of Understanding that will, among other things, establish a timeline for implementation of the registration database. Thereafter, the Bureau will announce by public notice the names and addresses of the selected Database Managers and the starting date for registering links through the Database Manager(s).

NTIA is in the process of developing its automated coordination system, which will enable near real time coordination of non-Federal Government links with Federal Government operations. As indicated in the *Report and Order*, it is anticipated that NTIA will have the initial version of their automated system operational within four months of an agreement on the framework of the coordination procedure.<sup>36</sup> After the permanent process becomes effective, links must be coordinated with NTIA through NTIA's automated system. The technical parameters of the proposed link will be entered into NTIA's automated system and NTIA's automated system will give either a green light or a yellow light based on the proposed parameters. If the proposed link receives a green light, then the licensee can begin or complete its link registration process through a Database Manager, and with limited exceptions<sup>37</sup> no filing with the Commission is necessary and the Database Manager will post the link registration on the non-FCC registration database. If the proposed link receives a yellow light, an FCC Form 601 and Schedule M will need to be filed with the Commission. In the case of a yellow light, the link will require further coordination with NTIA through the existing IRAC process. By comparison, during the interim process, the FCC will coordinate *every* link through the existing NTIA/IRAC process.

The effective date and additional details of the permanent process described herein will be announced by future Public Notice after the prerequisites discussed above have been completed.

### IV. **FILING AND REGULATORY FEES**

- **Applications Associated with Nationwide, Non-exclusive License**
- **Link Registrations on ULS during the Interim Process**

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<sup>36</sup> *Report and Order* at ¶ 59.

<sup>37</sup> Filing with the Commission is required even in the event of a green light when the application requires environmental assessment, is located in a quiet zone, or is in an area subject to international coordination.

**NOTICE:** *NEW FEE RATES WILL BE EFFECTIVE AUGUST 10, 2004. FOR FILINGS ON OR AFTER AUGUST 10, 2004,<sup>38</sup> APPLICANTS AND LICENSEES MUST CHECK THE WIRELESS TELECOMMUNICATIONS BUREAU FEE GUIDE FOR THE CURRENT FEES.<sup>39</sup>*

The 70-80-90 GHz bands are licensed for microwave point-to-point operations (common carrier or private operational fixed)<sup>40</sup> which are subject to filing fees under Section 1.1102 and regulatory fees under Sections 1.1152 or 1.1154, as applicable.<sup>41</sup> Certain applicants are exempt from filing and/or regulatory fees.<sup>42</sup> Nonexempt applicants for new, non-exclusive nationwide licenses will be subject to microwave service filing and regulatory fees as follows:

- New license applications must use fee type code CJPR.<sup>43</sup> Currently, the combined fee is \$470.
- Modification of license applications must use fee code CJPM. Currently, the filing fee is \$220.
- Assignments of Authorization and Transfers of Control applications must use fee code CCPM for the first call listed on the application and CAPM for each additional call sign listed. Currently, the filing fee is \$80 for the first call sign and \$50 for each additional call sign.
- Individual link registrations on ULS are not subject to a filing fee.

## **V. EQUIPMENT AUTHORIZATION/VERIFICATION PROCEDURES**

Rules relating to marketing of radiofrequency devices and equipment authorization procedures contained in Part 2, Subparts I and J, respectively, apply to licensed and unlicensed equipment operating in the 71-95 GHz bands.

## **VI. FURTHER INFORMATION OR ASSISTANCE**

Questions regarding the application filing and link registration procedure outlined in this public notice may be directed to the ULS Hotline at 1-888-CallFCC Option #2. Questions regarding this Public Notice may be directed to Cheryl Black or Stephen Buenzow, Broadband Division, WTB, 717-338-2687.

Action by the Chief, Broadband Division, Wireless Telecommunications Bureau. - FCC -

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<sup>38</sup> The Commission adjusts filing and regulatory fees periodically as required by several statutes, *see* 47 U.S.C. §§ 158(b)(1), 159(b)(2), and the fee amounts shown in the instant Public Notice will change on August 10, 2004.

<sup>39</sup> See <http://www.fcc.gov/fees/appfees.html> and click on the link to the 2004 Wireless Telecommunications Bureau Fee Filing Guide, or call 1-888-225-5322, Option 2.

<sup>40</sup> *See, e.g.*, 47 C.F.R. § 101.101, *see also R&O* at ¶¶ 88-89 (Commission decided that licensed operations in the 70-80-90 GHz bands should be regulated under Part 101, Fixed Microwave Services).

<sup>41</sup> *See* 47 C.F.R. §§ 1.1102 (items 5 and 12 set filing fees for private operational fixed Microwave and common carrier Microwave point-to-point, respectively); 1.1152 (item 2 sets regulatory fee for Microwave (47 C.F.R. Part 101) Private); 1.1154 (item 1 sets regulatory fee for common carrier Microwave (Domestic Public Fixed)). Additional information about the fees associated with microwave services is available in the Wireless Telecommunications Bureau Fee Guide. *See* “Wireless Telecommunications Bureau Fee Filing Guide” Effective September 11, 2003 (<http://www.fcc.gov/Forms/Form1070/2003/2003feeguide.pdf>).

<sup>42</sup> *See* 47 C.F.R. §§ 1.1114, 1.1162 (exemptions from filing and regulatory fees, respectively).

<sup>43</sup> The filing and regulatory fees are the same for new or modified common carrier and private operational fixed microwave. We are requiring all feeable applications to specify common carrier fee codes for administrative convenience. Applicants identify their actual regulatory status on Form 601, Item 35. *See, e.g.*, note 19 *supra*, and accompanying text.