



# PUBLIC NOTICE

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## **UNLICENSED PCS DEVICES WILL NO LONGER BE SUBJECT TO COORDINATION REQUIREMENTS AFTER APRIL 4, 2005**

This Public Notice is issued to clarify the equipment authorization requirements for Unlicensed Personal Communications Service (UPCS) devices that operate in the 1920-1930 MHz band pursuant to Subpart D of Part 15 of the Commission's Rules.<sup>1</sup> Specifically, we will no longer require, as part of our equipment authorization process, that UPCS equipment designed to operate under these rules incorporate certain coordination features and labeling features.<sup>2</sup>

As background, a March 8, 2005 *Public Notice* announced that the rules that have afforded Part 101 Private Operations-Fixed Microwave Service ("microwave") licensees that operate in the 1850-1990 MHz band (which includes the UPCS band we discuss herein) protection from interference caused by Broadband PCS and UPCS entrants, as well as a right to compensation for costs associated with the relocation of the microwave licensees to other bands or alternative facilities, would sunset on April 4, 2005.<sup>3</sup> These relocation procedures are contained in Section 101.69 *et seq.* of the Commission's Rules, and have guided the introduction of Emerging Technology licensees – including UPCS operations – into spectrum that the Commission previously reallocated from the Fixed Microwave Service. The sunset date represents a ten-year period after the date that voluntary relocation negotiations began for the first licensees in the 1850-1990 MHz band. Previously, on February 9, 2005, UTAM, Inc. (which is designated to coordinate and manage the transition in this band), submitted a letter to the Commission asking

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<sup>1</sup> 47 C.F.R. Part 15 Subpart D (incorporating §§ 15.301-15.323).

<sup>2</sup> Section 15.305 of our Rules describes the equipment authorization requirement for UPCS devices. 47 C.F.R. § 15.305. Additional coordination and labeling requirements are addressed in other sections of Subpart D of the Rules.

<sup>3</sup> Broadband PCS Entities and Fixed Microwave Service Licensees Reminded of April 4, 2005 Sunset of Relocation Cost Compensation and Microwave Cost Sharing Rules, *Public Notice*, DA 05-612 (WTB, rel. March 8, 2005).

that we announce that the need for coordination of UPCS devices will no longer be required for those devices marketed after April 5.<sup>4</sup>

Due to the need to protect incumbent fixed microwave operations in the band, our rules distinguished between coordinatable and noncoordinatable PCS devices, and Section 15.307 of the Rules outlines the procedures by which UTAM coordinates the deployment of such devices.<sup>5</sup> Because UTAM has taken the necessary steps to deploy UPCS equipment throughout the 1920-1930 MHz band by providing notification to the remaining microwave licensees in that band, the need for coordination will cease to exist after April 4. Accordingly, we will begin accepting applications for certification of all UPCS devices.<sup>6</sup> Applicants for equipment authorization will continue to be required to show that they are participating members of UTAM, as specified in Section 15.307(b) of our Rules.

Because protection of fixed microwave incumbents in the 1920-1930 MHz band will no longer be required after April 4, 2005, certain other of our UPCS rules will no longer be relevant. It will not be necessary for operators of relocated coordinatable devices to cease operation and verify the new location with UTAM, as currently described in Section 15.307(h) of our Rules, nor will it be necessary to label PCS devices with the statement regarding coordination with UTAM, as is currently required by Section 15.311. In addition, the requirement to protect incumbent stations, as specified in Section 15.307(g) of our Rules, will no longer be applicable.<sup>7</sup>

For additional information regarding this *Public Notice*, please contact Joe Dichoso ([joe.dichoso@fcc.gov](mailto:joe.dichoso@fcc.gov)) at (301) 362-3024 (for equipment authorization matters) or Jamison Prime ([jamison.prime@fcc.gov](mailto:jamison.prime@fcc.gov)) at (202) 418-7474 (for matters pertaining to the UPCS rules discussed herein).

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<sup>4</sup> Letter from UTAM, Inc., to Marlene H. Dortch, Secretary, FCC, filed Feb. 9, 2005.

<sup>5</sup> “Coordinatable PCS device[s]” are defined as “PCS devices whose geographical area of operation is sufficiently controlled either by necessity of operation with a fixed infrastructure or by disabling mechanisms to allow adequate coordination of their locations relative to incumbent fixed microwave facilities. A “Noncoordinatable PCS device” is defined as a “PCS device that is capable of randomly roaming and operating in geographic areas containing incumbent microwave facilities such that operation of the PCS device will potentially cause harmful interference to the incumbent microwave facilities.” 47 C.F.R. § 15.303(b) and (e).

<sup>6</sup> See 47 C.F.R. § 15.307(c) (describing acceptance of noncoordinatable devices). In addition, the requirements that a coordinatable PCS device incorporate means that it cannot be activated until its location has been coordinated by UTAM (Section 15.307(d)) and that such devices incorporate an automatic disabling mechanism (Section 15.307(e)) will no longer be effective.

<sup>7</sup> 47 C.F.R. §§ 15.307 (g) and (h), and 15.311. We note that UTAM, in its Feb. 9 letter, asked us to remove these superfluous rules or, in the alternative, to suspend their enforcement pending the outcome in a rulemaking proceeding. Although we agree that events will make these rules unnecessary after April 4, 2005, we will address their ultimate removal at a future time.