



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ESTABLISHES DOCKET FOR THE FILING OF INITIATION PLANS, POST-TRANSITION NOTIFICATIONS, AND SELF-TRANSITION NOTICES IN THE TRANSITION OF THE 2500-2690 MHz BAND

WT Docket No. 06-136

By this Public Notice, the Wireless Telecommunications Bureau establishes a docket (WT Docket No. 06-136) to permit the electronic filing of Initiation Plans and Post-transition Notifications. It also permits electronic filing for those licensees that seek to self-transition (Self-transition Notices).

On July 29, 2004, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking (BRS/EBS R&O and FNPRM)* that revamped the rules and policies governing the licensing of services in the 2500-2690 MHz MDS/ITFS band.¹ In particular, the Commission adopted new band plan that restructures the 2500-2690 MHz band into upper and lower-band segments for low-power operations (UBS and LBS, respectively), and a mid-band segment (MBS) for high-power operations. The Commission also adopted a transition plan for relocating Educational Broadband Service (EBS) licensees and Broadband Radio Service (BRS) licensees from their current channel locations to their new spectrum blocks in the LBS, MBS, or UBS. Specifically, the transition occurs in the following five phases: (1) initiating the transition process by filing an Initiation Plan with the Commission; (2) planning the transition; (3) reimbursing the costs of the transition; (4) terminating existing operations in transitioned markets; and (5) completing the transition by filing the Post-transition Notification with the Commission and sending a copy to all affected BRS and EBS licensees.²

On April 27, 2006, the Commission released a *Third Memorandum Opinion and Order and Second Report and Order* that, among other things, revised the transition area size from Major Economic Areas (MEAs) to Basic Trading Areas (BTAs).³ The Commission also determined that the transition can

¹ See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-66, 19 FCC Rcd 14165 (2004) (*BRS/EBS R&O and FNPRM* as appropriate).

² *Id.* at ¶ 74.

³ Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Third Memorandum Opinion and Order and Second Report and Order*, WT Docket No. 03-66, 21 FCC Rcd. 5606, 5642 ¶ 65 (2006) (*3rd MO&O*).

be undertaken by multiple proponents, and that the first entity to file an Initiation Plan with the Commission is the proponent for a given BTA.⁴ Entities that wish to file Initiation Plans under the rules set forth in the *3rd MO&O* must file on or after July 19, 2006, the date these rules become effective.⁵ Once a proponent completes the transition, the proponent must file a Post-transition Notification with the Commission.⁶

The *3rd MO&O* also permits licensees to self-transition if a proponent has not filed an Initiation Plan with the Commission on or before January 20, 2009.⁷ Licensees wishing to self-transition must notify the Commission by April 21, 2009 and must file modification applications with the Commission by April 19, 2011.⁸

Filing instructions. Under the Commission's current procedures for the submission of filings and other documents,⁹ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by paper copy. Submissions in this matter should reference **[WT Docket No. 06-136] and the BTA being transitioned or the name, address, and call sign of the licensee self-transitioning.**

If filed by ECFS,¹⁰ Initiation Plans, Post-transition Notifications, and Self-transition Notices shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, proponents and self-transitioning licensees should include their full name, U.S. Postal Service mailing address, and the applicable docket number. **Proponents should also enter the number of the BTA being transitioned in the "file number" field.** Proponents and self-transitioning licensees may also submit an electronic document by Internet e-mail. To get filing instructions for e-mail documents, proponents and self-transitioning licensees should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

If filed by paper, the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail

⁴ *Id.* at ¶¶ 91-92.

⁵ 71 Fed. Reg. 35178 (June 19, 2006).

⁶ *3rd MO&O*, 21 FCC Rcd. 5606, 5677 ¶ 152.

⁷ *Id.* at 5671 ¶ 135.

⁸ *Id.* at 5673,-5674 ¶¶ 141 and 143.

⁹ *See* Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); *see also* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

¹⁰ *See* Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each document must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com, or (202) 488-5563 (facsimile).

Copies of the documents filed in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at fcc@bcpiweb.com. These documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

For further information, contact Nancy Zaczek, Broadband Division, Wireless Telecommunications Bureau at (202) 418-7590, or by e-mail at Nancy.Zaczek@fcc.gov.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

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