



# PUBLIC NOTICE

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## **PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ESTABLISHES A NEW STATION CLASS CODE AND PROVIDES LICENSING INSTRUCTIONS FOR PRIMARY PERMANENT FIXED STATIONS IN THE 4940-4990 MHZ BAND ALLOCATED FOR PUBLIC SAFETY USE**

By this *Public Notice*, the Federal Communications Commission's Public Safety and Homeland Security Bureau establishes a new station class code and provides guidance to licensees seeking authorization to operate primary permanent fixed links in the 4940-4990 MHz band (4.9 GHz band).

On April 9, 2009, the Federal Communications Commission (Commission) released a *Report and Order and Further Notice of Proposed Rulemaking* in WP Docket No. 07-100 (FCC 09-29) addressing the 4.9 GHz band, as well as other Part 90 public safety rules.<sup>1</sup> In the *Report and Order*, the Commission, *inter alia*, granted primary status to "fixed links that connect 4.9 GHz base and mobile stations that are used to deliver broadband service, as well as other public safety networks using spectrum designated for broadband use," and "stand-alone permanent fixed 4.9 GHz links that are used to deliver broadband service, such as a fixed video surveillance link used to monitor a high-risk target or environment."<sup>2</sup> In contrast, the Commission determined that "fixed 4.9 GHz links that only connect narrowband base stations operating in public safety bands not designated for broadband (*i.e.*, public safety UHF, VHF, narrowband 700 MHz, and 800 MHz) to other networks, or serve to backhaul narrowband traffic originating from narrowband base stations, will remain secondary."<sup>3</sup> The Commission took these actions in order to "provide additional flexibility for public safety and thereby lead to expanded use of 4.9 GHz broadband networks."<sup>4</sup>

In the *Report and Order*, the Commission determined that establishing a new class code for primary permanent fixed stations will assist interested stakeholders as well as the Commission's licensing staff to distinguish between primary and secondary permanent fixed stations.<sup>5</sup> Accordingly, the

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<sup>1</sup> See Amendment of Part 90 of the Commission's Rules, *Report and Order and Further Notice of Proposed Rulemaking*, WP Docket No. 07-100, 24 FCC Rcd 4298 (2009) (*Report and Order*). See also Amendment of Part 90 of the Commission's Rules, *Erratum*, WP Docket No. 07-100, 24 FCC Rcd 5603 (PSHSB rel. May 13, 2009); Amendment of Part 90 of the Commission's Rules, *Second Erratum*, WP Docket No. 07-100, DA 09-1234 (PSHSB rel. June 2, 2009).

<sup>2</sup> *Report and Order*, 24 FCC Rcd at 4303 ¶ 9.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 4303 ¶ 10.

<sup>5</sup> *Id.* at 4304 ¶ 12.

Commission delegated to the Chief, Public Safety and Homeland Security Bureau, authority to issue a public notice to announce the establishment of a new 4.9 GHz primary permanent fixed station class code, as well as to provide licensees holding permanent fixed stations with instructions for modifying their authorizations to reflect the new station class code.<sup>6</sup> By this Public Notice, we take these actions.

### **New Station Class Code for 4.9 GHz Primary Permanent Fixed Stations**

A new station class code, “**FXB**,” has been established to designate “primary” status for permanent fixed stations in the PA radio service. This new station class code is to be used for permanent fixed stations or links that meet the requirements for primary status discussed above. Secondary permanent fixed stations or links (*i.e.*, used for traditional backhaul to carry only narrowband traffic) must use the existing station class code, “**FXO**.”

### **Instructions for Existing Licensees Seeking Primary Status for Permanent Fixed Stations**

Existing licensees who wish to obtain primary status for their 4.9 GHz permanent fixed stations or to add new 4.9 GHz primary permanent fixed stations must file a modification application.<sup>7</sup> First, licensees must complete the FCC Form 601 Main Form; in item 2 (Application Purpose), enter “MD.” Then, licensees must complete Schedule D for each 4.9 GHz permanent fixed station location that will be designated as primary. Specifically, in item 1 (Action Requested), enter “M” if the station is existing or “A” if a new station is being added; in item 3 (Location Description), verify that “FX” is entered; and in item 20 (Sites Status), enter “P.” Finally, licensees must complete Schedule H for the corresponding primary permanent fixed stations. Specifically, in item 28 (Action), enter “M” if the station is existing or “A” if a new station is being added; and in item 32 (Station Class), enter or update the station class code with “FXB.” For new permanent fixed stations, licensees must comply with an 18-month construction requirement<sup>8</sup> by timely filing FCC Form 601 Main Form and Schedule K.

New applicants in the 4.9 GHz band may apply for primary permanent fixed stations in a similar fashion, but must file a new application rather than a modification.

### **Self-Certification**

As with general 4.9 GHz authorizations, applicants for 4.9 GHz primary permanent fixed stations are not subject to formal frequency coordination requirements. However, Section 90.1209(b) of the Commission’s rules requires that “[a]ll licensees ... cooperate in the selection and use of channels in order to reduce interference and make the most effective use of the authorized facilities.”<sup>9</sup> Applicants for

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<sup>6</sup> *Id.*

<sup>7</sup> Applicants must use FCC Form 601 to apply to apply for base, mobile, and fixed authorizations in the 4.9 GHz band. The radio service code for the Public Safety 4940-4990 MHz band is “PA.” The application may be filed electronically via the Commission’s Universal Licensing System (ULS) or manually, pursuant to 47 C.F.R. § 1.913(d)(i). The website address is <http://wireless.fcc.gov/uls>. Forms are available by calling the Forms Distribution Center at 1-800-418-3676 or via the internet <http://www.fcc.gov/formpage.html>. General information about ULS is available by calling 1-888-225-5322. Although governmental entities are exempt from paying applications fees, some non-governmental entities may be required to pay fees or partial fees. For further information concerning application fees, see the Wireless Telecommunications Bureau Fee Filing Guide, available at <http://www.fcc.gov/fees/appfees.html>.

<sup>8</sup> See 47 C.F.R. § 90.1209(d).

<sup>9</sup> See 47 C.F.R. § 90.1209(b).

4.9 GHz primary permanent fixed stations should review the Commission's database for potential interference. A new or modification application requesting primary status for permanent fixed stations should include: (1) an attachment that self-certifies the application meets generally-accepted engineering practices and (2) a statement that the request for primary fixed stations is for broadband purposes and that the licensee agrees to work with other licensees to resolve any interference.<sup>10</sup>

### **For Further Information or Assistance**

For more information concerning this Public Notice, you may contact the Public Safety and Homeland Security Bureau at (717) 338-2646. For general information about the ULS, including answers to frequently asked questions regarding submitting applications, finding the status of pending applications, and searching the ULS database, the Commission recommends first consulting the ULS web page at <http://wireless.fcc.gov/uls>. Applicants may also contact ULS/Auctions Hotline at 1-888-CALLFCC (225-5322), choose option #2 or (717) 338-2888 for questions about application matters. E-mail questions may be sent to [ulshelp@fcc.gov](mailto:ulshelp@fcc.gov).

By the Chief, Public Safety and Homeland Security Bureau.

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<sup>10</sup> See 47 C.F.R. § 90.173(b).