



Federal Communications Commission
Washington, D.C. 20554

March 24, 2014

DA 14-397

Small Entity Compliance Guide

In the Matter of Promoting Interoperability in the 700 MHz Commercial Spectrum

Report and Order and Order of Proposed Modification
FCC 13-136
WT Docket No. 12-69
Released: October 29, 2013

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations¹ (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
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¹ Section 212 applies to any rule for which the FCC "is required to prepare a final regulatory flexibility analysis" under 5 U.S.C. § 605(b). Although the Notice of Proposed Rulemaking in this docket originally contemplated a wider range of rules, the voluntary industry solution that is the subject of the Report and Order and Order of Proposed Modification described below ultimately adopted rules that impose additional technical limits only on Lower 700 MHz D and E Block licensees, none of which are small entities. However, this Small Entity Compliance Guide has been prepared for the benefit of small entities in the event that any such licensees assign or transfer control of such licenses to small entities.

I. OBJECTIVE OF THE PROCEEDING

The Report and Order and Order of Proposed Modification takes certain steps to implement an industry solution to provide interoperable Long Term Evolution (LTE) service in the Lower 700 MHz band in an efficient and effective manner to improve choice and quality for consumers of mobile services. A number of the principal wireless providers licensed in this band, along with the Competitive Carriers Association, developed a voluntary industry solution that would resolve the lack of interoperability in this band while allowing flexibility in responding to evolving consumer needs and dynamic and fast-paced technological developments.

The steps that are taken in the Report and Order and Order of Proposed Modification will assist consumers and the economies in rural areas, as well as small and regional businesses that operate there. Additional competition in rural areas is likely to result in lower-priced services, or plan options that are tailored to local communities. Small or regional providers serving rural areas drive economic growth in these rural areas, directly, by investing in their networks and creating jobs, and indirectly, by enabling the growth of other small businesses. But in order to promote competition – and enable small business customers of 700 MHz band licensees to operate successfully in the 21st century – these licensees need to be able to offer service choices. Interoperability of LTE service in the Lower 700 MHz band will remove an unnecessary barrier to the successful operation of such businesses. The rule changes implemented in the Report and Order and Order of Proposed Modification are designed to eliminate potential harmful interference from Lower 700 MHz D and E Block operations to operations of small entities and others operating on paired Lower 700 MHz frequencies.

II. REGULATIONS AND POLICIES THAT THE COMMISSION ADOPTED OR MODIFIED, INCLUDING COMPLIANCE REQUIREMENTS

The Report and Order and Order of Proposed Modification takes the following steps:

- Revises the Part 27 rules to modify the technical requirements for the Lower 700 MHz D and E Blocks to eliminate potential harmful interference. Establishes a process for higher power uses primarily in rural areas if the D/E Block licensee has the consent of affected 700 MHz licensees, or can show no harmful interference.
- Takes no action to address claims of reverse intermodulation interference from adjacent Channel 51 operations to B and C Block operations, because it concludes based on the record that harmful interference from such reverse intermodulation products is unlikely and is therefore not an impediment to the implementation of the voluntary industry solution.
- Pursuant to Section 316 of the Communications Act, proposes to modify AT&T's B and C Block licenses to effectuate the voluntary industry solution that will resolve the lack of interoperability in the Lower 700 MHz band in an effective and efficient manner.
- Waives the construction requirements for E Block licensees, extending the interim and final deadlines and permitting a showing of population coverage, rather than geographic coverage.
- Waives the construction requirements for A and B Block licensees, extending the interim deadline to December 13, 2016, and removing the interim deadline for certain A Block licensees adjacent to Channel 51 operations

Technical Rules for D and E Blocks

The Report and Order revises the Commission's Part 27.2 (e); 27.50 (c)(7), (12), and (13) to provide that:

- Operations in the 716-722 and 722-728 MHz frequencies (Lower 700 MHz D and E Block) are limited to downlink only.
- Lower 700 MHz D and E Block base station transmitting a signal with an emission bandwidth of 1 megahertz or less must not exceed 1 kW ERP in non-rural areas or 2 kW ERP in rural areas.
- Lower 700 MHz D and E Block base stations transmitting a signal with an emission bandwidth greater than 1 megahertz must not exceed 1 kW ERP per megahertz in non-rural areas or 2 kW ERP per megahertz in rural areas.
- Lower 700 MHz D and E Block licensees operating at these maximum permissible ERP are limited to an antenna height of 305 m HAAT.
- The Report and Order permits a Lower 700 MHz D or E Block licensee to operate particular sites at a higher ERP level up to 50 kW in conjunction with the current power flux density (PFD) limit if the Lower 700 MHz D or E Block licensee enters into operator-to-operator agreements with other potentially affected licensees or, absent agreements with all affected licensees, pursuant to a waiver from the Commission.

To mitigate potential for harmful interference, Lower 700 MHz D and E Block licensees are required to take the following measures: (1) coordinate with A, B, or C Block licensees to mitigate the potential for harmful interference; (2) mitigate interference to A, B, or C Block operations within 30 days after receiving written notice from the affected A, B, or C Block licensees; and (3) ensure that D or E Block transmissions are filtered at least to the extent that the D or E Block transmissions are filtered in markets where the D or E Block licensee holds an A, B, or C Block license, as applicable.

Coordination and mitigation steps should include, but are not limited to, the following measures:

- If a Lower A, B, or C Block licensee deploys a network after the D or E Block deploys a network on its Lower 700 MHz D or E Block spectrum in the same geographic market, the D or E Block licensee will work with the A, B, or C Block licensee to identify sites that will require additional filtering, and will help the A, B, or C Block licensee to identify proper filters.
- The D or E Block licensee is also required to permit these licensees to collocate on the towers it owns at prevailing market rates.
- On the other hand, if a Lower A, B, or C Block licensee deploys a network before a D or E Block licensee deploys a network in the same geographic market, the D or E Block licensee will work with the A, B, or C Block licensee to identify sites that will need additional filtering and will purchase and pay for installation of required filters on such sites.

For purposes of this condition, “deployment of a network” shall be the date upon which the network is able to support a commercial mobile voice or data service.

General Technical Requirements in the 700 MHz Band Remain Unchanged

Except for the power, antenna height, and downlink limits of the Lower 700 MHz D and E Blocks, the other administrative and technical requirements applicable to operation of the Part 27 rules remain unchanged.

III. WEBLINK

A copy of the Report and Order and Order of Proposed Modification is available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1101/FCC-13-136A1.pdf The

Commission's Rules (47 Code of Federal Regulations (47 C.F.R.)) are available at http://wireless.fcc.gov/index.htm?job=rules_and_regulations