

# 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 CONVERSION OF INCUMBENT 28 GHz AND 39 GHz LICENSES TO THE UPPER MICROWAVE FLEXIBLE USE SERVICE

*GN Docket No. 14-177*

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces that incumbent licenses and leases in the 28 GHz band (27.5 – 28.35 GHz) have been converted to the Upper Microwave Flexible Use Service (UMFUS) in the Universal Licensing System (ULS). For administrative efficiency, incumbent licenses and leases in the 39 GHz band (38.6 – 40.0 GHz) also have been converted in ULS to the geographic areas defined for UMFUS in that band. We encourage licensees to review newly-converted UMFUS licenses and leases to ensure that they properly reflect the spectrum frequencies and market areas previously authorized under either the Local Multipoint Distribution Service (LMDS) or 39 GHz licenses. Licensees should report any discrepancies to the contacts provided below.

### **Background**

In the Report and Order in the *Spectrum Frontiers* proceeding, the Commission determined that UMFUS in the 28 GHz band will be licensed on a county basis, and that existing LMDS licenses in that band will be subdivided from Basic Trading Areas (BTAs) into counties.<sup>1</sup> In that order, the Commission also determined that UMFUS licenses in the 39 GHz band will be licensed on a Partial Economic Areas (PEAs) basis and that existing 39 GHz licenses will be subdivided from Economic Areas (EAs) into PEAs.<sup>2</sup> In addition, the Commission granted mobile operating rights to existing active LMDS and 39 GHz incumbent licensees.<sup>3</sup>

### **28 GHz licenses**

Existing LMDS licenses were authorized under LMDS radio service (code “LD”) on a BTA market area basis for multiple channels, including Channel A1 (27.5 – 28.35 GHz), which is coextensive with the 28 GHz band. Consistent with the *Spectrum Frontiers R&O*, new UMFUS radio service (code “UU”) licenses have been created for Channel L1 (27.500 – 27.925 GHz) and Channel L2 (27.925 –

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<sup>1</sup> See *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 8014, 8029, para. 35 (2016) (*Spectrum Frontiers R&O*).

<sup>2</sup> See *id.* at 8046, para. 82.

<sup>3</sup> *Spectrum Frontiers R&O*, 31 FCC Rcd at 8031, 8048, paras. 41, 86.

28.350 GHz) in each county corresponding to the counties within the existing LMDS A1 licensed BTAs.<sup>4</sup> LMDS A1 licenses that were previously partitioned or disaggregated have likewise been converted to new licenses based on the previously authorized geographic areas and spectrum frequencies.<sup>5</sup> Further, leases associated with incumbent LMDS A1 licenses have been converted and associated with the corresponding UMFUS county-based licenses.<sup>6</sup> In addition, consistent with the Commission's grant of mobile rights to the incumbent licenses in the *Spectrum Frontiers R&O*, "Mobile" has been added to the permissible Radio Service Types for each UMFUS license in the 28 GHz band.

LMDS Channel A1 has been removed from the original LMDS Channel Block A licenses, which include LMDS Channels A2 and A3 that are outside of the 28 GHz UMFUS band.<sup>7</sup> LMDS Channels A2 and A3 remain authorized under the original LMDS Channel Block A licenses within the original market area. Existing LMDS licenses on Channel Block B, which also is outside the 28 GHz UMFUS band, similarly are not affected by the conversion of Channel A1 to UMFUS.<sup>8</sup>

The main ULS license tab for each UMFUS license reflects the original BTA market area. The county and spectrum authorized under the new UU license are shown on the market tab under "Spectrum and Market Area" information.<sup>9</sup>

### **39 GHz licenses (EA market based and RSA)**

Existing licenses in the 39 GHz radio service (code "TN") were authorized on an Economic Area (EA) basis for fourteen paired channel blocks (A – N), each 2 x 50 megahertz. 39 GHz licenses in the new UMFUS radio service (code "UU") are licensed on a PEA market basis. Consistent with the *Spectrum Frontiers R&O*, new UMFUS licenses have been created for each individual 50 megahertz channel in each PEA within the existing 39 GHz licensed EAs. The corresponding 39 GHz (TN) licenses have been terminated. All leases associated with incumbent 39 GHz licenses have been converted and associated with the corresponding UMFUS PEA based license.<sup>10</sup> Consistent with the Commission grant of mobile rights to the incumbent licenses in the *Spectrum Frontiers R&O*, "Mobile" has been included as a permissible Radio Service Type for each UMFUS license.

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<sup>4</sup> For example, a BTA license that covered three counties and the entire 27500 – 28350 MHz band has been converted into six UMFUS licenses: three licenses on channel L1, one in each county; and 3 licenses on channel L2, one in each county. We note that BTA market boundaries are based on 1990 Census Bureau county boundary definitions. For efficiency of administrative conversion, new UMFUS county market boundaries are also based on 1990 Census Bureau county boundaries.

<sup>5</sup> According to ULS, all existing partitioned licenses were partitioned based on defined county boundaries, so previously partitioned licenses are consistent with new county market areas.

<sup>6</sup> For example, leases for point-to-point links are associated with the UMFUS license in which the transmitter is located. Leases for the entire LMDS BTA have been divided and a new lease has been created for each channel (L1 and L2) for each county associated with the original BTA. Leases for undefined areas are associated with the county UMFUS license that corresponds to the leased area. To the extent that the undefined area covers more than one county, a separate lease has been created for each county corresponding to the original leased area in such county.

<sup>7</sup> Original LMDS Channel Block A consisted of three channels: A1 (27.500 – 28.350 GHz); A2 (29.100 – 29.250 GHz); and A3 (31.075 – 31.225 GHz).

<sup>8</sup> Channel Block B consists of two channels: B1 (31.000 – 31.075 GHz); and B2 (31.225 – 31.300 GHz).

<sup>9</sup> Performing a "market" search on a BTA in ULS or selecting the "other licenses in the market" from the define view dropdown box on the market tab will yield results that will show new UMFUS licenses on the same channel that are within the original BTA boundary.

<sup>10</sup> For example, leases for point-to-point links are associated with the UMFUS license in which the transmitter is located. Leases for the entire 39 GHz EA have been divided and a new lease has been created for each 50 MHz channel block for each PEA associated with the original EA. Leases for undefined areas have been associated with the PEA UMFUS license that corresponds to the leased area. To the extent that the undefined area covers more than one PEA, a lease has been created for the leased area within each PEA.

Other existing 39 GHz licenses in the common carrier fixed point-to-point (CF) radio service were authorized for rectangular service areas (RSAs) for fourteen paired channel blocks (A – N), each 2 x 50 megahertz. These RSA licenses have been converted to new UMFUS licenses; however, the original channel blocks and RSA areas remain unchanged in the conversion.

The main license tab in ULS for each UMFUS license reflects the new PEA Market area (or RSA market code for RSA licenses).<sup>11</sup> The counties and spectrum associated with the new UU license are shown under the market tab under “Spectrum and Market Area” information.

#### **FURTHER INFORMATION OR ASSISTANCE**

Questions regarding the 28 GHz and 39 GHz license conversion outlined in this public notice may be directed to FCC Licensing Support via the web at <https://www.fcc.gov/wireless/available-support-services>, or by telephone at 1-877-480-3201 (select option #2). The support hours of operation are 8 a.m. to 6 p.m. EST, Monday through Friday (except Federal holidays). Questions regarding this Public Notice may be directed to Elizabeth Fishel (Elizabeth.Fishel@fcc.gov; 717-338-2649) or Tim Hilfiger (Tim.Hilfiger@fcc.gov; 717-338-2578), Broadband Division, WTB.

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

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<sup>11</sup> Details of the license boundaries are reflected in the map tab.