



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

DA 95-872

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**Wireless Bureau Announces Initiation of Voluntary Negotiation Period for A and B
Block PCS Licensees and 2 GHz Incumbent Microwave Licensees
[Corrected Notice]¹**

In the Emerging Technologies docket (ET Docket No. 92-9), the Commission established a two-stage process for relocation of microwave incumbents currently operating on 2 GHz frequencies allocated to Broadband PCS. The first phase is a two-year voluntary negotiation period (three years for public safety incumbents) during which PCS licensees may negotiate with microwave incumbents regarding relocation, but incumbents are not required to relocate. The second phase is a one-year mandatory negotiation period (two years for public safety incumbents) during which the microwave incumbent must agree to relocation provided that the PCS licensee meets its relocation obligations under the rules. The mandatory negotiation period is triggered at the option of the PCS licensee, but PCS licensees may not invoke their right to mandatory negotiation until the voluntary negotiation period has expired.

In the Memorandum Opinion and Order (MO&O) in ET Docket No. 92-9, the Commission stated that it would issue a Public Notice announcing the commencement of the voluntary negotiation period for relocation of 2 GHz incumbents. The Commission's rules provide that the voluntary negotiation period shall last "until two years after the Commission commences acceptance of applications for an emerging technology service." See Sections 21.50(b) (Domestic Public Fixed Radio Service); 22.50(b) (Public Mobile Service); 94.59(b) (Private Operational Fixed Service). Public safety incumbents are entitled to a three-year voluntary negotiation period starting from the same date. See Section 94.59(f).

By this Public Notice, the Wireless Telecommunications Bureau announces that the two-year voluntary negotiation period for 2 GHz microwave incumbents operating in the broadband PCS "A" and "B" blocks shall be deemed to have commenced on April 5, 1995, the date that A and B block auction winners filed their long form applications. Accordingly, the voluntary negotiation period for non-public safety microwave licensees in these blocks expires on April 5, 1997. For public safety microwave licensees operating in the A and B blocks, the three-year voluntary negotiation period begins on April 5, 1995, and expires on April 5, 1998. Negotiation periods for additional PCS blocks shall be announced by future public notice.

For further information contact Ed Jacobs at (202) 418-0620.

¹ This Public Notice supersedes the Public Notice issued on April 18, 1995, DA 95-872, which incorrectly described the length of the negotiation period for 2 GHz public safety microwave incumbents.