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Federal Communications Commission
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC ALLOCATES ADDITIONAL SPECTRUM FOR WIRELESS SERVICES

Washington, DC – The Federal Communications Commission has allocated for commercial wireless services 50 megahertz (MHz) of spectrum transferred from Government to non-Government use pursuant to provisions of the Omnibus Budget Reconciliation Act of 1993 and the Balanced Budget Act of 1997. The spectrum is located in the 3650-3700 MHz band and can be used for both fixed and mobile commercial wireless services. The FCC also proposed licensing and service rules for this spectrum and seeks comment on the possibility of being able to pair this 50 MHz of spectrum with the 50 MHz of spectrum available in the 4940-4990 MHz band. These actions will benefit the public by permitting and encouraging the introduction of new services, particularly in rural areas.

Specifics of First Report and Order and Second Notice of Proposed Rulemaking:

In this action, the FCC allocates 50 MHz of spectrum in the 3650-3700 MHz band to the fixed and mobile (base stations) terrestrial services on a primary basis. This allocation will facilitate the provision of a broad range of services, including traditional voice telephony and new broadband, high-speed, data and video services. The Commission also believes that this allocation will help foster the introduction of such services to rural areas of the United States, thus promoting the objectives of Section 706 of the Telecommunications Act of 1996 to facilitate the rapid deployment of advanced telecommunications services and technologies to all Americans. This allocation will also encourage new and more effective competition to existing wireline local exchange carriers by providing for an economical means to offer competitive “local loop” or “last-mile” facilities.

The FCC is “grandfathering” existing fixed satellite service (“FSS”) earth station sites in this band and, for a limited time, will accept new applications for FSS earth stations in the vicinity (*i.e.* within 10 miles) of these grandfathered sites to operate on a co-primary basis in the band. The FCC will also permit additional FSS earth station operations on a secondary basis. This will ensure the continuity of FSS operations and permit new FSS operations to help alleviate congestion in the adjacent 3700-4200 MHz FSS band. Finally, to provide for compatibility with both terrestrial fixed service and FSS operations in the band, the FCC is limiting the terrestrial mobile service use of the band to base station operations.

The Commission also proposes licensing and service rules for the assignment of fixed and mobile services licenses in this band by competitive bidding. Both new and existing FSS earth stations will be subject to Part 25 of the Commission's rules (the FCC's satellite service rules). Parties who wish to use this spectrum for FSS will have to comply with the Part 25 application and licensing rules. Those who wish to provide fixed and mobile services in the 3650-3700 MHz band will be subject to the application, licensing and services rules the FCC adopts in this proceeding. The FCC proposes that 3650-3700 MHz licensees who obtain licenses pursuant to the rules it adopts for fixed and mobile services and who subsequently choose to offer FSS in this band may retain their 3650-3700 MHz licenses if they meet the proposed FSS build-out requirement.

In addition, the Commission seeks comment on whether there is an interest in being able to pair the 3650-3700 MHz band with the 4940-4990 MHz band and, if so, what actions the Commission can take to facilitate this pairing. Both bands are Federal Government transfer bands and both bands are composed of 50 MHz of spectrum. The Commission has allocated the 3650-3700 MHz band to the fixed and mobile services and, earlier this year, the Commission proposed to allocate the 4940-4990 MHz band to these same services. The Commission also proposes that the bands be similarly licensed. The Commission seeks to develop a record on whether technical requirements or other reasons justify licensing the two bands at the same time.

Action by the Commission on October 12, 2000 by First Report and Order and Second Notice of Proposed Rulemaking (FCC 00-363). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell, and Tristani.

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