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Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D. C. 20554

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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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News Media Contact:  
Maureen Peratino: (202)418-0506  
E-mail: [mperatin@fcc.gov](mailto:mperatin@fcc.gov)

## FCC ADDS MOBILE ALLOCATION TO 2500-2690 MHZ BAND AND DOES NOT RELOCATE EXISTING LICENSEES

Washington, DC - The Federal Communications Commission adopted a *First Report and Order and Memorandum Opinion and Order (First R&O/MO&O)* in the *New Advanced Wireless Services* proceeding. The *First R&O* adds a mobile allocation to the 2500-2690 MHz band to provide additional near-term and long-term flexibility for use of this spectrum, thereby making this band potentially available for advanced mobile and fixed terrestrial wireless services, including third generation (3G) and future generations of wireless systems. However, because the 2500-2690 MHz band is extensively used by incumbent Instructional Television Fixed Service (ITFS) and Multichannel Multipoint Distribution Services (MMDS) licensees, and in order to preserve the viability of the incumbent services, the FCC is not relocating the existing licensees or otherwise modifying their licenses.

Building upon the FCC's prior decisions to expand the potential uses of the 2500-2690 MHz band, the FCC will rely on market forces rather than making regulatory judgments about the best use of the band. This flexible allocation will, for example, allow certain portable data applications to be provided under existing service rules and could provide flexibility for introducing other advanced fixed and mobile applications in the future. However, the FCC recognizes that it will have to explore the service rules that would apply to permit mobile operations in the 2500-2690 MHz band in a separate future proceeding.

In the *MO&O*, the FCC denies a Petition for Reconsideration filed by the Satellite Industry Association (SIA). SIA had requested that the FCC reconsider its decision not to allocate the 2500-2520 MHz and 2670-2690 MHz bands for Mobile Satellite Service (MSS) use for 3G services, but the FCC affirms its prior determination that reallocation of the 2500-2690 MHz band to the MSS is unwarranted because sharing between terrestrial and satellite systems would present substantial technical challenges in this band and MSS already has access to a significant amount of spectrum below 3 GHz to meet its needs in the foreseeable future.

By these actions, the FCC promotes the continued introduction of fixed wireless broadband services; provides for the introduction of new advanced wireless services to the public, consistent with its obligations under section 706 of the 1996 Telecommunications Act; and promotes increased competition among terrestrial services.

Action by the Commission September 6, 2001, by *First Report and Order and Memorandum Opinion and Order* (FCC 01-256). Chairman Powell, Commissioners Abernathy and Martin, with Commissioners Tristani and Copps concurring in part and dissenting in part. Commissioners Tristani and Copps issuing a joint statement and Commissioner Abernathy issuing a statement.

Staff contact: Rodney Small or Geraldine Matisse, OET at (202) 418-2452 or (202) 418-2322, respectively; e-mail: [rsmall@fcc.gov](mailto:rsmall@fcc.gov) or [gmatise@fcc.gov](mailto:gmatise@fcc.gov)

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