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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 NEW WIRELESS SERVICES (ET Docket No. 00-221)**

Washington, DC – The Federal Communications Commission adopted a Report and Order and Memorandum Opinion and Order reallocating 27 megahertz of spectrum transferred from Federal Government use for new flexible services. The Order reallocates a number of small spectrum blocks transferred pursuant to the Omnibus Budget Reconciliation Act of 1993 and the Balanced Budget Act of 1997. The 27 megahertz of reallocated spectrum is in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz bands transferred from Government to non-Government use. These actions will benefit consumers by permitting and encouraging the introduction of new and innovative wireless technologies while at the same time preserving the primary status of Wireless Medical Telemetry Services and elevating Low Power Radio Services in the 216-217 MHz band, which include auditory assistance and law enforcement applications, to primary status.

This proceeding continues the implementation of the Commission's November 1999 *Spectrum Policy Statement*, which, among other things, identified a preliminary allocation plan for this spectrum, and articulated a number of goals for sound spectrum policy. Many of the actions taken in this Order will be further implemented with a forthcoming Notice of Proposed Rule Making on appropriate service rules for the reallocated frequency bands, some of which must be licensed by auction by September 2002.

The Commission took the following major actions in this Report and Order:

- Allocated the 216-220 MHz band to the fixed and mobile services on a co-primary basis. This action elevates the Low Power Radio Service (LPRS) from secondary to primary status in the 216-217 MHz band and provides existing licensees in the Automated Maritime Telecommunication System (AMTS) with additional flexibility, but does not alter the status of the 218-219 Service, which already operates on a primary basis in this spectrum. Additionally, both Government and Non-Government telemetry incumbents will be grandfathered on a secondary basis in the 216-220 MHz band and new secondary telemetry operations will be permitted in the 217-220 MHz portion of the band.
- Allocated the 1390-1392 MHz band to the fixed-satellite service (Earth-to-space) and the 1430-1432 MHz band to the fixed-satellite service (space-to-Earth) on a primary basis. The use of these allocations will be limited to feeder links for non-voice, non-geostationary mobile-satellite service (NVNG MSS; generally known as Little LEOs) and is contingent on the adoption of a similar international allocation and other constraints.

- Allocated the 1390-1392 MHz band to the fixed and mobile (except aeronautical mobile) services on a co-primary basis, having determined that these services can successfully share spectrum with the Little LEO feeder uplinks. This band will be available on an unpaired basis.
- Shifted the Wireless Medical Telemetry Service (WMTS) allocation from 1429-1432 MHz to 1427-1429.5 MHz as requested by the American Hospital Association. This shift will provide additional separation from high powered land mobile operations and increase available spectrum capacity for this service. The Order maintained the secondary status of non-medical telemetry systems in this band. The Order also elevated telemetry to primary status in the 1429.5-1432 MHz band.
- Allocated the 1392-1395 MHz band and the 1432-1435 MHz band to the fixed and mobile (except aeronautical mobile) services on a co-primary basis. These bands will be available on a paired basis.
- Allocated the 1670-1675 MHz band to the fixed and mobile (except aeronautical mobile) services on a co-primary basis and the 2385-2390 MHz band to the fixed and mobile services on a co-primary basis. These bands will be available on an unpaired basis.
- Deleted primary Federal Government allocations from the transfer bands, except in the mixed-use bands (216-220 MHz and 1670-1675 MHz), where a limited number of stations will be grandfathered indefinitely. In the exclusive non-Federal Government bands (1390-1395 MHz, 1427-1429 MHz, and 2385-2390 MHz), a limited number of sites are temporarily grandfathered pursuant to the terms of reallocation from the Federal Government. Federal agencies will not add new primary stations in any of the transfer bands. In the bands 1432-1435 MHz and 2385-2390 MHz, non-grandfathered Federal Governments stations will retain their primary status until relocated in accordance with the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999 and forthcoming rules and procedures to be issued by the National Telecommunications and Information Administration (NTIA).

Action by the Commission on December 21, 2001 by Report and Order and Memorandum Opinion and Order (FCC 01-382).

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