

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Amendment of Parts 2 and 25 of the Commission's)	
Rules to Permit Operation of NGSO FSS Systems)	ET Docket No. 98-206
Co-Frequency with GSO and Terrestrial Systems in)	RM-9147
the Ku-Band Frequency Range;)	RM-9245
)	
Amendment of the Commission's Rules to Authorize)	
Subsidiary Terrestrial Use of the)	
12.2-12.7 GHz Band by Direct Broadcast Satellite)	
Licensees and Their Affiliates; and)	
)	
Applications of Broadwave USA,)	
PDC Broadband Corporation, and)	
Satellite Receivers, Ltd. to Provide)	
A Fixed Service in the 12.2-12.7 GHz Band)	

THIRD ERRATUM

Released: August 14, 2002

By the Deputy Chief, Public Safety and Private Wireless Division:

1. On May 23, 2002, the Commission released a *Memorandum Opinion and Order and Second Report and Order* (FCC 02-116) in the above captioned proceeding. This action inadvertently overwrote one paragraph that was recently added to Section 25.208 of the Commission's Rules.¹ Therefore, with this Third Erratum, we correct the rules in Appendix D. In addition, the table of contents description of Section 101.1412 of the Commission's Rules, in Appendix D was incorrect and will be corrected to comport with the text of the *Memorandum Opinion and Order and Second Report and Order*. Moreover, Section 101.1417 of the Commission's Rules, "Annual Report" was incomplete. Therefore, with this Third Erratum we correct Section 101.1417 to conform to the text of the *Memorandum Opinion and Order and Second Report and Order*.

2. The reference to Section 25.208(k) in Appendix D should read Section 25.208(o).

3. Section 25.208 is amended by adding new paragraph (o) to read as follows:

§ 25.208 Power flux density limits.

¹ New paragraphs §§ 25.208 (k), (l) and (m) were added in the *12.2-12.7 GHz First Report and Order and Further Notice of Proposed Rule Making*, FCC 00-418, ET Docket No. 98-206, 16 FCC Rcd 4096 (2000). New paragraph § 25.208 (n) was added in *Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to Mobile-Satellite Service Above 1 GHz*, 2002 WL 186868, FCC 02-23, 17 FCC Rcd 2658 (2002).

* * * * *

(o) In the band 12.2-12.7 GHz, for NGSO FSS space stations, the low-angle power flux-density at the Earth's surface produced by emissions from a space station for all conditions and for all methods of modulation shall not exceed the lower of the following values:

-158 dB(W/m²) in any 4 kHz band for angles of arrival between 0 and 2 degrees above the horizontal plane; and

-158+ 3.33(δ-2) dB(W/m²) in any 4 kHz band for angles of arrival (δ) (in degrees) between 2 and 5 degrees above the horizontal plane.

Note to paragraph (o): These limits relate to the power flux density, which would be obtained under assumed free-space propagation conditions.

4. Appendix D Part 101 Fixed Microwave Services new Subpart P - Multichannel Video Distribution and Data Service Rules for the 12.2-12.7 GHz Band table of contents is changed to read as follows:

A new subpart P is added to read as follows:

Subpart P - Multichannel Video Distribution and Data Service Rules for the 12.2-12.7 GHz Band

101.1401 Service areas.

101.1403 Broadcast Carriage Requirements.

101.1405 Channeling plan.

101.1407 Permissible operations for MVDDS.

101.1409 Treatment of incumbent licensees.

101.1411 Regulatory status and eligibility.

101.1412 MVDDS eligibility restrictions for cable operators.

101.1413 License term and renewal expectancy.

101.1415 Partitioning and disaggregation.

101.1417 Annual report.

101.1421 Coordination of adjacent area MVDDS stations.

101.1423 Canadian and Mexican coordination.

101.1425 RF safety.

101.1427 MVDDS licenses subject to competitive bidding.

101.1429 Designated entities.

101.1440 MVDDS protection of DBS.

5. Section 101.1417 in Appendix D is changed to read as follows:

§ 101.1417 Annual report.

(a) Each MVDDS licensee shall file with the Public Safety & Private Wireless Division of the Wireless Telecommunications Bureau of the Commission two copies of a report by March 1 of each year for the preceding calendar year. This report must include the following:

(1) Name and address of licensee;

(2) Station(s) call letters and primary geographic service area(s); and

- (3) The following statistical information for the licensee's station (and each channel thereof):
- (i) The total number of separate subscribers served during the calendar year;
 - (ii) The total hours of transmission service rendered during the calendar year to all subscribers;
 - (iii) The total hours of transmission service rendered during the calendar year involving the transmission of local broadcast signals; and
 - (iv) A list of each period of time during the calendar year in which the station rendered no service as authorized, if the time period was a consecutive period longer than 48 hours.
- (b) The licensee, by an appropriate corporate officer, controlling partner, or individual proprietor, must certify this report as to the accuracy and completeness of the information contained therein.
- (c) A copy of each year's report shall be retained in the principal office of the licensee and shall be readily available to the public for reference and inspection.

6. Accordingly, IT IS ORDERED that this Erratum is issued pursuant to Section 0.331 of the Commission's rules on delegated authority, 47 C.F.R. § 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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