



NEWS

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FCC ACTS TO PROMOTE HOMELAND SECURITY AND THE DEVELOPMENT OF WIRELESS BROADBAND SERVICES IN SUPPORT OF PUBLIC SAFETY

Washington, D.C. – The Federal Communications Commission (FCC) has adopted an item establishing licensing and service rules for the 50 megahertz of spectrum in the 4940-4990 MHz band (4.9 GHz band). This action promotes effective public safety communications and innovation in wireless broadband services in support of public safety and homeland security. The adopted rules are another step in the FCC's ongoing efforts to develop a regulatory framework in which to meet the current and future public safety communications needs.

The adopted rules are intended to promote spectrum access for a variety of new broadband applications such as high-speed digital technologies and wireless local area networks for incident scene management, dispatch operations and vehicular operations. This action also promotes interoperability by providing a regulatory framework in which traditional public safety entities can pursue strategic partnerships with both traditional public safety entities, such as the Federal Government, and non-traditional public safety entities, such as utilities and commercial entities, in support of their missions regarding homeland security and protection of life and property.

The Commission's action makes significant strides towards ensuring that agencies involved in the protection of life and property possess the communications resources needed to successfully carry out their mission. For example, it is anticipated that the 4.9 GHz band will accommodate technologies and operations requiring varying bandwidths and operations that are both temporary and permanent in nature. Consequently, the adopted rules will provide 4.9 GHz band licensees with the maximum operational flexibility practicable. The item also encourages effective and efficient utilization of the spectrum.

Specifics of the Memorandum Opinion and Order and Third Report and Order (MO&O and 3rd R&O):

In the *MO&O*, the Commission denied petitions for reconsideration of the FCC's decision to prohibit aeronautical mobile operations in the 4.9 GHz band. The FCC noted such operations could be allowed on a case-by-case basis provided that there is a sufficient technical showing that the proposed operations would not interfere with in-band and adjacent band radio astronomy operations.

In the *3rd R&O*, the Commission established licensing and service rules for the 4.9 GHz band. The major decisions reached include:

- The FCC limited eligibility for licensing in the 4.9 GHz band to those entities providing “public safety services” wherein public safety services are defined as services:
 - (A) the sole or principal purpose of which is to protect the safety of life, health, or property;
 - (B) that are provided
 - (i) by State or local government entities; or
 - (ii) by nongovernmental organizations that are authorized by a government entity whose primary mission is the provision of such services; and
 - (C) that are not made commercially available to the public by the provider.
- The Commission permitted broadband mobile operations, fixed hotspot use, and temporary fixed links on a primary basis in the band. Furthermore, the FCC allowed fixed point-to-point operations on a secondary basis.
- The Commission created flexibility in the service rules and encouraged public safety licensees to work with non-traditional public safety users, such as utilities, to implement new communications systems in support of public safety operations.
- Finally, the FCC established a “jurisdictional” geographical licensing approach for operations in the band, whereby licensees will be authorized to operate in those geographic areas over which they have jurisdiction. Licensees will be required to cooperate in use of the spectrum. Such cooperation will be facilitated by the establishment of coordination plans and procedures by regional planning committees.

Action by the Commission April 23, 2003, by Memorandum Opinion and Order and Third Report and Order (FCC 03 – 99). Chairman Powell, Commissioners Abernathy, Martin, and Adelstein with Commissioner Copps concurring in part with Chairman Powell and Commissioners Copps and Martin issuing separate statements.

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