



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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).

FOR IMMEDIATE RELEASE:
March 20, 2008

NEWS MEDIA CONTACT:
Chelsea Fallon (202) 418-7991

FCC ADVANCES RULES FOR BROADBAND RADIO SERVICE (BRS) AND EDUCATIONAL BROADBAND SERVICE (EBS) IN THE 2496-2690 MHz BAND

Washington, D.C. – In an Order, Further Notice, and Declaratory Ruling released today, the Federal Communications Commission (FCC) continued to advance its rules and policies governing the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) spectrum in the 2496-2690 MHz band. The actions taken in today's item continue the Commission's efforts to facilitate the use of the BRS/EBS spectrum band for new and innovative wireless broadband services.

The item specifically sets forth auction rules for unassigned BRS spectrum, seeks comment on ways to license EBS spectrum in the future, and establishes a BRS service area for the Gulf of Mexico. The item also modifies certain technical rules and clarifies the "splitting-the-football" process for dividing overlapping protected service areas with expired licenses.

While the FCC auctioned the "white spaces" within the BRS spectrum in 1996, there are currently over 70 BRS Basic Trading Areas (BTAs) that are unassigned and available for auction. The FCC also determined that it will auction this spectrum in the future using the standard auction rules and procedures in Part 1 of the FCC's rules. In addition, entities with attributed average gross revenues not exceeding \$40 million for the preceding three years will qualify as "small businesses" and will be eligible for 15 percent bidding credits. Entities with revenues not exceeding \$15 million for the preceding three years will qualify as "very small businesses" and will be eligible for 25 percent bidding credits. Finally, 35 percent bidding credits will be available for "entrepreneurs" whose attributed average gross revenues for the same period do not exceed \$3 million.

The FCC sought further comment on how to license the available and unassigned "white spaces" in the EBS spectrum band. The FCC noted that public and educational institutions that are eligible to hold EBS licenses may be constrained from participating in competitive bidding. Therefore, today's Order seeks comment on various alternatives for licensing the unassigned EBS spectrum. The Order clarifies that EBS leases executed before January 10, 2005 cannot run into perpetuity and are limited to 15 years.

The FCC also reinstated a Gulf of Mexico service area for the BRS band in light of recent events, including Hurricanes Katrina and Rita, as well as recent oil discoveries in the Gulf of Mexico. The Gulf of Mexico service area will be divided into three zones for licensing purposes, and the boundary will be 12 nautical miles from the shore. BRS licensees in the Gulf of Mexico will be subject to the same service and technical rules that apply to all other BRS licensees. The FCC also sought comment on whether and how to license EBS spectrum in the Gulf of Mexico.

Today's Order generally affirms the technical rules adopted by the FCC in 2004 and modified in 2006, except for minor adjustments to those rules made in response to petitions for reconsideration.

Finally, the Declaratory Ruling in today's item provided a clarification of the "splitting-the-football" methodology that licensees should use to divide overlapping geographic service areas for licenses that expired and are later reinstated. This Ruling responded to filings by several parties seeking clarification of the "splitting-the-football" process and policies.

The transition of the BRS/EBS spectrum band is progressing rapidly and facilitating the use of this spectrum for wireless broadband services. The transition to the new band plan has been completed in more than 200 of the 493 BTAs and is underway in approximately 150 other BTAs. Proponents seeking to transition the remaining BTAs must file an Initiation Plan by January 21, 2009. In cases where a proponent does not come forward to transition a BTA, licensees may self-transition to the new band plan after that date.

Action by the Commission on March 18, 2008, by Third Order on Reconsideration and Sixth Memorandum Opinion and Order and Fourth Memorandum Opinion and Order and Second Further Notice of Proposed Rulemaking and Declaratory Ruling (FCC 08-83). Chairman Martin and Commissioners Copps, Adelstein, Tate and McDowell.

For additional information, contact John Schauble, Wireless Telecommunications Bureau, at (202) 418-0797, or John.Schauble@fcc.gov.

WT Docket Nos. 03-66, 03-67, 02-68.

ET Docket No. 00-258

IB Docket No. 02-364

– FCC –

News and other information about the Federal Communications Commission
are available at www.fcc.gov.