

Federal Communications Commission

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

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands)	WT Docket No. 03-66 RM-10586
)	
Part 1 of the Commission's Rules - Further Competitive Bidding Procedures)	WT Docket No. 03-67
)	
Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico)	WT Docket No. 02-68 RM-9718
)	
Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands)	IB Docket No. 02-364
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems)	ET Docket No. 00-258
)	

ERRATUM

Released: April 14, 2008

By the Acting Chief, Broadband Division, Wireless Telecommunications Bureau:

On March 20, 2008, the Commission released a *Fourth Memorandum Opinion and Order* ("BRS/EBS 4th MO&O & 2nd FNPRM"), FCC 08-83, in the above-captioned proceeding. This Erratum corrects the *BRS/EBS 4th MO&O & 2nd FNPRM* as follows:

1. In Paragraph 41, the date by which self-transitions must be completed is incorrectly calculated as "October 20, 2011." The correct date is October 21, 2010.

2. In Appendix A, the text for rule Section 27.1236(b)(6) has been revised to read as follows:

"Complete the self-transition on or before October 20, 2010."

3. In Paragraph 55, the Commission decided to maintain the existing out-of-band emission limits for user stations. Because of other changes made to the rule, however, the text of the rule adopted by the Commission mistakenly eliminated any out-of-band emission limits for fixed digital user stations. Accordingly, in order to maintain the Commission's intent to maintain the existing limits, rule Section 27.53(m)(2)(v) has been added to read as follows:

“For all fixed digital user stations, the attenuation factor shall be not less than $43 + 10 \log (P)$ dB at the channel edge.”

4. In Paragraph 59, the Commission adopted WCA's proposal to allow a licensee to measure out-of-band emissions from the outermost edges of the combined channels. The rule text adopting that change contains a reference to measuring 3 megahertz from the channel edge which would not always be appropriate. Accordingly, in Appendix A, the text for rule Section 27.53(m) has been revised to read as follows:

“For BRS and EBS stations, the power of any emissions outside the licensee's frequency bands of operation shall be attenuated below the transmitter power (P) measured in watts in accordance with the standards below. If a licensee has multiple contiguous channels, out-of-band emissions shall be measured from the upper and lower edges of the contiguous channels.”

5. In Paragraph 64, the Commission adopted WCA's proposal to establish deadlines for requiring both licensees to adopt a stricter out-of-band emission limit upon filing of a documented interference complaint. The adopted text for rule Section 27.53(m)(2)(iv) does not reflect the Commission's intent to require both licensees to adopt the stricter emission mask. Accordingly, in Appendix A, the text for rule Section 27.53(m)(2)(iv) has been revised to read as follows:

“If a new or modified base station suffers harmful interference from emissions caused by a pre-existing base station located less than 1.5 km away, within 60 days of receipt of a documented interference complaint: (a) the licensee of the new or modified base station must attenuate its OOBE by at least $67 + 10 \log (P) - 20 \log (D \text{ km} / 1.5)$ measured 3 megahertz above or below, from the channel edge of its frequency block of the other licensee, or if the base stations are co-located, limit its undesired signal level at the other base station receiver(s) to no more than -107 dBm measured in a 5.5-megahertz bandwidth; and (b) the licensee causing the interference must attenuate its emissions by at least $67 + 10 \log (P)$ dB measured at 3 megahertz, above or below, from the channel edge of its frequency block of the new or modified base station.”

6. In Paragraph 84, the Commission corrected an error in rule Section 27.55(a)(4)(i). The correction was to change a reference from 47 dB [μ]V/m to 47 dB μ V/m. The same error exists in rule Section 27.55(a)(4)(ii). Accordingly, we correct the seventh sentence in Paragraph 84 to read as follows:

“We also correct an error in Sections 27.55(a)(4)(i) and (ii), which reference 47 dB [μ]V/m.”

7. In Appendix A, the title for Section 27.55 is incorrectly listed as “Signal Strength Limits.” The current title is “Power Strength Limits.” Accordingly, in Appendix A, we replace the text making changes to Section 27.55(a)(4) with the following text:

“6. Amend § 27.55(a)(4) by revising paragraphs (i), (ii), and (iii) to read as follows:

§ 27.55 Power strength limits.

(4) ***

(i) Prior to transition, the signal strength at any point along the licensee's GSA boundary does not exceed the greater of that permitted under the licensee's Commission authorizations as of January 10, 2005 or 47 dB μ V/m.

(ii) Following transition, for stations in the LBS and UBS, the signal strength at any point along the licensee's GSA boundary must not exceed 47 dB μ V/m. This field strength is to be measured at 1.5 meters above the ground over the channel bandwidth (*i.e.*, each 5.5 MHz channel for licensees that hold a full channel block, and for the 5.5 MHz channel for licensees that hold individual channels).

(iii) Following transition, for stations in the MBS, the signal strength at any point along the licensee's GSA boundary must not exceed the greater of $-73.0 + 10 \log(X/6)$ dBW/m², where X is the bandwidth in megahertz of the channel, or for facilities that are substantially similar to the licensee's pre-transition facilities (including modifications that do not alter the fundamental nature or use of the transmissions), the signal strength at such point that resulted from the station's operations immediately prior to the transition, provided that such operations complied with paragraph (a)(4)(i) of this section.

8. In Paragraph 143 and footnote 582, the BRS/EBS substantial service rule is identified as Section 27.14(e). While that reference was correct when the rule was adopted, the rule was subsequently inadvertently deleted in another proceeding. Accordingly, we will add the following footnote in Paragraph 143, fourth sentence after the phrase "Section 27.14(e) of the Commission's Rules (adopted by the Commission in the *BRS/EBS 2nd R&O*)":

We note that subsequent to the adoption of the BRS/EBS substantial service rule, the rule was deleted in another proceeding unrelated to BRS/EBS. *See* Service Rules for the 698-806 MHz Band, Revision of the Commission's Rules Regarding Public Safety Spectrum Requirements, and a Declaratory Ruling on Reporting Requirement under the Commission's Anti-Collusion Rule, 72 Fed. Reg. 48814-01 (Aug. 24, 2007). This deletion was an error. We conclude that the best means of correcting this error is to readopt the original rule, together with the changes we adopt today, as Section 27.14(o) of the Commission's Rules.

9. In Appendix A, we replace the text making changes to Section 27.14(e) with text adding Section 27.14(o) to read as follows:

"4. Amend § 27.14 by adding new paragraph (o) to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

(o) BRS and EBS licensees must make a showing of "substantial service" no later than May 1, 2011. Incumbent BRS licensees must file their "substantial

service” showing with their renewal application. “Substantial service” is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Substantial service for BRS and EBS licensees is satisfied if a licensee meets the requirements of paragraph (o)(1) or (o)(2) of this section. If a licensee has not met the requirements of paragraph (o)(1) or (o)(2) of this section, then demonstration of “substantial service” shall proceed on a case-by-case basis. All substantial service determinations will be made on a license-by-license basis. Except for BTA licenses, BRS licensees must file their “substantial service” showing with their renewal applications. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(1) A BRS or EBS licensee has provided “substantial service” by:

(i) Constructing six permanent links per one million people for licensees providing fixed point-to-point services;

(ii) Providing coverage of at least 30 percent of the population of the licensed area for licensees providing mobile services or fixed point-to-multipoint services;

(iii) Providing service to “rural areas” (a county (or equivalent) with a population density of 100 persons per square mile or less, based upon the most recently available Census data) and areas with limited access to telecommunications services:

(A) for mobile service, where coverage is provided to at least 75% of the geographic area of at least 30% of the rural areas within its service area; or

(B) for fixed service, where the BRS or EBS licensee has constructed at least one end of a permanent link in at least 30% of the rural areas within its licensed area.

(iv) Providing specialized or technologically sophisticated service that does not require a high level of coverage to benefit consumers; or

(v) Providing service to niche markets or areas outside the areas served by other licensees.

(2) An EBS licensee has provided “substantial service” when:

(i) the EBS licensee is using its spectrum (or spectrum to which the EBS licensee’s educational services are shifted) to provide educational services within the EBS licensee’s GSA;

(ii) the EBS licensee’s license is actually being used to serve the educational mission of one or more accredited public or private schools, colleges or universities providing formal educational and cultural development to enrolled students; or

(iii) the level of service provided by the EBS licensee meets or exceeds the minimum usage requirements specified in § 27.1214.

(3) An EBS or BRS licensee may be deemed to provide substantial service through a leasing arrangement if the lessee is providing substantial service under

paragraph (o)(1) of this section. The EBS licensee must also be otherwise in compliance with this Chapter (including the programming requirements in § 27.1203 of this subpart).

(4) If the GSA of a licensee is less than 1924 square miles in size, and there is an overlapping co-channel station licensed or leased by the licensee or its affiliate, substantial service may be demonstrated by meeting the requirements of paragraph (o)(1) or (o)(2) of this section with respect to the combined GSAs of both stations.

(5) If the GSA of a BTA authorization holder, is less than one-half of the area within the BTA for every BRS channel, substantial service may be demonstrated for the licenses in question by meeting the requirements of paragraph (o)(1) or (o)(2) of this section with respect to the combined GSAs of the BTA authorization holder, together with any incumbent authorizations licensed or leased by the licensee or its affiliates.”

10. In Paragraph 215, the room number for Judith Boley Herman is corrected to read as “Room 1-B441.”

FEDERAL COMMUNICATIONS COMMISSION

Blaise Scinto
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