
Federal Communications Commission

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

In the Matter of)
)
Expanding the Economic and Innovation) GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)
Auctions)
)

ERRATUM

Released: June 26, 2014

By the Chief, Wireless Telecommunications Bureau and the Chief, Media Bureau:

On June 2, 2014, the Commission released a *Report and Order (Incentive Auction R&O)*, FCC 14-50, in the above-captioned proceeding. This Erratum amends the *Incentive Auction R&O* as indicated below:

1. In the Table of Contents, for “Section V.C. Transition Procedures...,” replace paragraph number “532” with “539.”
2. In Footnote 8, the first sentence is corrected to read as follows:
“*See, e.g., FCC Announces Panelists for September 30, 2013, Workshop on Issues Surrounding the Reassignment of TV Stations After the Incentive Auction*, GN Docket No. 12-268, Public Notice, 28 FCC Rcd 13805 (2013); *FCC Announces Details for June 25, 2012 TV Broadcaster Relocation Fund Workshop*, GN Docket No. 12-268, News Release, 2012 WL 1965368 (rel. June 1, 2012); *FCC Announces Details for May 22, 2012 Channel Sharing Workshop*, GN Docket No. 12-268, News Release, 2012 WL 1524622 (rel. May 1, 2012).”
3. Footnote 13 is corrected to read as follows:
“*See Spectrum Act § 6403(b)(2)* (requiring “all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69”).”
4. In Footnote 179, add a comma between the last “*See e.g.,*”
5. In Footnote 234, add a comma between the first “*See e.g.,*”
6. In Footnotes 332, 335, 340, and 341, add a comma between “*See e.g.,*”
7. Footnote 346 is corrected to read as follows:
“*See, e.g., Alcatel-Lucent Comments at 13* (“Considering the body loss for both terminals, a new entrant’s terminal transmitting, for example, at 650 MHz at 200 MWatts (23 dBm) can inject -26dBm into a nearby PCS terminal’s receive antenna.”).”
8. Footnote 347 is corrected to read as: “Alcatel-Lucent Comments at 3, 13-14; AT&T Comments at 19, 24-27; CTIA Comments at 26; Ericsson Reply at 31-32; Nokia Comments at 13-14; Verizon Comments at 14.”
9. Footnote 348 is corrected to read as: “Alcatel-Lucent Comments at 17; DISH Reply at 8-9;

Sprint Comments at 25; T-Mobile Reply at 23-26.”

10. Footnote 349 is corrected to read as: “Alcatel-Lucent Comments at 17.”

11. Footnote 918 is corrected to read as follows:

“Concurrent with our release of this Order, we will be releasing an order in the wireless microphones proceeding that provides for limited expansion of Part 74 licensee eligibility for certain unlicensed wireless microphone users. *See Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*, WT Docket No. 08-166, WT Docket No. 08-167, ET Docket No. 10-24, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-50 (adopted May 15, 2014) (*Wireless Microphones Second Report and Order*).”

12. Footnotes 935 and 945 are corrected to read as: “*See generally Wireless Microphones Second Report and Order.*”

13. Footnote 958 is corrected to read as follows:

“We note that in recent years wireless microphone users have been turning increasingly to frequency bands outside of the UHF band to address some types of their needs, including uses on an unlicensed basis in the 902-928 MHz and 2.4 GHz bands.”

14. In Paragraph 325, correct the spacing between the second and third sentence as follows: “...usage rights. The forward auction....”

15. In Footnotes 991 and 998, add a comma between “*See e.g.*”

16. In Paragraph 334, correct the first sentence to read as: “Once the initial spectrum clearing target is determined, establishing the initial target for the first stage of the incentive auction, the reverse auction bidding process will begin.”

17. In Paragraph 335, correct the last sentence to read as: “Details of the operation of any dynamic reserve price would be established in the *Incentive Auction Procedures PN* after an opportunity for comment.”

18. In Footnote 1023, correct the first sentence to read as: “*See FDA v. Brown and Williamson Tobacco Corp.*, 529 U.S. 120, 132–33 (2000).”

19. In Footnote 1038, the fifth sentence is corrected to read as follows:

“*Id.* § 309(j)(2)(C); *see NPR v. FCC*, 254 F.3d 226, 228–29 (D.C. Cir. 2001) (“[T]he [Communications] Act unambiguously forbids the Commission from requiring NCEs to participate in auctions to obtain licenses for any channel, reserved or unreserved.”).”

20. In Footnote 1057, correct the second sentence to read as follows:

“To maintain consistency with our repacking approach, we will recognize for relinquishment, even if they are not licensed by the Pre-Auction Licensing Deadline, the facilities authorized in a construction permit to modify the existing licenses of stations affected by the destruction of the World Trade Center that seek to relocate to the new 1 World Trade Center site if they elect to have such facility protected in the repacking process and a construction permit for a new full power station on channel 3 at Middletown Township, New Jersey that was allotted pursuant to a court order.”

21. Footnote 1276 is corrected to read as: “*See, e.g., Implementation of Section 309(j) of the Communications Act — Competitive Bidding*, PP Docket No. 93-253, Fifth Memorandum Opinion and Order, 10 FCC Rcd 403, 453–54, para. 90 (1994).”

22. In Footnote 1308, add a comma between “*See e.g.*”

23. In Paragraph 463, correct the third sentence to read as: “We also could adopt a dynamic version of reserve prices, a variation on reserve prices that would set dynamic maximum prices based on bidding in the auction” and correct the last sentence to read as follows:

“In particular, using dynamic reserve prices could address the risk that setting the opening prices too high will prevent the auction from repurposing spectrum by establishing a mechanism that will allow price offers to be reduced in non-competitive areas based on bids in other areas.”

24. In Footnote 1358, add a comma between “*See e.g.*”

25. In Footnote 1368, correct the second sentence to read as: “*See also H Block Report and Order*, 28 FCC Rcd at 9580–81, para. 260; *AWS-3 Report and Order* at 70, para. 187.”

26. In Paragraph 482, correct the first sentence to read as follows:

“At this time, we decline to grant the proposals by MMTC, Council Tree, and Grain Management to act in this proceeding to modify or eliminate the attributable material relationship (“AMR”) rule, in this Order.”

27. In Footnote 1517, add a comma between the first “*See e.g.*”

28. Footnote 1722 is corrected to read as follows:

“If an entity that did not file an estimated cost form becomes aware of an expense eligible for reimbursement after the three-month deadline, it may file a late estimated cost form together with an explanation of why the form could not be timely filed. The Media Bureau [delete “Commission”] will consider any late-filed forms on a case-by-case basis.”

29. The heading for “**Section V.D.4**” is corrected to read as: “**Low Power Auxiliary Stations and Unlicensed Wireless Microphones.**”

APPENDIX A of the *Incentive Auction R&O* is amended by this Erratum, as indicated below:

30. Paragraph 23 is corrected to read as follows:

“Section 27.6 is amended by adding paragraph (l) to read as follows:

§ 27.6 Service areas.

* * * * *

(l) 600 MHz band. Service areas for the 600 MHz band are based on Partial Economic Areas (PEAs), to be defined by a subsequent public notice. The service areas of PEAs that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline. The service area of the Gulf of Mexico PEA that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf. Maps of the PEAs and the Federal Register notice that established the 416 PEAs are available for public inspection and copying at the Reference Center, Room CY A-257, 445 12th St., SW., Washington, DC 20554. These maps and data are also available on the FCC Web site at:

<http://www.fcc.gov/oet/info/maps/areas/>.

Note to paragraph (l): The specific title, reference number, and date of the public notice will be determined in light of further proceedings pursuant to Docket No. 12-268 and the rule will be updated accordingly.”

31. Paragraph 26 is corrected to read as follows:

“Section 27.14 is amended by revising the first sentence of paragraphs (a), (f), (k) and adding paragraph (t) to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

(a) AWS and WCS licensees, with the exception of WCS licensees holding authorizations for the 600 MHz band, Block A in the 698-704 MHz and 728-734 MHz bands, Block B in the 704-710 MHz and 734-740 MHz bands, Block E in the 722-728 MHz band, Block C, C1 or C2 in the 746-757 MHz and 776-787 MHz bands, Block A in the 2305-2310 MHz and 2350-2355 MHz bands, Block B in the 2310-2315 MHz and 2355-2360 MHz bands, Block C in the 2315-2320 MHz band, and Block D in the 2345-2350 MHz band, and with the exception of licensees holding AWS authorizations in the 1915-1920 MHz and 1995-2000 MHz bands, the 2000-2020 MHz and 2180-2200 MHz bands, or 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz bands, must, as a performance requirement, make a showing of “substantial service” in their license area within the prescribed license term set forth in § 27.13. * * *

* * * * *

(f) Comparative renewal proceedings do not apply to WCS licensees holding authorizations for the 600 MHz band, 698-746 MHz, 747-762 MHz, and 777-792 MHz bands or licensees holding AWS authorizations for the 1915-1920 MHz and 1995-2000 MHz bands or the 2000-2020 MHz and 2180-2200 MHz bands, or the 1695-1710 MHz, or the 1755-1780 MHz and 2155-2180 MHz bands. * * *

* * * * *

(k) Licensees holding WCS or AWS authorizations in the spectrum blocks enumerated in paragraphs (g), (h), (i), (q), (r), (s) and (t) of this section, including any licensee that obtained its

license pursuant to the procedures set forth in paragraph (j) of this section, shall demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the expiration of the applicable benchmark, in accordance with the provisions set forth in § 1.946(d) of this chapter. * * *

* * * * *

(t) The following provisions apply to any licensee holding an authorization in the 600 MHz band:

(1) A licensee shall provide reliable signal coverage and offer service within six (6) years from the date of the initial license to at least forty (40) percent of the population in each of its license areas (“Interim Buildout Requirement”).

(2) A licensee shall provide reliable signal coverage and offer service within twelve (12) years from the date of the initial license to at least seventy-five (75) percent of the population in each of its license areas (“Final Buildout Requirement”).

(3) If a licensee fails to establish that it meets the Interim Buildout Requirement for a particular licensed area, then the Final Buildout Requirement (in this paragraph (t)) and the license term (as set forth in § 27.13(l)) for each license area in which it fails to meet the Interim Buildout Requirement shall be accelerated by two (2) years (from twelve (12) to ten (10) years).

(4) If a licensee fails to establish that it meets the Final Buildout Requirement for a particular license area, its authorization for each license area in which it fails to meet the Final Buildout Requirement shall terminate automatically without Commission action, and the licensee will be ineligible to regain it if the Commission makes the license available at a later date.

(5) To demonstrate compliance with these performance requirements, licensees shall use the most recently available decennial U.S. Census Data at the time of measurement and shall base their measurements of population served on areas no larger than the Census Tract level. The population within a specific Census Tract (or other acceptable identifier) will be deemed served by the licensee only if it provides reliable signal coverage to and offers service within the specific Census Tract (or other acceptable identifier). To the extent the Census Tract (or other acceptable

identifier) extends beyond the boundaries of a license area, a licensee with authorizations for such areas may include only the population within the Census Tract (or other acceptable identifier) towards meeting the performance requirement of a single, individual license. For the Gulf of Mexico license area, the licensee shall demonstrate compliance with these performance requirements, using off-shore platforms, including production, manifold, compression, pumping and valving platforms as a proxy for population in the Gulf of Mexico.

(6) An applicant for renewal of a license covered by this paragraph (t) must make a renewal showing, independent of its performance requirements, as a condition of each renewal. The showing must include a detailed description of the applicant's provision of service during the entire license period and address:

- (i) The level and quality of service provided by the applicant (including the population served, the area served, the number of subscribers, the services offered);
- (ii) The date service commenced, whether service was ever interrupted, and the duration of any interruption or outage;
- (iii) The extent to which service is provided to rural areas;
- (iv) The extent to which service is provided to qualifying tribal land as defined in § 1.2110(f)(3)(i) of this chapter; and
- (v) Any other factors associated with the level of service to the public.”

32. Paragraph 32 is corrected to read as follows:

“Section 27.55 is amended by revising paragraph (a)(2) to read as follows:

§ 27.55 Power strength limits.

(a) * * *

(2) 600 MHz, 698–758, and 775–787 MHz bands: 40 dBμV/m.

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33. Paragraph 34 is corrected to read as follows:

“Section 27.75 is amended by revising paragraph (a)(2) to read as follows:

§ 27.75 Basic interoperability requirement.

Federal Communications Commission

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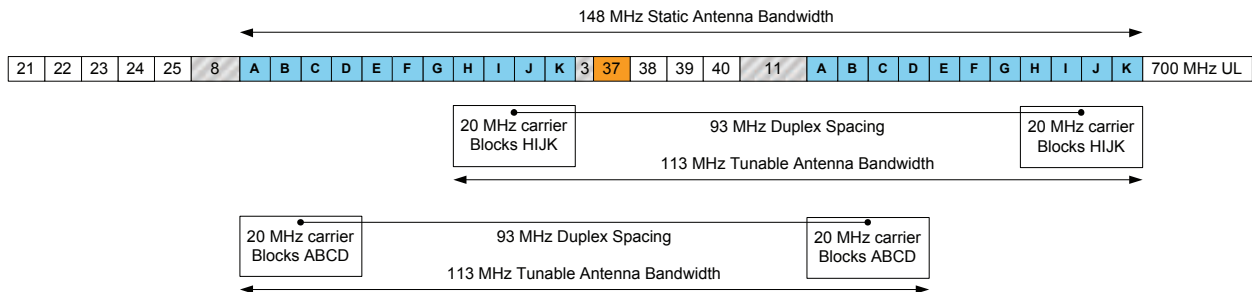
(a) * * *

(2) Mobile and portable stations that operate on any portion of frequencies in the 600 MHz band must be capable of operating on all frequencies in the 600 MHz band using the same air interfaces that the equipment utilizes on any frequencies in the 600 MHz band.

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This Erratum also amends **APPENDIX C** as indicated below:

34. In Paragraph 25, correct “Figure 3” to read as follows:



FEDERAL COMMUNICATIONS COMMISSION

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