**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter of  Amendment of Part 90 of the Commission’s Rules | **)**  **)**  **)**  **)** | WP Docket No. 07-100 |

erratum

**Released: February 22, 2023**

By the Managing Director and the Acting Chief, Wireless Telecommunications Bureau:

On January 18, 2023, the Commission released a Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking (*Seventh R&O and Ninth FNPRM*), FCC 23-3, in the above-captioned proceeding. To conform to the publishing conventions of the National Archives and Records Administration’s Office of the Federal Register, this Erratumreplaces **Appendix B** of the *Seventh R&O and Ninth FNPRM* with a new **Appendix B**. The new **Appendix B**, attached to this Erratum, contains non-substantive modifications to the instructional and introductory language for certain sections. It also contains modifications to the codified text, including the following:

1. Removing but not reserving paragraph (j)(22) of section 90.175.
2. Removing the revisions to section 90.1211, which would have had no effect given the reservation of paragraph (a).
3. Rephrasing the compliance date requirements for sections 90.175(g)(3) and 90.1207(g).

FEDERAL COMMUNICATIONS COMMISSION

Mark Stephens

Managing Director

and

Joel Taubenblatt

Acting Chief, Wireless Telecommunications Bureau

**Appendix B**

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 90 as follows:

**PART 90 – PRIVATE LAND MOBILE RADIO SERVICES**

1. The authority citation for Part 90 continues to read as follows:

**Authority:** 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401-1473.

1. Amend § 90.155 by revising paragraph (a) to read as follows:

**§ 90.155 Time in which station must be placed in operation.**

(a) All stations authorized under this part, except as provided in §§ 90.528, 90.529, 90.629, 90.631(f), 90.665, and 90.685 must be placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission.

\* \* \* \* \*

1. Amend § 90.175 by revising paragraph (g) and removing paragraph (j)(22).

The revision reads as follows:

**§ 90.175 Frequency coordinator requirements.**

\* \* \* \* \*

(g) *For frequencies between 1427-1432 MHz and 4940-4990 MHz:* A statement is required as follows.

(1) *For frequencies between 1427-1432 MHz*: A statement is required from the coordinator recommending the most appropriate frequency, operating power and area of operation in accordance with the requirements of § 90.259(b).

(2) *For frequencies between 4940-4990 MHz*: A statement is required from the nationwide band manager recommending the most appropriate channel(s), bandwidth, operating power, and any other technical parameter which promotes robust and efficient use of the band while minimizing interference based on the standard for harmful interference specified in § 90.1211(a).

(3) *Compliance date.* Paragraph (g)(2) of this section may contain information collection and/or recordkeeping requirements. Compliance with paragraph (g)(2) will not be required until this paragraph (g)(3) is removed or contains a compliance date, which will not occur until the date specified in a final rule published by the FCC announcing that the Office of Management and Budget has completed review of any information collection requirements associated with paragraph (g)(2) of this section or that they have determined such review is not required, which date shall be no earlier than [INSERT date 1 YEAR after DATE OF PUBLICATION IN THE FEDERAL REGISTER].

\* \* \* \* \*

1. Amend § 90.1207 by revising paragraph (d) and adding paragraphs (e), (f), and (g) to read as follows:

**§ 90.1207 Licensing.**

\* \* \* \* \*

(d) Permanent fixed point-to-point and point-to-multipoint stations in the 4940-4990 MHz band must be licensed individually on a site-by-site basis. Such fixed stations are accorded primary status. Permanent fixed point-to-point and point-to-multipoint stations must use directional antennas with gains greater than 9 dBi.

(e) Applications for license in the 4940-4990 MHz band must include the following technical information.

(1) The license for base/mobile, mobile-only or temporary fixed (1 year or less) stations will specify, among other parameters, the following technical information:

(i) Coordinates (base).

(ii) Antenna height-to-tip (base and temporary fixed).

(iii) Antenna height above average terrain (base).

(iv) Center frequency, emission designator, and ERP.

(v) Number of units (mobile and temporary fixed).

(vi) Area of operation (mobile and temporary fixed), which shall be limited to the geographic area encompassing the legal jurisdiction of the licensee or, in case of a nongovernmental organization, the legal jurisdiction of the state or local governmental entity supporting the nongovernmental organization. However, applicants may define their areas of operation outside of their areas of legal jurisdiction to assist public safety operations with the permission of the jurisdiction(s) in which the mobile and/or temporary fixed stations are to be operated.

(2) The license for permanent fixed point-to-point, point-to-multipoint and fixed receiver stations must include, among other parameters, the following technical information:

(i) Transmitting station coordinates.

(ii) Frequencies and polarizations.

(iii) For the transmitting equipment, the tolerance, effective isotropic radiated power, emission designator, and type of modulation (digital).

(iv) For the transmitting antenna(s), the model, gain, antenna center line height(s) above ground level and ground elevation above mean sea level.

(v) Receiving station coordinates.

(vi) For the receiving antenna(s), the model, gain, antenna center line height(s) above ground level and ground elevation above mean sea level.

(vii) Path azimuth and distance.

(f) Licensees holding active authorizations for the 4940-4990 MHz band on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] shall file the complete site-by-site information described in paragraph (e) of this section for their existing radio systems in the Commission’s Universal Licensing System by the compliance date specified in paragraph (g) of this section.

(g) Paragraphs (e) and (f) of this section may contain information collection and/or recordkeeping requirements. Compliance with paragraphs (e) and (f) will not be required until this paragraph (g) is removed or contains a compliance date, which will not occur until the date specified in a final rule published by the FCC announcing that the Office of Management and Budget has completed review of any information collection requirements associated with paragraphs (e) and (f) of this section or that they have determined such review is not required, which date shall be no earlier than [INSERT DATE 1 YEAR AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.*

1. Amend § 90.1209 by revising paragraph (d) to read as follows:

**§ 90.1209 Policies governing the use of the 4940-4990 MHz band.**

\* \* \* \* \*

(d) Stations must be placed into operation within twelve (12) months from the date of grant in accordance with § 90.155. Licensees of temporary fixed stations must place at least one such station in operation within twelve months of license grant.

1. Amend § 90.1213 by revising paragraphs (a) introductory text and (b) to read as follows:

**§ 90.1213 Band plan.**

(a) The following table lists center frequencies for channels in the 4940-4990 MHz band. Channel numbers 1 through 5 and 14 through 18 are 1 MHz bandwidth channels, and channel numbers 6 through 13 are 5 MHz bandwidth channels.

\* \* \* \* \*

(b) The channels listed in the table in paragraph (a) of this section may be aggregated in any manner up to 50 MHz for wider bandwidth operation. Nonetheless, applicants should request no more bandwidth than necessary for a particular use.

1. Amend § 90.1215 by revising the introductory text and paragraph (a)(1) and adding paragraph (f) to read as follows:

**§ 90.1215 Power limits.**

Except as provided in paragraph (f) of this section, the transmitting power of stations operating in the 4940-4990 MHz band must not exceed the maximum limits in this section.

(a)(1) For base, mobile, and temporary fixed operations, the maximum conducted output power must not exceed:

**Table 1 to Paragraph (a)(1)**

|  |  |  |
| --- | --- | --- |
| **Channel bandwidth (MHz)** | **Low power maximum conducted output power (dBm)** | **High power maximum conducted output power (dBm)** |
| 1 | 7 | 20 |
| 5 | 14 | 27 |
| 10 | 17 | 30 |
| 15 | 18.8 | 31.8 |
| 20 | 20 | 33 |
| 30 | 21.8 | 34.8 |
| 40 | 23 | 36 |
| 50 | 24 | 37 |

\* \* \* \* \*

(f) The transmitting power of permanent fixed point-to-point and point-to-multipoint stations operating in the 4940-4990 MHz band must not exceed the maximum limits in this paragraph (f). Moreover, applicants should request no more power than necessary for a particular use.

(1) The maximum equivalent isotropically radiated power (EIRP), as referenced to an isotropic radiator, must not exceed 55 dBW (85 dBm).

(2) For path lengths shorter than 17 kilometers, the EIRP shall not exceed the value derived from the following equation: New EIRP limit = 55 dBW - 40\*log(17/B) dBW, where B = the actual path length in kilometers.

1. Add § 90.1217 to subpart Y to read as follows:

**§ 90.1217 4.9 GHz Band Manager.**

The 4.9 GHz Band Manager will have the following three primary responsibilities:

(a) Frequency coordination for public safety applications;

(b) Incentivizing the use of the latest commercially available technologies, including 5G; and

(c) Facilitating non-public safety use of the 4.9 GHz band.