



are permitted.<sup>6</sup>

3. In the *Second Report and Order*, we concluded that secondary WMTS operations should not currently be authorized.<sup>7</sup> We noted that the Commission created WMTS in order to make available spectrum where medical telemetry services could operate free from harmful interference, and expressed concern that the authorization of secondary WMTS operations could subject such operations to the same interference issues that the WMTS allocation was intended to address.<sup>8</sup> Because the record suggested that WMTS devices can operate safely on a secondary basis under certain conditions, however, we sought comment in the *Second Further Notice of Proposed Rule Making* on whether secondary WMTS operations should be sanctioned upon the adoption of adequate safeguards.<sup>9</sup>

4. We take this opportunity to further clarify that our decision in the *Second Report and Order* not to permit additional secondary WMTS operations<sup>10</sup> at this time was not based on a conclusion that operation of medical devices on a secondary basis is *per se* contrary to the public interest. Rather, we concluded only that appropriate and effective measures must be taken to detect and avoid harmful interference, and that the existing record did not provide a sufficient basis to determine that such measures could be developed. This decision pertained only to WMTS, taking into account the unique technical characteristics of the service, the current lack of safeguards in our rules to promote safe secondary operations, and the operations with which WMTS shares spectrum. Further, as noted above, the issue of whether to amend the rules to authorize secondary operations under appropriate conditions remains pending in this proceeding.

5. In addition, the *Second Report and Order* amended Section 90.175(j) of the Commission's Rules<sup>11</sup> to remove the frequency coordination requirement for applications to modify existing licenses by reducing the authorized bandwidth.<sup>12</sup> We found no need for a Part 90 frequency coordinator to review such proposals in advance, because a simple reduction in authorized bandwidth cannot adversely impact co-channel or adjacent channel licensees.<sup>13</sup> It may, however, increase the amount of power within a certain bandwidth. Consequently, we take this opportunity to remind licensees that the coordination and

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<sup>6</sup> See Amendment of Part 90 of the Commission's Rules, *Notice of Proposed Rulemaking and Order*, WP Docket No. 07-100, 22 FCC Rcd 9595, 9608 ¶ 29 (2007).

<sup>7</sup> See *Second Report and Order*, 25 FCC Rcd at 2491 ¶ 29.

<sup>8</sup> *Id.*

<sup>9</sup> See *Second Further Notice*, 25 FCC Rcd at 2492-93 ¶ 32.

<sup>10</sup> WMTS devices already registered to operate on secondary frequencies were grandfathered, and may continue operating. See *Second Report and Order*, 25 FCC Rcd at 2491 ¶ 29.

<sup>11</sup> 47 C.F.R. § 90.175(j).

<sup>12</sup> See *Second Report and Order*, 25 FCC Rcd at 2482 ¶ 7.

<sup>13</sup> *Id.* at 2481-82 ¶ 7.

consent requirements set forth in Section 1.924 of our Rules regarding proposed new or modified operations in quiet zones continue to apply to such applications.<sup>14</sup>

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>14</sup> 47 C.F.R. § 90.175(j). A quiet zone is a specified area where it is necessary to restrict radiation so as to minimize possible impact on the operations of radio astronomy or other facilities that are highly sensitive to interference.