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Washington DC, 20554

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DA 18-414

Small Entity Compliance Guide

**Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service,
Including Changes in Licensing of Unserved Area, et al.**

FCC 17-27

WT Docket Nos. 12-40, 10-112 and 16-138

RM Nos. 11510 and 11660

Released March 24, 2017

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking docket(s). This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In the *Second Report and Order* in WT Docket No. 12-40 and the companion *Report and Order* in WT Docket No. 10-112, released as a single document on March 24, 2017 (*Second R&O*), the Commission adopted revised rules and also eliminated certain rules applicable to the 800 MHz Cellular Service. The Commission most notably revised the outdated Cellular power rules that were adopted when commercial mobile service was provided using narrowband technologies. The Commission took into account the availability of advanced mobile broadband technologies such as long term evolution (LTE) by adopting power rules based on power spectral density (PSD) metrics that parallel those that apply in other spectrum bands used to provide mobile broadband service. Because the Cellular Service shares the 800 MHz spectrum with public safety licensees, in revising the Cellular power rules the Commission took steps to address the potential for increased unacceptable interference to public safety and other adjacent-band systems. The adopted reforms also include updates to other technical rules, and modernization of licensing rules to eliminate certain filing requirements and the Part 22 comparative hearing license renewal rules that had applied to the Cellular Service.

The Commission's actions reduce barriers to innovation and investment in new technologies, reduce unnecessary regulatory burdens on licensees, promote greater spectrum efficiency, and facilitate the deployment of ubiquitous broadband connectivity demanded by consumers in the 800 MHz Cellular spectrum. In particular, the conversion of this band to a more flexible regime by revising certain technical and service rules will facilitate the use of Cellular spectrum to provide advanced mobile broadband services such as LTE, and will eliminate unnecessary rules and burdens for Cellular licensees. With the continued skyrocketing demand for mobile broadband, it is imperative that providers be able to use Cellular spectrum in addition to the Broadband Personal Communications Service (PCS), Advanced Wireless Services (AWS), and 700 MHz spectrum bands that are already largely used today to provide LTE and other advanced mobile broadband services.

All of the rule changes adopted in the *Second R&O* provide Cellular licensees with enhanced flexibility to improve their service to consumers. They also advance the Commission's goals of harmonizing the rules across competing commercial wireless services where practicable, and enabling more efficient use of licensee and Commission resources.

II. COMPLIANCE REQUIREMENTS

In the *Second R&O*, the Commission took the following key actions: (1) revised the provisions governing Cellular base station Effective Radiated Power (ERP) limits and related power measurement provisions in Section 22.913 (and added a definition of "PSD" to Section 22.99); (2) retained the existing interference resolution process set forth in Sections 22.970-22.973 and directed Commission staff to convene a public forum to discuss co-existence in the 800 MHz band; (3) revised the rule setting forth the methods of determining a Cellular licensee's service area boundary (SAB) and Cellular Geographic Service Area (CGSA) boundary under Section 22.911 to accommodate PSD systems; (4) exempted Cellular licensees from the existing site-based rule concerning permanent discontinuance of service (Section 22.317), and adopted in its place a more flexible, geographic-based rule for Cellular licensees (Section 22.947); (5) eliminated the requirement under Section 22.953(c) to file certain minor modification applications; (6) eliminated the Part 22 license renewal rules applicable to the Cellular Service; and (7) updated certain other technical rules (Sections 22.169, 22.907, and 22.917).

A. Revised Power and Power Measurement Rules (47 CFR § 22.913; 47 CFR § 22.99)

To facilitate broadband deployment, the Commission established PSD limits as an option for the Cellular Service, with two “safeguards” that apply if the Cellular licensee operates at PSD limits that exceed a certain threshold (Higher PSD Limits): a power flux density (PFD) limit, which is in effect until May 12, 2024; and an advance notification requirement. As already permitted in the existing rule for non-PSD operations, the revised rule permits a doubling of power for PSD operations in rural counties, defined as counties with population densities of 100 persons or fewer per square mile based on the most recently available population statistics from the Bureau of the Census, so long as the system is operating more than 72 kilometers (45 miles) from international borders. The Commission also made other revisions to Section 22.913, but retained the existing non-PSD power limits. The Commission added a definition of “PSD” to Section 22.99.

Pursuant to revised Section 22.913 of the rules:

PSD Limits. (47 CFR §§ 22.913(a)(1)(ii), (a)(2)(ii), (a)(3), (a)(4)) (*see also* the sections below concerning §§ 22.913(b) and (c))

- The PSD limits for the Cellular Service are as follows:
 - (1) 400 watts/MHz ERP in non-rural areas (Section 22.913(a)(1)(ii)), and 800 watts/MHz in rural areas (Section 22.913(a)(2)(ii)).
 - The two safeguards – the PFD limit and advance notification requirement – do not apply at these limits.
 - (2) Higher PSD Limits – up to 1000 watts/MHz ERP in non-rural areas (Section 22.913(a)(3)), and up to 2000 watts/MHz ERP in rural areas (Section 22.913(a)(4)).
 - At these Higher PSD Limits, the two “safeguards” apply, as described further below.
- PSD limits are to be applied per sector, rather than per transmitter.

Advance Notification Requirement at the Higher PSD Limits. (47 CFR § 22.913(c))

- This safeguard requires that every Cellular licensee preparing to activate a cell site at the Higher PSD Limits must provide a minimum of 30 days (but not more than 90 days) written advance notice to any public safety licensee then authorized in the frequency range 806-816 MHz/851-861 MHz with a base station located within a radius of 113 km of the Cellular base station to be deployed.
 - The written notice shall include the location, ERP PSD level, height of the transmitting antenna’s center of radiation above ground level, and the timeframe for activation of the cell site, as well as the Cellular licensee’s contact information,

with additional parameters to be provided upon request by a public safety licensee within the 113 km radius.

- Notification is for informational purposes only.
 - The notified public safety licensee(s) will not have the right to oppose the planned Cellular operations, but could analyze the cell site's potential for interference and suggest changes before the cell is activated.
- Cellular licensees have discretion to make changes, but remain obligated to address complaints of interference in compliance with the applicable resolution procedures in Sections 22.970-22.973 of the Commission's rules (discussed further below).
- The advance notification is required only one time. For example, if the Cellular licensee prepares to operate a cell site at a PSD level of 425 W/MHz, it will be required to provide the requisite written notice at least 30 days (but not more than 90 days) in advance of that cell site's deployment. Thereafter, if the same Cellular licensee increases the ERP PSD level at that same cell site (e.g., from 425 W/MHz to 550 W/MHz), it will not be required to provide additional notice under Section 22.913.
- All Cellular licensees continue to be subject to the field strength limit rule adopted in the *Report and Order* released on November 10, 2014 in the Cellular Reform proceeding (FCC 14-181). Therefore regardless of the location, power level, or height of the Cellular base stations, the signal level at the neighboring licensee's CGSA boundary may not exceed 40 dB μ V/m, with certain exceptions, *see* 47 CFR § 22.983 (including a special provision for the Gulf of Mexico service area and also permitting licensees to negotiate a different limit that is mutually acceptable).

Power Flux Density (PFD) Limit at Higher PSD Limits. (47 CFR §22.913(b))

- This safeguard specifies that Cellular licensees operating at the Higher PSD Limits are subject to a PFD limit for Cellular base transmitters and repeaters for a transition period that will end on May 12, 2024 (PFD Sunset Date).
 - The Commission explained in the *Second R&O* that, for purposes of this proceeding, PFD is the amount of radio frequency energy that would be present over a given unit of area (e.g., 100 microwatts per square meter), and therefore, PFD can be used to describe the strength of signals at ground level in a given location.
- A modeled PFD limit of 3000 μ W/m²/MHz – at 1.6 meters above ground level, which represents the average height above ground of a public safety receiver being used by a person – must be observed over at least 98 percent of the area within 1 km of each base station antenna.

- The PFD limit must be modeled using good engineering practices accounting for terrain and local conditions – at the time of initial deployment at the Higher PSD Limits and for any site modifications thereafter that may increase the PFD levels around the site.
- Cellular licensees must perform predictive modeling of the PFD values around each site prior to operating their systems at the Higher PSD Limits or, thereafter, prior to changing the parameters of these sites such that it could increase the PFD levels.
- The propagation model must confirm that each applicable base station meets the PFD limit over 98 percent of the area within a 1 km radius of the base station antennas, at 1.6 meters above ground. If the predictive model does not confirm compliance with these requirements, the licensee will need to adjust base-station parameters, such as the height of the antenna, beam tilt, power, or other parameters, until confirmation of the requirements is achieved before deployment, thereby reducing the amount of signal energy on the ground around the site. The purpose of the modeling requirement is to ensure that the Cellular licensee will consider the impact on the ground of “hot spots” when deploying at the Higher PSD Limits and will use engineering techniques to minimize those “hot spots.”
- While licensees must use modeling tools (software) that take into account terrain and local conditions, the model need not consider areas indoors or in buildings because this could vary widely depending on building materials.

Retention of Existing Non-PSD ERP Limits. (47 CFR §§ 22.913(a)(1)(i) and (a)(2)(i))

- The existing non-PSD ERP limits set forth in Section 22.913 – 500 watts in non-rural areas, and 1000 watts in rural areas – were retained without change as an option for Cellular licensees that either cannot or choose not to operate their systems using a PSD model.
- The non-PSD ERP limits apply per emission.

Retention of Existing Limit for Mobile and Auxiliary Test Transmitters. (47 CFR § 22.913(a)(5))

- The existing limit of 7 W ERP for mobile transmitters and auxiliary test transmitters contained in Section 22.913(a)(2) was retained, but was moved to a new subsection of the rule – Section 22.913(a)(5).

Power Measurement: Peak vs. Average/Peak-to-Average Ratio. (47 CFR § 22.913(d))

- Measurement of the ERP of Cellular base transmitters and repeaters must be made using an average power measurement technique.
- The peak-to-average ratio of the transmission must not exceed 13 dB.
- Power measurements for base transmitters and repeaters must be made in accordance with either of the following:
 - A Commission-approved average power technique (*see* FCC Laboratory’s Knowledge Database (KDB) (available at www.fcc.gov/labhelp)); or

- Peak transmit power. For purposes of this section, peak transmit power must be measured over an interval of continuous transmission using instrumentation calibrated in terms of an rms-equivalent voltage. The measurement results must be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, sensitivity, *etc.*, so as to obtain a true peak measurement for the emission in question over the full bandwidth of the channel.
- Licensees should consult the FCC Laboratory’s KDB regularly for the latest recommended Commission-approved measurement procedures and techniques.

Height-Power Limit and Exemptions. (47 CFR § 22.913(e) and (f))

- The existing height-power limit was retained, but only for licensees that do not use PSD.
- The existing “coordination exemption” was retained, but another exemption was added for licensees operating their systems using PSD.
- Hence, under the revised provisions, licensees are not required to comply with the height-power limits in Section 22.913(e) if either of the following conditions is met:
 - The proposed operation is coordinated with the licensees of all affected Cellular systems on the same channel block within 121 kilometers (75 miles) and concurrence is obtained; or
 - The licensee's base transmitter or repeater is operated using PSD (i.e., at the PSD ERP limits (watts/MHz) specified in Section 22.913(a)(1)(ii), (a)(2)(ii), (a)(3), or (a)(4)).

Definition of PSD. (47 CFR § 22.99)

- In conjunction with adding PSD limits (as described above regarding Section 22.913), the Commission added the definition of PSD to the Part 22 definitions in the Commission’s rules, explaining that “PSD” describes the amount of effective radiated power (ERP) that would be allowed per unit of bandwidth from a base station antenna (e.g., 100 watts/MHz), such that wider bandwidth emissions would be permitted more power commensurate with their bandwidth.

B. Interference Resolution Process (47 CFR §§ 22.970-22.973); Public Forum to Facilitate Multi-stakeholder Co-existence

Retention of Part 22 Interference Resolution Rules. (47 CFR §§ 22.970-22.973)

The Commission retained Sections 22.970-22.973 without change.

- The Commission will continue to rely on Sections 22.970-22.973 of the Commission’s rules, which place strict responsibility for remedying unacceptable interference on the licensee(s) causing the interference to public safety communications, serving as a “backstop” to help ensure first responders’ critical communications are not impeded.

- The obligations of the existing Sections 22.970-22.973 will continue to apply notwithstanding the new safeguard requirements set forth in revised Section 22.913, including, when applicable, the advance notification requirement and the PFD limit.

Public Forum to Facilitate Multi-stakeholder Co-existence.

- The Commission directed the Wireless Telecommunications Bureau, together with the Public Safety and Homeland Security Bureau and the Office of Engineering and Technology (collectively, Bureaus), to convene a public forum no later than one year following release of the *Second R&O* to facilitate a dialog among three stakeholder groups – Cellular carriers, public safety entities, and manufacturers of public safety equipment – to address the lingering problems of unacceptable interference to public safety receivers without hindering spectral efficiency and technological advances in the Cellular Service.
- The public forum was convened by the Bureaus on November 6, 2017, and participants included representatives of large and small Cellular carriers, public safety entities, and manufacturers of public safety equipment.
- The Commission directed the Bureaus to seek an update on co-existence progress from all three stakeholder groups no later than four years from the release of the *Second R&O*, and encouraged all stakeholders to share their experiences on spectrum sharing in the band throughout the PFD transition period (i.e., until the PFD Sunset Date of May 12, 2024).
- The Commission directed the Wireless Telecommunications Bureau to select the most appropriate mechanism by which stakeholders may file such comments and progress reports, and to issue a Public Notice announcing the mechanism.

C. Revised Methodology to Calculate SABs and CGSAs; Deletion of Outdated References (47 CFR § 22.911)

Section 22.911 sets forth the methodology for determining the SAB of cell sites and the protected licensed area (CGSA).

- For Cellular licensees that do not elect to use the PSD model, the existing formula in Section 22.911(a) was retained, as was the existing alternative methodology set forth in Section 22.911(b).
 - The Commission clarified that Sections 22.911(a) and 22.911(b) apply solely to Cellular non-PSD operations.
- For Cellular base stations that operate using PSD, a new Section 22.911(c) was adopted:
 - For the purposes of calculating SABs and determining CGSA boundaries when operating with PSD, a predictive propagation model that takes into account terrain and other local conditions, based on the 32 dBμV/m contour, is required.
 - The SAB and CGSA boundary must be defined in terms of distances from the cell site(s) to the 32 dBμV/m contour along the eight cardinal radials, consistent with SAB calculations under the existing rule. The distances used for the cardinal radials must be representative of the coverage within the 45° sectors.

- If the methodology prescribed in Section 22.911(c) yields an SAB extension comprising at least 50 contiguous square miles, regardless of whether the CGSA departs ± 20 percent in the service area of any cell site, the Cellular licensee is required to file an application for major modification of the CGSA using FCC Form 601.
- If the calculation under Section 22.911(a), (b), or (c) (as applicable) results in an SAB extension comprising less than 50 contiguous square miles, the licensee may not claim the area as part of its CGSA; it may provide service in the extension area on a secondary basis only. No application should be filed (and the Commission will not process any such application that is filed) in that scenario.
- In paragraph (d), the Commission removed the outdated reference to “capture of subscriber traffic.”
- The Commission deleted paragraph (e); it is unnecessary because “Unserved Area” is a defined term in 47 CFR § 22.99.

D. Permanent Discontinuance of Operations (47 CFR § 22.947)

The Commission revised Section 22.317 so that the site-based permanent discontinuance provisions of that rule no longer apply to the Cellular Service. Instead, a new, modernized rule (Section 22.947) now addresses permanent discontinuance of Cellular Service operations. Under this new rule, consistent with other geographically licensed services, a Cellular licensee’s permanent discontinuance of service at an individual cell site will no longer result in modification of the CGSA to reflect reduced service coverage. In addition:

- Section 22.947 defines permanent discontinuance as 180 consecutive days during which a Cellular licensee does not operate or, in the case of a Cellular CMRS provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier.
- Section 22.947 applies to the entire geographic licensed area – the CGSA, thus enhancing licensees’ flexibility.
 - Under the revised permanent discontinuance rules for Cellular service, the Commission will dismiss as unnecessary a site-based cancellation notification, i.e., a filing concerning permanent discontinuance of any individual cell site(s).
- Cellular licensees are required to notify the Commission of the permanent discontinuance within 10 days of the expiration of the 180-day period by filing FCC Form 601.
 - Whether or not the licensee files the proper notification form, the license for a Cellular system that has permanently discontinued service will be terminated automatically, and the area will revert back to the Commission for relicensing.
- Commencing on the day following public notice of cancellation of the Cellular license, the Unserved Area will be available to applicants seeking to establish a new Cellular system or expand an existing CGSA by at least 50 contiguous square miles.

- Applicants should consult the CGSA map-file database before filing, to verify that the area is no longer attributed to the cancelled license. Any discrepancies should be reported to Bureau staff, who use the CGSA map files to determine the official boundary of a proposed CGSA when reviewing a Cellular Service application.
- The 180-day discontinuance period applies to new Cellular systems (other than the Chambers License system) only after the initial construction period has ended – including extensions, if any – following grant of the new-system application. This approach is reflected in Section 22.947 and will ensure that licensees of new systems will not be penalized in the event they complete construction and commence operations prior to expiration of their build-out period.
- For the Chambers License, the 180-day period for purposes of determining permanent discontinuance will commence immediately after the interim construction deadline set forth in Section 22.960(b)(1).
- If a Cellular licensee permanently discontinues service but has a still-pending application to expand that particular CGSA, the application will be dismissed if not withdrawn.
- Section 22.947 will be in effect until the effective date of a new Part 1 rule (47 CFR § 1.953) adopted by the Commission in its Wireless Radio Services (WRS) proceeding, which establishes (among other rules) discontinuance of service or operations requirements applicable not only to Cellular licensees but also various other WRS licensees.¹ Section 1.953, once it takes effect, will not change the obligations established under Section 22.947 for Cellular licensees; rather, the Part 1 rule is designed to simplify the Commission's regulations by consolidating under one rule all the same sets of obligations that are repeated in existing multiple rule Sections on a service-by-service basis.

E. Filings for Certain Minor Modifications (47 CFR § 22.953(c))

- Section 22.953(c) was revised to eliminate the site-based provision requiring filings for non-permanent-discontinuance changes to operational cell sites.
- Consistent with other geographically licensed commercial wireless services, following minor system changes, the CGSA boundary will remain fixed, except that Cellular licensees may continue to expand their CGSAs under Section 22.949.
- Under the revised Section 22.953(c) the Commission will dismiss, as an unnecessary filing, a notification of a CGSA reduction.

¹ *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, Second Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 10-112, 32 FCC Rcd 8874, 82 Fed. Reg. 41580 (2017) (*WRS Second R&O*).

F. Deletion of Cellular Service Comparative Renewal Rules (47 CFR §§ 22.935, 22.936, 22.939, 22.940, and 22.943)

The Commission deleted the five Part 22 rules pertaining to Cellular license renewals, including the provisions for competing applications to be resolved by comparative hearings. The revised Cellular Service rules reflect deletion of Sections 22.935, 22.936, 22.939, 22.940, and 22.943. The elimination of these Cellular Service-specific renewal rules was a first step toward adoption of uniform renewal procedures applicable to Cellular Service and other WRS licensees.²

G. Other Technical Rules Updated or Deleted (47 CFR §§ 22.169, 22.955, 22.957; 22.907; and 22.917)

International Coordination Requirements. (47 CFR §§ 22.169, 22.955 and 22.957)

- The Cellular Service-specific international coordination rules – Sections 22.955 and 22.957, which were essentially redundant to the general Part 22 rule (Section 22.169) – were deleted.
- Section 22.169 was slightly revised by adding a reference to “operation of systems.”

Domestic Coordination Requirements. (47 CFR § 22.907)

- The introductory paragraph of Section 22.907 was revised to exempt from domestic coordination requirements those Cellular licensees that deploy technologies with a frequency re-use factor of one.
- The reference to “tentative selectees” – a vestige of a lottery system that is no longer used for Cellular licensing – was deleted.

Out of Band Emission (OOBE) Limit. (47 CFR § 22.917)

- The Cellular out of band emission (OOBE) limit was retained without change in Section 22.917(a).
- Section 22.917(b) was revised to remain consistent with international practices, specifying in renumbered Section 22.917(b)(1)) that it applies for measurements in the spectrum below 1 GHz, and adding Section 22.917(b)(2) to specify that measurements of out of band emissions from Cellular licensees into the spectrum above 1 GHz should use a reference bandwidth of 1 MHz.
 - Licensees should regularly consult the FCC Laboratory’s KDB (available at www.fcc.gov/labhelp) for the latest recommended Commission-approved measurement procedures and techniques, and Part 2 of the Commission rules, which are updated to keep pace with changing technologies.

² Uniform license renewal rules and policies that apply to Cellular Service and other WRS licensees were subsequently adopted by the Commission in the *WRS Second R&O*. See *id.*

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Second R&O* trigger new and modified information collections that affect recordkeeping and/or reporting requirements for small entities and all other Cellular licensees equally. The new and modified information collections in the affected rules, which took effect December 1, 2017, are as follows:³

- Under Section 22.317, Cellular licensees were previously required to file FCC Form 601 to notify the Commission if operation at an individual cell site was “permanently discontinued” (as defined in that rule). Cellular licensees are no longer subject to Section 22.317. They are instead subject to new Section 22.947, described below.
- Under Section 22.911, which sets forth the methodology for calculating a Cellular licensee's SAB and CGSA, a major modification application is required if the licensee proposes to expand its SAB into Unserved Area by 50 contiguous square miles or more. The revised rule adopted in the *Second R&O* clarifies that the methodology and the exhibits described in Sections 22.911(a) and (b) only pertain to non-PSD operations.
 - Under new Section 22.911(c), which applies solely to PSD operations, the licensee must use a predictive propagation model that is appropriate for the service provided, taking into account terrain and local conditions, to calculate the SABs of cell sites and determine CGSA expansion areas. The provision includes details of the required calculation. Under this provision, a major modification for CGSA expansion must include, as an exhibit, a depiction of the CGSA accompanied by one or more supporting propagation studies using methods appropriate for the 800-900 MHz frequency range, including all supporting data and calculations, and/or by extensive field strength measurement data.
- Section 22.913(a) as revised establishes the maximum ERP limits for both non-PSD and PSD operations. These limits are described above in Section II.A.
- Section 22.913(c) requires licensees to provide advanced written notice at least 30 days but not more than 90 days prior to activating a base station at the Higher PSD Limits, permitted under Sections 22.913(a)(3) and 22.913(a)(4), to any public safety licensee authorized in the frequency range 806-816 MHz/851-861 MHz with a base station located within a radius of 113 km of the Cellular base station to be deployed. The written notification must include the base station's location, ERP level, height of the transmitting antenna's center of radiation above ground level, and the timeframe for activation, as well as the Cellular licensee's contact information. Upon request of a public safety licensee required to be notified under this provision, the Cellular licensee shall supply additional information.

³ Only the new and modified reporting and recordkeeping requirements are discussed in this Section of the Guide. Pre-existing requirements that are unchanged by the rules adopted in the *Second R&O* are not included here.

- Section 22.913(f) adds a second exemption regarding the requirement to comply with the height-power limit set forth in Section 22.913(e): a licensee operating its base transmitter or repeater using PSD need not comply with Section 22.913(e).
- As adopted in the *Second R&O*, new Section 22.947 defines “permanent discontinuance” based on the entire licensed area (i.e., the CGSA) rather than an individual cell site. Specifically, permanent discontinuance is defined as “180 consecutive days during which a Cellular licensee does not operate or, in the case of a commercial mobile radio service provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier.”
 - Except with respect to CMA 672-A (discussed below), a licensee’s CGSA authorization will automatically terminate, without specific Commission action, if the licensee permanently discontinues service.
 - This termination of authorization provision does not apply to a new-system licensee until after expiration of its construction period (specified in 47 CFR § 22.946).
 - The licensee’s authorization for CMA 672-A (Chambers, TX) will automatically terminate, without specific Commission action, if the licensee permanently discontinues service after meeting its interim construction requirement (specified in 47 CFR § 22.960(b)(1)).
 - A licensee that permanently discontinues service must notify the Commission of the discontinuance within 10 days by filing, via the ULS, FCC Form 601 requesting license cancellation. However, even if the licensee fails to file the requisite form, its authorization will automatically terminate without specific Commission action if service is permanently discontinued.
- Under revised Section 22.953(c), a licensee’s reduction in coverage resulting from minor system changes within the CGSA is no longer subject to the requirement to make a filing notifying the Commission of the coverage reduction.

IV. IMPLEMENTATION DATE

The following new and revised rules adopted in the *Second R&O* became effective May 12, 2017, thirty (30) days after publication of the text or summary thereof in the Federal Register: Sections 22.169, 22.907, 22.911(d), 22.913(b), 22.913(d), 22.913(e), and 22.917.

The following rules in the *Second R&O* required approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act: Sections 22.317, 22.911(a)-(c), 22.913(a), 22.913(c), 22.913(f), 22.947, and 22.953(c). These rules became effective on December 1, 2017, following OMB approval, as announced by the Commission in a Federal Register notice published on November 24, 2017.

V. INTERNET LINKS

A copy of the *Second R&O* is available at:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-27A1.docx

https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-27A1.pdf

https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-27A1.txt

A copy of the Federal Register Summary of the *Second R&O* is available at:

<https://www.gpo.gov/fdsys/pkg/FR-2017-04-12/pdf/2017-07154.pdf>

A copy of the Federal Register notice announcing OMB approval and the effective date is available at: <https://www.gpo.gov/fdsys/pkg/FR-2017-11-24/pdf/2017-25413.pdf>