

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

In the Matter of	)	
	)	
	)	
Amendment of Parts 2 and 25 of the Commission's	)	
Rules to Permit Operation of NGSO FSS Systems	)	ET Docket No. 98-206
Co-Frequency with GSO and Terrestrial Systems in	)	RM-9147
the Ku-Band Frequency Range;	)	RM-9245
	)	
Amendment of the Commission's Rules to	)	
Authorize Subsidiary Terrestrial Use of the	)	
12.2-12.7 GHz Band by Direct Broadcast Satellite	)	
Licenses and Their Affiliates; and	)	
	)	
Applications of Broadwave USA,	)	
PDC Broadband Corporation, and	)	
Satellite Receivers, Ltd. to Provide	)	
A Fixed Service in the 12.2-12.7 GHz Band	)	

**ERRATUM**

**Released: February 9, 2004**

By the Chief, Broadband Division:

1. On July 7, 2003, the Commission released a *Third Report and Order* (FCC 03-152) in the above captioned proceeding. In the *Third Report and Order*, the Commission changed the service area definition for the Multichannel Video Distribution and Data Service (MVDDS) from Component Economic Areas (CEAs) to Designated Market Areas (DMAs). The Order amended Section 101.1401 of the Commission's Rules to reflect this change, but inadvertently did not amend Section 101.1412(d). Section 101.1412 addresses the eligibility restrictions for cable operators, and refers to CEAs rather than DMAs in determining whether there is a significant overlap in service area for cable operators. Therefore, with this Erratum, we correct Section 101.1412(d) to conform to the text of the *Third Report and Order* to be consistent with the change in service area to DMAs, as stated in Section 101.1401 of the Commission's Rules.

2. Section 101.1412(d) is added to Appendix B of the *Third Report and Order*, and amended to read as follows:

**§ 101.1412 MVDDS eligibility restrictions for cable operators.**

\* \* \* \* \*

(d) Significant overlap with service area. For purposes of paragraph (a) of this section, significant overlap occurs when cable operator's subscribers in a DMA make up thirty-five percent or more of the households in that DMA.

\* \* \* \* \*

3. Accordingly, IT IS ORDERED that this Erratum is issued pursuant to Section 0.331 of the Commission's rules on delegated authority, 47 C.F.R. § 0.331.

FEDERAL COMMUNICATIONS COMMISSION



Joel Taubenblatt  
Chief, Broadband Division  
Wireless Telecommunications Bureau