

local government licensees.²⁵⁷ Subsequently, NTIA expressed concern that the adjective “non-Federal Government” could be grammatically confusing. Therefore, the Commission and NTIA have begun to use “Federal” and “non-Federal” in recently adopted United States footnotes. We believe that the Commission’s Rules should, where possible, consistently use the same terminology.²⁵⁸ Accordingly, we are replacing the adjectives “Federal Government” and “Government” with “Federal” and the adjectives “non-Federal Government” and “non-Government” with “non-Federal” in Section 2.102 (Assignment and use of frequencies), Section 2.103 (Government use of non-Government Frequencies), Section 2.105 (United States Table of Frequency Allocations), Section 2.106 (Table of Frequency Allocations), and Section 97.303 (Frequency sharing requirement for amateur stations).²⁵⁹ In particular, we note that because of this action, 68 United States footnotes, three non-Federal Government footnotes, and 14 Federal Government footnotes are amended in Section 2.106 of our Rules. The amendments to the United States footnotes and Federal Government footnotes are made with the concurrence of NTIA. See Appendix A for the text of these revised rule sections.

1. Sections 2.1 through 2.105

133. *Section 2.1 (Terms and definitions).* With the assistance of NTIA, we have developed definitions for five terms that are commonly used in spectrum management, which we are also adding to Section 2.1. These terms are Frequency Assignment Subcommittee (FAS), Government Master File (GMF), Interdepartment Radio Advisory Committee (IRAC), International Telecommunication Union (ITU),²⁶⁰ and the National Telecommunications and Information Administration (NTIA).²⁶¹ See Appendix A at Section 2.1 for the definitions.

134. *Changes to Sections 2.100-2.105.* We are updating Section 2.100 (International regulations in force) to state that the ITU *Radio Regulations*, edition of 2004, have been incorporated to the extent practicable in Subpart A (Terminology) and Subpart B (Allocation, Assignment, and Use of Radio Frequencies) of Part 2.

135. We are retitling Section 2.101 as “Frequency and wavelength bands” and are revising the text of this section to mirror ITU Radio Regulation Nos. 2.1 and 2.2.²⁶² In particular, we note that in communications between administrations and the ITU, no names, symbols or abbreviations should be used for the various frequency bands other than those specified in revised Section 2.101.

²⁵⁷ Amendment of Part 2 of the Commissions’ Rules to Make Non-Substantive Revisions to the Table of Frequency Allocations, Memorandum Opinion and Order, 15 FCC Rcd 3459 at 3461, note 13 (2000) (*1999 Table Clean-up Order*). The *1999 Table Clean-up Order* was issued by the Commission’s Office of Engineering and Technology and Office of Managing Director.

²⁵⁸ We make the following exceptions to this general principle: (1) The title of the Federal Table in column 4 of § 2.106 will continue to be shown as “Federal Government;” (2) The title of the non-Federal Table in column 5 of § 2.106 will continue to be shown as “Non-Federal Government;” (3) The title of the list of non-Federal footnotes will continue to be shown as “Non-Federal Government (NG) Footnotes;” and (4) The title of the list of Federal footnotes will continue to be shown as “Federal Government (G) Footnotes.” If we did not make these exceptions, it would not be readily apparent to the public that footnotes that consist of the letter “G” followed by one or more numbers are Federal footnotes, which are listed only in the Federal Table, and footnotes that consist of the letter “NG” followed by one or more numbers are non-Federal footnotes, which are listed only in the non-Federal Table.

²⁵⁹ 47 C.F.R. §§ 2.102, 2.103, 2.105, 2.106, and 97.303.

²⁶⁰ The definition for the ITU was taken from the ITU’s home page, which is <http://www.itu.int/home/index.html>.

²⁶¹ The definition for NTIA was taken from note 4 of the *NPRM*. We also added the link for NTIA’s internet home page.

²⁶² See ITU *Radio Regulations*, Article 2, Nos. 2.1 and 2.2.

136. We are revising Section 2.102(a) to state that frequency assignments between 9 kHz and 275 GHz (instead of 400 GHz) must generally be in accordance with the Table of Frequency Allocations. In order to improve its readability and consistency with our Rules, we are amending Section 2.102(b)(3) to read as follows:²⁶³

Experimental stations, pursuant to part 5, may be authorized the use of any frequency or frequency band not exclusively allocated to the passive services (including the radio astronomy service).

137. In Sections 2.102(c)(1), 2.103(a)(1), and 2.103(b)(3), we are using the abbreviation "NTIA" for the term "National Telecommunication and Information Administration" without first introducing it because we are adding this term and its abbreviation to Section 2.1 (Terms and definitions). In Section 2.103(b)(4), we are adding two missing section symbols to the last sentence, which now reads as follows: "See 47 CFR §§ 90.179 and 90.421 of this chapter."

138. We are revising Section 2.104 (International Table of Frequency Allocations) as follows. In Sections 2.104(b)(1) and 2.104(b)(3), the spelling of "Kazakhstan" is updated by adding an "h" and "the" is added to "Russian Federation." In Section 2.104(c)(ii), "Syria" is replaced by "Syrian Arab Republic." In Section 2.104(c)(4)(ii)(B), "Libya" is replaced by "Libyan Arab Jamahiriya." In Section 2.104(c)(4)(iii), we are adding "(see Article 6 of the ITU *Radio Regulations*)." In Section 2.104(g) (Miscellaneous provisions), we are updating the Commission's Rules to reflect three WRC-2000 changes. Specifically, we are revising paragraphs (g)(1) and (h)(5) and are adding paragraph (g)(2),²⁶⁴ which will read as follows:

(g)(1) Where it is indicated in the International Table that a service or stations in a service may operate in a specific frequency band subject to not causing harmful interference to another service or to another station in the same service, this means also that the service which is subject to not causing harmful interference cannot claim protection from harmful interference caused by the other service or other station in the same service.

(g)(2) Where it is indicated in the International Table that a service or stations in a service may operate in a specific frequency band subject to not claiming protection from another service or from another station in the same service, this means also that the service which is subject to not claiming protection shall not cause harmful interference to the other service or other station in the same service.

(h)(5) The footnote references which appear in the International Table below the allocated service or services apply to more than one of the allocated services, or to the whole of the allocation concerned.

2. Section 2.106

139. In Section 2.106 of the Commission's Rules (the Table of Frequency Allocations), we are amending the International Table (columns 1-3), the U.S. Table (columns 4 and 5), and the FCC Rule Part cross references (column 6) as described in the following paragraphs.²⁶⁵

a. Changes to the International Table

140. We are taking the following actions in order to reflect the ITU's Table of Frequency Allocations²⁶⁶ in Section 2.106 of the Commission's Rules.²⁶⁷ First, we are revising the provisional text of

²⁶³ 47 C.F.R. § 2.102(b)(3). Specifically, we are adding a comma between "stations" and "pursuant" and, consistent with ITU usage, we will not capitalize the term "radio astronomy service."

²⁶⁴ As a consequence of adding a new paragraph (g)(3), we are renumbering existing § 2.104(g)(2) as § 2.104(g)(3).

²⁶⁵ 47 C.F.R. § 2.106.

²⁶⁶ See ITU *Radio Regulations*, edition of 2004, Article 5, Section IV.

²⁶⁷ The ITU's Table of Frequency Allocations is labeled as the International Table in the Commission's Rules. The International Table is included in the Commission's Rules for informational purposes only. 47 C.F.R. §§ 2.104 and 2.106 (columns 1, 2, and 3).

thirteen international footnotes, which have previously been added to the Commission's Rules, to comport with the 2004 edition of the ITU *Radio Regulations*.²⁶⁸ Second, we are revising the provisional numbering of four international footnotes to their final numbering format.²⁶⁹ Third, footnote 5.555A is removed from the International Table and footnote 5.555B is added to the Region 1 Table.²⁷⁰ Fourth, footnote 5.538 is revised by inserting a missing plus sign.²⁷¹ Fifth, we are revising the table entries in the International Table and the list of international footnotes to reflect the *WRC-03 Final Acts* in those frequency bands not otherwise discussed herein.

b. Changes to the United States Table

141. In the following paragraphs, we are taking several actions that will update, correct, and otherwise improve the usability of the U.S. Table.²⁷² Specifically, we are: (1) removing the ARNS allocation in the band 1240-1300 MHz from footnote 5.334 and making it a table entry; (2) making significant changes to five footnotes (US25, US87, US266, US320, and US350), which are discussed individually, (3) removing the amateur service allocation in the band 219-220 MHz from footnotes NG152 and making it a table entry, and revising footnotes US229 and NG152 in a section titled "The Government Transfer Band 216-220 MHz;" (4) removing the Federal space operation service (Earth-to-space) allocation in the band 1761-1842 MHz from footnote G42 and making it a table entry, revising footnotes US378, G42, and G118, and deleting footnote NG176 in a section titled "The Band 1710-1850 MHz;" (5) making various minor changes to seven footnotes (US81, US112, US342, US352, NG42, NG142, and NG169); and (6) deleting three footnotes (US238, NG129, and NG151). We are also correcting the placement of several footnotes in the Federal and non-Federal Tables.

142. *New ARNS Table Entry.* Currently, footnote 5.334 is listed in both the Federal and non-Federal Tables, and thus, the band 1240-1300 MHz is allocated to the ARNS on a primary basis for Federal and non-Federal use.²⁷³ At WRC-03, this ARNS allocation was moved to footnote 5.331, but its primary status was not explicitly stated, and thus, footnote 5.331 is unsuitable for use in the U.S. Table.

²⁶⁸ Using the *Provisional WRC-03 Final Acts*, we have previously taken the following actions with regard to international footnotes in Section 2.106: (1) added footnote 5.447E and revised footnotes 5.453, 5.454, and 5.455 in the *5 GHz Report and Order*; (2) added footnotes 5.457A, 5.504C, 5.505, 5.506A, 5.506B, 5.508, 5.508A, and 5.509A in the *Above 28 MHz Report and Order*; and (3) added footnotes 5.516B and 5.551I in the *V-band Second Report and Order*. Subsequently, the ITU published the final version of these international footnotes in the 2004 edition of the ITU *Radio Regulations*.

²⁶⁹ In the *NPRM*, the provisional numbering of four international footnotes was inadvertently shown. Therefore, in accordance with the 2004 edition of the ITU *Radio Regulations*, we are renumbering international footnotes 5.418AA, 5.418AB, 5.418AC, and 5.418AD as footnotes 5.417A, 5.417B, 5.417C, and 5.417D, respectively.

²⁷⁰ WRC-03 suppressed footnote 5.555A and added footnote 5.555B. In the *V-band Second Report and Order*, the text of footnote 5.555B was inadvertently associated with footnote number 5.555A.

²⁷¹ 47 C.F.R. § 2.106, footnote 5.538.

²⁷² At our March 10, 2005 open meeting, we also amended page 54 of Table of Frequency Allocations by revising the band 3650-3700 MHz as follows: (1) deleted footnote US245 from the Federal and non-Federal Tables; (2) deleted footnote NG170 from the non-Federal Table; (3) added footnote NG185 to the non-Federal Table; and (4) added cross references to Satellite Communications (Part 25) and Private Land Mobile Radio Services (Part 90). We reflect these amendments herein. Unlicensed Operation in the Band 3650-3700 MHz, ET Docket No. 04-151; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 02-380; and Amendment of the Commission's Rules With Regard to the 3650-3700 MHz Government Transfer Band, ET Docket No. 98-237, *Report and Order*, FCC 05-56, adopted March 10, 2005.

²⁷³ 47 C.F.R. § 2.106, footnote 5.334.

Accordingly, we are transferring the primary ARNS allocation in the band 1240-1300 MHz from international footnote 5.334 to a table entry in the Federal and non-Federal Tables.²⁷⁴

143. *Footnote US25.* Prior to its recent revision, footnote US25 authorized the use of frequencies in the band 25.85-26.1 MHz throughout the United States and its insular areas to non-Federal remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused the reception of international broadcast stations.²⁷⁵ Section 74.402 lists seven channels in the band 25.85-26.1 MHz and four channels in the band 26.1-26.175 MHz that may be assigned for use by broadcast remote pickup stations.²⁷⁶

144. In the *Below 28 MHz Report and Order*, footnote US25 was revised to permit broadcast auxiliary remote pickup stations to continue to operate on four frequencies in the band 26.1-26.175 MHz, but at that time, the band 25.85-26.1 MHz was inadvertently deleted from footnote US25. We take this opportunity to correct this error. In addition, we observe that the Commission's Rules state that the band 26.1-26.175 MHz may be assigned to low power auxiliary stations.²⁷⁷ Therefore, we revise footnote US25 to account for this authorized use. Accordingly, we are revising footnote US25 to read as follows:

US25 The use of frequencies in the band 25.85-26.175 MHz may be authorized in any area to non-Federal remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations of the broadcasting service in the band 25.85-26.1 MHz and to stations of the maritime mobile service in the band 26.1-26.175 MHz. Frequencies within the band 26.1-26.175 MHz may also be assigned for use by low power auxiliary stations.

145. *Footnote US87.* NTIA recently requested that footnote US87 be clarified in order to provide Federal and non-Federal entities with additional flexibility.²⁷⁸ Footnote US87 currently reads as follows:

US87 The frequency 450 MHz, with maximum emission bandwidth of 500 kHz, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

146. NTIA states that a number of Federal and non-Federal entities have expressed confusion regarding the intent of footnote US87. Specifically, these entities have interpreted footnote US87 to mean that operations are limited to those with a carrier frequency at 450 MHz. NTIA does not believe that this

²⁷⁴ Footnote 5.334 was suppressed at WRC-03, and thus, we are removing it from our Rules.

²⁷⁵ Prior to its revision, footnote US25 read as follows: The use of frequencies in the band 25.85-26.1 MHz may be authorized in any area to non-Government remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcasting service. 47 C.F.R. § 2.106, footnote US25 (2002 Edition).

²⁷⁶ Specifically, the frequencies 25.87 MHz, 25.91 MHz, 25.95 MHz, 25.99 MHz, 26.03 MHz, 26.07 MHz, and 26.09 MHz (which are in the band 25850-26100 kHz) and the frequencies 26.11 MHz, 26.13 MHz, 26.15 MHz, 26.17 MHz (which are in the band 26100-26175 kHz) are available for use by remote pickup stations. 47 C.F.R. § 74.402(a). On November 29, 2004, Commission staff conducted a study of these bands and found that the Commission has issued 86 licenses for broadcast auxiliary stations in the band 25.85-26.1 MHz and 212 licenses for broadcast auxiliary stations in the band 26.1-26.175 MHz.

²⁷⁷ Section 74.802 states that frequencies in the band 26.100-26.480 MHz may be assigned for use by low power auxiliary stations. 47 C.F.R. § 74.802(a). However, the segment 26.175-26.480 MHz is already allocated to the land mobile service on a primary basis for non-Federal use. 47 C.F.R. § 2.106. Thus, we are revising footnote US25 to authorize low power auxiliary stations only in the segment 26.100-26.175 MHz, which is not currently authorized in the Table of Frequency Allocations. We observe that as of November 29, 2004, the Commission has issued 154 licenses for low power auxiliary stations in the band 26.100-26.480 MHz.

²⁷⁸ See NTIA Letter from Fredrick R. Wentland, Associate Administrator, Office of Spectrum Management, NTIA to Edmond J. Thomas, Chief, OET, dated January 19, 2005.

is the intent of footnote US87. NTIA also states that it recognizes that Federal and non-Federal entities would like to have their bandwidth include 450 MHz but have their carrier frequency center above or below 450 MHz. NTIA states that, based on the existing sharing environment, space telecommand transmissions "should remain as close to 450 MHz as practicable."²⁷⁹

147. NTIA observes that footnote 5.286 provides the type of flexibility that is needed in footnote US87. Specifically, footnote 5.286 provides a 500 kilohertz band (449.75-450.25 MHz), within which operators have the flexibility to operate 250 kHz above or below 450 MHz. Footnote 5.486 and NTIA's proposed revision of footnote US87 read as follows:

5.286 The band 449.75-450.25 MHz may be used for the space operation service (Earth-to-space) and the space research service (Earth-to-space), subject to agreement obtained under No. 9.21.

US87 The band 449.75-450.25 MHz may be used by Federal and non-Federal stations for space telecommand (Earth-to-space) at specific locations, subject to such conditions as may be applied on a case-by-case basis. Operators shall take all practical steps to keep the carrier frequency close to 450 MHz.

148. As requested by NTIA, we are clarifying footnote US87. This action provides Federal and non-Federal entities with additional flexibility, but also requires that their operations remain as close to 450 MHz as practicable.

149. *The Government Transfer Band 216-220 MHz.* In *27 MHz Report and Order*, the band 216-220 MHz was transferred from Federal and non-Federal shared use to mixed-use status.²⁸⁰ Specifically, the Commission revised the band 216-220 MHz in the Federal Table by downgrading the primary maritime mobile service allocation to secondary status and by then merging that allocation with the existing secondary aeronautical mobile and land mobile service allocations to form a secondary mobile service allocation.²⁸¹ Because footnote US229 states that no new Federal assignments may be authorized in the band 216-217 MHz after January 1, 2002; and because international footnote 5.241, which has previously been added to the U.S. Table, states that no new stations in the radiolocation service may be authorized in the band 216-220 MHz, we recommended to NTIA that these unused allocations, which are no longer available for Federal use, be deleted from the Federal Table. We also suggested to NTIA that footnote US229 should be clarified by specifying the coordinates in tenths of a second, which is approximately three meters; and by stating that: (1) the three Space Surveillance (SPASUR) radars transmit at a very high power and that other operations may be affected within a specified radius of these transmitters; (2) only the six receive sites need to be protected; (3) the coordinate datum is referenced to the North American Datum 1983 (NAD83); (4) Silver Lake is located in Mississippi (not Missouri). NTIA concurred. Accordingly, we are replacing the mobile service allocation in the band 216-217 MHz with a land mobile service allocation, removing the radiolocation service allocation from the band 217-220 MHz, revising footnote G2 (which specifies the bands in which the use of the Federal radiolocation service is limited to the military services) to remove the band 217-220 MHz, and revising footnote US229 to read as follows:

US229 Federal use of the fixed and land mobile services in the band 216-220 MHz and of the aeronautical mobile service in the band 217-220 MHz shall be limited to telemetering and associated telecommand operations. After January 1, 2002, no new Federal assignments shall be authorized in the band 216-217 MHz. The sub-band 216.88-217.08 MHz is allocated to the radiodetermination service on a primary basis for Federal use, limited to the Navy's Space Surveillance (SPASUR) radar system at the following nine sites (Coordinate datum: NAD83).

²⁷⁹ *Id.*

²⁸⁰ *27 MHz Report and Order*, 17 FCC Red at 375-384, paras. 14-35.

²⁸¹ The mobile service includes the aeronautical mobile, land mobile, and maritime mobile services. In addition, the band 216-220 MHz was allocated to the fixed and mobile except aeronautical services on a co-primary basis for non-Federal use.

(a) Three stations transmit at a very high power and other operations may be affected within the following areas:

Transmitter sites	Coordinates	Frequency	Interference radius
Gila River (Phoenix), AZ.....	33° 06' 32" N, 112° 01' 45" W	216.97 MHz..	150 km (93.2 miles)
Lake Kickapoo (Archer City), TX	33° 32' 47" N, 98° 45' 46" W	216.983 MHz	250 km (155.3 miles)
Jordan Lake (Wetumpka), AL.....	32° 39' 33" N, 86° 15' 52" W	216.99 MHz..	150 km

(b) Reception of the sub-band 216.965-216.995 MHz shall be protected from harmful interference within 50 kilometers (31.1 miles) of the following sites:

Receive sites	Coordinates
Elephant Butte, NM.....	33° 26' 35" N, 106° 59' 50" W
Fort Stewart, GA.....	31° 58' 36" N, 081° 30' 34" W
Hawkinsville, GA.....	32° 17' 20" N, 083° 32' 10" W
Red River, AR.....	33° 19' 48" N, 093° 33' 01" W
San Diego, CA.....	32° 34' 42" N, 116° 58' 11" W
Silver Lake, MS.....	33° 08' 42" N, 091° 01' 16" W

150. In the band 219-220 MHz, we are moving the secondary amateur service allocation from footnote NG152 to the body of the non-Federal Table in order to highlight this important use.²⁸² Consequently, we are removing the now superfluous amateur service allocation from footnote NG152. Accordingly, footnote NG152 is revised to read as follows:

NG152 The use of the band 219-220 MHz by the amateur service is limited to stations participating, as forwarding stations, in point-to-point fixed digital message forwarding systems, including intercity packet backbone networks.

Finally, we are updating the FCC Rule Part cross references so that Personal Radio Services (Part 95) is listed in the band 216-219 MHz and the Amateur Radio Service (Part 97) is listed in the band 219-220 MHz.

151. *Footnote US266.* We are updating footnote US266 by changing "public safety radio service(s)" to "Public Safety Radio Pool;" by deleting the unused segment 157.45-157.47 MHz from the band 156.27-157.47 MHz; and by deleting the unused frequency 161.97 MHz.²⁸³ Accordingly, we are amending footnote US266 to read as follows:

US266 Non-Federal licensees in the Public Safety Radio Pool holding a valid authorization on June 30, 1958, to operate in the frequency band 156.27-157.45 MHz or on the frequencies 161.85 MHz or 161.91 MHz may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the Public Safety Radio Pool.

152. *Footnote US320.* In 1993, the Commission allocated the bands 137-138, 148-150.05, 399.9-400.05 MHz and 400.15-401 MHz to the MSS for use by low-earth orbit satellites (popularly known as "Little LEOs") and limited the use of this spectrum through the adoption of eight United States footnotes, including US320, US322, and US326, which read as follows:²⁸⁴

²⁸² Because of the need to subdivide the band 216-220 MHz into two bands (216-217 MHz and 217-220 MHz) in the Federal Table, we can subdivide the band 216-220 MHz into two bands (216-219 MHz and 219-220 MHz) in the non-Federal Table without needlessly expanding the size of the Table of Frequency Allocations.

²⁸³ By *unused*, we mean that no public safety pool use is listed for the segment 157.45-157.47 MHz or the frequency 161.97 MHz in the ULS.

²⁸⁴ Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum to the Fixed-Satellite Service and the Mobile-Satellite Service for Low-Earth Orbit Satellites, ET Docket No. 91-280, *Report and Order*, 8 FCC Rcd 1812 (1993). Specifically, the Commission allocated: (1) the bands 137-137.025 MHz, 137.175-137.825 MHz, and 400.15-401 MHz to the MSS (space-to-Earth) on a primary basis; (2) the bands 137.025-137.175 and 137.825-138

(continued....)

US320 Use of the 137-138, 148-149.9, and 400.15-401 MHz bands by the mobile-satellite service is limited to non-voice, non-geostationary satellite systems and may include satellite links between land earth stations at fixed locations.

US322 The 149.9-150.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after 1 January 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations. Before 1 January 1997 use of this band on a secondary basis for the mobile satellite service is allowed for land earth stations at fixed locations.

US326 The 399.9-400.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after January 1, 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations.

153. In the *1999 Table Clean-up Order*, the Commission deleted expired information and combined footnotes US322 and US326 into a single footnote US322, which read as follows:²⁸⁵

US322 Use of the bands 149.9-150.05 MHz and 399.9-400.05 MHz by the mobile-satellite service (Earth-to-space) is limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations.

154. In the *Above 28 MHz Report and Order*, the Commission merged footnote US322 into US320, that is, added the bands 149.9-150.05 MHz and 399.9-400.05 MHz to footnote US320, and deleted footnote US322 from the U.S. Table.²⁸⁶ However, while the band 149.9-150.05 MHz was correctly added to footnote US320 in the final rules, the band 399.9-400.05 MHz was inadvertently omitted from footnote US320 in the final rules. Accordingly, we take this opportunity to correct footnote US320, which will read as follows:

US320 The use of the bands 137-138 MHz, 148-150.05 MHz, 399.9-400.05 MHz, and 400.15-401 MHz by the mobile-satellite service is limited to non-voice, non-geostationary satellite systems and may include satellite links between land earth stations at fixed locations.

155. *Footnote US350*. We find that footnote US350 is needlessly confusing and herein amend this United States footnote for clarity.²⁸⁷ First, we note that the bands 608-614 MHz and 1395-1400 MHz are allocated to the land mobile service on a primary basis for Federal and non-Federal use and that footnote US350 limits the use of these bands to medical telemetry and medical telecommand. Therefore, we are revising the Table entry for the bands 608-614 MHz and 1395-1400 MHz from "LAND MOBILE US350" to "LAND MOBILE (medical telemetry and medical telecommand)."²⁸⁸ This action will highlight these important medical applications. We are also revising the text of footnote US390 to more closely parallel Section 90.259(b) of the Commission's Rules and to clearly state that Federal agencies

(...continued from previous page)

MHz to the MSS (space-to-Earth) on a secondary basis; (3) the band 148-149.9 MHz to the MSS (Earth-to-space) on a primary basis; and (4) the bands 149.9-150.05 MHz and 399.9-400.05 MHz to the MSS (Earth-to-space) on a secondary basis until 1997 and on a primary basis thereafter.

²⁸⁵ Amendment of Part 2 of the Commission's Rules to make Non-Substantive Revisions to the Table of Frequency Allocations, *Memorandum Opinion and Order*, DA 99-2743, 15 FCC Rcd 3459 (2000) (*1999 Table Clean-up Order*). In that action, "150.05" was inadvertently shown as "150.5".

²⁸⁶ *Above 28 MHz Report and Order*, 18 FCC Rcd at 23456, 23458, paras. 79 and 90.

²⁸⁷ Section 90.259 and footnote US350 were amended in the *27 MHz Service Rule Report and Order*. Amendment of Parts 1, 2, 27, and 90 of the Commission's Rules to License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands, WT Docket No. 02-8, *Report and Order*, 17 FCC Rcd 9980 at para. 192 (2002) (*27 MHz Service Rule Report and Order*).

²⁸⁸ In the case where there is a parenthetical addition to an allocation in the U.S. Table, that service allocation is restricted to the type of operation so indicated. 47 C.F.R. § 2.105(d)(4).

have full use of the medical telemetry and medical telecommand allocation in the band 1427-1432 MHz.²⁸⁹ Accordingly, footnote US350 is amended to read as follows:

US350 In the band 1427-1432 MHz, Federal use of the land mobile service and non-Federal use of the fixed and land mobile services is limited to telemetry and telecommand operations as described below:

(a) *Medical operations.* The use of the band 1427-1432 MHz for medical telemetry and telecommand operations (medical operations) shall be authorized for both Federal and non-Federal stations.

(1) Medical operations shall be authorized on a primary basis in the band 1427-1429.5 MHz and on a secondary basis in the band 1429.5-1432 MHz in the United States and its insular areas, except in the following locations: Austin/Georgetown, TX; Detroit and Battle Creek, MI; Pittsburgh, PA; Richmond/Norfolk, VA; Spokane, WA; and Washington, DC metropolitan area (collectively, the "carved-out" locations). See 47 C.F.R. §§ 90.259(b)(4) and 95.630(b) for a detailed description of these locations.

(2) In the carved-out locations, medical operations shall be authorized on a primary basis in the band 1429-1431.5 MHz and on a secondary basis in the bands 1427-1429 MHz and 1431.5-1432 MHz.

(b) *Non-medical operations.* The use of the band 1427-1432 MHz for non-medical telemetry and telecommand operations (non-medical operations) shall be limited to non-Federal stations.

(1) Non-medical operations shall be authorized on a secondary basis to the Wireless Medical Telemetry Service (WMTS) in the band 1427-1429.5 MHz and on a primary basis in the band 1429.5-1432 MHz in the United States and its insular areas, except in the carved-out locations.

(2) In the carved-out locations, non-medical operations shall be authorized on a secondary basis in the band 1429-1431.5 MHz and on a primary basis in the bands 1427-1429 MHz and 1431.5-1432 MHz.

156. *The Band 1710-1850 MHz.* In 2003, the Commission allocated 90 megahertz of spectrum in the bands 1710-1755 MHz and 2110-2155 MHz for use by Advanced Wireless Services (AWS), including third generation (3G) wireless systems.²⁹⁰ The band 1710-1755 MHz was a Government transfer band that was reallocated from exclusive Federal use to mixed use status. Specifically, the table entries for the fixed and mobile service allocations in the band 1710-1755 MHz were removed from the Federal Table, the band 1710-1755 MHz was allocated to the fixed and mobile services on a co-primary basis for non-Federal use, and footnotes US378 and NG176 were adopted.

157. Footnote US378 codifies the transition plan for the Government transfer band 1710-1755 MHz and specifies the locations where Federal operations may continue. In pertinent part, footnote US378 provides that Federal stations in the fixed and mobile services will operate on a primary basis until reallocated in accordance with the "Strom Thurmond National Defense Authorization Act for Fiscal Year 1999."

158. The Commission found that it served the public interest to allocate the band 1710-1755 MHz to the fixed and mobile services on a co-primary, but delayed basis. Specifically, the Commission made this AWS allocation available for use on January 1, 2004 and codified this decision in footnote NG176.

159. On December 29, 2004, Chairman Powell notified NTIA that the Commission plans to commence the auction of licenses in the band 1710-1755 MHz as early as June 2006.²⁹¹ In preparation

²⁸⁹ 47 C.F.R. § 90.259(b). The Commission has previously decided to permit Federal agencies to have access to the WMTS bands, including bands that were reallocated for exclusive non-Federal use (1395-1400 MHz and 1427-1432 MHz). Amendment of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service, ET Docket 99-255, PR Docket 92-235, *Report and Order*, FCC 00-211, 15 FCC Rcd 11206 (2000); and *27 MHz Report and Order*, 17 FCC Rcd at 368, para. 3, note 10, and footnote US350.

²⁹⁰ Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, ET Docket No. 00-258, *Second Report and Order*, 17 FCC Rcd 23193 (2003).

²⁹¹ Letter from Michael K. Powell, Chairman, FCC, to Michael D. Gallagher, Assistant Secretary for Communications and Information, U.S. Department of Commerce, dated December 19, 2004. The Commercial

(continued....)

for the auction of the Government transfer band 1710-1755 MHz, we are amending three footnotes (US378, NG176, and G118) to the U.S. Table that pertain to the band 1710-1755 and one footnote (G42) that that pertains to the Federal band 1755-1850 MHz.

160. First, at the request of NTIA, we are amending footnotes US378 and G118 in order to align these footnotes with the Commercial Spectrum Enhancement Act.²⁹² Specifically, footnote US378 is revised by updating the applicable Act under which the reaccommodation of Federal stations must occur (from the "Strom Thurmond National Defense Act for fiscal year 1999" to the "Commercial Spectrum Enhancement Act"). We are revising footnote G118 to state that Federal fixed stations may be authorized in the band 1700-1710 MHz only if spectrum is not available in the band 1755-1850 MHz (instead of the band 1710-1850 MHz).

161. Second, we are deleting footnote NG176 because the fixed and mobile service allocations in the band 1710-1755 MHz, which will be auctioned for AWS use, are now effective.

162. Third, at the request of NTIA, we are reflecting a recent change to the Federal Table in the band 1755-1850 MHz.²⁹³ Specifically, the primary allocation to the space operation service (Earth-to-space) in the band 1761-1842 MHz is moved from footnote G42 and this allocation is displayed as a table entry.²⁹⁴ Consequently, footnote G42 is amended to read as follows:

G42 The space operation service (Earth-to-space) is limited to the band 1761-1842 MHz, and is limited to space command, control, range and range rate systems.

NTIA states that these modifications are being made to the Federal Table based on the vital importance the space operation service provides in this frequency band to satellites operated by the U.S. Department of Defense. NTIA also states that the change from a footnote allocation to a table entry allocation will give this critical requirement the prominence and visibility that it requires. NTIA states that these modifications make no change with respect to the status between Federal and non-Federal allocations.

163. *Other Changes to United States Footnotes.* In the U.S. Table, we are taking the following seven actions with regard to United States footnotes. First, we are removing a reference to footnote US10 from the band 26480-26950 kHz because this footnote was deleted in the *Above 28 MHz Report and Order*.²⁹⁵ Second, we are updating the contact information in footnote US81 by changing "Office of the Chief Engineer" to the "Office of Engineering and Technology." Third, we are correcting a typographical error in footnote US112 by changing "licale" to "locale." Fourth, we are deleting footnote US238

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Spectrum Enhancement Act requires the Commission to notify NTIA at least 18 months prior to the commencement of any auction of eligible frequencies identified in the legislation, including the band 1710-1755 MHz.

²⁹² See letter from Fredrick R. Wentland, Associate Administrator, Office of Spectrum Management, NTIA, to Mr. Edmond J. Thomas, Chief, OET, dated February 28, 2005.

²⁹³ See NTIA Letter from Fredrick R. Wentland, Associate Administrator, Office of Spectrum Management, NTIA, United States Department of Commerce, to Edmond J. Thomas, Chief, OET, dated March 1, 2005. Mr. Wentland states that NTIA has already made the modifications to footnote G42 in the *NTIA Manual* and requests that the Commission modify § 2.106 as soon as possible.

²⁹⁴ Currently, footnote G42 reads as follows: Space command, control, range and range rate systems for earth station transmission only (including installations on certain Navy ships) may be accommodated on a co-equal basis with the fixed and mobile services in the band 1761-1842 MHz. Specific frequencies required to be used at any location will be satisfied on a coordinated case-by-case basis. 47 C.F.R. § 2.106, footnote G42.

²⁹⁵ Prior to its deletion, footnote US10 authorized the Civil Air Patrol to transmit on the frequency 26.62 MHz. *Above 28 MHz Report and Order*, 18 FCC Rcd at 23456, 23458, paras. 80 and 90.

because the specified transition period has expired.²⁹⁶ Fifth, we are adding a "*" to footnote US342 to indicate those RAS bands that are used for spectral line observations, and consequently, we are reinserting three segments (42.77-42.87 GHz, 43.07-43.17 GHz, and 43.37-43.47 GHz) within a frequency band (42.5-43.5 GHz) that is already listed in footnote US342.²⁹⁷ Sixth, we are revising footnote US352 to delete the 14 sites in the band 1427-1432 MHz at which Federal operations have operated on a fully protected basis because the transition period has expired. Seventh, we are deleting footnote US264 from the band 47.2-48.2 GHz in the non-Federal Table because the footnote does not apply to this band.

164. *Other Changes to non-Federal (NG) Footnotes.* In the U.S. Table, we are taking the following five actions with regards to non-Federal footnotes. First, we are explicitly stating the frequency band to which footnote NG42 is applicable.²⁹⁸ Accordingly, footnote NG42 is amended to read as follows:

NG42 In the band 10-10.5 GHz, non-Federal stations in the radiolocation service shall not cause harmful interference to the amateur service.

165. Second, we are deleting footnote NG129 because there are no fixed stations in Alaska listed in our licensing database for the band 76-100 MHz. Consequently, we are also deleting Sections 73.220(b) and 73.603(b) from the Commission's Rules. Third, we are revising footnote NG142 (TV stations authorized to operate on TV channels 2-69 may use a portion of their vertical blanking interval for the transmission of telecommunications signals) in order to remove the band 608-614 MHz ("TV channel 37") because it is not allocated to the broadcasting service.²⁹⁹ Fourth, we are deleting footnote NG151 because licensees in the Cellular Radiotelephone Service have previously be authorized to provide fixed service on a primary basis and thus, there is no longer need for separate authority to provide auxiliary services on a secondary basis. Fifth, we are capitalizing the word "license" in the fourth sentence in footnote NG169.

166. *Footnote Placement.* In the *1999 Table Clean-up Order*, we adopted the ITU's placement of footnote references in the U.S. Table.³⁰⁰ Thus, footnote references which appear in the U.S. Table below the allocated service or services apply to more than one of the allocated services, or to the whole of the allocation concerned. Footnote references which appear to the right of a service are applicable only to that particular service. Our review finds that several footnotes that are applicable only to a particular service have not been placed to the right of that allocation. Accordingly, we take this opportunity to make the following conforming changes. In the Federal Table, we are placing footnote US214 to the right of the maritime mobile service in the band 157.0375-157.1875 MHz.³⁰¹

²⁹⁶ This action means that Federal stations are no longer permitted to operate in the band 1615-1705 kHz, except as specified in footnote US299.

²⁹⁷ We take this action at the request of NTIA. See letter from Fredrick R. Wentland, Associate Administrator, Office of Spectrum Management, NTIA, to Mr. Edmond J. Thomas, Chief, OET, dated November 23, 2004.

²⁹⁸ In the non-Federal Table, the band 10-10.5 GHz is allocated to the amateur and radiolocation services on a secondary basis and footnote NG42 is listed only in this band. 47 C.F.R. § 2.106.

²⁹⁹ Specifically, we are amending 47 C.F.R. § 2.106, footnote NG142 by replacing the bands 470-512 MHz and 512-806 MHz with the bands 470-608 MHz and 614-806 MHz.

³⁰⁰ See ITU Radio Regulation Nos. 5.50 and 5.51. *1999 Table Clean-up Order*, 15 FCC Rcd at 3463, para. 5.

³⁰¹ Footnote US214 reads as follows: The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the United States Coast Guard. 47 C.F.R. § 2.106, footnote US214.

167. In the non-Federal Table, we are placing the following footnotes to the right of the land mobile service: (1) NG4 and NG51 in the band 150.8-152.855 MHz;³⁰² (2) NG4 in the band 152.855-154 MHz; (3) US266 and NG111 in the band 157.1875-157.45 MHz;³⁰³ (4) NG28 and NG111 in the band 157.45-161.575 MHz;³⁰⁴ (5) NG6 in the band 161.625-161.775 MHz;³⁰⁵ and (6) US266 and NG6 in the band 161.775-162.0125 MHz. In the non-Federal Table, we are placing the following footnotes to the right of the maritime mobile service: (1) US77, US106, US107, and NG117 in the band 156.2475-157.0375 MHz;³⁰⁶ and (2) US77 in the band 161.575-161.625 MHz.

c. Updating the FCC Rule Part Cross References

168. If a frequency or frequency band has been allocated to a radiocommunication service in the non-Federal Table, then a cross reference may be added for the pertinent FCC Rule part (column 6 of § 2.106).³⁰⁷ A staff review finds that the following cross references should be revised. Accordingly, we are adding a cross reference to: (1) Satellite Communications (Part 25) in the band 399.9-400.05 MHz, which is a Little LEO band;³⁰⁸ (2) Experimental Radio, Auxiliary, Special Broadcast and Other Program Distribution Services (Part 74) in the band 157.45-161.575 MHz, a portion of which is available to remote pickup broadcast stations;³⁰⁹ (3) Stations in the Maritime Services (Part 80) in the bands 156.2475-157.0375 MHz and 157.0375-157.1875 MHz, which are available for licensing under Section 80.373(f);³¹⁰ and (4) Private Land Mobile Radio Services (Part 90) in the bands 4750-4995 kHz, 5730-5900 kHz, 6765-7000 kHz, 9040-9400 kHz, 9900-9995 kHz, 10150-11175 kHz, 11400-11600 kHz,

³⁰² Footnote NG4 reads as follows: The use of the frequencies in the band 152.84-153.38 MHz may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations. Footnote NG51 reads as follows: In Puerto Rico and the Virgin Islands only, the bands 150.8-150.98 MHz and 150.98-151.49 MHz are allocated exclusively to the business radio service. 47 C.F.R. § 2.106, footnotes NG4 and NG51.

³⁰³ Footnote NG111 reads as follows: The band 157.4375-157.4625 MHz may be used for one way paging operations in the special emergency radio service. 47 C.F.R. § 2.106, footnote NG111. See para. 151, *supra*, for revised footnote US266.

³⁰⁴ Footnote NG28 reads as follows: The frequency band 160.86-161.40 MHz is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only on a shared basis with the land transportation radio service. 47 C.F.R. § 2.106, footnote NG28.

³⁰⁵ Footnote NG6 reads as follows: Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51-161.79 MHz in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which these bands are allocated. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the band 160.05-161.37 MHz. No new public radio service system will be authorized to operate on these frequencies. 47 C.F.R. § 2.106, footnote NG6.

³⁰⁶ Footnote US106 reads as follows: The frequency 156.75 MHz is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan. Footnote US107 reads as follows: The frequency 156.8 MHz is the national distress, safety and calling frequency for the maritime mobile VHF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625-156.7875 and 156.8125-156.8375 MHz are maintained. Footnote NG117 reads as follows: The frequency 156.050 and 156.175 MHz may be assigned to stations in the maritime mobile service for commercial and port operations in the New Orleans Vessel Traffic Service (VTS) area and the frequency 156.250 MHz may be assigned to stations in the maritime mobile service for port operating in the New Orleans and Houston VTS areas. 47 C.F.R. § 2.106, footnotes US106, US107, and NG117.

³⁰⁷ 47 C.F.R. § 2.105(d)(6).

³⁰⁸ 47 C.F.R. § 25.202(a)(3).

³⁰⁹ 47 C.F.R. § 74.402(b)(2).

³¹⁰ 47 C.F.R. § 80.373(f), which is titled "Frequencies in the 156-162 MHz band."

12100-12230 kHz, 13410-13570 kHz, 13870-14000 kHz, 14350-14990 kHz, 15800-16360 kHz, 17410-17480 kHz, 18030-18068 kHz, 18168-18780 kHz, 19020-19680 kHz, 19800-19990 kHz, 20010-21000 kHz, 21850-21924 kHz, 22855-23200 kHz, and 23350-24890 kHz, which are available for licensing under Section 90.266;³¹¹ and also in the band 406.1-410 MHz, which is available for licensing under Section 90.265(a).³¹² In addition, we are deleting the cross reference to Aviation Services (Part 87) from the bands 5900-5950 kHz, 7300-7400 kHz, and 17480-17550 kHz.³¹³

3. Parts 90 and 97

169. We are making editorial amendments to Parts 90 and 97 in order to correct and update these Rules. In Part 90 of the Commission's Rules, we are correcting a typographical error in the Public Safety Pool Frequency Table by changing the frequency "158.4725" MHz to "159.4725" MHz.³¹⁴ In Part 97 of the Commission's Rules, we updating and correcting paragraph (a) within Section 97.301 and various paragraphs within Section 97.303.

170. *Changes to the Amateur and AMSAT Bands Above 71 GHz.* We are revising Part 97 to reflect recent two Commission actions wherein the allocations in frequency bands above 71 GHz were realigned.³¹⁵ Table 3, below, depicts the allocation decisions that the Commission previously made in those proceedings with regards to the amateur service and the amateur-satellite (AMSAT) service.

³¹¹ These frequency bands are listed in a corrected *Public Notice* titled "2-25 MHz HF Frequency Bands Available for Part 90 Long Distance Communications," dated August 12, 1988, and are available for qualified Part 90 users for operations under Section 90.266. The WARC-92 HFBC bands are also listed in this *Public Notice*. We decline to add Part 90 cross references to the WARC-92 HFBC bands because after March 25, 2007, incumbent fixed and land mobile use will be authorized on the condition that harmful interference is not caused to the HFBC service and because new fixed and/or land mobile use will not be authorized. In addition, a *Public Notice* titled "Local Government Radio Service 2 to 10 MHz Frequency List" states that certain of the frequencies within the bands 2194-2495 kHz, 2505-2850 kHz, 5005-5450 kHz, and 7400-8100 kHz are available for use in accordance with Section 90.264. 47 C.F.R. §§ 90.264, 90.266.

³¹² 47 C.F.R. § 90.265(a).

³¹³ In para. 47, we deleted the unused aeronautical mobile service allocation from the bands 5900-5950 kHz and 7300-7400 kHz and the unused fixed service allocation from the band 17480-17550 kHz.

³¹⁴ See Appendix A, Section 90.20(c)(3).

³¹⁵ The Commission made these allocation changes in two proceedings: Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands; and Loea Communications Corporation Petition for Rulemaking, WT Docket No. 02-146, *Report and Order*, 18 FCC Rcd 23318 (2003) (*Above 95 GHz Report and Order*); and Amendment of Part 2 of the Commission's Rules to Realign the 76-81 GHz band and the Frequency Range Above 95 GHz Consistent with International Allocation Changes and Amendment of Part 2 of the Commission's Rules to Allocate Additional Spectrum to the Inter-Satellite, Fixed, and Mobile Services and to Permit Unlicensed Devices to Use Certain Segments in the 50.2-50.4 GHz and 51.4-71.0 GHz Bands, ET Docket No. 03-102 and ET Docket No. 99-261, *Report and Order*, 19 FCC Rcd 3237 (2004).

Band (GHz)	Decision	Remarks
75.5-76	Downgrade the primary amateur and AMSAT service allocations to secondary status and sunset these secondary allocations on January 1, 2006.	500 MHz reduction; see footnote US387.
119.98-120.02	Delete the secondary amateur service allocation.	40 MHz reduction.
122.25-123	Allocate to the amateur service on a secondary basis	Additional 750 MHz.
134-136	Allocate to the amateur and AMSAT services on a primary basis.	Additional 2 GHz; replaces the spectrum lost at 142-144 GHz.
136-141	Allocate to the amateur and AMSAT services on a secondary basis.	Additional 5 GHz; replaces the spectrum lost at 144-149 GHz.
142-144	Delete the primary amateur and AMSAT service allocations.	Reduction of 2 GHz.
144-149	Delete the secondary amateur and AMSAT service allocations.	Reduction of 5 GHz.

171. Most of the allocation changes shown in Table 3 have not been reflected in the service rules for the Amateur Radio Service. According, we are amending Section 97.301(a) to reflect the Commission's allocation action.³¹⁶ Specifically, we are revising the authorized frequency bands for a station having a control operator who has been granted a Technician, Technician Plus, General, Advanced, or Amateur Extra Class operator license by: (1) deleting the entry for 119.98-120.02 GHz; (2) adding an entry for 122.25-123 GHz; (3) adding an entry for 134-141 GHz; (4) deleting the entry for 142-149 GHz; and (5) changing the entry "above 300 GHz" to "above 275 GHz."³¹⁷

172. In accordance with the Commission's realignment of the allocations above 71 GHz, we are also updating the frequency sharing requirements in Section 97.303.³¹⁸ Specifically, we are amending paragraphs (b), (c), and (h) by changing "77.0-77.5 GHz" and "144-149 GHz" to "76.0-77.5 GHz" and "136-141 GHz," respectively. In addition, we are updating the frequency bands listed in paragraph (k) (wherein no amateur station may cause harmful interference to the RAS, EESS (passive), and SRS (passive)) to list the frequency bands specified in footnote 5.565. In order to recognize that the band 77.5-78 GHz is allocated to the amateur and AMSAT services on a co-primary basis and that the primary

³¹⁶ This amendment also applies to stations having a control operator who holds a CEPT radio-amateur license or IARP of any class. 47 C.F.R. § 97.301(a).

³¹⁷ In the *Above 95 GHz Report and Order*, the Commission deleted the fixed and mobile service allocations from the band 275-300 GHz in order to align the U.S. Table with the ITU *Radio Regulations*. Thus, the frequency range 275-1000 GHz is labelled as "not allocated" in the U.S. Table. In addition, the Commission added international footnote 5.565 to the U.S. Table, which reads as follows: The frequency band 275-1000 GHz may be used by administrations for experimentation with, and development of, various active and passive services. In this band a need has been identified for the following spectral line measurements for passive services:

- radio astronomy service: 275-323 GHz, 327-371 GHz, 388-424 GHz, 426-442 GHz, 453-510 GHz, 623-711 GHz, 795-909 GHz and 926-945 GHz;
- Earth exploration-satellite service (passive) and space research service (passive): 275-277 GHz, 294-306 GHz, 316-334 GHz, 342-349 GHz, 363-365 GHz, 371-389 GHz, 416-434 GHz, 442-444 GHz, 496-506 GHz, 546-568 GHz, 624-629 GHz, 634-654 GHz, 659-661 GHz, 684-692 GHz, 730-732 GHz, 851-853 GHz and 951-956 GHz.

Future research in this largely unexplored spectral region may yield additional spectral lines and continuum bands of interest to the passive services. Administrations are urged to take all practicable steps to protect these passive services from harmful interference until the date when the allocation Table is established in the above-mentioned frequency band.

³¹⁸ 47 C.F.R. § 97.303.

radiolocation service allocation has been deleted from this band, we are amending paragraph (r) by removing paragraph (r)(2).³¹⁹

173. *Additional Changes to Part 97.* Our review finds that additional changes should be made to Part 97 in order to reflect existing allocations and frequency sharing requirements. First, we take the following actions with regard to the band 1240-1300 MHz ("the 23 cm band"). We are amending Section 97.301(a) in order to correct the following typographical errors:³²⁰ (1) the Region 3 entry is revised from "124-1300" MHz to "1240-1300" MHz; and (2) the cross reference to the frequency sharing requirements that are codified in Section 97.303 is revised from paragraph "(j)" to paragraph "(i)." In addition, we are amending Section 97.303(i) in order to reflect the current frequency sharing requirements in the 23 cm band.³²¹ The sharing frequency requirements in Section 97.303(i) do not accurately reflect the status of the Amateur Radio Service in the 23 cm band because this rule currently pertains to only the segment 1240-1260 MHz, and accordingly, we amend this Rule to conform to Section 2.106 (the Table of Frequency Allocations).³²² For consistency, we are moving the Federal and international frequency sharing requirements for the radiolocation service from Section 97.303(i) to Sections 97.303(b) (amateur frequency sharing requirements with the Federal radiolocation service) and 97.303(h) (amateur frequency sharing requirements with stations in the radiolocation service authorized by other nations).³²³

174. Second, we are taking the following actions with regard to the band 3.3-3.5 GHz ("the 9 cm band"). International footnote 5.431 states that the segment 3.4-3.475 GHz is allocated to the amateur service on a secondary basis in Germany, Israel and the United Kingdom.³²⁴ Therefore, we are adding the segment 3.4-3.475 GHz to Section 97.301(a) as the authorized frequency band in Region 1. We are also adding a sentence to Section 97.303(l)(1) to recognize that the use of the segment 3.4-3.475 GHz is geographically limited. For consistency, we are moving the international frequency sharing requirement for the radiolocation service in the segment 3.3-3.4 GHz from Section 97.303(l)(3) to 97.303(h).³²⁵ Accordingly, Section 97.303(l) is amended to read as follows:

(l) In the 9 cm band:

(1) In ITU Regions 2 and 3, the 9 cm band is allocated to the amateur service on a secondary basis. In ITU Region 1, the segment 3.4-3.475 GHz is allocated to the amateur service on a secondary basis for use only in Germany, Israel, and the United Kingdom.

(2) In the United States, the 9 cm band is allocated to the amateur and non-Federal radiolocation services on a secondary basis.

(3) In the 3.4-3.5 GHz segment, no amateur station shall cause harmful interference to, nor is protected from interference due to the operation of, stations in the fixed and fixed-satellite services.

Finally, in Section 97.301(a), we are correcting a typographical error in the authorized frequency band for Region 3. Specifically, the Region 3 entry is amended to read "3.3-3.5" GHz (instead of "3.3-.5" GHz).

³¹⁹ Consequently, paragraph (r)(3) is renumbered as paragraph (r)(2).

³²⁰ 47 C.F.R. § 97.301(a).

³²¹ 47 C.F.R. § 97.303(i).

³²² Currently, § 97.303(i) describes the frequency sharing requirements only for the segment 1240-1260 MHz. However, the entire 23 cm band is allocated to the ARNS, EESS (active), SRS (active), and radiolocation services on a co-primary basis for Federal use; and to the ARNS on a primary basis and to the amateur service on a secondary basis for non-Federal use. See 47 C.F.R. § 2.106.

³²³ Consequently, we are adding paragraphs "b" and "h" to the sharing requirements in § 97.301(a) for the 23 cm band.

³²⁴ See Appendix A, Section 2.106, footnote 5.431. At WRC-03, Nigeria was removed from footnote 5.431.

³²⁵ Consequently, Section 97.303(l)(4) is renumbered as Section 97.303(l)(3).

175. Third, we are revising Section 97.303(a) in order to more closely parallel ITU Radio Regulation No. 4.8 (which is currently listed as “No. 386 (Geneva, 1979)” in our Rules). In addition, we are adding an informational phrase to explain that “services of the same category” is equivalent to services with the same allocation status. Specifically, Section 97.303(a) is revised to read as follows:

Where, in adjacent ITU Regions or sub-Regions, a band of frequencies is allocated to different services of the same category (*i.e.*, primary or secondary allocations), the basic principle is the equality of right to operate. Accordingly, stations of each service in one Region or sub-Region must operate so as not to cause harmful interference to any service of the same or higher category in the other Regions or sub-Regions. (See ITU Radio Regulations, edition of 2004, No. 4.8.)

176. Fourth, we are revising Section 90.303(f)(4) by deleting duplicative information (space telecommand is a subset of the space operation service) and by correcting the spelling of the word “interference.” Accordingly, Section 90.303(f)(4) will read as follows:

No amateur station transmitting in the 449.75–450.25 MHz segment shall cause interference to, nor is protected from interference due to the operation of stations in, the space operation and space research services.

177. Fifth, we are correcting a typographical error in Section 90.303(k). Specifically, we are listing the band 3.3458-3.3525 GHz (“3.3525” is currently shown as “3.525”), which is the frequency band that is listed in footnotes 5.149 and US342.³²⁶

V. PROCEDURAL MATTERS

A. Final Regulatory Flexibility Analysis

178. As required by the Regulatory Flexibility Act, *see* 5 U.S.C. § 604, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the final rules adopted in this Report and Order. The FRFA is set forth in Appendix B.

B. Paperwork Reduction Act

179. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

C. Congressional Review Act

180. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

VI. ORDERING CLAUSES

181. Accordingly, IT IS ORDERED that pursuant to Sections 1, 4(i), 7(a), 301, 302(a), 303(c), 303(f), 303(g), 303(r), 307, 308, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154(i), 157(a), 301, 302(a), 303(c), 303(f), 303(g), 303(r), 307, 308, 316, and 332, the REPORT AND ORDER is hereby ADOPTED.

³²⁶ 47 C.F.R. § 2.106, footnotes 5.149 and US342.

182. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this REPORT AND ORDER, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Marlene H. Dortch". The signature is fluid and cursive, with the first name being the most prominent.

Marlene H. Dortch
Secretary

Appendix A: Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 C.F.R. parts 2, 25, 73, 90, and 97 as follows:

**PART 2 – FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS;
GENERAL RULES AND REGULATIONS**

1. The authority citation for part 2 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.1 is amended by revising paragraphs (b) and (c), and by adding and revising the following terms in alphabetical order to read as follows:

§ 2.1 Terms and definitions.

(a) * * *

(b) The source of each definition is indicated as follows:

CS – Annex to the Constitution of the International Telecommunication Union (ITU).

CV – Annex to the Convention of the ITU.

FCC – *Federal Communications Commission*.

RR – ITU Radio Regulations.

(c) The following terms and definitions are issued:

* * * * *

Adaptive System. A radiocommunication system which varies its radio characteristics according to channel quality. (RR)

Administration. Any governmental department or service responsible for discharging the obligations undertaken in the Constitution of the International Telecommunication Union, in the Convention of the International Telecommunication Union and in the Administrative Regulations. (CS)

* * * * *

Broadcasting Service. A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission. (CS)

* * * * *

Coordinated Universal Time (UTC). Time scale, based on the second (SI), as defined in Recommendation ITU-R TF.460-6.

For most practical purposes associated with the ITU Radio Regulations, UTC is equivalent to mean solar time at the prime meridian (0° longitude), formerly expressed in GMT. (RR)

Coordination Area. When determining the need for coordination, the area surrounding an earth station sharing the same frequency band with terrestrial stations, or surrounding a transmitting earth station sharing the same bidirectionally allocated frequency band with receiving earth stations, beyond which the level of permissible interference will not be exceeded and coordination is therefore not required. (RR)

* * * * *

Coordination Distance. When determining the need for coordination, the distance on a given azimuth from an earth station sharing the same frequency band with terrestrial stations, or from a transmitting earth station sharing the same bidirectionally allocated frequency band with receiving earth stations,

beyond which the level of permissible interference will not be exceeded and coordination is therefore not required. (RR)

* * * * *

Facsimile. A form of telegraphy for the transmission of fixed images, with or without half-tones, with a view to their reproduction in a permanent form. (RR)

* * * * *

Frequency Assignment Subcommittee (FAS). A subcommittee of the Interdepartment Radio Advisory Committee (IRAC) within NTIA that develops and executes procedures for the assignment and coordination of Federal radio frequencies. (FCC)

* * * * *

Geostationary Satellite. A geosynchronous satellite whose circular and direct orbit lies in the plane of the Earth's equator and which thus remains fixed relative to the Earth; by extension, a geosynchronous satellite which remains approximately fixed relative to the Earth. (RR)

Government Master File (GMF). NTIA's database of Federal assignments. It also includes non-Federal authorizations coordinated with NTIA for the bands allocated for shared Federal and non-Federal use. (FCC)

* * * * *

Harmful Interference. Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with [the ITU] Radio Regulations. (CS)

High Altitude Platform Station (HAPS). A station located on an object at an altitude of 20 to 50 km and at a specified, nominal, fixed point relative to the Earth. (RR)

* * * * *

Inclination of an Orbit (of an earth satellite). The angle determined by the plane containing the orbit and the plane of the Earth's equator measured in degrees between 0° and 180° and in counter-clockwise direction from the Earth's equatorial plane at the ascending node of the orbit. (RR)

* * * * *

Interdepartment Radio Advisory Committee (IRAC). A committee of the Federal departments, agencies, and administrations that advises NTIA in assigning frequencies to Federal radio stations and in developing and executing policies, programs, procedures, and technical criteria pertaining to the allocation, management, and use of the spectrum. The IRAC consists of a main committee, subcommittees, and several ad hoc groups that consider various aspects of spectrum management policy. The FCC serves as a member of the Frequency Assignment Subcommittee and as Liaison Representative on the main committee, all other subcommittees and ad hoc groups. (FCC)

International Telecommunication Union (ITU). An international organization within the United Nations System where governments and the private sector coordinate global telecom networks and services. The ITU is headquartered in Geneva, Switzerland and its internet address is www.itu.int. (FCC)

* * * * *

Mobile Service. A radiocommunication service between mobile and land stations, or between mobile stations. (CV)

* * * * *

National Telecommunications and Information Administration (NTIA). An agency of the United States Department of Commerce that serves as the President's principal advisor on telecommunications and information policy issues. NTIA manages Federal use of the radio spectrum and coordinates Federal use with the FCC. NTIA sets forth regulations for Federal use of the radio spectrum within its Manual of Regulations & Procedures for Federal Radio Frequency Management (NTIA Manual). (FCC)

* * * * *

Out-of-band domain (of an emission). The frequency range, immediately outside the necessary bandwidth but excluding the spurious domain, in which out-of-band emissions generally predominate. Out-of-band emissions, defined based on their source, occur in the out-of-band domain and, to a lesser extent, in the spurious domain. Spurious emissions likewise may occur in the out-of-band domain as well as in the spurious domain. (RR)

* * * * *

Permissible Interference.² Observed or predicted interference which complies with quantitative interference and sharing criteria contained in these [ITU Radio] Regulations or in ITU-R Recommendations or in special agreements as provided for in these Regulations. (RR)

* * * * *

Power. Whenever the power of a radio transmitter, etc. is referred to it shall be expressed in one of the following forms, according to the class of emission, using the arbitrary symbols indicated:

- peak envelope power (PX or pX);
- mean power (PY or pY);
- carrier power (PZ or pZ).

NOTE 1: For different classes of emission, the relationships between peak envelope power, mean power and carrier power, under the conditions of normal operation and of no modulation, are contained in ITU-R Recommendations which may be used as a guide.

NOTE 2: For use in formulae, the symbol p denotes power expressed in watts and the symbol P denotes power expressed in decibels relative to a reference level. (RR)

* * * * *

Public Correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission. (CS)

* * * * *

Radio. A general term applied to the use of radio waves. (RR)

* * * * *

Radiocommunication. Telecommunication by means of radio waves. (CS)(CV)

* * * * *

Safety Service. Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property. (RR)

* * * * *

Semi-Duplex Operation. A method which is simplex operation on one end of the circuit and duplex operation at the other.⁴ (RR)

¹ * * * * *

² See footnote under Accepted Interference.

³ * * * * *

* * * * *

Simplex Operation. Operating method in which transmission is made possible alternatively in each direction of a telecommunication channel, for example, by means of manual control.⁵

* * * * *

Spurious domain (of an emission): The frequency range beyond the out-of-band domain in which spurious emissions generally predominate. (RR)

* * * * *

Telecommunication. Any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. (CS)

* * * * *

Telegram. Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified. (CS)

Note: In this definition the term telegraphy has the same general meaning as defined in the Convention.

Telegraphy.⁶ A form of telecommunication in which the transmitted information is intended to be recorded on arrival as a graphic document; the transmitted information may sometimes be presented in an alternative form or may be stored for subsequent use. (CS)

Telemetry. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument. (RR)

Telephony. A form of telecommunication primarily intended for the exchange of information in the form of speech. (CS)

* * * * *

3. Section 2.100 is amended to read as follows:

§ 2.100 International regulations in force.

The ITU Radio Regulations, edition of 2004, have been incorporated to the extent practicable in Subparts A and B of this part.

4. Section 2.101 is amended by revising the section and section heading to read as follows:

§ 2.101 Frequency and wavelength bands.

The radio spectrum shall be subdivided into nine frequency bands, which shall be designated by progressive whole numbers in accordance with the following table. As the unit of frequency is the hertz (Hz), frequencies shall be expressed:

- in kilohertz (kHz), up to and including 3 000 kHz;
- in megahertz (MHz), above 3 MHz, up to and including 3 000 MHz;
- in gigahertz (GHz), above 3 GHz, up to and including 3 000 GHz.

(...continued from previous page)

⁴ See footnote under Duplex Operations.

⁵ See footnote under Duplex Operation.

⁶ A graphic document records information in a permanent form and is capable of being filed and consulted; it may take the form of written or printed matter or of a fixed image.

⁷ * * * * *

However, where adherence to these provisions would introduce serious difficulties, for example in connection with the notification and registration of frequencies, the lists of frequencies and related matters, reasonable departures may be made.

Band number	Symbols	Frequency range (lower limit exclusive, upper limit inclusive)	Corresponding metric subdivision	Metric abbreviations for the bands
4	VLF	3 to 30 kHz	Myriametric waves	B.Mam
5	LF	30 to 300 kHz	Kilometric waves	B.km
6	MF	300 to 3 000 kHz	Hectometric waves	B.hm
7	HF	3 to 30 MHz	Decametric waves	B.dam
8	VHF	30 to 300 MHz	Metric waves	B.m
9	UHF	300 to 3 000 MHz	Decimetric waves	B.dm
10	SHF	3 to 30 GHz	Centimetric waves	B.cm
11	EHF	30 to 300 GHz	Millimetric waves	B.mm
12		300 to 3 000 GHz	Decimillimetric waves	

NOTE 1: "Band N" (N = band number) extends from 0.3×10^N Hz to 3×10^N Hz.

NOTE 2: Prefix: k = kilo (10^3), M = mega (10^6), G = giga (10^9).

In communications between administrations and the ITU, no names, symbols or abbreviations should be used for the various frequency bands other than those specified in this section.

5. Section 2.102 is amended by revising paragraphs (a), (b)(3), (c), (c)(1), (c)(3), (c)(4), (e), (g), and (h).

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 9 kHz and 275 GHz, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in §2.106.

(b) * * *

* * * * *

(3) Experimental stations, pursuant to part 5, may be authorized the use of any frequency or frequency band not exclusively allocated to the passive services (including the radio astronomy service).

* * * * *

(c) Non-Federal stations may be authorized to use Federal frequencies in the bands above 25 MHz if the Commission finds, after consultations with the appropriate Federal agency or agencies, that such use is necessary for coordination of Federal and non-Federal activities: Provided, however, that:

(1) Non-Federal operation on Federal frequencies shall conform with the conditions agreed upon by the Commission and NTIA (the more important of which are contained in paragraphs (c) (2), (3), and (4) of this section);

* * * * *

(3) Such operations shall not cause harmful interference to Federal stations and, should harmful interference result, that the interfering non-Federal operation shall immediately terminate; and

(4) Non-Federal operation has been certified as necessary by the Federal agency involved and this certification has been furnished, in writing, to the non-Federal licensee with which communication is required.

* * * * *

(e) Non-Federal services operating on frequencies in the band 25-50 MHz must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

* * * * *

(g) In the bands above 25 MHz which are allocated to the non-Federal land mobile service, fixed stations may be authorized on the following conditions:

* * * * *

(h) Special provisions regarding the use of spectrum allocated to the fixed and land mobile services below 25 MHz by non-Federal stations.

* * * * *

6. Section 2.103 is amended by revising paragraphs (a), (a)(1), (a)(3), (a)(4), (b), (b)(1), (b)(2), (b)(3), and (b)(4).

§ 2.103 Federal use of non-Federal frequencies.

(a) Federal stations may be authorized to use non-Federal frequencies in the bands above 25 MHz (except the 764-776 MHz and 794-806 MHz public safety bands) if the Commission finds that such use is necessary for coordination of Federal and non-Federal activities: Provided, however, that:

(1) Federal operation on non-Federal frequencies shall conform with the conditions agreed upon by the Commission and NTIA (the more important of which are contained in paragraphs (a)(2), (a)(3) and (a)(4) of this section);

* * * * *

(3) Such operations shall not cause harmful interference to non-Federal stations and, should harmful interference result, that the interfering Federal operation shall immediately terminate; and

(4) Federal operation has been certified as necessary by the non-Federal licensees involved and this certification has been furnished, in writing, to the Federal agency with which communication is required.

(b) Federal stations may be authorized to use channels in the 764-776 MHz, 794-806 MHz and 4940-4990 MHz public safety bands with non-Federal entities if the Commission finds such use necessary; where:

(1) The stations are used for interoperability or part of a Federal/non-Federal shared or joint-use system;

(2) The Federal entity obtains the approval of the non-Federal (State/local government) licensee(s) or applicant(s) involved;

(3) Federal operation is in accordance with the Commission's Rules governing operation of this band and conforms with any conditions agreed upon by the Commission and NTIA; and

(4) Interoperability, shared or joint-use systems are the subject of a mutual agreement between the Federal and non-Federal entities. This section does not preclude other arrangements or agreements as permitted under part 90 of the rules. See 47 CFR §§ 90.179 and 90.421 of this chapter.

7. Section 2.104 is amended by revising paragraphs (b)(1), (b)(3), (c)(2), (c)(4)(ii)(B), (c)(4)(iii), (g), and (h)(5).

§ 2.104 International Table of Frequency Allocations.

* * * * *

(b) * * *

(1) Region 1. Region 1 includes the area limited on the east by line A (lines A, B and C are defined below) and on the west by line B, excluding any of the territory of the Islamic Republic of Iran which lies between these limits. It also includes the whole of the territory of Armenia, Azerbaijan, the Russian Federation, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, Turkey and Ukraine and the area to the north of the Russian Federation which lies between lines A and C.

* * * * *

(3) Region 3. Region 3 includes the area limited on the east by line C and on the west by line A, except any of the territory of Armenia, Azerbaijan, the Russian Federation, Georgia, Kazakhstan, Mongolia, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, Turkey and Ukraine and the area to the north of the Russian Federation. It also includes that part of the territory of the Islamic Republic of Iran lying outside of those limits.

* * * * *

(c) * * *

* * * * *

(2) The "European Broadcasting Area" is bounded on the west by the western boundary of Region 1, on the east by the meridian 40° East of Greenwich and on the south by the parallel 30° North so as to include the northern part of Saudi Arabia and that part of those countries bordering the Mediterranean within these limits. In addition, Iraq, Jordan and that part of the territory of the Syrian Arab Republic, Turkey and Ukraine lying outside the above limits are included in the European Broadcasting Area.

* * * * *

(4) * * *

* * * * *

(ii) * * *

* * * * *

(B) That part of Libyan Arab Jamahiriya north of parallel 30° North.

(iii) In Region 2, the Tropical Zone may be extended to parallel 33° North, subject to special agreements between the countries concerned in that Region (see Article 6 of the ITU Radio Regulations).

* * * * *

(g) Miscellaneous provisions. (1) Where it is indicated in the International Table that a service or stations in a service may operate in a specific frequency band subject to not causing harmful interference to another service or to another station in the same service, this means also that the service which is subject to not causing harmful interference cannot claim protection from harmful interference caused by the other service or other station in the same service.

(2) Where it is indicated in the International Table that a service or stations in a service may operate in a specific frequency band subject to not claiming protection from another service or from another station in the same service, this means also that the service which is subject to not claiming protection shall not cause harmful interference to the other service or other station in the same service.

(3) Except if otherwise specified in a footnote, the term "fixed service", where appearing in the International Table, does not include systems using ionospheric scatter propagation.

(h) * * *

* * * * *

(5) The footnote references which appear in the International Table below the allocated service or services apply to more than one of the allocated services, or to the whole of the allocation concerned.

* * * * *

8. Section 2.105 is amended by revising paragraph (a) and associated notes 1-4, by revising paragraph (b) and associated note 7, by revising paragraphs (c)(1), (d)(1), (d)(2), (d)(3), (d)(5)(i), (d)(5)(ii), (d)(5)(iii), and (d)(5)(iv), and by adding paragraphs (e) and (f) to read as follows:

§ 2.105 United States Table of Frequency Allocations.

(a) The United States Table of Frequency Allocations (United States Table) is subdivided into the Federal Table of Frequency Allocations (Federal Table, column 4 of § 2.106) and the non-Federal Table of Frequency Allocations (non-Federal Table, column 5 of § 2.106). The United States Table is based on the Region 2 Table because the relevant area of jurisdiction is located primarily in Region 2¹ (i.e., the 50 States, the District of Columbia, the Caribbean insular areas,² and some of the Pacific insular areas).^{3 4} The Federal Table is administered by NTIA⁵ and the non-Federal Table is administered by the Federal Communications Commission (FCC).⁶

¹ See § 2.104(b) for definitions of the ITU Regions.

² The Caribbean insular areas are Puerto Rico, the United States Virgin Islands, and Navassa Island.

³ The Pacific insular areas located in Region 2 are Johnston Atoll and Midway Atoll.

⁴ The operation of stations in the Pacific insular areas located in Region 3 are generally governed by the Region 3 Table (i.e., column 3 of § 2.106). The Pacific insular areas located in Region 3 are American Samoa, Guam, the Northern Mariana Islands, Baker Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island, and Wake Island.

⁵ * * * * *

⁶ * * * * *

(b) In the United States, radio spectrum may be allocated to either Federal or non-Federal use exclusively, or for shared use. In the case of shared use, the type of service(s) permitted need not be the same [e.g., Federal FIXED, non-Federal MOBILE]. The terms used to designate categories of services and allocations⁷ in columns 4 and 5 of § 2.106 correspond to the terms in the ITU Radio Regulations.

⁷ The radio services are defined in § 2.1.

(c) Category of services. (1) Any segment of the radio spectrum may be allocated to the Federal and/or non-Federal sectors either on an exclusive or shared basis for use by one or more radio services. In the case where an allocation has been made to more than one service, such services are listed in the following order:

* * * * *

(d) Format of the United States Table. (1) The frequency band referred to in each allocation, column 4 for Federal operations and column 5 for non-Federal operations, is indicated in the left-hand top corner of the column. If there is no service or footnote indicated for a band of frequencies in column 4, then the Federal sector has no access to that band except as provided for by § 2.103. If there is no service or footnote indicated for a band of frequencies in column 5, then the non-Federal sector has no access to that band except as provided for by § 2.102.

(2) When the Federal Table and the non-Federal Table are exactly the same for a shared band, the line between columns 4 and 5 is deleted and the allocations are shown once.

(3) The Federal Table, given in column 4, is included for informational purposes only.

* * * * *