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July 3, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Service Rules to Implement a Nationwide, Interoperable Network for Public Safety and Commercial Innovation; WT Docket Nos. 06-150 and 06-169; PS Docket No. 06-229

Dear Ms. Dortch:

On March 26, 2007, Frontline filed a working draft of proposed service rules to implement the Plan for a nationwide, interoperable, broadband, 4G network that would advance both public safety communications and commercial competition and innovation. Since then, Frontline has continued to work closely with various stakeholders – including public safety representatives, wireless companies, high-tech innovators and Commission staff – to refine this Plan.

These discussions have resulted in further improvements to, and more specific formulation of, the Plan. Frontline here submits revised service rule proposals to reflect these improvements.

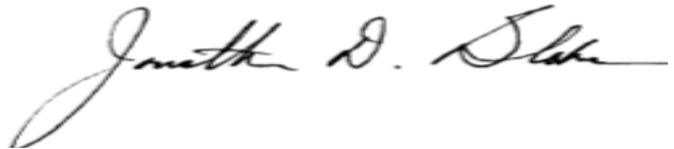
Frontline's revised service rules:

- Increase the buildout commitment for the shared network for the benefit of public safety by requiring coverage of 99% of the U.S. population over 10 years, with interim milestones at 75% in 4 years and 95% in 7 years;
- Provide a mechanism which gives the National Public Safety Licensee (“NPSL”) the freedom to negotiate an agreement with *any* network service partner, while having a guaranteed option via one-way arbitration that binds the E Block licensee but not the NPSL;
- Assure that the network cannot become operational unless and until it protects the security and integrity of public safety's transmissions (they are already assured of instantaneous and automatic prioritization);
- Clarify that the E Block licensee must comply with all CALEA requirements;

- Ensure that the shared network will not inhibit service-specific requirements, such as E-911, provided by retailers of commercial services using the shared network;
- Preserve local control by providing individual regions a right to opt out of the shared network by notification to the National Public Safety Licensee. Frontline has tentatively proposed that such opt outs occur on a regional planning commission (“RPC”) basis, but recognizes that other geographic zones may be appropriate in some cases.

The proposed Plan will set the 700 MHz auction on a path towards solving public safety’s longstanding connectivity and interoperability crisis and injecting competition into the wireless and broadband markets.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan D. Blake". The signature is written in a cursive style with a large, sweeping initial "J".

Jonathan D. Blake
Gerard Waldron
Matthew S. DelNero
Jodi Steiger
Counsel to Frontline Wireless, LLC

REDLINE VERSION

(Compares proposed rules to current C.F.R.)

This draft only lists the service rules (or sections) that would be amended and omits the remainder of the applicable rules.

PART 27 — MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

SUBPART A — GENERAL INFORMATION

§ 27.4 Terms and definitions.

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E Block License. The E Block License is the nationwide license at the 756-762 MHz and 786-792 MHz bands.

E Block Licensee. The E Block Licensee is the entity to which the E Block License is assigned pursuant to competitive bidding.

National Public Safety Licensee. The nonprofit, independent entity which holds the nationwide license allocated for public safety broadband transmissions at the 763-769 MHz and 793-799 MHz bands.

Network Sharing Agreement. An agreement entered into by the E Block Licensee and the National Public Safety Licensee regarding the national broadband services network that will operate on the 756-762 MHz and 786-792 MHz bands as well as the 763-769 MHz and 793-799 MHz bands.

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§ 27.5 Frequencies.

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(b) 746-764 MHz and 776-794 MHz bands. The following frequencies are available for licensing pursuant to this part in the 746-764 MHz and 776-794 MHz bands:

(1) Two paired channels of 1 megahertz each are available for assignment. Block A: 76246-76347 MHz and 79276-79377 MHz.

(2) Two paired channels of 21 megahertz each are available for assignment. Block B: 76275-76476 MHz and 805792-806794 MHz.

(3) Two paired channels of 5 megahertz each are available for assignment. Block C: 7476-7521 MHz and 7776-7821 MHz.

(4) Two paired channels of 510 megahertz each are available for assignment. Block D: 7512-756762 MHz and 7821-78692 MHz.

(5) Two paired channels of 6 megahertz each are available for assignment. Block E: 756-762 MHz and 786-792 MHz.

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§ 27.6 Service areas.

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(b) 746-764 MHz and 776-794 MHz bands. WCS service areas for the 746–764 MHz and 776–794 MHz bands are as follows:

(1) Service areas for Block A in the 746762–747763 and 776792–79377 MHz bands and Block B in the 77562–7764 and 805792–806794 MHz bands are based on Major Economic Areas (MEAs), as defined in paragraphs (a)(1) and (a)(2) of this section.

(2) Service areas for Block C in the 746-751 MHz and 776-781 MHz bands are based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs) as defined by Public Notice Report No. CL-92-40 “Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties,” dated January 24, 1992, DA 92–109, 7 FCC Rcd 742 (1992), with the following modifications:

(i) The service areas of cellular markets that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline.

(ii) The service area of cellular market 306 that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

(2)(3) Service areas for Blocks ~~C~~ and D in the 75147-75662 MHz and 78177-78692 MHz bands are based on Economic Area Groupings (EAGs) as defined by the Federal Communications Commission. See 62 FR 15978 (April 3, 1997) extended with the Gulf of Mexico. See also 62 FR 9636 (March 3, 1997), in which the Commission created an additional four economic area-like areas for a total of 176. Maps of the EAGs and the FEDERAL REGISTER Notice that established the 172 Economic Areas (EAs) are available for public inspection and copying at the Reference Center, Room CY A-257, 445 12th St., S.W., Washington, DC 20554. These maps and data are also available on the FCC website at www.fcc.gov/oet/info/maps/areas/.

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(4) Service areas for Block E in the 756-62 MHz and 786-92 MHz bands shall be the geographic area of the United States, but does not include the Territories or the Canal Zone.

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SUBPART B — APPLICATIONS AND LICENSES

§ 27.11 Initial authorization.

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(c) ~~746-7643 MHz, and 7765-7943 MHz, and 805-806 MHz~~ bands. Initial authorizations for the ~~746-7634 MHz, and 7765-7943 MHz, and 805-806 MHz~~ blocks shall be for ~~1, 2, or 5, or 610~~ megahertz of spectrum in accordance with § 27.5(b) of this part.

(1) Authorizations for Block A, consisting of two paired channels of 1 megahertz each, will be based on those geographic areas specified in § 27.6(b)(1) of this part.

(2) Authorizations for Block B, consisting of two paired channels of ~~2~~1 megahertz each, will be based on those geographic areas specified in § 27.6(b)(1) of this part.

(3) Authorizations for Block C, consisting of two paired channels of 5 megahertz each, will be based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs)~~Economic Area Groupings (EAGs)~~, as specified in § 27.6(b)(2) of this part.

(4) Authorizations for Block D, consisting of two paired channels of ~~510~~ megahertz each, will be based on EAGs, as specified in § 27.6(b)(~~23~~) of this part.

(5) Authorizations for Block E, consisting of two paired channels of 6 megahertz each, will extend throughout the geographic area of the United States, as specified in § 27.6(b)(3).

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§ 27.12 Eligibility.

Except as provided in §§ ~~27.16~~, 27.604, 27.1201, and 27.1202, any entity other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this part.

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§ 27.14 Construction requirements; Criteria for comparative renewal proceedings.

(a) AWS and WCS licensees must make a showing of “substantial service” in their license area within the prescribed license term set forth in §27.13. “Substantial” service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(1) E Block Licensee. The E Block Licensee shall be required to construct broadband network facilities over the E Block spectrum that: (A) provide coverage to 75% of the United States population within four years of the 700 MHz auction clearing date; (B) provide coverage to 95% of the United States population within seven years of the 700 MHz auction clearing date; (C) provide coverage to 99% of the United States population within ten years of the 700 MHz auction clearing date; and with respect to Alaska, the E Block licensee (D) shall provide coverage to all Alaskan cities of 10,000 or more within four years of the 700 MHz auction clearing date; and (E) shall thereafter work with the Alaska Land Mobile Project and the national public safety broadband licensee to determine where additional coverage is needed and feasible, considering various factors including the availability of satellite services. For purposes of this

paragraph, “auction clearing date” refers to the Analog Spectrum Recovery Firm Deadline provided for in Section 3002 of the Deficit Reduction Act of 2005. The coverage requirements of the foregoing subsection (C) shall be reduced on a pro rata basis to the extent that one or more regions decide to opt out of the shared national broadband services network in the manner described at § 27.16(b)(1).

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§ 27.15 Geographic partitioning and spectrum disaggregation.

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(d) Compliance with construction requirements. The following rules apply for purposes of implementing the construction requirements set forth in § 27.14 of this part.

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(3) E Block Licensee. To the extent the E Block Licensee satisfies the construction requirements of § 27.14 through partitioning or disaggregation, it shall do so only through the first options listed in paragraphs (1) and (2).

§ 27.16 E Block License Conditions and Eligibility

(a) E Block. An applicant shall not be eligible to bid for, or hold, the E Block License unless it commits to, and adheres to, the following conditions and requirements that the E Block Licensee shall:

(1) comply with the construction requirements set forth in §27.14(a).

(2) comply with the requirements concerning a shared network set forth in paragraphs (b) and (c), below.

(3) be limited to providing service to public safety users, entities that provide retail service and products to end users, and providers and operators of critical infrastructure as defined in Section 2(4) of the Homeland Security Act of 2002 (incorporating the definition in 42 U.S.C. § 5195c(e)).

(4) be prohibited from blocking users from accessing services or content provided by unaffiliated parties, or otherwise engaging in unreasonable discrimination against such services or content, except with the consent of the user or as required by law.

(5) on all licenses owned or controlled by the E Block Licensee, offer on a reasonable and non-discriminatory basis network quality-of-service capabilities to Internet content, application, and service providers.

(6) comply with the access requirements set forth in §27.51(c).

(7) provide roaming service on a reasonable and nondiscriminatory basis to any requesting

CMRS operator whose customers are using compatible equipment, which roaming services shall not be subject to the requirements of paragraphs (4) through (6).

(8) not discontinue, reduce, or impair service to public safety users on public safety spectrum, as well as critical infrastructure users on commercial spectrum, unless and until, pursuant to Commission procedures, it has obtained prior authorization from the Commission.

(9) comply with the rules of Part 1, Subpart Z of this Chapter, which were enacted pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.).

(10) not inhibit compliance with service-specific requirements, such as the enhanced 911 requirements of § 20.18 applicable to certain commercial mobile radio service providers, by any commercial entity purchasing network services from the E Block.

(b) *Negotiations concerning a network sharing agreement.* Within 30 days of the issuance of a public notice pursuant to Section 1.2107 of this Chapter announcing the high bidder for the E Block License and declaring the bidding closed, the putative E Block Licensee shall enter into good faith negotiations with the National Public Safety Licensee or its agent with the goal of entering into a Network Sharing Agreement. During these negotiations, the Commission shall continue to process the long form application of the putative E Block Licensee pursuant to Part 1, Subpart Q of this Chapter. The National Public Safety Licensee's obligation to negotiate in good faith with the E Block Licensee shall not be construed to prohibit it from discussing alternative network services arrangements with other parties. Unless the Commission decides otherwise for good cause shown, the Network Sharing Agreement must include provisions to the effect that:

(1) The network constructed by the E Block Licensee shall operate on the 756-762 MHz and 786-792 MHz bands as well as the 763-769 MHz and 793-799 MHz bands pursuant to the coverage requirements of § 27.14(a)(1), provided that the network shall not operate on the 763-769 MHz and 793-799 MHz bands in any region for which the applicable regional planning commission has notified the National Public Safety Licensee, prior to the deadline for commencing negotiations that is established by this paragraph (b), of the decision of such region to opt out of the shared network.

(2) The E Block Licensee shall consult with the National Public Safety Licensee on the design, construction, and operation of the shared network on the E Block and the public safety spectrum;

(3) the E Block Licensee shall enable emergency preemption by public safety users on its commercial spectrum according to procedures, protocols, and fees defined in the Network Sharing Agreement;

(4) the E Block Licensee is the only commercial licensee designated to use capacity on the 763-769 and 793-799 MHz bands and such service shall be on a secondary and preemptible basis to public safety uses; and

(5) the E Block Licensee must design and operate the shared network to provide for the security and integrity of public safety communications over the network.

(c) Procedures to Conclude Negotiations.

(1) In the event that the National Public Safety Licensee and the putative E Block Licensee are unable to complete negotiations and execute a mutually acceptable Network Sharing Agreement by the date that is 120 days from the commencement of negotiations, then the parties shall jointly submit to the Commission the text of a draft Network Sharing Agreement containing the provisions on which there is consensus and identifying the issues in dispute. The Commission shall immediately commence an arbitral proceeding to resolve such disputed issues, based upon the principles described in paragraph (b) and a standard that any requirement should be technically and commercially reasonable to the network operator. The Commission shall issue its arbitral decision within 60 days.

(2) Unless the National Public Safety Licensee elects not to accept the decision of the Commission within 30 days of its issuance, then the Network Sharing Agreement shall be deemed executed in accordance with the Commission's decision and shall be binding upon both the National Public Safety Licensee and the E Block Licensee. In the event that the National Public Safety Licensee timely elects not to accept the arbitral decision of the Commission, then the requirements of paragraph (a)(8) and (b), as well as § 27.14(a)(1)(C), shall not apply to the E Block Licensee.

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SUBPART C - TECHNICAL STANDARDS

§ 27.50 Power and antenna height limits.

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(b) * * *

(1) Fixed and base stations transmitting a signal in the 746-~~747~~ and ~~762-764~~763 MHz bands must not exceed an effective radiated power (ERP) of 1000 watts and an antenna height of 305 m height above average terrain (HAAT), except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section.

(2) Fixed and base stations transmitting a signal in the 74~~67~~-762 MHz and 77~~67~~-792 MHz bands with an emission bandwidth of 1 MHz or less must not exceed an ERP of 1000 watts and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section.

(3) Fixed and base stations located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 7467-762 MHz and 7767-792 MHz bands with an emission bandwidth of 1 MHz or less must not exceed an ERP of 2000 watts and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 2000 watts ERP in accordance with Table 2 of this section.

(4) Fixed and base stations transmitting a signal in the 7467-762 MHz and 7767-792 MHz bands with an emission bandwidth greater than 1 MHz must not exceed an ERP of 1000 watts/MHz and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts/MHz ERP accordance with Table 3 of this section.

(5) Fixed and base stations located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 7467-762 MHz and 7776-792 MHz bands with an emission bandwidth greater than 1 MHz must not exceed an ERP of 2000 watts/MHz and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 2000 watts/MHz ERP in accordance with Table 4 of this section.

(6) Licensees of fixed or base stations transmitting a signal in the 7476-762 or 7776-792 MHz bands at an ERP greater than 1000 watts must comply with the provisions set forth in paragraph (b)(8) and §27.55(c).

(7) Licensees seeking to operate a fixed or base station located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 7476-762 MHz or 7776-792 MHz bands at an ERP greater than 1000 watts must:

(i) coordinate in advance with all licensees authorized to operate in the 698-7634 MHz, ~~and~~ 7765-7943 MHz, ~~and~~ 805-806 MHz bands within 120 kilometers (75 miles) of the base or fixed station;

(ii) coordinate in advance with all regional planning committees, as identified in §90.527 of this chapter, with jurisdiction within 120 kilometers (75 miles) of the base or fixed station.

(8) Licensees authorized to transmit in the 7467-762 or 7767-792 MHz bands and intending to operate a base or fixed station at a power level permitted under the provisions of paragraph (b)(6) of this section must provide advanced notice of such operation to the Commission and to licensees authorized in their area of operation. Licensees who must be notified are all licensees authorized to operate in the 7643-7765 MHz and 7943-8065 MHz bands under Part 90 of this chapter within 75 km of the base or fixed station and all regional planning committees, as identified in §90.527 of this

chapter, with jurisdiction within 75 km of the base or fixed station. Notifications must provide the location and operating parameters of the base or fixed station, including the station's ERP, antenna coordinates, antenna height above ground, and vertical antenna pattern, and such notifications must be provided at least 90 days prior to the commencement of station operation

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(11) For transmissions in the ~~746-747 MHz~~, 762-763~~4~~ MHz, 776~~5~~-777~~6~~ MHz, ~~and 792~~3~~-794 MHz~~, and 805-806 MHz bands, maximum composite transmit power shall be measured over any interval of continuous transmission using instrumentation calibrated in terms of RMS-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, etc., so as to obtain a true maximum composite measurement for the emission in question over the full bandwidth of the channel.

(12) For transmissions in the 74~~6~~7-762 MHz and 77~~6~~7-792 MHz bands, licensees may employ equipment operating in compliance with either the measurement techniques described in paragraph (b)(11) or a Commission-approved average power technique. In both instances, equipment employed must be authorized in accordance with the provisions of 27.51.

(13) In any MEA (as described in § 27.6(b)(1)) where the 762-763 MHz and 792-793 MHz bands become aggregated with the 756-762 MHz and 786-792 MHz bands, then notwithstanding anything in this Subpart C to the contrary, all operations the 762-763 MHz and 792-793 MHz bands in such MEA shall be governed by the power and antenna height limits applicable to transmitters operating in the 756-762 MHz and 786-792 MHz bands.

(c) * * *

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(5) Licensees seeking to operate a fixed or base station located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal at an ERP greater than 1000 watts must:

(i) coordinate in advance with all licensees authorized to operate in the 698-764~~3~~ MHz, ~~and 776-793~~, and 805-806 4-MHz bands within 120 kilometers (75 miles) of the base or fixed station;

(ii) coordinate in advance with all regional planning committees, as identified in §90.527 of this chapter, with jurisdiction within 120 kilometers (75 miles) of the base or fixed station.

* * * * *

Table 1 - Permissible Power and Antenna Heights for Base and Fixed Stations in the 746-747 MHz and 762-7643 MHz Bands and for Base and Fixed Stations in the 698-746 MHz, 747-762 MHz, and 7767-792 MHz Bands Transmitting a Signal with an Emission Bandwidth of 1 MHz or Less	
Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500)	65
Above 1220 (4000) To 1372 (4500)	70
Above 1067 (3500) To 1220 (4000)	75
Above 915 (3000) To 1067 (3500)	100
Above 763 (2500) To 915 (3000)	140
Above 610 (2000) To 763 (2500)	200
Above 458 (1500) To 610 (2000)	350
Above 305 (1000) To 458 (1500)	600
Up to 305 (1000)	1000

Table 2 – Permissible Power and Antenna Heights for Base and Fixed Stations in the 698-746 MHz, 747-762 MHz, and 7776-792 MHz Bands Transmitting a Signal with an Emission Bandwidth of 1 MHz or Less	
Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500)	130

Above 1220 (4000) To 1372 (4500)	140
Above 1067 (3500) To 1220 (4000)	150
Above 915 (3000) To 1067 (3500)	200
Above 763 (2500) To 915 (3000)	280
Above 610 (2000) To 763 (2500)	400
Above 458 (1500) To 610 (2000)	700
Above 305 (1000) To 458 (1500)	1200
Up to 305 (1000)	2000

Table 3 – Permissible Power and Antenna Heights for Base and Fixed Stations in the 698-~~746~~ MHz, ~~747~~-762 MHz and ~~777~~~~6~~-792 MHz Bands Transmitting a Signal with an Emission Bandwidth Greater than 1 MHz

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 1372 (4500)	65
Above 1220 (4000) To 1372 (4500)	70
Above 1067 (3500) To 1220 (4000)	75
Above 915 (3000) To 1067 (3500)	100
Above 763 (2500) To 915 (3000)	140
Above 610 (2000) To 763 (2500)	200
Above 458 (1500) To 610 (2000)	350
Above 305 (1000) To 458 (1500)	600
Up to 305 (1000)	1000

Table 4 – Permissible Power and Antenna Heights for Base and Fixed Stations in the 698-~~746~~ MHz, ~~747~~-762 MHz and ~~77~~~~6~~~~7~~-792 MHz Bands Transmitting a Signal with an Emission Bandwidth Greater than 1 MHz

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 1372 (4500)	130
Above 1220 (4000) To 1372 (4500)	140
Above 1067 (3500) To 1220 (4000)	150
Above 915 (3000) To 1067 (3500)	200
Above 763 (2500) To 915 (3000)	280
Above 610 (2000) To 763 (2500)	400
Above 458 (1500) To 610 (2000)	700
Above 305 (1000) To 458 (1500)	1200
Up to 305 (1000)	2000

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§ 27.51 Equipment authorization.

(a) Each transmitter utilized for operation under this part must be of a type that has been authorized by the Commission under its certification procedure.

(b) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter.

(c) The E Block Licensee may not block the connection of any terminal equipment to the network provided that the terminal equipment complies with specifications published and filed with the Commission by the E Block Licensee, except that such terminal equipment shall not cause harm to the network or to uses of the network.

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§ 27.53 Emission limits.

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(c) For operations in the 7467 to 762 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, in accordance with the following:

(1) On any frequency outside the 7467 to 762 MHz band, the power of any emission shall be attenuated outside the band below the transmitter power (P) by at least $43 + 10 \log (P)$ dB;

(2) On all frequencies between 764-769 to 7765 MHz and 794-799 to 8056 MHz, by a factor not less than $76 + 10 \log (P)$ dB in a 6.25 kHz band segment;

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(d) For operations in the 7776 to 792 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, in accordance with the following:

(1) On any frequency outside the 7776 to 792 MHz band, the power of any emission shall be attenuated outside the band below the transmitter power (P) by at least $43 + 10 \log (P)$ dB;

(2) On all frequencies between 764-769 to 7756 MHz and 794-799 to 8056 MHz, by a factor not less than $65 + 10 \log (P)$ dB in a 6.25 kHz band segment, for mobile and portable stations transmitting in the 7767 to 792 MHz band;

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§ 27.55 Power strength limits.

(a) *Field strength limits.* * * * * *

(2) 698-7643 and 7765-7943 MHz bands: 40 dB μ V/m.

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~~(b) Power flux density limit for stations operating in the 698-746 MHz bands. For base and fixed stations operating in the 698-746 MHz band in accordance with the provisions of §27.50(c)(6) of this chapter, the power flux density that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure.~~

~~(c) Power flux density limit for stations operating in the 747-762 and 7767-792 MHz bands. For base and fixed stations operating in the 7467-762 and 7776-792 MHz bands in accordance with the provisions of §27.50(b)(6) of this chapter, the power flux density that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed~~

3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure.

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§ 27.70 Information exchange.

(a) *Prior notification.* Public safety licensees authorized to operate in the 7643-7756 MHz and 7934-8056 MHz bands may notify any licensee authorized to operate in the 7467-762 or 7767-792 MHz bands that they wish to receive prior notification of the activation or modification of the licensee's base or fixed stations in their area. Thereafter, the 7476-762 or 7776-792 MHz band licensee must provide the following information to the public safety licensee at least 10 business days before a new base or fixed station is activated or an existing base or fixed station is modified:

- (1) Location;
- (2) Effective radiated power;
- (3) Antenna height; and,
- (4) Channels available for use.

(b) *Purpose of prior notification.* The prior coordination of base or fixed stations is for informational purposes only. Public safety licensees are not afforded the right to accept or reject the activation of a proposed base or fixed station or to unilaterally require changes in its operating parameters. The principal purposes of notification are to:

- (1) Allow a public safety licensee to advise the 7476-762 or 7776-792 MHz band licensee whether it believes a proposed base or fixed station will generate unacceptable interference;
- (2) Permit 7476-762 and 7776-792 MHz band licensees to make voluntary changes in base or fixed station parameters when a public safety licensee alerts them to possible interference; and,
- (3) Rapidly identify the source if interference is encountered when the base or fixed station is activated.

PART 90 – PRIVATE LAND MOBILE RADIO SERVICES

In addition to the specific changes proposed in this draft, it is proposed that the Commission would, (a) replace all references to the “764-776 MHz and 794-806 MHz frequency bands” with “763-775 MHz and 793-805 MHz frequency bands”, and (b) consistent with its tentative conclusion in its Further Notice of Proposed Rulemaking (FCC 07-22, rel. April 27, 2007), make revisions necessary to (i) designate the 763-768 MHz and 793-798 MHz bands for broadband and the 768-769 MHz and 798-799 MHz bands as guard bands, and (ii) allow temporary narrowband operations on the guard band spectrum in areas affected by the Canadian border issue.

Moreover, Frontline has proposed that the Commission allow wideband operations in the narrowband portion of the public safety spectrum and, on a case-by-case basis following a showing of special circumstances, allow temporary wideband operations in the broadband spectrum until the interoperable broadband network becomes operational in the area in question. It may not be necessary to address these wideband issues in the text of the Title 47 regulations.

Subpart A – General Information

§ 90.7 Definitions.

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National Public Safety License. The nationwide license allocated for public safety broadband transmissions at the 763-769 MHz and 793-799 MHz bands.

* * * * *

Subpart R – Regulations Governing the Licensing and Use of Frequencies in the 7634-7765 and 7943-8065 MHz Bands.

§ 90.523 Eligibility.

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(e) No later than the date on which the Commission issues a public notice pursuant to Section 1.2107 of this Chapter announcing the high bidder for the E Block License (as defined at § 27.4) and declaring the bidding closed,, the Commission shall assign the National Public Safety License to the nonprofit, independent entity deemed most qualified to represent the entities described in paragraphs (a) and (b) in bringing about a public/private partnership to create a nationwide, interoperable public safety network for use by such entities.

§ 90.524 Obligations of the National Public Safety Licensee.

(a) Entering of good faith negotiations. Within 30 days of the issuance of a public notice

pursuant to Section 1.2107 of this Chapter announcing the high bidder for the E Block License (as defined at § 27.4) and declaring the bidding closed, the National Public Safety Licensee or its agent shall enter into good faith negotiations with the putative E Block Licensee regarding a Network Sharing Agreement. The National Public Safety Licensee's obligation to negotiate in good faith with the E Block Licensee shall not be construed to prohibit it from discussing alternative network services arrangements with other parties. Unless the Commission decides otherwise for good cause shown, the Network Sharing Agreement must include provisions to the effect described at § 27.16(b).

(b) *Procedures to conclude negotiations.*

(1) In the event that the National Public Safety Licensee and the putative E Block Licensee are unable to complete negotiations and execute a mutually acceptable Network Sharing Agreement by the date that is 120 days from the closing of the bidding for the E Block License, then the parties shall jointly submit to the Commission the text of a draft Network Sharing Agreement containing the provisions on which there is consensus and identifying the issues in dispute. The Commission shall immediately commence an arbitral proceeding to resolve such disputed issues, based upon the principles described in § 27.16(b) and a standard that any requirement should be technically and commercially reasonable to the network operator. The Commission shall issue its arbitral decision within 60 days.

(2) Unless the National Public Safety Licensee elects not to accept the decision of the Commission within 30 days of its issuance, then the Network Sharing Agreement shall be deemed executed in accordance with the Commission's decision and shall be binding upon both the National Public Safety Licensee and the E Block Licensee.

CLEAN VERSION

This draft only lists the service rules (or sections) that would be amended and omits the remainder of the applicable rules.

PART 27 — MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

SUBPART A — GENERAL INFORMATION

§ 27.4 Terms and definitions.

* * * * *

E Block License. The E Block License is the nationwide license at the 756-762 MHz and 786-792 MHz bands.

E Block Licensee. The E Block Licensee is the entity to which the E Block License is assigned pursuant to competitive bidding.

National Public Safety Licensee. The nonprofit, independent entity which holds the nationwide license allocated for public safety broadband transmissions at the 763-769 MHz and 793-799 MHz bands.

Network Sharing Agreement. An agreement entered into by the E Block Licensee and the National Public Safety Licensee regarding the national broadband services network that will operate on the 756-762 MHz and 786-792 MHz bands as well as the 763-769 MHz and 793-799 MHz bands.

* * * * *

§ 27.5 Frequencies.

* * * * *

(b) 746-764 MHz and 776-794 MHz bands. The following frequencies are available for licensing pursuant to this part in the 746-764 MHz and 776-794 MHz bands:

(1) Two paired channels of 1 megahertz each are available for assignment. Block A: 762-763 MHz and 792-793 MHz.

(2) Two paired channels of 1 megahertz each are available for assignment. Block B: 775-776 MHz and 805-806 MHz.

(3) Two paired channels of 5 megahertz each are available for assignment. Block C: 746-751 MHz and 776-781 MHz.

(4) Two paired channels of 5 megahertz each are available for assignment. Block D: 751-756 MHz and 781-786 MHz.

(5) Two paired channels of 6 megahertz each are available for assignment. Block E: 756-762

MHz and 786-792 MHz.

* * * * *

§ 27.6 Service areas.

* * * * *

(b) 746-764 MHz and 776-794 MHz bands. WCS service areas for the 746–764 MHz and 776–794 MHz bands are as follows:

(1) Service areas for Block A in the 762–763 and 792–793 MHz bands and Block B in the 775–776 and 805–806 MHz bands are based on Major Economic Areas (MEAs), as defined in paragraphs (a)(1) and (a)(2) of this section.

(2) Service areas for Block C in the 746-751 MHz and 776-781 MHz bands are based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs) as defined by Public Notice Report No. CL-92-40 “Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties,” dated January 24, 1992, DA 92–109, 7 FCC Rcd 742 (1992), with the following modifications:

(i) The service areas of cellular markets that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline.

(ii) The service area of cellular market 306 that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

(3) Service areas for Block D in the 751-756 MHz and 781-786 MHz bands are based on Economic Area Groupings (EAGs) as defined by the Federal Communications Commission. *See* 62 FR 15978 (April 3, 1997) extended with the Gulf of Mexico. *See also* 62 FR 9636 (March 3, 1997), in which the Commission created an additional four economic area-like areas for a total of 176. Maps of the EAGs and the FEDERAL REGISTER Notice that established the 172 Economic Areas (EAs) are available for public inspection and copying at the Reference Center, Room CY A-257, 445 12th St., S.W., Washington, DC 20554. These maps and data are also available on the FCC website at www.fcc.gov/oet/info/maps/areas/.

* * * * *

(4) Service areas for Block E in the 756-62 MHz and 786-92 MHz bands shall be the geographic area of the United States, but does not include the Territories or the Canal Zone.

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SUBPART B — APPLICATIONS AND LICENSES

§ 27.11 Initial authorization.

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(c) 746-763 MHz, 775-793 MHz, and 805-806 MHz bands. Initial authorizations for the 746-763 MHz, 775-793 MHz, and 805-806 MHz blocks shall be for 1 or 5, or 6 megahertz of spectrum in accordance with § 27.5(b) of this part.

(1) Authorizations for Block A, consisting of two paired channels of 1 megahertz each, will be based on those geographic areas specified in § 27.6(b)(1) of this part.

(2) Authorizations for Block B, consisting of two paired channels of 1 megahertz each, will be based on those geographic areas specified in § 27.6(b)(1) of this part.

(3) Authorizations for Block C, consisting of two paired channels of 5 megahertz each, will be based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs), as specified in § 27.6(b)(2) of this part.

(4) Authorizations for Block D, consisting of two paired channels of 5 megahertz each, will be based on EAGs, as specified in § 27.6(b)(3) of this part.

(5) Authorizations for Block E, consisting of two paired channels of 6 megahertz each, will extend throughout the geographic area of the United States, as specified in § 27.6(b)(3).

* * * * *

§ 27.12 Eligibility.

Except as provided in §§ 27.16, 27.604, 27.1201, and 27.1202, any entity other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this part.

* * * * *

§ 27.14 Construction requirements; Criteria for comparative renewal proceedings.

(a) AWS and WCS licensees must make a showing of “substantial service” in their license area within the prescribed license term set forth in §27.13. “Substantial” service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

(1) *E Block Licensee.* The E Block Licensee shall be required to construct broadband network facilities over the E Block spectrum that: (A) provide coverage to 75% of the United States population within four years of the 700 MHz auction clearing date; (B) provide coverage to 95% of the United States population within seven years of the 700 MHz auction clearing date; (C) provide coverage to 99% of the United States population within ten years of the 700 MHz auction clearing date; and with respect to Alaska, the E Block licensee (D) shall provide coverage to all Alaskan cities of 10,000 or more within four years of the 700 MHz auction clearing date; and (E) shall thereafter work with the Alaska Land Mobile Project and the national

public safety broadband licensee to determine where additional coverage is needed and feasible, considering various factors including the availability of satellite services. For purposes of this paragraph, “auction clearing date” refers to the Analog Spectrum Recovery Firm Deadline provided for in Section 3002 of the Deficit Reduction Act of 2005. The coverage requirements of the foregoing subsection (C) shall be reduced on a pro rata basis to the extent that one or more regions decide to opt out of the shared national broadband services network in the manner described at § 27.16(b)(1).

* * * * *

§ 27.15 Geographic partitioning and spectrum disaggregation.

* * * * *

(d) Compliance with construction requirements. The following rules apply for purposes of implementing the construction requirements set forth in § 27.14 of this part.

* * * * *

(3) E Block Licensee. To the extent the E Block Licensee satisfies the construction requirements of § 27.14 through partitioning or disaggregation, it shall do so only through the first options listed in paragraphs (1) and (2).

§ 27.16 E Block License Conditions and Eligibility

(a) *E Block.* An applicant shall not be eligible to bid for, or hold, the E Block License unless it commits to, and adheres to, the following conditions and requirements that the E Block Licensee shall:

(1) comply with the construction requirements set forth in §27.14(a).

(2) comply with the requirements concerning a shared network set forth in paragraphs (b) and (c), below.

(3) be limited to providing service to public safety users, entities that provide retail service and products to end users, and providers and operators of critical infrastructure as defined in Section 2(4) of the Homeland Security Act of 2002 (incorporating the definition in 42 U.S.C. § 5195c(e)).

(4) be prohibited from blocking users from accessing services or content provided by unaffiliated parties, or otherwise engaging in unreasonable discrimination against such services or content, except with the consent of the user or as required by law.

(5) on all licenses owned or controlled by the E Block Licensee, offer on a reasonable and non-discriminatory basis network quality-of-service capabilities to Internet content, application, and service providers.

(6) comply with the access requirements set forth in §27.51(c).

(7) provide roaming service on a reasonable and nondiscriminatory basis to any requesting CMRS operator whose customers are using compatible equipment, which roaming services shall not be subject to the requirements of paragraphs (4) through (6).

(8) not discontinue, reduce, or impair service to public safety users on public safety spectrum, as well as critical infrastructure users on commercial spectrum, unless and until, pursuant to Commission procedures, it has obtained prior authorization from the Commission.

(9) comply with the rules of Part 1, Subpart Z of this Chapter, which were enacted pursuant to the Communications Assistance for Law Enforcement Act (CALEA), Public Law 103-414, 108 Stat. 4279 (1994) (codified as amended in sections of 18 U.S.C. and 47 U.S.C.).

(10) not inhibit compliance with service-specific requirements, such as the enhanced 911 requirements of § 20.18 applicable to certain commercial mobile radio service providers, by any commercial entity purchasing network services from the E Block.

(b) *Negotiations concerning a network sharing agreement.* Within 30 days of the issuance of a public notice pursuant to Section 1.2107 of this Chapter announcing the high bidder for the E Block License and declaring the bidding closed, the putative E Block Licensee shall enter into good faith negotiations with the National Public Safety Licensee or its agent with the goal of entering into a Network Sharing Agreement. During these negotiations, the Commission shall continue to process the long form application of the putative E Block Licensee pursuant to Part 1, Subpart Q of this Chapter. The National Public Safety Licensee's obligation to negotiate in good faith with the E Block Licensee shall not be construed to prohibit it from discussing alternative network services arrangements with other parties. Unless the Commission decides otherwise for good cause shown, the Network Sharing Agreement must include provisions to the effect that:

(1) The network constructed by the E Block Licensee shall operate on the 756-762 MHz and 786-792 MHz bands as well as the 763-769 MHz and 793-799 MHz bands pursuant to the coverage requirements of § 27.14(a)(1), provided that the network shall not operate on the 763-769 MHz and 793-799 MHz bands in any region for which the applicable regional planning commission has notified the National Public Safety Licensee, prior to the deadline for commencing negotiations that is established by this paragraph (b), of the decision of such region to opt out of the shared network.

(2) The E Block Licensee shall consult with the National Public Safety Licensee on the design, construction, and operation of the shared network on the E Block and the public safety spectrum;

(3) the E Block Licensee shall enable emergency preemption by public safety users on its commercial spectrum according to procedures, protocols, and fees defined in the Network Sharing Agreement;

(4) the E Block Licensee is the only commercial licensee designated to use capacity on the 763-769 and 793-799 MHz bands and such service shall be on a secondary and preemptible basis to public safety uses; *and*

(5) the E Block Licensee must design and operate the shared network to provide for the security and integrity of public safety communications over the network.

(c) Procedures to Conclude Negotiations.

(1) In the event that the National Public Safety Licensee and the putative E Block Licensee are unable to complete negotiations and execute a mutually acceptable Network Sharing Agreement by the date that is 120 days from the commencement of negotiations, then the parties shall jointly submit to the Commission the text of a draft Network Sharing Agreement containing the provisions on which there is consensus and identifying the issues in dispute. The Commission shall immediately commence an arbitral proceeding to resolve such disputed issues, based upon the principles described in paragraph (b) and a standard that any requirement should be technically and commercially reasonable to the network operator. The Commission shall issue its arbitral decision within 60 days.

(2) Unless the National Public Safety Licensee elects not to accept the decision of the Commission within 30 days of its issuance, then the Network Sharing Agreement shall be deemed executed in accordance with the Commission's decision and shall be binding upon both the National Public Safety Licensee and the E Block Licensee. In the event that the National Public Safety Licensee timely elects not to accept the arbitral decision of the Commission, then the requirements of paragraph (a)(8) and (b), as well as § 27.14(a)(1)(C), shall not apply to the E Block Licensee.

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SUBPART C - TECHNICAL STANDARDS

§ 27.50 Power and antenna height limits.

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(b) * * *

(1) Fixed and base stations transmitting a signal in the 746-763 MHz bands must not exceed an effective radiated power (ERP) of 1000 watts and an antenna height of 305 m height above average terrain (HAAT), except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section.

(2) Fixed and base stations transmitting a signal in the 746-762 MHz and 776-792 MHz bands with an emission bandwidth of 1 MHz or less must not exceed an ERP of 1000 watts and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section.

(3) Fixed and base stations located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 746-762 MHz and 776-792 MHz bands with an emission bandwidth of 1 MHz or less must not exceed an ERP of 2000 watts and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 2000 watts ERP in accordance with Table 2 of this section.

(4) Fixed and base stations transmitting a signal in the 746-762 MHz and 776-792 MHz bands with an emission bandwidth greater than 1 MHz must not exceed an ERP of 1000 watts/MHz and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts/MHz ERP in accordance with Table 3 of this section.

(5) Fixed and base stations located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 746-762 MHz and 776-792 MHz bands with an emission bandwidth greater than 1 MHz must not exceed an ERP of 2000 watts/MHz and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 2000 watts/MHz ERP in accordance with Table 4 of this section.

(6) Licensees of fixed or base stations transmitting a signal in the 746-762 or 776-792 MHz bands at an ERP greater than 1000 watts must comply with the provisions set forth in paragraph (b)(8) and §27.55(c).

(7) Licensees seeking to operate a fixed or base station located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 746-762 MHz or 776-792 MHz bands at an ERP greater than 1000 watts must:

(i) coordinate in advance with all licensees authorized to operate in the 698-763 MHz, 775-793 MHz, and 805-806 MHz bands within 120 kilometers (75 miles) of the base or fixed station;

(ii) coordinate in advance with all regional planning committees, as identified in §90.527 of this chapter, with jurisdiction within 120 kilometers (75 miles) of the base or fixed station.

(8) Licensees authorized to transmit in the 746-762 or 776-792 MHz bands and intending to operate a base or fixed station at a power level permitted under the provisions of paragraph (b)(6) of this section must provide advanced notice of such operation to the Commission and to licensees authorized in their area of operation. Licensees who must be notified are all licensees authorized to operate in the 763-775 MHz and 793-805 MHz bands under Part 90 of this chapter within 75 km of the base or fixed station and all regional planning committees, as identified in §90.527 of this chapter, with jurisdiction

within 75 km of the base or fixed station. Notifications must provide the location and operating parameters of the base or fixed station, including the station's ERP, antenna coordinates, antenna height above ground, and vertical antenna pattern, and such notifications must be provided at least 90 days prior to the commencement of station operation

* * * * *

(11) For transmissions in the 762-763 MHz, 775-776 MHz, 793-794 MHz, and 805-806 MHz bands, maximum composite transmit power shall be measured over any interval of continuous transmission using instrumentation calibrated in terms of RMS-equivalent voltage. The measurement results shall be properly adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, etc., so as to obtain a true maximum composite measurement for the emission in question over the full bandwidth of the channel.

(12) For transmissions in the 746-762 MHz and 776-792 MHz bands, licensees may employ equipment operating in compliance with either the measurement techniques described in paragraph (b)(11) or a Commission-approved average power technique. In both instances, equipment employed must be authorized in accordance with the provisions of 27.51.

(13) In any MEA (as described in § 27.6(b)(1)) where the 762-763 MHz and 792-793 MHz bands become aggregated with the 756-762 MHz and 786-792 MHz bands, then notwithstanding anything in this Subpart C to the contrary, all operations the 762-763 MHz and 792-793 MHz bands in such MEA shall be governed by the power and antenna height limits applicable to transmitters operating in the 756-762 MHz and 786-792 MHz bands.

(c) * * *

* * * * *

(5) Licensees seeking to operate a fixed or base station located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal at an ERP greater than 1000 watts must:

(i) coordinate in advance with all licensees authorized to operate in the 698-763 MHz, 776-793, and 805-806 MHz bands within 120 kilometers (75 miles) of the base or fixed station;

(ii) coordinate in advance with all regional planning committees, as identified in §90.527 of this chapter, with jurisdiction within 120 kilometers (75 miles) of the

base or fixed station.

* * * * *

Table 1 - Permissible Power and Antenna Heights for Base and Fixed Stations in the 762-763 MHz Bands and for Base and Fixed Stations in the 698-762 MHz, and 776-792 MHz Bands Transmitting a Signal with an Emission Bandwidth of 1 MHz or Less	
Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500)	65
Above 1220 (4000) To 1372 (4500)	70
Above 1067 (3500) To 1220 (4000)	75
Above 915 (3000) To 1067 (3500)	100
Above 763 (2500) To 915 (3000)	140
Above 610 (2000) To 763 (2500)	200
Above 458 (1500) To 610 (2000)	350
Above 305 (1000) To 458 (1500)	600
Up to 305 (1000)	1000

Table 2 – Permissible Power and Antenna Heights for Base and Fixed Stations in the 698-762 MHz, and 776-792 MHz Bands Transmitting a Signal with an Emission Bandwidth of 1 MHz or Less	
Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500)	130
Above 1220 (4000) To 1372 (4500)	140
Above 1067 (3500) To 1220 (4000)	150
Above 915 (3000) To 1067 (3500)	200

Above 763 (2500) To 915 (3000)	280
Above 610 (2000) To 763 (2500)	400
Above 458 (1500) To 610 (2000)	700
Above 305 (1000) To 458 (1500)	1200
Up to 305 (1000)	2000

Table 3 – Permissible Power and Antenna Heights for Base and Fixed Stations in the 698--762 MHz and 776-792 MHz Bands Transmitting a Signal with an Emission Bandwidth Greater than 1 MHz

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 1372 (4500)	65
Above 1220 (4000) To 1372 (4500)	70
Above 1067 (3500) To 1220 (4000)	75
Above 915 (3000) To 1067 (3500)	100
Above 763 (2500) To 915 (3000)	140
Above 610 (2000) To 763 (2500)	200
Above 458 (1500) To 610 (2000)	350
Above 305 (1000) To 458 (1500)	600
Up to 305 (1000)	1000

Table 4 – Permissible Power and Antenna Heights for Base and Fixed Stations in the 698-762 MHz and 776-792 MHz Bands Transmitting a Signal with an Emission Bandwidth Greater than 1 MHz

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 1372 (4500)	130
Above 1220 (4000) To 1372 (4500)	140

Above 1067 (3500) To 1220 (4000)	150
Above 915 (3000) To 1067 (3500)	200
Above 763 (2500) To 915 (3000)	280
Above 610 (2000) To 763 (2500)	400
Above 458 (1500) To 610 (2000)	700
Above 305 (1000) To 458 (1500)	1200
Up to 305 (1000)	2000

* * * * *

§ 27.51 Equipment authorization.

(a) Each transmitter utilized for operation under this part must be of a type that has been authorized by the Commission under its certification procedure.

(b) Any manufacturer of radio transmitting equipment to be used in these services may request equipment authorization following the procedures set forth in subpart J of part 2 of this chapter. Equipment authorization for an individual transmitter may be requested by an applicant for a station authorization by following the procedures set forth in part 2 of this chapter.

(c) The E Block Licensee may not block the connection of any terminal equipment to the network provided that the terminal equipment complies with specifications published and filed with the Commission by the E Block Licensee, except that such terminal equipment shall not cause harm to the network or to uses of the network.

* * * * *

§ 27.53 Emission limits.

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(c) For operations in the 746 to 762 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, in accordance with the following:

(1) On any frequency outside the 746 to 762 MHz band, the power of any emission shall be attenuated outside the band below the transmitter power (P) by at least $43 + 10 \log (P)$ dB;

(2) On all frequencies between 769 to 775 MHz and 799 to 805 MHz, by a factor not less than $76 + 10 \log (P)$ dB in a 6.25 kHz band segment;

* * * * *

(d) For operations in the 776 to 792 MHz band, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, in accordance with the following:

(1) On any frequency outside the 776 to 792 MHz band, the power of any emission shall be attenuated outside the band below the transmitter power (P) by at least $43 + 10 \log (P)$ dB;

(2) On all frequencies between 769 to 775 MHz and 799 to 805 MHz, by a factor not less than $65 + 10 \log (P)$ dB in a 6.25 kHz band segment, for mobile and portable stations transmitting in the 776 to 792 MHz band;

* * * * *

§ 27.55 Power strength limits.

(a) *Field strength limits.* * * * * *

(2) 698-763 and 775-793 MHz bands: 40 dB μ V/m.

* * * * *

(b) *Power flux density limit for stations operating in the 698-762 and 776-792 MHz bands.* For base and fixed stations operating in the 746-762 and 776-792 MHz bands in accordance with the provisions of §27.50(b)(6) of this chapter, the power flux density that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure.

* * * * *

§ 27.70 Information exchange.

(a) *Prior notification.* Public safety licensees authorized to operate in the 763-775 MHz and 793-805 MHz bands may notify any licensee authorized to operate in the 746-762 or 776-792 MHz bands that they wish to receive prior notification of the activation or modification of the licensee's base or fixed stations in their area. Thereafter, the 746-762 or 776-792 MHz band licensee must provide the following information to the public safety licensee at least 10 business days before a new base or fixed station is activated or an existing base or fixed station is modified:

(1) Location;

(2) Effective radiated power;

- (3) Antenna height; and,
- (4) Channels available for use.

(b) *Purpose of prior notification.* The prior coordination of base or fixed stations is for informational purposes only. Public safety licensees are not afforded the right to accept or reject the activation of a proposed base or fixed station or to unilaterally require changes in its operating parameters. The principal purposes of notification are to:

- (1) Allow a public safety licensee to advise the 746-762 or 776-792 MHz band licensee whether it believes a proposed base or fixed station will generate unacceptable interference;
- (2) Permit 746-762 and 776-792 MHz band licensees to make voluntary changes in base or fixed station parameters when a public safety licensee alerts them to possible interference; and,
- (3) Rapidly identify the source if interference is encountered when the base or fixed station is activated.

PART 90 – PRIVATE LAND MOBILE RADIO SERVICES

In addition to the specific changes proposed in this draft, it is proposed that the Commission would, (a) replace all references to the “764-776 MHz and 794-806 MHz frequency bands” with “763-775 MHz and 793-805 MHz frequency bands”, and (b) consistent with its tentative conclusion in its Further Notice of Proposed Rulemaking (FCC 07-22, rel. April 27, 2007), make revisions necessary to (i) designate the 763-768 MHz and 793-798 MHz bands for broadband and the 768-769 MHz and 798-799 MHz bands as guard bands, and (ii) allow temporary narrowband operations on the guard band spectrum in areas affected by the Canadian border issue.

Moreover, Frontline has proposed that the Commission allow wideband operations in the narrowband portion of the public safety spectrum and, on a case-by-case basis following a showing of special circumstances, allow temporary wideband operations in the broadband spectrum until the interoperable broadband network becomes operational in the area in question. It may not be necessary to address these wideband issues in the text of the Title 47 regulations.

Subpart A – General Information

§ 90.7 Definitions.

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National Public Safety License. The nationwide license allocated for public safety broadband transmissions at the 763-769 MHz and 793-799 MHz bands.

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Subpart R – Regulations Governing the Licensing and Use of Frequencies in the 763-775 and 793-805 MHz Bands.

§ 90.523 Eligibility.

* * * * *

(e) No later than the date on which the Commission issues a public notice pursuant to Section 1.2107 of this Chapter announcing the high bidder for the E Block License (as defined at § 27.4) and declaring the bidding closed,, the Commission shall assign the National Public Safety License to the nonprofit, independent entity deemed most qualified to represent the entities described in paragraphs (a) and (b) in bringing about a public/private partnership to create a nationwide, interoperable public safety network for use by such entities.

§ 90.524 Obligations of the National Public Safety Licensee.

(a) *Entering of good faith negotiations.* Within 30 days of the issuance of a public notice pursuant to Section 1.2107 of this Chapter announcing the high bidder for the E Block License

(as defined at § 27.4) and declaring the bidding closed, the National Public Safety Licensee or its agent shall enter into good faith negotiations with the putative E Block Licensee regarding a Network Sharing Agreement. The National Public Safety Licensee's obligation to negotiate in good faith with the E Block Licensee shall not be construed to prohibit it from discussing alternative network services arrangements with other parties. Unless the Commission decides otherwise for good cause shown, the Network Sharing Agreement must include provisions to the effect described at § 27.16(b).

(b) *Procedures to conclude negotiations.*

(1) In the event that the National Public Safety Licensee and the putative E Block Licensee are unable to complete negotiations and execute a mutually acceptable Network Sharing Agreement by the date that is 120 days from the closing of the bidding for the E Block License, then the parties shall jointly submit to the Commission the text of a draft Network Sharing Agreement containing the provisions on which there is consensus and identifying the issues in dispute. The Commission shall immediately commence an arbitral proceeding to resolve such disputed issues, based upon the principles described in § 27.16(b) and a standard that any requirement should be technically and commercially reasonable to the network operator. The Commission shall issue its arbitral decision within 60 days.

(2) Unless the National Public Safety Licensee elects not to accept the decision of the Commission within 30 days of its issuance, then the Network Sharing Agreement shall be deemed executed in accordance with the Commission's decision and shall be binding upon both the National Public Safety Licensee and the E Block Licensee.