

**Comparison of Current Rules and
Rules Proposed in Attachment A1**

★ ★ ★ ★ ★

**PART 27 – MISCELLANEOUS WIRELESS
COMMUNICATIONS SERVICES**

* * * * *

§ 27.4 Terms and definitions

* * * * *

Emergency. An Emergency is an unforeseen combination of circumstances or the resulting state that calls for immediate action, that is bounded by a specific geographic area of impact and expected to be of limited duration, including the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property caused by such conditions as air pollution, avalanche, drought, earthquake, epidemic, fire, flood, riot or other civil disturbance, storm, sudden and severe energy shortage, volcano, or other conditions, including conditions resulting from war or imminent threat of war, as declared by the Defense Commissioner or the Public Safety Broadband Licensee.

* * * * *

Priority Public Safety User. A Priority Public Safety User is a public safety entity, or an individual employed by such an entity (1) that is (i) engaged in a service the sole or principal purpose of which is to protect the safety of life, health, or property, which service is provided by a State or local government entity, or by a nongovernmental organization authorized by a governmental entity whose primary mission is the provision of such a service; or (ii) approved by the Commission and the Public Safety Broadband Licensee as essential to the provision of such a service; and (2) that is a member of the cooperative arrangement established by the Public Safety Broadband Licensee pursuant to § 90.1043(c) for the purpose of obtaining priority access on the Shared Wireless Broadband Network.

* * * * *

§ 27.13 License period

* * * * *

(b) 698-758 MHz, 758-763 MHz, 776-788 MHz, and 788-793 MHz bands. Initial authorizations for the 698-758 MHz and 776-788 MHz bands will extend for a term not to exceed ten years from February 17, 2009, except that initial authorizations for a Part 27

licensee that provides broadcast services, whether exclusively or in combination with other services, will not exceed eight years. Initial authorizations for the 758-763 MHz and 788-793 MHz bands will extend for a term not to exceed 15 years from the later of (i) February 17, 2009; and (ii) the issuance of the applicable Upper 700 MHz D Block license. Initial authorizations for the 775-776 MHz and 805-806 MHz bands shall not exceed January 1, 2015. * * *

§ 27.14 Construction requirements; criteria for renewal.

* * * * *(e) Comparative renewal proceedings do not apply to WCS licensees holding authorizations for the 698-757 MHz and 776-787 MHz bands. These licensees must file a renewal application in accordance with the provisions set forth in § 1.949, and must make a showing of substantial service, independent of its performance requirements, as a condition for renewal at the end of each license term. For the 758-763 MHz and 788-793 MHz bands, each Upper 700 MHz D Block licensee shall file a renewal application in accordance with the provisions set forth in § 1.949, and shall meet the criteria specified in paragraph (m)(1) and paragraph (m)(3) of this section, as permitted to be modified under paragraph (m)(2) of this section.

* * * * *

(m) * * *

(1) Each Upper 700 MHz D Block licensee shall provide signal coverage and offer service over at least the percent of the population covered by their license authorizations as specified in Table X below. If such a licensee fails to provide service coverage at the applicable four-year level in Table X, the term of that license authorization will be automatically reduced by two years and such licensee shall be required to meet the ten year coverage requirement for such license within eight years after the license issuance.

Table X - D Block Market Service Coverage Requirements Based on Population Density of Licensed Area

Population Density of Licensed Area	Service Population Coverage Requirement	
	Four Years after license issuance	Ten Years after license issuance
< 10 pops per square mile	43%	86%
≥ 10 and < 100 pops per square mile	45%	90%
≥100 and < 500 pops per square mile	47%	94%
≥ 500 pops per square mile	49%	98%

(2) * * *

(3) The population benchmarks shall use the most recently available U.S. Census Data. The network and signal levels and services employed to meet these benchmarks must be adequate for public safety use, as defined in the Network Sharing Agreement and in compliance with § 27.1305, to be made available for use by Priority Public Safety Users that operate in those areas. The service coverage shall include major highways and interstates, as well as such additional areas that are necessary to provide coverage for all incorporated communities with a population in excess of 3,000, unless the applicable Upper 700 MHz D

Block licensee determines, in consultation with the Public Safety Broadband Licensee and the relevant community, that (a) such additional coverage will not provide significant public benefit, or (b) such additional coverage cannot be provided on commercially reasonable terms and conditions.

(4) Each Upper 700 MHz D Block licensee shall demonstrate compliance with performance requirements by filing a construction notification with the Commission and the Public Safety Broadband Licensee within 15 days of the expiration of the relevant benchmark, in accordance with the provisions set forth in § 1.946(d). Each licensee must certify whether it has met the relevant performance requirements and must file a description and certification of the areas for which it is providing service. The construction notifications must include the following:

(i) Certifications for those areas for which it is providing service, the type of service it is providing for each area, and the type of technology it is utilizing to provide this service.

(ii) Electronic coverage maps and supporting technical documentation providing the assumptions used by that licensee to create the coverage maps, including the propagation model and the signal strength necessary to provide service.

(o) At the end of its license term, each Upper 700 MHz D Block licensee must, in order to renew its license, make a showing of its success in meeting the material requirements set forth in the Network Sharing Agreement as well as all other license conditions, including the performance benchmark requirements set forth in § 27.14 and § 27.1305.

* * * * *

SUBPART N — 700 MHz PUBLIC/PRIVATE PARTNERSHIP

* * * * *

§ 27.1303 Upper 700 MHz D Block license conditions

* * * * *

(e) Each Upper 700 MHz D Block licensee shall provide Priority Public Safety Users and individual Priority Public Safety Users with assured priority access during Emergencies as specified in § 27.1305(f)(4) and in the Network Sharing Agreement.

(f) Each Upper 700 MHz D Block licensee shall execute as a condition of being awarded the license authorization for which it has filed a long form application the Network Sharing Agreement in the form approved by the Commission pursuant to § 90.1403(b)(10).

(g) For use of the Public Safety Broadband Licensee's licensed spectrum, each Upper 700 MHz D Block licensee shall pay the Public Safety Broadband Licensee annually an amount specified in the Network Sharing Agreement, which shall be no less than 3 percent and no more than 5 percent of the net winning bid amount for the applicable Upper 700 MHz D Block license. The annual payments may be adjusted for price inflation and thereby exceed 5

percent as provided in the Network Sharing Agreement. The Network Sharing Agreement may provide that this fee varies based on the population density of the licensed area. This spectrum lease fee shall be paid to the Public Safety Broadband Licensee in equal quarterly installments in advance.

(h) These conditions and requirements will apply to any related entities that the Commission may require or allow, as provided for in the Network Sharing Agreement or otherwise as authorized by the Commission.

(i) National Committee of Area Licensees

(1) Formation. Following the grant of any Upper 700 MHz D Block licenses, the licensees shall form a national committee. Any subsequent licensees in the Upper 700 MHz D Block shall join this national committee. Licensees under common control (defined as 50 percent or more ownership by the party) shall be treated as a single licensee for purposes of the national committee.

(2) Board of directors. The board of directors of the national committee shall have three categories of directors, each of which shall comprise a minority of the total number of directors: (i) nominees of the largest licensees (by licensed POPs) in the Upper 700 MHz D Block; (ii) nominees of the other licensees; and (iii) independent directors nominated by majority vote of all licensees (with the independent directors having no other business relationship to any licensee and subject to approval by the Commission). The position of chairman of the board shall rotate across the three categories of directors. The board may establish an executive committee or other committees as it sees fit.

(3) Purpose. The national committee shall provide a point of contact for the Commission and Public Safety Broadband Licensee on national issues pertaining to the Upper 700 MHz D Block licenses. The national committee shall represent the licensees in negotiating supplements and amendments to the national Network Sharing Agreement that are applicable to services and networks nationwide, and licensees shall be bound by decisions of the national committee on such supplements and amendments. The licensees may also use the national committee to coordinate inter-operator matters to support their services.

(4) Voting. Actions by the national committee shall be taken by majority vote of the board of directors, except that approval by 75 percent of the directors shall be required for any supplement or amendment to the national Network Sharing Agreement applicable to services and networks nationwide which is reasonably expected to have a material adverse effect on any licensee. The board of directors may delegate authority to an executive committee or other committees and to officers of the national committee.

(5) Expenses. The licensees shall pay the expenses of the national committee in proportion to the number of licensed POPs of each licensee.

(6) Bylaws. Provisionally winning bidders shall, within ninety (90) days after the close of the auction of Upper 700 MHz D Block licenses, file for review by the Commission proposed bylaws and the initial directors for the national committee.

§ 27.1305 Shared Wireless Broadband Network

The Shared Wireless Broadband Network developed by the 700 MHz Public/Private Partnership must be designed to meet requirements associated with a nationwide, public safety broadband network as specified in this Section 27.1305. All specified mandatory requirements as defined in this section shall be used in the determination of compliance under § 27.14(o). The Network Sharing Agreement may raise or supplement the mandatory requirements specified in this section. The Public Safety Broadband Licensee and the National Committee of Area Licensees shall establish a joint program to identify Priority Public Safety User requirements for inclusion in the Upper 700 MHz D Block licensees' Shared Wireless Broadband Network technology road map. This joint program also shall support the processes of the appropriate standards development organizations to encourage the inclusion of those requirements in subsequent technology releases. The 700 MHz Public/Private Partnership, in its development of the Shared Wireless Broadband Network, shall:

(a) Develop a design for public safety operations over a commercial broadband technology platform that provides mobile voice, video, and data capability that is interoperable across public safety local and state agencies, jurisdictions, and geographic areas, and that includes current and evolving state-of-the-art technologies reasonably made available in the commercial marketplace with features beneficial to the public safety community.

(1) Such a design shall provide a national common radio access network air interface as specified in the Network Sharing Agreement to enable Shared Wireless Broadband Network national level interoperability. The common air interface shall allow migration to future technology upgrades.

(2) The technology selected for the Shared Wireless Broadband Network shall be permitted to evolve based on commercial wireless upgrade timeframes, as determined by both the nationwide, interoperable network and the conditions appropriate to each license area, except that future upgrades shall include user equipment backward compatibility, as supported by commercial product availability and specified in the technology standards, to allow for commercially reasonable transition periods for public safety entities' user equipment.

(3) The notification and impact management processes relating to technology upgrades, and migration to such upgrades, shall be defined and agreed to in the Network Sharing Agreement.

(b) Provide signal coverage, propagation, and performance as specified in Tables 1a and 1b of this Section 27.1305. The parameters for signal coverage, propagation, and

performance shall be reviewed by the National Committee of Area Licensees and the Public Safety Broadband Licensee every four years to assess the impact of benefits from technology evolution and general improvement in network coverage. The National Committee of Area Licensees and the Public Safety Broadband Licensee shall submit information annually regarding coverage, propagation, and performance to the Chiefs of the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureaus. The Chiefs of the respective Bureaus are delegated joint responsibility for reviewing such submissions.

(c) Reliability and performance requirements of public safety:

(1) The Shared Wireless Broadband Network shall provide a 99.6 percent network availability for all terrestrial elements of operation in the coverage areas certified pursuant to §27.14(m)(4)(i) calculated over each license area annually, starting four years after license issuance. The Upper 700 MHz D Block licensees shall use commercially reasonable efforts to provide network availability above this requirement, with the target of 99.9 percent network availability.

(2) The method for measuring availability shall be defined in the Network Sharing Agreement, which shall (i) be a measure of infrastructure availability as measured from the cell site radio antenna through and across the core network; (ii) exclude radio signal coverage and scheduled maintenance downtime with prior notice to the Public Safety Broadband Licensee; (iii) exclude outages caused by actions or events outside the reasonable control of the applicable Upper 700 MHz D Block licensee; (iv) exclude outages only affecting limited applications; and (v) take into account the cellular-like network architecture of the Shared Wireless Broadband Network.

(3) The Shared Wireless Broadband Network design specifications shall include commercial best practices, such as Network Reliability and Interoperability Council best practices, that take into consideration local influencing factors such as weather, geology, and building codes on network attributes such as hardening of transmission facilities and antenna towers, extended backup power, seismic safety standards, and accommodations for wind, ice, and other natural phenomenon.

(4) Sites designated as “critical” shall have battery backup power of 8 hours, and shall have generators with a fuel supply sufficient to operate the generators for at least 48 hours; Upper 700 MHz D Block licensees shall use commercially reasonable efforts to provide fuel supply at “critical” sites above this requirement, with the target of 3-5 days. The designation of a site as “critical” shall be a joint decision by the applicable Upper 700 MHz D Block licensee and the Public Safety Broadband Licensee, in consultation with the relevant community. The designation of sites as “critical” shall not be required to cover more than 35 percent of the Shared Wireless Broadband Network sites for any applicable Upper 700 MHz D Block license; however, each Upper 700 MHz D Block licensee shall use commercially reasonable efforts to designate as “critical” additional sites requested by the Public Safety Broadband Licensee, up to 50 percent of all the licensee’s sites. The applicable Upper 700 MHz D Block licensee and the Public Safety Broadband Licensee, in consultation with the

relevant community, shall jointly determine the sites that will require redundant backhaul in order to comply with the network availability standard.

(d) Capacity to meet the needs of public safety:

(1) Measures of sufficient capacity shall be specified in the Network Sharing Agreement.

(2) The Network Sharing Agreement shall include a process for demand forecasting. Each licensee shall use commercially reasonable efforts to meet capacity needs of public safety users of the Shared Wireless Broadband Network.

(3) The National Committee of Area Licensees shall deliver to the Public Safety Broadband Licensee annual capacity utilization reports that provide a comparative measure of public safety network services utilization against the radio access and terrestrial network capacity.

(e) Provide security and encryption consistent with commercial best practices. For purposes of complying with this paragraph (e), each Upper 700 MHz D Block licensee shall:

(1) Comply with U.S. federal government standards, guidelines and models that are commercial best practices for wireless broadband networks.

(2) Implement controls to ensure that public safety priority and secure network access are limited to authorized Priority Public Safety Users and devices, and utilize an open standard protocol for authentication.

(3) Allow for public safety network authentication, authorization, automatic logoff, transmission secrecy and integrity, audit control capabilities, and other unique attributes.

(f) Provide in the Network Sharing Agreement a mechanism to prioritize and deliver specified Quality of Service (QoS) management features for public safety communications of Priority Public Safety Users over commercial uses consistent with the requirements of § 27.1307. However, Upper 700 MHz D Block licensees shall not be obligated to implement the features described in this subsection until equipment and systems supporting these features are available on commercially reasonable terms for such license areas, and Section 27.14(m) shall not be interpreted to require a timetable for implementing these features. These licensees and the Public Safety Broadband Licensee shall use reasonable efforts to work with applicable standards organizations, network equipment manufacturers and other suppliers to accelerate the commercially reasonable availability of these features for the Shared Wireless Broadband Network. The Public Safety Broadband Licensee shall have authority to define the highest levels of network priority and QoS for Priority Public Safety Users and for other priority users approved by the Public Safety Broadband Licensee and the Commission. In addition, the following priority and QoS definitions shall be used for purposes of providing a mechanism to prioritize and deliver specified QoS management features, and the described attributes shall be incorporated into the operational capabilities of the Shared Wireless Broadband Network.

(1) Priority shall be defined as Public Safety Broadband Licensee-approved user or class of users, network, application, and services priorities that, via user or class of users or device identification, or both, offer the highest assignable levels of priority for network access and use of network resources, services, and applications.

(2) The highest 50 percent of access priority levels available in the radio access network technology shall be allocated for assignment and use only for Public Safety Broadband Licensee-approved Priority Public Safety Users and for other Public Safety Broadband Licensee-approved and Commission-approved users.

(3) The Shared Wireless Broadband Network shall provide a mechanism to accommodate Priority Public Safety Users' preemption of commercial users for up to 50 percent of the site engineered capacity.

(4) The Shared Wireless Broadband Network shall provide priority access to Priority Public Safety Users for (i) up to 50 percent of the site engineered capacity at all times; and (ii) up to 70 percent of the site engineered capacity for the duration and geographical area of an Emergency. For purposes of this subparagraph, the term "priority access" means a method of assigning users access to the network as specified in the Network Sharing Agreement.

(5) The Shared Wireless Broadband Network shall provide an appropriate priority to 9-1-1 calls pursuant to applicable Commission requirements. 9-1-1 calls shall not be subject to any preemption or priority access rules in this Section 27.1305 (f).

(6) The Shared Wireless Broadband Network shall support mechanisms to ensure the performance of defined classes of service for Priority Public Safety User services and applications, as specified in Table 2 of this section.

(7) QoS resource reservation and session control mechanisms shall be incorporated into the operational capabilities of the Shared Wireless Broadband Network.

(8) QoS shall be considered to be the full class of mechanisms that are found at multiple IP layers in the network (both RAN and Core), and that provision and apply priority for IP packet based traffic.

(9) The assignment of network resources shall enable user or service priority, or both, in addition to the QoS requirements of the application.

(10) The Shared Wireless Broadband Network shall support multiple IP data services and application session flows between a user device and network, where each flow may have a different QoS requirement and priority level.

(11) If network resources are not available to meet a resource reservation request, the Shared Wireless Broadband Network shall have the ability to provide a new QoS consistent with the limited network resources.

(12) All services and applications that are authorized and designated by the Public Safety Broadband Licensee for use by Priority Public Safety Users, and that utilize Virtual Private Network (VPN) and layer 2/3 VPN access methods, shall be assigned and provided the highest IP packet routing and queuing capability in accordance with the QoS mechanism in this Section 27.1305(f) across all Shared Wireless Broadband Network radio and terrestrial network elements and all Shared Wireless Broadband Network internetworking gateways, subject to the capacity allocation limitation in Section 27.1305(f)(4).

(g) Operational capabilities to support public safety systems:

(1) The Shared Wireless Broadband Network shall provide access for all applications and services, hosted applications and services, and third party public safety applications and services specified in the Network Sharing Agreement, consistent with specified performance, network transport, and routing parameters in Table 2 of this section, and the technical capabilities of the Shared Wireless Broadband Network technology.

(2) The Network Sharing Agreement shall specify Service Level Agreements (SLAs) and supporting Key Performance Indicators (KPIs). The SLAs and KPIs shall measure conformance to QoS, network performance as specified in this section, and public safety user priority mechanisms employed on the Shared Wireless Broadband Network.

(3) Each Upper 700 MHz D Block licensee shall provide reports and data for analysis on compliance and out-of-compliance situations and remedies, with reference to SLAs, with the Public Safety Broadband Licensee.

(4) Provide the ability of the Public Safety Broadband Licensee and Priority Public Safety Users to:

(i) Have monitoring and visibility into the network. The monitoring will allow verification of performance, SLA, and KPI reports as defined and specified in the Network Sharing Agreement.

(ii) Have visibility into Shared Wireless Broadband Network service quality and network status relevant to the local agency or jurisdiction, including the ability for local Priority Public Safety Users to have network status, site status, and alarm visibility for their geographic area.

(iii) Have visibility of Priority Public Safety User consumption of network resources in a given geographic location or locations, with alerts and notifications when the priority access capacity maximum of 70 percent occurs on a given site.

(iv) Access to an over-the-air management framework for managing Shared Wireless Broadband Network Priority Public Safety User devices (individually or in groups of devices) to clear user data or disable devices.

(v) Notification to the Public Safety Broadband Licensee of network downtime (or any work that may affect service or network performance) due to planned maintenance, configuration changes, or upgrades.

(5) In a manner determined by the National Committee of Area Licensees, provide for nationally hosted applications services that require elements of:

- a. Functionality as specified in Table 2 required for handling Priority Public Safety User based on the QoS requirements specified in Section 27.1305 (f) and to the extent supported by the propagation and capacity attributes designated in Tables 1a and 1b.
- b. Authentication and authorization required to support Section 27.1305 (h) (4) (i) (a) for public safety subscribers via equipment such as Authentication, Authorization and Accounting (AAA) servers and Home Subscriber Servers (HSS).
- c. As provided in Section 27.1305 (g), access to non-commercial service management applications utilized exclusively for Priority Public Safety Users. These capabilities shall include the ability to view and modify user, group, and application priorities and profiles, and to add, modify, provision, and authenticate priority users and devices
- d. Monitoring of application level functionality as defined in Section 27.1305 (h) (4) (i) (a) for public safety subscribers
- e. IP Multimedia Subsystem (IMS) or System Architecture Evolution (SAE) environments for the control and management of services. Key functionality:
 - i. For IMS: Call Session Control Function (CSCF), Home Subscriber Server (HSS) , Application Servers (AS), Media Resource Function (MRF)
 - ii. For SAE: Mobility Management Entity (MME), Serving Gateway (SGW) , Packet Data Network Gateway (PGW)

Table 1a to 27.1305 Voice Propagation and Capacity Parameters			
Morphology	In-Building Penetration Margin	Cell Coverage Area Reliability	Sector Loading Factor
Dense Urban	22 dB	95%	70%
Urban	19 dB	95%	70%
Suburban	13 dB	95%	70%

Rural	6 dB	95%	70%
Highway	6 dB	95%	70%

Table 1b to 27.1305 Data Propagation and Capacity Parameters				
Morphology	Cell Coverage Area Reliability	Sector Loading Factor	Forward Link Throughput On-Street Single user Average Cell-edge	Reverse Link Throughput On-Street Single user Average Cell-edge
Dense Urban	95%	70%	256 kbps	256 kbps
Urban	95%	70%	256 kbps	256 kbps
Suburban	95%	70%	128 kbps	128 kbps
Rural	95%	70%	128 kbps	128 kbps
Highway	95%	70%	64 kbps	64 kbps

Table 2 to § 27.1305 — Applications and Services QoS Attributes		
Application/Service	Description	Data Rate
File transfer	FTP and general data upload / download	Greater than 256kb/s
Email	Both Web based and Entity Hosted E-Mail Service	Less than 16kb/s
Web browsing	Intranet, extranet, and internet	Greater than 32kb/s
Mobile voice	Equivalent to current commercial mobile voice	Minimum 15 kb/s
Push to talk (PTT) voice	Commercial grade PTT / PoC offerings with group call, alerting, and monitoring capability.	4-25 kb/s
Indoor video	Video that is transmitted from inside a building	20-384 kb/sF
Outdoor video	Video that is transmitted from the street	32-384 kb/s
Location services	All location based services	Less than 16kb/s
Database transactions	Remote databases access both under the entities' direct control as well as databases that are local	Less than 32kb/s
Messaging	Instant messaging, SMS, and Push to X services	Less than 16kb/s
Network Operations data	Network operational and maintenance data including over the air programming and remote client management	Less than 32kb/s
Dispatch data	Data as it relates to computer aided dispatching.	Less than 64kb/s

Table 2 to § 27.1305 — Applications and Services QoS Attributes		
Application/Service	Description	Data Rate
Generic traffic	General category for traffic that does not fall within any of the categories described above, and that generates less than 64kb of data per second	Less than 64kb/s
Telemetry	Remote measurement and reporting of information for radio devices, vehicles, and sensor data	70-120 kb/s
Virtual Private Networking	Secure remote access to entity LAN and WAN environments	64 – 256 kb/s

§ 27.1306 Satellite coverage and service requirements

The Network Sharing Agreement shall specify an internetworking gateway for voice, and a limited set of data services, with satellite service providers.

§ 27.1307 Spectrum use in the network

 (d) *Commercial operations in the 763-768 MHz and 793-798 MHz bands.*
 Commercial operations in the 763-768 MHz and 793-798 MHz bands shall be offered through long term de facto transfer leasing arrangements to each applicable Upper 700 MHz D Block licensee pursuant to Section 1.9030. The commercial lessees shall not cause harmful interference to users (*i.e.*, Priority Public Safety Users) and cannot claim protection from harmful interference from the Priority Public Safety User operations in the 763-768 MHz and 793-798 MHz bands. The networks used by the Upper 700 MHz D Block licensees to provide commercial operations in the 763-768 MHz and 793-798 MHz bands through the leasing arrangement must be designed to assign priority to Priority Public Safety Users, as specified in § 27.1305(f)(4).

§ 27.1310 Network Sharing Agreement

(j) The Network Sharing Agreement shall comply with all conditions and requirements made applicable to the Upper 700 MHz D Block licenses by the provisions of this subpart N of this part. For provisions applicable to services and networks nationwide, the Network Sharing Agreement may be amended by agreement of the National Committee of Area Licensees and the Public Safety Broadband Licensee. For provisions applicable solely to services and networks in a particular Upper 700 MHz D Block license area, the Network Sharing Agreement may be amended by agreement of the applicable Upper 700 MHz D Block licensee and the Public Safety Broadband Licensee.

(k) The Network Sharing Agreement must have a term not to exceed 15 years from the later of (i) February 17, 2009, and (ii) the earliest issuance of an Upper 700 MHz D Block license. If the Upper 700 MHz D Block licenses and the Public Safety Broadband License are renewed, then the term of the Network Sharing Agreement shall be extended.

* * * * *

§ 27.1330 Local public safety build-out and operation

* * * * *

(b) * * *

* * * * *

(5) *Rights to build out and operate in areas without a build-out commitment.* In areas for which the Network Sharing Agreement does not require an Upper 700 MHz D Block licensee to build out the Shared Wireless Broadband Network and which remain unserved more than four years after initial grant of the applicable Upper 700 MHz D Block license, a public safety entity will be permitted to build out and operate a separate, exclusive network in the 700 MHz public safety broadband spectrum. Such separate network must comply with the requirements in Section 27.1305 as implemented in the Network Sharing Agreement for such area. The public safety entity proposing to deploy and operate such separate network must have negotiated in good faith and been unable to agree with the applicable Upper 700 MHz D Block licensee on terms and conditions under which an expansion and/or enhancement of the Shared Wireless Broadband Network could be employed to meet the requirements of such public safety entity, and must have obtained approvals of both the Public Safety Broadband Licensee and the applicable Upper 700 MHz D Block licensee. Such public safety entity must agree to operate its separate network pursuant to a spectrum leasing arrangement with the Public Safety Broadband Licensee.

(i) Such spectrum leasing arrangement shall require the lessee to coordinate with the applicable Upper 700 MHz D Block licensee in advance of construction and operation of such a separate network. Such public safety entity shall minimize possible interference to the Shared Wireless Broadband Network from its network construction and operations, including by not interfering with any expansion and/or enhancement of the Shared Wireless Broadband Network undertaken after construction of such a separate network. A public safety entity seeking to exercise this option shall inform the Public Safety Broadband Licensee and the applicable Upper 700 MHz D Block licensee of the public safety entity's anticipated build-out date(s).

* * * * *

(iii) * * *

* * * * *

§ 27.1340 Reporting obligations

* * * * *

(b) Each Upper 700 MHz D Block licensee and the Public Safety Broadband Licensee shall have joint responsibility to register the base station locations with the Commission, providing basic technical information, including geographic location.

* * * * *

SUBPART AA – 700 MHZ PUBLIC/PRIVATE PARTNERSHIP

* * * * *

§ 90.1403 Public Safety Broadband License conditions; cooperative license arrangements.

* * * * *

(c) For purposes of facilitating the performance of responsibilities by the Public Safety Broadband Licensee pursuant to paragraph (b) of this section, the Public Safety Broadband Licensee and individual Priority Public Safety Users utilizing spectrum in the 763-768 MHz and 793-798 MHz bands are hereby deemed to be utilizing such spectrum pursuant to a cooperative arrangement. Pursuant to this cooperative arrangement, the Public Safety Broadband Licensee holds the authorization for such spectrum, but individual Priority Public Safety Users may utilize such spectrum on a non-profit, cost-shared basis. The cooperative arrangement authorized by this paragraph (c) shall enable the Public Safety Broadband Licensee to exercise various authority and to engage in various activities in furtherance of its responsibilities described in paragraph (b) of this section and shall not preclude any individual Priority Public Safety User from obtaining Shared Wireless Broadband Network airtime and priority access on terms and conditions other than those negotiated by the Public Safety Broadband Licensee. Pursuant to this authorization, the Public Safety Broadband Licensee is hereby granted the authority:

* * * * *

(2) General administration of access to the 763-768 MHz and 793-798 MHz bands by individual public safety entities, including implementation of user registration procedures, assessment of usage fees and related frequency coordination duties.

§ 90.1414 Procedures for Establishment of Network Sharing Agreement

(a) Publication of NSA Prior to Holding the D Block Auction. As a condition for and upon receipt of a license in the Upper 700 MHz D Block, each winning bidder shall enter

into the NSA with the Public Safety Broadband Licensee. The FCC shall make the provisions of the NSA available to the public prior to the auction.

(b) Development and Review of the NSA. The Public Safety Broadband Licensee shall submit a completed draft NSA to the Commission not later than three months after the adoption of this rule. The Public Safety Broadband Licensee shall develop the draft NSA after reasonable consultation with potential bidders, equipment manufacturers and other interested parties. The Commission shall review such draft NSA to determine whether it complies with the relevant Commission rules. The Commission may modify any provision of the draft NSA to comply with the relevant rules.

(c) Post-Auction Supplements and Amendments to the NSA. The NSA may be supplemented and amended after the auction. If the modification involves network, service or other provisions of nationwide application, the modification must be approved by the Public Safety Broadband Licensee and the National Committee of Area Licensees. If the modification involves network, service or other provisions affecting only certain license areas, the modification must be approved by the Public Safety Broadband Licensee and the affected Upper 700 MHz D Block licensee or licensees. Each modification of the NSA must comply with the relevant rules of the Commission, and any party to the NSA may seek Commission review of a modification for the Commission to determine whether it complies with the relevant rules.