

Revisions to Rules Authorizing the Operation of LPAS Devices in the 700 MHz Band
FCC WT Docket No. 08-166

The Commission should adopt a *Report and Order* that:

Prohibits the manufacture, import, shipment, domestic display, marketing, offer for sale, and sale of LPAS devices capable of operating in the 698-806 MHz (“700 MHz”) band;

- Effective 30 days after publication in the Federal Register
- To the extent such activities are permitted solely for LPAS devices destined for non-U.S. markets, the Commission should:
 - Require manufacturers to remove any FCC identifier from its products and include labeling that notes the product cannot be sold or operated in the U.S.; and
 - Require any entity selling/marketing such devices to make clear in all sales & marketing materials (including material available via the Internet) that the products cannot be operated in the U.S.

Clarifies that the Commission intends the 700 MHz band to be cleared of all LPAS devices, consistent with its objectives to make the spectrum fully available to public safety and commercial licensees as part of the DTV Transition;

- Clarify that LPAS devices must accept interference from any licensed users of the spectrum.
- Clarify that LPAS devices may not cause interference to any licensee, and if such interference does occur, must cease operation immediately.

Requires that operation of all LPAS devices in the 700 MHz band cease within one year after adoption of the *Report and Order*;

- One year transition date should not be linked to the DTV transition date.
- During the one year transition period, an existing or future 700 MHz commercial or public safety licensee may notify an LPAS licensee operating on the same channel or first adjacent channel of its intention to initiate or change wireless operations and the likelihood of interference from LPAS operation within its licensed geographic service area. Upon receipt of such notice, the LPAS licensee must cease operation within 60 days. Note: Commercial and public safety licensees may begin operations immediately without waiting 60 days for clearance of LPAS devices.
- The 60 day notification process does not apply to LPAS devices that cause interference to licensed systems already in operation. Consistent with the FCC’s rules for secondary uses, LPAS operations that cause interference must cease operations immediately.

Directs publication of a Consumer Advisory to alert the general public of the changes being implemented in the use of wireless microphones and other LPAS devices.