AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

state department of education; a privately controlled educational institution must be accredited by the appropriate state department of education or the recognized regional and national accrediting organizations), or

(iv) A nonprofit organization whose purposes are educational and include providing educational and instructional television material to such accredited institutions and governmental organizations.

(v) Other noncommercial entities with an educational mission.

(3) *Editorial control.* (i) A DBS operator will be required to make capacity available only to qualified programmers and may select among such programmers when demand exceeds the capacity of their reserved channels.

(ii) A DBS operator may not require the programmers it selects to include particular programming on its channels.

(iii) A DBS operator may not alter or censor the content of the programming provided by the qualified programmer using the channels reserved pursuant to this section.

(4) Non-commercial channel limitation. A DBS operator cannot initially select a qualified programmer to fill more than one of its reserved channels except that, after all qualified entities that have sought access have been offered access on at least one channel, a provider may allocate additional channels to qualified programmers without having to make additional efforts to secure other qualified programmers.

(5) *Rates, terms and conditions.* (i) In making the required reserved capacity available, DBS providers cannot charge rates that exceed costs that are directly related to making the capacity available to qualified programmers. Direct costs include only the cost of transmitting the signal to the uplink facility and uplinking the signal to the satellite.

(ii) Rates for capacity reserved under paragraph (a) of this section shall not exceed 50 percent of the direct costs as defined in this section.

(iii) Nothing in this section shall be construed to prohibit DBS providers from negotiating rates with qualified programmers that are less than 50 percent of direct costs or from paying qualified programmers for the use of their programming.

(iv) DBS providers shall reserve discrete channels and offer these to qualifying programmers at consistent times to fulfill the reservation requirement described in these rules.

(6) *Public file.* (i) In addition to the political file requirements in §25.701(d), each DBS provider shall keep and permit public inspection of a complete and orderly record of:

(A) Quarterly measurements of channel capacity and yearly average calculations on which it bases its four percent reservation, as well as its response to any capacity changes;

(B) A record of entities to whom noncommercial capacity is being provided, the amount of capacity being provided to each entity, the conditions under which it is being provided and the rates, if any, being paid by the entity;

(C) A record of entities that have requested capacity, disposition of those requests and reasons for the disposition.

(ii) All records required by this paragraph shall be placed in a file available to the public as soon as possible and shall be retained for a period of two years.

(7) *Effective date.* DBS providers are required to make channel capacity available pursuant to this section upon the effective date. Programming provided pursuant to this rule must be available to the public no later than six months after the effective date.

[69 FR 23157, Apr. 28, 2004, as amended at 72 FR 50033, Aug. 29, 2007]

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

Subpart A—General Information

Sec.

27.1 Basis and purpose.
27.2 Permissible communications.
27.3 Other applicable rule parts.
27.4 Terms and definitions.
27.5 Frequencies.
27.6 Service areas.

Subpart B—Applications and Licenses

27.10 Regulatory status.
27.11 Initial authorization.
27.12 Eligibility.

27.13 License period.
27.14 Construction requirements; Criteria for renewal.
27.15 Geographic partitioning and spectrum disaggregation.
27.16 Network access requirements for Block C in the 746–757 and 776–787 MHz bands.
27.20 Digital television transition education reports.

Subpart C—Technical Standards

27.50 Power and antenna height limits.
27.51 Equipment authorization.
27.52 RF safety.
27.53 Emission limits.
27.54 Frequency stability.
27.55 Power strength limits.
27.56 Antenna structures; air navigation safety.
27.57 International coordination.
27.58 Interference to BRS/EBS receivers.
27.59 [Reserved]
27.60 TV/DTV interference protection criteria.
27.61–27.62 [Reserved]
27.63 Disturbance of AM broadcast station antenna patterns.
27.64 Protection from interference.
27.66 Discontinuance, reduction, or impairment of service.
27.70 Information exchange.

Subpart D—Competitive Bidding Procedures for the 2305–2320 MHz and 2345–2360 MHz Bands

27.201 WCS in the 2305–2320 MHz and 2345–2360 MHz bands subject to competitive bidding.
27.202–27.208 [Reserved]
27.209 Designated entities; bidding credits; unjust enrichment.
27.210 Definitions.

Subpart E—Application, Licensing, and Processing Rules for WCS

27.301 [Reserved]
27.302 Eligibility.
27.303 Upper 700 MHz commercial and public safety coordination zone.
27.304–27.307 [Reserved]
27.308 Technical content of applications.
27.310–27.320 [Reserved]
27.321 Mutually exclusive applications.
27.322–27.325 [Reserved]

Subpart F—Competitive Bidding Procedures for the 698–806 MHz Band

27.501 746–763 MHz, 775–793 MHz, and 805–806 MHz bands subject to competitive bidding.
27.502 Designated entities.

Subpart G—Guard Band Service (746–747/776–777 MHz and 762–764/792–794 MHz Bands)

27.601 Authority and coordination requirements.
27.602 Lease agreements.
27.604 Limitation on licenses won at auction.
27.607 Performance requirements and annual reporting requirement.

Subpart H—Competitive Bidding Procedures for the 698–746 MHz Band

27.701 698–746 MHz bands subject to competitive bidding.
27.702 Designated entities.

Subpart I—1.4 GHz Band

27.801 Scope.
27.802 Permissible communications.
27.803 Coordination requirements.
27.804 Field strength limits at WMTS facility.
27.805 Geographic partitioning and spectrum disaggregation.
27.806 1.4 GHz service licenses subject to competitive bidding.
27.807 Designated entities.

Subpart J—1670–1675 MHz Band

27.901 Scope.
27.902 Permissible communications.
27.903 Coordination requirements.
27.904 Geographic partitioning and spectrum disaggregation.
27.905 1670–1675 MHz service licenses subject to competitive bidding.
27.906 Designated entities.

Subpart K [Reserved]

Subpart L—1710–1755 MHz, 2110–2155 MHz, 2160–2180 MHz Bands

LICENSING AND COMPETITIVE BIDDING PROVISIONS

27.1101 1710–1755 MHz and 2110–2155 MHz bands subject to competitive bidding.
27.1102 Designated Entities in the 1710–1755 MHz and 2110–2155 MHz bands.

RELOCATION OF INCUMBENTS

27.1111 Relocation of fixed microwave service licensees in the 2110–2150 MHz band.

PROTECTION OF INCUMBENT OPERATIONS

27.1131 Protection of Part 101 operations.
27.1132 Protection of incumbent operations in the 2150–2160/62 MHz band.
27.1133 Protection of Part 74 and Part 78 operations.

27.1134 Protection of Federal Government operations.
27.1135 Protection of non-Federal Government Meteorological-Satellite operations.

COST-SHARING POLICIES GOVERNING MICROWAVE RELOCATION FROM THE 2110–2150 MHZ AND 2160–2200 MHZ BANDS

27.1160 Cost-sharing requirements for AWS.
27.1162 Administration of the Cost-Sharing Plan.
27.1164 The cost-sharing formula.
27.1166 Reimbursement under the Cost-Sharing Plan.
27.1168 Triggering a Reimbursement Obligation.
27.1170 Payment Issues.
27.1172 Dispute Resolution Under the Cost-Sharing Plan.
27.1174 Termination of Cost-Sharing Obligations.

COST-SHARING POLICIES GOVERNING BROADBAND RADIO SERVICE RELOCATION FROM THE 2150–2160/62 MHZ BAND

27.1176 Cost-sharing requirements for AWS in the 2150–2160/62 MHz band.
27.1178 Administration of the Cost-Sharing Plan.
27.1180 The cost-sharing formula.
27.1182 Reimbursement under the Cost-Sharing Plan.
27.1184 Triggering a reimbursement obligation.
27.1186 Payment issues.
27.1188 Dispute resolution under the Cost-Sharing Plan.
27.1190 Termination of cost-sharing obligations.

Subpart M—Broadband Radio Service and Educational Broadband Service

27.1200 Change to BRS and EBS.
27.1201 EBS eligibility.
27.1202 Cable/BRS cross-ownership.
27.1203 EBS programming requirements.
27.1206 Geographic service area.
27.1207 BTA license authorization.
27.1208 BTA service areas.
27.1209 Conversion of incumbent EBS and BRS stations to geographic area licensing.
27.1210 Remote control operation.
27.1211 Unattended operation.
27.1212 License term.
27.1213 Designated entity provisions for BRS in Commission auctions commencing prior to January 1, 2004.
27.1214 EBS spectrum leasing arrangements and grandfathered leases.
27.1215 BRS grandfathered leases.
27.1216 Grandfathered E and F group EBS licenses.
27.1217 Competitive bidding procedures for the Broadband Radio Service.
27.1218 Designated entities.

TECHNICAL STANDARDS

27.1220 Transmission standards.
27.1221 Interference protection.
27.1222 Operations in the 2568–2572 and 2614–2618 bands.

POLICIES GOVERNING THE TRANSITION OF THE 2500–2690 MHZ BAND FOR BRS AND EBS

27.1230 Conversion of the 2500–2690 MHz band.
27.1231 Initiating the transition.
27.1232 Planning the transition.
27.1233 Reimbursement costs of transitioning.
27.1234 Terminating existing operations in transitioned markets.
27.1235 Post-transition notification.
27.1236 Self-transitions.
27.1237 Pro rata allocation of transition costs.
27.1238 Eligible costs.
27.1239 Reimbursement obligation.

RELOCATION PROCEDURES FOR THE 2150–2160/62 MHZ BAND

27.1250 Transition of the 2150–2160/62 MHz band from the Broadband Radio Service to the Advanced Wireless Service.
27.1251 Mandatory Negotiations.
27.1252 Involuntary Relocation Procedures.
27.1253 Sunset Provisions.
27.1254 Eligibility.
27.1255 Relocation Criteria for Broadband Radio Service Licensees in the 2150–2160/62 MHz band.

Subpart N—700 MHz Public/Private Partnership

27.1301 Purpose and scope.
27.1303 Upper 700 MHz D Block license conditions.
27.1305 Shared wireless broadband network.
27.1307 Spectrum use in the network.
27.1308 Organization and structure of the 700 MHz public/private partnership.
27.1310 Network sharing agreement.
27.1315 Establishment, execution, and application of the network sharing agreement.
27.1320 Failure to comply with the NSA or the Commission's rules.
27.1325 Resolution of disputes after grant of the upper 700 MHz D block license.
27.1327 Construction requirements; criteria for renewal.
27.1330 Local public safety build-out and operation.
27.1333 Geographic partitioning, spectrum disaggregation, license assignment, and transfer.
27.1335 Prohibition on discontinuance of public safety operations.
27.1340 Reporting obligations.

AUTHORITY: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

SOURCE: 62 FR 9658, Mar. 3, 1997, unless otherwise noted.

Subpart A—General Information

§ 27.1 Basis and purpose.

This section contains the statutory basis for this part of the rules and provides the purpose for which this part is issued.

(a) *Basis.* The rules for miscellaneous wireless communications services (WCS) in this part are promulgated under the provisions of the Communications Act of 1934, as amended, that vest authority in the Federal Communications Commission to regulate radio transmission and to issue licenses for radio stations.

(b) *Purpose.* This part states the conditions under which spectrum is made available and licensed for the provision of wireless communications services in the following bands.

(1) 2305–2320 MHz and 2345–2360 MHz.

(2) 746–763 MHz, 775–793 MHz, and 805–806 MHz.

(3) 698–746 MHz.

(4) 1390–1392 MHz.

(5) 1392–1395 MHz and 1432–1435 MHz.

(6) 1670–1675 MHz.

(7) [Reserved]

(8) 1710–1755 MHz and 2110–2155 MHz.

(9) 2495–2690 MHz.

(c) *Scope.* The rules in this part apply only to stations authorized under this part.

[62 FR 9658, Mar. 3, 1997, as amended at 65 FR 3144, Jan. 20, 2000; 65 FR 17601, Apr. 4, 2000; 67 FR 5510, Feb. 6, 2002; 67 FR 41854, June 20, 2002; 69 FR 5714, Feb. 6, 2004; 69 FR 72031, Dec. 10, 2004; 69 FR 77949, Dec. 29, 2004; 72 FR 48843, Aug. 24, 2007]

§ 27.2 Permissible communications.

(a) *Miscellaneous wireless communications services.* Except as provided in paragraph (b) of this section and subject to technical and other rules contained in this part, a licensee in the frequency bands specified in § 27.5 may provide any services for which its frequency bands are allocated, as set forth in the non-Federal Government column of the Table of Allocations in § 2.106 of this chapter (column 5).

(b) *775–776 MHz and 805–806 MHz bands.* Operators in the 775–776 MHz and 805–806 MHz bands may not employ a cellular system architecture. A cellular system architecture is defined, for purposes of this part, as one that consists of many small areas or cells (segmented from a larger geographic service area), each of which uses its own base station, to enable frequencies to be reused at relatively short distances.

(c) *Satellite DARS.* Satellite digital audio radio service (DARS) may be provided using the 2310–2320 and 2345–2360 MHz bands. Satellite DARS service shall be provided in a manner consistent with part 25 of this chapter.

[65 FR 3144, Jan. 20, 2000, as amended at 65 FR 17601, Apr. 4, 2000; 72 FR 48843, Aug. 24, 2007]

§ 27.3 Other applicable rule parts.

Other FCC rule parts applicable to the Wireless Communications Service include the following:

(a) *Part 0.* This part describes the Commission's organization and delegations of authority. Part 0 of this chapter also lists available Commission publications, standards and procedures for access to Commission records, and location of Commission Field Offices.

(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; competitive bidding procedures; and the environmental requirements that, if applicable, must be complied with prior to the initiation of construction. Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

(c) *Part 2.* This part contains the Table of Frequency Allocations and special requirements in international regulations, recommendations, agreements, and treaties. This part also contains standards and procedures concerning the marketing and importation of radio frequency devices, and for obtaining equipment authorization.

(d) *Part 5.* This part contains rules prescribing the manner in which parts