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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

of the radio frequency spectrum may be made available for experimentation.

(e) *Part 15.* This part sets forth the requirements and conditions applicable to certain radio frequency devices.

(f) *Part 17.* This part contains requirements for construction, marking and lighting of antenna towers.

(g) *Part 20.* This part sets forth the requirements and conditions applicable to commercial mobile radio service providers.

(h) *Part 22.* This part sets forth the requirements and conditions applicable to public mobile services.

(i) *Part 24.* This part sets forth the requirements and conditions applicable to personal communications services.

(j) *Part 25.* This part contains the requirements for satellite communications, including satellite DARS.

(k) *Part 51.* This part contains general duties of telecommunications carriers to provide for interconnection with other telecommunications carriers.

(l) *Part 64.* This part sets forth the requirements and conditions applicable to telecommunications carriers under the Communications Assistance for Law Enforcement Act.

(m) *Part 68.* This part contains technical standards for connection of terminal equipment to the telephone network.

(n) *Part 73.* This part sets forth the requirements and conditions applicable to radio broadcast services.

(o) *Part 74.* This part sets forth the requirements and conditions applicable to experimental radio, auxiliary, special broadcast and other program distributional services.

(p) *Part 90.* This part sets forth the requirements and conditions applicable to private land mobile radio services.

(q) *Part 101.* This part sets forth the requirements and conditions applicable to fixed microwave services.

[62 FR 9658, Mar. 3, 1997, as amended at 63 FR 68954, Dec. 14, 1998; 65 FR 3144, Jan. 20, 2000; 67 FR 5510, Feb. 6, 2002; 69 FR 5714, Feb. 6, 2004; 69 FR 72031, Dec. 10, 2004; 70 FR 61059, Oct. 20, 2005]

§ 27.4 Terms and definitions.

700 MHz Public/Private Partnership. The public/private partnership established for the development and operation of a nationwide, shared interoperable wireless broadband network operating on the 758–763 MHz and 788–793 MHz bands and the 763–768 MHz and 793–798 MHz bands in accordance with the Commission's rules.

Advanced wireless service (AWS). A radiocommunication service licensed pursuant to this part for the frequency bands specified in § 27.5(h).

Affiliate. This term shall have the same meaning as that for ''affiliate'' in part 1, § 1.2110(b)(5) of this chapter.

Assigned frequency. The center of the frequency band assigned to a station.

Attended operation. Operation of a station by a designated person on duty at the place where the transmitting apparatus is located with the transmitter in the person's plain view.

Authorized bandwidth. The maximum width of the band of frequencies permitted to be used by a station. This is normally considered to be the necessary or occupied bandwidth, whichever is greater.

Average terrain. The average elevation of terrain between 3 and 16 kilometers from the antenna site.

Base station. A land station in the land mobile service.

Booster service area. A geographic area to be designated by an applicant for a booster station, within which the booster station shall be entitled to protection against interference as set forth in this part. The booster service area must be specified by the applicant so as not to overlap the booster service area of any other booster authorized to or proposed by the applicant. However, a booster station may provide service to receive sites outside of its booster service area, at the licensee's risk of interference. The booster station must be capable of providing substantial service within the designated booster service area.

Broadband Radio Service (BRS). A radio service using certain frequencies in the 2150–2162 and 2496–2690 MHz bands which can be used to provide fixed and mobile services, except for aeronautical services.

Broadcast services. This term shall have the same meaning as that for ''broadcasting'' in section 3(6) of the Communications Act of 1934, *i.e.*, ''the dissemination of radio communications