§ 27.1253 Sunset Provisions.

(a) BRs licensees will maintain primary status in the 2150–2162 MHz band unless and until an AWS licensee requires use of the spectrum. AWS licensees are not required to pay relocation costs after the relocation rules sunset (i.e., fifteen years from the date the first AWS license is issued in the band). Once the relocation rules sunset, an AWS licensee may require the incumbent to cease operations, provided that the AWS licensee intends to turn on a system within interference range of the incumbent, as determined by §27.1255. AWS licensee notification to the affected BRs licensee must be in writing and must provide the incumbent with no less than six months to vacate the spectrum. After the six-month notice period has expired, the BRs licensee must turn its license back into the Commission, unless the parties have entered into an agreement which allows the BRs licensee to continue to operate on a mutually agreed upon basis.

(b) If the parties cannot agree on a schedule or an alternative arrangement, requests for extension will be accepted and reviewed on a case-by-case basis. The Commission will grant such extensions only if the incumbent can demonstrate that:

1. It cannot relocate within the six-month period (e.g., because no alternative spectrum or other reasonable option is available); and
2. The public interest would be harmed if the incumbent is forced to terminate operations.

§ 27.1254 Eligibility.

(a) BRs licensees with primary status in the 2150–2162 MHz band as of June 23, 2006, will be eligible for relocation insofar as they have facilities that are constructed and in use as of this date.

(b) Future Licensing and Modifications. After June 23, 2006, all major modifications to existing BRs systems in use in the 2150–2162 MHz band will be authorized on a secondary basis to AWS...