§ 27.1230 Conversion of the 2500–2690 MHz band.

BRS and EBS licensees in the 2500–2690 MHz band on the pre-transition A-I Channels will be transitioned from the frequencies assigned to them under §27.5(i)(1) to the frequencies assigned to
them under §27.5(i)(2). The transition, which will be undertaken by one or more proponent(s), will occur in the following five phases: initiating the transition process (see §27.1231), planning the transition (see §27.1232), reimbursing transition costs (see §§27.1233 and 27.1237–1239), terminating existing operations in transitioned markets that do not comport with §27.5(i)(2) (see §27.1234), and filing the post-transition notification (see §27.1235). Licensees may also self-transition (see §27.1236).

[71 FR 35191, June 19, 2006]

§27.1231 Initiating the transition.

(a) Transition areas. Unless paragraph (b) of this section applies, the transition will occur by Basic Trading Area (BTA). BTAs are based on the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38–39, that identifies 487 BTAs based on the 50 States; it also includes the following additional BTA-like areas: American Samoa; Guam; Northern Marianas Islands; Mayaguez/Aguadilla–Ponce, Puerto Rico; San Juan, Puerto Rico; and the United States Virgin Islands, for a total of 493 BTAs. The Mayaguez/Aguadilla–Ponce BTA-like area consists of the following municipios: Adjuntas, Aguada, Aguadilla, Anasco, Arroyo, Cabo Rojo, Coamo, Guanica, Guayama, Guayanilla, Hormigueros, Isabela, Jayuya, Juana Diaz, Lajas, Las Marias, Maricao, Maunabo, Mayaguez, Moca, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Sabana Grande, Salinas, San German, Santa Isabel, Villa Laína, and Yauco. The San Juan BTA-like area consists of all other municipios in Puerto Rico. The BTA associated with the Gulf of Mexico will not be transitioned.

(b) Overlapping GSAs. When a Geographic Service Area (GSA) overlaps two or more BTAs:

(1) The proponents of the adjacent BTAs may agree on how to transition a GSA that overlaps their respective BTAs.

(2) If an agreement has not been reached between or among the proponents of the adjacent BTAs:

(i) Each proponent must transition all of the facilities associated with the GSA that are inside the GSA and inside the proponent’s BTA if all of the adjacent BTAs are transitioning; or

(ii) The proponent of the BTA that is transitioning must transition all of the facilities associated with the GSA that are within the GSA but outside the BTA, if the adjacent BTA is not transitioning.

(c)(1) Proponent(s). The proponent or co-proponent must:

(i) Be a BRS or EBS licensee or BRS or EBS lessee;

(ii) Send a Pre-Transition Data Request (see paragraph (d) of this section) and a Transition Notice (see paragraph (e) of this section) to every BRS and EBS licensee in the BTA, using the contact information in the Commission’s Universal Licensing System; and

(iii) Be first to file an Initiation Plan (see paragraph (f) of this section) with the Secretary of the Commission.

(2) Before filing an Initiation Plan, BRS or EBS licensees or BRS or EBS lessees may agree to be co-proponents. After the Initiation Plan is filed the proponent may accept a co-proponent at its sole discretion.

(d) Pre-Transition Data Request. The Pre-Transition Data Request must include the potential proponent’s full name, postal mailing address, contact person, e-mail address, and phone and fax numbers.

(1) BRS and EBS licensees that receive a Pre-Transition Data Request must provide the following information to the potential proponent within 45 days of receiving the Pre-Transition Data Request:

(i) The BRS or EBS licensee’s full name, postal mailing address, contact person, e-mail address, and phone and fax numbers.

(ii) The location (by street address and by geographic coordinates) of every constructed EBS receive site that, as of the date of receipt of the Pre-Transition Data Request, is entitled to a replacement downconverter (see §27.1233(a)). The response must:

(A) Specify whether the downconverting antenna is mounted on a structure attached to the building or on a free-standing structure;

(B) Specify the approximate height above ground level of the downconverting antenna; and

(C) Specify the antenna’s type, gain, polarization, and interface type;

(D) Specify the downconverter’s type, gain, and interface type;

(E) Specify the replacement downconverter’s type, gain, and interface type;

(F) Specify any other replacement equipment to be installed; and

(G) Specify any other information the potential proponent requires.

(2) If a Pre-Transition Data Request is not received within 45 days of the date of receipt of the Pre-Transition Data Request, the proponent may file an Initiation Plan (see paragraph (f) of this section) with the Secretary of the Commission.

(e) Transition Notice. The Transition Notice must include the following information:

(1) The proponent’s full name, postal mailing address, contact person, e-mail address, and phone and fax numbers.

(2) The location (by street address and by geographic coordinates) of every constructed EBS receive site that, as of the date of receipt of the Pre-Transition Data Request, is entitled to a replacement downconverter (see §27.1233(a)). The response must:

(A) Specify whether the downconverting antenna is mounted on a structure attached to the building or on a free-standing structure;

(B) Specify the approximate height above ground level of the downconverting antenna; and

(C) Specify the antenna’s type, gain, polarization, and interface type;

(D) Specify the downconverter’s type, gain, and interface type;

(E) Specify the replacement downconverter’s type, gain, and interface type;

(F) Specify any other replacement equipment to be installed; and

(G) Specify any other information the proponent requires.

(f) Initiation Plan. The Initiation Plan must include the following information:

(1) The proponent’s full name, postal mailing address, contact person, e-mail address, and phone and fax numbers.

(2) The location (by street address and by geographic coordinates) of every constructed EBS receive site that, as of the date of receipt of the Pre-Transition Data Request, is entitled to a replacement downconverter (see §27.1233(a)). The response must:

(A) Specify whether the downconverting antenna is mounted on a structure attached to the building or on a free-standing structure;

(B) Specify the approximate height above ground level of the downconverting antenna; and

(C) Specify the antenna’s type, gain, polarization, and interface type;

(D) Specify the downconverter’s type, gain, and interface type;

(E) Specify the replacement downconverter’s type, gain, and interface type;

(F) Specify any other replacement equipment to be installed; and

(G) Specify any other information the proponent requires.

(3) The proponent must file the Initiation Plan with the Secretary of the Commission.