

believes the action taken should be changed. Cellnet's petition does not describe any specific rule changes that it wishes the Commission to make. It simply requests that the Commission adopt "a duty cycle limitation and other effective spectrum etiquette," but does not recommend any specific duty cycle limitation or provide any technical details of what it believes would constitute an "effective spectrum etiquette." After the 30 day reconsideration period, Cellnet made an *ex-parte* presentation to the Commission's staff describing a spectrum etiquette that it believes the Commission should require for digitally modulated spread spectrum transmitters operating in the 915 MHz band under § 15.247 of the rules. Because Cellnet's petition and subsequent filings do not satisfy the Commission's rules for specific relief and timeliness, the Commission dismissed its petition. Although the Commission dismissed Cellnet's petition, it is seeking comment on ideas for a spectrum etiquette in the 915 MHz band, in a *Further Notice of Proposed Rule Making*. This action will allow the Commission to fully consider Cellnet's suggestion to develop a spectrum etiquette that is a trade-off between transmission duration and output power, and also to address certain related issues that Cellnet did not discuss such as transition dates by which new equipment would have to comply.

#### Ordering Clauses

9. The petition for reconsideration filed by Havens is hereby dismissed. This action is taken pursuant to the authority contained in sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), and 303(r).

10. The petition for reconsideration filed by Cellnet Technology is hereby dismissed. This action is taken pursuant to the authority contained in sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), and 303(r).

#### Congressional Review Act

8. The Commission will not send a copy of the Memorandum Opinion and Order, pursuant to the Congressional Review Act. See 5 U.S.C. 801(a)(1)(A). The Congressional Review Act (CRA) was addressed in the Report and Order released in this proceeding, FCC 04-165, 69, FR 54027, September 7, 2004. The Memorandum Opinion and Order dismisses the petitions for reconsideration of the Report and Order.

#### List of Subjects in 47 CFR Part 15

Communications equipment.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E7-14882 Filed 7-31-07; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 22 and 27

[ET Docket No. 00-258; WT Docket No. 02-353; DA 07-1120]

#### Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands

**ACTION:** Final rule; announcement of effective date and public information collections approval.

**SUMMARY:** The Federal Communications Commission (FCC) received Office of Management and Budget (OMB) approval on June 25, 2007, pursuant to the Paperwork Act of 1995, Public Law 104-13, for the following information collections contained in 47 CFR 27.1166(a), (b) and (e); 27.1170; 27.1182(a), (b); and 27.1186, that were published at 71 FR 29818, 29836-40 (May 24, 2006). An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number.

**DATES:** On June 25, 2007, OMB approved the information collections for 47 CFR 27.1166(a), (b) and (e); 27.1170; 27.1182(a), (b); and 27.1186, that were published at 71 FR 29818, 29836-40 (May 24, 2006). Accordingly, the effective date for the information collections contained in these rules is June 25, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Mock, Broadband Division, Wireless Telecommunications Bureau at (202) 418-2483 or via the Internet at [Jennifer.Mock@fcc.gov](mailto:Jennifer.Mock@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control No.:* 3060-1030.

*OMB Approval Date:* 6/25/2007.

*OMB Expiration Date:* 6/31/2010.

*Title:* Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands.

*Form No.:* N/A.

*Estimated Annual Burden:* 1,716 respondents; 29,147 annual burden hours; 2 hours per respondent; and \$2,271,200 annual costs.

*Needs and Uses:* The *Ninth Report and Order (Ninth R&O)* adopted

relocation procedures to govern the relocation of: (1) Broadband Radio Service (BRS) licensees in the 2150-2160/62 MHz band; and (2) Fixed Microwave Service (FS) licensees in the 2110-2150 MHz and 2160-2180 MHz bands. The *Ninth R&O* also adopted cost sharing rules that identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of FS operations in the 2110-2150 MHz band 2160-2200 MHz band and AWS entrants benefiting from the relocation of BRS operations in the 2150-2160/62 MHz band. The adopted relocation and cost sharing procedures generally follow the Commission's relocation and cost sharing policies delineated in the *Emerging Technologies* proceeding, and as modified by subsequent decisions. These relocation policies are designed to allow early entry for new technology providers by allowing providers of new services to negotiate financial arrangements for reaccommodation of incumbent licensees, and have been tailored to set forth specific relocation schemes appropriate for a variety of different new entrants, including AWS, MSS, Personal Communications Service (PCS) licensees, 18 GHz Fixed Satellite Service (FSS) licensees, and Sprint Nextel. While these new entrants occupy different frequency bands, each entrant has had to relocate incumbent operations. The relocation and cost sharing procedures adopted in the *Ninth R&O* are designed to ensure an orderly and expeditious transition of, with minimal disruption to, incumbent BRS operations from the 2150-2160/62 MHz band and FS operations from the 2110-2150 MHz and 2160-2180 MHz bands, in order to allow early entry for new AWS licensees into these bands. In the *Ninth R&O* the FCC adopted disclosures related to negotiation and relocation of incumbent FS radio links and incumbent BRS systems, and for the registration of these relocation expenses with a clearinghouse, including documentation of reimbursable costs for FS and BRS relocations, documentation when a new AWS and MSS Ancillary Terrestrial Components (MSS/ATC) operators trigger a cost-sharing obligation, prior coordination notices to identify when a specific site will trigger a cost-sharing obligation, and retention of records by the clearinghouses. (Privately administered clearinghouses, selected by the FCC, will keep track of and administer the cost sharing obligations over the next 10-15 years as AWS and MSS-ATC operators build new stations that require them to

relocate incumbents.) In the *Clearinghouse Order*, ET Docket No. 00–258 and WT Docket No. 02–353, DA 07–1120, the FCC’s Wireless Telecommunications Bureau (Bureau) requires the AWS clearinghouses to file reports with the FCC and to make disclosures between the clearinghouses. Separately, in a *Public Notice* issued jointly with the National Telecommunications and Information Administration (NTIA), 71 FR 28696 (May 17, 2006), 21 FCC Rcd 4730 (2006), the FCC set forth procedures for AWS licensees to coordinate with Federal Government operators in the 1.7 GHz band, and AWS licenses are granted with a special condition that requires coordination with Federal operators.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. E7–14803 Filed 7–31–07; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 22, 27 and 101

[ET Docket No. 00–258; WT Docket No. 02–353; DA 07–1120]

### Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; interpretations and general waiver.

**SUMMARY:** The Wireless Telecommunications Bureau sets forth details of the duties and responsibilities of the clearinghouses that will administer the Commission’s cost-sharing plan under the incumbent relocation procedures for the 2110–2200 MHz band. We also address several matters raised by commenters and issue interpretations and a general waiver that are intended to avoid confusion and unnecessary burdens.

**DATES:** The interpretations and general waiver are effective August 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Mock, Broadband Division, Wireless Telecommunications Bureau at (202) 418–2483 or via the Internet at [Jennifer.Mock@fcc.gov](mailto:Jennifer.Mock@fcc.gov).

**SUPPLEMENTARY INFORMATION:** In the *AWS Relocation and Cost Sharing Report and Order*,<sup>1</sup> 71 FR 29818, (May

24, 2006), the Commission established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150–2160/62 MHz band and Microwave Service (FS) operations in the 2.1 GHz band, and adopted cost sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS and/or BRS operations. The Commission also delegated authority to the Wireless Telecommunications Bureau (WTB or Bureau) to select one or more entities for the creation and management of a neutral, not-for-profit clearinghouse that would facilitate cost sharing among AWS and MSS entrants benefiting from the relocation of FS incumbents in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–60/62 MHz bands.<sup>2</sup> Mobile Satellite Service (MSS) operators are required to participate in the clearinghouse for Ancillary Terrestrial Component (ATC) base stations, *see e.g.*, 47 CFR 101.82(d), and may elect to submit claims for reimbursement to the AWS clearinghouse for FS links relocated due to interference from the MSS space-to-Earth operations.<sup>3</sup> The Commission stated that selection would be based on criteria established by the Bureau, and that the Bureau would publicly announce the criteria and solicit proposals from qualified parties.<sup>4</sup> The Commission also instructed the Bureau to solicit public comment on all proposals submitted and, after selecting the clearinghouse administrator(s), to announce the effective date of the cost sharing rules, including the filing requirements for reimbursement claims and relocation cost estimates.<sup>5</sup> In doing

Fixed Service to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, ET Docket No. 00–258, Service Rules for Advances Wireless Services in the 1.7 GHz and 2.1 GHz Bands, WT Docket No. 02–353, *Ninth Report and Order and Order*, 21 FCC Rcd 4473 (2006) (*recon. pending*) (*AWS Relocation and Cost Sharing Report and Order*).

<sup>2</sup> *See AWS Relocation and Cost Sharing Report and Order* at para. 106–107. The Commission made no determination at the time as to whether a clearinghouse must provide administration for both FS and BRS-related cost sharing. *See id.* at n.374. However, the Commission recognized the efficiencies in a clearinghouse administering the cost sharing processes for the relocation of both FS and BRS incumbents in the subject bands. *See id.* at para. 106.

<sup>3</sup> *See AWS Relocation and Cost Sharing Report and Order* at para. 93–94.

<sup>4</sup> *See id.* at para. 83, 107.

<sup>5</sup> *See id.* at para. 83, 107. Claims for reimbursement are limited to relocation expenses incurred on or after the date when the first AWS license is issued in the relevant AWS band (start

so, the Commission noted that the Bureau could select more than one clearinghouse.<sup>6</sup>

1. By *public notice* released on June 15, 2006 (*Clearinghouse PN*), 71 FR 38162 (July 5, 2006), the Bureau invited proposals from entities interested in serving as a neutral, not-for-profit clearinghouse responsible for facilitating cost sharing among entrants benefiting from the relocation of incumbent licensees in the 2.1 GHz bands.<sup>7</sup> The *Clearinghouse PN* also sought comment on whether more than one clearinghouse would be feasible, and required certifications that the entity would be able and willing to work with other clearinghouses if WTB selected more than one, as well as a certification that the entity is a not-for-profit organization and will retain its not-for-profit status during the term of its operations. We also sought comment on whether proposals that offer to administer cost sharing for both FS and BRS relocations are preferable to proposals that seek to administer cost sharing for only one of these relocation processes. We received two proposals and each proposed to administer cost sharing for both FS and BRS relocations.<sup>8</sup> Five parties filed

date). If a clearinghouse is not selected by that date, claims for reimbursement and notices of operation for activities that occurred after the start date but prior to the clearinghouse selection must be submitted to the clearinghouse within thirty calendar days of the selection date. *See* 47 CFR 27.1166.

<sup>6</sup> *See* 47 CFR 27.1178. *See also AWS Relocation and Cost Sharing Report and Order* at para. 107 (“we delegate to WTB the authority to select one or more entities to create and administer a neutral, not-for-profit clearinghouse”).

<sup>7</sup> *See* Wireless Telecommunications Bureau Opens Filing Window for Proposals to Develop and Manage the Clearinghouse that will Administer the Relocation Cost Sharing Plan for Licensees in the 2.1 GHz Bands, *Public Notice*, 21 FCC Rcd 6616 (WTB 2006) (*Clearinghouse PN*). The notice invited any entity interested in serving as a clearinghouse to submit a business plan detailing how it would perform the functions of a clearinghouse, including the following elements: a description of the entity proposing to be a clearinghouse and its qualifications; information regarding financial data, including a business plan that addresses how the entity intends to raise start-up funds and how much the entity plans to charge for individual transactions; whether the entity is interested in serving as a clearinghouse for FS relocations, BRS relocations, or both; a detailed description of accounting methods; a description of how the entity intends to remain impartial and how it will prevent any conflicts of interest; a description of how the entity intends to address concerns about confidentiality and a description of security measures the entity will take to safeguard submitted information; a description of how the entity intends to resolve disputes between parties; and an assessment of how long it would take the entity to become operational. *Id.*

<sup>8</sup> *See* CTIA—The Wireless Association® Clearinghouse Plan, filed July 17, 2006 (CTIA Plan); Clearinghouse Proposal of PCIA—The Wireless Infrastructure Association, filed July 17, 2006 (PCIA Plan).

<sup>1</sup> Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and