

band 6875–7075 MHz to § 101.145(b) and the frequency band 12.75–13.25 GHz to § 101.145(c). We are removing § 78.105(a)(4), which restricts CARS antenna orientation to prevent interference to GSO satellites in the 12.70–12.75 GHz band, as these protections are redundant with those afforded by § 78.106(b) for the larger 12.70–13.25 GHz band.

Frequency Coordination

19. We adopted frequency coordination procedures for all TV and aural BAS and CARS frequency bands. The rules adopted in the *R&O* will require all fixed stations, except for those in the 1990–2110 MHz band, to use the frequency coordination procedures of § 101.103(d). For mobile BAS and CARS, we will maintain the use of § 101.103(d) procedures in those bands where it is currently required (i.e., 6425–6525 MHz and 17.7–19.7 GHz) and flexibly permit use of § 101.103(d) or local coordination procedures for the 2450–2483.5 MHz, 6875–7125 MHz, and 12,700–13,250 MHz bands. For all other mobile BAS and CARS stations, we will continue to allow mobile stations to coordinate locally. In the 1990–2110 MHz band, we will maintain the current system which allows for local coordination of all stations. The rules will be applied uniformly across the United States for both urban and rural environments.

20. For the 1990–2110 MHz band, we will continue to maintain procedures which allow for local frequency coordination for all stations “fixed and mobile. In this band, we deviate from the policy articulated above for fixed stations based on unique circumstances of this band. Specifically, it is used predominantly by mobile TV pickup stations, but also supports some fixed links and it is currently transitioning to accommodate MSS in the 1990–2025 MHz portion of the band. Because each area of the United States may transition to MSS at different times, local frequency coordinators may be in the best position to accommodate requests to local operating conditions. We have adopted changes to §§ 74.638 and 78.36 which supplement local frequency coordination procedures for fixed systems to require the submission of a certification attesting that all co-channel and adjacent-channel licensees and applicants potentially affected by the proposed fixed use of the frequencies have been notified and are in agreement that the proposed facilities can be installed without causing harmful interference to other users.

21. An additional issue related to frequency coordination involves

protection standards for stations. The *NPRM* discussed the importance of uniform frequency coordination procedures and standards to simplify coordination in shared bands and minimize the potential of stations causing interference. In this regard, the procedures in part 101 have served the FS well in the past, providing a firm and uniform, yet adaptable, basis for engineering systems without harmful interference, while maximizing frequency re-use. Thus, we believe that these same procedures will similarly benefit BAS and CARS. We note that these criteria are consistent with those already in effect for all BAS and CARS operations in the 12.7–13.25 GHz band. Therefore, we have adopted § 101.105 interference criteria for use where § 101.103(d) frequency coordination procedures apply to BAS and CARS.

Frequency Tolerance

22. We have eliminated separate frequency tolerance requirements for base and mobile operations, and adopted a frequency tolerance of 0.001% for fixed and mobile TV BAS equipment operating in the 2450–2483.5 MHz band. We found that having consistent frequency tolerance requirements for both fixed and mobile transmitters will simplify frequency coordination and improve spectrum efficiency. Similarly, by adopting a frequency tolerance requirement, we will ensure that spectrally efficient equipment is used and, for example, in the 2450–2483.5 MHz band, that the potential for adjacent channel interference is reduced. In that regard, to accommodate existing product lines in the 2450–2483.5 MHz band such as those of MRC, we will delay the effective date of the 0.001% tolerance in that band for two years. We found that this will accommodate MRC's existing product line, and strikes a balance between the benefits of spectrum efficiency afforded by a tighter tolerance and the indefinite accommodation sought by MRC for non-compliant product lines. Thus, we will grandfather existing equipment and equipment of current production lines exceeding the new 0.001% tolerance in the 2450–2483.5 MHz band and authorized, via certification or verification, up to two years after the adoption of the *Report and Order*, and stations authorized to use such equipment pursuant to an application filed up to two years after the adoption of the *Report and Order*. However, any such non-conforming equipment replaced on or after two years after the adoption of the *Report and Order* must be replaced by conforming equipment.

Use of the 13.150–13.2125 GHz Band by BAS and CARS Pickup Stations

23. As proposed in the *NPRM*, we are updating § 74.602(a) Note 2 to implement, in accordance with the *NGSO Order*, 66 FR 7606, January 24, 2001, expansions in mobile TV BAS and CARS pickup stations' use of the 13.15–13.2125 GHz band and the exclusion of NGSO FSS from that band. We note that the recent *Optel Order* 67 FR 43257, June 27, 2002, has rendered BAS pickup stations primary, and CARS stations, secondary to BAS pickup stations, in the 13.20–13.25 GHz band, and we have updated § 74.602(a), Note 2, to reflect this status in the 13.20–13.2125 sub-band. Consistent with these actions, we have also updated § 78.18(1) with respect to CARS, and footnote NG53 to the Table of Frequency Allocations in § 2.106. Further, we are grandfathering at their current status all fixed stations licensed in the 13.15–13.2125 GHz band prior to the effective date of the rules in the *Report and Order*.

Use of the 31.0–31.3 GHz and 38.6–40.0 GHz Bands by the BAS and CARS

24. We adopted the proposals in the *NPRM* to eliminate references to the 31.0–31.3 GHz and 38.6–40.0 GHz bands from BAS and CARS technical rules, and to grandfather BAS incumbents in the 38.6–40.0 GHz band. We note that the incumbent BAS licensees remain bound by the operational parameters specified on their current authorizations. We also clarify that, as stated in footnote US291 to the Table of Frequency Allocations, mobile BAS facilities in the 38.6–40.0 GHz band operate on a secondary basis with respect to stations operating in accordance with the Table of Frequency Allocations, which include Winstar's operations under part 101. In this connection, consistent with our actions removing references to the 38.6–40.0 GHz band from part 74, we are removing Auxiliary Broadcasting from that band in the Table of Frequency Allocations. We are also removing footnote US291 from the Federal Government and Non-Federal Government columns of the table and replacing it with footnote NG175 in the Non-Federal Government column only, revised to show that the band is no longer available for BAS, and that incumbent mobile BAS operations licensed as of the effective date of the rules in the *Report and Order* are grandfathered and may continue to operate indefinitely on a secondary basis with respect to part 101 licensees. We are revising § 2.106, Table of Frequency Allocations, and part 74 of our rules.