

originally identified this band for new advanced fixed and mobile services in the 1992 *Emerging Technologies* proceeding and adopted rules and procedures to permit new licensees to relocate existing fixed service microwave licensees from this spectrum band.

6. The 2110–2150 MHz band is already allocated to the fixed and mobile services on a primary basis, and thus it is not necessary that we reallocate this spectrum in order to make it available for AWS use. Instead we re-designate the band for new uses consistent with the general outline of our *Emerging Technologies* proceeding. We also note that the Balanced Budget Act of 1997 (BBA–97) identifies the 2110–2150 MHz band for advanced wireless use and specifies that the band must be assigned under the competitive bidding procedures.

7. In addition, we note that the National Aeronautical and Space Administration (NASA) operates on a primary basis a station in the 2110–2120 MHz band at Goldstone, California as part of the Space Research service. This station, which is authorized via United States footnote US252, is used by NASA's Deep Space Network (DSN) for uplink transmissions to interplanetary spacecraft. In the *NPRM*, we proposed not to relocate this facility. Moreover, the DSN earth station transmits with a nominal EIRP of 105.5 dBW. In the *NPRM*, we noted that during command link operations it is likely that mobile receivers on the 2110–2120 MHz segment (and possibly in adjacent bands above 2120 MHz) will not be able to operate within the areas surrounding Goldstone.

8. We examined the interference characteristics of the Goldstone DSN facility and based on its typical operation pattern, which is intermittent, the amount of its signal that would be blocked by terrain in many directions, and the low population density in the areas near Goldstone, we conclude that a significant amount of interference should not occur to AWS. Therefore, we will not formally restrict use of the 2110–2120 MHz band in the vicinity of Goldstone. However, we anticipate that this band will be unusable for advanced services at certain times in the immediate vicinity of Goldstone, and expect that potential licensees will take this fact into account and will develop their business and service plans accordingly. We believe that such an approach is practical, given the comments of the AWS proponents that discussed Goldstone interference, and we will work cooperatively with JPL and other interested parties to insure

that our approach does in fact achieve its goals.

9. The 2150–2160 MHz band is allocated internationally to the fixed and mobile services on a primary basis and is regulated under part 21 of our rules as part of MDS. This band is generally operated as two channels—Channel 1 (2150–2156 MHz) and Channel 2A (2156–2160 MHz). In addition, licensees may use channel 2 (2156–2162 MHz) on a limited basis in 50 cities. MDS may also use spectrum in the 2500–2690 MHz band.

10. The Commission concludes that the record supports reallocation of 5 megahertz of spectrum at 2150–2155 MHz to add a mobile allocation to support the provision of AWS. Because this spectrum is contiguous to the 2110–2150 MHz band, this reallocation will allow efficiencies in deploying new AWS. For example, there will be only one point where AWS and MDS bands are adjacent and interference issues will need to be addressed. We note that the 2150–2155 MHz band is part of the “worldwide” IMT–2000 base station transmit band that extends from 2110 MHz to 2170 MHz. Thus our action here more closely aligns U.S. spectrum with allocations in the rest of the world and could lead to lower equipment costs and promote global roaming. Furthermore, this action will provide two contiguous 45 megahertz blocks of paired spectrum (*i.e.*, 1710–1755 MHz paired with 2110–2155 MHz), and provide more options for assigning large spectrum blocks suitable for AWS use.

11. The Commission recognizes that our decision here to reallocate the 2150–2155 MHz band from MDS to AWS use requires that we address certain issues regarding MDS operations. In particular, we will have to consider relocation spectrum and propose relocation procedures for MDS, keeping in mind the need to avoid disruption to existing customers. Because we do not anticipate licensing the band for new services until after we adopt service rules, and because the companion Federal government transfer spectrum in the 1710–1755 MHz band will not be available until 2004, there is sufficient time for us to identify in a separate proceeding to be initiated in the near future any necessary relocation spectrum for MDS licensees and to craft appropriate relocation procedures. In addressing relocation, however, we recognize the importance of avoiding unnecessary delay so as to minimize uncertainty to existing licensees.

12. We now turn to the relocation procedures for incumbent fixed microwave service licensees that currently operate in the 2110–2150 MHz

band. Because this band was identified and reallocated for new uses in the *Emerging Technologies* proceeding, a mechanism already exists to clear these incumbent licensees. In the *NPRM*, we noted that fixed microwave service incumbents holding primary status (*see Second Report and Order, footnote 149*), in the 2110–2150 MHz band are entitled to compensation for relocation of facilities under these policies. *See Emerging Technologies Third Report and Order and Memorandum Opinion and Order*, 8 FCC Rcd 6589 (1993) 58 FR 46547, September 2, 1993. New licensees may relocate incumbent licensees' systems at their option. In general, a new licensee will relocate an incumbent system if it determines that the incumbent system will cause interference to the new licensee's system. The main elements of the relocation process include a set negotiation period or periods, usually triggered at the request of the new licensee; a requirement that the parties negotiate in good faith during the mandatory negotiation period; and the right of the incumbent to be relocated to comparable facilities at the expense of the new licensee. The relocation compensation includes all engineering, equipment, site, and FCC fees. The new licensee must complete all activities necessary for implementing the replacement facilities, and must test the new facilities to ensure comparability with the existing facilities. *See generally* 47 CFR 101.69 through 101.99. We further noted that certain fixed microwave incumbents in the 2110–2150 MHz band segment consist of links that are paired with frequencies in the 2165–2200 MHz band, which was previously reallocated to support MSS. Moreover, some microwave licensees at 2110–2115 MHz have paired links in the 2160–2165 MHz band.

13. In the *NPRM*, we noted that it would be possible for both relocation procedures to apply to the same new entrant in the 2110–2150 MHz band—the modified MSS relocation procedure for a link paired between the 2110–2150 MHz and 2165–2200 MHz bands and the *Emerging Technologies* procedure for all other relocations (including the relocation of a link paired between the 2110–2150 MHz and 2160–2165 MHz bands). We thus proposed to use the modified procedure for the relocation of any incumbent user in order to provide a single relocation process for this band. For microwave links paired in the 2110–2150 and 2160–2165 MHz bands, a new licensee would be required to relocate both paths (if such a relocation had not yet been done), but would retain a right