

33. Section 22.602 is amended by revising the undesignated paragraph to read as follows:

**§ 22.602 Transition of the 2110–2130 and 2160–2180 MHz channels to emerging technologies.**

The 2110–2130 and 2160–2180 MHz microwave channels (formerly listed in § 22.591) have been allocated for use by emerging technologies (ET) services. No new systems will be authorized under this part. The rules in this section provide for a transition period during which existing Paging and Radiotelephone Service (PARS) licensees using these channels may relocate operations to other media or to other fixed channels, including those in other microwave bands. For PARS licensees relocating operations to other microwave bands, authorization must be obtained under Part 101 of this chapter.

\* \* \* \* \*

34. Section 22.625 is amended by revising paragraph (a) to read as follows:

**§ 22.625 Transmitter locations.**

\* \* \* \* \*

(a) *928–960 MHz.* In this frequency range, the required minimum distance separation between co-channel fixed transmitters is 113 kilometers (70 miles).

\* \* \* \* \*

35. Section 22.655 is amended by revising paragraph (a) to read as follows:

**§ 22.655 Channel usage.**

\* \* \* \* \*

(a) In Alaska, channels 42.40, 44.10, 44.20 and 45.90 MHz are allocated for assignment to transmitters providing rural radiotelephone service using meteor burst propagation modes, subject to the provisions of § 22.729.

\* \* \* \* \*

36. Section 22.725 is amended by revising the section heading and the text of the undesignated paragraph to read as follows:

**§ 22.725 Channels for conventional rural radiotelephone stations and basic exchange telephone radio systems.**

The following channels are allocated for paired assignment to transmitters that provide conventional rural radiotelephone service and to transmitters in basic exchange telephone radio systems. These channels may be assigned for use by central office or rural subscriber stations as indicated, and interoffice stations. These channels may be assigned also for use by relay stations in systems where it would be impractical to provide rural radiotelephone service without the use of relay stations. All channels have a

bandwidth of 20 kHz and are designated by their center frequencies in MegaHertz.

\* \* \* \* \*

37. Section 22.757 is revised to read as follows:

**§ 22.757 Channels for basic exchange telephone radio systems.**

The channels listed in § 22.725 are also allocated for paired assignment to transmitters in basic exchange telephone radio systems.

**§ 22.805 [Removed]**

38. Section 22.805 is removed.

39. Section 22.815 is revised to read as follows:

**§ 22.815 Construction period for general aviation ground stations.**

The construction period (see § 1.946) for general aviation ground stations is 12 months.

**§ 22.871 [Removed]**

40. Section 22.871 is removed.

41. Section 22.1003 is revised to read as follows:

**§ 22.1003 General eligibility.**

Any entity, other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this subpart. Applications are granted only if the applicant is legally, financially, technically and otherwise qualified to render the proposed service.

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

42. The authority citation for Part 90 continues to read as follows:

**Authority:** Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

43. Section 90.309 is amended by revising paragraph (a)(1) to read as follows:

**§ 90.309 Tables and figures.**

(a) \* \* \*

(1) Using the method specified in § 1.958 of this chapter, determine the distances (i) between the proposed land mobile base station and the protected cochannel television station and (ii) between the proposed land mobile base station and the protected adjacent channel television station. If the exact mileage does not appear in table A for protected cochannel television stations (or table B for channel 15 in New York and Cleveland and channel 16 in Detroit) or table E for protected adjacent channel television stations, the next

lower mileage separation figure is to be used.

\* \* \* \* \*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 2 and 15**

[ET Docket No. 03–122; FCC 03–110]

**Unlicensed Devices in the 5 GHz Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the rules governing the operation of unlicensed National Information Infrastructure (U-NII) devices, including Radio Local Area Networks (RLANs), to make available an additional 255 megahertz of spectrum in the 5.47–5.725 GHz band. This will increase the spectrum available to unlicensed devices in the 5 GHz region of the spectrum by nearly 80%, and, it represents a significant increase in the spectrum available for unlicensed devices across the overall radio spectrum. We believe that the increased available capacity gained from access to an additional 255 megahertz of spectrum, coupled with the ease of deployment and operational flexibility provided by our U-NII rules, will foster the development of a wide range of new and innovative unlicensed devices and lead to increased wireless broadband access and investment.

**DATES:** Written comments are due September 3, 2003, and reply comments are due September 23, 2003.

**ADDRESSES:** Federal Communications, Marlene H. Dortch, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. See **SUPPLEMENTARY INFORMATION** for filing information.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket 03–122, FCC 03–122, adopted May 15, 2003, and released June 4, 2003. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may