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All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

Summary of Notice of Proposed Rule Making

1. *The Notice of Proposed Rule Making*, proposed to amend part 15 of 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. This action responds to the petition for rule making submitted by the Wireless Ethernet Compatibility Alliance (WECA—now known as the Wi-Fi Alliance). 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. Also, this proposal would align the frequency bands used by U-NII devices with those in other parts of the world, thus decreasing development and manufacturing costs for U.S. manufacturers by allowing for the same digital communications products to be used in most other parts of the world.

2. In addition to proposing to make more spectrum available for use by U-NII devices, we proposed several other changes to the Table of Frequency Allocations to accommodate the needs of other radio services operating in the 5 GHz region of the spectrum. Specifically, we proposed to modify the U.S. Table of Frequency Allocations in Part 2 of the rules to upgrade the status of the Federal Government Radiolocation service to primary in the 5.46–5.65 GHz band. We also proposed to upgrade the status of the non-Federal Government radiolocation to primary in the 5.47–5.65 GHz band. We further proposed to add primary allocations for the Federal Government and secondary allocations for the non-Federal Government Space Research Service (active) (SRS) in the 5.35–5.57 GHz band and the Earth Exploration-Satellite Service (active) (EESS) in the 5.46–5.57 GHz band. We also proposed to modify certain technical requirements for U-NII devices in the part 15 rules to protect various radio services against harmful interference. Our proposals are consistent with the U.S. World Radiocommunication Conference 2003 (WRC-03) position regarding this band.

Proposed Changes to the Table of Frequency Allocations

3. We proposed to implement the following allocations consistent with the U.S. proposals to the WRC-03. First, we proposed to modify the U.S. Table of Frequency Allocations in part 2 of the rules to upgrade the status of the Federal Government Radiolocation service to primary in the 5.46–5.65 GHz band. We will similarly upgrade the status of the non-Federal Government Radiolocation service to co-primary in the 5.47–5.65 GHz band so that we do not disadvantage non-Government licensees. These bands are used by non-Federal Government broadcast weather radar stations. We note that the Federal Radiolocation service already has a primary allocation in the 5.35–5.46 GHz band. The elevation in status for Federal Government Radiolocation along with the requirement for DFS as described below will ensure that these existing services are protected from interference from U-NII devices. We further proposed to add primary allocations for

the Federal Government and secondary allocations for the non-Federal Government for the Space Research Service (active) (SRS) in the 5.35–5.57 GHz band and the Earth Exploration-Satellite Service (active) (EESS) in the 5.46–5.57 GHz band. We seek comment on these proposals.

4. In the U.S., part 15 unlicensed devices including U-NII devices operate on a non-interference basis and do not operate within radio services listed in the Table of Frequency Allocations. Instead, part 15 devices share spectrum with radio services on the basis that they may not cause any harmful interference and must accept any interference that may be received. Although the WECA petition and comments request an allocation of spectrum for unlicensed U-NII devices, they also request operation under part 15 of the rules. We thus propose to modify our part 15 rules to allow U-NII devices to operate in the 5.470–5.725 GHz band on a non-interference basis, and seek comment on this proposal. We note that WRC-03 is considering a Mobile allocation for the 5.150–5.350 GHz and 5.470–5.725 GHz bands and that some administrations would need a Mobile allocation in the international Table of Frequency Allocations for RLANs or HiperLANs to operate in the bands. Therefore, the U.S. position for WRC-03 supports adoption of an international Mobile allocation so that these devices may operate throughout the world.

5. Table 1 on page 7 of the NPRM summarizes all the allocation proposed herein. We seek comment on the proposed changes to the Table of Frequency Allocations. Commenters are requested to provide a technical analysis to substantiate any claims of interference which may be caused by operations of U-NII devices under these proposed rules.

Proposed Changes to U-NII Rules

6. *Technical requirements.* Under the existing part 15 U-NII rules, there are three different frequency sub-bands available to U-NII devices, each with its own set of technical requirements (e.g., transmit power and antenna gain), based on its sharing environment. U-NII devices operating in the 5.150–5.250 GHz sub-band are restricted to indoor operations and a power limit of 200 mW e.i.r.p. in order to protect co-channel Mobile Satellite Service (MSS) feeder links. Because of the relatively low power limit and indoor usage requirement, this sub-band is most suitable for U-NII devices providing communications links between devices separated by short distances indoors,