

indicator from space-to-space to space-to-Earth.

5. In addition, we: (1) Delete the primary ISS shared allocation from the band 32–32.3 GHz; (2) delete the secondary AMS(R)S allocation from the band 136–137 MHz; (3) more than double the size of the geographic area in New Mexico and Texas where amateur stations in the band 420–450 MHz will be limited in power and where spread spectrum radiolocation systems in the sub-band 420–435 MHz should not expect to be accommodated; (4) modify our rules to reflect NTIA's recent action, which specified that Federal government wind profiler radars ("WPRs") will operate in the sub-band 448–450 MHz; (5) permit U.S. flagged ships to use more spectrum-efficient equipment for on-board mobile radiotelephony communications in areas outside the territorial waters of the United States; (6) delete unused allocations for the International Fixed Public Radiocommunication Services ("IFPRS") from the bands 2.1–2.2 GHz and 10.7–11.7 GHz; and (7) allocate the band 14–14.5 GHz to the MSS (Earth-to-space), which includes aeronautical mobile-satellite service ("AMSS"), on a secondary basis. We also make numerous ministerial amendments to part 2 of our rules.

Discussion

6. In response to various petitions for rulemaking, the Commission has addressed in a number of proceedings many allocation changes that resulted from the 1992 World Administrative Radio Conference ("WARC-92") and the 1995 and 1997 World Radiocommunication Conferences ("WRC-95" and "WRC-97"). In the *Notice of Proposed Rule Making* ("NPRM"), 67 FR 75968, December 10, 2002, in this proceeding, the Commission turned to additional allocation changes from these conferences that have not previously been considered, including several changes sought mainly at the request of NTIA. The *NPRM* also addressed the RNSS allocation changes from the 2000 World Radiocommunication Conference ("WRC-2000"), a Petition for Rule Making filed by the Lockheed Martin Corporation ("Lockheed Martin") requesting that the WRC-2000 RNSS allocations in the bands 1164–1215 MHz and 1559–1610 MHz be implemented domestically and that these frequency bands be added to part 25 of the Commission's Rules, and some non-WRC allocation issues that concern the frequency bands between 28 MHz and 36 GHz. These issues included downgrading the primary flight test and

radiolocation allocations in the band 2320–2345 MHz to secondary status, deleting the limited BSS and FSS allocations from the band 2500–2690 MHz, deleting unused IFPRS allocations from the bands 2.1–2.2 GHz and 10.7–11.7 GHz, and making various ministerial amendments to clean up and update the rules.

A. Generic MSS at L-Band

7. *Proposals.* Domestically, the Commission has previously implemented generic MSS proposals in portions of the L-band. However, routine, non-safety related MSS public correspondence is currently precluded in the uppermost one megahertz of upper L-band spectrum (1558.5–1559 MHz and 1660–1660.5 MHz) and may be provided in nine megahertz of additional upper L-band spectrum only on a secondary basis (1545–1549.5 MHz and 1646.5–1651 MHz). Accordingly, the Commission proposed in the *NPRM* to expand the permitted primary services from AMS(R)S to all MSS in the bands 1545–1549.5 MHz, 1558.5–1559 MHz, 1646.5–1651 MHz, and 1660–1660.5 MHz.

8. In addition, the Commission proposed to take the following non-substantive, "clean-up" actions: (1) Delete the superfluous MMSS allocations from bands 1530–1544 MHz and 1626.5–1645.5 MHz, (2) delete the superfluous secondary MSS allocations from the bands 1545–1549.5 MHz and 1646.5–1651 MHz, and (3) delete the superfluous AMS(R)S allocations from the bands 1549.5–1558.5 MHz and 1651–1660 MHz. The effect of these proposals is that the band 1525–1559 MHz would be allocated for MSS downlinks on a primary basis and the band 1626.5–1660.5 MHz would be allocated for MSS uplinks on a primary basis.

9. The Commission proposed to maintain footnotes US308 and US315 concerning the priority to be afforded distress and safety communications, stating that it believed that these generic MSS allocations would provide MSV and others with maximum flexibility, without hindering the use of this spectrum for distress and safety communications. The Commission requested comment on whether footnote US308 should be modified or replaced by international footnotes 5.357A and 5.362A. The Commission also proposed to update part 25 of the rules by stating that the bands 1525–1559 MHz and 1626.5–1660.5 MHz are available for use by L-band MSS systems and that use of the bands 1544–1545 MHz and 1645.5–1646.5 MHz is limited to distress and safety communications.

10. The Commission also requested comment on whether the secondary mobile allocation, which is limited to aeronautical telemetry in the band 1525–1535 MHz, should be deleted in the United States Table of Frequency Allocations ("U.S. Table") and on whether co-frequency transmissions from aircraft can cause harmful interference to the MSS. Consistent with this proposal, the Commission also proposed to revise footnote US78 to remove the frequency 1525.5 MHz, which can be used for both aircraft and spacecraft telemetry. The Commission further requested comment on whether the aeronautical telemetry operations in the band 1525–1535 MHz can be relocated to either the band 1435–1525 MHz or to the band 2310–2385 MHz.

11. *Decision.* We adopted the generic MSS allocation proposal for the bands 1525–1559 MHz/1626.5–1660.5 MHz set forth in the *NPRM*, deleting the secondary aeronautical telemetry allocation from the band 1525–1535 MHz and revising footnote US78 to remove the frequency 1525.5 MHz, and retaining footnotes US308 and US315. Commenters expressed strong support for a generic MSS allocation and deletion of the secondary aeronautical telemetry allocation, and we find that these changes will enhance flexibility and efficiency in the bands 1525–1559 MHz and 1626.5–1660.5 MHz. While there is a difference of opinion regarding the desirability of retaining footnotes US308 and US315, we concur with MSV that the advantages of retaining them outweigh the disadvantages. As noted by MSV, footnotes US308 and US315 are longstanding and replacement of them by international footnotes 5.357A and 5.362A, which have different language, would introduce confusion as to whether policy changes were being made. Further, § 25.136(d) and (e) of the Commission's rules set forth specific requirements for MSS mobile and land earth stations that satisfy the priority and preemption requirements of footnote US315. Regarding footnote US309, we concur with MSV that this footnote allows terrestrial stations in the AMS(R)S to operate in more of the band than international footnotes 5.357A and 5.362A, in order to supplement satellite-to-aircraft links in that service. The broader spectrum range allowed by US309 is more consistent with the Commission's decision to expand AMS(R)S use within a generic MSS allocation. Thus, we decline to modify US309, which we did not propose to change in the *NPRM*. Accordingly, we