

are retaining footnotes US308, US315, and US309.

B. RNSS Allocations

12. *Proposals.* As requested by NTIA, the Commission proposed in the *NPRM* to adopt new footnote US385, which would allocate the band 1164–1189 MHz for RNSS downlink and space-to-space transmissions on a primary basis. It also proposed to add definitions of Differential Radionavigation Satellite Service (“Differential RNSS”) Station and Differential Global Positioning System (“DGPS”) Station to part 2 of the Commission’s Rules, as follows:

Differential Radionavigation Satellite Service (Differential RNSS) Station. A station used for the transmission of differential correction data and related information (such as ionospheric data and RNSS satellite integrity information) as an augmentation to an RNSS system for the purpose of improved navigation accuracy.

Differential Global Positioning System (DGPS) Station. A differential RNSS station for specific augmentation of GPS.

13. Additionally, the Commission requested comment on whether the band 1164–1189 MHz should be added to a new footnote US343 that was proposed in WT Docket No. 01–289. This footnote would provide that DGPS stations may be authorized on a primary basis in the bands 108–117.975 MHz and 1559–1610 MHz for the specific purpose of transmitting DGPS information intended for aircraft navigation. The Commission further sought comment on whether it should allocate domestically the international RNSS allocation at 1189–1215 MHz, and in particular on whether this allocation is needed to support U.S. requirements. In the *NPRM*, the Commission observed that studies continue in the international process to determine the aggregate impact of multiple RNSS systems on incumbent aeronautical radionavigation service (“ARNS”) systems and that, given the safety-of-life aspects of these ARNS systems, the Commission did not anticipate adopting this additional allocation unless a need is demonstrated and studies are done that support such a move.

14. The *NPRM* also proposed to add a space-to-space directional indicator to the primary RNSS allocation in the bands 1215–1240 MHz and 1559–1610 MHz, which are currently limited to downlink transmissions, to recognize current and future use of spaceborne RNSS receivers for scientific and commercial applications. Finally, the *NPRM* declined to propose adding the RNSS L1 and L5 frequencies to

§ 25.202(a) of the Commission’s Rules, as requested by the Lockheed Martin petition for rule making.

15. *Decision.* Since adoption of the *NPRM* in this docket, WRC–03 has taken certain decisions regarding RNSS that are relevant to issues raised in this proceeding. In particular, as noted by NTIA, WRC–03 has modified footnote 5.328A of the international Table of Allocations to clarify that all stations in the RNSS operating in the band 1164–1215 MHz shall operate in accordance with specified aggregate interference protection criteria for ARNS (–121.5 dB(W/m²) in any 1 MHz band) and not claim protection from stations in the ARNS operating in the 960–1215 MHz band. Administrations operating RNSS stations in these bands are to cooperate to ensure that the protection criteria are satisfied. In the *NPRM* in this proceeding, we proposed to add a primary RNSS allocation in the band 1164–1189 MHz, and sought comment on whether we should extend the allocation to the band 1189–1215 MHz, noting in regard to the latter band that studies were underway in the international process to determine the aggregate impacts of multiple RNSS systems on incumbent ARNS systems. We stated that we would not anticipate adopting this additional allocation unless a need was demonstrated and studies completed. Although we did not propose pfd limits on RNSS systems, we did propose to adopt a new United States footnote that would require RNSS stations to not cause interference to, nor claim protection from, stations in the ARNS. Given the WRC–03 results and support on the record in this proceeding, we conclude that the RNSS allocation should extend from 1164–1215 MHz. This increased allocation will provide flexibility for potential future GPS implementation plans and facilitate cooperative efforts among administrations operating RNSS systems in these bands to protect ARNS systems. However, we concur with NTIA that a footnote—rather than a table—allocation for the new 1164–1215 MHz RNSS band is appropriate, and that this footnote should include language specifying that RNSS shall not cause harmful interference to ARNS. While Inmarsat Ventures plc (“Inmarsat”) contends that this language could be construed as an additional requirement or superfluous to the WRC–03 aggregate interference protection criteria, we find it appropriate as an interim measure. We intend to address how best to reference the WRC–03 protection criteria for ARNS, whether by adopting international footnote 5.328A or

modifying our part 25 satellite service rules, when we initiate a proceeding to address WRC–03 implementation.

16. With regard to Lockheed Martin’s recommendations that we expand the current GPS L2 spectrum at 1215–1240 MHz to 1215–1300 MHz and permit non-Federal government RNSS use of the band 1215–1300 MHz, we observe that the *NPRM* did not propose either of those changes and thus we have declined to consider these changes at this time. With regard to Lockheed Martin’s recommendation that we add the international RNSS allocations at 1164–1215 MHz and 1559–1610 MHz to the part 25 list of frequency bands available for satellite services, we see no advantage to be gained by taking that action now. As the Commission stated in the *NPRM*, such action would be more appropriate in connection with development of service and licensing rules for the RNSS frequency bands, and following development of international technical criteria for operations in these bands. We will explore all of these issues when we consider the WRC–03 protection criteria for ARNS in the WRC–03 implementation proceeding.

17. With regard to Inmarsat’s recommendation that we not adopt the proposed definitions of Differential RNSS and DGPS stations, we disagree with Inmarsat that these definitions create ambiguity or confusion between them and any current definition in either our rules or in the ITU rules. The definitions are simply informational. As we observed in the *NPRM*, differential RNSS correction data and related information is transmitted in a data link and sometimes is not within the RNSS. These definitions clarify that this information augments the RNSS system and improves navigation accuracy. Accordingly, we are adding the proposed definitions of Differential RNSS and DGPS stations to part 2 of the rules.

18. Finally, with regard to Inmarsat’s comments on whether the band 1164–1189 MHz should be added to proposed footnote US343, we note that this footnote was proposed in the *Notice of Proposed Rule Making* in WT Docket No. 01–289, which is still pending. We do not wish to prejudice whether proposed US343 will be adopted in that proceeding; hence, we will defer consideration of the possible addition of the band 1164–1189 MHz to proposed US343 to the *Report and Order* in WT Docket No. 01–289.

C. Satellite DARS and Adjacent Bands

19. *Proposals.* In the *NPRM*, the Commission proposed to revise footnote US328 to permit flight testing