

and imposed several conditions on that license, including the conditions that Boeing not constrain deployment of additional government stations operated by NASA in the SRS and that Boeing design and operate its system in accordance with its Technical Operational Coordination Agreement with NSF to facilitate the protection of RAS. Boeing must continue to operate in accordance with the conditions that we imposed on its license and thus must continue to protect the TDRSS and RAS operations in the 14–14.5 GHz band. Further, in accordance with a Memorandum of Understanding (“MOU”) that we reached with NTIA in July 2002, we will protect those operations from interference by any future AMSS operations that we authorize in that band. Until we adopt final rules relating to allocation changes in the 14–14.5 GHz band or licensing of AMSS terminals in that band, we will place the following conditions on any additional system authorizations that we may issue in that band for a service similar to Boeing’s:

(1) The system shall be designed and operated so as not to cause harmful interference to TDRSS or RAS operations in the United States; and

(2) The system shall not constrain future deployment of additional Federal Earth Stations in the SRS and RAS authorized pursuant to existing allocations.

Because RAS operations in the band 14.47–14.5 GHz operate on an unprotected basis domestically, we will maintain the protection of RAS as articulated in the conditions specified above. However, we note that the Commission may explore in a future rulemaking the protection levels or mechanism necessary to protect these services. The NTIA/FCC MOU states that “[t]he FCC will endeavor to reflect in its decisions conditions and constraints that explicitly protect NASA, NSF and other government operations (*i.e.*, ITU-R Recommendation RA. 769 for Radio Astronomy and ITU-R Recommendations S.A. 5.10, S.A. 1017, S.A. 1155, S.A. 1414, M. AMSS for TDRSS earth stations, and Boeing’s Technical Operational Coordination Agreement with NSF, dated 13 December 2001, and the letter of guidance provided to Boeing by NASA, dated December 18, 2001.”

38. Lastly, as noted in paragraph 55, of the R&O, government fixed and mobile services are allocated on a secondary basis in the band 14.4–14.5 GHz. Protection criteria for these government terrestrial operations may need to be developed in conjunction

with AMSS service rules in the 14–14.5 GHz band.

39. Accordingly, we are allocating the 14–14.5 GHz band to all MSS uses on a secondary basis to the primary FSS in that band, as well as on a secondary basis to the primary radionavigation service in the 14–14.2 GHz sub-band. Finally, with regard to PanAmSat’s concern about MMSS, we observe that such use of the band 14–14.5 GHz—like other MSS use of this band—will be on a secondary basis to FSS, and we find no need to further restrict how MMSS should operate in the band.

#### H. Ministerial Amendments

40. *Proposals.* In the *NPRM*, the Commission proposed to make a number of ministerial amendments to part 2 of the Commission’s rules. First, to eliminate both confusion and outdated provisions, the Commission proposed to:

(1) Replace international footnotes 599A, 608A, 608B, and 647B in the “Little LEO” bands of the U.S. Table with footnotes 5.208, 5.219, 5.220, and 5.264, respectively, which are non-substantive changes;

(2) Merge footnote US322 into US320, that is, add the bands 149.9–150.05 MHz and 399.9–400.05 MHz to footnote US320, and delete superfluous footnotes US322 and 599B from the U.S. Table;

(3) Delete expired footnote US318 from the band 137–138 MHz and the part 25 cross reference from the band 136–137 MHz; and

(4) Delete expired text from section 25.202(a)(3), which concerns the allocation status of certain of the Little LEO bands.

41. Second, the Commission observed that, in WT Docket No. 01–289, it proposed to delete the Civil Air Patrol (“CAP”) from part 87 of the rules because the Commission has no formal relationship with the CAP, which is authorized by the U.S. Air Force and NTIA. To be consistent with that proposal, in the *NPRM* the Commission proposed to delete footnote US10, which states that several frequencies in the band 138–144 MHz are available for use by the CAP.

42. Third, the Commission proposed to delete international footnote 510 from the band 144–146 MHz in the non-Federal Government Table. This footnote, through its reference of Resolution 640, invited administrations to provide for the needs of international disaster communications and for the needs of emergency communications using certain amateur bands.

43. Fourth, the Commission proposed to revise footnote US48 to remove provisions regarding the band 5350–

5460 MHz that are already provided elsewhere in the Table. That is, there is already a primary direct Table allocation for Federal government radiolocation and a secondary direct Table allocation for non-Federal government radiolocation in the band 5350–5460 MHz for this purpose.

44. Fifth, the Commission proposed to revise footnote US110 to remove provisions regarding certain bands that are already shown in the Table. That is, there are primary direct Table allocations for Federal government radiolocation and secondary direct Table allocations for non-Federal government radiolocation in all of the bands listed in footnote US110, except for the band 9200–9300 MHz, which is allocated to both the Federal and non-Federal government radiolocation service on a secondary basis.

45. Sixth, the Commission proposed to revise footnote US310 to specify the pfd limits for all angles of arrival. Currently US310 specifies only the maximum and minimum pfd limits and references CCIR Recommendation 510–1, which has been renumbered as Recommendation ITU-R SA.510–2, for the specific requirements.

46. Seventh, the Commission proposed to add a reference to footnote NG167 in the band 17.3–17.7 GHz to explicitly tie the allocation for the broadcasting-satellite service in the band 17.3–17.7 GHz to its feeder link allocation in the band 24.75–25.25 GHz.

47. Eighth, the Commission proposed to make the following changes to the rule part cross-references in column 6 of the Table of Frequency Allocations:

(1) Delete part 87, the Aviation Services, from the band 29.8–30 MHz and add part 87 to the bands 72–73 MHz, 74.6–74.8 MHz, and 156.2475–157.0375 MHz;

(2) Add part 90, the Private Land Mobile Radio Services, to the band 410–420 MHz;

(3) Add part 80, the Maritime Services, to the band 1525–1535 MHz; and

(4) Add part 25, Satellite Communications, to the band 1660–1660.5 MHz.

48. Ninth, the Commission proposed to make the following changes to eliminate outdated requirements or correct typographical errors:

(1) Clarify in footnote US217 that spread spectrum radiolocation systems may be authorized for Federal and non-Federal government use in the sub-band 420–435 MHz within Alaska and the contiguous 48 states and correct several typographical errors;

(2) Correct a typographical error in footnote US316 by changing the