



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU FREEZES APPLICATIONS IN THE 900 MHZ BAND

For the reasons set out below, the Commission will no longer accept applications for new 900 MHz licenses as of the release date of this Public Notice and until further notice.

On August 6, 2004, the Commission released a Report and Order which, *inter alia*, consolidated the Business and Industrial Land Transportation Pools in both the 800 MHz and 900 MHz Band and adopted rules that allow 900 MHz band Private Land Mobile Radio (PLMR) licensees to file applications to convert their PLMR authorizations to Commercial Mobile Radio Service (CMRS) use, or to assign their authorizations to others for CMRS use.<sup>1</sup> In the *Report and Order* we noted that Nextel would use the 900 MHz band to provide interim service to its displaced 800 MHz subscribers while the 800 MHz band was reconfigured. We foresee that Nextel may also require additional 900 MHz authorizations, pursuant to Special Temporary Authority<sup>2</sup> or otherwise, in order to preserve adequate service to its subscribers.

An exceptionally large number of applications have been filed for 900 MHz authorizations subsequent to release of the *Report and Order*. Specifically, since August 6<sup>th</sup>, 2004, the Commission has received over 500 applications for new 900 MHz licenses in the GI, GU, YI and YU categories.<sup>3</sup> This number of applications is significantly higher than the norm.<sup>4</sup> We are concerned that that additional such filings may compromise Nextel's ability to obtain the necessary "green space"<sup>5</sup> to house some of its

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<sup>1</sup> See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, FCC 04-168 (rel. August 6, 2004) at ¶¶ 335-337 (*800 MHz R&O*).

<sup>2</sup> See 47 C.F.R. § 1.931.

<sup>3</sup> The abbreviations represent: GB - Business, 806-821/851-866 MHz, Conventional; GU - Business, 896-901/935-940 MHz, Conventional; YB - Business, 806-821/851-866 MHz, Trunked; YU - Business, 896-901/935-940 MHz, Trunked.

<sup>4</sup> The Commission received only 172 applications for new licenses in these services between January 1, 2004 and June 30, 2004; 144 such applications were received between July 1, 2003 and December 31, 2003; and 145 such applications were received between January 1, 2003 and June 30, 2003.

<sup>5</sup> The term refers to vacant spectrum, usually in the context of channels that can be used temporarily to ensure continuity of service while systems in other spectrum are changed in frequency. See, e.g., *Report*

systems while the 800 MHz band is reconfigured to abate unacceptable interference to Public Safety, Critical Infrastructure, and other “high site” 800 MHz systems.<sup>6</sup> Accordingly, we impose this “freeze” on applications for new 900 MHz licenses, which will remain in effect until further notice.<sup>7</sup>

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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*and Order supra* at ¶¶ 6, 147, 198. *C.f.* Report To Ronald H. Brown Secretary, U.S. Department Of Commerce Regarding the Preliminary Spectrum Reallocation Report, *Report*, 9 FCC Rcd 6793 (1994)

<sup>6</sup> High site systems are those that use one, or just a few, base stations with antennas located on high structures or high terrain; *e.g.* towers, mountains and tall buildings. *See Report and Order, supra*, at n. 9. Low site systems, by comparison, consist of multiple multi-channel cells in a cellular configuration and typically use low antenna elevations of less than 100 feet, in most instances. *Id.*

<sup>7</sup> Applications for modification of existing facilities, assignment of license, or transfer of control of a licensee will continue to be accepted. These applications will be subject to existing requirements for showings of eligibility, loading, and other requirements of the Commission’s Rules. Applicants may have recourse to the waiver provisions in Section 1.925 of the Commission’s rules, 47 C.F.R. § 1.925, to request an exception to the freeze. Parties filing such a request should carefully review the rule’s criteria for a waiver and must provide complete support, including but not limited to documentation, demonstrating that they meet each prong of the waiver standard.