



NEWS

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See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FCC OPENS 70, 80, AND 90 GHz SPECTRUM BANDS FOR DEPLOYMENT OF BROADBAND “MILLIMETER WAVE” TECHNOLOGIES

Washington, D.C. – To promote the development of an additional competitive broadband deployment platform, the Federal Communications Commission (FCC) today adopted service rules for the commercial use of spectrum in the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands. These bands are well-suited for licensees to offer a broad range of innovative products and services, including high-speed, point-to-point wireless local area networks, and broadband Internet access. The rules adopted today represent a creative solution to spectrum access, and will enable new companies to join and compete in the larger market for broadband services.

Today’s action outlines a flexible and innovative regulatory framework for these bands. Because of the “pencil-beam” characteristics of the signals transmitted in the 71-76 GHz, 81-86 GHz and 92-95 GHz bands, systems can be engineered to operate in close proximity to one another without causing interference. In light of this, the FCC has adopted an inventive, non-exclusive licensing approach for these bands. Traditional frequency coordination between users will not be required. Instead, each path will be registered in a database, and entitled to interference protection based on the date of registration. The FCC believes that this non-exclusive licensing approach will stimulate investment and spur research and development in new “wireless optics” technologies and services. The FCC also believes that this approach will provide an effective means of achieving greater spectrum efficiency by allowing a maximum number of users – both non-Federal and Federal Government – to share these bands while evolving their systems to meet future needs and requirements.

Background

In July 2000, the Commission held a public forum to address possible new uses of the 92-95 GHz band. Several speakers at the forum indicated that, due to technological developments, new uses of this band were approaching practicality. In addition, in September 2001, Loea Communications Corporation filed a petition requesting the establishment of service rules for the licensed use of the 71-76 GHz and 81-86 GHz bands after experimenting with technology it had developed for use in these bands. In response to these two developments, the FCC, in June 2002, proposed rules to allow the commercial use of the 71-76 GHz, 81-86 GHz, 92-95 GHz bands for a broad range of new fixed and mobile services.

Specifics of the Order:

The 71-76 GHz, 81-86 GHz, 92-95 GHz bands are allocated to both Federal Government and non-Federal Government users on a co-primary basis, except the 94.0-94.1 GHz portion, which is allocated for exclusive Federal Government use. Non-Federal Government users include private entities, as well as state and local governments.

The 71-76 GHz and 81-86 GHz bands will be divided into four unpaired 1.25 gigahertz segments, for a total of eight segments, and the segments may be aggregated without limit. Pairing will be permitted in a standardized manner, e.g., 71-72.25 GHz may be paired only with 81-82.25 GHz, and so on. The co-primary portion of the 92-95 GHz band will be divided into two segments, 92.0-94.0 GHz and 94.1-95.0 GHz, which also may be aggregated by licensees.

The FCC will issue an unlimited number of non-exclusive, nationwide licenses authorizing non-Federal Government entities to use the entire 12.9 gigahertz of spectrum in these three bands. Licensees will generally be provided interference protection on a link-by-link basis, with the priority being set based on the date of link registration. Initially, non-Federal Government links will be registered in the FCC's Universal Licensing System (ULS) database, subject to coordination with Federal Government links under the existing coordination process involving the Interdepartment Radio Advisory Committee of the National Telecommunications and Information Administration (NTIA). Within four months of the publication of this *Report and Order* in the *Federal Register*, FCC staff, in conjunction with NTIA, will release a Public Notice establishing the implementation plan of a new, automated mechanism for coordination of non-Federal Government links with Federal Government users. We expect such coordination to be accomplished under an overall framework jointly agreed upon by the FCC and NTIA. At the same time, the FCC will announce the start-date for a new procedure adopted today for mitigating interference among non-Federal Government links. Under that procedure, each link will be registered in a database to be managed by one or more third-party database managers, and entitled to interference protection based on the date of registration.

The FCC is also permitting unlicensed, indoor use of the 92.0-94.0 GHz and 94.1-95.0 GHz bands by non-Federal Government users, to be governed by Part 15 of the FCC's rules and based on existing regulations for the 57-64 GHz band. The FCC will not permit unlicensed use of the 71-76 GHz and 81-86 GHz bands at this time.

Action by the Commission, October 16, 2003, by Report and Order (FCC 03-248). Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein, with separate statements issued by Chairman Powell, Commissioners Copps, Martin, and Adelstein.

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