

§ 27.5

and contains certain characteristics which enhance the likelihood that it will not become the subject of an insolvency proceeding.

* * * * *

Upper 700 MHz D Block license. The Upper 700 MHz D Block license is the nationwide license associated with the 758-763 MHz and 788-793 MHz bands.

Upper 700 MHz D Block licensee. The Special Purpose Bankruptcy Remote Entity to which the Upper 700 MHz D Block license must be transferred upon execution of the Network Sharing Agreement. References herein to the rights and obligations of the Upper 700 MHz D Block licensee include the exercise or discharge of such rights or obligations, respectively, by related entities as are provided for in the NSA or otherwise as authorized by the Commission.

* * * * *

§ 27.5 Frequencies.

(a) *2305-2320 MHz and 2345-2360 MHz bands.* The following frequencies are available for WCS in the 2305-2320 MHz and 2345-2360 MHz bands:

(1) Two paired channel blocks are available for assignment on a Major Economic Area basis as follows:

Block A: 2305-2310 and 2350-2355 MHz; and
Block B: 2310-2315 and 2355-2360 MHz.

(2) Two unpaired channel blocks are available for assignment on a Regional Economic Area Grouping basis as follows:

Block C: 2315-2320 MHz; and
Block D: 2345-2350 MHz.

(b) *746-764 MHz and 776-794 MHz bands.* The following frequencies are available for licensing pursuant to this part in the 746-764 MHz and 776-794 MHz bands:

(1) Two paired channels of 1 megahertz each are available for assignment solely to Guard band managers. Block A: 746-747 MHz and 776-777 MHz.

(2) Two paired channels of 2 megahertz each are available for assignment solely to Guard band managers. Block B: 762-764 MHz and 792-794 MHz.

(3) Two paired channels of 5 megahertz each are available for assignment. Block C: 747-752 MHz and 777-782 MHz.

(4) Two paired channels of 10 megahertz each are available for assign-

ment. Block D: 752-762 MHz and 782-792 MHz.

(c) *698-746 MHz band.* The following frequencies are available for licensing pursuant to this part in the 698-746 MHz band:

(1) Three paired channel blocks of 12 megahertz each are available for assignment as follows:

Block A: 698-704 MHz and 728-734 MHz;
Block B: 704-710 MHz and 734-740 MHz; and
Block C: 710-716 MHz and 740-746 MHz.

(2) Two unpaired channel blocks of 6 megahertz each are available for assignment as follows:

Block D: 716-722 MHz; and
Block E: 722-728 MHz.

(d) *1390-1392 MHz band.* The 1390-1392 MHz band is available for assignment on a Major Economic Area basis.

(e) *The paired 1392-1395 and 1432-1435 MHz bands.* The paired 1392-1395 MHz and 1432-1435 MHz bands are available for assignment on an Economic Area Grouping basis as follows: Block A: 1392-1393.5 MHz and 1432-1433.5 MHz; and Block B: 1393.5-1395 MHz and 1433.5-1435 MHz.

(f) *1670-1675 MHz band.* The 1670-1675 MHz band is available for assignment on a nationwide basis.

(g) [Reserved]

(h) *1710-1755 MHz and 2110-2155 MHz bands.* The following frequencies are available for licensing pursuant to this part in the 1710-1755 MHz and 2110-2155 MHz bands:

(1) Three paired channel blocks of 10 megahertz each are available for assignment as follows:

Block A: 1710-1720 MHz and 2110-2120 MHz;
Block B: 1720-1730 MHz and 2120-2130 MHz; and
Block F: 1745-1755 MHz and 2145-2155 MHz.

(2) Three paired channel blocks of 5 megahertz each are available for assignment as follows:

Block C: 1730-1735 MHz and 2130-2135 MHz;
Block D: 1735-1740 MHz and 2135-2140 MHz; and
Block E: 1740-1745 MHz and 2140-2145 MHz.

(i) *Frequency assignments for the BRS/EBS band.* (1) Pre-transition frequency assignments.

RS Channel 1: 2150-2156 MHz or 2496-2500 MHz
BRS Channel 2: 2156-2162 MHz or 2686-2690 MHz

BRS Channel 2A: 2156–2160 MHz
 EBS Channel A1: 2500–2506 MHz
 EBS Channel B1: 2506–2512 MHz
 EBS Channel A2: 2512–2518 MHz
 EBS Channel B2: 2518–2524 MHz
 EBS Channel A3: 2524–2530 MHz
 EBS Channel B3: 2530–2536 MHz
 EBS Channel A4: 2536–2542 MHz
 EBS Channel B4: 2542–2548 MHz
 EBS Channel C1: 2548–2554 MHz
 EBS Channel D1: 2554–2560 MHz
 EBS Channel C2: 2560–2566 MHz
 EBS Channel D2: 2566–2572 MHz
 EBS Channel C3: 2572–2578 MHz
 EBS Channel D3: 2578–2584 MHz
 EBS Channel C4: 2584–2590 MHz
 EBS Channel D4: 2590–2596 MHz
 BRS Channel E1: 2596–2602 MHz
 BRS Channel F1: 2602–2608 MHz
 BRS Channel E2: 2608–2614 MHz
 BRS Channel F2: 2614–2620 MHz
 BRS Channel E3: 2620–2626 MHz
 BRS Channel F3: 2626–2632 MHz
 BRS Channel E4: 2632–2638 MHz
 BRS Channel F4: 2638–2644 MHz
 EBS Channel G1: 2644–2650 MHz
 BRS Channel H1: 2650–2656 MHz
 EBS Channel G2: 2656–2662 MHz
 BRS Channel H2: 2662–2668 MHz
 EBS Channel G3: 2668–2674 MHz
 BRS Channel H3: 2674–2680 MHz
 EBS Channel G4: 2680–2686 MHz
 I Channels: 2686–2690 MHz

(2) *Post transition frequency assignments.* The frequencies available in the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) are listed in this section in accordance with the frequency allocations table of § 2.106 of this chapter.

(i) Lower Band Segment (LBS): The following channels shall constitute the Lower Band Segment:

BRS Channel 1: 2496–2502 MHz
 EBS Channel A1: 2502–2507.5 MHz
 EBS Channel A2: 2507.5–2513 MHz
 EBS Channel A3: 2513–2518.5 MHz
 EBS Channel B1: 2518.5–2524 MHz
 EBS Channel B2: 2524–2529.5 MHz
 EBS Channel B3: 2529.5–2535 MHz
 EBS Channel C1: 2535–2540.5 MHz
 EBS Channel C2: 2540.5–2546 MHz
 EBS Channel C3: 2546–2551.5 MHz
 EBS Channel D1: 2551.5–2557 MHz
 EBS Channel D2: 2557–2562.5 MHz
 EBS Channel D3: 2562.5–2568 MHz
 EBS Channel JA1: 2568.00000–2568.33333 MHz
 EBS Channel JA2: 2568.33333–2568.66666 MHz
 EBS Channel JA3: 2568.66666–2569.00000 MHz
 EBS Channel JB1: 2569.00000–2569.33333 MHz
 EBS Channel JB2: 2569.33333–2569.66666 MHz
 EBS Channel JB3: 2569.66666–2570.00000 MHz
 EBS Channel JC1: 2570.00000–2570.33333 MHz
 EBS Channel JC2: 2570.33333–2570.66666 MHz

EBS Channel JC3: 2570.66666–2571.00000 MHz
 EBS Channel JD1: 2571.00000–2571.33333 MHz
 EBS Channel JD2: 2571.33333–2571.66666 MHz
 EBS Channel JD3: 2571.66666–2572.00000 MHz

(ii) Middle Band Segment (MBS): The following channels shall constitute the Middle Band Segment:

EBS Channel A4: 2572–2578 MHz
 EBS Channel B4: 2578–2584 MHz
 EBS Channel C4: 2584–2590 MHz
 EBS Channel D4: 2590–2596 MHz
 EBS Channel G4: 2596–2602 MHz
 BRS/EBS Channel F4: 2602–2608 MHz
 BRS/EBS Channel E4: 2608–2614 MHz

(iii) Upper Band Segment (UBS): The following channels shall constitute the Upper Band Segment:

BRS Channel KH1: 2614.00000–2614.33333 MHz
 BRS Channel KH2: 2614.33333–2614.66666 MHz
 BRS Channel KH3: 2614.66666–2615.00000 MHz
 EBS Channel KG1: 2615.00000–2615.33333 MHz
 EBS Channel KG2: 2615.33333–2616.66666 MHz
 EBS Channel KG3: 2615.66666–2616.00000 MHz
 BRS Channel KF1: 2616.00000–2616.33333 MHz
 BRS Channel KF2: 2616.33333–2616.66666 MHz
 BRS Channel KF3: 2616.66666–2617.00000 MHz
 BRS Channel KE1: 2617.00000–2617.33333 MHz
 BRS Channel KE2: 2617.33333–2617.66666 MHz
 BRS Channel KE3: 2617.66666–2618.00000 MHz
 BRS Channel 2: 2618–2624 MHz
 BRS/EBS Channel E1: 2624–2629.5 MHz
 BRS/EBS Channel E2: 2629.5–2635 MHz
 BRS/EBS Channel E3: 2635–2640.5 MHz
 BRS/EBS Channel F1: 2640.5–2646 MHz
 BRS/EBS Channel F2: 2646–2651.5 MHz
 BRS/EBS Channel F3: 2651.5–2657 MHz
 BRS Channel H1: 2657–2662.5 MHz
 BRS Channel H2: 2662.5–2668 MHz
 BRS Channel H3: 2668–2673.5 MHz
 BRS Channel G1: 2673.5–2679 MHz
 BRS Channel G2: 2679–2684.5 MHz
 BRS Channel G3: 2684.5–2690 MHz

NOTE TO PARAGRAPH (i)(2): No 125 kHz channels are provided for channels in operation in this service. The 125 kHz channels previously associated with these channels have been re-allocated to Channel G3 in the upper band segment.

(3) During the transition (see §§ 27.1230–27.1239) EBS and BRS licensees may exchange channels to effectuate the transition of the 2.5 GHz band in a given BTA.

(4) A temporary fixed broadband station may use any available broadband channel on a secondary basis, except that operation of temporary fixed broadband stations is not allowed within 56.3 km (35 miles) of Canada.

(5)(i) A point-to-point EBS station on the E and F-channel frequencies, may

be involuntarily displaced by a BRS applicant or licensee, provided that suitable alternative spectrum is available and that the BRS entity bears the expenses of the migration. Suitability of spectrum will be determined on a case-by-base basis; at a minimum, the alternative spectrum must be licensable by broadband operators on a primary basis (although it need not be specifically allocated to the broadband service), and must provide a signal that is equivalent to the prior signal in picture quality and reliability, unless the broadband licensee will accept an inferior signal. Potential expansion of the BRS licensee may be considered in determining whether alternative available spectrum is suitable.

(ii) If suitable alternative spectrum is located pursuant to paragraph (h)(6)(i) of this section, the initiating party must prepare and file the appropriate application for the new spectrum, and must simultaneously serve a copy of the application on the EBS licensee to be moved. The initiating party will be responsible for all costs connected with the migration, including purchasing, testing and installing new equipment, labor costs, reconfiguration of existing equipment, administrative costs, legal and engineering expenses necessary to prepare and file the migration application, and other reasonable documented costs. The initiating party must secure a bond or establish an escrow account to cover reasonable incremental increase in ongoing expenses that may fall upon the migrated licensee. The bond or escrow account should also account for the possibility that the initiating party subsequently becomes bankrupt. If it becomes necessary for the Commission to assess the sufficiency of a bond or escrow amount, it will take into account such factors as projected incremental increase in electricity or maintenance expenses, or relocation expenses, as relevant in each case.

(iii) The EBS licensee to be moved will have a 60-day period in which to oppose the involuntary migration. The broadband party should state its opposition to the migration with specificity, including engineering and other challenges, and a comparison of the present site and the proposed new site.

If involuntary migration is granted, the new facilities must be operational before the initiating party will be permitted to begin its new or modified operations. The migration must not disrupt the broadband licensee's provision of service, and the broadband licensee has the right to inspect the construction or installation work.

[62 FR 9658, Mar. 3, 1997, as amended at 65 FR 3145, Jan. 20, 2000; 65 FR 17602, Apr. 4, 2000; 67 FR 5510, Feb. 6, 2002; 67 FR 41854, June 20, 2002; 69 FR 5714, Feb. 6, 2004; 69 FR 72032, Dec. 10, 2004; 69 FR 77950, Dec. 29, 2004; 70 FR 58064, Oct. 5, 2005; 71 FR 35189, June 19, 2006]

EFFECTIVE DATE NOTE: At 72 FR 48844, Aug. 24, 2007, §27.5 was amended by revising paragraph (b), effective Oct. 23, 2007. For the convenience of the user, the revised text is set forth as follows:

§ 27.5 Frequencies.

* * * * *

(b) *746–763 MHz, 775–793 MHz, and 805–806 MHz bands.* The following frequencies are available for licensing pursuant to this part in the 746–763 MHz, 775–793 MHz, and 805–806 MHz bands:

(1) Two paired channels of 1 megahertz each are available for assignment in Block A in the 757–758 MHz and 787–788 MHz bands.

(2) Two paired channels of 1 megahertz each are available for assignment in Block B in the 775–776 MHz and 805–806 MHz bands.

(3) Two paired channels of 11 megahertz each are available for assignment in Block C in the 746–757 MHz and 776–787 MHz bands. In the event that no licenses for two channels in this Block C are assigned based on the results of the first auction in which such licenses were offered because the auction results do not satisfy the applicable reserve price, the spectrum in the 746–757 MHz and 776–787 MHz bands will instead be made available for assignment at a subsequent auction as follows:

(i) Two paired channels of 6 megahertz each available for assignment in Block C1 in the 746–752 MHz and 776–782 MHz bands.

(ii) Two paired channels of 5 megahertz each available for assignment in Block C2 in the 752–757 MHz and 782–787 MHz bands.

(4) Two paired channels of 5 megahertz each are available for assignment in Block D in the 758–763 MHz and 788–793 MHz bands.

* * * * *