

FHH Telecom Law
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**More Regulatory Underbrush
Carted Off**

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Taking the lead from our vacationing President, last month the FCC took several swipes to chop down the underbrush of unneeded wireless regulations. Many of these regulations became irrelevant or inconsistent with new wireless rules that have been adopted in the past three years. While none of these changes are earth-shattering by their own nature, the combined effect of the changes will likely lead to less hoops to jump through, and more clarity with respect to the regulations affecting wireless carriers.

For example, the Commission eliminated the PCS base station transmitter output power (TPO) limits, which is expected to permit more efficient use of the spectrum. The Commission agreed with many other parties that the rule's limitation on the power of base stations was irrelevant if the Commission maintained the maximum EIRP limits currently in place. On the other hand, the limits placed on the PCS base station's TPO limited the use of multi-carrier power amplifiers, which enable operators to use one transmitter across a wide frequency range.

The Commission also made several changes to the rules that regulate Part 90 licensees. For example, the Commission deleted the rule that previously required Part 90 operators to conduct frequency coordination studies when it sought to delete a frequency or site from its license. The Commission agreed with those parties that argued that since an operator could delete its entire license without first completing a frequency coordination study, there is no reason to conduct such a study when the licensee is deleting a portion of that license.

Also, the Commission eliminated the requirement that certain 800 MHz General Category frequencies must continue to conduct frequency coordination studies prior to filing new or modification applications. Additionally, the Commission eliminated requirements that 800 MHz and 900 MHz SMR licensees provide detailed information, including system designs and loading requirements.

Finally, one action in this Order did rise to the level of requiring a separate statement by Commissioner Copps. The Commission decided to eliminate the maximum power and antenna height limits for conventional 800 MHz and 900 MHz that distinguished between systems to be used in urban and suburban areas. Commissioner Copps believes that the elimination of this distinction was in error since the Commission failed to consider the environmental impact of the possible growth of large (1,000 foot) towers in suburban areas.

The Commission is also seeking further comment on four matters raised in an *ex parte* filing by CTIA. The Commission is seeking further comment on proposals to “craft a clear and workable radiated power rule” that would affect PCS operators. Generally, the Commission is seeking comment on whether (1) it should implement a spectral density model to its radiated power rules; (2) it should further increase the radiated power limits; (3) radiated power should be specified in the rules based on an average, rather the peak; and (4) the changes it has proposed should be applied to other wireless services.

There were other various and sundry regulations that were revised and changed. If you have an interest in this proceeding, we urge you to contact the attorney with whom you normally work, or Lee G. Petro.