



Major Changes Sought in Nascent Citizens Broadband Radio Service

*By Donald J. Evans
evans@fhhlaw.com
703-812-0430*

The Citizens Broadband Radio Service (CBRS) has not even been born yet, but already major industry players want to change its basic character. CBRS, as its name implies, was conceived and approved by the FCC a couple of years ago as a broadband service for locally-focused businesses. The regulatory paradigm included both a large swathe of generally authorized access (also termed “licensed by rule”) channels that would be made available opportunistically to any entity and licensed channels made available on a census-tract basis for generally non-renewable three year terms. This generated quite a bit of opposition from larger carriers who insisted that the small license areas and short, non-renewable terms would make the band unsuitable for significant investment. Yet the FCC stuck to its vision for this “citizen”-oriented service and adopted rules which are now effective, though users cannot be up and operating until the spectrum managers begin administering access to the spectrum. (Details on how the spectrum access databases (SAS) will work can be found [here](#).)

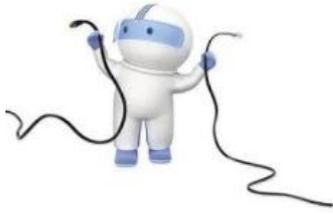
T-Mobile and CTIA have now asked the FCC to re-open the rules to change the regulatory character of the service significantly. The petitions ask that: (1) the Commission convert the license terms to 10 years, (2) the licenses be renewable at the end of the term, (3) all of the CBRS spectrum be made available for licensed use, and (4) the licenses cover Partial Economic Areas (PEAs), which are much broader than the small census-tract license areas now in place. Certain technical changes are requested as well. The proposals appear to have support from Commissioner O’Rielly, who is spearheading the FCC’s review of this service. It is also noteworthy that the FCC got the proposals out for public comment at warp speed – only a few days after the petitions were filed.

There is no doubt that the measures proposed by CTIA and T-Mobile will encourage additional investment in this spectrum by big players who can afford to buy large chunks of spectrum covering major metropolitan areas and millions of people; a single license term of short duration is a deterrent to potential investors. But there is also no doubt that the proposed changes could alter the fundamental character of the service from a local service with open access to 50 MHz of spectrum on a generally authorized access basis to a more traditional licensed service that serves only the neighborhoods or towns where the provider intends to offer service. Changing this paradigm may make CBRS just another asset in the spectrum portfolios of the major carriers.

The open proceeding will determine whether the quirky but perhaps impractical vision of CBRS survives. Comments are due by **July 24**, with Reply Comments due **August 8**, in Docket No. 12-354.



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FCC Opens Broad Review of Wireless Siting Impediments

By Donald J. Evans
evans@fhhlaw.com
703-812-0430

At its April 2017 meeting, the FCC finally adopted a long awaited [Notice of Proposed Rulemaking](#) and [Notice of Inquiry](#) addressing the many frustrations faced by tower builders, wireless carriers, and others who have run the painful and often lengthy gauntlet of getting a local building permit for a communications station. The Commission had been hearing a chorus of complaints from the tower and wireless industries that local permitting authorities and Native American tribes were seriously slowing down the permit process and often charging excessive “fees” for reviewing the applications. With the prospect of hundreds of thousands of microcells being needed in connection with the imminent arrival of the Internet of Things, these costs and delays threatened to cripple not only the nation’s ability to roll out microcell technology but also the construction of the macrocells needed to serve rural areas that continue to suffer from a lack of high speed broadband. The FCC heard the cries of its people and has proposed a number of actions to address these issues.

We begin by noting that the Communications Act, the National Historic Preservation Act, and the National Environmental Protection Act all circumscribe the FCC’s freedom to maneuver in this area. The existing federal laws allow local authorities their traditional rights to regulate land use, with some important exceptions. The historic preservation and environmental laws also require the FCC, again with important exceptions, to ensure that historical, tribal and environmental values are duly taken into account before FCC-authorized construction activity takes place. The FCC’s tricky task is to accommodate these various statutory missions while also clearing an efficient, untangled, uncluttered path to ubiquitous high speed broadband. To its credit, the FCC has proposed to tackle this challenge head-on.

Timeframe of local permit issuance

Because the land use process is chiefly in the hands of local counties and municipalities, the FCC had to come up with some creative ways to speed that process up. These include setting a firm “shot clock” for action on such permits after which they would be “deemed granted.” This option applies now to some elements of the FCC’s own operations (e.g., forbearance petitions) and the FCC hates being under that gun, as would the local authorities, but one thing the policy does is force action. Whether the statutory openings can be stretched far enough to permit the FCC’s proposed action will be fleshed out in the comments.

Extent of Environmental and Historical Obligations

One of the most welcome aspects of the FCC’s NPRM is the fresh – and much needed – look at how the FCC’s procedures interface with its environmental and historical obligations under other laws. For example, the review process required by the NHPA applies to “federal undertakings,” a term which has been interpreted to include federal licensing actions. This creates the anomalous situation that you can dig as big a hole as you want in your back yard to construct a swimming pool or a new building, but if you put up a ham radio tower, that is a “federal undertaking” that triggers the obligation to consult with state historical personnel and a host of tribes before you can dig the hole. The FCC’s current expansive reading of the term “federal undertaking” is that any construction activity that is done with the intention of telecommunications authorized by the FCC occurring on that site is a federal undertaking. Taken to an extreme, because cell phone use is licensed and authorized by the FCC, any structure where cell

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phone use is contemplated is a federal undertaking. While the FCC has wisely refrained from applying historical preservation rules to all structures in which mobile use occurs, this vastly overbroad reading of a “federal undertaking” theoretically imposes obligations on the FCC and telecom providers that Congress surely never intended.

A saner and more practical approach would be to limit federal undertakings to site-specific authorizations granted by the FCC. This makes sense because the FCC would be expressly approving construction at a particular site and it could examine historical and environmental issues in that context. Many wireless licenses granted these days are not site-specific but simply authorize construction and operation in a large geographic area with no involvement by the FCC whatsoever. This could easily be deemed not to be a federal undertaking and therefore outside the scope of the historical preservation rules. Such an approach would eliminate a huge percentage of the largely unnecessary environmental and historical hoops that tower constructors must jump through. Of course, local land use and site-specific environmental and historical considerations would still apply.

Tribal reviews

One particularly egregious problem that the FCC is confronting is the issue of increasingly numerous and outrageous fees being demanded by tribes before they will sign off on tower construction. As the FCC’s rules now stand, tribes can effectively self-declare areas where they have an “interest” (sometimes including entire states and, in a few cases, as many as 20 entire states!) and then demand a fee to review every tower proposed to be built in that area to ensure that their burial grounds are not impaired. By ceding tribes this gating power over all construction, the FCC has made it inevitable that more and more tribes will declare an interest in more and more areas and collect more and more and higher and higher fees. This is not at all what the American Council on Historic Preservation’s protocols contemplate: tribes have no right at all to demand fees to review proposed construction – they just have the right to be consulted on the project, something to which no one objects. The FCC will finally be sorting this out since the abuse of the current process has become widespread. (Full disclosure: the author of this blog article has advocated for FCC reform in this area.)

Environmental Exclusions

The FCC is considering removing some categories of construction from the requirement to engage in environmental analysis. This might include floodplains, small cells, pole replacements, construction in utility rights of way, and collocations. These sorts of construction rarely if ever raise cause for environmental concern.

FLETCHER, HEALD & HILDRETH

A Professional Limited
Liability Company

1300 N. 17th Street -
11th Floor
Arlington, Virginia 22209
Tel: (703) 812-0400
Fax: (703) 812-0486
E-Mail: editor@fhhlaw.com
Web Site: fhhlaw.com

Editor
FHH Law

Assistant Editors

Sandi Kempton
Sharon Wright

Contributing Writers

Keenan P. Adamchak,
Donald J. Evans,
Mitchell Lazarus,
Ashley Ludlow,
and Laura Stefani

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FCC Begins Rollback of Net Neutrality Rules

Keenan P. Adamchak
adamchak@fhhlaw.com
 703-812-0415

On May 23, 2017, the Federal Communications Commission released a [Notice of Proposed Rulemaking \(NPRM\)](#) proposing the reversal of the agency's [2015 Title II Order](#) which subjected Internet service providers (ISPs) to regulation as telecommunications services pursuant to Title II of the Communications Act of 1934, as amended.

In a 2-1 vote along partisan lines, the Commission proposed rolling back the net neutrality rules based largely on the grounds that the Title II regulatory framework for ISPs has dramatically decreased broadband infrastructure investment. Instead, as stated by Chairman Pai, the repeal of the “utility-style regulation of the Internet” would enable a return to the “Clinton-era light-touch framework that has proven to be successful” in encouraging investment and innovation in the Internet. However, reflecting the highly partisan nature of the decision, Commissioner Clyburn opposed the adoption of the NPRM on the grounds that she had “yet to see a credible analysis that suggests broadband capital expenditures have declined” since 2015, and over concerns regarding the anti-consumer effects of repealing the net neutrality rules.

Proposed Changes

The Commission proposed the following changes to the net neutrality regime in the NPRM:

- **Reclassification of Broadband Internet Access Service Providers.** The Commission proposed to reclassify broadband Internet access service (BIAS) providers as information service providers regulated pursuant to Title I – as opposed to classifying such providers as telecommunications service providers regulated under the more burdensome provisions of Title II. The proposal to reverse the regulatory classification of BIAS providers was based on three factors: (1) the plain meaning of the definitions of “information services,” “telecommunications,” and “Internet access services” in the Act; (2) pre-2015 FCC precedent reflecting a bipartisan consensus favoring regulation of Internet access services as information services; and (3) studies indicating that Title II regulation of ISPs has “depressed broadband investment and reduced regulatory innovation” due to increased regulatory burdens and uncertainty.
- **Reclassification of Mobile Broadband Internet Access Services.** The FCC proposed to reduce regulatory burdens on wireless Internet services through the reclassification of mobile BIAS as private mobile services – as opposed to being classified as commercial mobile services. Relatedly, the Commission also proposed to reinterpret the meaning of “public switched network” under Section 332(d)(2) of the Act to focus only on the traditional public switched telephone network to prevent mobile BIAS from being considered the “functional equivalent” of commercial mobile services – while otherwise being classified as private mobile services. The Commission stated that reclassification of mobile BIAS would “substantially benefit the wireless marketplace and consumers and have few, if any, policy disadvantages.”

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- **Elimination of the FCC's Authority over ISP Privacy Practices.** The Commission proposed to “respect the jurisdictional lines drawn by Congress” providing the Federal Trade Commission with authority over ISP privacy practices given the FTC’s “decades of experience and expertise in this area.” The FCC stated that it was compelled to cede all of its authority over ISP privacy practices to the FTC due to Congress’s rejection of the [2016 Privacy Order](#) pursuant to the Congressional Review Act.
- **Elimination of the Internet Conduct Standard.** The FCC proposed to eliminate the Internet conduct standard, which allows the Commission to prohibit practices that unreasonably interfere with or disadvantage the ability of consumers to access Internet content. The Commission stated that the standard was too vague to administer successfully, and was based on “theoretical problems” requiring ISPs to “guess at what they are permitted and not permitted to do.” In keeping with the NPRM’s deregulatory approach, however, the Commission did not propose an alternative approach to monitoring the conduct of ISPs – elsewhere suggesting the regulation of ISPs through either self-governance or an *ex post* enforcement mechanism.

Additionally, the Commission proposed the review of the following elements of net neutrality:

- **ISP Bright-Line Rules.** The FCC requested comment on whether to keep, modify, or eliminate the bright-line rules regarding ISP conduct (*e.*, no blocking, no throttling, no paid prioritization, and transparency rules). In supporting the need for the review of the rules, the Commission contended that there was “virtually no quantifiable evidence of consumer harm” which the rules sought to prevent, and reasoned that the rules were unnecessary in light of the fact that existing antitrust regulations sought to curb the anti-competitive conduct prohibited by the regulations.
- **Ex Ante Enforcement Approach.** Relatedly, the FCC questioned in the NPRM whether the agency’s *ex ante* enforcement approach to broadband regulations was necessary. Instead, the Commission requested comment on whether either self-governance by ISPs or an *ex post* enforcement framework would serve as a sufficient enforcement framework for the broadband industry under a Title I regulatory regime.

Lifeline

Although the Commission proposed the elimination of many aspects of net neutrality championed by the Wheeler administration, the agency proposed to maintain Lifeline support for broadband services and facilities. Citing its previous decision in the [2011 Universal Service Transformation Order](#), the Commission reasoned that Section 254 of the Act enabled the agency to continue universal service support for broadband services and facilities following the reclassification of ISPs as information services.

Legal Authority

FCC with an express grant of rulemaking authority in the area of BIAS), or return to the pre-2010 hortatory understanding of the section – therefore requiring the Commission’s legal authority to be based elsewhere in the Act. Likewise, the Commission requested comment

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Twilight towers

“Twilight towers” are towers which were built between 2001 and 2005. Those towers did not have to go through historic review procedures at the time they were built, but now must go through that process if an FCC authorized activity is going to occur on it. This is in many cases a little crazy since the tower is already up – what purpose is served by going through a historic review process now? The Commission is considering simply treating these towers like pre-2001 towers, a determination that would immediately open up a large inventory of towers to new collocations.

This proceeding is a critical one for the deployment both of rural cell sites needed to expand broadband service geographically and urban small cells that will be needed to densify broadband data services. Comments have been filed, and Reply Comments are due by **July 17, 2017**.



Rollback of Net Neutrality — (Continued from page 5)

on whether Section 230 permitted the FCC to retain any rules adopted in the *Title II Order* by providing the agency with express statutory authority over BIAS.

Cost Benefit Analysis

Seemingly reflecting upon the emotionally-charged atmosphere surrounding the review of the net neutrality rules, Commissioner O’Rielly requested that commenters in the proceeding support their arguments for and against the rollback of the *Title II Order* by providing evidence substantiating their claims. As such, the Commission proposed to conduct a cost-benefit analysis (CBA) regarding the rollback of the net neutrality rules – which is to be presumably based on quantifiable data provided by commenters. In conducting the CBA, the FCC proposed to follow the Office of Management and Budget’s standards for “Identifying and Measuring Benefits and Costs.” Nevertheless, the Commission questioned whether there were any concrete benefits to preserving the current net neutrality regime.

Comments in the proceeding are due **July 17, 2017**, and Reply Comments are due **August 16, 2017**.

Please feel free to contact our firm should you be interested in submitting comments in the proceeding, or have questions regarding the regulatory changes for ISPs proposed in the NPRM.



NTIA Seeks Comments on Cybersecurity Threats

Laura A. Stefani
stefani@fhhlaw.com
 703-812-0450

We've previously [reported on a drone-related multistakeholder](#) process convened by the National Telecommunications and Information Administration (NTIA), which is part of the Department of Commerce and is responsible for telecommunications and technology policy. For several years, NTIA has considered important policy issues related to emerging technologies through these "multistakeholder processes," which bring together industry, public interest groups, and other interested parties to develop a consensus position or guidelines – generally non-binding and voluntary – for industry and others to follow. Recent multistakeholder discussions have included [drones](#), the Internet of Things, and cybersecurity.

On the cybersecurity front, NTIA previously sought comment on the subject of "Stakeholder Engagement on Cybersecurity in the Digital Ecosystem," which in layperson's terms means "how we can protect data." That resulted in an [initial set of findings](#), recommendations, and suggested resources put together by the participants.

The NTIA recently announced that it has extended a deadline to accept comments on the related subject of "Promoting Stakeholder Action Against Botnets and Other Automated Threats," which addresses specific kinds of threats to data that are automated and distributed. This is significant, as it signals that the Trump Administration is continuing work begun under the Obama Administration to understand and develop a coherent national policy on how to deal with cybersecurity threats, and that, for now at least, it is keeping some of that work under NTIA's purview.

In its [notice](#), NTIA highlights its concern with the threat to Internet of Things (IoT) devices, and especially consumer-grade IoT devices. It outlines seven areas on which it seeks comment:

1. The approaches and mechanisms that are currently successful in combating cyber threats, whether laws, policies, best practices, standards, technologies, or other means;
2. Gaps in addressing automated and distributed threats, including what no longer works;
3. Specific and tangible steps that can be taken, whether by laws, policies, best practices, standards, technologies, or other means, to address botnets, as well as the public policy implications of the various approaches;
4. The appropriate roles of the various stakeholders – industry, academia, etc. – in collaborating on and addressing these threats;
5. The role of government in dealing with these issues, including whether incentives or specific policies can foster change;
6. Related international issues, given the "global nature of the Internet;" and
7. How to educate and help users, whether organizations or consumers.

Comments are due on **July 13, 2017**. For those of you looking for a more detailed discussion, the Department of Commerce's National Institute of Standards and Technology (NIST), one of the primary government offices looking at cybersecurity, will host a workshop on **July 11-12, 2017**; detailed information is available [here](#).



FCC Public Notice Seeks 411 on Broadband for Health IT

By Ashley Ludlow
ludlow@fhhlaw.com
 703-812-0423

Imagine if all Americans had seamless remote access to doctors and hospitals throughout the country, if an individual in Angle Inlet, MN (total population of 60) could consult with a doctor in Minneapolis without ever having to leave the comfort of his own home, or if a surgeon in Washington, DC, could perform an operation on an individual located in Charlotte, NC via robotics.

As the FCC notes, “the future of modern health care appears to be fundamentally premised on the widespread availability and accessibility of high-speed connectivity. By some estimates, broadband-enabled health information technology can help to improve the quality of health care and significantly lower health care costs by hundreds of billions of dollars in the coming decades.” Unfortunately, the U.S. remains behind some advanced countries in the adoption of such technology.

On April 24, the FCC released a [Public Notice](#) seeking ways to remedy that status. The Public Notice seeks comments, data, and information on a broad range of regulatory, policy, technical and infrastructure issues relating to the emerging broadband-enabled health and care ecosystem. Specifically, the FCC wants to know how it can help accelerate the adoption and accessibility of broadband-enabled health care, particularly in rural and underserved communities across the country. Leading in this mission is the Connect2Health Task Force (the “Task Force”), a senior-level, multi-disciplinary team, which brings together FCC expertise on the intersection of broadband, advanced technology, and health policy.

As part of its charge, the Task Force is focused on seven key objectives. While the questions are numerous, we provide a general overview of the information the FCC seeks. Medical device manufacturers, broadband providers, wireless and software companies, health care providers and consumer groups will be most interested in providing comments.

OBJECTIVE I: Promoting effective policy and regulatory solutions that encourage broadband adoption and promote health IT.

1. How can the FCC further accelerate broadband adoption in the health care context, and what technical issues must it consider with respect to its efforts?
2. What are the types, impact, scale, and benefits of broadband-enabled services and technologies used for the delivery of health care?
3. What are health care providers’ connectivity requirements?
4. What efforts are being made at the state and local levels to address broadband health technology accessibility issues in rural and remote areas, Tribal lands, and underserved urban areas?
5. How can the Task Force effectively and efficiently identify any gaps in the availability of broadband-enabled health technologies in the country?
6. What are the impediments to making broadband health technology services available and ubiquitous in rural and remote areas?

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OBJECTIVE II: Identifying regulatory barriers (and incentives) to the deployment of radio frequency (RF)-enabled advanced health care technologies and devices.

1. What types of broadband-enabled health technologies and medical devices are currently in the market, and what types might be launched in the future?
2. What are the future spectrum and wireless infrastructure needs in the health care sector?
3. What technical issues or concerns arise with the increased use and proliferation of wireless medical devices in health care settings and public spaces?
4. Are there any regulatory barriers concerning the deployment of advanced broadband-enabled health care technologies and medical devices?

OBJECTIVE III: Strengthening the nation's telehealth infrastructure through the FCC's Rural Health Care Program and other initiatives.

1. How can the FCC increase access to broadband for health care providers (HCPs), particularly those serving rural areas?
2. How can the FCC foster the development and deployment of broadband health care networks?
3. How can the FCC maximize the cost-effectiveness of the program?

OBJECTIVE IV: Raising consumer awareness about the value proposition of broadband in the health care sector and its potential for addressing health care disparities.

1. How can the FCC effectively increase consumer awareness about the value proposition of broadband in the health care sector?
2. Are there any concerns that may discourage consumers, health care providers, or others from adopting broadband-enabled health services and other advanced health technologies?
3. How can broadband enable healthcare-related support systems to connect patients to the people, services and information they need to get well and stay healthy?
4. Are there any practical issues that may be impeding consumer awareness and adoption of broadband-enabled health technologies?

OBJECTIVE V: Enabling the development of broadband-enabled health technologies that are designed to be fully accessible to people with disabilities.

1. How are broadband-enabled health technologies and medical devices currently being used by people with disabilities?
2. Is the design and development of broadband-enabled health services and technologies, as well as cutting-edge health and medical devices and applications, accessible to, and usable by, people with disabilities?
3. To what extent are clinicians aware of video relay service and using it when remotely consulting with American Sign Language users on a telephone call?
4. How can the FCC effectively raise awareness among people with disabilities about the value proposition of broadband in health?

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OBJECTIVE VI: Highlighting effective telehealth projects, broadband-enabled health technologies, and mHealth applications across the country and abroad – to identify lessons learned, best practices, and regulatory challenges.

1. How are patients responding to broadband-enabled telehealth and telemedicine services?
2. What challenges are faced by states, localities, and Tribal governments, as well as communities abroad, in deploying effective broadband-enabled telehealth and telemedicine projects?
3. How can the public be better informed about the availability of broadband-enabled health services and technologies and mHealth applications?
4. To what extent is the United States not taking full advantage of the opportunities that broadband-enabled health technology provides?

OBJECTIVE VII: Engaging a diverse array of traditional and non-traditional stakeholders to identify emerging issues and opportunities in the broadband health space.

1. What additional emerging issues of concern not yet identified could potentially impact efforts to accelerate the availability of broadband-enabled health technologies and services, as well as medical devices that rely on communications technology?
2. What are the emerging opportunities for investors, innovators, and entrepreneurs in the broadband health space and in the development of the next generation of connected health technologies and converged medical devices?
3. How can the FCC promote small and diverse investors, innovators, and entrepreneurs in the broadband health sector in order to better ensure that the benefits of broadband-health technologies and services are available to all Americans?

Comments were due May 24, 2017, and Reply Comments were due June 8, 2017 in Docket No. 16-46.





The FCC is Now Granting Program Experimental Licenses (Finally!)

*By Mitchell Lazarus
lazarus@fhhlaw.com
703-812-0440*

The FCC has always been kind to people who tinker with radio equipment, whether teenagers blowing out their parents' fuses (that was us) or manufacturers' research labs (maybe you). Licenses in the [Experimental Radio Service](#) allow work with radio transmitters that don't otherwise meet FCC standards.

The problem with these experimental licenses was that most variations in transmitter characteristics required a new or modified license. They are not expensive and the FCC issues them reasonably fast (at least by federal agency standards), but still, nobody likes the paperwork and the delays.

The FCC put in a fix four years ago, but it has only just now taken effect. For most users, the most important change was the establishment of "Program Experimental Licenses" for qualifying colleges and universities, research labs, hospitals and health care institutions, and manufacturers. One such license can cover work on a wide range of transmitters. [See the details here](#). To change the operating characteristics, the licensee simply posts the new information on the FCC website.

The new rules [took effect in May 2013](#) – well, some of them. Many relating to the Program Experimental Licenses required additional approvals from the Office of Management and Budget. The folks at OMB must have had a lot on their minds, because those rules sections did not [come through for almost another three years](#), in January 2016. But even then, the FCC still had to manage a lot of details.

Finally, that work is done. See [the announcement here](#) and a [related FCC blog post here](#).

Ready to apply? [Get your license here](#). Before each new experiment, log [the technical details here](#). Then wait 10 days (if using non-federal spectrum) or 15 days (for federal or shared spectrum), and go to it. Oh, and within 30 days after you're done, post on the FCC website a narrative statement describing the results of the experiment. You don't have to mention the blown fuses.





FCC Modernizes 800 MHz Rules

Keenan P. Adamchak
adamchak@fhhlaw.com
 703-812-0415

On March 23, 2017, the FCC enacted an [Order](#) to modernize its rules and regulations governing the 800 MHz Cellular Service band in order to encompass modern wideband mobile broadband service technologies such as LTE. The FCC stated that the movement away from the outdated command-and-control regulatory paradigm, originally created for commercial mobile services using narrowband technologies, to a flexible use model for the band would ease administrative burdens, reduce barriers to innovation and investment, and allow mobile broadband providers to provide service to the public more efficiently.

Specifically, the FCC implemented reforms of the 800 MHz Cellular Service band's rules in the four following areas:

Cellular Power Rules – The FCC adopted new power rules for Cellular services based on power spectral density (PSD) metrics utilized in other spectrum bands for mobile broadband services. The new PSD limits for Cellular service are as follows: (1) 400 W/MHz ERP in non-rural areas, and 800 W/MHz in rural areas, without a power flux density (PFD) requirement; and (2) higher limits – up to 1000 W/MHz ERP in non-rural areas, and up to 2000 W/MHz ERP in rural areas (Higher PSD Limits). The FCC stated that the new Cellular power rules would enable mobile broadband providers to operate more efficiently in the 800 MHz spectrum without regard to usage of narrow or wideband technology.

Co-Existence with Public Safety Systems – The FCC also adopted safeguards to protect public safety operations from the increased possibility of unacceptable interference as a result of increased usage of wideband technologies by Cellular service providers. These safeguards include: (1) a one-time advance notification requirement for operations at high PSD limits; (2) PFD limit for a seven-year transition period “for Higher PFD limits”; (3) convening a public forum to improve co-existence in the 800 MHz band; and (4) retaining Part 22's existing interference resolution rules. The FCC admitted that usage of PSD and PFD limits are incomplete measures for mitigating interference with public safety systems, and that other measures would be explored in the future.

Consistent Treatment with Other Flexible Use Spectrum – In an effort to streamline administrative burdens and adopt more efficient regulatory compliance obligations for service providers operating in the 800 MHz band, the FCC conformed the band's technical rules to those used in similar flexible use spectrum including rules related to: power measurement, out of band emissions, field strength, and discontinuance of operations. The FCC stated that conforming the 800 MHz band's technical requirements with those of other flexible use spectrum would enable Cellular service providers to be more competitive in deploying new mobile broadband technologies.

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FCC Modernizes 800 MHz Rules — (Continued from page 12)

Elimination of Unnecessary Rules and Regulatory Burdens – In an effort to spur the transition from legacy to broadband technologies used in the 800 MHz band, the FCC eliminated several rules and regulatory burdens for service providers. First, the FCC eliminated the requirement that providers file a minor modification application for any change to cell site that resulted in a reduction of service area coverage. Second, the FCC repealed the domestic coordination requirement for Cellular service providers deploying devices with a frequency re-use factor of one (*e.g.*, CDMA, and certain LTE deployments). Finally, the FCC deleted certain provisions governing international coordination requirements that were deemed unnecessary or redundant.

Lastly, as part of the March 23rd decision, the FCC also issued a Second Further Notice of Proposed Rulemaking seeking comments on the removal of other Part 22 provisions related to Station inspection requirements, retention of Station authorizations, and EEO complaint reporting. The FCC proposed the elimination of these provisions on the grounds that they were outdated, costly and burdensome, and/or placed Cellular licensees at a disadvantage compared to other wireless services. Comments on the Second Further Notice of Proposed Rulemaking were due on May 15th and Reply Comments on June 13th; they can be found in WT Docket No. 12-40.

Should you have any questions regarding this article or the proceeding, please feel to contact [Keenan Adamchak](#).

