

TABLE 2.—COORDINATION DISTANCES FOR THE PROTECTED DEPARTMENT OF DEFENSE FACILITIES

1710–1755 MHz transmit operations	Coordination distance (km)
a. EIRP <=100 mW, antenna height <=1.6 m AG	35
b. EIRP <=1 W, antenna height <=10 m AG	55

(b) *Protection of non-DoD operations in the 1710–1755 MHz and 1755–1761 MHz bands.* Until such time as non-DoD systems operating in the 1710–1755 MHz and 1755–1761 MHz bands are relocated to other spectrum, AWS licensees shall protect such systems by satisfying the appropriate provisions of TIA Telecommunications Systems Bulletin 10–F, “Interference Criteria for Microwave Systems,” May, 1994 (TSB 10–F).

(c) *Protection of Federal Government operations below 1710 MHz.* AWS licensees operating fixed stations in the 1710–1755 MHz band, if notified that such stations are causing interference to radiosonde receivers operating in the Meteorological Aids Service in the 1675–1700 MHz band or a meteorological-satellite earth receiver operating in the

Meteorological-Satellite Service in the 1675–1710 MHz band, shall be required to modify the stations’ location and/or technical parameters as necessary to eliminate the interference.

(d) *Recognition of NASA Goldstone facility operations in the 2110–2120 MHz band.* The National Aeronautics and Space Administration (NASA) operates the Deep Space Network (DSN) in the 2110–2120 MHz band at Goldstone, California (see Table 3). NASA will continue its operations of high power transmitters (nominal EIRP of 105.5 dBW with EIRP up to 119.5 dBW used under emergency conditions) in this band at this location. AWS licensees must accept any interference received from the Goldstone DSN facility in this band.

TABLE 3.—LOCATION OF THE NASA GOLDSTONE DEEP SPACE FACILITY

Location	Coordinates	Maximum transmitter output power
Goldstone, California	35°18’ N 116°54’ W	500 kW

§ 27.1135 Protection of non-Federal Government Meteorological-Satellite operations.

AWS licensees operating fixed stations in the 1710–1755 MHz band, if notified that such stations are causing interference to meteorological-satellite earth receivers operating in the Meteorological-Satellite Service in the 1675–1710 MHz band, shall be required to modify the stations’ location and/or technical parameters as necessary to eliminate the interference.

Subpart M—Broadband Radio Service and Educational Broadband Service

SOURCE: 69 FR 72034, Dec. 10, 2004, unless otherwise noted.

§ 27.1200 Change to BRS and EBS.

(a) As of January 10, 2005, licensees assigned to the Multipoint Distribution Service (MDS) and the Multichannel Multipoint Distribution Service (MMDS) shall be reassigned to the Broadband Radio Service (BRS) and licensees in the Instructional Television Fixed Service (ITFS) shall be reassigned to the Educational Broadband Service (EBS).

§ 27.1201 EBS eligibility.

(a) With certain limited exceptions set forth in paragraph (c) of this section, a license for an Educational Broadband Service station will be issued only to an accredited institution

or to a governmental organization engaged in the formal education of enrolled students or to a nonprofit organization whose purposes are educational and include providing educational and instructional television material to such accredited institutions and governmental organizations, and which is otherwise qualified under the statutory provisions of the Communications Act of 1934, as amended.

(1) A publicly supported educational institution must be accredited by the appropriate State department of education.

(2) A privately controlled educational institution must be accredited by the appropriate State department of education or the recognized regional and national accrediting organizations.

(3) Those applicant organizations whose eligibility is established by service to accredited institutional or governmental organizations must submit documentation from proposed receive sites demonstrating that they will receive and use the applicant's educational usage. In place of this documentation, a state educational television (ETV) commission may demonstrate that the public schools it proposes to serve are required to use its proposed educational usage. Documentation from proposed receive sites which are to establish the eligibility of an entity not serving its own enrolled students for credit should be in letter form, written and signed by an administrator or authority who is responsible for the receive site's curriculum planning. No receive site more than 35 miles from the transmitter site shall be used to establish basic eligibility. The administrator must indicate that the applicant's program offerings have been viewed and that such programming will be incorporated in the site's curriculum. The letter should discuss the types of programming and hours per week of formal and informal programming expected to be used and the site's involvement in the planning, scheduling and production of programming. If other levels of authority must be obtained before a firm commitment to utilize the service can be made, the nature and extent of such additional authorization(s) must be provided.

(4) Nonlocal applicants, in addition to submitting letters from proposed receive sites, must demonstrate the establishment of a local program committee in each community where they apply. Letters submitted on behalf of a nonlocal entity must confirm that a member of the receive site's staff will serve on the local program committee and demonstrate a recognition of the composition and power of the committee. The letter should show that the staff member will aid in the selection, scheduling and production of the programming received over the system.

(b) No numerical limit is placed on the number of stations which may be licensed to a single licensee. A single license may be issued for more than one transmitter if they are to be located at a common site and operated by the same licensee. Applicants are expected to accomplish the proposed operation by the use of the smallest number of channels required to provide the needed service.

(c)(1) Notwithstanding paragraph (a) of this section, a wireless cable entity may be licensed on EBS frequencies in areas where at least eight other EBS channels remain available in the community for future EBS use. Channels will be considered available for future EBS use if there are no co-channel operators or applicants within 80.5 km (50 miles) of the transmitter site of the proposed wireless cable operation, and if the transmitter site remains available for use at reasonable terms by new EBS applicants on those channels within three years of commencing operation.

(2) No more than eight EBS channels per community may be licensed to wireless cable entities.

(3) To be licensed on EBS channels, a wireless cable applicant must hold a license or a lease, or must have filed an unopposed application for at least four BRS channels to be used in conjunction with the facilities proposed on the EBS frequencies. An unopposed application is one that faces no competing application(s) or petition(s) to deny. Applicants will be required to confirm their unopposed status after the period for

filing competing applications and petitions to deny has passed. If a BRS application is opposed, the companion EBS application will be returned.

(4) To be licensed on EBS channels, a wireless cable applicant must show that there are no BRS channels available for application, purchase or lease that could be used in lieu of the EBS frequencies applied for. A wireless cable entity may apply for EBS channels at the same time it applies for the related BRS frequencies, but if that BRS application is opposed by a timely filed mutually exclusive application or petition to deny, the application for EBS facilities will be returned.

(5) If an EBS application and a wireless cable application for available EBS facilities are mutually exclusive, the EBS application will be granted if the applicant is qualified. An EBS applicant may not file an application mutually exclusive with a wireless cable application if there are other EBS channels available for the proposed EBS facility.

(6)(i) An educational institution or entity that would be eligible for EBS channels that are licensed to a wireless cable entity may be entitled to access to those channels. Requests for access may be made by filing a request with the Commission. A cover letter must clearly indicate that the application is for EBS access to a wireless cable entity's facilities on EBS channels.

(ii) An EBS entity determined by the Commission to have right of access to wireless cable licensed facilities may have access to a maximum of 40 hours per channel per week. The EBS entity has the right to designate 20 of those hours as follows: 3 hours of the EBS entity's choice each day, Monday through Friday, between 8 a.m. and 10 p.m., excluding weekends, holidays and school vacations; and the remaining five hours any time of the EBS entity's choice between 8 a.m. and 10 p.m., Monday through Saturday.

(iii) No time-of-day and day-of-week obligations will be imposed on either party with respect to the other 20 hours of access time.

(iv) The EBS user must provide the wireless cable licensee with its planned schedule of use four months in advance. No minimum amount of pro-

gramming will be required of an EBS operator seeking access to one channel; for access to a second channel, the EBS user must use at least 20 hours per week on the first channel from 8 a.m. to 10 p.m., Monday through Saturday; for access to a third channel, the EBS entity must use at least 20 hours per week on the first channel and on the second channel during the hours prescribed above, and so on. Only one educational institution or entity per wireless cable licensed channel will be entitled to access from the wireless cable entity. Access will not be granted to a single entity for more than four channels, unless it can satisfy the waiver provisions of § 27.5(i)(3).

(v) When an EBS entity is granted access to an EBS channel of a wireless cable licensee, the wireless cable licensee will be required to pay half of the cost of five standard receive sites on that channel. The wireless cable entity may, at its option, pay the costs of an application and facility construction for such EBS entity on other available EBS channels, including half of the cost of five receive sites per channel.

(vi) After three years of operation, a wireless cable entity licensed to use EBS channels will not be required to grant new or additional access to such EBS channels, or provide any alternative facilities to any EBS entity seeking access to its facilities, if there are suitable EBS frequencies available for the EBS entity to build its own system.

(vii) The parties may mutually agree to modify any requirements or obligations imposed by these provisions, except for the requirement that an educational entity use at least 20 hours per week on a channel of a wireless cable licensee before requesting access to an additional channel.

§ 27.1202 Cable/BRS cross-ownership.

(a) Initial or modified authorizations for BRS stations may not be granted to a cable operator if a portion of the BRS station's protected services area is within the portion of the franchise area actually served by the cable operator's cable system and the cable operator