

operators proposing a space station transmitting in the 17.3–17.8 GHz band in compliance with power flux-density limits set forth in § 25.208(c) and/or § 25.208(w) and located within ± 10 degrees of the operator's space station.

(3) If no good faith agreement can be reached, the operator of the space station transmitting in the 17.3–17.8 GHz band that does not comply with § 25.208(c) and/or § 25.208(w) shall reduce its space-to-Earth power flux-density levels to be compliant with those specified in § 25.208(c) and/or § 25.208(w).

(c) Any U.S. licensee or permittee using a space station transmitting in the 17.3–17.8 GHz band that is required to provide information in its application pursuant to § 25.140(b)(4) must accept any increased interference that may result from adjacent space stations transmitting in the 17.3–17.8 GHz band that are operating in compliance with the rules for such space stations specified in §§ 25.140(b), 25.202(a)(9) and (e)–(g), 25.208(c) and (w), 25.210(i)–(j), 25.224, 25.262, 25.264(h), and 25.273(a)(3)).

(d) Notwithstanding the provisions of this, licensees and permittees will be allowed to apply for a license or authorization for a replacement satellite that will be operated at the same power level and interference protection as the satellite to be replaced.

[83 FR 34491, July 20, 2018]

§ 25.263 Information sharing requirements for SDARS terrestrial repeater operators.

This section requires SDARS licensees in the 2320–2345 MHz band to share information regarding the location and operation of terrestrial repeaters with WCS licensees in the 2305–2320 MHz and 2345–2360 MHz bands. Section 27.72 of this chapter requires WCS licensees to share information regarding the location and operation of base stations in the 2305–2320 MHz and 2345–2360 MHz bands with SDARS licensees in the 2320–2345 MHz band.

(a) SDARS licensees must select terrestrial repeater sites and frequencies, to the extent practicable, to minimize the possibility of harmful interference to WCS base station operations in the 2305–2320 MHz and 2345–2360 MHz bands.

(b) *Notice requirements.* SDARS licensees that intend to operate a new terres-

trial repeater must, before commencing such operation, provide 10 business days prior notice to all potentially affected Wireless Communications Service (WCS) licensees. SDARS licensees that intend to modify an existing repeater must, before commencing such modified operation, provide 5 business days prior notice to all potentially affected WCS licensees.

(1) For purposes of this section, a “potentially affected WCS licensee” is a WCS licensee that:

(i) Is authorized to operate a base station in the 2305–2315 MHz or 2350–2360 MHz bands in the same Major Economic Area (MEA) as that in which the terrestrial repeater is to be located;

(ii) Is authorized to operate base station in the 2315–2320 MHz or 2345–2350 MHz bands in the same Regional Economic Area Grouping (REAG) as that in which the terrestrial repeater is to be located;

(iii) In addition to the WCS licensees identified in paragraphs (b)(1)(i) and (ii) of this section, in cases in which the SDARS licensee plans to deploy or modify a terrestrial repeater within 5 kilometers of the boundary of an MEA or REAG in which the terrestrial repeater is to be located, a potentially affected WCS licensee is one that is authorized to operate a WCS base station in that neighboring MEA or REAG within 5 kilometers of the location of the terrestrial repeater.

(2) For the purposes of this section, a business day is defined by § 1.4(e)(2) of this chapter.

(3) For modifications other than changes in location, a licensee may provide notice within 24 hours after the modified operation if the modification does not result in a predicted increase of the power flux density (PFD) at ground level by more than 1 dB since the last advance notice was given. If a demonstration is made by the WCS licensee that such modifications may cause harmful interference to WCS receivers, SDARS licensees will be required to provide notice 5 business days in advance of additional repeater modifications.

(4) SDARS repeaters operating below 2 watts equivalent isotropically radiated power (EIRP) are exempt from the

notice requirements set forth in this paragraph.

(5) SDARS licensees are encouraged to develop separate coordination agreements with WCS licensees to facilitate efficient deployment of and coexistence between each service. To the extent the provisions of any such coordination agreement conflict with the requirements set forth herein, the procedures established under a coordination agreement will control. SDARS licensees must maintain a copy of any coordination agreement with a WCS license in their station files and disclose it to prospective assignees, transferees, or spectrum lessees and, upon request, to the Commission.

(6) SDARS and WCS licensees may enter into agreements regarding alternative notification procedures.

(c) *Contents of notice.* (1) Notification must be written (*e.g.*, certified letter, fax, or e-mail) and include the licensee's name, and the name, address, and telephone number of its coordination representative, unless the SDARS licensee and all potentially affected WCS licensees reach a mutual agreement to provide notification by some other means. WCS licensees and SDARS licensees may establish such a mutually agreeable alternative notification mechanism without prior Commission approval, provided that they comply with all other requirements of this section.

(2) Regardless of the notification method, notification must specify relevant technical details, including, at a minimum:

(i) The coordinates of the proposed repeater to an accuracy of no less than ± 1 second latitude and longitude;

(ii) The proposed operating power(s), frequency band(s), and emission(s);

(iii) The antenna center height above ground and ground elevation above mean sea level, both to an accuracy of no less than ± 1 meter;

(iv) The antenna gain pattern(s) in the azimuth and elevation planes that include the peak of the main beam; and

(v) The antenna downtilt angle(s).

(3) An SDARS licensee operating terrestrial repeaters must maintain an accurate and up-to-date inventory of its terrestrial repeaters operating above 2 watts average EIRP, including the in-

formation set forth in § 25.263(c)(2), which shall be available upon request by the Commission.

(d) *Calculation of Notice Period.* Notice periods are calculated from the date of receipt by the licensee being notified. If notification is by mail, the date of receipt is evidenced by the return receipt on certified mail. If notification is by fax, the date of receipt is evidenced by the notifying party's fax transmission confirmation log. If notification is by e-mail, the date of receipt is evidenced by a return e-mail receipt. If the SDARS licensee and all potentially affected WCS licensees reach a mutual agreement to provide notification by some other means, that agreement must specify the method for determining the beginning of the notice period.

(e) *Duty to cooperate.* SDARS licensees must cooperate in good faith in the selection and use of new repeater sites to reduce interference and make the most effective use of the authorized facilities. SDARS licensees should provide WCS licensees as much lead time as practicable to provide ample time to conduct analyses and opportunity for prudent repeater site selection prior to SDARS licensees entering into real estate and tower leasing or purchasing agreements. Licensees of stations suffering or causing harmful interference must cooperate in good faith and resolve such problems by mutually satisfactory arrangements. If the licensees are unable to do so, the International Bureau, in consultation with the Office of Engineering and Technology and the Wireless Telecommunications Bureau, will consider the actions taken by the parties to mitigate the risk of and remedy any alleged interference. In determining the appropriate action, the Bureau will take into account the nature and extent of the interference and act promptly to remedy the interference. The Bureau may impose restrictions on SDARS licensees, including specifying the transmitter power, antenna height, or other technical or operational measures to remedy the interference, and will take into account previous measures by the licensees to mitigate the risk of interference.

[75 FR 45069, Aug. 2, 2010, as amended at 78 FR 9619, Feb. 11, 2013]