

to file the required form requesting license cancellation.

§ 27.1503 Broadband license eligibility and application requirements.

(a) *Eligibility.* For an applicant to be eligible for a broadband license in a county, it must:

(1) Hold the licenses for more than 50% of the total amount of licensed 900 MHz SMR (site-based or geographically licensed) and B/ILT (site-based) spectrum for the relevant county including credit for spectrum included in an application to acquire or relocate covered incumbents filed with the Commission on or after March 14, 2019;

(2) Hold spectrum in the broadband segment or reach an agreement to clear through acquisition or relocation, including credit for spectrum included in an application to acquire or relocate covered incumbents filed with the Commission on or after March 14, 2019, or demonstrate how it will provide interference protection to, covered incumbent licensees collectively holding licenses in the broadband segment for at least 90% of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county. To provide interference protection, an applicant may:

(i) Protect site-based covered incumbent(s) through compliance with minimum spacing criteria set forth in § 90.621(b) of this chapter;

(ii) Protect site-based covered incumbent(s) through new or existing letters of concurrence agreeing to lesser base station separations as set forth in § 90.621(b); and/or

(iii) Protect geographically based covered incumbent(s) through a private contractual agreement.

(3) If any site of a complex system is located within the county and/or within 70 miles of the county boundary, an applicant must either hold the license for that site or reach an agreement to acquire, relocate, or protect it in order to demonstrate eligibility.

(4) The applicant may use its current 900 MHz holdings in the narrowband segment to relocate covered incumbents. Spectrum used for the purpose of relocating incumbent(s) may not ex-

ceed the incumbent's current spectrum holdings in the relevant county, unless additional channels are necessary to achieve equivalent coverage and/or capacity.

(b) *Application.* (1) Applications must be filed in accordance with part 1, subpart F of this chapter.

(2) An applicant for a 900 MHz broadband license must submit with its application an Eligibility Certification that:

(i) Lists the licenses the applicant holds in the 900 MHz band to demonstrate that it holds the licenses for more than 50% of the total licensed 900 MHz spectrum, whether SMR or B/ILT, for the relevant county including credit for spectrum included in an application to acquire or relocate any covered incumbents filed on or after March 14, 2019;

(ii) A statement that it has filed a Transition Plan detailing how it holds spectrum in the broadband segment and/or has reached an agreement to clear through acquisition or relocation (including credit for spectrum included in an application to acquire or relocate covered incumbents filed with the Commission on or after March 14, 2019), or demonstrate how it will provide interference protection to, covered incumbent licensees collectively holding licenses in the broadband segment for at least 90% of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county.

(3) An applicant for a 900 MHz broadband license must submit with its application a Transition Plan that provides:

(i) A showing of one or more of the following:

(A) Agreement by covered incumbents to relocate from the broadband segment;

(B) Protection of site-based covered incumbents through compliance with minimum spacing criteria;

(C) Protection of site-based covered incumbents through new or existing letters of concurrence agreeing to lesser base station separations;

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(D) Protection of geographically-based covered incumbents through private contractual agreements; and/or

(E) Evidence that it holds licenses for the site-channels and/or geographically licensed channels.

(ii) Descriptions of the agreements between the prospective broadband licensee and all covered incumbents collectively holding licenses for at least 90% of site-channels within the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county.

(iii) Descriptions in detail of all information and actions necessary to accomplish the realignment, as follows:

(A) The applications that the parties to the agreements will file for spectrum in the narrowband segment in order to relocate or repack licensees;

(B) A description of how the applicant will provide interference protection to, and/or acquire or relocate from the broadband segment covered incumbents collectively holding licenses for at least 90% of site-channels within 70 miles of the county and within 70 miles of the county boundary and/or evidence that it holds licenses for the site-channels and/or geographically licensed channels.

(C) Any rule waivers or other actions necessary to implement an agreement with a covered incumbent; and

(D) Such additional information as may be required.

(iv) A certification from an FCC-certified frequency coordinator that the Transition Plan's representations can be implemented consistent with Commission rules. The certification must establish that the relocations proposed therein take into consideration all relevant covered incumbents and are consistent with the existing part 90 interference protection criteria if the covered incumbent is site-based, and include any private contractual agreements between the prospective broadband licensee and a geographically-licensed covered incumbent.

(4) Applicants seeking to transition multiple counties may simultaneously file a single Transition Plan with each of its county-based applications.

(c) *Anti-windfall provisions.* (1) The applicant must return to the Commission all of its licensed 900 MHz SMR and B/ILT spectrum, up to six megahertz, for the county in which it seeks a broadband license. The applicant will be required to file, within 15 days of filing its broadband license application, an application(s) to cancel all of its 900 MHz SMR and B/ILT spectrum, up to six megahertz, conditioned upon Commission grant of its application.

(2) If the applicant relinquishes less than six megahertz of spectrum in accordance with paragraph (c)(1) of this section, then the applicant must remit an anti-windfall payment prior to the grant of the 900 MHz broadband license. Payment must be made through a monetary payment to the U.S. Treasury.

§ 27.1504 Mandatory relocation.

(a) Subject to paragraph (b) of this section, broadband licensees may require mandatory relocation from the broadband segment covered incumbents' remaining site-channels in a given county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county, that were not covered by § 27.1503(a)(2).

(b) Complex systems are exempt from mandatory relocation. To qualify as exempt from mandatory relocation, a complex system must have at least one site (of its 45 or more functionally integrated sites) located within the county license area or within 70 miles of the county boundary.

(c) A broadband licensee seeking to relocate a covered incumbent pursuant to this section is required to pay all reasonable relocation costs, including providing the relocated covered incumbent with comparable facilities. To be comparable, the replacement system provided to a covered incumbent during a mandatory relocation must be at least equivalent to the existing 900 MHz system with respect to the following four factors:

- (1) System;
- (2) Capacity;
- (3) Quality of service; and
- (4) Operating costs.