

(Repealed), 215.602 Exemptions (Repealed), 215.603 Leaks (Repealed), 215.604 Compliance Dates and Geographical areas (Repealed), 215.605 Compliance Plan (Repealed), and 215.606 Exception to Compliance Plan (Repealed), amended at 22 Ill. Reg. 11427, effective June 19, 1998.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2 and 25

[IB Docket No. 97-95; FCC 98-336]

#### Allocation and Designation of Spectrum for Fixed-Satellite and Wireless Services in the 36.0-51.4 GHz Frequency Band, and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0-40.5 GHz Band for Government Operations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By this Report and Order ("Order") the Commission adopts a plan for non-Government operations in the 36.0-51.4 GHz band by providing separate primary designations for non-Government wireless and fixed-satellite services throughout the band. The Commission's goal is to provide an overall framework for commercial development of this band and to help such development to occur without the technical constraints that result from ubiquitous wireless and satellite services sharing the same spectrum on a co-primary basis. The rules adopted in this Order revise the U.S. Table of Frequency Allocations to accommodate the band plan and to address certain Federal Government operations in the band.

**EFFECTIVE DATE:** February 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Charles Breig, Planning and Negotiation Division, International Bureau, (202) 418-2156 or via electronic mail: cbreig@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, (FCC 98-336), adopted December 17, 1998, and released December 23, 1998. The complete text of this Commission decision is available for inspection and copying during the weekday hours of 9 a.m. and 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M Street, N.W., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2131 M Street, N.W.,

Washington, DC 20036, phone (202) 857-3800. The complete text is also available under the file name fcc98336.txt or fcc98336.wp on the Commission's internet site at <http://www.fcc.gov/Bureaus/International/Orders/1998>.

#### Summary of the Report and Order

1. In the band plan the Commission: (1) designates a total of 4 gigahertz of spectrum for fixed-satellite services ("FSS") use on a primary basis in the 37.6-38.6 GHz, 40.0-41.0 GHz and 48.2-50.2 GHz bands; (2) provides a total of 5.6 gigahertz of spectrum for wireless services use on a primary basis, by retaining the existing wireless designations in the 38.6-40.0 GHz and 47.2-48.2 GHz bands, and adding new wireless designations on a primary basis in the 37.0-37.6 GHz, 41.0-42.5 GHz, 46.9-47.0 GHz and 50.4-51.4 GHz bands; and (3) retains the existing designations for unlicensed commercial vehicular radar in the 46.7-46.9 GHz band and for amateur services in the 47.0-47.2 GHz band. The 36.0-37.0 GHz, 42.5-46.7 GHz, and 50.2-50.4 GHz bands remain undesignated.

2. This band plan is the same as that proposed in the Notice of Proposed Rulemaking ("NPRM") in this proceeding, 62 FR 16129 (April 4, 1997), with three exceptions. First, while the NPRM proposed to designate the 37.5-37.6 GHz (100 megahertz) and 41.0-41.5 GHz (500 megahertz) bands for FSS, and the 38.5-38.6 GHz (100 megahertz) and 40.0-40.5 GHz (500 megahertz) bands for wireless services, in this Order the Commission reverses these service designations and instead designates the 37.5-37.6 GHz and 41.0-41.5 GHz bands for wireless services, and the 38.5-38.6 GHz and 40.0-40.5 GHz bands for FSS. Second, while the NPRM proposed to provide separate designations for Geostationary Orbit fixed-satellite service ("GSO/FSS") and Non-Geostationary Orbit fixed-satellite service ("NGSO/FSS") operations, in this Order the Commission does not make such additional designations at this time, because it is not known the extent to which GSO and NGSO operations will occupy the bands designated for FSS. Third, while the NPRM proposed to allow "underlay" licenses, *i.e.*, the licensing of a second service in the bands designated for FSS, in this Order the Commission finds that underlay licenses could make it more difficult to administer the various services and could increase the potential for interference between satellite and wireless services. Accordingly, underlay licensing is not adopted in this proceeding.

3. Further, the Order revises the non-Government column of the U.S. Table of Frequency Allocations to accommodate the band plan by adding primary allocations for FSS in the 37.6-38.6 GHz and 40.5-41.0 GHz bands to accommodate the new FSS designations in these bands. In addition, the Commission upgrades the fixed and mobile allocations in the 41.0-42.5 GHz band from secondary to primary status to accommodate the new wireless services designation in this band. The Commission also adds a primary allocation for fixed service to the existing mobile service allocation in the 46.9-47.0 GHz band, again to accommodate a new wireless services designation.

4. Finally, the Commission revises the U.S. Table of Allocations to address Government operations in the 36.0-51.4 GHz band. Specifically, at the request of the National Telecommunications and Information Administration ("NTIA"), the Order adds the following allocations to the Government column of the U.S. Table: (1) space research (space-to-Earth) on a primary basis in the 37.0-38.0 GHz band; (2) space research (Earth-to-space) and Earth exploration-satellite ("EES") (Earth-to-space), both on a primary basis, in the 40.0-40.5 GHz band; and (3) EES (space-to-Earth) on a secondary basis in the 40.0-40.5 GHz band. These allocations will allow certain additional Government operations in the band. In addition, the Commission also reallocates the 42.5-43.5 GHz band for exclusive Government use, except for radio astronomy, and the 47.2-48.2 GHz band for exclusive non-Government use to better meet the needs of Government and commercial operators in this band.

5. In the NPRM the Commission proposed a band plan that would establish an overall framework for operations in the 36.0-51.4 GHz band. The Commission considered such a framework necessary because of the various competing proposals involving frequencies in this band, the two ongoing rulemaking proceedings, and the difficulties inherent in sharing between ubiquitous wireless and satellite services. The Commission stated that a band plan would clarify the relationship among the various ongoing proceedings, ensure that all proposed uses were given due consideration, and help to foster better business planning and expeditious development of this spectrum. In the NPRM, the Commission proposed to designate 4 gigahertz of spectrum for FSS on a primary basis and 5.6 gigahertz for wireless services on a primary basis out of a total of 15.4 gigahertz of spectrum

in the band. The Commission also proposed to revise the U.S. Table of Frequency Allocations, as necessary, to accommodate the proposed designations. In response to a request by NTIA, the Commission also proposed to adopt new Government allocations in the 37.0–38.0 GHz and 40.0–40.5 GHz bands.

6. In developing the proposed band plan, the Commission considered the requirements of existing licensees as well as the requirements for both wireless and satellite services as stated in pending applications and proposals. Furthermore, noting that much of the band is allocated on a co-primary basis for both Government and non-Government use, the Commission requested comment on the practicality of sharing with Government users. The Commission also stated that service and licensing rules for specific bands and specific designations for wireless services would be the subject of separate ongoing or future rulemaking proceedings. The Commission subsequently opened a satellite filing window from July 22, 1997 through September 26, 1997 for the 36.0–51.4 GHz band, during which 15 satellite applications were filed.

7. On September 24, 1998, NTIA filed a letter proposing that the 42.5–43.5 GHz band be reallocated for exclusive Government use and the 47.2–48.2 GHz band be reallocated for exclusive non-Government use. NTIA stated that these reallocations would address Government spectrum requirements in the 40 GHz band, while assuring commercial bidders that the 47 GHz band would remain usable for commercial operations. The request was placed on Public Notice and 4 comments were filed. This proposal was adopted by the Order.

### Final Regulatory Flexibility Analysis

8. As required by the Regulatory Flexibility Act ("RFA"),<sup>1</sup> an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the Notice of Proposed Rule Making ("NPRM") in IB Docket No. 97–95.<sup>2</sup> The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. This present Final Regulatory Flexibility Analysis ("FRFA") conforms to the RFA.<sup>3</sup>

<sup>1</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> See 12 FCC Rcd 10130, 10149 (1997).

<sup>3</sup> See 5 U.S.C. 604.

### A. Need for and Objective of the Rules

9. In this Report and Order the Commission provides a broad plan for use of the 36.0–51.4 GHz band that we intend to follow in developing domestic services using this spectrum in order to foster better business planning and expeditious commercial development of this spectrum. We allocate spectrum for fixed-satellite uses, and wireless services in a manner that minimizes disruption to existing services.

### B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

10. No comments were submitted in direct response to the IRFA.

### C. Description and Estimates of the Number of Small Entities to Which the Rules Will Apply

11. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>4</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>5</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA").

12. The Commission has not developed a definition of small entities specifically applicable to FSS licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration ("SBA") rules applicable to Communications Services, Not Elsewhere Classified. This definition provides that a small entity is one with no more than \$11.0 million in annual receipts.<sup>6</sup> According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of \$11 million or less and qualify as small entities.<sup>7</sup> We note

<sup>4</sup> *Id.* 601(6).

<sup>5</sup> 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." 5 U.S.C. 601(3).

<sup>6</sup> 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

<sup>7</sup> U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation,

that new services will be permitted under the adopted designations for FSS, and we are unable at this time to provide a more precise estimate of how many potential small entities will be providing these services.

13. As described, the designations we hereby adopt will also permit wireless services to use this spectrum. The Commission has not developed a definition of small entities applicable to wireless services licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons.<sup>8</sup> According to the Bureau of the Census, only twelve radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.<sup>9</sup> We note that new services will be permitted under the adopted designations for wireless services, and we are unable at this time to provide a more precise estimate of how many potential small entities will be providing these services, or which wireless services will be utilized.

### D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

14. The Commission has adopted rules in this Order that involve no reporting requirements at this time. Final service and licensing rules will be proposed at a later date.

### E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The NPRM solicited comment on other alternatives such as other mechanisms of Government/non-Government sharing in those bands proposed primarily for FSS uses. The NPRM also requested comment on whether a sufficient amount of spectrum had been designated for wireless and satellite services or whether a different split would be better.

16. This Order should positively impact both large and small businesses by providing additional spectrum in which to provide services. Our decisions do not displace incumbent operators. We will be able to address small business concerns regarding specific sub-bands as we proceed to

Communications, and Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms: 1992, SIC Code 4899 (issued May 1995).

<sup>8</sup> 13 CFR 121.201, SIC code 4812.

<sup>9</sup> 1992 Census, Series UC92–S–1, at Table 5, SIC code 4812.



| International table   |   |   | United States table   |  | FCC use designators  |                         |                                       |  |
|---|---|---|---|--|--|-------------------------|---------------------------------------|--|
| Region 1—allocation GHz   | Region 2—allocation GHz   | Region 3—allocation GHz   | Government  | Non-Government   | Rule part(s)   | Special-use frequencies |                                       |  |
| (1)   | (2)   | (3)   | Allocation GHz  | Allocation GHz   |  |                         |                                       |  |
| (1)   | (2)   | (3)   | (4)   | (5)  | (6)  | (7)                     |                                       |  |
| FIXED<br>FIXED-SATELLITE<br>(space-to-Earth)<br><br>MOBILE<br><br>SPACE RE-<br>SEARCH<br>(space-to-Earth)<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)                           | FIXED<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br><br>SPACE RE-<br>SEARCH<br>(space-to-Earth)<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)                           | FIXED<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br><br>SPACE RE-<br>SEARCH<br>(space-to-Earth)<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)                           | FIXED<br>MOBILE<br><br>SPACE RE-<br>SEARCH<br>(space-to-Earth)  | FIXED<br>MOBILE<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)   | SATELLITE COM-<br>MUNICATIONS<br>(25)  |                         |                                       |  |
| 38.0–38.6<br>FIXED<br>FIXED-SATELLITE<br>(space-to-Earth)<br><br>MOBILE<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)   | 38.0–38.6<br>FIXED<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)   | 38.0–38.6<br>FIXED<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)   | 38.0–38.6<br>FIXED<br>MOBILE  | 38.0–38.6<br>FIXED<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE  |  |                         | SATELLITE COM-<br>MUNICATION<br>(25)  |  |
| 38.6–39.5<br>FIXED<br><br>FIXED-SATELLITE<br>(space-to-Earth)<br><br>MOBILE<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)   | 38.6–39.5<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)   | 38.6–39.5<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)   | 38.6–39.5<br><br>US291  | 38.6–39.5<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>US291   |  |                         |                                       |  |
| 39.5–40.0<br>FIXED<br><br>FIXED-SATELLITE<br>(space-to-Earth)<br><br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)           | 39.5–40.0<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)           | 39.5–40.0<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)<br>Earth Exploration-<br>Satellite (space-<br>to-Earth)           | 39.5–40.0<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)<br><br>US291 G117  | 39.5–40.0<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)<br>US291 | FIXED MICRO-<br>WAVE SERV-<br>ICES (101)<br>Auxiliary Broad-<br>casting (74) |                         |                                       |  |
| 40.0–40.5<br><br>EARTH EXPLO-<br>RATION-SAT-<br>ELLITE (space-<br>to-Earth)<br>FIXED<br><br>FIXED-SATELLITE<br>(space-to-Earth)<br><br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth) | 40.0–40.5<br><br>EARTH EXPLO-<br>RATION-SAT-<br>ELLITE (Earth-<br>to-space)<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth) | 40.0–40.5<br><br>EARTH EXPLO-<br>RATION-SAT-<br>ELLITE (Earth-<br>to-space)<br>FIXED<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth) | 40.0–40.5<br><br>EARTH EXPLO-<br>RATION-SAT-<br>ELLITE (Earth-<br>to-space)<br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)<br><br>SPACE RE-<br>SEARCH<br>(Earth-to-space) | 40.0–40.5<br><br>FIXED-SAT-<br>ELLITE (space-<br>to-Earth)<br><br>MOBILE-SAT-<br>ELLITE (space-<br>to-Earth)                         |  |                         | SATELLITE COM-<br>MUNICATIONS<br>(25) |  |

| International table  |  |  | United States table  |  | FCC use designators           |                         |
|--|--|--|--|--|-------------------------------|-------------------------|
| Region 1—allocation GHz  | Region 2—allocation GHz  | Region 3—allocation GHz  | Government   | Non-Government   | Rule part(s)                  | Special-use frequencies |
| (1)  | (2)  | (3)  | Allocation GHz   | Allocation GHz   |                               |                         |
| (1)  | (2)  | (3)  | (4)  | (5)  | (6)                           | (7)                     |
| SPACE RE-SEARCH (Earth-to-space)<br>Earth Exploration-Satellite (space-to-Earth)   | SPACE RE-SEARCH (Earth-to-space)<br>Earth Exploration-Satellite (space-to-Earth)   | SPACE RE-SEARCH (Earth-to-space)<br>Earth Exploration-Satellite (space-to-Earth)   | Earth Exploration-Satellite (space-to-Earth)<br>G117   |  |                               |                         |
| 40.5–41.0<br>BROADCASTING-SATELLITE<br><br>BROADCASTING Fixed<br><br>Mobile  | 40.5–41.0<br>BROADCASTING-SATELLITE<br><br>BROADCASTING Fixed<br><br>Mobile  | 40.5–41.0<br>BROADCASTING-SATELLITE<br><br>BROADCASTING Fixed<br><br>Mobile  | 40.5–41.0<br><br><br>US211   | 40.5–41.0<br>BROADCASTING-SATELLITE<br><br>BROADCASTING FIXED-SATELLITE (space-to-Earth)<br>Fixed<br>US211 | SATELLITE COMMUNICATIONS (25) |                         |
| 41.0–42.5<br>BROADCASTING-SATELLITE<br>BROADCASTING Fixed<br>Mobile  | 41.0–42.5<br>BROADCASTING-SATELLITE<br>BROADCASTING Fixed<br>Mobile  | 41.0–42.5<br>BROADCASTING-SATELLITE<br>BROADCASTING Fixed<br>Mobile  | 41.0–42.5<br><br><br>US211   | 41.0–42.5<br>BROADCASTING-SATELLITE<br>BROADCASTING Fixed<br>Mobile<br>US211                               |                               |                         |
| 42.5–43.5<br>FIXED<br><br>FIXED-SATELLITE (Earth-to-space) S5.552<br><br>MOBILE except aeronautical mobile<br>RADIO ASTRONOMY S5.149 | 42.5–43.5<br>FIXED<br><br>FIXED-SATELLITE (Earth-to-space) S5.552<br><br>MOBILE except aeronautical mobile<br>RADIO ASTRONOMY S5.149 | 42.5–43.5<br>FIXED<br><br>FIXED-SATELLITE (Earth-to-space) S5.552<br><br>MOBILE except aeronautical mobile<br>RADIO ASTRONOMY S5.149 | 42.5–43.5<br>FIXED<br><br>FIXED-SATELLITE (Earth-to-space)<br><br>MOBILE except aeronautical mobile<br>RADIO ASTRONOMY US342 | 42.5–43.5<br>RADIO ASTRONOMY   |                               |                         |
| 43.5–45.5<br>MOBILE S5.553<br><br>MOBILE-SATELLITE<br><br>RADIO-NAVIGATION<br>RADIO-NAVIGATION-SATELLITE S5.554                      | 43.5–45.5<br>MOBILE S5.553<br><br>MOBILE-SATELLITE<br><br>RADIO-NAVIGATION<br>RADIO-NAVIGATION-SATELLITE S5.554                      | 43.5–45.5<br>MOBILE S5.553<br><br>MOBILE-SATELLITE<br><br>RADIO-NAVIGATION<br>RADIO-NAVIGATION-SATELLITE S5.554                      | 43.5–45.5<br>FIXED-SATELLITE (Earth-to-space)<br>MOBILE-SATELLITE (Earth-to-space)<br><br><br>G117                           | 43.5–45.5  |                               |                         |
| 45.5–46.9<br>MOBILE S5.553<br><br>MOBILE-SATELLITE<br><br>RADIO-NAVIGATION<br>RADIO-NAVIGATION-SATELLITE S5.554                      | 45.5–46.9<br>MOBILE S5.553<br><br>MOBILE-SATELLITE<br><br>RADIO-NAVIGATION<br>RADIO-NAVIGATION-SATELLITE S5.554                      | 45.5–46.9<br>MOBILE S5.553<br><br>MOBILE-SATELLITE<br><br>RADIO-NAVIGATION<br>RADIO-NAVIGATION-SATELLITE S5.554                      | 45.5–46.9<br>MOBILE<br><br>MOBILE-SATELLITE (Earth-to-space)<br><br>RADIO-NAVIGATION-SATELLITE S5.554                        | 45.5–46.9<br>MOBILE<br><br>MOBILE-SATELLITE (Earth-to-space)<br><br>RADIO-NAVIGATION-SATELLITE S5.554      | RADIO FREQUENCY DEVICES (15)  |                         |



3. In the International Footnotes under heading I. New "S" Numbering Scheme, add footnotes S5.340, S5.552, S5.553, S5.554, and S5.555 in numerical order to read as follows:

International Footnotes

\* \* \* \* \*

I. New "S" Numbering Scheme

\* \* \* \* \*

S5.340 All emissions are prohibited in the following bands:

- 1400–1427 MHz,
- 2690–2700 MHz except those provided for by Nos. S5.421 and S5.422,
- 10.68–10.7 GHz except those provided for by No. S5.483,
- 15.35–15.4 GHz except those provided for by No. S5.511,
- 23.6–24 GHz,
- 31.3–31.5 GHz,
- 31.5–31.8 GHz in Region 2,
- 48.94–49.04 GHz from airborne stations,
- 51.4–54.25 GHz,
- 58.2–59 GHz,
- 64–65 GHz,
- 86–92 GHz,
- 105–116 GHz,
- 140.69–140.98 GHz from airborne stations and from space stations in the space-to-Earth direction,
- 182–185 GHz except those provided for by No. S5.563,
- 217–231 GHz.

\* \* \* \* \*

S5.552 The allocation of the spectrum for the fixed-satellite service in the bands 42.5–43.5 GHz and 47.2–50.2 GHz for Earth-to-space transmission is greater than that in the band 37.5–39.5 GHz for space-to-Earth transmission in order to accommodate feeder links to broadcasting satellites. Administrations are urged to take all practicable steps to reserve the band 47.2–49.2 GHz for feeder links for the broadcasting-satellite service operating in the band 40.5–42.5 GHz.

S5.553 In the bands 43.5–47 GHz, 66–71 GHz, 95–100 GHz, 134–142 GHz, 190–200 GHz and 252–265 GHz, stations in the land mobile service may be operated subject to not causing harmful interference to the space radiocommunication services to which these bands are allocated (see No. S5.43).

S5.554 In the bands 43.5–47 GHz, 66–71 GHz, 95–100 GHz, 134–142 GHz, 190–200 GHz and 252–265 GHz, satellite links connecting land stations at specified fixed points are also authorized when used in conjunction with the mobile-satellite service or the radionavigation-satellite service.

S5.555 Additional allocation: the bands 48.94–49.04 GHz, 97.88–98.08

GHz, 140.69–140.98 GHz, 144.68–144.98 GHz, 145.45–145.75 GHz, 146.82–147.12 GHz, 250–251 GHz and 262.24–262.76 GHz are also allocated to the radio astronomy service on a primary basis.

\* \* \* \* \*

4. In the International Footnotes under heading II. Old Numbering Scheme, remove footnotes 898, 899, 900, and 901.

5. In the United States (US) Footnotes Add footnote US342 as follows:

United States (US) Footnotes

\* \* \* \* \*

US342 In making assignments to stations of other services to which the bands:

- 13360–13410 kHz
- 37.5–38.25 MHz
- 322–328.6 MHz\*
- 1330–1400 MHz\*
- 1610.6–1613.8 MHz\*
- 1660–1670 MHz
- 3260–3267 MHz\*
- 3332–3339 MHz\*
- 3345.8–3352.5 MHz\*
- 4825–4835 MHz\*
- 14.47–14.5 GHz\*
- 22.01–22.21 GHz\*
- 22.21–22.5 GHz
- 22.81–22.86 GHz\*
- 23.07–23.12 GHz\*
- 31.2–31.3 GHz
- 36.43–36.5 GHz\*
- 42.5–43.5 GHz
- 48.94–49.04 GHz\*
- 97.88–98.08 GHz\*
- 140.69–140.98 GHz\*
- 144.68–144.98 GHz\*
- 145.45–145.75 GHz\*
- 146.82–147.12 GHz\*
- 262.24–262.76 GHz\*
- 265–275 GHz

are allocated (\* indicates radio astronomy use for spectral line observations), all practicable steps shall be taken to protect the radio astronomy service from harmful interference. Emissions from spaceborne or airborne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343/S4.5 and 344/S4.6 and Article 36/S29 of the ITU Radio Regulations).

\* \* \* \* \*

**PART 25—SATELLITE COMMUNICATIONS**

1. The authority citation for Part 25 continues to read as follows:

**Authority:** 47 U.S.C. 701–744. Interprets or applies sec. 303, 47 U.S.C. 303. 47 U.S.C. sections 154, 301, 302, 303, 307, 309, and 332, unless otherwise noted.

2. The table and footnotes in paragraph 25.202(a)(1) are revised to read as follows:

**§ 25.202 Frequencies, frequency tolerance and emission limitations.**

(a)(1) Frequency bands. The following frequencies are available for use by the fixed-satellite service. Precise frequencies and bandwidths of emission shall be assigned on a case-by-case basis.

| Space-to-Earth (GHz)      | Earth-to-space (GHz)     |
|---------------------------|--------------------------|
| 3.7–4.2 <sup>1</sup>      | <sup>1</sup> 5.925–6.425 |
| <sup>1,2</sup> 10.95–11.2 | <sup>4</sup> 13.75–14.0  |
| <sup>1,2</sup> 11.45–11.7 | <sup>5</sup> 14.0–14.2   |
| 11.7–12.2 <sup>3</sup>    | 14.2–14.5                |
| 17.7–19.7 <sup>1</sup>    | <sup>1</sup> 27.5–29.5   |
| 19.7–20.2                 | 29.5–30.0                |
| 37.6–38.6                 | 48.2–50.2                |
| 40.0–41.0                 |                          |

<sup>1</sup> This band is shared coequally with terrestrial radiocommunication services.

<sup>2</sup> Use of this band by the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

<sup>3</sup> Use of this band by the fixed-satellite service in Region 2 is limited to national and sub-regional systems. Fixed-satellite transponders may be used additionally for transmissions in the broadcasting-satellite service.

<sup>4</sup> This band is shared on an equal basis with the Government radiolocation service, grandfathered space stations in the Tracking and Data Relay Satellite System, and until January 1, 2000, spaceborne sensors.

<sup>5</sup> In this band, stations in the radionavigation service shall operate on a secondary basis to the fixed-satellite service.

\* \* \* \* \*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 54**

[CC Docket No. 96–45; FCC 98–346]

**Federal-State Joint Board on Universal Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, we grant the Rural Health Care Corporation's request to reconsider the Commission's decision regarding the funding year for the rural health care universal service support mechanism. We conclude that the public interest will be served by changing the funding year for the rural health care universal service support mechanism from a calendar year cycle (January 1–December 31) to a fiscal year cycle (July 1–June 30), and extending the first funding year by six months to June 30, 1999. Moreover, we conclude that the transition to a fiscal year cycle should be implemented immediately. The intended effect is to have the