

# THE NATIONAL LAW REVIEW

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## Telecom Alert - NPRM on Spectrum Partitioning, Disaggregation and Leasing; Spectrum Horizons Order; 900 MHz NPRM; 800 MHz Update; 911 Location Accuracy Rules - Vol. XIV, Issue 11

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### FCC to Explore Changes to Partitioning, Disaggregation, and Spectrum Leasing Rules

On March 15, the FCC adopted a [Notice of Proposed Rulemaking](#) (NPRM) to evaluate how changes to its partitioning, disaggregation, and spectrum leasing rules might further the Commission's goals of closing the digital divide and increasing spectrum access in rural areas. Additionally, the NPRM seeks comment on certain considerations delineated in the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless (MOBILE NOW) Act, and whether to allow "reaggregation" for spectrum that has been partitioned or disaggregated on the secondary market.

### Promotion of Spectrum Above 95 GHz

The FCC adopted the [Spectrum Horizons First Report and Order](#) on March 15 to encourage technological development and deployment of services in the spectrum above 95 GHz. This follows an [NPRM](#) adopted in February 2018 ([Vol. XV, Issue 15](#)). The Order provides opportunities for new experimental and unlicensed use in the frequencies above 95 GHz, including making 21.2 GHz available for unlicensed use. In his [blog post](#), FCC Chairman Pai stated that this action will, "add a new experimental license type that would permit experimental use on any frequency from 95 GHz to 3 THz, with no limits on geography or technology." In the [Press Release](#), the Commission stated that "study of these uses could ultimately lead to further rulemaking actions and additional licensing opportunities within the Spectrum Horizons bands."

### 900 MHz NPRM

On March 12, the FCC adopted a [NPRM](#) that will reconfigure the 900 MHz band to facilitate a 3 x 3 MHz broadband sub-band through voluntary negotiations with current 900 MHz narrowband licensees, relocating these narrowband incumbent operations to the remaining 2 x 2 of the 900 MHz band ([Vol. XVI, Issue 8](#)). The 900 MHz band is currently designated for narrowband Private Land Mobile Radio (PLMR) communications of Business/Industrial/Land Transportation (B/ILT) licensees and for Specialized Mobile Radio (SMR) providers. The principal narrowband, site-based licensees in the 900 MHz band are utilities and operators of major petroleum refining and petrochemical facilities, typically deploying systems having several thousand mobile units.

### 800 MHz Expansion/Guard Band Access Update

The FCC's [Report and Order](#) updating its rules governing spectrum capacity in the 800 MHz and other Private Land Mobile Radio (PLMR) bands took effect after publication in the [Federal Register](#) on December 27, 2018. Many frequency coordinators began accepting applications for 800 MHz Expansion and Guard Band (EB/GB) channels shortly thereafter ([Vol. XVI, Issue 10](#)). The new 800 MHz channels and PLMR Central Station Alarm channels will be unavailable until FCC announcement and Office of Management and Budget (OMB) approval,



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respectively ([Vol. XVI, Issue 3](#)). We understand frequency coordinators will continue accepting applications, but will not submit them to the Commission until the FCC issues further guidance.

## **New 9-1-1 Vertical Location Accuracy Rules**

On March 15, the FCC considered a [Fourth Further Notice of Proposed Rulemaking](#) that would help first responders more accurately locate individuals who make wireless 9-1-1 calls from multi-story buildings by assisting 9-1-1 call centers in identifying the floor levels where such calls occur ([Vol. XVI, Issue 8](#)). In the Further Notice, the Commission proposed that a vertical or “z-axis” location accuracy metric of plus or minus three meters would be sufficiently accurate to identify callers’ floor levels in most cases and feasible under the timeframes set forth in the FCC’s [Enhanced 911](#) (E911) rules.

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