

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of the Commission's)	ET Docket No. 95-183
Rules Regarding the 37.0-38.6 GHz and)	RM-8553
38.6-40.0 GHz Bands)	
)	
Implementation of Section 309(j) of the)	PP Docket No. 93-253
Communications Act -- Competitive)	
Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz)	

**FURTHER ERRATUM TO REPORT AND ORDER AND SECOND
NOTICE OF PROPOSED RULE MAKING**

Released: February 27, 1998

By the Chief, Wireless Telecommunications Bureau:

This Erratum corrects a portion of the final rules adopted in the *Report and Order and Second Notice of Proposed Rule Making* in the above-captioned proceeding, FCC 97-391 (released November 3, 1997), 12 FCC Rcd 18600 (1997). A summary of the *Report and Order*, including the final rules, was published in the Federal Register on February 6, 1998 at 63 Fed. Reg. 6079 (1998).

1. Section 1.2102, as revised in the *Report and Order and Second Notice of Proposed Rule Making* in the above-captioned proceeding, is corrected to conform to the recent amendment of Section 1.2102 in *Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Third Report and Order and Second Further Notice of Proposed Rule Making*, FCC 97-413 (released December 31, 1997), 13 FCC Rcd 374 (1998), published in the Federal Register at 63 Fed. Reg. 2315, 2340 (January 15, 1998).

As corrected, Section 1.2102 reads as follows:

§ 1.2102 Eligibility of Applications for Competitive Bidding.

(a) Mutually exclusive initial applications are subject to competitive bidding.

- (b) The following types of license applications are not subject to competitive bidding procedures:
- (1) Public safety radio services, including private internal radio services used by state and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that
 - (i) Are used to protect the safety of life, health, or property; and
 - (ii) Are not commercially available to the public;
 - (2) Initial licenses or construction permits for digital television service given to existing terrestrial broadcast licensees to replace their analog television service licenses; or
 - (3) Noncommercial educational and public broadcast stations described under 47 U.S.C. § 397(6).

Note to § 1.2102: To determine the rules that apply to competitive bidding, specific service rules should also be consulted.

FEDERAL COMMUNICATIONS COMMISSION

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