

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Amendment of Parts 2 and 25 of the Commission's
Rules to Permit Operation of NGSO FSS Systems
Co-Frequency with GSO and Terrestrial Systems in
the Ku-Band Frequency Range;
Amendment of the Commission's Rules to Authorize
Subsidiary Terrestrial Use of the
12.2-12.7 GHz Band by Direct Broadcast Satellite
Licensees and Their Affiliates; and
Applications of Broadwave USA,
PDC Broadband Corporation, and
Satellite Receivers, Ltd. to Provide
A Fixed Service in the 12.2-12.7 GHz Band
ET Docket No. 98-206
RM-9147
RM-9245

ERRATUM

Released: February 9, 2004

By the Chief, Broadband Division:

1. On July 7, 2003, the Commission released a Third Report and Order (FCC 03-152) in the above captioned proceeding. In the Third Report and Order, the Commission changed the service area definition for the Multichannel Video Distribution and Data Service (MVDDS) from Component Economic Areas (CEAs) to Designated Market Areas (DMAs). The Order amended Section 101.1401 of the Commission's Rules to reflect this change, but inadvertently did not amend Section 101.1412(d). Section 101.1412 addresses the eligibility restrictions for cable operators, and refers to CEAs rather than DMAs in determining whether there is a significant overlap in service area for cable operators. Therefore, with this Erratum, we correct Section 101.1412(d) to conform to the text of the Third Report and Order to be consistent with the change in service area to DMAs, as stated in Section 101.1401 of the Commission's Rules.

2. Section 101.1412(d) is added to Appendix B of the Third Report and Order, and amended to read as follows:

§ 101.1412 MVDDS eligibility restrictions for cable operators.

* * * * *

(d) Significant overlap with service area. For purposes of paragraph (a) of this section, significant overlap occurs when cable operator's subscribers in a DMA make up thirty-five percent or more of the households in that DMA.

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3. Accordingly, IT IS ORDERED that this Erratum is issued pursuant to Section 0.331 of the Commission's rules on delegated authority, 47 C.F.R. § 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Broadband Division
Wireless Telecommunications Bureau