



PUBLIC NOTICE

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ESTIMATE OF SYSTEMS OF COMPETITIVE BIDDING FOR FISCAL YEAR 2019

The Wireless Telecommunications Bureau (the Bureau) provides this estimate regarding upcoming systems of competitive bidding, pursuant to Section 309(j)(18) of the Communications Act of 1934, as amended.¹ The Bureau estimates that the systems of competitive bidding listed below may be initiated during the 12-month period following September 30, 2018. More detailed information concerning each of these matters has been and/or will be provided through orders and public notices.²

Auction 100. Pending mutually exclusive applications that have been filed by eligible AM broadcast licensees or permittees seeking a new cross-service FM translator to re-transmit their station signal full time are slated to be resolved in Auction 100 (if not resolved earlier pursuant to the alternative opportunities described below).³ Each Auction 100 applicant was permitted to designate any non-reserved FM channel (Channels 221-300, 92.1-107.9 MHz) for its proposed cross-service FM translator to provide fill-in service.⁴ Pursuant to the Commission's rules for the processing of applications for permits in certain broadcast services, applicants whose proposals were determined to be mutually exclusive have been provided with limited opportunities to resolve mutually exclusive applications by the filing of technical amendments, dismissal requests, and requests for approval of settlement agreements.⁵

¹ Section 309(j)(18) provides as follows:

(A) Not later than September 30, 2018, and annually thereafter, the Commission shall make publicly available an estimate of what systems of competitive bidding authorized under this subsection may be initiated during the upcoming 12-month period.

(B) The estimate under subparagraph (A) shall, to the extent possible, identify the bands of frequencies the Commission expects to be included in each such system of competitive bidding.

47 U.S.C. § 309(j)(18). This provision was added by the RAY BAUM'S Act, Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Division P, the Repack Airwaves Yielding Better Access for Users of Modern Services Act (RAY BAUM'S Act).

² This estimate should not be viewed as a substitute for information provided about these matters in Commission releases establishing rules, procedures, dates, and deadlines, along with other pertinent information, which can be found on the Commission's website and through the Electronic Document Management System (EDOCS) database.

³ *Filing Instructions for Second Cross-Service FM Translator Auction Filing Window for AM Broadcasters (Auction 100) to Be Open January 25 – January 31, 2018; Freeze on FM Translator and Low-Power FM Station Minor Change Applications and FM Booster Applications January 18 – January 31, 2018*, Public Notice, 32 FCC Rcd 10173, 10174, 10175, paras. 1-2, 5 (MB/WTB 2017).

⁴ *Id.* at 10175, para. 6.

⁵ *See* 47 CFR § 73.5002(c)–(e).

After such opportunities, bidding in Auction 100 will be announced by public notice so that applications that remain mutually exclusive can proceed to auction.⁶

Auction 101. Auction 101 will offer 3,072 Upper Microwave Flexible Use Service (UMFUS) licenses in the 28 GHz band on a county basis.⁷ The 28 GHz band will be licensed as two 425-megahertz blocks (27.500–27.925 GHz and 27.925–28.350 GHz).⁸ The Commission has established procedures under which auction applications are to be filed and bidding will be conducted for Auction 101.⁹ Bidding for Auction 101 is currently scheduled to commence on November 14, 2018.¹⁰

Auction 102. Auction 102 will offer 2,912 UMFUS licenses in the 24 GHz band on a Partial Economic Area (PEA) basis.¹¹ The lower segment of the 24 GHz band (24.25–24.45 GHz) will be licensed as two 100-megahertz blocks, while the upper segment (24.75–25.25 GHz) will be licensed as five 100-megahertz blocks.¹² In the same public notice governing Auction 101, the Commission established procedures under which auction applications are to be filed and bidding will be conducted for Auction 102.¹³ The start date for bidding in Auction 102 will be announced after the conclusion of bidding in Auction 101.¹⁴

Systems of Competitive Bidding for Other Millimeter Wave Bands. The Commission recently proposed and sought comment on establishing rules to facilitate the reconfiguration of existing licensed spectrum in the 39 GHz (38.6–40 GHz) band into contiguous blocks so as to offer through an incentive auction new licenses in the 39 GHz and Upper 37 GHz (37.6–38.6 GHz) bands that will be conducive to wireless broadband, including 5G service.¹⁵ In addition, the Commission proposed to modify the band plans for the Upper 37 GHz and 39 GHz bands, as well as the for the portion of the 47 GHz band licensed under the UMFUS rules (47.2-48.2 GHz), from 200 megahertz to 100 megahertz channels, which would provide a consistent licensing plan across the three bands.¹⁶ The Chairman has indicated that the

⁶ See, e.g., *Settlement Period Announced for Certain FM Translator Mutually Exclusive Applications; Technical Amendments and Settlement Agreements Due by September 20, 2018*, Public Notice, DA 18-907, at 1, para. 2 (MB Sept. 6, 2018).

⁷ *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auctions 101 (28 GHz) and 102 (24 GHz); Bidding in Auction 101 Scheduled to Begin November 14, 2018*, Public Notice, FCC 18-109, at 5, para. 6 (Aug. 3, 2018) (*Auctions 101 and 102 Procedures Public Notice*); see also *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 8014, 8029, para. 35 (2016) (adopting counties as the license area size for the UMFUS licenses in the 28 GHz band).

⁸ *Auctions 101 and 102 Procedures Public Notice*, FCC 18-109, at 5, para. 6.

⁹ See generally *id.*

¹⁰ *Id.* at 3, para. 2.

¹¹ *Id.* at 5, para. 7; see also *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services et al.*, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988, 10998, para. 28 (2017) (adopting PEAs as the license area size for the UMFUS licenses in the 24 GHz band).

¹² *Auctions 101 and 102 Procedures Public Notice*, FCC 18-109, at 5, para. 7.

¹³ See generally *id.*

¹⁴ *Id.* at 1, para. 2.

¹⁵ See *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, Fourth Further Notice of Proposed Rulemaking in GN Docket No. 14-177, FCC 18-110, at 1-2, 6, paras. 1-2, 15, 16 (Aug. 3, 2018).

¹⁶ *Id.* at 4, 5-6, paras. 9, 11-12.

Commission would move forward with a single auction of the 37 GHz, 39 GHz, and 47 GHz bands in the second half of 2019, subject to the outcome of certain pending issues in GN Docket No. 14-177.¹⁷

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¹⁷ *See id.* at 28 (Statement of Chairman Ajit Pai (“As part of our strategy to extend U.S. leadership in 5G, we intend to hold a single auction of the upper 37 GHz, 39 GHz, and 47 GHz spectrum bands in the second half of 2019.”)).