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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE
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FCC ADOPTS NOTICE OF PROPOSED RULEMAKING ON SPECTRUM AGGREGATION LIMITS

Washington, D.C. – Following up on its recently released report on the 2000 biennial regulatory review, the Federal Communications Commission (FCC) last Friday adopted a Notice of Proposed Rulemaking (NPRM) to reexamine the need for Commercial Mobile Radio Services (CMRS) spectrum aggregation limits.

The NPRM undertakes a comprehensive review of the CMRS spectrum cap and the cellular cross-interest rule. The CMRS spectrum cap restricts the amount of broadband CMRS spectrum that an entity can hold within a particular geographic area. Specifically, under section 20.6 of the FCC's rules, no entity can have an attributable interest in more than 45 MHz (55 MHz in rural areas) of licensed broadband Personal Communications Service, cellular, or Specialized Mobile Radio spectrum with significant overlap in any geographic area. The cellular cross-interest rule limits the ability of an entity to have ownership interests in both cellular carriers in overlapping cellular geographic service areas.

In the NPRM, the FCC seeks comment on whether the CMRS spectrum cap and the cellular cross-interest rule should be eliminated, modified, or retained, based on the public interest standard set forth under section 11 of the Communications Act. The NPRM examines domestic competitive changes in CMRS markets, spectrum management considerations, as well as international trends since September 1999, when the FCC concluded its first biennial review of these regulations. The NPRM invites comment on the objectives that these regulations were designed to achieve and whether there are other alternatives that avoid any potential public interest costs such as inhibiting the development of advanced wireless services.

Action by the Commission, January 19, 2001 by Notice of Proposed Rulemaking (FCC 01-28). Chairman Kennard, Commissioners Ness, Powell and Tristani, with Commissioner Furchtgott-Roth concurring and issuing a statement.

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