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FCC PROVIDES CERTAIN ADDITIONAL FLEXIBILITY TO FACILITATE VOLUNTARY CLEARING OF INCUMBENT BROADCASTERS IN THE UPPER 700 MHz BAND

WASHINGTON, DC – On reconsideration, the Federal Communications Commission (FCC) has affirmed its rules and granted certain additional flexibility to facilitate voluntary clearing of incumbent broadcasters in the 746-806 MHz (Upper 700 MHz) spectrum band. This action builds on previous decisions made pursuant to Congress's mandate that the Upper 700 MHz band be allocated for future use by commercial and public safety wireless licensees.

Television broadcast stations on Channels 60-69 currently occupy the Upper 700 MHz band and may continue to operate on these frequencies until at least December 31, 2006. However, Congress has also directed the Commission to auction commercial spectrum in the band prior to the time that broadcasters are required to vacate. Acknowledging that there are strong public interest benefits favoring comprehensive band-clearing agreements, the FCC has modified its policies to provide certain additional flexibility to facilitate the development of voluntary band-clearing arrangements between incumbent broadcasters and new commercial wireless interests.

The adopted item addresses petitions for reconsideration that were filed in response to the FCC's Third Report and Order in this proceeding. The Commission generally affirmed its earlier decisions that are intended to accommodate voluntary band-clearing agreements among incumbent broadcasters and new commercial wireless interests. The FCC also made adjustments to certain DTV-related rules and policies for broadcasters participating in band-clearing agreements. In particular, the Commission granted petitioners' request to allow a broadcaster that gives up one of its channels to accommodate band clearing the flexibility to continue to operate in analog mode and convert to DTV at any time up until December 31, 2005 and seek further extension of the DTV construction deadline if less than 70% of the television households in its market are capable of receiving DTV signals. The FCC also granted such broadcasters limited relief from DTV policies regarding interference protection of non-replicated service areas, and established a 90-day processing timeline for modification applications filed in connection with band-clearing arrangements. Finally, the FCC rejected arguments by a petitioner seeking to reverse its interference protection policies in connection with band-clearing arrangements.

This decision is intended to promote greater regulatory certainty to facilitate market-based, voluntary band-clearing arrangements between incumbent broadcasters and new wireless interests.

Action by the Commission September 7, 2001, by Order on Reconsideration of the Third Report and Order (FCC 01-258). Chairman Powell, Commissioners Abernathy and Martin, Commissioners Tristani and Copps concurring, and Commissioners Tristani, Abernathy, Copps and Martin issuing separate statements.

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