



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC ADDRESSES RULES GOVERNING COMMERCIAL WIRELESS AND PUBLIC SAFETY LICENSES IN THE 700 MHz SPECTRUM BAND

Washington, D.C. – Today, the Federal Communications Commission (FCC) adopted a Report and Order (Order) and Further Notice of Proposed Rulemaking (Further Notice) that address rules governing wireless licenses in the 698-806 MHz spectrum band, commonly referred to as the “700 MHz Band.” This spectrum is currently occupied by television broadcasters during the digital television (DTV) transition and will be made fully available for wireless services, including public safety and commercial services, when the DTV transition is completed on February 17, 2009.

The FCC has been considering rules related to the use of the 700 MHz Band spectrum in three ongoing proceedings: (1) the 700 MHz Commercial Services proceeding, (2) the 700 MHz Guard Bands proceeding, and (3) the 700 MHz Public Safety proceeding. Today’s Order and Further Notice address issues in all three proceedings. These decisions and proposals will allow the FCC to offer a variety of licenses in the 700 MHz auction and facilitate the provision of new and innovative services to consumers across the country, as well as clearing the path for nationwide, interoperable wireless broadband services for the public safety community.

The FCC took several actions related to the commercial services portions of the 700 MHz Band in today’s Order. The FCC adopted a mix of geographic area sizes for licensing the spectrum – including Cellular Market Areas (CMAs), Economic Areas (EAs) and Regional Economic Area Groupings (REAGs) – and established rules related to power limits and other technical issues, as well as initial license terms. In addition, the FCC applied 911/E911 and hearing aid compatibility rules to all commercial mobile radio services (CMRS) providers, regardless of the spectrum being used, to the extent the service meets the scope requirements in the FCC’s current rules. In the Further Notice, the FCC sought comment on performance requirements for the unauctioned licenses in the 700 MHz Band. In particular, the FCC sought comment on the use of geographic build-out requirements. Comment is also sought on several proposals to modify the 700 MHz band plan, including proposals recently filed by Frontline Wireless, LLC, and various public interest groups.

With regard to the 700 MHz Guard Bands, the FCC adopted provisions to encourage the efficient and effective use of the Guard Band spectrum. The FCC replaced the existing Guard Band Manager leasing rules with the spectrum leasing policies established in the FCC’s

Secondary Markets proceeding, providing Guard Band licensees with greater flexibility. In addition, the FCC tentatively concluded that it would not adopt certain Guard Band proposals advanced by parties seeking a restructuring of the existing Upper 700 MHz band plan, and sought comment on a proposal recently filed by Access Spectrum/Pegasus.

With regard to the 700 MHz Public Safety spectrum, the FCC tentatively concluded that the current public safety wideband allocation should be revised such that only broadband applications consistent with a nationwide interoperability standard should be deployed on a going forward basis. The FCC also tentatively concluded that it should consolidate the 700 MHz Public Safety spectrum, by combining the narrowband spectrum at the upper portion of the public safety allocation and the broadband spectrum at the lower portion. Today's proposals, in conjunction with the FCC's proposal in the *700 MHz Public Safety Ninth Further Notice* to establish a national public safety licensee, further the FCC's goal of establishing nationwide interoperable wireless broadband for public safety.

Action by the Commission on April 25, 2007 by Report and Order and Further Notice of Proposed Rulemaking (FCC 07-72). Chairman Martin and Commissioners Copps, Adelstein, Tate, and McDowell. Separate statements issued by Chairman Martin and Commissioners Copps, Adelstein, Tate, and McDowell.

For additional information on the commercial services portion of the 700 MHz Band, contact Paul D'Ari at (202) 418-1550 or Paul.Dari@fcc.gov. For additional information on the public safety portion of the 700 MHz Band, contact Jeff Cohen at (202) 418-0799 or Jeff.Cohen@fcc.gov. For additional information on the 700 MHz Guard Bands, contact Paul Moon at (202) 418-1793 or Paul.Moon@fcc.gov.

WT Docket Nos. 06-150, 01-309, 03-264, 06-169, and 96-86
CC Docket No. 94-102
PS Docket No. 06-229

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