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For Immediate Release**FCC ADOPTS NEW RULES TO INCREASE USE OF 4.9 GHZ
SPECTRUM BAND*****Greater Use Will Promote Availability and Affordability of Equipment for
Underutilized Band***

WASHINGTON, September 30, 2020—The Federal Communications Commission today adopted rules permitting expanded use of 50 megahertz of mid-band spectrum in the 4.9 GHz (4940-4990 MHz) band that is currently underused. Under the new rules, states are allowed to lease this spectrum to third parties to boost wireless broadband, improve critical infrastructure monitoring, and facilitate public safety use cases. This will allow individual states to use the spectrum to best meet their unique needs.

In the 18 years since the FCC designated the 4.9 GHz band for public safety use, only about 3.5% of all potential licensees have taken advantage of this spectrum opportunity, and this spectrum remains largely unused outside major metropolitan areas. The rules adopted today establish a new framework that will empower eligible states to put 4.9 GHz band spectrum to its highest and best use and to allow new partnerships with electric utilities, FirstNet, and commercial operators to increase usage of this spectrum, while protecting existing public safety operations. And by expanding use of the 4.9 GHz band, the rules will facilitate the development of a more robust equipment market for the band, addressing a problem that to date hampered efforts to deploy service in the band.

The Report and Order permits one statewide 4.9 GHz band licensee per state to lease some or all of its spectrum rights to third parties—including commercial and public safety users—in those states that the FCC has not identified as a diverter of 911 fees. The Report and Order does not limit or modify the rights of any incumbent public safety licensees, so they will be able to continue to provide existing services. These new rules also eliminate the requirement that leased spectrum must be used to support public safety but would require lessees to adhere to the informal coordination requirements applicable to the band.

The Further Notice of Proposed Rulemaking also adopted today proposes a new state-based licensing regime for public safety operations in the band, which would complement the new leasing regime. The Further Notice proposes to make permanent the current freeze on new applications and grandfather all current public safety licensees. It also proposes to allow states without a statewide license to obtain such a license and seeks comment on the creation of a voluntary state band manager to coordinate operations in the band. Lastly, it seeks comment on additional ways to implement and facilitate robust use of the band, including steps to address expanded access in states that divert 911 fees, the use of dynamic spectrum sharing, and ways to encourage collaboration across jurisdictions.

Action by the Commission September 30, 2020 by Sixth Report and Order (FCC 20-137). Chairman Pai, Commissioners O’Rielly and Carr. Commissioners Rosenworcel and Starks dissenting. Chairman Pai, Commissioners O’Rielly, Carr, Rosenworcel, and Starks issuing separate statements.

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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).