



NEWS

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

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FCC MOVES A STEP CLOSER TO SOLVING NATION'S COMMUNICATIONS CHALLENGES CURRENTLY FACED BY AMERICA'S FIRST RESPONDERS

Creation of Nationwide, Interoperable Public Safety Broadband Network Would Enable Police, Fire and Medical Personnel to Communicate With Each Other in Emergencies, Disasters

Washington, D.C. – In a sustained commitment to help solve the nation's communications challenges currently faced by America's first responders, the Federal Communications Commission (FCC) today adopted a Third Further Notice of Proposed Rulemaking (Notice) that proposes licensing the 700 MHz D Block spectrum as part of a revised 700 MHz Public/Private partnership that will maximize the public safety and commercial benefits of a nationwide, interoperable broadband network in the 700 MHz band.

A primary goal of the Commission is to promote the deployment of a broadband network that provides maximum coverage to first responders across the country. Today's Notice proposes to retain a Public/Private Partnership framework for the 700 MHz band absent other sources of funding. Today's Notice proposes a modified set of rules to govern the D Block and a revised auction plan for assigning D Block licenses. Specifically, the FCC proposes to use the competitive bidding process to determine whether, based on greatest population coverage and highest bid(s), the D Block spectrum would be licensed to a single licensee on a nationwide basis or to regional licensees on the basis of 58 public safety regions.

In the event the D Block is licensed on a regional basis, the auction results also would determine the particular air interface technology that would be deployed across the nation by the D Block licensee(s) when building out the interoperable broadband network(s), which would facilitate the ability of public safety entities to communicate outside of their home regions. With regard to the D Block license term and performance requirements, the notice proposes to extend the license term to fifteen years and to adopt performance benchmarks applicable at the fourth, tenth, and fifteenth years under the life of the license(s).

The Notice also proposes, and seeks comment on, rules involving significant clarifications and revisions of the respective obligations of the D Block licensee(s) and the Public Safety Broadband License regarding the construction and operation of the shared wireless broadband network. The public is also invited to comment on when the Commission should hold an auction for this spectrum after the rules are approved.

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The clarifications and revisions address, among other things, the use of spectrum in the shared wireless broadband network (including requirements regarding public safety priority access to commercial capacity in emergencies), the technical requirements of the shared wireless broadband network (including detailed proposals relating to interoperability, robustness, capacity, quality of service, and security), the coverage requirements of the broadband network(s), and the respective operational roles of the D Block licensee(s) and the Public Safety Broadband Licensee.

The Notice also presents a number of specific proposals with regard to the rules governing public safety users and the Public Safety Broadband License. The Notice proposes, for example, that eligible users of the public safety broadband spectrum capacity must be providers of “public safety services” as defined under federal law. The Notice also proposes that the Public Safety Broadband Licensee should remain a non-profit entity, and that certain restrictions be imposed on its business relationships to avoid the potential for conflicts of interest. Further, the Notice proposes a number of changes to the Public Safety Broadband Licensee’s organizational structure to enhance its operational efficiency and transparency.

Because the D Block did not meet its \$1.3 billion reserve price in the 700 MHz Auction held in early 2008, the FCC sought comment in May on whether it should revise the 700 MHz Public/Private Partnership and re-auction this spectrum. These rules included the creation of a 10-megahertz license in the D Block to be part of a public/private partnership with the adjacent 10 megahertz of spectrum dedicated to a Public Safety Broadband License. To ensure that all aspects of this critical initiative are given careful consideration, the Commission seeks additional public comment on this latest proposal, which was largely developed from the input, ideas and recommendations received from public safety organizations and officials, government representatives, wireless carriers and manufacturers across the country.

The public comment period for this Notice will begin once it is published in the federal registry and run for a period of 30 days, with reply comments due within 40 days from federal register publication.

Action by the Commission, September 25, 2008, by Third Further Notice of Proposed Rulemaking (FCC 08-230). Chairman Martin, Commissioners Tate and McDowell with Commissioner Copps concurring and Commissioner Adelstein concurring in part and dissenting in part. Separate statements issued by Chairman Martin, Commissioners Copps, Adelstein, Tate and McDowell.

For additional information on the commercial services portion of the 700 MHz Band, contact Peter Trachtenberg at (202) 418-7369 or Peter.Trachtenberg@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.

WT Docket Nos. 06-150

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