



NEWS

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

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FCC SEEKS COMMENT ON HOW TO PROCEED WITH THE REAUCION OF THE 700 MHz D BLOCK SPECTRUM AND CREATION OF A NATIONWIDE, INTEROPERABLE PUBLIC SAFETY BROADBAND NETWORK

Washington, D.C. – In a sustained commitment to address the nation’s public safety communications challenges, the Federal Communications Commission (FCC) today adopted a Second Further Notice of Proposed Rulemaking (Notice) that seeks public comment on how the Commission should proceed with the reauction and licensing of the 700 MHz D Block spectrum while maximizing the public safety and commercial benefits of a nationwide, interoperable broadband network.

In July 2007, the FCC adopted rules for the 700 MHz Band spectrum that included the creation of a 10-megahertz license in the D Block to be part of a 700 MHz Public/Private Partnership with the adjacent 10 megahertz of spectrum dedicated to a Public Safety Broadband License. The 700 MHz Public/Private Partnership was designed to achieve the important public policy goal of promoting public safety interoperability, allowing police, fire and other first responders to better communicate with one another in times of emergency. Because the D Block did not meet its \$1.3 billion reserve price in the 700 MHz Auction, the FCC intends to re-auction this spectrum under revised rules.

Today’s Notice asks for comment, ideas, and recommendations on how to revise the rules for the D Block. First, the Notice asks whether it remains in the public interest, following the 700 MHz Auction, to retain a Public/Private Partnership between the D Block licensee and the Public Safety Broadband Licensee. The Notice also seeks comment on various potential modifications to the current rules governing the Public/Private Partnership. For instance, the FCC asks whether only entities that provide public safety services, as defined in the Communications Act, are eligible to use the public safety spectrum portion of the shared network established by the Partnership.

Comments are also sought on the technical requirements of the shared wireless broadband network. In this regard, the Notice includes information on a possible technical framework that identifies in greater detail parameters for the shared wireless broadband network.

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In addition, commenters may provide input on the following issues raised in the Notice:

- the rules governing public safety priority access to the network during emergencies;
- the performance requirements and license term;
- whether to license the D Block and public safety broadband spectrum on a nationwide or regional basis;
- the various fees associated with the shared network;
- whether or not it would be appropriate for the Public Safety Broadband Licensee or any of its agents, advisors, or service providers to serve as a mobile virtual network operator to manage access and use of the 700 MHz D Block of spectrum by first responders;
- the process for the D Block licensee and the Public Safety Broadband Licensee to negotiate a Network Sharing Agreement;
- the potential for requirements that the Public Safety Broadband Licensee be a non-profit organization and that no for-profit entities, apart from certain outside advisors or counsel, be involved; and
- auction-related issues, such as whether to restrict auction participation and how to determine a reserve price.

The Notice also seeks comment on how the D Block should be auctioned and licensed for commercial use if it were not required to be part of a Public/Private Partnership. The FCC requests input on other ways to facilitate the deployment of a public safety broadband network if it found such a partnership were no longer in the public interest. The FCC notes that, if the D Block no longer contained the Public/Private Partnership condition, additional actions by Congress may be necessary to support the cost and build-out of a nationwide, interoperable broadband network for America's first responders.

Action by the Commission, May 14, 2008, by Second Further Notice of Proposed Rulemaking (FCC 08-128). Chairman Martin, Commissioners, Copps, Adelstein, Tate, and McDowell. 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

PS Docket No. 06-229

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