

Washington Report

Increased development of high-speed, Internet access facilities has been, and will continue to be, the FCC's Number One priority under Chairman Julius Genachowski. This Newsletter comes to you as the FCC nears completion of its plan for achieving this goal.

A central component of the national broadband plan will be the allocation ("re-purposing" in Washington-speak) of additional spectrum for 4G wireless broadband facilities.

According to the cellular industry, 800 MHz of additional spectrum below 3 GHz is needed in order to support an exponential growth in mobile Internet traffic driven by iPhones, Blackberries, and other data-intensive devices. These contentions have found significant traction at the FCC which, to this point at least, seems to be accepting of the cellular claim.

In parallel, Congress will soon take up legislation directing the FCC and the Executive Branch to conduct a comprehensive inventory of spectrum use, both private sector and Government.

It is commonly understood that the inventory is the predicate for additional transfers from federal government agencies, such as the Department of Defense, to the FCC where it would likely be put up for auction. It is expected that some form of this legislation will be enacted in 2010.

However, the cellular industry is not waiting for legislation.

Rather, cellular interests, backed by the consumer electronics industry, have taken aim at TV broadcast spectrum. While one might think such an effort foolhardy given the political muscle of the broadcast lobby, broadcasters have found themselves on the defensive.

Private land mobile spectrum does not yet appear to be a target for "re-purposing." It is the view here that this is unlikely to change given the great variety and number of licensees which would have to be cleared in order to make room for commercial cellular operations.

Moreover, the vital productivity and public safety functions performed via PLMR spectrum, whether low-band, high-band, 800/900 MHz, or bands in between, further suggests that PLMR bands would not be a likely candidate.

However, the FCC is clearly committed to finding substantial amounts of additional spectrum, and Congress is just as clearly supportive. It would not do to become lackadaisical about re-purposing -- not, at least, until policy-makers have given a much clearer sense of their ultimate targets.