

**IDENTIFICATION OF 15 MEGAHERTZ OF  
SPECTRUM BETWEEN 1675 AND 1710 MHZ FOR  
REALLOCATION FROM FEDERAL USE TO NON-  
FEDERAL USE PURSUANT TO SECTION 6401(a)  
OF THE MIDDLE CLASS TAX RELIEF AND JOB  
CREATION ACT OF 2012**

***REPORT TO THE PRESIDENT***



**U.S. Department of Commerce**

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As directed by Congress in Section 6401(a)(3) of the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Relief Act), this report identifies 15 megahertz of spectrum between 1675 MHz and 1710 MHz for reallocation from federal use to non-federal use.<sup>1</sup> Specifically, the Secretary of Commerce, through the National Telecommunications and Information Administration (NTIA), recommends that the Federal Communications Commission (FCC) reallocate the 1695-1710 MHz band for commercial use.<sup>2</sup>

This recommendation reaffirms NTIA's January 2011 conclusion that the FCC should repurpose the 1695-1710 MHz band for wireless broadband use on a shared basis, as NTIA identified in its *Fast Track Report*.<sup>3</sup> NTIA issued that report in response to the President's June 2010 directive to identify 500 megahertz of spectrum for wireless broadband services that will help trigger the creation of jobs and innovative new businesses, provide cost-effective connections in rural areas, increase productivity, and allow for the increase use of mobile telemedicine, and other new applications that will transform Americans' lives, while ensuring no loss of critical government capabilities.<sup>4</sup> Under the President's initiative, NTIA examined the viability of accommodating mobile broadband systems in the 1675-1710 MHz band and concluded that the 1695-1710 MHz band segment could be made available for wireless broadband systems subject to geographic sharing requirements based on establishing exclusion zones around specified federal meteorological-satellite earth station sites.<sup>5</sup>

Soon after enactment of the Tax Relief Act, and in recognition that the exclusion zones specified in the *Fast Track Report* would limit the ability of commercial operators to deploy wireless broadband in some of the top U.S. markets, NTIA sought the advice of its Commerce Spectrum Management Advisory Committee (CSMAC or committee) on options to minimize the

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<sup>1</sup> Pub. Law No. 112-96, § 6401(a)(3), 126 Stat. 222 (Feb. 22, 2012) (“Identification by Secretary of Commerce.-- Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the President a report identifying 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz for reallocation from Federal use to non-Federal use.”).

<sup>2</sup> Under Section 6401(b) of the Tax Relief Act, the FCC must allocate the spectrum identified in this report for commercial use, adopt flexible-use service rules, and grant new initial licenses through a system of competitive bidding no later than three years after date of enactment (*i.e.*, by February 22, 2015). *Id.* § 6401(b), 126 Stat. 222-223.

<sup>3</sup> See NTIA, *An Assessment of the Near-Term Viability of Accommodating Wireless Broadband Systems in the 1675-1710 MHz, 1755-1780 MHz, 3500-3650 MHz, and 4200-4220 MHz, 4380-4400 MHz Bands* (Nov. 15, 2010) (*Fast Track Report*); Letter from Karl B. Nebbia, Associate Administrator, NTIA Office of Spectrum Management, to Julius Knapp, Chief, FCC Office of Engineering and Technology (Jan. 19, 2011).

<sup>4</sup> See Memorandum for the Heads of Executive Departments and Agencies, *Unleashing the Wireless Broadband Revolution* (rel. June 28, 2010), published at 75 Fed. Reg. 38387 (July 1, 2010) (*Presidential Memorandum*); see also NTIA, *Plan and Timetable to Make Available 500 MHz of Spectrum for Wireless Broadband* (Oct. 2010) (*Ten-Year Plan*).

<sup>5</sup> See *Fast Track Report* at Table 5-1 and App. H. Exclusion zones define geographic areas that are necessary to preclude potential interference to federal systems. See *Fast Track Report* at 4-1.

impacts of exclusion zones on anticipated commercial broadband operations.<sup>6</sup> In May, 2012, the CSMAC established a joint government/industry working group on 1695-1710 MHz Meteorological-Satellite issues as a venue for federal agencies to examine and discuss the issues with industry experts and to facilitate information sharing among the stakeholders. Over the past few months, this working group has been developing ways to facilitate the introduction of commercial wireless broadband in this 15 megahertz of spectrum through improved modeling of commercial wireless networks and the possible reductions in the size of exclusion zones.

The working group has been crafting recommendations for the CSMAC to consider, such as alternatives to the *Fast Track Report's* geographic exclusion zone approach. Based on a status update provided by the working group at the January 2013 CSMAC meeting, the working group has made significant progress toward an effective and efficient spectrum sharing framework.<sup>7</sup> The full CSMAC will soon make its final recommendations to NTIA based on the working group's refined technical parameters for the commercial and federal systems and the analytical approach for developing geographic sharing criteria.<sup>8</sup> Accordingly, NTIA is confident that the FCC can proceed now with its process to repurpose the 15 megahertz between 1695 MHz and 1710 MHz pursuant to this recommendation even though the CSMAC has not completed its work as of the transmittal date of this report. During its meeting in February 2013, the CSMAC will likely recommend a regulatory framework for sharing in the 1695-1710 MHz band that will allow flexibility for and coordination of actual commercial system implementation within the protection zones around federal meteorological-satellite receive sites.<sup>9</sup> NTIA will assess the final CSMAC recommendations and provide additional information to the FCC that will be used in the rulemaking proceeding called for in the Tax Relief Act.<sup>10</sup>

The results of these collaborative efforts will better inform the FCC's proceedings and the President's additional responsibilities under the Tax Relief Act.<sup>11</sup> These results will also

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<sup>6</sup> In 2004, the Department of Commerce established the CSMAC to provide advice to NTIA on a broad range of spectrum management and policy issues. *See generally* <http://www.ntia.doc.gov/category/csmac>. Under its current charter, the CSMAC is advising NTIA on how best to execute the *Presidential Memorandum* and NTIA's *Ten-Year Plan*. *See* U.S. Dept. of Commerce, Charter of the Commerce Spectrum Management Advisory Committee (Apr. 1, 2011), available at [http://www.ntia.doc.gov/files/ntia/publications/csmac\\_charter\\_04012011.pdf](http://www.ntia.doc.gov/files/ntia/publications/csmac_charter_04012011.pdf).

<sup>7</sup> *See* CSMAC, Meeting Minutes at 53-67 (Jan. 17, 2013), available at [http://www.ntia.doc.gov/files/ntia/meetings/csmac\\_minutes\\_0117ntia.pdf](http://www.ntia.doc.gov/files/ntia/meetings/csmac_minutes_0117ntia.pdf).

<sup>8</sup> The committee's next meeting is scheduled for February 21, 2013. *See* NTIA, *Notice of Open Meeting*, 78 Fed. Reg. 7758 (Feb. 4, 2013). NTIA and the CSMAC expect that any outputs from the working group would reflect the agreed views of industry and government participants and that the full committee will review and deliberate on the group's outputs and recommend to NTIA only the outputs that the committee supports.

<sup>10</sup> *See supra* note 2.

<sup>11</sup> Under Section 6401(a)(1)(A) of the Tax Relief Act, the President shall "begin the process of withdrawing or modifying the assignment of Federal Government stations in the electromagnetic spectrum [identified herein]" no later than February 22, 2015. Pub. Law No. 112-96, § 6401(a)(1)(A), 126 Stat. 222 (Feb. 22, 2012). Within 30 days

validate the benefit of cooperative interaction between industry and government to find ways of maximizing access to the spectrum for commercial services while protecting critical federal operations.

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“after completing the withdrawal or modification, [the President] shall notify the Commission that the withdrawal or modification is complete.” *Id.* at § 6401(a)(1)(B).