

FHH Telecom Law November 2003

3G Monte -- The FCC Spectrum Shell Game

*By: R. J. Quianzon
703-812-0424
quianzon@fhhlaw.com*

Shuffling federal and non-federal frequencies with the agility of a street-corner three-card monte player, the FCC has proposed allocation changes to make room at 1710-1755 MHz for the newest generation of wireless communications service, referred to as third generation or 3G. Presently the federal government is the exclusive occupant of this band (and up to 1850 MHz), used for microwave links and military tactical radio relay. The plan is to move these services to 2025-2110 and 2360-2400 MHz.

One of the destination bands, 2025-2110 MHz, is currently occupied by broadcast and cable auxiliary services, including transmitter links, local television transmission service, and cable television relay, and by satellite services for uplink and space-to-space transmissions. The FCC wants some military operations now at 1710-1850 MHz to move here and share the spectrum with current licensees. Incoming users would include government operations from 1755-1850 MHz -- above the 3G allocation. But the FCC reasons that some migration from spectrum above 1755 MHz will permit operations at 1710-1755 MHz operations to migrate above 1755 MHz. In other words, the FCC hopes that opening 2025-2110 MHz to the government will foster a double migration.

The other destination band, 2360-2400 MHz, would take in the remainder of federal operations departing 1710-1755 MHz. Currently this band is set aside for mobile, aerospace, and radar use (2360-2385 MHz), not-yet-auctioned Wireless Communications Services (2385-2390 MHz), aeronautical telemetry (2385-2390 MHz), and unlicensed PCS devices (2390-2400 MHz). For the future, the FCC proposes that 2360-2395 MHz support federal aeronautical applications, with non-federal aeronautical telemetry at 2385-2395 MHz. This last item has raised concerns among manufacturers of the many unlicensed devices at 2400-2483.5 MHz. Presently these devices are subject to stringent out-of-band emissions limits in the "restricted band" at 2310-2390 MHz that protects aeronautical telemetry, among other services. The manufacturers fear expansion of aeronautical telemetry service to include 2390-2395 MHz may bring with it an expansion of the restricted band and tighter limits on their products. So far, however, the FCC has not proposed any such change.

Comments on these proposals are due
November 3, 2003, and reply comments on
December 1, 2003.