

FHH Telecom Law
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4.9 GHz Public Safety Rules Set

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The FCC has fleshed out the rules for licensing and use of 50 MHz of spectrum newly allotted for public safety purposes.

Flexible use is the hallmark of the licensing scheme. A public safety entity can be authorized for the entire band within its territorial jurisdiction. And it can use the spectrum for broadband operations as varied as real-time video from inside burning buildings, fixed hot-spot access to the Internet, and temporary fixed point-to-point operations. Conventional voice communications are also permitted. Because multiple public safety entities often operate in the same jurisdiction, nearby licensees may have to coordinate shared usage.

The element of the plan generating the most controversy is the eligibility provision. Only entities providing "public safety services" -- entities whose sole or principal purpose is to protect the safety of life, health, or property -- can qualify. But those are encouraged to share the spectrum with non-eligibles such as utilities, railroads, and other entities acting in support of public safety. One Commissioner expressed concern that the spectrum might be converted to commercial applications as means of generating revenue for the public safety community -- not what the FCC had in mind.