

**FHH Telecom Law  
January 2003**

**Site-by-Site Licensing Favored  
for Millimeter Waves**

A proceeding to authorize 13 GHz of spectrum raises the key issue whether to auction off this huge amount of bandwidth -- equivalent to 13,000 MHz, or over 2,100 TV channels - - in geographic-area licenses, or instead to license users on a site-by-site basis. The frequencies are among the highest available for commercial use, at 71-76, 81-86, and 92-95 GHz.

Showing startling unanimity (for an FCC proceeding), virtually all of the commenting parties favor site-by-site licensing. At these frequencies, they argue, radio waves form into tight, pencil shaped beams that can operate very close to each other without causing interference. As a result, there should be no mutually exclusive applications, which are the legal prerequisite for auctions; and market forces will produce more users in a given area, and hence more efficient spectrum use, than would geographic licensing. In response to the FCC's concerns about administrative burdens of site-by-site licensing, some parties suggest either blanket licensing or licensing by rule, both being subject to frequency coordination.

The only issue generating significant controversy is whether unlicensed users can share the band with licensed operations, or should be segregated into a sub-band of their own.

Radio astronomers and earth exploration satellites also use parts of these bands. None of the commenting parties disputed the need to protect their operations.

Reply comments are due on February 3.