

FHH Telecom Law
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Spectrum Cooperation Updated

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The FCC and the Commerce Department have updated their arrangements for coordinating spectrum policy that had been in place since prior to the Second World War. FCC Chairman Powell admitted they had been operating in a “policy time warp.”

Under the Communications Act, the FCC is assigned the task of spectrum management for the public, and for state and local governments. Spectrum use by the federal agencies is handled by the National Telecommunications Information Administration (NTIA), an office of the Commerce Department. Close collaboration between the two is required because much of the spectrum is allocated jointly to federal and non-federal users. Moreover, some non-federal services (such as ultra-wideband) stray into spectrum allocated exclusively for federal use, and some federal users remain in bands otherwise allocated to commercial use.

The new agreement between the FCC and NTIA establishes a broad framework for coordination between the two agencies, including regular communication and information exchange, and in-person meetings at least twice a year.