

FHH Telecom Law

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Task Force Proposes New Spectrum Policies

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The FCC's Spectrum Policy Task Force has issued a report offering comprehensive and detailed suggestions for revising U.S. spectrum policy. The report generally advocates increased flexibility and efficiency in spectrum use, primarily to promote new wireless technologies. While the resulting benefits could be great, the impact on incumbent licensees and users is unclear. The only certain outcome of the report is a long and heated debate.

The Task Force found that increased opportunities for technologically innovative and economically efficient wireless devices will require shifting spectrum policy toward more flexible and market-oriented regulatory models. No single model should be applied to all spectrum bands, says the report, but the FCC should pursue a balanced spectrum policy that includes:

1. *exclusive spectrum usage rights* at certain frequencies in defined geographic areas, in which an auction would award an exclusive user transferable and flexible rights;
2. creation of *spectrum "commons,"* in which unlimited numbers of unlicensed users may operate in compliance with technical standards or etiquettes, but with no right to interference protection (similar to the present spread spectrum bands); and
3. continued use of the traditional regulation, here called "*command-and-control*," for a limited number of services such as public safety and broadcasting.

The report suggests that the FCC implement these policies in both newly allocated bands and occupied spectrum, with transitional mechanisms for the latter case to avoid degradation of existing services.

Any move to increase either the uses or the users of a given band will require improved interference protection criteria. The report proposes a metric based on "interference temperature," analogous to widely used measures of noise temperature. Limits on interference temperature would establish maximum permissible levels of interference, thus characterizing the "worst case" environment in which a receiver must operate. Different levels could be set for each band, geographic region, or service, based on applicable RF environments. To that end, the Task Force recommends a systematic study of the RF noise floor, and suggests that the FCC consider imposing performance requirements on some receivers.

The Report has already generated one Notice of Inquiry (see *FCC Seeks New Spectrum for Unlicensed Use* on page 1), and more are expected. Given the large potential impact of some proposed policies, manufacturers and spectrum users may wish to join the debate early.

Comments on the Report are due on January 27, and reply comments on February 28.