

FHH Telecom Law
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Advanced Wireless Services
Take Another Step Forward

By Lee G. Petro
petro@fhhlaw.com
703-812-0453

Why is it that advanced wireless services (AWS) seem to take so long to “advance” to the point of actual deployment? In 2003, having already spent a few years deciding what bands would be included in the AWS category, the Commission finally issued an Order establishing the service rules for AWS in the 1.7 GHz and 2.1 GHz bands. The Order also adopted the band-plan for these services. However, as with most major actions taken by the Commission (and many minor ones!), reconsideration was sought by many parties.

In August, the FCC released its revised service rules, and an altered band-plan. The original band plan had two paired 10 MHz blocks, two paired 5 MHz blocks, and one paired 15 MHz block. In the revised band plan, the Commission created additional paired 5 & 10 MHz blocks, and eliminated the paired 15 MHz block. (*See* accompanying box for band-plan summary.)

By reducing the size of the 15 MHz block to 10 MHz, and creating an addition 5 MHz block, the Commission reasoned that new and smaller bidders will be able to actively participate in the auction, while larger participants would still be able to aggregate the blocks to fit their existing needs. The Commission also stated that it will use the same technical standards for AWS equipment that is currently in place for PCS licenses, and eliminated the transmitter output power limits for AWS base and fixed stations.

With the resolution of these matters, the Commission declared that it will be moving forward to plan for an auction of this spectrum in 2006, perhaps as early as June 2006. We will let you know as soon as the auction is announced, but we are not holding our breath.