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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC TASK FORCE REPORTS ON SPECTRUM POLICY REFORM PROGRESS AND INITIATIVES

Washington, D.C. – Today, the FCC’s Spectrum Policy Task Force reported on steps the Commission has taken during the past year to implement spectrum policy reform and initiatives planned for the next 12 to 18 months. The Task Force noted the Commission has already made significant progress in modernizing the policies guiding how the spectrum resources under the FCC’s jurisdiction are allocated and utilized. The FCC continues to move toward innovative approaches to spectrum policy that are designed to maximize the public benefits derived from the use of the radio spectrum.

The Task Force also announced that it will soon launch a new research tool on its Internet site (www.fcc.gov/sptf) that will allow the public to track the progress of all Commission spectrum-related rulemaking proceedings and initiatives in one place.

The Spectrum Policy Task Force was established by FCC Chairman Michael Powell in June 2002. In November 2002, the Task Force issued a Report containing a number of specific recommendations for spectrum policy reform. The Report’s principal recommendations to the Commission included the following:

- (1) Migrate from current command and control model of spectrum regulation to market-oriented exclusive rights and unlicensed device/commons models;
- (2) Implement ways to increase access to spectrum in all dimensions for users of both unlicensed devices and licensed spectrum; and
- (3) Implement a new paradigm for interference protection.

A product of staff-level analysis and findings, rather than formal Commission action, the Task Force Report has drawn significant interest, both domestically and internationally. Early in 2003, over 130 formal comments and replies were filed in response to the Report. It has also been the subject of discussions between Commission staff and their counterparts in nine countries and the European Union, which have recently completed or are undertaking similar policy reviews.

Today’s Task Force presentation highlighted the Commission’s actions over the past year in connection with the implementation of the Report’s recommendations. Peter Tenhula, Director of the Spectrum Policy Task Force, reported that the Commission has made tremendous

progress in embracing most of the 39 Task Force recommendations in a number of wide-ranging and service-specific rulemaking proceedings and inquiries. For example, the Commission has opened inquiries into improving access to spectrum in rural areas, specifying interference immunity performance standards for radio receivers, and establishing an interference temperature metric. There are five ongoing or recently concluded proceedings to designate additional spectrum for unlicensed uses or to promote such uses. In addition, the Commission issued final rules in its *Secondary Markets* proceeding, providing licensees in about two-dozen wireless communications services flexibility to lease or transfer their unused or underutilized spectrum rights to other facilities-based providers under a streamlined process.

The Task Force presentation advocated charting critical paths for getting “from inquiry to action” in the Commission’s spectrum-related proceedings. In collaboration with the Bureaus and Offices with spectrum policy responsibilities, the Spectrum Policy Task Force will develop implementation plans for many of these proceedings.

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