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For Immediate Release:
February 14, 2002

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FCC SEEKS COMMENT ON PROCEDURES TO ALLOCATE AND LICENSE NON-RESERVED SPECTRUM IN WHICH APPLICANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATION LICENSES HAVE AN INTEREST

Washington, DC – In a Second Further Notice of Proposed Rulemaking (2nd FNPRM) adopted today, the FCC asked for comment on new procedures to license non-reserved spectrum in which applicants for both commercial and noncommercial educational (NCE) broadcast stations have an interest.

The FCC in April 2000 adopted an Order to require all entities, including those that are eligible to hold licenses for NCE broadcast stations, to compete at auction for licenses for non-reserved spectrum, i.e., spectrum that the FCC has not reserved for use by NCE stations only. However, in July 2001 the U.S. Court of Appeals for the D.C. Circuit held that the Communications Act did not permit the FCC to use auctions to award licenses for NCE stations in the non-reserved spectrum.

In today's 2nd FNPRM, the FCC asked for comments on three options it proposed to resolve competing interests of commercial and NCE entities for non-reserved channels and frequencies.

- 1) Hold NCE entities ineligible for licenses for non-reserved channels. NCEs would be limited to FM and TV channels specifically set aside for them either in the reserved band or through the allocations process.
- 2) Permit NCE entities opportunities to acquire licenses for non-reserved channels when no commercial entities apply for them; and
- 3) Provide NCE entities opportunities to reserve additional FM and TV channels.

The FCC could adopt one of these options, or could adopt several of them to work in tandem with one another. Comments are invited on these options, as well as the submission of any others that would be consistent with the court's decision.

Action by the Commission February 14, 2002, by Second Further Notice of Proposed Rulemaking (FCC 02-44). Chairman Powell, Commissioners Abernathy, Copps and Martin.

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MM Docket 95-31

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