



NEWS

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FCC REALLOCATES AND ADOPTS SERVICE RULES FOR TELEVISION CHANNELS 52-59

Washington, D.C. – The Federal Communication Commission (FCC) has adopted allocation and service rules for 48 megahertz (MHz) of spectrum in the 698-746 MHz band (Lower 700 MHz band) currently occupied by television channels 52-59 in many markets. This spectrum is being reclaimed for new commercial services as part of the transition of television broadcasting from analog to digital transmission systems. The Commission's new flexible allocation for this band will allow service providers to select the technology they wish to use to provide new services that the market may demand.

Background

The Communications Act of 1934, as amended, requires the Commission to assign spectrum reclaimed from broadcast television using competitive bidding and to auction this spectrum by September 30, 2002. The reclamation of the 700 MHz band is occurring as a result of the planned migration of broadcasters into the "core" broadcast spectrum (currently Channels 2-51) that will occur when they convert from analog to digital operations. The FCC previously reallocated the upper portion of the 700 MHz band (747-806 MHz, or television Channels 60-69), and adopted service and licensing rules for that spectrum. As part of the conversion process, Congress has provided for a transition period during which broadcasters may continue to operate their existing analog systems while using a second channel to transmit their digital television (DTV) signals. While Congress enacted a statutory requirement to auction this spectrum by September 30, 2002, the transition period is targeted to end in 2006, the Commission is statutorily required to extend that date on a market-by-market basis if one or more of the four largest network stations or affiliates are not broadcasting in digital, digital-to-analog converter technology is not generally available, or 15% or more television households in the market are not receiving a digital signal. At the end of this transition, analog service will cease, and the remaining broadcast operations above Channel 51 will be relocated into the core broadcast spectrum.

Specifics of Today's Action

The Report and Order adopted by the Commission takes the following actions:

Reallocation: Reallocates the entire 48 megahertz of spectrum in the Lower 700 MHz Band to fixed and mobile services and retains the existing broadcast allocation for both new broadcast services and incumbent broadcast services during their transition to DTV.

Incumbent broadcasters: Establishes technical criteria designed to protect incumbent television operations in the band during the DTV transition period, allows Low Power Television (LPTV) and TV translator stations to retain secondary status and to operate in the band after the transition. The Order dismisses pending petitions for new NTSC allotments in Channels 52-59 and provides a 45-day window for modification of pending applications for new NTSC construction permits to provide analog or digital service in the core television spectrum or digital service in the 698-740 MHz band (Channels 52-58).

New service rules: Determines that all operations on the Lower 700 MHz Band will be regulated under the framework of the Commission's Part 27 technical, licensing, and operational rules. To permit both wireless services and certain new broadcast operations in the Lower 700 MHz Band, however, the FCC amends Part 27's maximum power limits to permit 50 kW effective radiated power transmissions in the Lower 700 MHz Band, subject to specific requirements for notification and non-interference.

Spectrum blocks and licensing areas: In its service rules, the Commission divides the Lower 700 MHz Band into three 12 -megahertz blocks, with each block consisting of a pair of 6-megahertz segments, and two 6-megahertz blocks of contiguous, unpaired spectrum. The FCC will license two of the three 12-megahertz blocks and the two 6-megahertz unpaired blocks on a regional basis using six Economic Area Groupings (EAGs). The remaining 12-megahertz block of paired spectrum will be licensed using MSAs and RSAs (734 licenses).

Band clearing: Adopts no specific band clearing rules and therefore provides that regulatory requests related to voluntary band clearing in the Lower 700 MHz band will be considered on a case-by-case basis, considering all relevant public interest factors.

Action by the Commission December 12, 2001, by Report and Order (FCC 01-364). Chairman Powell, Commissioners Abernathy, and Copps with Commissioner Martin approving in part, concurring in part and Commissioners Copps and Martin issuing separate statements.

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GEN Docket No. 01-74

SEPARATE STATEMENT OF COMMISSIONER
MICHAEL J. COPPS

RE: Relocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59 (GN Docket No. 01-14, Report and Order) (Rel. December 12, 2001).

I support today's *Order* because I believe that it balances two important goals: promoting the transition to digital television and establishing a pathway to making channels 52-59 available for new services as Congress instructed us to do.

Importantly, the *Order* furthers these goals without reducing our responsibility to conduct a public interest review of any proposed transaction that would clear an existing broadcaster from the band. Channels 52-59 occupy spectrum that I believe can support exciting new services throughout the nation. My hope is that this spectrum will someday contribute to bringing more broadband wireless services to rural America, but I do not underestimate the challenges that confront our path to that happy ending. I commend the many rural carriers who participated in this proceeding. Today we establish a band plan that includes the auction of Rural Statistical Areas, which many rural carriers believe will give them the ability to harness this spectrum for the good of small businesses and citizens in some of our most rural areas. Getting broadband to these areas is an important national priority.

Continued access to free over-the-air television is also a central concern of this Commission. Broadcasters serve a special and critical role in our communities and in the nation's marketplace of ideas. We must always work to maintain the viability of free over-the-air television, and protect this service for the millions of Americans who receive their news, entertainment, and so many other services solely from over-the-air broadcasting. Free over-the-air television will be just as critical in the digital era as it is right now in these early days.

By refraining from adopting the band-clearing incentives for channels 52-59 that the previous Commission adopted for channels 60-69, we guarantee that, as has always been the case in other bands, we will review band-clearing proposals with the understanding that "once in operation, a station assumes an obligation to maintain service to its viewing audience, and the withdrawal or downgrading of existing service is justifiable only if offsetting factors are shown which establish that the public generally will be benefited."¹ Therefore, we come down squarely on the side of a public interest review of each case rather than letting purely commercial transactions determine the future of this critical public spectrum.

¹ *Triangle Publications, Inc.*, 37 FCC 307, 313 (1964), citing *Hall v. FCC*, 237 F.2d 567 (D.C. Cir. 1954).