

FCC Looks to the Spectrum Horizons in March Open Meeting

March 6, 2019

Spectrum issues will [once again](#) take center stage at the FCC's next [open meeting](#) scheduled for March 15, 2019. In a jam-packed [agenda](#), the FCC plans to create a new category of experimental licenses for operations in spectrum above 95 GHz and potentially make more than 21 gigahertz available for unlicensed use in these so-called "spectrum horizons." The agency also anticipates launching a rulemaking to permit broadband operations in a portion of the 900 MHz band that currently is used for two-way radio operations. In addition, the FCC expects to seek input on improving spectrum partitioning, disaggregation, and leasing arrangements. These spectrum proposals follow similar FCC actions designed to improve access to [mid- and high-band frequencies](#), and could jump-start a new wave of innovation in next-generation, short-range technologies. Rounding out the major actions on the March agenda, the FCC plans to propose new wireless E911 location accuracy requirements and adopt service quality standards for intermediate service providers to improve rural call completion. If adopted, these proposals would impose significant obligations on carriers of all sizes and could potentially lead to serious fines in the event of noncompliance.

You will find more details on the significant March meeting items after the break:

Spectrum Horizons: The draft [Order](#) would establish a new type of experimental license for operations between 95 GHz and 3 THz, which the FCC asserts is ripe for next-generation, short-range data links and sensing applications. The new licenses would be available for a maximum 10-year term to encourage durable investments in experimental operations. The FCC also would permit licensees to sell experimental devices directly to the public – a major change from traditional FCC policy that limits such sales only to other experimental licensees. Moreover, the FCC expects to make more than 21 gigahertz available for unlicensed use in the 116-123 GHz, 174.8-182 GHz, 185-190 GHz, and 224-246 GHz bands. The proposal includes interference protections for current "passive" uses of the spectrum horizons frequencies, including radio astronomy, earth exploration satellites, and space research. The FCC would defer action on non-experimental licensed use of the spectrum horizons frequencies, but may initiate another rulemaking after assessing the results of newly-authorized experimental and unlicensed operations.

900 MHz Broadband: The draft [Notice of Proposed Rulemaking](#) ("NPRM") would seek to reconfigure the 900 MHz band (896-901 MHz and 935-940 MHz) to facilitate new broadband operations. Specifically, the FCC would request input on creating a paired segment of the band for wireless broadband operations, licensed on a county-by-county basis, while reserving the remainder of the band for existing private land mobile radio operations. The Commission also would inquire whether it should allocate the entire 900 MHz band to wireless broadband operations and relocate incumbents to other frequencies. The draft proposes three options for clearing out incumbent operations: (1) a voluntary exchange process allowing existing licensees to agree to a band transition plan with

broadband providers in exchange for payment; (2) an auction of “overlay” licenses to broadband providers that would pay the relocation costs of incumbent operations; and (3) an incentive auction where incumbent operators would receive a payout based on the price of the new licenses won at auction. mobile now

Spectrum Partitioning, Disaggregation, and Leasing: The draft [NPRM](#) would implement part of the [MOBILE NOW ACT](#) enacted in 2018, which required the FCC to initiate a rulemaking exploring potential improvements to its spectrum partitioning, disaggregation, and leasing procedures to increase the availability of advanced telecommunications in rural areas and provided by smaller carriers. In particular, the NPRM would explore whether the FCC should ease the performance requirements imposed on partitioned or disaggregated licenses and reduce the procedural hurdles involved in secondary market spectrum transactions. The Commission also would seek input on incentivizing spectrum leasing arrangements by streamlining performance requirements while ensuring carriers still meet their buildout obligations.

911 Location Accuracy: The draft [Further Notice of Proposed Rulemaking](#) (“FNPRM”) would ask whether the FCC should require wireless carriers to transmit vertical (or z-axis) location information to within three meters of the handset for 80 percent of 911 calls. The FCC plans to reject a more lenient, five-meter location accuracy standard proposed by CTI, which received criticism from public safety entities. The location information would assist first responders in finding callers in multi-story buildings and supplement already-required latitude and longitude data. The location accuracy requirement would apply to the four nationwide mobile carriers on April 3, 2021, within the top 25 Cellular Market Areas (“CMAs”), and apply to other mobile carriers a year later (April 3, 2022). The proposed transition beyond the top 25 CMAs extends another two years, until April 3, 2023, for CMAs 26-50, for the nationwide carriers, and through April 3, 2024, for other carriers in those markets. The FCC’s proposal concludes that nearly all smartphones in the market are equipped with barometric pressure sensors, but cites only to information about the iPhone 6 and later models and the Samsung Galaxy smartphones, which have had barometers since 2011. However, the draft FNPRM asks whether the requirements should only apply to devices manufactured after a date certain, which would help address the continued use of older and refurbished phones without sufficient barometric accuracy. *See our post on this item [here](#).*

Rural Call Completion Standards: The draft [Order](#) would impose service quality standards on intermediate providers (*i.e.*, entities that carry, but do not originate/terminate, voice calls) to improve rural call completion. Under the FCC’s plan, intermediate carriers would be required to take action when they know, or should know, that call completion issues exist. Intermediate carriers also would be required to actively monitor the performance of any other intermediate providers with which they directly contract and address performance issues, including by removing providers that consistently fail to deliver calls from their call routes. In addition, intermediate providers would be responsible for ensuring that any additional intermediate providers to which they hand off calls are registered once the FCC establishes an intermediate provider database later this year. The FCC would not dictate how the intermediate providers must satisfy these standards, providing some flexibility in carrier compliance efforts.