

# New FCC Rulemaking Explores Flexible Wireless Operations Above 24 GHz

[Chip Yorkgitis](#)

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Earlier today, October 22, the Federal Communications Commission (FCC) adopted a Notice of Proposed Rulemaking (NPRM) to explore new regulatory frameworks, including flexible licensing schemes, for mobile and fixed wireless broadband in several frequency bands above 24 GHz. The NPRM seeks comment on proposed rules that would allow these frequencies to support new technology developments, such as 5G, small cell, and wi-fi applications.

As we reported in a [blog post](#) earlier this month, the NPRM is the result of a 2014 Notice of Inquiry (NOI) which generated considerable input from virtually every segment of the communications industry on issues and possibilities surrounding wireless operations in the millimeter wave bands. The NPRM targets four specific spectrum bands for potential wireless broadband operations: at 28 GHz, 37 GHz, 39 GHz and 64-71 GHz. The Commission envisions these bands may be licensed through a variety of methods- geographic wide-area and local licenses, unlicensed operations subject to Part 15 of the FCC's rules, and a hybrid licensing mechanism that can accommodate both private and traditional commercial communications operations, including cable and broadcast.

In adopting this NPRM, the FCC reiterated its intention to remain "technology neutral" when writing rules for millimeter wave bands. The Commission describes the NPRM as soliciting "extensive comment" on service, licensing, and technical rules for a "variety of platforms and uses" coexisting and expanding through market-based mechanisms.

Despite these optimistic assessments by the Commission of this action, Commissioners Pai and O'Rielly issued separate statements with some criticisms of the action. The Republican Commissioners argued that the NPRM did not go far enough and that more of the spectrum bands contemplated in the NOI should have been included in the item. However, the NPRM invites commenters to identify additional millimeter wave bands that might be made available through such flexible mechanisms. While the Commission moves forward to examine these millimeter wave bands, its efforts will proceed simultaneously with planning toward further consideration of these frequencies by the global community in preparation for the next ITU World Radiocommunication Conference (WRC-19). The FCC's new proceeding presents an opportunity for the United States to take the lead in these preparations.

The FCC has not released the text of the NPRM but is expected to in the near term. Manufacturers, service providers, and potential users of millimeter-wave technologies should watch for the release and Federal Register publication to determine the comment deadlines for participating in the proceeding.