

109TH CONGRESS  
1ST SESSION

# S. 1767

To require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2005

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Communications Commission to re-evaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       The Congress finds the following:

5               (1) The Federal Communications Commission  
6       adopted the band plans for the upper 700 mega-  
7       Hertz band in 2000 and the lower 700 megaHertz

1 band in 2002, and there was much uncertainty at  
2 the time regarding the timing of broadcasters' mi-  
3 gration from the 700 megaHertz bands when these  
4 band plans were developed.

5 (2) There has been increased consolidation in  
6 the wireless industry in recent years, as a result of  
7 completed and proposed mergers of several major  
8 nationwide and regional carriers, and there is a rec-  
9 ognized need to enhance deployment of spectrum re-  
10 sources in rural and underserved areas.

11 (3) The Commission has recently reevaluated  
12 its band plan for the upcoming advanced wireless  
13 services auction at the 1.7 and 2.1 gigaHertz bands  
14 in light of these same factors.

15 (4) All of the remaining 700 megaHertz com-  
16 mercial licenses consist of very large geographic area  
17 licenses known as "Economic Area Groupings", with  
18 only 6 licenses available for each of the A, B, and  
19 E blocks in the lower 700 megaHertz band, and the  
20 C and D blocks in the upper 700 megaHertz band.

21 (5) It is appropriate and important for the  
22 Commission to conduct a rulemaking proceeding to  
23 reevaluate the lower and upper 700 megaHertz band  
24 plans, and to include in that reevaluation a consider-  
25 ation of—

1           (A) whether the current band plans will  
2           enable participation in any auction of these li-  
3           censes by small and regional wireless carriers  
4           and new entrants (which may be unable to bid  
5           on such large geographic areas); and

6           (B) whether the existing band plans will  
7           facilitate wireless deployment in rural and un-  
8           derserved areas as well as enhance competition  
9           in markets of all sizes.

10 **SEC. 2. FCC PROCEEDING.**

11       The Federal Communications Commission shall ini-  
12       tiate a proceeding no later than June 1, 2006, to reeval-  
13       ate and reconfigure its band plans for the upper 700  
14       megaHertz band (currently designated Auction 31) and  
15       for the un-auctioned portions of the lower 700 megaHertz  
16       band (currently designated as Blocks A, B, and E). In  
17       the proceeding, the Commission shall reconfigure the band  
18       plans to include spectrum to be licensed for small geo-  
19       graphic areas, taking into consideration the competitive  
20       benefits, unique characteristics, and special needs of re-  
21       gional and smaller wireless carriers.

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