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Telecommunications Section Workshop
"FCC Waiver Grants/License Status for 700 MHz LTE Systems"

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No Clean Slate for FCC

- You have heard from Gerry Lederer about HR 3630, the payroll tax reduction extension that became a public safety bill
- Much of that bill parallels, but differs from, earlier regulatory efforts on 700 MHz wireless broadband
- However, Congress was virtually silent on integrating the new law with the earlier regulations.



Waiver Grants, PSST Leases

- 22 grantees asked to sign leases with PSST
- PSST has been/will be superseded by FirstNet
- Grantees signed interoperability pledges based on ERIC recommendations
- ERIC has been/will be superseded by Public Safety Interoperability Board (PSIB)



Waiver applicants

- At least 26 applications received in second round, never acted on
- They made pledges similar to grantees
- Do they begin again under new regime?



Funding Deadlines

- BTOP grants for 700 MHz broadband have construction timetables
- But FirstNet Board might not be appointed until August 2012
- Can grantees hope/expect that PSIB recommendations will be similar to ERIC requirements?
- Can existing leases be transferred?



Upcoming Reports/RMs

- NTIA, guidelines for new funding applications (6302, 6 months)
- FCC: Roaming and priority access (6211)

  Part 15 Rules and 5 GHz spectrum (6406)

  Crowding at 11, 18, 23 GHz (6412)

  Emergency use of amateur radio (6416, 6 months)



T-Band Transition

- PS/government licensees at 470-512 MHz must move by 2023 at latest
- Relocation to be paid from auction proceeds
- Nothing to stop licensees from moving now
- FCC could schedule auction sooner than 2021



Next Generation 9-1-1

- Legislation extends joint NTIA/NHTSA "Implementation Coordination Office"
- Provides for $115 million in grants – but not right away, and only if your government has not "diverted" 9-1-1 fees
- Calls for more comment on how to locate

  9-1-1 callers behind giant PBXs
- Asks FCC to determine whether present law is adequate for NG 9-1-1 or must Congress do more



A buried zoning restriction

- At Section 6409, under the caption “Spectrum Auction Authority,” Congress declares on wireless antenna co-location
- It seeks to force approval of facility changes not substantially altering “physical dimensions” of towers or base stations
- Joe Van Eaton posted a blog to the IMLA site 2-23-12. If not still there, you can get the piece from any BBK attorney



Questions?



Speaker biography

James R. Hobson is of counsel in Best Best & Krieger LLP's Municipal & Redevelopment Law practice group in the firm's Washington, D.C. office. Prior to joining the firm in 2011, he was an attorney with Miller & Van Eaton, LLP, a nationally-recognized telecommunications law firm. Mr. Hobson has 40 years of experience in cable television, wire and wireless communications as a Federal Communications Commission (FCC) official, corporation lawyer and private legal practitioner.

As a private practice attorney, Mr. Hobson has worked on video, wire and wireless communications matters for a number of clients. Within the field of wireless communications, he has developed a specialty in public safety communications, including 9-1-1 emergency calling and rebanding of the 800 MHz spectrum.

He holds undergraduate and graduate degrees from Cornell and Georgetown Universities, and his law degree is from the University of San Francisco. Mr. Hobson is the co-author of "Preemption of Local Regulation of Radio Antennas," *Federal Communications Law Journal*, Volume 46, No. 3 (1994), and the co-editor of *The Communications Act: A Legislative History of the Major Amendments, 1934-1996* (Pike & Fischer, 1999). His article, "*Wireless Facility Siting Under the Communications Act*," appeared in the March-April 2003 issue of *Municipal Lawyer*, and an update, with Matthew Schettenhelm, in the November-December 2008 issue.