

ALERT

March 18 Deadline for Comments on the NPRM to Enable Repurposing of VHF/UHF Bands

January 31, 2011

The Notice of Proposed Rulemaking (NPRM) that would permit new uses for spectrum in the VHF and UHF bands and lay the groundwork for incentive auctions of television broadcast spectrum has now been published in the Federal Register, triggering comment deadlines. Comments are due **March 18** and Reply Comments on **April 18**.

The NPRM seeks comment on three items: (1) adding new allocations for fixed and mobile broadband services in the existing television bands to make all television spectrum available for future broadband use; (2) establishing a regulatory framework for television stations to share channels; and (3) improving television service on VHF channels.

Specifically, the NPRM seeks comment on proposed rules that would permit two or more television stations to share a single 6 MHz channel. Under the proposed channel sharing framework, broadcast licensees would retain their rights to elect mandatory carriage or retransmission consent. Additionally, the NPRM seeks to make VHF channels more desirable for television use, including proposals to increase the maximum power allowed on those channels and to establish technical standards for indoor antennas.

The Commission notes that this NPRM is the first in a series of actions that will allow the agency to make progress toward the goal established in the National Broadband Plan: recovering 120 MHz of television broadcast spectrum for mobile broadband use. In this regard, the FCC intends to propose further actions at a later date, such as repacking television stations into a smaller portion of the television band and conducting incentive auctions to allocate any

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spectrum the FCC reclaims. The Commission may wait to release details about the auction until such time as Congress grants the agency authority to share the proceeds from any spectrum auction with the current license holders.