

ALERT

FCC Launches Review of Spectrum Holding Limits

September 28, 2012

Today, the Federal Communications Commission (FCC or Commission) released a Notice of Proposed Rulemaking (NPRM) that seeks comments on issues relating to the FCC's mobile spectrum holding policies. The NPRM poses a number of questions on ways that the Commission can tailor its policies to promote competition while providing companies with greater certainty to help inform their investment decisions, including participation in upcoming incentive auctions and secondary market transactions.

Specifically, the NPRM seeks comment on the following issues, among others:

- Whether the Commission should maintain the current case-by-case approach to evaluating mobile spectrum holdings in the context of transactions and auctions or adopt a different approach, such as bright-line limits (*i.e.*, a "spectrum cap");
- Including additional spectrum bands in the spectrum screen or a bright-line limit;
- Updating product and geographic market definitions, including reviewing spectrum holdings at the national, as well as the local, level;
- Whether the FCC should distinguish between bands in reviewing spectrum holdings;
- New proposed draft attribution rules, including a new waiver standard;
- Potential remedies, including divestitures and license conditions; and

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- Transition issues, including the Commission's operating assumption that existing spectrum holdings will be grandfathered.

[View a full summary of the NPRM.](#)

Comments and reply comments are due 45 and 75 days, respectively, after publication of the NPRM in the Federal Register.