

NTIA Seeks Input on National Spectrum Strategy

March 16, 2023

On March 15, 2023, the National Telecommunications and Information Administration (NTIA) released its highly-anticipated Request for Comment (RFC) to help inform the development of the National Spectrum Strategy (Strategy)—a “data-driven” plan for the United States to identify airwaves for more intensive and innovative uses by both the private sector and federal agencies. NTIA’s goal is to identify 1,500 megahertz of spectrum for “in-depth” study for potential repurposing to meet non-federal and federal users’ spectrum needs over the course of the next decade. The RFC offers a critical opportunity for interested stakeholders to provide input and help shape the Strategy. NTIA has indicated that it plans to develop the Strategy by the end of this year based on the feedback it receives in response to the RFC. The RFC was published in the Federal Register on March 16, 2023, and sets a comment deadline of April 17, 2023.

NTIA acknowledges the growing needs of many spectrum-reliant services, including fixed and mobile wireless broadband services, satellite communications and other space-based systems, advanced transportation technologies, manufacturing, agriculture, and utilities, medical devices and applications, Internet of things (IoT), smart cities, earth and space research, climate monitoring and forecasting, and national defense and homeland security missions. To address these needs, NTIA proposes building the Strategy around three core “pillars,” about which the RFC asks specific questions.

Pillar 1: Spectrum Pipeline

NTIA proposes that the first pillar of the Strategy should be developing a spectrum pipeline for ensuring U.S. leadership in spectrum-based technologies. The RFC defines “spectrum pipeline” to

Authors

Sara M. Baxenberg
Partner
202.719.3755
sbaxenberg@wiley.law
Joshua K. Waldman
Associate
202.719.3223
jwaldman@wiley.law

Practice Areas

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mean the process for identifying spectrum bands, regardless of allocation, that should be studied for repurposing. The RFC invites feedback on the requirements that the pipeline should address, including:

- Identifying projected future spectrum requirements over the next ten years, including for developing standards such as 6G and Wi-Fi;
- Exploring why current spectrum allocations are insufficient;
- Determining bands that should be repurposed, and the criteria NTIA should use to assess bands for repurposing;
- Updating current federal spectrum management practices to better support national spectrum goals;
- Defining “spectrum sharing” appropriately and identifying available or prospective spectrum sharing models;
- Assessing the pros and cons of current access practices such as exclusive-use licensing, pre-defined sharing, and dynamic sharing;
- Identifying incentives or policies to encourage or facilitate more robust federal and non-federal spectrum sharing arrangements; and
- Comparing spectrum management practices outside the United States.

Pillar 2: Long-Term Spectrum Planning

NTIA seeks feedback on the long-term spectrum planning process it is coordinating with the FCC. In particular, NTIA seeks comment on the timeline, methods of coordination, and appropriate stakeholders to involve in the planning process, and asks whether existing engagement activities such as the FCC’s Technical Advisory Committee, NTIA’s Commerce Spectrum Management Advisory Committee, and NTIA’s annual Spectrum Policy Symposium are sufficient for building and maintaining trust, transparency, and communication among the federal government, industry, and other stakeholders. NTIA also asks about how to expand and diversify the spectrum workforce, with a focus on Tribal and rural communities.

Pillar 3: Spectrum Management Technologies

NTIA plans to promote innovation and the adoption of technologies that “expand the overall capacity or usability of the radiofrequency spectrum.” NTIA asks about existing and developing technologies and models for spectrum sharing, and specifically cites “incumbent informing capability” and real-time dynamic spectrum sharing. NTIA also seeks feedback on federal policies to support and promote the development of new technologies and capabilities.

What’s Next

After drafting the Strategy, NTIA will draft an implementation plan that assigns priority for studying the identified bands and a schedule of actions over the next 1-2 years that would support successfully executing the Strategy, including timelines for repurposing bands. Commenters are also invited to provide feedback on the implementation plan schedule and components.

The long-awaited Strategy will provide a roadmap for how the federal government plans to free additional spectrum for new and innovative use. The RFC represents a key opportunity for stakeholders to help shape the U.S. government's approach to spectrum policy and management for the next decade. Interested stakeholders should consider providing robust input in response.

For more information about the RFC or for help filing comments, please contact any of the authors listed in this alert. Wiley's Telecom, Media & Technology practice has a wealth of expertise on spectrum management and regulations, having long counseled a diverse array of wireless clients. Our team of engineers and attorneys include former government officials that are deeply involved with all aspects of the United States government's spectrum management regime.