

The logo for Wilkinson Barker Knaauer, LLP, is located in the top left corner. It features three curved, concentric lines in shades of red and white, resembling a stylized signal or spectrum, set against a black background.

**Recent Spectrum
Developments:
A Time of Hope and
Change**

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NSMA

Spectrum Management 2009

May 20, 2009

Who's in, Who's out?

Administration Policy Leaders

- NTIA
 - Lawrence Strickling (pending confirmation)
- RUS
 - Jonathan Adelstein (pending confirmation)
- White House, OSTP
 - John Holdren
- State Department
 - Phil Verveer
(pending confirmation)
- Congress
 - Rep. Henry Waxman
 - Sen. Jay Rockefeller



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Who's in, Who's out?

FCC

- Commissioner Jonathan Adelstein (D)
 - Term Expired June 2008*
- Commissioner Robert McDowell (R)
 - Term Expires June 2009
- Acting Chairman Michael Copps (D)
 - Term Expires June 2010
- Vacant (R)
 - Term Expires 2011
- Vacant (D)
 - Term Expires 2012)

- Julius Genachowski (D)
 - Nominated to be Chairman
- Mignon Clyburn (D)
 - Nominated to be Commissioner



* Commissioners may continue to serve until the end of the next session of Congress following the expiration of their term.

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Who's in, Who's out? Policy Leaders

- Three step process:
 - Nominations
 - Hearings
 - Confirmation
- Key timing factors:
 - Other FCC Commissioners?
 - Pace of 4000 Other Appointments



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The FCC and the Obama Agenda

- Campaign Stressed Technology, Broadband as Keys to Economy and Global Competitiveness.
 - Tech and broadband have role in many issue areas including: economic growth; health care; education; environment; energy; homeland security
 - On Broadband, Obama urged “broadband to every community in America through a combination of reform of the Universal Service Fund, better use of the nation’s wireless spectrum, promotion of next-generation facilities, technologies and applications, and new tax and loan incentives.”
- More Coordination Between FCC and Administration Seen as Likely

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Wireless in 2009: DTV Transition

- June 12: Cut-Off



- Effectively A Staggered Transition
- As of May 13:
 - 57.66 Million DTV Converter Box Coupons Requested
 - 29.02 Million Redeemed
- Consumer Education
- Loss of Service Concerns – Analog translators may not be transitioned

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Wireless in 2009:

National Broadband Plan

- Definition of “broadband capability”
 - Different standards for mobile broadband?
- Definition of “access to broadband”
- State of broadband for unlicensed devices
- Universal Service improvements
- Evaluation of Regulatory approaches including: spectrum use, licensing rules, construction requirements, licensed/unlicensed, secondary markets, cognitive radio
- Spectrum access and spectrum inventory
- Satellite-based platforms

Wireless in 2009: AWS-2 and 3

- AWS-2: 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz
- AWS-3: 2155-2175 MHz
- NPRM issued June 2008
 - Proposes to impose various conditions on the AWS-3 spectrum modeled after the M2Z proposal:
 - Free broadband tier
 - Open platform
 - Content filtering
 - Proposes to combine a portion of AWS-2 spectrum and AWS-3 spectrum into a single license
 - Interference from AWS-3 operations to PCS and AWS-1 operations alleged



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Wireless in 2009: D Block

- Public Safety: Key Policy Imperative
- Third Further Notice of Proposed Rulemaking Outstanding
- Open Questions
 - Public Private Partnership?
 - License Spectrum Directly to Public Safety?
 - Role of PSST?
 - Stimulus Funds?



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Wireless in 2009: Buildout

- 700 MHz Buildout:

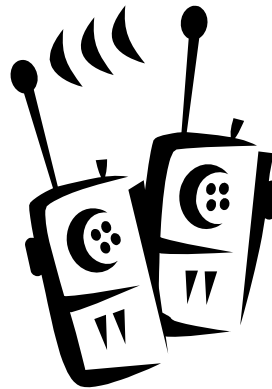
REAG licenses (Upper C)	<ul style="list-style-type: none">• 4yr – 40% population• 10yr – 75% population• EA by EA• If miss 4 year, license term becomes 8 years
CMA, EA (Lower A, B & E)	<ul style="list-style-type: none">• 4yr – 35% geographic area• 10yr – 70% geographic area• If miss 4 year, license term becomes 8 years
Plus, for all licenses	<ul style="list-style-type: none">• Substantial service at end of term

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Wireless in 2009: Use

- Inventory of Spectrum Use?
 - Snowe-Kerry Bill
 - Commercial
 - Federal
- Use of Opportunistic Devices



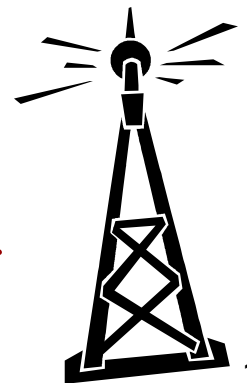
Wireless in 2009: Net Neutrality

- The 700 MHz C-Block Open Access Conditions – Interpretation?
- Broadband Internet Principles Cited in ARRA – Interpretation?
- Network Management
- Skype - Carterfone
- Handset Exclusivity
- Text Messaging

Wireless in 2009: Tower Siting

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- Shot Clock Petition
 - FCC should clarify “reasonable period of time” for wireless facility siting approvals and preempt burdensome local ordinances
- Birds Decision and Aftermath
 - Court: FCC failed to give meaningful notice of tower applications, apply proper NEPA standard, and provide reasoned explanation on FWS consultation
 - May 2008: FCC sought comment on Petition for Expedited Ruling filed by Infrastructure Coalition on notice issue
 - April 2009: FCC seeks comment on Petition for Expedited Rulemaking filed by American Bird Conservancy et al.



Wireless in 2009: Other Issues

- Legislation – Wireless Consumer Protection
- Roaming
- E911
- Homeland Security
- Special Access

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Wireless in 2009: NTIA Spectrum Management Advisory Committee

- Spectrum Sharing Test Bed
- Government Adoption of Commercial Technologies
- Spectrum & Operational Efficiency
- Streamlining Spectrum Sharing (Federal/non-Federal)
- Transitioning LMR
- Implementation of OMB A-11
- Call for New Members (by June 1, 2009)

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The logo for Wilkinson Barker Knauer, LLP features three curved red lines of varying lengths on a black background, resembling a stylized 'W' or a signal. Below this graphic, the firm's name is written in a serif font.

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