

WT Docket 10-112 Notice of Proposed Rulemaking and Order

On May 25, 2010, the Commission released a Notice of Proposed Rulemaking and Order that among other things tentatively concluded that certain wireless services should be subject to a certification process at the time of renewal.

Summary of the Notice of Proposed Rulemaking (The comment period ends August 6, 2010 - 30 days after publication of the document in the Federal Register and the reply comment period ends August 21, 2010 - 45 days after publication in the Federal Register)

- Proposes that applicants for renewal of geographic-area licenses file a “renewal showing” to demonstrate that they have provided continuous service to the public and are compliant with the Commission’s rules and policies.
- Proposes that applicants for renewal of site-specific licenses certify that they are operating as represented in their latest construction notification or authorization and that they are compliant with the Commission’s rules and policies. This necessitates revisions to the Form 601 to allow for this certification by site-based services
- Proposes to prohibit the filing of applications that are mutually exclusive with renewal applications.
- Tentatively concludes that when a renewal application is denied, the licensed spectrum will be returned automatically to the Commission for reassignment.
- Seeks comment on the appropriate period that should be used to define permanent discontinuance of operations and whether the public interest would be served by adoption of a uniform definition for all Wireless Radio Services that have a construction/performance obligation.
- Proposes to require any party holding an FCC spectrum license resulting from partitioning or disaggregation to independently meet the applicable construction requirements.

Summary of the Order (Effective upon adoption)

- Orders a freeze on the filing of new applications that are mutually exclusive with renewal applications.
- Place a hold on pending applications that are mutually exclusive with renewal applications subject to the outcome of the proposed rulemaking.
- Establishes a process for addressing renewal applications filed during the rulemaking.
- Addressed the status of currently pending mutually exclusive applications.
- Requires incumbents whose licenses are due for renewal during the pendency of the rulemaking to comply with the applicable rules regarding such applications.
- Continues the practice of placing renewal applications on the Wireless Telecommunications Bureau’s regular “Accepted for Filing” public notice.
- Directs the Wireless Telecommunications Bureau to grant currently pending applications for renewal, as well as applications for renewal filed during this rulemaking, on a conditional basis, subject to the outcome of the proceeding.

- States that all renewal applications filed by incumbent licensees will be conditionally granted, subject to such rules that may ultimately be adopted.

To view the entire document, use the following link:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-86A1.doc