

106TH CONGRESS
2D SESSION

H. R. 4758

To permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Mr. STEARNS (for himself, Mr. TAUZIN, Mr. OXLEY, Mr. DEAL of Georgia, Mr. EHRLICH, and Mr. ROGAN) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spectrum Resource
5 Assurance Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the Federal Communications Commission’s
2 spectrum cap rule prevents any entity from holding
3 an attributable interest in a total of more than 45
4 megahertz of licensed cellular, broadband personal
5 communications service, and specialized mobile radio
6 spectrum regulated as commercial mobile radio serv-
7 ice in any geographic area;

8 (2) without sufficient spectrum, wireless car-
9 riers will face increasing difficulty in meeting the
10 growing demand for existing services;

11 (3) spectrum constraints will also impede the
12 deployment of fixed and advanced wireless services;

13 (4) by precluding wireless carriers from obtain-
14 ing sufficient spectrum to realize economies of scale
15 and scope, the spectrum cap could raise the costs of
16 offering wireless services;

17 (5) application of the spectrum cap in future
18 auctions will artificially limit the pool of eligible bid-
19 ders and possibly prevent the spectrum from being
20 distributed to the carrier or carriers who will make
21 the most efficient and productive use of it;

22 (6) while the Federal Communications Commis-
23 sion has decided not to apply its spectrum cap to the
24 UHF licenses that must be auctioned this year,
25 there are relatively few of these licenses and the

1 availability of this spectrum will be delayed until in-
2 cumbent broadcasters are relocated;

3 (7) the wireless industry has experienced strong
4 growth and competitive development, with three-
5 quarters of Americans now having a choice of five or
6 more providers of wireless services;

7 (8) assignments of additional spectrum will be
8 needed to enable mobile operators to keep pace with
9 the continued growth of mobile telephony and the
10 demand for new Third Generation mobile systems
11 (hereinafter referred to as “3G”) services;

12 (9) the application of the current spectrum cap
13 rules to new spectrum auctions by the Federal Com-
14 munications Commission would greatly impede the
15 deployment of 3G services, and would threaten the
16 global competitiveness of U.S. industry;

17 (10) the spectrum cap was originally adopted in
18 order to prevent the concentration of control over
19 spectrum in too few hands, but with competition in
20 the provision of wireless services now a reality, rigid
21 structural regulation like a spectrum cap is no
22 longer necessary to ensure a robust wireless market-
23 place; and

24 (11) the antitrust agencies’ review of mergers
25 between wireless carriers will prevent undue market

1 concentration by wireless carriers, even in the ab-
2 sence of a spectrum cap.

3 **SEC. 3. PROHIBITION ON SPECTRUM AGGREGATION LIM-**
4 **ITS.**

5 The Federal Communications Commission—

6 (1) shall not apply any limit on spectrum aggre-
7 gation (including 47 C.F.R. 20.6(a) or any successor
8 regulation) to any license or other authorization for
9 commercial mobile radio service granted in any com-
10 petitive bidding proceeding held after January 1,
11 2000; and

12 (2) shall not apply any such limit to any subse-
13 quent application for the transfer or assignment of
14 a license described in paragraph (1).

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