SELECTED DOCKET AND LEGISLATIVE SUMMARIES


Both proposed bills, H.R. 2844 and H.R. 3675, are intended to improve the efficiency and effectiveness of the Federal Communications Commission (FCC). Respectively, the bills attempt to consolidate reporting obligations and enhance congressional oversight, as well as increase transparency with greater public participation. Neither bill has been passed by the Senate, but both have been passed by the House of Representatives.

I. FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORT ACT OF 2013, H.R. 2844

The Federal Communications Commission Consolidated Reporting Act of 2013 (H.R. 2844) was introduced on July 26, 2013, and passed in the House on September 10, 2013. The intent of the FCC Consolidated Reporting Act of 2013 is to streamline FCC reporting requirements by reducing the number of reports the commission is obligated to produce.

To fulfill these new obligations, the Commission will create a report on the state of the communication marketplace and publish it on its website, and submit to both the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation. The report will address the state of competition, deployment of communications capabilities, and will assess whether laws, regulations or regulatory practices pose barriers to competitive entry into the marketplace. The section also requires a description of the Commission’s agenda for the next two-year period, as well as the actions that the Commission has taken in pursuit of the agenda. A safeguard for these changes has been included in section 14(c) of the FCC Consolidated Report Act of 2013.

This new section will allow Congress, industry, and consumers timely access to the FCC’s best analysis of the communications outlook at the beginning of each Congress. The elimination of outdated reports and the replacement of eight separate reports with one comprehensive report will reduce the burden on
the FCC. With the reduced burden, the FCC should be better able use its resources to grow and produce more jobs. This shall occur every last quarter of every other year.

II. FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2014, H.R. 3675

The Federal Communications Commission Process Reform Act of 2014 (“FCC Process Reform Act of 2014”) was introduced on December 9, 2013, and sponsored by Oregon Representative, Greg Walden. It was passed in the House on March 11, 2014, and was referred to the Senate on March 12, 2014. It has been read twice and referred to the Committee on Commerce, Science, and Transportation, but not yet passed. The intent of the FCC Process Reform Act of 2014 is to amend the Communications Act of 1934 and to provide greater transparency and efficiency within the procedures of the FCC.

1. Rulemaking Section 13(a)(2)

Under new section 13 of the FCC Process Reform Act of 2014, the Commission is required to create procedures to maximize public participation by setting a comment period that will have a minimum duration in place. This allows the public an opportunity to understand what to expect and gives the public enough time by eliminating the practice of placing large amounts of data into the record on the last day of the comment period. It creates policies that provide adequate notice to the public regarding any reports submitted after the comment period to ensure time for response.

The Commission is required to set expected deadlines for rulemaking and publish the status of proceedings, proposed orders, and notices of proposed rulemaking to give the public an idea of what to expect from the FCC while retaining the FCC’s flexibility to set realistic goals. The changes also require the establishment of procedures and guidelines for the disposition of petitions and inclusion of the specific language of proposed rules or amendments to be placed in a notice.

2. Inquiry Section 13(a)(3)

As an attempt to further the public’s participation with the FCC, section 13(a)(3) requires that the Commission complete an inquiry for public comments. This inquiry will be related to how the Commissioners establish procedures for the bipartisan majority to place an order, decision, or report; and how established procedures inform all Commissioners of reasonable options
for resolving complaints, applications, and other proceedings. The amendment also requires that the public comment influence deadlines, and establish procedures that ensure adequate time to review the proposed Commission decision document, before the requisite decision for a petition, complaint, or application.

In addition, the Commission is required to be transparent regarding publication of certain documents on the FCC’s website. These changes and guidelines shall be set in place within one year of the passing of the FCC Process Reform Act of 2014, with the goal of improving agency processes and making the Commission more transparent, efficient and accountable. The amendment also has in place a provision on “Periodic Review,” which requires that every five years the Commission shall initiate a new rulemaking proceeding to continue to consider procedural changes to its rules within the public interest to maximize public participation and efficient decision-making.

*Summary by Erin Callahan*

**FCC Proceeding Revising Part 15 of the Commission Rules to Permit U-NII Devices in the 5GHz Band**


I. HISTORY

Under the High Performance Computing Act of 1991, U-NII spectrum was assigned and made available to public and private networks and to interactive services and multimedia databases. In 1997, the Commission created rules to govern the spectrum bands: U-NII-1 (5.15-5.25GHz), U-NII-2A (5.25-5.35GHz), and U-NII-3 (5.725-5.825GHz). In 2003, the Commission set aside an additional 255MHz of spectrum for UNII and created the U-NII-2C band (5.47-5.725GHz). These U-NII bands meet the public demand for wireless broadband.

This rulemaking is important because the unlicensed bands are where WiFi operates and the increasing popularity of devices, both fixed and mobile, has created a problem of congestion and interference. Today, most mobile phones
containing technologies such as Bluetooth, WiFi, and increasingly, near field communications (NFC) networks, which all operate in U-NII spectrum.

II. REVISIONS TO PART 15 OF THE COMMISSION RULES

The new rules adjust the technical parameters for frequency band operation, power, power spectral distribution limits, emission bandwidth, antenna gain, and peak-average ratio. The adopted rules were modified for high-gain point-to-point operations. The changes in the rules are expected to reduce the complexity of the authorization process for the equipment and to eliminate the incentive to circumvent procedure. Most WiFi networks operate off of a wireless (LAN) network at 802.11a or 802.11n standards. A new standard for WiFi, the IEEE 802.11ac, allows for wider transmissions across all U-NII bands, which will increase speeds and reduce network congestion.

The Commission is consolidating the rules in section 15.247 and 15.407. The R&O will not require reduced out-of-band emissions below current levels stated in section 15.407. The Commission changed the rules in three main ways: (1) increase the utility of the U-NII bands, in particular the U-NII-1 and U-NII-3; (2) increase U-NII device security; (3) reduce interference with important radio systems, in particular Terminal Doppler Weather Radar (TDWR) system. The Commission’s goal is to support the needs of both businesses and individuals for fixed and mobile broadband. This R&O is promulgated to increase 5GHz band utility.

1. Increased Utility

The R&O has amended the rules to allow fixed access outdoor operations in the U-NII-1 band. Previously, only indoor access had been allowed. Also, power limits will increase for both indoor and outdoor access points up to 1W. The rules have been changed to expand the upper edge of the U-NII-3 band from 5.825GHz to 5.85GHz.

2. Increase U-NII Device Security

In addition, the R&O requires manufacturers to install security features on U-NII digitally modulated devices to prevent third parties from reprogramming the devices outside of the certified parameters. The Commission will not require U-NII devices to transmit identifying information.
3. Reduce Interference

Finally, while mobile WiFi may be the most popular commercial service on the U-NII band, it is also used for Federal Radiolocation, the Aeronautical Radiodetermination Service, and earth-to-space Fixed Satellite Service. The Federal Aviation Administration (“FAA”) has reported harmful interference with the Terminal Doppler Weather Radar (TDWR) system. The goal of reducing interference is reached by increasing sensing requirements for Dynamic Frequency Selection (“DFS”) radar detection; eliminating the uniform channel spreading requirement of the rules; and increasing the standard for unwanted emissions.

U-NII devices, specifically on the U-NII-2A and U-NII-2C bands, must include DFS radar detection. The rules have been modified to prohibit operators from using non-DFS equipment in U-NII bands. The new rules expand the sensing requirements for radar emissions to prevent co-channel operations between the two U-NII bands 2A and 2C, in the hopes of reducing harmful interference.

Channel spreading is the uniform distribution across all channels. Channel spreading prevents “clusters of devices” from operating on the same channel. The rules have been modified to eliminate the uniform channel spreading requirement.

The R&O has harmonized the rules to create a stricter standard for unwanted emissions in compliance with the standards set in Section 15.407. Section 15.407 requires that unwanted emissions be kept below -17dBm/MHz and -27dBm/MHz within 10MHz of the edge of the band. Unwanted emissions can be reduced without affecting the device utility.

III. EFFECT OF THE REVISIONS

The effects of these revisions will be increased utility, speed, and data transfer volumes, particularly on mobile WiFi devices, which are becoming increasingly more dependent upon U-NII spectrum bands. The changes to the rules regarding U-NII band utility will effectively double the bandwidth of the available spectrum in the 5GHz bands. By freeing up more spectrum in the unlicensed space, the Commission hopes to allow for more innovation and experimentation, not only in WiFi but in new transmission technologies as well.

*Summary by Meghan Lanigan*