

THE
NATIONAL LAW REVIEW

The 2.5 GHz Band: No Longer Just for Education

Wednesday, June 19, 2019

Earlier this week, FCC announced the [agenda for the Agency's July 10th Open Meeting](#). Chairman Ajit Pai also [published a blog post](#) detailing some of these items. This includes an announcement that Chairman Pai had circulated a [draft Report and Order](#) for consideration at the meeting next month.

The Report and Order is of keen interest to private wireless licensees – including critical infrastructure companies – as it would significantly change the landscape of the valuable 2.5 GHz band.

2.5 GHz Band Background. The band consists of 114 MHz of contiguous spectrum, the largest chunk of contiguous spectrum below 3 GHz. The FCC adopted rules in the mid-1990s hoping this band could be used to support the transmission of instructional/educational materials. The current rules governing the 2.5 GHz band require a licensee to be an accredited public or private institution engaged in formal educational activities. As a result, many of the active licenses are currently held by state governments, colleges and universities, community colleges, technical schools, and elementary/secondary schools. These entities are not using the spectrum in large swaths of the country, as the FCC has noted in the past that the 2.5 GHz band is unused across approximately half the United States.

Proceeding. The draft Report and Order that the Commission will consider at next month's Open Meeting follows a [Notice of Proposed Rulemaking](#) the FCC issued in May 2018. The NPRM contemplated several proposed changes to the agency's existing 2.5 GHz rules. The overarching goal of the Commission was to put this spectrum to greater use. To that end, the agency's proposals included:

- Potentially permitting 2.5 GHz licensees to assign or transfer existing licenses to commercial entities;
- Eliminating the educational use requirement for the spectrum;
- Confirm existing, active operations to where spectrum in the 2.5 GHz band is unused (much like the FCC has done [in the C-Band](#)); and
- Potentially auctioning the unused portions of the band to commercial entities.

Next Steps. It is possible that the draft Report and Order will change between now and the time it is voted on by the Commission. However, it appears likely that the FCC will remove the educational use requirement for this spectrum. Such a move could quickly transform the band by allowing existing educational licensees to assign or transfer active licenses to commercial entities.

The draft also proposes to establish a priority filing window for Indian tribes located in rural areas to provide these Tribal Nations with an opportunity to license 2.5 GHz spectrum to promote broadband deployment. Immediately following the completion of the Tribal priority filing window, the FCC plans to auction the remaining unassigned 2.5 GHz spectrum to commercial entities.

© 2019 Keller and Heckman LLP

Source URL: <https://www.natlawreview.com/article/25-ghz-band-no-longer-just-education>



Article By [Keller and Heckman LLP](#)
[Wesley K. Wright](#)
[Beyond Telecom Law Blog](#)

[Communications, Media & Internet](#)
[Administrative & Regulatory](#)
[All Federal](#)