



## The FCC Makes Spectrum Policy -- Not the Defense Department

The Department of Defense's refusal to defer to the Federal Communications Commission's Order [on Ligado](#) is indicative of a larger problem within spectrum policy. The federal government has spent years consolidating its approach to spectrum policy to avoid the exact predicament we find ourselves in. It is completely reasonable for agencies with adjacent spectrum to have their concerns addressed or to raise objections with the FCC. When that process goes against them, however, and agencies decide to break the rules, these agencies should address their issues with the FCC, not Congress. There are [federal spectrum users everywhere](#), across almost every band, and agencies should not be rewarded for going around the FCC's process with a hearing or else the spectrum process falls apart. If every time a company wants to use its spectrum in a new or novel fashion, it has to go to every and any agency that has adjacent spectrum as well as the FCC, spectrum policy would be too cumbersome to function properly or efficiently.

This is why we at Public Knowledge believe that:

- Federal law and more than two-decades of federal practice create a clear process by which federal agencies work with the FCC to create a uniform, coherent federal policy. To quote [a letter](#) signed by both the Chairman and the Ranking Member of the House Energy & Commerce Committee: "The federal spectrum management process has broken down."
- The longer this breakdown continues, the greater the damage done to United States spectrum policy generally and the ability to deploy advanced services such as 5G and Wi-Fi 6 specifically.
- Congress created the existing process to promote uniformity and certainty, and to encourage private investment and innovation while protecting federal spectrum interests. As an independent agency directly controlled by Congress, the FCC has acquired unparalleled engineering expertise in wireless technologies that has allowed the United States to dominate the global wireless economy for more than two decades.
- What the DoD is doing in this proceeding is setting a dangerous precedent for future spectrum fights. The private sector needs to have certainty that the FCC has final say over spectrum issues so that innovation in wireless technologies can be seen as good investments, without having to worry about a federal agency with adjacent spectrum in the event that agency feels threatened.
- Most importantly, this is not Government spectrum. The spectrum that Ligado is looking to repurpose is not DoD spectrum. Allowing DoD to veto civilian spectrum authorizations after ignoring established processes will discourage future FCC authorization of new wireless technologies in the face of any DoD objections. Since DoD is the nation's largest federal spectrum user, this will have dramatic impact going forward.

See Public Knowledge's Ex Parte Letters to the FCC on this issue [here](#) and [here](#).