

110TH CONGRESS  
1ST SESSION

# S. 337

To require the FCC to issue a final order regarding white spaces, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2007

Mr. SUNUNU introduced the following bill; which was read twice and referred  
to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the FCC to issue a final order regarding white  
spaces, 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 “White Spaces Act of  
5 2007”.

6 **SEC. 2. ELIGIBLE TELEVISION SPECTRUM MADE AVAIL-**  
7 **ABLE FOR WIRELESS USE.**

8 (a) IN GENERAL.—Not later than the earlier of 90  
9 days after the date of enactment of this Act or October  
10 1, 2007, the Federal Communications Commission (in this

1 Act referred to as the “Commission”) shall complete its  
2 proceeding and issue a final order in the Matter of Unli-  
3 censed Operation in the TV Broadcast Bands, ET Docket  
4 No. 04–186.

5 (b) COMMISSION TO FACILITATE USE.—In com-  
6 pleting the requirement described in subsection (a), the  
7 Commission shall—

8 (1) permit use of eligible frequencies—

9 (A) at the earliest technically feasible date,  
10 but not later than February 18, 2009; and

11 (B) in compliance with the—

12 (i) conditions described in paragraphs

13 (2) through (5); and

14 (ii) requirements of subsection (c);

15 (2) establish technical requirements for devices  
16 operating in such eligible frequencies to protect in-  
17 cumbent primary licensees of such frequencies from  
18 harmful interference from such devices;

19 (3) require devices operating in such eligible  
20 frequencies to comply with existing Commission cer-  
21 tification processes for new devices, including the  
22 initial acceptance of applications for certification of  
23 unlicensed devices not later than December 1, 2007,  
24 with a maximum of 90 days for the Commission to

1 review and dispense of each properly submitted and  
 2 completed application;

3 (4) conduct and complete field testing in a lim-  
 4 ited number of markets (such markets to be chosen  
 5 at the discretion of the Commission)—

6 (A) prior to the initiation of the certifi-  
 7 cation process; and

8 (B) for the purpose of evaluating the po-  
 9 tential for actual harmful interference to incum-  
 10 bent primary licensees of such frequencies; and

11 (5) permit the operation of both fixed and per-  
 12 sonal/portable devices at the earliest technically fea-  
 13 sible date, but not later than February 18, 2009.

14 (c) COMMISSION AUTHORITY.—

15 (1) AUTHORIZED USE OF SPECIFIED FRE-  
 16 QUENCIES.—In each local market, the Commission  
 17 may authorize the use of eligible frequencies on a li-  
 18 censed or unlicensed basis, or a combination of both.

19 (2) LICENSED USE OF ELIGIBLE FRE-  
 20 QUENCIES.—To the extent the Commission author-  
 21 izes the use of eligible frequencies in a local market  
 22 on a licensed basis under paragraph (1), the Com-  
 23 mission—

24 (A) shall grant such licenses through a  
 25 system of competitive bidding that meets the re-

1            requirements of section 309(j) of the Communica-  
2            tions Act of 1934 (47 U.S.C. 309(j));

3            (B) shall not also authorize the unlicensed  
4            use of such frequencies in such market; and

5            (C) shall establish licensing areas that may  
6            be local, regional, or national in scope.

7            (d) **MARKETING PERMITTED.**—The Commission shall  
8            not prohibit the marketing of any device in compliance  
9            with the requirements of subsection (b).

10          (e) **DEFINITIONS.**—In this Act, the following defini-  
11          tions shall apply:

12            (1) **ELIGIBLE FREQUENCIES.**—The term “eligi-  
13            ble frequencies” means frequencies between 54 MHz  
14            and 698 MHz.

15            (2) **UNLICENSED DEVICE.**—The term “unli-  
16            censed device” means both fixed/access and per-  
17            sonal/portable devices, as such terms are defined in  
18            paragraph 19 of the Federal Communications Com-  
19            mission’s Notice of Proposed Rulemaking in the  
20            Matter of Unlicensed Operation in the TV Broadcast  
21            Bands, ET Docket No. 04–186, adopted May 13,  
22            2004.

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