



Advanced Spectrum Policy Course

Lecture 4: FCC Rulemaking Process

Fall 2025

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Technology Policy Institute
Washington, D.C.



Advanced Spectrum Policy

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3. Lecture 2 Federal Spectrum Policy
4. Lecture 3 FCC and NTIA and OSTP
- 5. Lecture 4 FCC Rulemaking Process**
6. Lecture 5 Congressional Involvement in Spectrum Policy
7. Lecture 6 International Spectrum Policy
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Lecture 4: FCC Rulemaking Process

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4.1. FCC Rulemaking Process

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4.1.1. Administrative Procedure Act (APA)

5 USC PART I, CHAPTER 5, SUBCHAPTER II: ADMINISTRATIVE PROCEDURE

From Title 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I—THE AGENCIES GENERALLY

CHAPTER 5—ADMINISTRATIVE PROCEDURE

SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE

The provisions of this subchapter and chapter 7 of this title were originally enacted by act June 11, 1946, ch. 324, 60 Stat. 237, popularly known as the "Administrative Procedure Act". That Act was repealed as part of the general revision of this title by Pub. L. 89–554 and its provisions incorporated into this subchapter and chapter 7 hereof.

§551. Definitions

For the purpose of this subchapter—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;

or except as to the requirements of section 552 of this title—

- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; subchapter II of chapter 471 of title 49; or sections 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix; ¹

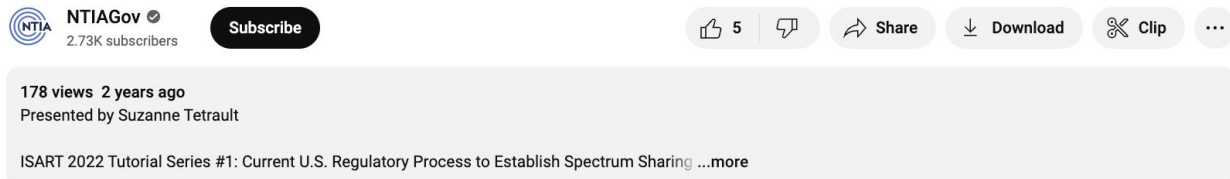
See generally
5 U.S.C. §§
551-59, 701-06
(2012).

4.1.2. Starting a Rulemaking



NTIA,
Overview of
the FCC's
Rulemaking
Process,
<https://www.youtube.com/watch?v=LHRKwfDbw18&t=1s>

Overview of the FCC's Rulemaking Process



4.1.3. Judicial Review of Agency Rulemaking

A Brief Overview of Rulemaking and Judicial Review

Judicial Review of Agency Rulemaking

As a general matter, there is a “strong presumption that Congress intends judicial review of administrative action.”¹¹⁸ This presumption is embodied in the APA, which provides that “final agency action for which there is no other adequate remedy in a court [is] subject to judicial review.”¹¹⁹ The APA excludes judicial review in two situations—instances where (1) other “statutes preclude judicial review” or (2) “agency action is committed to agency discretion by law.”¹²⁰

The APA provides that courts may hold unlawful and set aside agency actions under a number of circumstances.¹²¹ Specifically, the APA states the following:

The reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be –

- (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
- (B) contrary to constitutional right, power, privilege, or immunity;
- (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
- (D) without observance of procedure required by law;
- (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title

or otherwise reviewed on the record of an agency hearing provided by statute; or
(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.¹²²

This provision indicates that the type of judicial review may differ depending on whether the court is reviewing formal or informal rulemakings. Specifically, cases subject to § 556 and § 557 are subject to “substantial evidence” review, whereas other agency actions are subject to “arbitrary and capricious” review.¹²³ Congress has sometimes, however, required informal, notice-and-comment rulemakings to be reviewed under the substantial evidence test.¹²⁴ However, some have argued that the two standards are the same, and commentators have stated that “the

Congressional Research Service, “A Brief Overview of Rulemaking and Judicial Review,” Mar. 27, 2017, CRS Report No. R41546, at p. 13, https://www.congress.gov/crs_external_products/R/PDF/R41546/R41546.13.pdf.

4.1.3. Judicial Review of Agency Rulemaking

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued January 25, 2022

Decided August 12, 2022

No. 21-1130

INTELLIGENT TRANSPORTATION SOCIETY OF AMERICA AND
AMERICAN ASSOCIATION OF STATE HIGHWAY AND
TRANSPORTATION OFFICIALS,
PETITIONERS

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED
STATES OF AMERICA,
RESPONDENTS

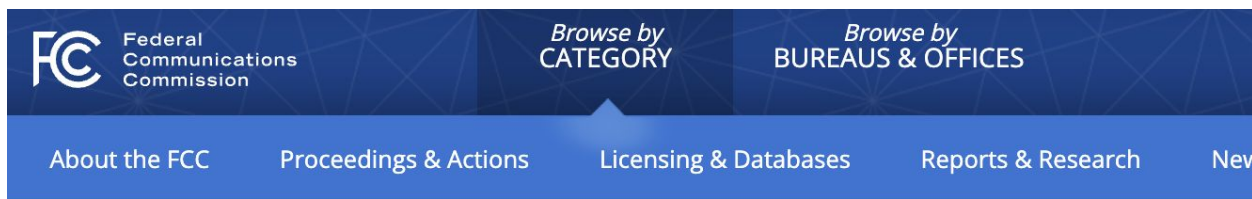
CONTINENTAL AUTOMOTIVE SYSTEMS, INC., D/B/A
CONTINENTAL AUTOMOTIVE SYSTEMS, ET AL.,
INTERVENORS

Consolidated with 21-1131, 21-1141

On Petitions for Review and Appeal of an Order
of the Federal Communications Commission

*Intelligent
Transportation Society of
America v. FCC*, No.
21-1130, Aug. 12, 2022,
<https://media.cadc.uscourts.gov/opinions/docs/2022/08/21-1130-1959069.pdf>

4.1.3. Judicial Review of Agency Rulemaking



[Home](#) / [General Counsel](#)

Archive of Major Court Cases of the FCC

- [Huawei Tech. v. FCC, No. 19-60896 \(5th Cir.\)](#)
- [United States Telecom Association, No. 15-1063 \(D.C. Cir.\)](#)
- [City of Arlington v. FCC, No. 11-1545 \(Sup. Ct.\)](#)
- [In Re: FCC 11-161, No. 11-9900 \(10th Cir.\)](#)
- [Verizon v. FCC, No. 11-1355 \(D.C. Cir.\)](#)
- [FCC v. Fox Television Stations, Inc., No. 10-1293 \(Supreme Court\)](#)
- [FCC v. AT&T, Inc., No. 09-1279 \(Supreme Court\)](#)
- [Fox Television Stations, Inc., et al. v. FCC, No 06-1760-ag\(L\) \(2nd Cir.\)](#)
- [Prometheus Radio Project v. FCC, No. 08-3078 \(3rd Cir.\)](#)

FCC, Archive of Major Court Cases of the FCC,
<https://www.fcc.gov/archive-major-court-cases-fcc>.

4.2. Filing Comments

4.2.1. Drafting and Submitting a Comment

4.2.2. Preparing Effective Comments

4.2.1. Drafting and Submitting a Comment

The screenshot displays the FCC's public filing system interface. At the top, a navigation bar includes the FCC logo, 'Federal Communications Commission', and links for 'Filings & Proceedings', 'Submit a FILING', 'Check Filing STATUS', and 'User HELP'. Below this, a search bar is active with 'SEARCH' highlighted, and options to 'Search for Filings', 'Search for Proceedings', and 'Browse Popular Proceedings' are visible.

The main content area is divided into three columns:

- Filters:** On the left, there are filters for 'DATE POSTED', 'DATE RECEIVED', and 'EXCLUDE'. A link 'Click here to remove filings from your search results' is present. Below these, a summary for 'Docket 19-138' is shown, including 'Commission Documents', 'Use of the 5.850-5.925 GHz Band', 'Bureau Name: Office of Engineering & Technology', 'Date Created: May 10, 2019', 'Total Filings: 1952', 'Comment Period End Date: Jul 05, 2024', 'Reply to Comment Period End Date: Apr 26, 2020', and a 'View History Report' link. At the bottom of the filter column are '+New Filing / +Express' buttons.
- Filings:** The central column shows '1,951 Results (288.334ms)'. It lists three identical entries for 'WISPA - The Association for Broadband Without Boundaries'. Each entry includes a PDF icon and the text 'WISPA ex parte notice - Gomez.pdf', 'WISPA ex parte - Simington.pdf', and 'WISPA ex parte - Starks.pdf'. Each entry also shows 'Received: 03/07/2025', 'Posted: 03/07/2025', and 'EX PARTE NOTICE' tags. To the right of the title, the text 'GN 25-70', 'GN 25-71', and 'GN 13-185' is visible.
- FCC Actions:** The right column lists actions from the 'Wireless Telecommunications Bureau' and 'Office of Engineering & Technology'. It includes dates like '02/11/2025', '01/10/2025', '12/23/2024', '11/21/2024', '07/19/2024', and '06/11/2024'. Action types such as 'PUB NOTICE', 'ORDER', 'OTHER', and 'LETTER' are indicated.

ECFS Docket No. 19-138 from the 5.9 GHz Order,

[https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2219-138%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2219-138%22)))

4.2.1. Drafting and Submitting a Comment



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

June 7, 2024

Mr. Ronald T. Repasi
Chief, Office of Engineering and Technology (OET)
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Mr. Joel Taubenblatt
Chief, Wireless Telecommunications Bureau (WTB)
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

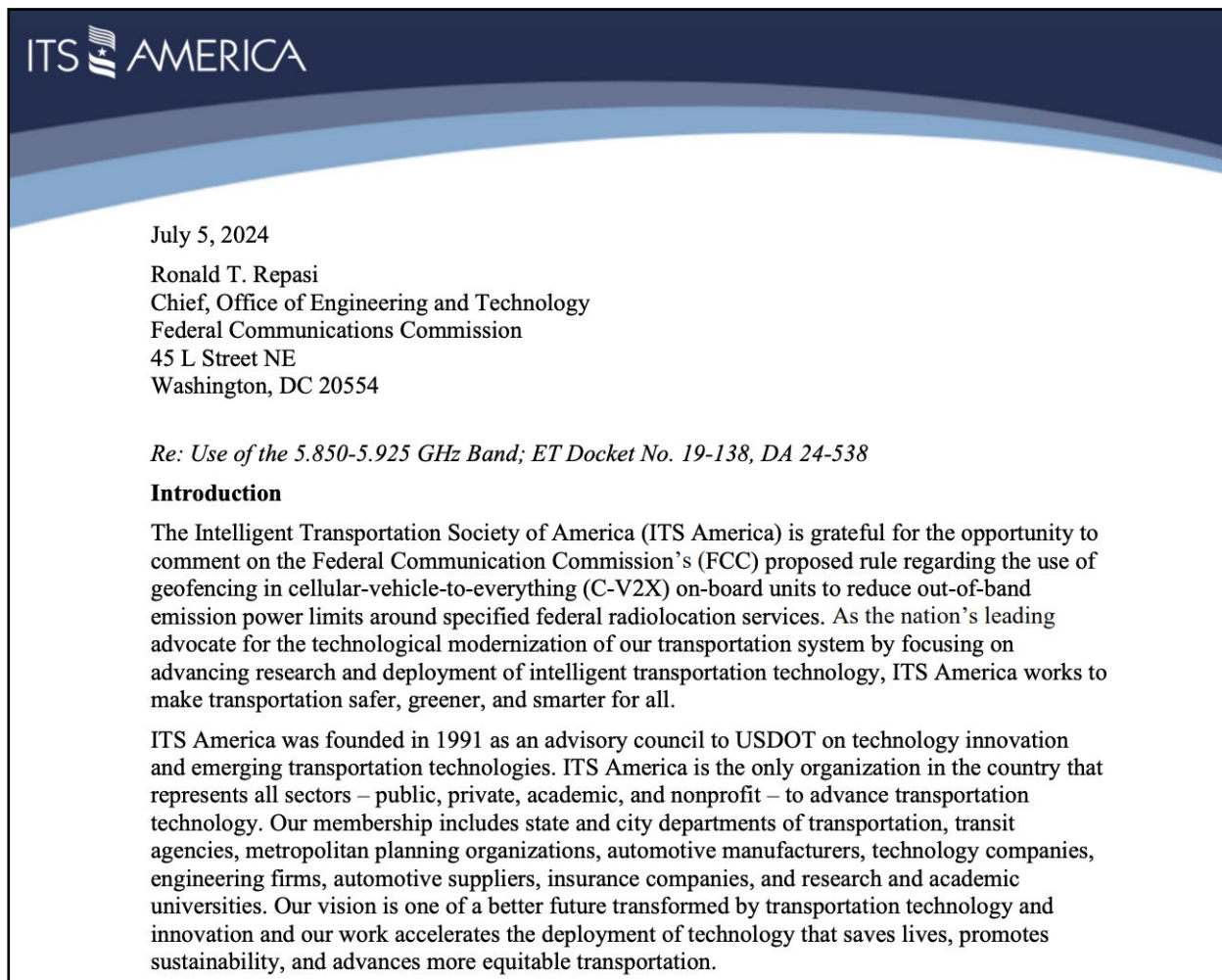
Re: Use of the 5.850-5.925 GHz Band ET Docket No. 19-138

Dear Messrs. Repasi and Taubenblatt:

The National Telecommunications and Information Administration (NTIA), on behalf of the Executive Branch and consistent with its responsibility to ensure that the views of the Executive Branch are effectively presented to the Commission,¹ provides this additional information in response to the Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned proceeding.² The Intelligent Transportation System holds the important promise of improving

NTIA Letter Filed
with the FCC in the
5.9 GHz Order,
<https://www.fcc.gov/ecfs/search/search-filings/filing/1060767641685>

4.2.1. Drafting and Submitting a Comment



Intelligent
Transportation
Society Filing with
the FCC in the 5.9
GHz Order,
<https://www.fcc.gov/ecfs/search/search-filings/filing/10706717221155>

4.2.1. Drafting and Submitting a Comment



July 5, 2024

Via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Use of the 5.850-5.925 GHz Band - ET Docket No. 19-138

Dear Secretary Dortch:

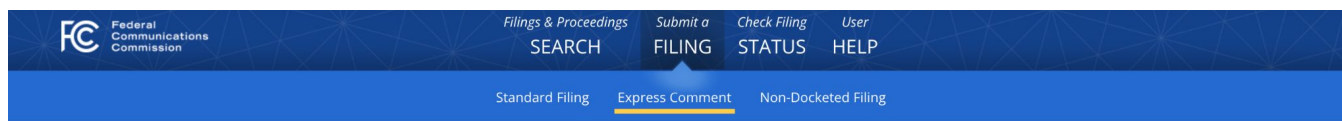
The 5G Automotive Association (“5GAA”), the American Association of State Highway and Transportation Officials (“AASHTO”), the Institute of Transportation Engineers (“ITE”), and the Wireless Infrastructure Association (“WIA”), leading associations of public and commercial interests that represent the automotive industry, infrastructure owner-operators, and wireless technology companies in the deployment of Cellular Vehicle-to-Everything (“C-V2X”) technology to provide transformative roadway safety improvements, hereby respond to the FCC’s Public Notice seeking further comment on C-V2X On-Board Unit (“OBU”) power levels.¹

As explained below, our associations support the recommendations from the National Telecommunications and Information Administration (“NTIA”) to protect federal radiolocation systems in the 5.9 GHz band by allowing OBUs to use geofencing to enable operations above the power levels the FCC authorized under waiver authority.²

The FCC Should Adopt Rules Allowing OBUs Equipped with Geofencing Technology to Transmit with Up to 33 dBm EIRP Within ± 5 Degrees of the Horizontal Plane. NTIA has stated that OBUs without geofencing technology can operate with up to 33 dBm EIRP above 5 degrees elevation and with up to 27 dBm EIRP within ± 5 degrees of the horizontal in the upper 20 MHz channel in the Intelligent Transportation Services (“ITS”) band (*i.e.*, 5905-5925

5G Automotive
Association Letter filed
with FCC in the 5.9 GHz
Order,
[https://www.fcc.gov/ecfs
/search/search-filings/filin
g/107050745008634](https://www.fcc.gov/ecfs/search/search-filings/filing/107050745008634)

4.2.1. Drafting and Submitting a Comment



Submit an Express Comment

1

2

3

COMMENT

REVIEW

CONFIRMATION

***Proceeding(s):** Specify the FCC proceeding(s) to which your filing refers

***Name(s) of Filer(s):** Enter the name(s) of the persons or entities whose views the filing represents

Primary Contact E-Mail: For confirmation receipt (Optional)

***Address** ☐ International

Address 2

***City**

***State**

ECFS Express Comment Submission Form, FCC, “Submit an Express Comment,”
<https://www.fcc.gov/ecfs/filings/express>

4.2.I. Drafting and Submitting a Comment

The screenshot shows the FCC's public filing search interface. The top navigation bar includes the FCC logo, 'Federal Communications Commission', and links for 'Filings & Proceedings SEARCH', 'Submit a FILING', 'Check Filing STATUS', and 'User HELP'. Below this, a secondary bar offers 'Search for Filings' (highlighted), 'Search for Proceedings', and 'Browse Popular Proceedings'.

The main content area is divided into two sections. On the left, the 'Filters' sidebar includes sections for 'DATE POSTED', 'DATE RECEIVED', 'EXCLUDE' (with a link to remove filings), and 'TOP PROCEEDINGS'. The 'TOP PROCEEDINGS' section lists various proceeding numbers and their counts, such as 17-108 (23952014) and 14-28 (1589656).

The right section, titled 'Filings', displays search results for 'GN 25-133'. It shows 28,643,727 results. The results are listed in a table with columns for the filer's name, received date, posted date, and action buttons ('EXPRESS' and 'COMMENT'). The filers listed are Michelle Nagle, Colleen Porter, Shane Cottrill, Matt Risinger, and Carol Meer, all with received and posted dates of 04/07/2025.

Express Comments in the 5.9 GHz Order,
[https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2219-138%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2219-138%22)))

4.2.2. Preparing Effective Comments

— How do I prepare effective comments?

We encourage you to challenge our and other commenters' factual assumptions; applications of data and research; analytical methodologies; analysis; or factual, technical, and policy conclusions. We want you to suggest reasonable alternatives to our proposals and to the proposals of other commenters.

The following list is intended to provide helpful suggestions on how to make your comments more effective and more useful to us in crafting a well reasoned decision that is likely to be upheld by the courts. Except for the requirement that the docket number be placed on any comments, the following suggestions are not mandatory requirements.

- a. **Docket ID.** You must identify the docket number for the rulemaking document on which you are commenting so that the Commission and other members of the public can place and find it in the correct file. The docket number is provided near the very top of the NPRM.
- b. **Typewritten documents.** We prefer typewritten and word-processed documents; otherwise the reviewer may not be able read your handwriting. We do not require this, however, because we recognize that not everyone may have access to a typewriter or computer.
- c. **Electronic submissions.** We prefer that comments be submitted electronically. We recognize that everyone does not have easy Internet access, so we do not require electronic submission.
- d. **Agency questions.** We want your comments on any part of the proposal on which you wish to comment. However, we almost always ask questions or raise issues in rulemaking proposals on subjects where we especially need more information. Please answer those questions if you have useful information on them.

FCC, Rulemaking Process, FAQs, <https://www.fcc.gov/about-fcc/rulemaking-process>

4.2.2. Preparing Effective Comments

- e. **Organized comments.** It is helpful if you organize your comments by the specific headings or by specific sections in the NPRM. This will help the public and the agency review the comments more easily and effectively.
- f. **Clear explanation and support for views.** You should explain your views and reasoning as clearly as possible; provide the basis for your assumptions; and provide supporting evidence or data, wherever possible, to support your views. By supporting your arguments, you are more likely to persuade us to accept them. If you do not, and we do not have separate data to support your submission, we cannot rely on it since we are required to provide the basis for our final decisions.
- g. **Alternatives.** If you disagree with a proposed rule, you should provide specific alternatives to help us ensure that, if we agree with your concerns, we can effectively implement your suggestions. In addition, you should provide an analysis of how your alternative(s) would better serve the public interest than our proposal.
- h. **Examples of concerns.** You should provide specific examples to illustrate your concerns. Real world examples or possibilities can help us better understand those concerns.
- i. **Statutory limitations.** In preparing your comments, you should consider the requirements and limitations of the statutory authority under which the Commission is making its proposal. You may be objecting to a proposal over which the agency has no discretion; the agency may be required to issue a final rule with that provision. You may also be proposing an alternative that the agency has no authority to implement.

FCC, Rulemaking Process, FAQs, <https://www.fcc.gov/about-fcc/rulemaking-process>

4.3. Case Study: Broadcast Incentive Auction

Orders & NPRMs

Notices & Guidance

Education

Systems & Data

Media

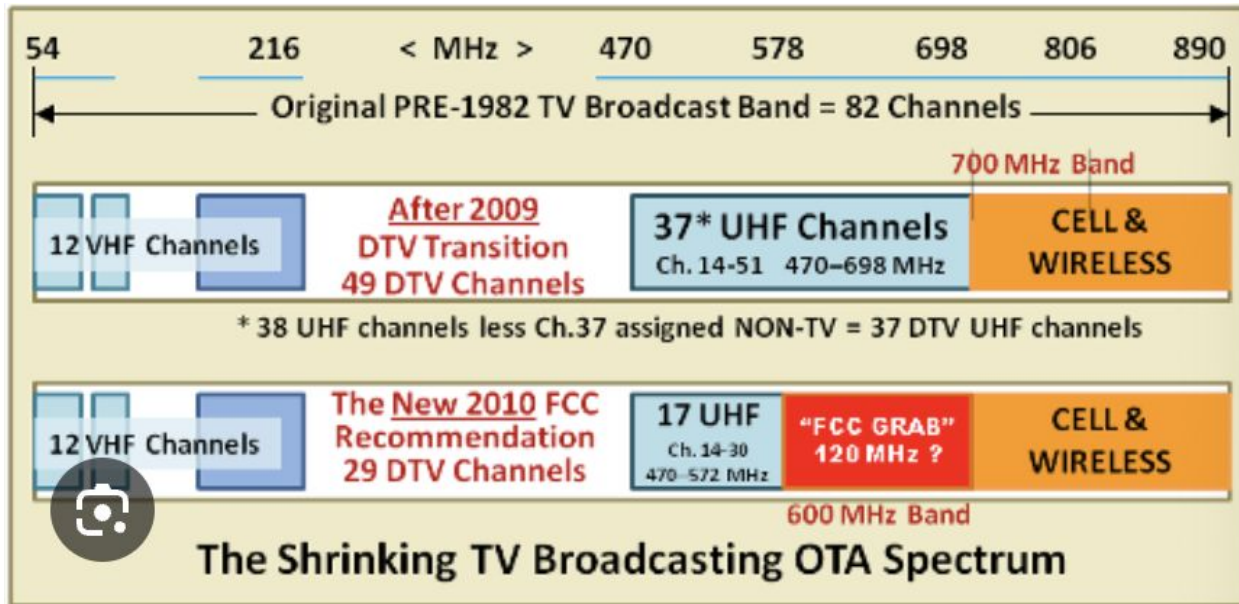
Orders & NPRMs

- [FCC Affirms Closure of Vacant Channel Proceeding](#) (May 11, 2022)
- [FCC Closes Vacant Channels Proceeding](#) (December 8, 2020)
- [FCC Extends WFOX-TV's Post-Incentive Auction Transition Deadline](#) (June 18, 2020)
- [Expanded Reimbursement for LPTV/Translator/FM Report and Order](#) (March 15, 2019)
- [Expanded Incentive-Auction Reimbursements NPRM and Order](#) (Aug. 3, 2018)
- [2017 Channel Sharing Report and Order](#) (Mar. 23, 2017)
- [White Space Push Notification Waiver](#) (Dec. 23, 2016)
- [LPTV Report & Order and Further Notice of Proposed Rulemaking](#) (Dec. 17, 2015)
- [ISIX Third Report & Order](#) (Oct. 26, 2015)
- [Commencing Operations Report & Order](#) (Oct. 22, 2015)
- [Channel Sharing Second Order on Reconsideration](#) (Oct. 21, 2015)
- [Vacant Channel Notice of Proposed Rulemaking](#) (June 16, 2015)
- [Part 15 Report & Order](#) (Aug. 11, 2015)
- [Wireless Microphone Report and Order](#) (Aug. 11, 2015)
- [Mobile Spectrum Holdings Order on Reconsideration](#) (Aug. 11, 2015)
- [Updating Part 1 Competitive Bidding Rules Report & Order](#) (July 21, 2015)
- [Channel Sharing Reconsideration and Notice of Proposed Rulemaking](#) (June 12, 2015)
- [Incentive Auction Second Order on Reconsideration](#) (June 19, 2015)
- [ISIX Second Report & Order](#) (Oct. 17, 2014)
- [Updating Part 1 Competitive Bidding Rules Notice of Proposed Rulemaking](#) (Oct. 10, 2014)
- [Mobile Spectrum Holdings Order](#) (June 2, 2014)
- [Incentive Auction Report & Order](#) (June 2, 2014)
- [Incentive Auction Notice of Proposed Rulemaking](#) (Oct. 2, 2012)

FCC, Broadcast Incentive Auction,

<https://www.fcc.gov/about-fcc/fcc-initiatives/incentive-auctions/resources>.

4.3. Case Study: Broadcast Incentive Auction



TV Broadcast Over-the-Air Spectrum Bands,

<https://stopthecap.com/2012/09/11/fcc-prepares-to-sacrifice-free-over-the-air-uhf-tv-channels-for-lucrative-wireless-auctions/>

4.3. Case Study: Broadcast Incentive Auction



https://en.wikipedia.org/wiki/Coupon-eligible_converter_box

4.3. Case Study: Broadcast Incentive Auction

Federal Communications Commission

FCC 12-118

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Expanding the Economic and Innovation
Opportunities of Spectrum Through Incentive
Auctions

)

)

)

)

)

Docket No. 12-268

NOTICE OF PROPOSED RULEMAKING

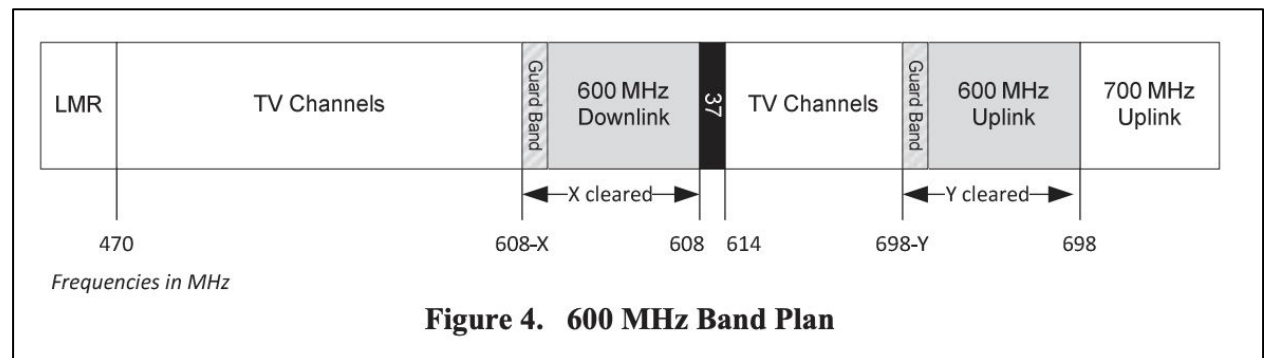
Adopted: September 28, 2012

Comment Date: December 21, 2012
Reply Comment Date: February 19, 2013

By the Commission: Chairman Genachowski and Commissioners McDowell, Clyburn, and Rosenworcel
issuing separate statements; Commissioner Pai approving in part, concurring in part
and issuing a statement.

Released: October 2, 2012

Broadcast Incentive Auction NPRM,
In the Matter of Expanding the
Economic and Innovation
Opportunities of Spectrum Through
Incentive Auctions, Notice of
Proposed Rulemaking, GN Docket
No. 12-268, October 2, 2012,
[https://docs.fcc.gov/public/attachm
ents/FCC-12-118A1.pdf](https://docs.fcc.gov/public/attachments/FCC-12-118A1.pdf)



4.3. Case Study: Broadcast Incentive Auction

Federal Communications Commission

FCC 14-50

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

)

Expanding the Economic and Innovation

)

GN Docket No. 12-268

Opportunities of Spectrum Through Incentive

)

Auctions

)

REPORT AND ORDER

Adopted: May 15, 2014

Released: June 2, 2014

By the Commission:

TABLE OF CONTENTS

Heading

I. INTRODUCTION.....

II. EXECUTIVE SUMMARY.....

III. THE REORGANIZED UHF BAND.....

A. Band Plan for the New 600 MHz Band.....

1. Background.....

2. Discussion.....

a. All-Paired, Down From 51 Band Plan.....

b. 5+5 MHz, Interchangeable Spectrum Blocks.....

c. Geographic Area Licensing.....

d. Market Variation.....

e. Guard Bands.....

f. Band Plan Technical Considerations.....

Paragraph #

2	42	21	22	23	24	25	26	27	28
3	48	21	22	23	24	25	26	27	28
4	60	21	22	23	24	25	26	27	28
5	72	21	22	23	24	25	26	27	28
6	78	21	22	23	24	25	26	27	28
7	84	21	22	23	24	25	26	27	28
8	108	21	22	23	24	25	26	27	28
9	114	21	22	23	24	25	26	27	28
10	126	21	22	23	24	25	26	27	28
11	138	21	22	23	24	25	26	27	11
12	144	21	22	23	24	25	26		A

Broadcast Incentive Auction R&O, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, GN Docket No. 12-268, June 2, 2014,

<https://docs.fcc.gov/public/attachments/FCC-15-69A1.pdf>

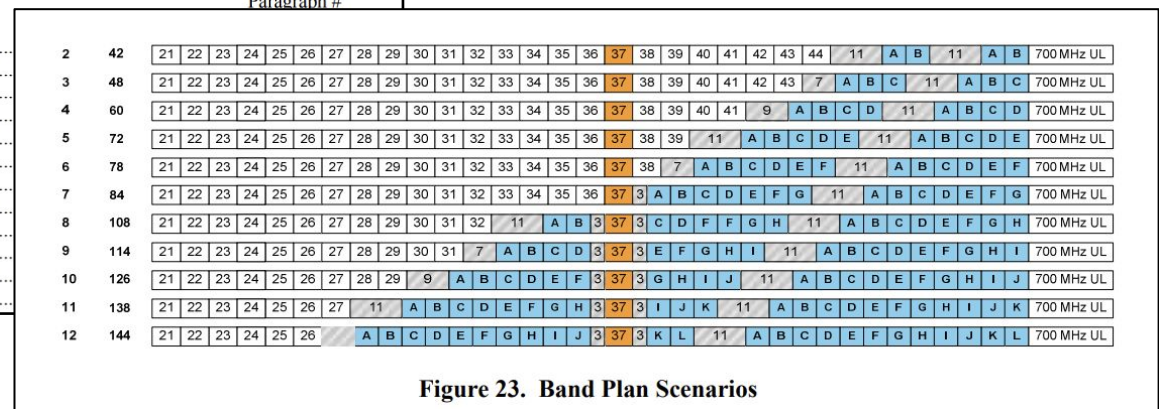
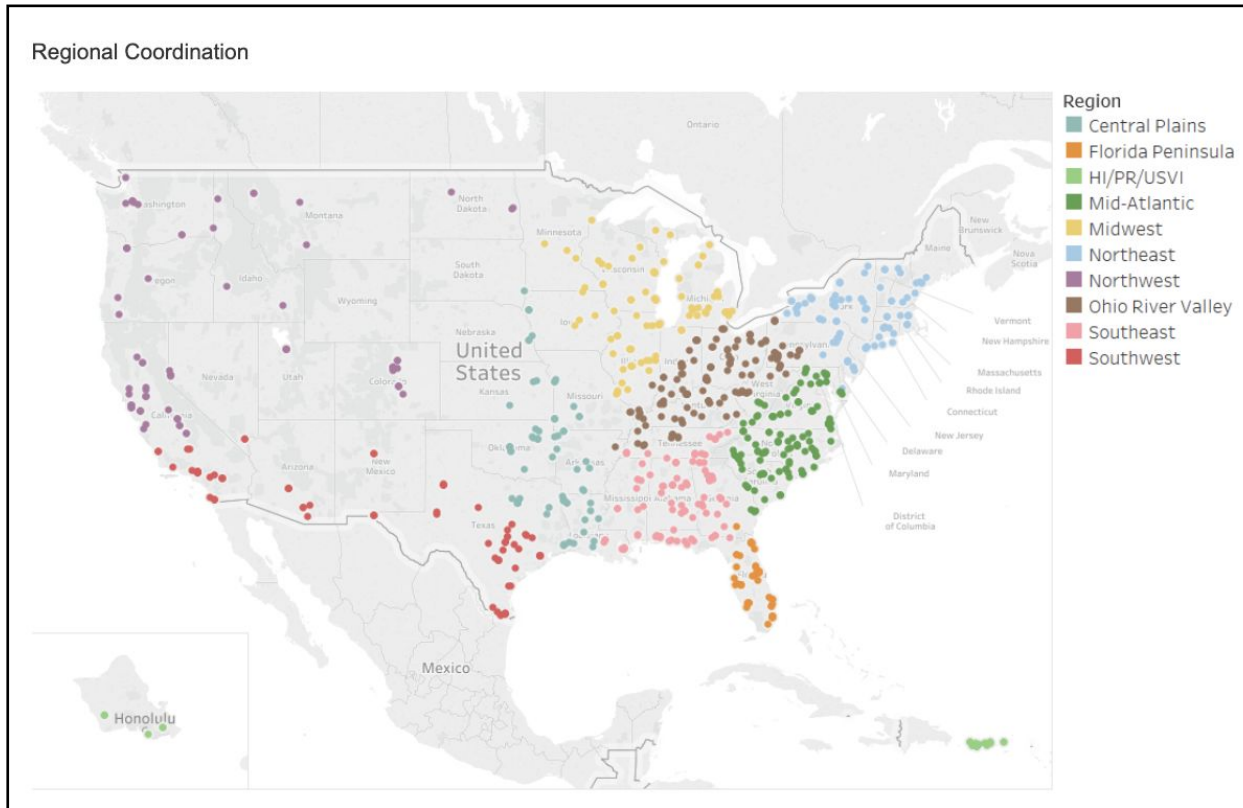


Figure 23. Band Plan Scenarios

4.3. Case Study: Broadcast Incentive Auction



FCC, Incentive Auctions, Transition Schedule,
<https://www.fcc.gov/about-fcc/fcc-initiatives/incentive-auctions/transition-schedule>.

4.3. Case Study: Broadcast Incentive Auction

APPENDIX D
Commenter Short Names

Short name	Name of Filer
4 NY Broadcasters	American Broadcasting Companies, Inc., WBNG License, Inc., United Communications
4G Americas	4G Americas
A. Weiss	Adrienne Weiss
ACTBN	Action Community Television Broadcasting Network, Inc.
Affiliates Associations	ABC Television Affiliates Association, CBS Television Network Affiliates Association
AIC	Azteca International Corporation
Alcatel-Lucent	Alcatel-Lucent
Alcatel-Lucent et al.	Alcatel-Lucent, AT&T, Ericsson, Intel, NAB, Qualcomm and VZ
American Tower	American Tower Corporation
Anon. Broadcaster 1	Anonymous Broadcast Licensees
Anon. Broadcaster 2	Prospective Reverse Auction Participant
Anon. Broadcaster 3	Broadcaster for the Promotion of Channel Sharing Arrangements
Anon. Broadcaster 4	Broadcast Licensee
Anon. Citizen	Anonymous
Anon. Part 90	Blooston Part 90 Licensees
APTS [see joint comments PTV]	Association of Public Television Stations
ASHE	American Society for Healthcare Engineering
AT&T	AT&T, Inc. or AT&T Services, Inc.
ATBA	Advanced Television Broadcasting Alliance
Atlantic Telephone	Atlantic Telephone Membership Corporation
B. Kobb	Bennett Z. Kobb
Bahakel	Bahakel Communications, Ltd.
Belo	Belo Corp.
Block Stations	Lima Communications, Corp./Independence Television Company/WAND TV Partnership/Idaho Independent

Broadcast Incentive Auction R&O, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, GN Docket No. 12-268, June 2, 2014,
<https://docs.fcc.gov/public/attachments/FCC-15-69A1.pdf>

4.3. Case Study: Broadcast Incentive Auction

The incentive auction includes a reverse auction — **Auction 1001** — in which broadcasters will offer to voluntarily relinquish some or all of their spectrum usage rights, and a forward auction — **Auction 1002** — of new, flexible-use licenses suitable for providing mobile broadband services.

Reverse Auction

Auction 1001

Relinquishing Broadcast Spectrum Usage Rights

Forward Auction

Auction 1002

New 600 MHz Band Flexible-Use Licenses

FCC, Auction 1000, <https://www.fcc.gov/auction/1000>

4.3. Case Study: Broadcast Incentive Auction

Auction 1001

Economics and Analytics

Auction 1001

Auction 1002

Auction Results

Incentive Auction Overview

FCC Auctions

Go to the Auction 1000 Page

Reverse Auction Relinquishing Broadcast Spectrum Rights

Schedule Documents Education Data Application Results

Schedule

Pre-Auction Process Tutorial Available (via Internet)	November 20, 2015
Reverse Auction Application Workshop	December 8, 2015; 10:00 a.m. Eastern Time ("ET")
Auction Application Filing Window Opens	December 8, 2015; 12:00 noon ET
Auction Application Filing Window Deadline	January 12, 2016; 6:00 p.m. ET
Auction Application Resubmission Window Opens	February 16, 2016; 10:00 a.m. ET
Auction Application Resubmission Window Deadline	February 26, 2016; 6:00 p.m. ET
Initial Commitment Tutorial Available (via Internet)	February 29, 2016
Workshop on Making an Initial Commitment	March 11, 2016; 10:00 a.m. - 1:00 p.m. ET
Initial Commitment Preview Period Opens	March 24, 2016; 10:00 a.m. ET
Initial Commitment Window Opens	March 28, 2016; 10:00 a.m. ET
Initial Commitment Deadline	March 29, 2016; 6:00 p.m. ET
Initial Clearing Target and Band Plan Announced	April 29, 2016
Bidding Process Tutorial Available (via Internet)	May 18, 2016
Bidding Preview Period	May 23, 2016; 10:00 a.m. ET - May 24, 2016; 6:00 p.m. ET
Workshop on Bidding in the Clock Phase	May 24, 2016; 10:00 a.m. - 1:00 p.m. ET
Mock Auction Preview Period	May 25, 2016; 9:00 a.m. - 10:00 a.m. ET
Mock Auction	May 25-26, 2016

Auction 1002

Broadcast Incentive Auction

Auction 1001

Auction 1002

Auction Results

Incentive Auction Overview

FCC Auctions

Go to the Auction 1000 Page

Forward Auction New 600 MHz Band Flexible-Use License

Schedule Documents Education Data Application Results

Schedule

Pre-Auction Process Tutorial Available (via Internet)	January 19, 2016
Auction Application Filing Window Opens	January 27, 2016; 12:00 noon ET
Auction Application Filing Window Deadline	February 10, 2016; 6:00 p.m. ET
Auction Application Resubmission Window Opens	March 21, 2016; 10:00 a.m. ET
Auction Application Resubmission Window Deadline	April 6, 2016; 6:00 p.m. ET
Initial Clearing Target and Band Plan Announced	April 29, 2016
Upfront Payment Deadline (via wire transfer)	July 1, 2016; 5:00 p.m. ET
Clock Phase Tutorial (via Internet)	July 15, 2016
Clock Phase Practice Auction	July 25-29, 2016
Clock Phase Mock Auction	August 11-12, 2016
Clock Phase Auction Begins	August 16, 2016

FCC, Auction 1001, <https://www.fcc.gov/auction/1001>,
FCC, Auction 1002, <https://www.fcc.gov/auction/1002>

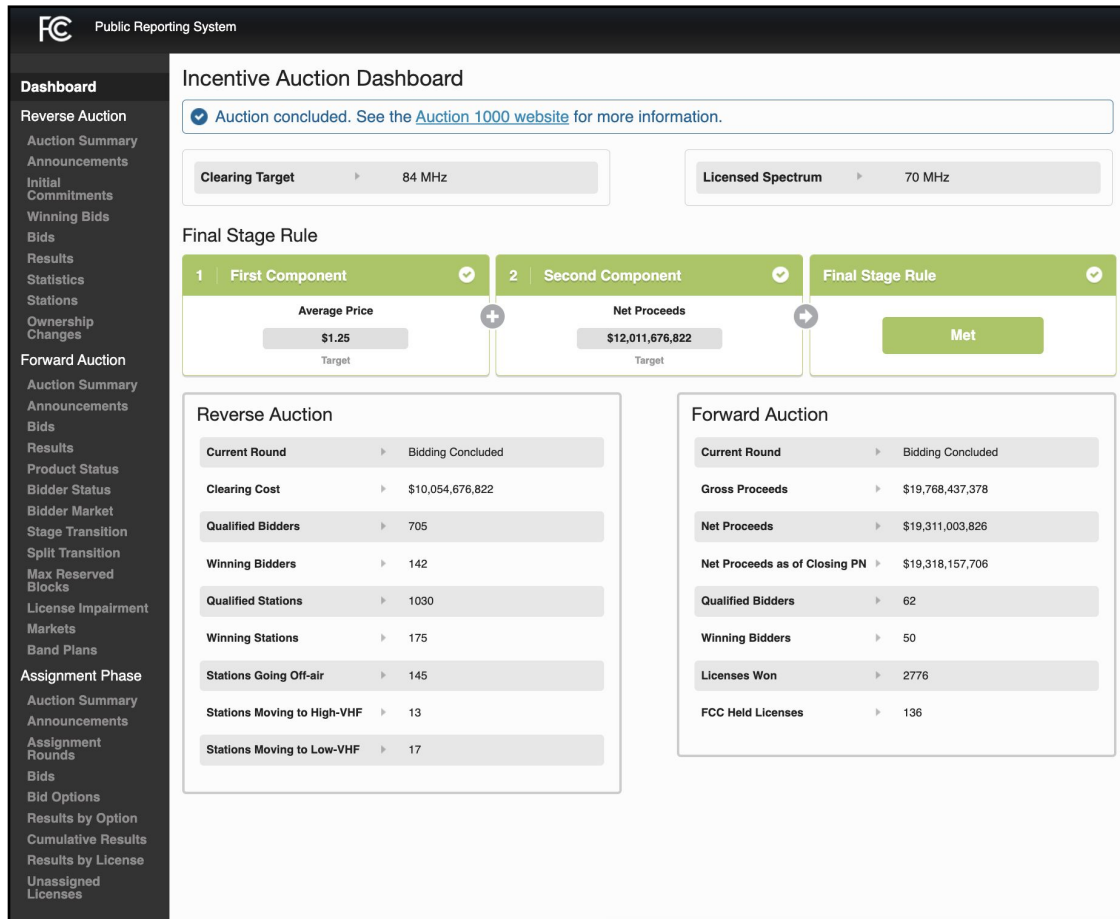
4.3. Case Study: Broadcast Incentive Auction

Table 1: Bid options for UHF stations

		Currently Held Option		
Status		Go off-air	Move to Low-VHF	Move to High-VHF
	BIDDING	Available Options: 1. Go off-air + (Optional) Proxy Bid Instruction: Continue bidding to Go off-air until the price drops below \$ 2. Move to Low-VHF + Fallback bid: Go off-air; or Drop out of bidding 3. Move to High-VHF + Fallback Bid: Go off-air; or Drop out of bidding 4. Drop out of bidding	Available Options: 1. Move to Low-VHF + (Optional) Proxy Bid Instruction: Continue bidding to move to Low-VHF until the price drops below \$ 2. Move to High-VHF + Fallback Bid: Move to Low-VHF; or Drop out of bidding 3. Drop out of bidding	Available Options: 1. Move to High-VHF + (Optional) Proxy Bid Instruction: Continue bidding to move to High-VHF until the price drops below \$ 2. Drop out of bidding
	FROZEN – Pending Catch Up	(Optional) Proxy Bid Instruction: Continue bidding to Go off-air until the price drops below \$	(Optional) Proxy Bid Instruction: Continue bidding to Move to Low-VHF until the price drops below \$	(Optional) Proxy Bid Instruction: Continue bidding to Move to High-VHF until the price drops below \$

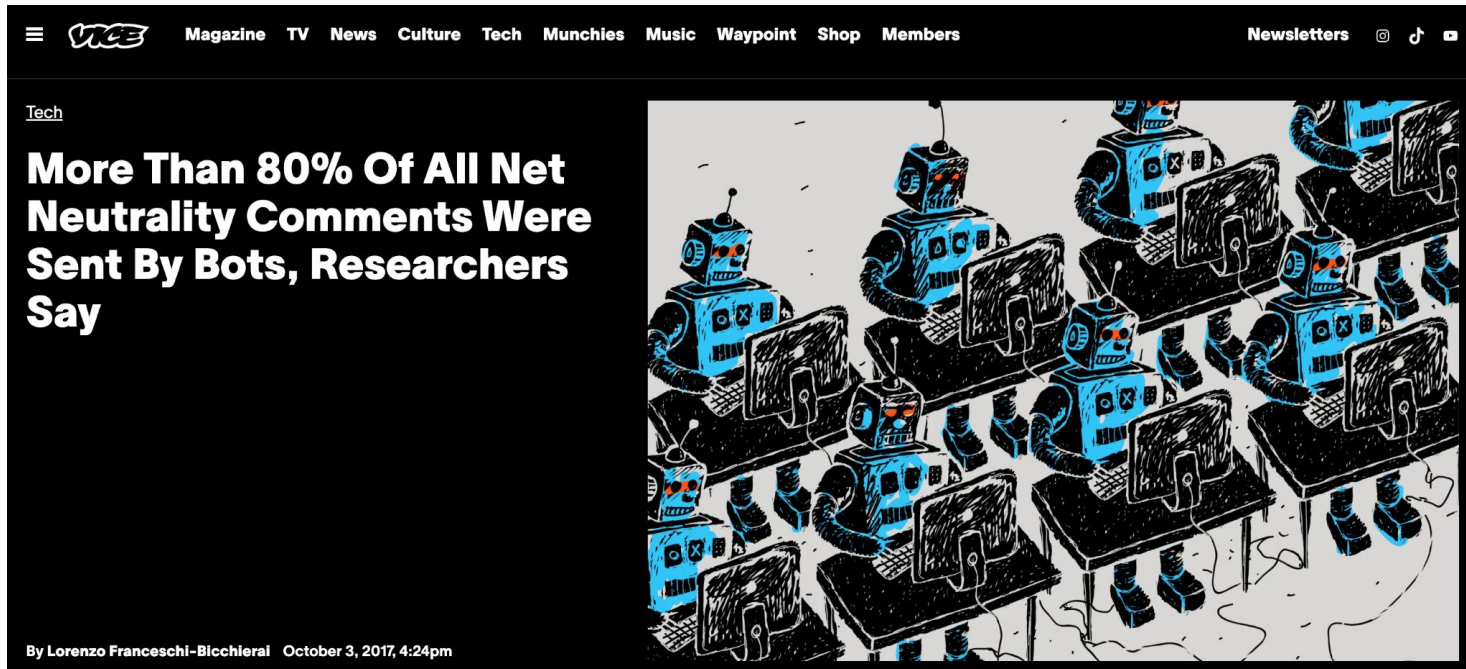
Power Auctions, Reverse Auction Clock Phase User Guide, at A4-1,
<https://www.fcc.gov/file/3797/download>

4.3. Case Study: Broadcast Incentive Auction



FCC Auction Reporting System, Auction 1001 and 1002,
<https://auctiondata.fcc.gov/public/projects/1000>.

4.3. In the News



Lorenzo Franceschi-Bicchierai, “More Than 80% Of All Net Neutrality Comments Were Sent By Bots Researchers Say,” Vice Media, October 3, 2017,

<https://www.vice.com/en/article/80-percent-net-neutrality-comments-bots-astroturfing/>

4.4. In the News

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Scott Wallsten, “AI May Soon Weigh In on Regulation”, Wall St. J., Oct. 24, 2023, <https://www.wsj.com/opinion/ai-may-soon-weigh-in-on-regulation-artificial-intelligence-agencies-public-comment-periods-766436ec>.

4.5. Assignment

Read the Broadcast Incentive Auction NPRM (2012) and Report and Order (2014) to see the rulemaking process for one of the largest spectrum auctions held by the FCC which involved hundreds of interested parties and comments.

- Broadcast Incentive Auction NPRM, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Notice of Proposed Rulemaking, GN Docket No. 12-268, October 2, 2012,
<https://docs.fcc.gov/public/attachments/FCC-12-118A1.pdf>.
- Broadcast Incentive Auction R&O, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, GN Docket No. 12-268, June 2, 2014,
<https://docs.fcc.gov/public/attachments/FCC-15-69A1.pdf>.

4.6. Learning Objectives

Understand the FCC rulemaking process under the Administrative Procedure Act, including how rules are proposed, reviewed, and challenged. Learn how to draft, submit, and evaluate effective public comments to influence spectrum-related policy decisions.



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