



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

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CALENDAR OF COMPETITIVE BIDDING SYSTEMS FOR FISCAL YEAR 2025

Each year, the Federal Communication Commission's Office of Economics and Analytics (OEA) publishes its calendar of spectrum auctions that it anticipates will commence over the course of the coming year. Specifically, section 309(j)(18) of the Communications Act of 1934, as amended, requires the Commission to make publicly available an estimate of what systems of competitive bidding for licenses or permits may be initiated during the upcoming 12-month period.¹ With specified exceptions, the Commission's authority to grant licenses or permits through systems of competitive bidding expired on March 9, 2023.² As discussed below, OEA does not currently have any systems of competitive bidding pursuant to these exceptions on its calendar for Fiscal Year (FY) 2025. Absent Congressional action, the Commission does not have authority to initiate any other systems of competitive bidding for spectrum in FY 2025.

One specified exception to the expiration of the Commission's authority applies to the 3.1–3.45 GHz Band, which was identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act for potential licensing through a system of competitive bidding to begin no earlier than November 30, 2024. Congress directed the Department of Defense (DoD) to study the 3.1–3.45 GHz band in order to identify spectrum for reallocation for shared use and auction.³ Based on the DoD's study, the Secretary of Commerce, in coordination with the Secretary of Defense, the Director of the Office of the Science and Technology Policy, and relevant congressional committees will submit a report to the President and the Commission identifying the spectrum in the band that could be made available on a shared basis between Federal and non-Federal commercial users.⁴ After the report is received, and no earlier than November 30, 2024, the Commission, in consultation with the Assistant Secretary of Commerce for Communications and Information, will begin a system of competitive bidding to grant

¹ 47 U.S.C. § 309(j)(18).

² 47 U.S.C. § 309(j)(11) (“The authority of the Commission to grant a license or permit under this subsection shall expire March 9, 2023, except that, with respect to the electromagnetic spectrum identified under section 1004(a) of the Spectrum Pipeline Act of 2015, such authority shall expire on September 30, 2025, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 7 years after November 15, 2021.”); Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, 136 Stat. 5232, § 901 (2022).

³ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 90008(b)(1)(A) (2021) (codified at 47 U.S.C. § 921 note).

⁴ Infrastructure Investment and Jobs Act § 90008(b)(2)(A). Infrastructure Investment and Jobs Act § 90008(b)(2)(A). The National Spectrum Strategy notes that “DoD determined that sharing is feasible if certain advanced interference-mitigations features and a coordination framework to facilitate spectrum sharing are put in place. The Departments of Commerce and Defense will co-lead any follow-on studies to the Emerging Mid-band Radar Spectrum Study (EMBRSS) that focus on future use of the 3.1-3.45 GHz band.” National Telecommunications and Information Administration, *National Spectrum Strategy* at 6 (November 13, 2023) https://www.ntia.gov/sites/default/files/publications/national_spectrum_strategy_final.pdf (*National Spectrum Strategy*).

licenses for the spectrum identified in the report.⁵ Given that the spectrum is yet to be identified and is subject to ongoing study as part of the National Spectrum Strategy,⁶ OEA estimates that a system of competitive bidding for this spectrum would not be initiated within FY 2025.

The Commission has several active proceedings in which it is considering whether and how to enable sharing or repurposing of bands, potentially creating opportunities for spectrum auctions beyond FY 2025. For example, in May 2023 the Commission adopted a notice of proposed rulemaking in which it sought comment on service rules for flexible use licenses in the 550 megahertz of the 12.7–13.25 MHz band.⁷ Additionally, the Commission continues to examine for potential re-auction, subject to any limits currently imposed by the lapse in its statutory spectrum auction authority, its inventory of licenses in services well-suited for 5G that were previously offered at auction, such as 600 MHz and AWS-3.⁸

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⁵ *Id.* § 90008(b)(3).

⁶ See *National Spectrum Strategy* at 6 (noting that the 3.1-3.45 GHz band warrants additional study in the near term); see also National Telecommunications and Information Administration, *National Spectrum Strategy Implementation Plan*, appx. at 6 (Mar. 12, 2024) <https://www.ntia.gov/sites/default/files/publications/national-spectrum-strategy-implementation-plan.pdf> (identifying target dates of December 2024 for release of a Final Project Schedule and October 2026 for release of the Final Report).

⁷ *Expanding Flexible Use of the 12.2-12.7 GHz Band; Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, WT Docket No. 20-443, GN Docket No. 22-352, Order, Report and Order, Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking, FCC 23-36, at 34-68, paras. 58-142 (May 19, 2023).

⁸ See *Wireless Telecommunications Bureau Seeks Comment on Ways to Facilitate Access to Currently Unassigned Auction Inventory Spectrum for Wireless Radio Services in Light of the Ongoing Lapse of Auction Authority*, WT Docket No. 24-72, Public Notice, DA 24-215 (WTB Mar. 7, 2024) (seeking comment on alternative mechanisms the Commission could use to make inventory of currently unassigned spectrum available for public use in the absence of auction authority).