

# Spectrum Policy Reform: Areas of Agreement and Obstacles to Progress

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# Areas of Agreement

- Inefficient spectrum use in most bands
- Transmitter-centric controls outdated and inefficient
- Flexible use desirable
  - Less dedicated spectrum for govt., etc...
  - Market-based determinations of use
- Zoned use desirable
- More open access spectrum desirable under certain conditions

# Obstacles to Progress:

## (1) Equity Concerns

- Windfalls for additional usage rights
- De facto “exclusive” rights for unlicensed users on free spectrum
- “Public giveaways”

# Obstacles to Progress:

## (2) Ex Post Dispute Resolution

- Emphasis on ex ante prevention
- Harmful interference?
- Interference/protection rights
- Unlicensed devices unaccountable

# Reducing the Obstacles

- Define entitlements: duty to receive interference; right to cause it
- Charge for enhanced usage rights in some cases
- Administrative law judges – a common law of interference liability