

Chapter 11

Public Access to the Federal Spectrum Management Process

11.1 PREFACE

This Chapter sets forth policies and general guidance for the public to provide advice or information to National Telecommunications and Information Administration (NTIA) regarding spectrum management issues and to obtain information regarding NTIA activity and federal use of the radio spectrum. Sections 104(a) and (b) of the National Telecommunications and Information Administration Organization Act (Act), P.L. 102-538, codified at 47 U.S.C. 903 direct the Secretary of Commerce and NTIA to improve federal spectrum management activities by (1) providing for a period at the beginning of each meeting of the Interdepartment Radio Advisory Committee to be open to the public to make presentations and receive advice, and provide the public with other meaningful opportunities to make presentations and receive advice; (2) publishing major spectrum management policy proposals that are not classified and that involve spectrum management, with adequate opportunity for public review and comment; (3) publishing major policy decisions that are not classified and that involve spectrum management; (4) making available nonclassified spectrum management information to the public, including access to electronic databases; and (5) providing prompt and impartial consideration of requests for access to federal spectrum by the public, including disclosure of the status and ultimate disposition of any such request.

11.2 OPPORTUNITIES FOR THE PUBLIC TO PROVIDE INFORMATION AND ADVICE TO NTIA

The public may at any time provide advice or information to NTIA staff regarding spectrum management issues. Contact information is provided at NTIA's website www.ntia.doc.gov.

11.3 INFORMATION REGARDING NTIA SPECTRUM MANAGEMENT ACTIVITIES

Information regarding NTIA spectrum management activities may be found at NTIA's website www.ntia.doc.gov under "Spectrum Management".

11.4 PUBLIC PRESENTATIONS TO OR RECEIVING ADVICE FROM THE IRAC

Members of the public who would like to make a presentation to or receive advice from the IRAC should contact the IRAC Chairperson, the Deputy Associate Administrator for Domestic Spectrum Management at least two weeks before the intended IRAC meeting. If the Chairperson deems the subject to be in accordance with the guidance below, the IRAC Executive Secretary will place the item on an appropriate IRAC agenda. A period of up to twenty minutes will normally be provided for any presentation with additional time for responses from the IRAC.

Members of the public who are preparing presentations to the IRAC should consider the following: (1) the IRAC serves in an advisory capacity to NTIA and the Assistant Secretary for Communications and Information relative to spectrum issues and is not the Executive Branch decision body on spectrum management issues; (2) the member-agency representatives manage, or coordinate, spectrum use by diverse types of radiocommunications facilities and services in their respective agencies; (3) some of these services are obtained from federal-owned facilities and some are obtained from privately-owned facilities; and (4) the member-agency representatives generally do not award grants or contracts for radio facilities or services of their respective agencies; (5) the IRAC awards neither grants nor contracts of any kind. Presentations to the IRAC by the public may include the following:

1. Descriptions of developing technologies or innovative applications of existing technologies that are relevant to radio frequency spectrum management or usage.
2. Proposals for new radiocommunication services or improved approaches for spectrum management.
3. Comments on spectrum issues currently being addressed by the IRAC.

Information provided by the public during the open portions of IRAC meetings shall have no distribution restrictions.

When plans have been made for members of the public to make a presentation to or receive advice from the

IRAC, an announcement shall be placed on the NTIA website at <http://www.ntia.doc.gov/osmhome/irac.html>. This announcement shall (1) define the subject to be addressed; (2) indicate the scheduled date and place for the presentation; (3) provide a brief summary of the scheduled presentation; and (4) identify an individual who can answer detailed questions regarding the scheduled presentation and access procedures.

Members of the public desiring to attend a scheduled open portion of an IRAC meeting should contact the IRAC Secretariat in advance of the meeting date to ensure that adequate seating and security escort can be made available for the meeting. During the open portions of IRAC meetings, questions and comments by members of the public on presentations by others should be addressed to the Chairman of the IRAC.

11.5 REQUESTING FEDERAL GOVERNMENT SPECTRUM MANAGEMENT INFORMATION

A large amount of information related to federal spectrum management is available on NTIA's website at www.ntia.doc.gov. For example, the website includes the Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual), the U.S. Frequency Allocation Chart, spectrum studies and reports, and NTIA's spectrum filings before the Federal Communications Commission. Information not available on the website may be available through a Freedom of Information Act request.

A Freedom of Information Act (FOIA) request to NTIA, U.S. Department of Commerce, should include the following:

- The request must be in writing and can be submitted by mail, e-mail, or fax.
- A statement that the request is being made under the Freedom of Information Act must be included in your letter.
- Mark the envelope "Freedom of Information Act Request."
- If you are making your request by e-mail, please include a mailing address.
- Please also include a daytime telephone number should we need to contact you for clarification.

Send your request to:

FOIA Officer
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 4713
Washington, DC 20230
E-mail address: eFOIA@ntia.doc.gov
Fax number: (202) 501-8013
Telephone number: (202) 482-1816

Please describe as best as possible the NTIA records you are requesting. In your description, please include information regarding the subject matter, date, and any other information you feel will assist us in our search for the records.

11.6 REQUESTING ACCESS TO SPECTRUM ALLOCATED FOR FEDERAL GOVERNMENT USE

NTIA shall provide prompt and impartial consideration to all public requests for access to those portions of the spectrum that are allocated for federal use.

All requests for use of spectrum that is allocated on an exclusive basis for federal use or on a shared basis for federal and non-federal use are submitted to the FCC as the regulator of non-federal use of the radio spectrum. Such requests are coordinated with NTIA, with assistance from the IRAC FAS, to determine the likely impact on federal existing and planned spectrum use. The FCC informs the requester of the results of this coordination.

When the public desires to seek NTIA consideration of a proposal for reallocation of spectrum, requests should be submitted in writing to the Deputy Associate Administrator of Domestic Spectrum Management.

The requests should, as appropriate, include the following information:

1. The radio frequency band or bands affected;
2. The reasons why the requirement for radio frequency spectrum use cannot be accommodated within spectrum allocated for non-federal use;
3. The likely impact on the radiocommunication services currently using the spectrum;
4. The radiocommunication service proposed and a functional description, including technical parameters;
5. The geographic area to be served by the proposed radiocommunication service;
6. The planned schedule for implementing the proposed radiocommunication service;
7. A description of the actions by the FCC on the request; and
8. The name, address, telephone number, and facsimile number of the individual who can be contacted for more information regarding the request.

Upon receipt of such a request, the Deputy Associate Administrator for Domestic Spectrum Management shall notify the FCC of the request and shall advise the FCC of any preliminary conclusions. All allocations for non-federal use are provided through the FCC. The request and any NTIA response to the requester shall be made available to the public via the NTIA website.

11.7 PUBLICATION OF MAJOR FEDERAL SPECTRUM MANAGEMENT PROPOSALS AND DECISIONS

All major nonclassified policy proposals and decisions involving federal spectrum management shall be published in the Federal Register. When policy proposals are published, specific procedures shall be included for the public to submit comments to NTIA. In addition to publishing major policy proposals and decisions in the Federal Register, summaries of current federal spectrum management activities that are of general interest shall be made available to the public through the NTIA website.

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