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Auction 78 to Begin August 13, 2008

The FCC recently announced procedures and minimum opening bid amounts for the upcoming auction of Advanced Wireless Services (AWS) and broadband Personal Communications Service (PCS) licenses (Auction 78), which is scheduled to commence on August 13. Auction 78 will offer 55 licenses: (1) 35 licenses in the AWS 1710-1755 MHz and 2110-2155 MHz bands, consisting of 6 Regional Economic Area Grouping licenses, 7 Economic Area licenses, and 22 Cellular Market Area licenses; and (2) 20 broadband PCS licenses in the C, D, E and F frequency blocks in full or partial BTA markets. These licenses had previously been auctioned, but were either not secured at auction or otherwise forfeited by the winning bidders. Short-form applications are due by June 19, and upfront payments by July 17.

Comment Dates Set for 700 MHz Proceeding

As previously reported (see Vol. V, Issue 20), the FCC released a Notice of Proposed Rulemaking on May 14, 2008 seeking comment on the reauction of the 700 MHz band D Block and potential modifications to the rules governing the Public Safety broadband allocation at 700 MHz. Comment deadlines have now been set; comments must be filed by June 20, 2008, and reply comments by July 7, 2008.

Next FCC Open Meeting

The next FCC Open Meeting is scheduled for Thursday, June 12. Tentative agenda items include: (1) a series of determinations regarding AWS spectrum and related service rules; (2) an Order addressing the Skype Communications S.A.R.L. petition that sought modifications to the FCC policy of allowing Commercial Mobile Radio Service providers to bundle handset sales with Wireless service; and (3) a Report and Order addressing the FCC’s Do-Not-Call rules.

FTC Issues CAN-SPAM Final Rule

On May 12, 2008, the Federal Trade Commission issued a Statement of Basis and Purpose and final Discretionary Rule implementing the CAN-SPAM Act. The Final Rule will take effect July 7. The Final Rule concludes that “refer-a-friend” commercial e-mail communications that offer consideration or inducement for the referral are subject to CAN-SPAM, a position that may result in modifications to certain refer-a-friend offerings. In addition, the FTC clarified several definitions and other aspects of the CAN-SPAM Act, and retained the 10 business day period for processing opt-out requests. Click here to view an article authored by Keller and Heckman LLP attorneys discussing the FTC’s Final Rule.

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