
DIGEST

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HB 465 Reengrossed

2021 Regular Session

Mike Johnson

Abstract: Regulates the leasing of the 4.9GHz band.

Present law requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to address issues relating to public safety and emergency response, including spectrum.

Proposed law removes the authority to oversee, direct, or manage the 4.9 GHz band from GOHSEP.

Proposed law defines "4.9 GHz band" and "office".

Proposed law designates the office under the control of the executive director of broadband development and connectivity (office) as the lessor of the 4.9 GHz band (band).

Proposed law requires the office to develop a policy for leasing the band and to ensure that the policy complies with present law.

Proposed law requires the band be leased using a blind auction method and provides a procedure for the blind auction.

Proposed law provides that the band be auctioned in accordance with the following:

- (1) Three portions of the band, each consisting of 10 megahertz of the band for Priority Access License.
- (2) Ten megahertz of the band for General Authorized Access.

Proposed law requires that 10 megahertz of the band be reserved for public safety usage.

Proposed law requires the office to implement a tiered spectrum-sharing architecture, using an approved Spectrum Access System, that provides incumbent and license holder protection and provides the requisite functions and capabilities of the system.

Proposed law requires the office to implement a tiered spectrum-sharing licensing model, that provides a "use it or share it" licensing scheme to allow the general public and enterprise to have access to the General Authorized Access license at no cost, when the Priority Access License holder is not using the spectrum.

Proposed law prohibits the office from auctioning or leasing any spectrum currently in use by an incumbent.

Proposed law allows an incumbent to consolidate spectrum into one continuous band.

Proposed law limits the length of the auction to three years and allows a winning bidder to apply for an additional two years of usage.

Proposed law requires a winning bidder to utilize the awarded portion of the band or submit plans to utilize portions of the band within three years from the date of possession. If the winning bidder fails to utilize or submit plans within three years, the office regains possession of the awarded portion of the band.

If there are no winning bids, proposed law requires the office to attempt to auction that portion again within one year.

Proposed law requires the initial auction to take place on or before June 10, 2022.

Proposed law provides that the 50% of the proceeds from the auction shall go to the office and the other 50% shall go to the parish from which the spectrum originated for public safety equipment.

Proposed law prohibits the office from auctioning off a portion of the band located in certain parishes within the 2022 calendar year.

Proposed law requires auction winners, incumbents, and entities using the band for public safety use to submit reports to the office before Jan. 1, 2023, and provides the information to be contained in the report.

Proposed law requires the office to submit a report to the House and Senate commerce committees prior to March 1, 2023, and provides the information to be contained in the report.

Proposed law requires the office, with the assistance of the Division of Administration, to establish, facilitate, and maintain two separate task forces. One task force shall consider the commercial use of the band and one task force shall consider the public safety use.

Proposed law provides the membership, meeting requirements, considerations, and reporting requirements each task force is required to comply with.

Proposed law requires the executive director of broadband development and connectivity to serve as chair of both task forces.

Proposed law requires both task forces to submit reports to the legislature.

(Amends R.S. 29:725.4; Adds R.S. 51:1371-1376)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Remove the requirement that auction winners, incumbents, and entities using the 4.9 GHz band for public safety include an estimate of moving current 4.9GHz band to 5 GHz band in the report submitted to the office.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Specify that three ten megahertz portions of the band be reserved for Priority Access License.
2. Specify that one ten megahertz portion of the band be reserved for General Authorized Access.
3. Change the portion of the band reserved for public safety from 5 megahertz to 10 megahertz.
4. Add a requirement that the office implement a tiered spectrum-sharing architecture, using an approved Spectrum Access System, and provides the requisite functions, mechanisms, and capabilities of the system to be adopted.
5. Add a requirement that the office shall implement a tiered spectrum-sharing licensing model that utilizes a "use it or share it" licensing scheme.
6. Prohibit the office from auctioning or leasing any spectrum currently in use.
7. Allow an incumbent to request that the office consolidate spectrum into one continuous band and directs the office to allow it upon request.
8. Provide for the allocation of proceeds from the auction.
9. Change the submission date for the spectrum user's reports from Jan. 1, 2022 to Jan. 1, 2023.
10. Change the submission date for the office's report from Jan. 1, 2023 to March 1, 2023.
11. Add a representative of the La. Ambulance Alliance to the public use task force.
12. Make technical changes.