



March 10, 2023

FCC Spectrum Auction Authority Lapses Under Congressional Inaction

On March 10, the Federal Communications Commission's ("FCC") authority to conduct wireless spectrum auctions lapsed for the first time since the FCC began conducting auctions, as Congress failed to renew its authority. Spectrum auctions have become an indispensable tool for the FCC to allocate electromagnetic spectrum for terrestrial and satellite wireless uses, assuring both allocation of spectrum fairly to industry participants and that commercial entities seeking spectrum licenses have enough "skin in the game" to assure they will work expeditiously to roll out services based on the licensed spectrum they bid on and paid for. The U.S. Supreme Court has ruled that while spectrum itself is a public good and not property, licenses to use spectrum are property that can be owned, commercially exploited and transferred. Spectrum auctions are critical for 5G rollout, for example.

FCC Chairwoman Jessica Rosenworcel said in a statement: "To date, the FCC has held 100 auctions and has raised more than \$233 billion in revenues and unlocked extraordinary benefits for the American people. It is my hope that the FCC's auction authority is restored quickly."

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