

**Minutes of the
U.S. Department of Commerce
Commerce Spectrum Management Advisory Committee
December 4, 2008**

Meeting Date and Time:

December 4, 2008, 9:30 a.m.

Location:

Herbert C. Hoover Department of Commerce Building
1401 Constitution Avenue N.W.
Room 5855 (Secretary's Conference Room)
Washington, DC 20230

Committee Members in Attendance:

Dale N. Hatfield (Co-Chair); Bryan Tramont (Co-Chair); David Borth; Martin Cooper (by phone) Mark Crosby; James Goldstein; Robert Gurss, Kevin Kahn (by phone); Hilda Legg; Darrin Mylet; Janice Obuchowski; Robert Pepper (by phone); Mark Tucker (by phone); Jennifer Warren (by phone)

NTIA Staff:

Meredith Attwell Baker, Acting Assistant Secretary for Communications and Information (by phone)
Karl Nebbia, Associate Administrator, Office of Spectrum Management
Eric Stark, Associate Administrator, Office of Policy Analysis and Development and Designated Federal Officer
Joseph L. Gattuso, Committee Liaison

Public Attendance:

Members of the public attended the meeting.

Meeting Agenda:

1. Call to Order and Welcoming Remarks

Co-Chair Bryan Tramont opened the meeting with Co-Chair Dale Hatfield. He asked Acting Assistant Secretary Meredith Baker, participating by telephone, to give remarks. Acting Assistant Secretary Baker thanked the members for their service and said she was grateful for the vigorous debate of the previous meeting.

Co-Chair Tramont reviewed the status of several documents. He said that following discussion at the last meeting about how Jim Lewis would revise the report of the Subcommittee on Operational Efficiencies, committee members received the revised version designed to reflect the consensus that emerged from the meeting. Co-Chair Tramont said that there had been back and

forth over the past week and expressed hope that the report reflects everyone's desires. He proposed that the committee move forward with adoption of the report. He noted that the committee had adopted the report before with editorial privileges, and that this reflects the editorially revised documents. Ms. Obuchowski complimented him and Bryan on the work, saying that the revisions substantially improved the document.

The committee approved the report by voice vote.

Co-Chair Tramont then asked Mr. Kahn to review the changes to his working group's report ["Definitions of Efficiency in Spectrum Use"] made since the last meeting, when it was adopted. Mr. Tramont noted that the editorially revised document had now been approved.

Co-Chair Tramont said that the report of the working group led by Messrs. Gurss and Crosby ["Streamlining Federal/non-Federal Sharing"] had a similar status, and was similarly complete.

Co-Chair Tramont noted that the report of the working group led by John Hoadley ["Transition of Federal Land Mobile Radio Systems to Increase Spectrum Efficiency"] was also adopted at the previous meeting with editorial privileges, and that Mr. Hoadley, who was not at the present meeting, had some final exchanges on content. Ms. Warren stated that she believed that they have closure and that the last task to be completed was to conform some terms to the document.

1. Subcommittee and Working Group Reports

a) Adoption of a Transition Report from the Committee Co-Chairs (Dale Hatfield and Bryan Tramont)

Co-Chair Tramont said that the draft report summarizes NTIA implementation of the President's Spectrum Policy Initiative, provides a brief overview of what the FCC has done consistent with that initiative, and makes recommendations that essentially consolidate recommendations for the various reports adopted by the CSMAC and recommendations on process for the next CSMAC. He proposed that this document too be adopted with editorial privileges. There was discussion among the meeting participants on suggestions for additions to the report, recommendations for future action, and of the final disposition of the report. Acting Assistant Secretary Baker said that the report would be useful to be in the next Secretary of Commerce's and Assistant Secretary's briefing books.

Mr. Crosby made a motion to adopt the report with editorial privileges, which was agreed to by voice vote.

b) Status from Working Group 5, Implementation of OMB Circular A-11 (Janice Obuchowski)

Ms. Obuchowski said that Working Group 5 had yet to complete its work, so she would present the status of where things stand. This working group's job, she said, was to study how federal agencies should implement OMB Circular A-11, which instructs agencies to consider the

economic value of the spectrum. She said they were to also study the progress of agency efforts, lessons learned, and key factors for implementation. What will not go forward, she said, is the longer report, which will remain a draft. Ms. Obuchowski stated that they have made very substantial progress even in terms of the areas of disagreement. She noted that Jennifer Warren and Co-Chair Tramont have been working through edits up to the time of the meeting and said that she believed they had made substantial progress. She said that they have narrowed the areas of disagreement to questions that include what value is, how to account for fluctuations in commercial valuation, and the extent to which the U.K.'s AIP [administered incentive pricing] is a determinative or heavily weighted precedent. She noted one agreement on language of the draft report that a statement of principles is needed to guide implementation of economic valuation.

Co-Chair Tramont asked about including further study of ways to enhance the rights of federal users as a future recommendation, to which Ms. Obuchowski agreed.

Co-Chair Hatfield asked whether the President's budget includes a request for fee authority. Ms. Obuchowski said yes, it has been included yearly, and Co-Chair Tramont added that it is for non-auctionable spectrum.

3. Public Comment Period

Co-Chairs Tramont and Hatfield opened the floor to public comment. No comments were made.

4. Adjournment

Co-Chair Tramont thanked the members for attending whereupon the meeting was adjourned.

Respectfully submitted,



Date: 12/31/08

Eric Stark

Designated Federal Officer