

In [comments](#) on the FCC's [Policies Regarding Mobile Spectrum Holdings Notice of Proposed Rulemaking](#)

, the International Center for Law & Economics' Executive Director [Geoffrey Manne](#)

urged the FCC to facilitate transfers of spectrum by eliminating the spectrum screen and replacing it with an analysis that better suits the realities of today's wireless market and consumers' growing demand for wireless data. The comments were co-authored by

[Matthew Starr](#)

, TechFreedom Legal Fellow; [Geoffrey Manne](#), Executive Director of the International Center for Law & Economics, Lecturer in Law at Lewis & Clark Law School & TechFreedom Senior Fellow; and TechFreedom President,

[Berin Szoka](#)

The following comment may be attributed to Geoffrey Manne:

There is no reliable evidence that a carrier's control of more than a third of the usable spectrum in a market has the power to harm consumers — and still less evidence that prohibiting spectrum transfers that exceed this threshold serves the forces of dynamic efficiency. This arbitrary threshold doesn't further what should be the FCC's overriding objective: ensuring that sufficient spectrum and the investment necessary to deploy it are available for consumer use. Instead of merely citing market concentration as the basis for rejecting a transaction, we need an analysis of why a proposed transaction would actually make consumers worse off — the lodestar of antitrust law.

Starr and Manne are available for comment at icle@laweconcenter.org.