



PUBLIC NOTICE

Federal Communications Commission
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DA 18-446
May 1, 2018

**OFFICE OF ENGINEERING AND TECHNOLOGY, INTERNATIONAL, AND WIRELESS
TELECOMMUNICATIONS BUREAUS SEEK COMMENT FOR REPORT ON THE
FEASIBILITY OF ALLOWING COMMERCIAL WIRELESS SERVICES, LICENSED OR
UNLICENSED, TO USE OR SHARE USE OF THE FREQUENCIES BETWEEN 3.7-4.2 GHz**

Notice and Opportunity for Public Comment under Section 605(b) of the MOBILE NOW Act

GN Docket No. 18-122

Comments Due: May 31, 2018

Reply Comments Due: June 15, 2018

By this *Public Notice*, and pursuant to Section 605(b) of the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act (MOBILE NOW Act),¹ the Office of Engineering and Technology and the International and Wireless Telecommunications Bureaus (Bureaus) seek comment for an upcoming Commission report that will address the feasibility of allowing commercial wireless services to use or share use of the 3.7-4.2 GHz spectrum band.²

On March 23, 2018, Congress passed the FY 2018 omnibus spending bill into law, which includes the MOBILE NOW Act under Title VI of RAY BAUM'S Act.³ Section 605(b) of the MOBILE NOW Act requires the Commission to submit a report (3.7-4.2 GHz Report), to appropriate committees of Congress⁴ and to the Secretary of Commerce no later than September 23, 2019, "evaluating the

¹ See Consolidated Appropriations Act, 2018, P.L. 115-141, Division P, the Repack Airwaves Yielding Better Access for Users of Modern Services (RAY BAUM'S) Act. Title VI of the RAY BAUM'S Act is the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act or MOBILE NOW Act (Act).

² To the extent commenters wish to submit materials in the current docket (GN Docket No. 18-122) that are substantially similar to materials filed in other potentially related Commission proceedings (such as GN Docket No. 17-183, RM-11778, and RM-11791), we ask commenters to submit an abbreviated filing that incorporates by reference the relevant arguments from any previously filed material by identifying (a) the previously filed document (with the docket number of the proceeding in which it was filed and the date filed), and (b) the specific arguments in that previously filed document that the commenter is submitting for consideration in the current proceeding.

³ See Section 601 of the Act. We note that the Act refers to the 3.7-4.2 GHz band as the frequencies between 3700 megahertz and 4200 megahertz.

⁴ Section 602 of the Act defines the appropriate committees of Congress.

feasibility of allowing commercial wireless services, licensed or unlicensed, to use or share use of the frequencies between 3700 megahertz and 4200 megahertz.”⁵

We note that there is currently no federal allocation for the 3.7–4.2 GHz band. Nonetheless, we seek comment on the following questions:

- How should we assess the operations and possible impacts of sharing on Federal and non-Federal users already operating in this band?
- How might sharing be accomplished, with licensed and/or unlicensed operations, without causing harmful interference to Federal and non-Federal users already operating in this band, and in which parts of the band would such sharing be feasible?
- What other considerations should the Commission take into account in preparing the 3.7-4.2 GHz Report?

The Act further provides that the report should include an assessment of the operations of Federal entities that operate Federal Government stations authorized to use the 3.7-4.2 GHz band.⁶ We intend to consult with NTIA and the heads of each affected Federal agency regarding the Federal entities, stations, and operations in the band, and the required issues and assessments.

Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission’s rules,⁷ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).⁸ When filing comments, please reference the docket number near the top of the first page of this public notice.

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the captions of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings in response to this Public Notice can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. Eastern Time. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - *Commercial* overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

⁵ See Section 605(b) of the Act.

⁶ See Section 605(c) of the Act.

⁷ See 47 CFR §§ 1.415, 1.419.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *U.S. Postal Service* first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

Action by the Chiefs, Office of Engineering and Technology, International, and Wireless Telecommunications Bureaus.

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⁹ See 47 CFR §§ 1.1200(a), 1.1206.