



January 24, 2018

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Expanding Flexible Use in Mid-Band Spectrum 3.7 and 24 GHz, GN Docket No. 17-183;*
Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission's Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3700 – 4200 MHz Band, RM-11791;
Promoting Investment in the 3550-3700 MHz Band, GN Docket No. 17-258

Dear Ms. Dortch:

On January 22, 2018 Michael Calabrese, representing the Open Technology Institute at New America (OTI), met with Louis Peraertz, Senior Legal Advisor to Commissioner Mignon Clyburn, concerning the above-listed proceedings.

With respect to the underutilized mid-band spectrum at 3700-4200 MHz, I outlined the Broadband Access Coalition's proposal for a public notice to improve the International Bureau Filing System ("IBFS") database so that it contains up-to-date, accurate and targeted data regarding the operation of earth stations receiving in the 3700 – 4200 MHz ("4 GHz"). These proposals are set forth in detail in Attachment 1 to this letter.

I summarized the BAC proposal to amend and modernize the Commission's Rules to enable deployment of high-throughput licensed point-to-multipoint fixed wireless broadband services in the 3700 – 4200 MHz band in a spectrally efficient manner, while protecting incumbent Fixed Satellite Service and Fixed Service incumbents from harmful interference through the existing Part 101 frequency coordination process. I went on to suggest that the Commission act as soon as possible to gather accurate data from the FSS industry, and to require earth stations seeking interference protection to register by a date certain. I also summarized BAC's specific proposals for the information to be collected, which is attached.

With respect to the pending NPRM proposing to re-open and revise the licensing rules for the new Citizens Broadband Radio Service, I noted that once again an overwhelming majority of the companies and associations filing comments opposed the preclusive changes to the Priority Access License (PAL) rules

proposed by CTIA and T-Mobile in their petitions for rulemaking. Most commenters agreed that the particular PAL changes proposed by CTIA and T-Mobile should be rejected because they would refashion the rules for the exclusive benefit of one type of provider (a handful of wide-area cellular providers) to the detriment of thousands of other users and use cases, some of which would compete directly with CTIA's members. An industrial policy of this kind would harm consumers, innovation and the U.S. economy.

I emphasized that PAL areas as large as counties or PEAs are neither necessary for mobile carriers, nor a good fit for this band. Mobile carriers will not use this inherently small cell band to extend the *coverage* of their networks, but solely to enhance the *capacity* of their networks in targeted high-traffic areas. This distinction between *spectrum for coverage* (which fits the traditional cellular licensing model) and *spectrum for capacity* in localized areas (which is the rationale for the PAL licensing scheme) is critical.

I noted that license areas as large as PEAs or counties are not necessary to stimulate investment in mid-band spectrum and could easily lead to both a narrowing and a net reduction in overall investment and use of the band by excluding localized uses. If the FCC refrains from adopting a mobile carrier industrial policy – and lets the market work -- the “5G” wireless ecosystem, just like the present 4G wireless ecosystem, will rely on a combination of centralized carrier networks (that are truly ‘mobile’) and a far larger number of complementary, high-capacity and customized networks deployed by individual business firms, property managers and individual households to meet their particular needs at a lower cost.

Respectfully submitted,

/s/ *Michael Calabrese*

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Attached: IBFS Update Proposal – Broadband Access Coalition

cc: Louis Peraertz