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January 31, 2019

VIA ELECTRONIC FILING

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

Re: *Notice of Ex Parte Meeting*
GN Docket No. 18-122

Dear Ms. Dortch:

Per FCC Rule 1.1206, this letter provides notice that on January 30, 2019, Bill Tolpegin, Chief Executive Officer of the C-Band Alliance (“CBA”), Preston Padden, Head of Advocacy and Government Relations for the CBA, Steve Corda, Vice President Media Platforms, SES, and Eileen McGowan, Senior Media Project Manager, Intelsat, met with Commissioner Michael O’Rielly and Erin McGrath, legal advisor to Commissioner O’Rielly.

Separately and out of the presence of the other company, SES and Intelsat each presented its respective satellite transponder migration plans to clear 200 MHz of C-Band spectrum for 5G deployment as proposed by the CBA. The presentations showed that every current customer will continue to be served in the C-band and that 200 MHz is the maximum amount of spectrum that can be cleared without denying C-Band service to some current customers. SES and Intelsat emphasized that they will cover all reasonable costs of the transition for every impacted entity — their customers and their customers’ customers, including local broadcast stations and cable systems.

The parties discussed the real and present danger of the U.S. falling behind China and other countries in the race to 5G and why mid-band spectrum is essential to bringing the benefits of the 5G revolution to Americans who do not live in our biggest cities. The CBA explained that there simply is no practical alternative to its proposal to get mid-band spectrum into the hands of U.S. wireless providers quickly, efficiently, and voluntarily. The CBA stressed that its proposal is consistent with a long line of FCC precedents for approving secondary market transactions to repurpose spectrum — precedents involving companies such as DISH, XO, Straight Path, Fiber Tower and Spectrum Co. (a consortium of cable companies).¹

¹ See Letter from Jennifer D. Hindin, Counsel for the C-Band Alliance, Notice of Ex Parte Communication, GN Docket No. 18-122, at 2-4 (Jan. 2, 2019).

The CBA also emphasized that incentive auctions must be voluntary. Here, all C-band satellite operators have overlapping access to the full 500 MHz of C-Band downlink spectrum, meaning all operators would need to voluntarily participate in an incentive auction and voluntarily accept the price they were offered for the auction to succeed — an extremely unlikely prospect.² The CBA explained that a single satellite operator that elected not to participate, or participated but was unhappy with the price it was offered, would kill the incentive auction and cause no spectrum to be repurposed. And, even if miraculously every operator agreed to participate and was happy with the price it was offered, without the CBA members' voluntary purchase of eight new satellites³ and the CBA's voluntary purchase and installation of potentially 100,000 satellite dish filters (voluntary acts that the FCC could not command), any spectrum cleared would result in essential and prominent television programmers and other C-band users being kicked out of C-band distribution -- a politically untenable result.

Commissioner O'Rielly noted that some parties oppose the CBA plan. The CBA countered that some parties seek to delay U.S. 5G deployment to maintain their own competitive advantage. The CBA asserted that the cable industry would like to continue their high-speed broadband monopoly as long as possible.⁴ Presently most Americans are served by a single high-speed broadband provider – the local cable company; armed with mid-band spectrum, wireless providers will be able to offer consumers a choice of wireless broadband service potentially faster and cheaper than cable. The CBA also noted that a merged Sprint/T-Mobile combination would be the only national carrier with sufficient mid-band spectrum for 5G deployment — a huge competitive advantage that the merged company would prefer to extend for years by delaying other wireless providers from getting access to mid-band spectrum.⁵

To conclude the meeting, the CBA reiterated that the United States is in a serious competition with China to deploy 5G, a race with major economic and national security implications for our country. Mid-band spectrum is essential to extend 5G beyond America's largest cities, and the CBA proposal provides the only practical way to get mid-band spectrum into the marketplace quickly and efficiently. Finally, the CBA urged the Commission to adopt expeditiously the CBA proposal so the U.S. can remain competitive in the race to 5G.

² See Reply Comments of the C-Band Alliance, GN Docket No. 18-122, at 33-36 (Dec. 7, 2018) ("Reply Comments").

³ See Letter from Jennifer D. Hindin, Counsel for the C-Band Alliance, Notice of Ex Parte Communication, GN Docket No. 18-122, at 1-3 (Dec. 19, 2018).

⁴ See Reply Comments, at 43-45.

⁵ *Id.*, at 41-43.

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Please contact the undersigned with any questions regarding this letter.

Respectfully submitted,

/s/ Jennifer D. Hindin

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