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Ex Parte

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

**Re: Use of Spectrum Bands Above 24 GHz for Mobile Radio Services
GN Docket No. 14-177; IB Docket No. 15-256; RM-11664; WT Docket No. 10-112;
IB Docket No. 97-95**

Dear Ms. Dortch:

On October 18, 2017, Charla Rath and I met with the attendees of the Commission listed in the Appendix to discuss pending petitions for the Commission to reconsider its July 2016 *Spectrum Frontiers Order* in this proceeding.¹ We noted our appreciation for the Commission’s extensive work to unleash millimeter wave spectrum for 5G use in the *Spectrum Frontiers Order*, and suggested that only the targeted changes suggested by Nextlink and CTIA would help solidify this first step to propelling 5G deployment. Efforts by the satellite industry to dismantle key aspects of the rules would have the opposite impact on 5G deployment, and should be rejected.

We reiterated why the Commission should grant Nextlink’s request to apply the flexible-use rules to the A2, A3, and B portions of the LMDS band to promote investment and innovation in 5G technologies and avoid unnecessary inefficiencies.² Those inefficiencies would cause A block licensees to bifurcate operations in the A block, creating uncertainty about how to comply with different operating rules and performance requirements that apply to different portions of the same band.

¹ *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 8014 (2016) (“*Spectrum Frontiers Order*”).

² Petition for Reconsideration or, in the Alternative, Clarification of Nextlink Wireless, LLC, GN Docket No. 14-177 (Dec. 14, 2016).

Ms. Marlene H. Dortch
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Page 2

We also explained why the Commission should grant CTIA's request to rescind the cybersecurity certification requirements in Rule 30.8.³ The Commission did not provide prior adequate notice that it would impose such requirements, not did it offer a reasoned explanation for doing so. And the certification requirements themselves are ambiguous and confusing, while presenting a practical problem on timing. The certifications are required six months prior to 5G deployment, which could hamper Verizon's plans for a limited commercial 5G deployment in 2018.

Lastly, we countered efforts of the satellite industry to dismantle rules the Commission adopted in the *Spectrum Frontiers Order* designed to balance terrestrial and satellite use of spectrum above 24 GHz.⁴ The *Spectrum Frontiers Order* provided satellite companies a windfall by creating interference zones around grandfathered and new earth stations under particular conditions. The Commission created these protections for satellite providers despite noting correctly that "[s]atellite operators deployed in this band knowing that they were secondary licensees with respect to LMDS, that the Commission had chosen to allow only limited satellite use, and that the Commission had long envisioned allowing mobile use in the band."⁵

Yet satellite providers, without any new basis or rationale beyond what they offered in the original proceeding, ask that the Commission now go further and expand protections for their earth stations. But the Commission already fully vetted those arguments when it crafted the compromise in the rules that was very generous to the satellite industry in light of the history of the band. The Commission should not now disturb that generous compromise by going even further in response to the reconsideration petitions filed by the never-satisfied satellite industry.

Sincerely,

Gregory M. Romano
Vice President & Associate General Counsel

Enclosure

³ Petition for Reconsideration of CTIA, GN Docket No. 14-177 (Dec. 14, 2016).

⁴ SES Americom, Inc., O3B Limited Petition for Reconsideration, GN Docket No. 14-177 (Dec. 14, 2016); Satellite Industry Association Petition for Reconsideration, GN Docket No. 14-177 (Dec. 14, 2016); Boeing Petition for Reconsideration, GN Docket No. 14-177 (Dec. 14, 2016); EchoStar Satellite Operating Corporation, Hughes Network Systems, LLC, and Inmarsat, Inc. Joint Petition for Reconsideration, GN Docket No. 14-177 (Dec. 14, 2016).

⁵ *Spectrum Frontiers Order*, ¶ 47.

Appendix

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