



February 19, 2019

VIA ELECTRONIC FILING

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

Re: ***Ex Parte Letter***
GN Docket No. 18-122, Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band

Dear Ms. Dortch:

Cumulus Media Inc. (“Cumulus”) and Westwood One, LLC (“Westwood One”) request that the Federal Communications Commission (“Commission”) reject the proposals submitted in this proceeding by T-Mobile USA, Inc. (“T-Mobile”) and the Competitive Carriers Association (“CCA”) to repurpose 300 MHz or more of the 3.7-4.2 GHz band (the “C-Band”) spectrum for flexible terrestrial use.¹ Each of those proposals reflect a complete disregard for the amount of spectrum necessary to protect incumbent Fixed Satellite Service (“FSS”) and earth station operations in the C-Band. Indeed, as demonstrated in the joint comments filed by Cumulus and Westwood One, the C-Band supports the distribution of audio content to more than 245 million American listeners each week for Westwood One alone.²

The proposals advanced by T-Mobile and CCA fail to preserve sufficient spectrum to support the critical incumbent FSS operations in the C-Band as well as incumbent earth stations operating within that Band. T-Mobile suggests that the FCC auction all 500 MHz of the C-Band for terrestrial mobile broadband, and at least 300 MHz in most markets. For its part, CCA requests that the Commission clear a minimum 320 MHz, including a 20 MHz guard band.

As demonstrated in the parties’ joint Comments, Cumulus and Westwood One depend upon the ubiquitous coverage and unparalleled reliability of the C-Band for distributing news, weather, live sports, and entertainment programming to their listening audiences across the country. Specifically, Cumulus utilizes the C-Band in its distribution of audio content to over 430 radio stations in 89 markets throughout the country. Westwood One, a wholly-owned subsidiary of Cumulus, is the largest radio network in America providing programming 24 hours per day, seven days per week, to over 245 million listeners each week. Westwood One utilizes over 5,000 C-Band receive-only earth stations in distributing audio content to 8,000 commercial

¹ See Notice of Ex Parte, T-Mobile USA, Inc., GN Docket No. 18-122 (filed Dec. 13, 2018); Notice of Ex Parte, Competitive Carriers Association, GN Docket No. 18-122 (filed Dec. 20, 2018).

² See Comments of Cumulus Media Inc. and Westwood One, LLC, GN Docket No. 18-122 (filed Oct. 29, 2018) (“Cumulus – Westwood One Comments”) at 2.

radio station affiliates in the continental U.S., Alaska and Hawaii in cooperation with 1,500 broadcast partners. The services provided by Cumulus and Westwood One – when considered together with the multitude of audio and video programming provided by other content providers – require substantially more C-Band spectrum dedicated to FSS than would be allowed by either of the proposals submitted by T-Mobile or CCA.

Despite allegations to the contrary, the record also establishes that there is no suitable alternative to the C-Band. Ku- and Ka-band spectrum both lack the capacity and operational performance requirements necessary to satisfy the needs of end users of audio content. Further, fiber networks have a very limited reach, are cost prohibitive,³ and would further exacerbate the great digital divide that continues to exist between those Americans who reside in an urban environment vis-à-vis those in rural and Tribal areas.⁴ It is critical, therefore, that the Commission preserve a minimum of 300 MHz of spectrum in the C-Band to ensure that incumbent earth station operators have the capability to continue to provide audio and video content, including time-sensitive emergency-related warnings to listeners and viewers in rural and Tribal areas who otherwise would not be able to receive such emergency-related information in a timely manner.

T-Mobile and CCA simply have failed to present a plan for implementing the transition of part of the C-Band for terrestrial wireless broadband services that has any practical means of succeeding. They have failed to do so in large part because their comments demonstrate the complete absence of even the most fundamental understanding of the broadcast industry, which precludes a successful transition plan, especially in rural and Tribal areas. The C-Band Alliance, on the other hand, has presented a detailed execution plan that allows the advancement of 5G services to be implemented while, at the same time, affording sufficient protection to incumbent FSS and earth station operations within the C-Band. Specifically, the C-Band Alliance has proposed to repurpose 200 MHz of C-Band spectrum for advanced wireless terrestrial use, including a 20 MHz protective guard band. For this reason, Cumulus and Westwood One support the proposal advanced by the C-Band Alliance.

For the reasons stated herein, the proposals submitted by T-Mobile and CCA would result in content providers losing access to the cost-effective, high-quality distribution C-Band satellite service upon which they have come to rely for a great many years. Moreover, if their proposals were adopted, the loss of FSS not only would threaten the ability of American consumers to

³ In their Comments, the parties stated, “the reach of fiber generally is limited to a few hundred of the largest metropolitan areas and, thus, cannot serve as a substitute for the nationwide footprint of the C-band satellite infrastructure.” Cumulus – Westwood One Comments at 5 (references omitted). The parties also noted that, “[i]n order to ensure the necessary degree of reliability, redundancy of fiber lines would likely be required in most instances, which would multiply the expense.” *Id.* (references omitted).

⁴ See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2018 Broadband Deployment Report, 33 FCC Rcd 1660 (2018) (“*Broadband Deployment Report*”). EducationSuperHighway (“ESH”) estimated that over 2,000 schools are still in need of access to fiber in order to meet connectivity goals, and found that over 75% of those schools that lack access to fiber infrastructure necessary to meet short-term goals were located in rural areas or small towns. ESH also found that when those school districts sought fiber services in 2016, nearly half of them *failed to receive any bids* from service providers. *Id.* at 1698 (emphasis added).

access the audio and video services they currently enjoy today, but the adoption of those flawed proposals would go further toward disengaging those Americans who reside in rural and Tribal areas and place them at even a greater disadvantage with respect to obtaining “education, healthcare, government services, and civic participation.”⁵

Accordingly, Cumulus and Westwood One therefore request that the Commission reject the proposals submitted by T-Mobile and CCA, and protect FSS use in the C-Band by preserving a minimum of 300 MHz of spectrum for continued use by incumbent earth stations. Indeed, if the Commission were to fail to preserve a sufficient amount of spectrum for incumbent FSS and earth station use, the Commission would effectively sever the ability of those persons living in rural and Tribal areas to continue to receive news, weather, informational programming, and emergency-related warnings in a timely manner, which would raise significant public safety concerns and therefore be contrary to the public interest.

Respectfully submitted,

/s/ Andrew S. Kersting

Andrew S. Kersting
Regulatory Counsel
Cumulus Media Inc. and
Westwood One, LLC

⁵ See *Broadband Deployment Report*, 33 FCC Rcd at 1741 (quoting dissenting statement of former Commissioner Clyburn).