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February 19, 2021

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: ***Facilitating Shared Use in the 3100-3550 MHz Band
WT Docket No. 19-348
Ex Parte Communication***

Dear Ms. Dortch:

The 3.45-3.55 GHz band holds great promise for WISPs, cable operators, utilities, neutral host network operators, mobile wireless carriers, and others to obtain access to spectrum that can be used for both *coverage* in sparsely populated rural areas and *capacity* in densely populated areas. The decisions the Commission makes on license sizes (bandwidth and geographic areas), power limits and auction procedures will have a far-reaching impact on who can leverage the benefits of this 100 megahertz of spectrum.

The record generally reflects two distinct viewpoints. WISPA, cable operators, utilities, neutral host network operators and others have asked the Commission to establish rules similar to those used in the adjacent CBRS band – an auction of at least a portion of the band for 10-megahertz licenses auctioned by county, with some spectrum set aside for General Authorized Access (“GAA”) and opportunistic use when and where a licensee is not using its licensed spectrum.¹ Power limits would be consistent with those in place for CBRS. The result would be a 250-megahertz band with uniform rules and some measure of interoperability to address incumbent preferences (either permanently or pre-clearing). In sum, the vast majority of commenters that addressed the issues of geographic license area and license block sizes agreed with WISPA that the appropriate geographic license area for an auction of spectrum in the 3.45-3.55 GHz band was county and the right size license block was 10 megahertz.

By contrast, mobile interests have urged the Commission to adopt rules that conform to the 3.7-3.98 GHz band – an auction of the entire 100 megahertz in 20-megahertz slices by Partial Economic Area, with higher power limits.

¹ See WISPA Comments, WT Docket No. 19-348, FCC 20-138 (filed Nov. 20, 2020); WISPA Reply Comments, WT Docket No. 19-348, FCC 20-138 (filed Dec. 7, 2020); Letter from Louis Peraertz, WISPA Vice President of Policy, to Marlene H. Dortch, FCC Secretary, WT Docket No. 19-348 (filed Dec. 18, 2020). See also, e.g., Letter from Danielle Pineres, NCTA Vice President & Associate General Counsel, to Marlene H. Dortch, FCC Secretary, WT Docket No. 19-348 (filed Jan. 25, 2021).



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As an alternative to the regulatory regime WISPA and many others have recommended, and in the interest of building consensus among stakeholders, WISPA offers the following band plan:

3450-3490 MHz (40 MHz)

20 MHz licenses

PEAs

Higher power (C-band)

3490-3510 MHz (20 MHz)

20-megahertz guard band available for GAA

3510-3550 MHz (40 MHz)

10 MHz licenses

Counties

Lower power (CBRS)

Opportunistic use throughout

Through this plan, WISPs, cable operators, utilities, neutral host network operators and others will have a meaningful opportunity to acquire spectrum adjacent to the CBRS band in smaller areas that correspond to their desired areas of operation. Those that acquired Priority Access Licenses, including mobile wireless companies, can also expand their spectrum holdings. No party would be excluded from acquiring licenses, so mobile wireless companies could use the county-based 10-megahertz licenses to more precisely tailor their spectrum holdings to the geographic areas where they desire more mid-band spectrum for capacity. In essence, this band operates as a “CBRS-extended” band of 40 megahertz.

The lower 40 megahertz would satisfy the concerns of mobile wireless companies and others that desire larger, higher-power footprints for 5G services.

The middle 20 megahertz would act as a guard band between the two 40-megahertz band segments and would also enable innovators to access the band for GAA uses where interference protection may not be required.

This plan, then, offers substantial benefits to all stakeholders. It makes 80 megahertz available for auction in two equally sized spectrum blocks – one focused on expanding CBRS-type uses and the other geared towards higher-power, large area services. GAA would be



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permitted in the band between the two segments to ensure that higher power uses do not cause interference with lower power uses, and will also permit GAA.

This plan also is consistent with the Consolidated Appropriations Act, 2021, which requires the Commission to auction “all or a portion” of the band by December 31, 2021.² Further, WISPA believes that, based on the results of the recent CBRS PAL and 3.7-3.98 GHz auctions, the Commission will be able to receive sufficient auction revenues to meet NTIA’s initial estimate of \$13.4 billion.³

Pursuant to Section 1.1206 of the Commission’s Rules, this letter is being filed in ECFS in above-referenced docket. Please contact the undersigned with any questions.

Respectfully submitted,

/s/ Louis Peraertz

Louis Peraertz, Vice President of Policy

cc: Umair Javed
Ethan Lucarelli

² Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. (2020) § 905(d)(1)(B).

³ See Letter from Carolyn Roddy, NTIA Deputy Secretary for Communications and Information, to Marlene H. Dortch, FCC Secretary (Jan. 14, 2021). WISPA continues to believe that NTCA’s letter does not provide detailed information and analysis about how NTIA arrived at its initial estimate in relocation and sharing costs and does not allocate costs between relocation and sharing. See Letter from Louis Peraertz, WISPA Vice President of Policy, to Marlene H. Dortch, FCC Secretary, WT Docket No. 19-348 (filed Feb. 2, 2021).