

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Use of Spectrum Bands Above 24 GHz For)	GN Docket No. 14-177
Mobile Radio Services)	
)	
Establishing a More Flexible Framework to)	IB Docket No. 15-256
Facilitate Satellite Operations in the 27.5-28.35)	
GHz and 37.5-40 GHz Bands)	
)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95,)	WT Docket No. 10-112
and 101 To Establish Uniform License Renewal,)	
Discontinuance of Operation, and Geographic)	
Partitioning and Spectrum Disaggregation Rules)	
and Policies for Certain Wireless Radio Services)	
)	
Allocation and Designation of Spectrum for)	
Fixed-Satellite Services in the 37.5-38.5 GHz,)	IB Docket No. 97-95
40.5-41.5 GHz and 48.2-50.2 GHz Frequency)	
Bands; Allocation of Spectrum to Upgrade Fixed)	
and Mobile Allocations in the 40.5-42.5 GHz)	
Frequency Band; Allocation of Spectrum in the)	
46.9-47.0 GHz Frequency Band for Wireless)	
Services; and Allocation of Spectrum in the 37.0-)	
38.0 GHz and 40.0-40.5 GHz for Government)	
Operations)	
)	

REPLY COMMENTS OF CALIFORNIA INTERNET, L.P. DBA GEOLINKS

California Internet, L.P. DBA GeoLinks (“GeoLinks” or the “Company”) submits these reply comments in response to the *Spectrum Frontiers Second Further Notice of Proposed Rulemaking* (“Frontiers Second FNPRM”).¹

¹ *Use of Spectrum Bands Above 24 GHz, et al.*, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988 (2017) (“*Frontiers Second FNPRM*”).

I. INTRODUCTION AND SUMMARY

GeoLinks serves the largest coverage area of any single fixed wireless Internet service provider in California. The Company's fixed wireless technology platform depends on access to spectrum resources sufficient to support enterprise-level broadband connections. As such, GeoLinks has advocated before this Commission on a number of spectrum matters over the last year. While the proceedings may differ, there are a few over-arching policy considerations that GeoLinks has repeatedly asserted are necessary to ensure robust competition within the broadband marketplace. These include ensuring spectrum resources are available on a competitive basis and ensuring policies do not favor one technology over others. GeoLinks urges the Commission to apply these same considerations to ensure that there is competitive access to the millimeter wave ("mmW") bands and associated equipment ecosystem.

II. DISCUSSION

A. The Commission Should Retain Pre-Auction Review and Limitations on Spectrum Holdings

GeoLinks strongly agrees with Starry, Inc. ("Starry") that the Commission must reaffirm competition policies that prevent over-aggregation of critical spectrum resources.² In the Frontiers Second FNPRM, the Commission proposes to eliminate the pre-auction limit of 1250 Megahertz for the 28 GHz, 37 GHz and 39 GHz bands.³ Limiting spectrum ownership is necessary to carry out the Commission's mandate of "promoting economic opportunity and competition and ensuring new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses by disseminating licenses among a wide variety of applicants."⁴ As Starry explains, spectrum holdings limitations have played an important role in the FCC's competition policy for decades.⁵

GeoLinks agrees with Starry that establishing individual bidders' limits in advance of an auction promotes transparency and provides all bidders with information necessary to facilitate

² See Comments of Starry, Inc., GN Docket No. 14-177, et al. (filed Jan. 23, 2018) ("Starry Comments"), at 2.

³ Frontiers Second FNPRM at para. 105

⁴ See Section 309(j) of the Communications Act of 1934, as amended.

⁵ See Starry Comments at 2.

rational bidding.⁶ To the contrary, analyzing spectrum holdings after an auction will require winning bidders that exceed the threshold to divest excess spectrum after-the-fact. From a policy perspective, this creates a system where auction winners who have knowingly purchased more spectrum than they are allowed to have, get the opportunity to pick and choose the best spectrum and discard the rest. This creates the need for the FCC to reevaluate what spectrum will be left over after negotiating individual relinquishments and potentially create the need for an additional spectrum auction to license whatever remains in the band. The result is a system in which large incumbents with large amounts of capital are able to secure any spectrum they want with no need to account for what they already have.

Chairman Pai has stated that the Commission “ha[s] no business picking winners and losers in the marketplace.”⁷ However, creating a policy that allows large carriers to disregard spectrum limits would do just that. As United States Cellular Corporation explains, history has shown that unless large carriers are subject to reasonable spectrum acquisition restraints both pre and post-auction, they are likely to pursue mmW spectrum acquisition relentlessly, which will shut out smaller carriers who might otherwise bid on available spectrum.⁸ For these reasons, GeoLinks urges the Commission to retain pre-auction review and limitations on spectrum holdings.

B. The Commission Must Ensure a Robust Market for Equipment in the 24 GHz Band

In addition to ensuring that new and innovative technologies are capable of accessing spectrum resources, GeoLinks agrees with Starry that the Commission must also ensure “that all licensees in new spectrum bands have access to equipment ecosystems through effective operability requirements.”⁹ GeoLinks has previously advocated for spectrum policies that allow smaller service providers the ability to leverage market factors to drive down the cost of

⁶ See Starry Comments at 3.

⁷ See Ajit Pai, Chairman, FCC Remarks on Restoring Internet Freedom (Nov. 28, 2017) (“We have no business picking winners and losers in the marketplace”).

⁸ See Comments of United States Cellular Corporation, GN Docket No. 14-177, et al. (filed Jan. 23, 2018), at 8.

⁹ Starry Comments at 5.

equipment. Unlike large incumbent carriers, smaller service providers lack the market power to ensure affordable equipment is available for all spectrum bands. As Starry explains, without operability requirements, these large carriers will be incentivized to inhibit competitive access to network equipment and devices.¹⁰ This may result in underdevelopment of the band, a problem that the Commission has been dealing with in the 700 MHz band for years.¹¹ For these reasons, GeoLinks urges the Commission establish operability requirements in the 24 GHz band.

C. The Commission Should Allow Sharing in the 37-37.6 GHz Band

In its opening comments, CTIA advocates for reconsideration of the Commission's decision to allocate the 37-37.6 GHz Band on a coordinated basis.¹² Specifically, CTIA urges the Commission to make this band available on a licensed basis claiming that an experimental sharing regime would be premature.¹³ However, GeoLinks believes that it is premature to suggest that the Commission close this band off to experimental use when mobile carriers themselves are not able to state explicitly how much spectrum they will need to roll out their 5G services.¹⁴ Instead, GeoLinks urges the Commission to finalize rules for shared access to the 37-37.6 GHz band to allow new technologies an opportunity to access these spectrum resources.

III. CONCLUSION

In conclusion, GeoLinks urges the Commission to ensure that there is competitive access to the mmW bands and associated equipment ecosystem by creating policies that ensure spectrum resources are available on a competitive basis without favoring one technology over others.

[Signature Page Follows]

¹⁰ See Starry Comments at 5.

¹¹ See *Id.*

¹² Comments of CTIA, GN Docket No. 14-177, et al. (filed Jan. 23, 2018), at 10.

¹³ See *Id.*

¹⁴ See Comments of Verizon, GN Docket No. 14-177, et al. (filed Jan. 23, 2018), at 5, "It is too early to know how much bandwidth operators will need to provide customers with innovative 5G services."

Respectfully submitted,

GEOLINKS, LLC

/s/ Skyler Ditchfield, Chief Executive Officer

/s/ Melissa Slawson, General Counsel/ V.P of Government
Affairs and Education

February 22, 2018