



Brian Hurley  
Vice President of Regulatory Affairs  
ACA Connects—America's Communications Association  
2415 39<sup>th</sup> Place, NW  
Washington, DC 20007

[bhurley@acconnects.org](mailto:bhurley@acconnects.org)  
(202) 573-6247

October 22, 2019

**VIA ECFS**

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

**Re: *Ex Parte* Presentation of ACA Connects—America's Communications Association;  
*Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122**

Dear Ms. Dortch:

On October 18, 2019, Ross Lieberman and undersigned of ACA Connects – America's Communications Association ("ACA Connects"), Nikos Andrikogiannopoulos of Cartesian, Inc., and Georgios Leris of Steptoe & Johnson LLP (collectively, "ACA Connects Representatives") met with the International Bureau ("IB"), Office of Economics and Analytics ("OEA"), Office of General Counsel ("OGC") and Wireless Telecommunications Bureau ("WTB") staff copied below.

In the meeting, ACA Connects Representatives discussed the 5G Plus Plan,<sup>1</sup> including details of the plan set forth in the supplement that ACA Connects filed in the record earlier this month.<sup>2</sup> We noted, consistent with our previous filings, that the 5G Plus Plan would rapidly unleash at least 370 MHz of C-Band spectrum for 5G by funding the migration of video traffic from the C-Band to fiber. This spectrum would be cleared most rapidly in the populous urban markets where demand for 5G will be most intense. The plan fully covers transition costs for earth station operators, video programmers and satellite providers, and makes reasonable incentive payments to satellite providers to ensure continuity of satellite service for non-MVPD

---

<sup>1</sup> See Letter From Pantelis Michalopoulos to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 9, 2019); Letter From Ross Lieberman, ACA Connects; Elizabeth Andriou, Charter Communications, Inc.; and Alexi Maltas, Competitive Carriers Association to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 2, 2019).

<sup>2</sup> See Letter From Brian Hurley, ACA Connects, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 at Attachment (filed Sept. 25, 2019).

programming customers. Through the use of a public auction, the plan guarantees hefty proceeds to the U.S. Treasury.

ACA Connects Representatives also identified a glaring omission in the record, namely the lack of any plan from the C-Band Alliance (“CBA”) to clear any more than 200 MHz of the band for 5G. The vague reports that CBA is working on a plan to clear nationwide as much as 300 MHz in three years are no substitute for that omission. Details are paramount in evaluating the feasibility of any proposal to clear C-Band spectrum by a certain date, and CBA has provided none. Because outside parties would need adequate time to evaluate and comment on any such proposal, it is clear that CBA has missed its opportunity to submit a proposal for clearing more than 200 MHz that the Commission could act on within the year.

In addition, it is highly doubtful that CBA will be able to produce a viable plan along these lines. CBA’s work in progress seems to rely on the use of further video compression and elimination of standard definition feeds.<sup>3</sup> Generally speaking, such a plan to clear 300 MHz would require significantly more than three years to complete and would cause irreparable harm to all industries that rely on the C-band, particularly the pay TV industry.

ACA Connects Representatives explained that, even under the best of assumptions, any such plan would require a complex series of coordinated tasks that could not be completed within the three years CBA projects. Video programmers would first need to install new equipment at their uplink sites to enable transmission in the higher-compression format. Then, for a period of several months, each programmer would need to deliver programming in both the new format and any current formats to avoid disruption to cable operators as they upgrade their own equipment to receive programming in the new format. The upgrades that would be required of cable operators would be significant. Cable operators would each need to install, configure, and test dozens, if not hundreds, of new and unfamiliar integrated receiver/decoders (“IRD”s) in each headend, of which there are thousands across the country. This sequence of tasks would be extremely time-consuming and labor-intensive, especially for smaller cable operators with limited staff to devote to these tasks. Furthermore, it would be infeasible for all programmers to transition their channels at the same time; for a variety of reasons, the process would need to occur in phases, each lasting several months. In addition, cable operators and more than 14,000 other earth station owners would need to repoint and install filters on as many as 30,000 antennas. The number of dishes that will need replacing and repointing and filter installation would be greater under a plan that packs the band more tightly, which could further extend the timeline for completing the transition. Finally, all equipment necessary to implement the plan,

---

<sup>3</sup> See, e.g., Paul Kirby, *CBA Plans to Soon Unveil More C-Band Spectrum to Repurpose*, TR Daily (Oct. 8, 2019), <https://lrus.wolterskluwer.com/news/tr-daily/cba-plans-to-soon-unveil-more-c-band-spectrum-to-repurpose/96615/> (“During an event this afternoon organized by The Capitol Forum, Peter Pitsch, head-advocacy and government affairs for the CBA, said that thanks to ‘high efficiency video coding and other compression technologies, we believe, and we’re aggressively looking at this, we can do much better than 200 MHz.”).

including the substantial quantities of IRDs, would need to be manufactured, raising additional risks for delay.

ACA Connects Representatives also explained that CBA's new plan, in whatever precise form it ultimately takes, will likely cause significant harm to smaller cable operators and others in the industry. Sharply reducing the supply of C-Band spectrum available for satellite service while maintaining existing usage would make the C-Band a less reliable option for video transport and unable to meet future demand for higher-resolution programming. Also, this approach would allow satellite providers to extract higher prices from their customers for delivering the same programming that they deliver today, which will lead to higher prices for cable operators and their customers. Cable operators in rural America who lack alternative means of transporting video content will suffer these harms the most. Independent programmers will also be disproportionately harmed.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please address to the undersigned any questions regarding this filing.

Sincerely,



Brian Hurley

cc: Jim Schlichting, IB  
Giulia McHenry, OEA  
Jeffrey Prince, OEA  
Patrick DeGraba, OEA  
Evan Kwerel, OEA  
Paul Lafontaine, OEA  
Thomas Johnson, OGC  
Michael Carlson, OGC  
Becky Schwartz, WTB  
Jonathan Campbell, WTB\*  
Anna Gentry, WTB\*

\*indicates attendance by phone