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**Barry Ohlson**

Vice President, Regulatory Affairs

Public Policy Office

March 5, 2019

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St., S.W.  
Washington, DC 20554

**Re: Cox Communications, Inc.; *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122; *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, GN Docket No. 17-183; *Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission's Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3.7-4.2 GHz Band*, RM-11791; *Fixed Wireless Communications Coalition, Inc., Request for Modified Coordination Procedures in Bands Shared Between the Fixed Service and the Fixed Satellite Service*, RM-11778**

Dear Ms. Dortch:

On behalf of Cox Communications ("Cox"), this is to supplement the already significant record in the Commission's 3.7-4.2 GHz Band ("C-Band") Notice of Proposed Rulemaking urging the agency to move cautiously in this important proceeding.<sup>1</sup>

Cox operates local cable systems across the country and uses earth stations in the C-Band to help deliver video content - including breaking news, weather, and entertainment – to millions of subscribers nationwide.<sup>2</sup> As the Commission considers changes to the C-Band, Cox strongly urges the FCC to ensure that any decisions undertaken in this proceeding preserve interference-free access to its important video content relied on by viewers. Cox strongly believes this is best accomplished through very active FCC oversight of any reallocation process. Moreover, any assignment of new licenses in the C-Band should be effectuated through a competitive bidding process in order for the Commission to best meet its public interest obligations given the potentially significant auction proceeds at issue.<sup>3</sup>

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<sup>1</sup> *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Notice of Proposed Rulemaking, 33 FCC Rcd. 6915 (2018).

<sup>2</sup> Cox Communications is a broadband communications and entertainment company, providing advanced digital video, Internet, telephone and home security and automation services over its own nationwide IP network. The third-largest U.S. cable company, Cox serves approximately 6 million residences and businesses.

<sup>3</sup> See, e.g., <https://www.nsr.com/c-Band-spectrum-reallocation-too-lucrative-to-ignore/>. *C-BAND SPECTRUM REALLOCATION: TOO LUCRATIVE TO IGNORE?*, Gagan Agrawal (October 18, 2018).

Cox appreciates the Commission's ongoing effort to identify spectrum for new licensed and unlicensed uses. But in this instance, it cannot support the C-Band Alliance's ("CBA") private market approach because the proposal lacks significant details and ultimately calls for the FCC to abandon its critical obligation to equitably balance all interests in the band while determining the best use of the spectrum going forward.<sup>4</sup> Moreover, any relocation of incumbents within the C-Band would be particularly complex given the hundreds of incumbents and the tens of thousands of earth stations that will be affected.<sup>5</sup> Ultimately, the Commission would be abandoning its public interest obligation should it cede oversight of the relocation process to third-party interests.

The record is replete with arguments of why the CBA proposal is not technically<sup>6</sup> or legally feasible<sup>7</sup> and why a great deal of additional information is needed before the Commission can even begin to evaluate such a proposal. More specifically, NCTA – The Internet & Television Association, the National Association of Broadcasters and many others have demonstrated that tens of millions of Americans depend on important video and audio services delivered over the C-Band every day. Cox agrees that any changes to the C-Band could have a "profound impact on consumers"<sup>8</sup> and could "significantly disrupt the television content distribution ecosystem."<sup>9</sup> If the Commission moves forward with changes to the C-Band, protecting consumers should be the top priority. This view was echoed in a bipartisan letter from Representatives Tony Cárdenas (D-Calif.) and Adam Kinzinger (R-Ill.) urging FCC oversight of the reallocation process.<sup>10</sup>

Finally, the Commission should reject calls to step aside under the mistaken belief that a market-based approach is the only way to efficiently and quickly free up C-Band spectrum for 5G services and that the "race to 5G" will be lost if the FCC manages the reallocation of the C-Band and the authorization of new licenses.<sup>11</sup> The development of 5G already is well underway<sup>12</sup> and the simple reality is that the C-Band spectrum can be made available for 5G services through an FCC-managed licensing process just as

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<sup>4</sup> We agree that "the Commission should not reach any conclusion or take action unless and until the open issues identified in this proceeding are thoroughly considered and resolved in light of concrete, detailed information." Reply Comments of Comcast/NBCUniversal at 5.

<sup>5</sup> See Reply Comments of the Content Companies (CBS Corporation, Discovery, Inc., The Walt Disney Company, 21st Century Fox, Inc.) at 7 (estimating as many as 30,000 earth stations).

<sup>6</sup> See Comcast/NBCUniversal Comments.

<sup>7</sup> See T-Mobile Comments.

<sup>8</sup> NAB Comments at 2.

<sup>9</sup> NCTA Reply Comments at 1.

<sup>10</sup> See Letter from Members of Congress Tony Cárdenas and Adam Kinzinger to Chairman Ajit Pai, Federal Communications Commission (January 17, 2019). "[I]n the event the Commission opens the C-Band for spectrum reallocation, the Commissioner should, at a minimum, ensure that incumbents are made whole for cost incurred as a result of any new services or shared uses in the Band. Finally, any reallocation of this important spectrum Band must be overseen by the FCC, who has a responsibility to facilitate and manage spectrum policy in a manner that promotes the public interest."

<sup>11</sup> See, e.g., Reply Comments of C-Band Alliance at 6-7.

<sup>12</sup> See, e.g., <https://www.verizonwireless.com/5g/>; <https://www.att.com/5g/>; <https://www.t-mobile.com/5g/>; and <https://newsroom.sprint.com/sprint-5g-overview.htm>

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quickly, if not more so, than through a private market approach given all of the uncertainties of that process.<sup>13</sup>

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Americans ultimately will be best served if the Commission conducts a transparent and enforceable review of the C-Band that provides protections for the viewers and incumbents that depend on the spectrum to carry important video and audio services. The FCC is uniquely suited to balance all of the interests presented in this proceeding and can do so in a timely manner. A process relying on the FCC's significant auction expertise is the fastest, most efficient, and most legally-sustainable way to reallocate freed up C-Band spectrum. It also will best ensure the public interest is met while potentially recovering billions of dollars for the U.S. Treasury.

Sincerely,

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/s/

Barry J. Ohlson  
Vice President, Regulatory Affairs  
Cox Enterprises, Inc.

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<sup>13</sup> See Letter from Brian M. Josef, Comcast Corporation, to Marlene Dortch, Secretary, FCC, attachment at 5, GN Docket No. 18-122 (filed Feb. 22, 2019); *see also* Letter from Elizabeth Andrion, Senior Vice President, Regulatory Affairs, Charter Communications, to Marlene Dortch, Secretary, FCC, at 3-6, GN Docket No. 18-122 (filed February 22, 2019).