



March 8, 2019

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re:     *Ex Parte* Presentation, *Spectrum Horizons*, ET Docket No. 18-21**

Dear Ms. Dortch:

CTIA appreciates that the Federal Communications Commission (“Commission”) has been at the forefront of making spectrum opportunities available for innovative wireless products and services, including in the low-, mid-, and high-band ranges. Such actions have led to U.S. global leadership in the provision of wireless services—creating substantial economic and consumer benefits—and are key to unlocking the continued evolution of wireless technologies.

As the Commission considers the pending Draft Order on spectrum above 95 GHz, CTIA appreciates that the new experimental regime will enable the testing of technologies like fixed backhaul.<sup>1</sup> CTIA also appreciates that, because Part 15 of the Commission’s rules does not contain a specific technology mandate, the Commission’s significant investment in unlicensed spectrum—more than 21 gigahertz—will be made available on a technology-neutral basis.<sup>2</sup>

In addition, the Commission helpfully makes clear that it will ensure that future licensed use for fixed and mobile services will be feasible and protected once additional data is gathered and service rules can be promulgated.<sup>3</sup> In particular, the Commission is clear that its

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<sup>1</sup> *Spectrum Horizons*, Draft First Report and Order, ET Docket No. 18-21, FCC-CIRC1903-01 ¶ 8 (draft rel. Feb. 22, 2019), <https://docs.fcc.gov/public/attachments/DOC-356297A1.pdf> (“Draft Order”) (noting that experimental licensing allows for flexibility in system design and technical specifications).

<sup>2</sup> *Id.* ¶¶ 27-28.

<sup>3</sup> Although not addressed in the Draft Order, CTIA encourages the Commission to address licensed spectrum in a future stage of this proceeding, including both fixed and mobile, wide bandwidth channels, and protection of passive services through modest operating constraints, as necessary. Just a few years ago, it was not apparent that high-band spectrum could be used for licensed services. If the



proposed actions to allow experimental and unlicensed use of the spectrum above 95 GHz will not: (1) grant any exclusive use rights to parties, (2) protect these uses from harmful interference from allocated services, or (3) allow these uses to cause harmful interference to stations of allocated services.<sup>4</sup> Moreover, experimental licensees will be required to ensure that trial devices are either rendered inoperable or retrieved at the conclusion of any trial and to provide trial participants with a written disclosure that clearly states that the equipment being purchased is part of an experiment that may be terminated at any time (and that the device will be surrendered or rendered inoperable at the conclusion of the experiment).<sup>5</sup> These protections will ensure the experimental licensing regime adopted in the Draft Order will not impede future licensed services in the band.

Finally, CTIA supports the Commission's efforts to provide transparency during the new experimental licensing process. Presumably, new experimental requests will be filed using the existing Experimental Licensing System and the Commission will make regular (e.g., weekly) publications of the new applications filed and granted for use of the spectrum above 95 GHz so the public will have full visibility into the variety of experimentation. This will not only provide insight to the general public about experiments being conducted, but it will also give existing incumbent licensees—including Radio Astronomy Service, Amateur Radio Service, Earth Exploration-Satellite Service, Radionavigation Service, Space Research Service, Inter-Satellite Service, and Radiolocation Service licensees—an opportunity to monitor and comment upon new experimentation in the spectrum bands. To the extent necessary, the Commission could also consider notifying the public when interim experimental test reports are filed, so interested parties will have a better understanding of ongoing experimentation.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Kara Graves

Kara Graves

Director, Regulatory Affairs

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past is a predictor, the Commission should ensure there is an on-ramp for the next generation of licensed technologies and services.

<sup>4</sup> Draft Order ¶¶ 26, 28.

<sup>5</sup> *Id.* ¶ 24.