



April 5, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, Fifth Report and Order,
GN Docket No. 14-177

Dear Ms. Dortch:

On April 3, 2019, Scott Bergmann of CTIA spoke separately with Aaron Goldberger of the Office of Chairman Ajit Pai and Erin McGrath of the Office of Commissioner Michael O’Rielly regarding the draft *Fifth Report and Order* (“*Draft Order*”) in the above-captioned proceeding.¹ During the calls, CTIA commended the Federal Communications Commission (“Commission”) for taking expeditious actions throughout the *Spectrum Frontiers* proceedings to make additional high-band spectrum available for terrestrial wireless use and urged the Commission to move quickly to auction this band. As detailed in a report released just this week, making high-band spectrum available for next-generation wireless use, including in the 37 GHz band, is expected to result in an additional \$75 billion to our nation’s GDP and create 364,000 new jobs on a direct and spillover basis.² Coupled with the economic benefits of making low- and mid-band spectrum available for 5G, these efforts could add nearly \$400 billion to our nation’s economy and create over 1.8 million new jobs.³

¹ *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, Draft Fifth Report and Order, FCC-CIRC1904-02GN, GN Docket No. 14-177 (rel. Mar. 22, 2019) (“*Draft Order*”).

² David W. Sosa and Greg Rafert, *The Economic Impacts of Reallocating High-Band Spectrum to 5G in the United States*, Analysis Group (Apr. 2019), <https://api.ctia.org/wp-content/uploads/2019/03/The-Economic-Impacts-of-Reallocating-High-Band-Spectrum-to-5G.pdf>.

³ *A National Spectrum Strategy to Lead in 5G*, CTIA, at 4 (Apr. 2019), <https://api.ctia.org/wp-content/uploads/2019/04/A-National-Spectrum-Strategy-to-Lead-in-5G.pdf>.



However, these benefits can only be achieved if the wireless industry has the certainty it needs to invest in those next-generation systems. That is why, in our comments in response to the *Third FNPRM*, we urged the Commission to refrain from allowing federal entities to add new coordination zones in the Upper 37 GHz band (37.6-38.6 GHz) once applications for an auction of any portion of that band are accepted.⁴ As CTIA explained, once an auction application is filed, the goalposts should not be moved, and permitting additional coordination zones would severely disadvantage winning bidders who valued specific spectrum rights in making their bidding decisions.⁵ CTIA continues to oppose any action that would modify the protections for terrestrial Part 30 fixed and mobile licensees.

During the calls, CTIA noted that the Commission has already granted the Department of Defense access to the Lower 37 GHz band—a 600 megahertz swath of spectrum. The *Draft Order* nevertheless would grant the Department additional access to the Upper 37 GHz band pursuant to a process that is intended to “accommodate[e] the military’s needs, while protecting the interests of non-Federal licensees in the Upper 37 GHz spectrum band.”⁶ According to the *Draft Order*, the Department of Defense may “submit requests for access to the Upper 37 GHz band for specific additional military sites, such as military bases and ranges.”⁷

CTIA reiterated its view that the Commission should refrain from allowing federal entities to add new coordination zones once applications for an auction of any portion of the band are accepted. To the extent federal entities need access to the Upper 37 GHz band that cannot otherwise be satisfied through use of the Lower 37 GHz band, CTIA encouraged the Commission to adopt a process through which federal entities may enter into secondary market transactions with licensees should they require additional spectrum access.⁸

⁴ See Comments of CTIA, GN Docket 14-177 *et al.*, at 15-16 (filed Sept. 10, 2018) (“CTIA Comments”).

⁵ *Id.*

⁶ Draft Order ¶ 15.

⁷ *Id.*

⁸ See CTIA Comments at 16.



Nevertheless, should the Commission instead determine to move forward with a coordination process for federal access to the licensed Upper 37 GHz band, the wireless industry requires more clarification and certainty regarding that process than is currently provided in the *Draft Order*. In particular, CTIA urged the Commission to make clear that the Commission will not make its own determination regarding access or the potential for harmful interference without consultation with and approval by the licensee, and that the licensee is not obligated to agree to the federal entity's request.⁹ Additionally, CTIA asked the Commission to make clear that any coordinated federal access must be on a non-interference basis, both with respect to existing operations in the license area and any further deployments the licensee might seek to undertake using its license.

CTIA welcomes the Commission's efforts in the *Spectrum Frontiers* proceedings to facilitate the nation's 5G future and urges the Commission to ensure that its actions in the *Draft Order* do not undermine the existing licensing framework in the Upper 37 GHz band that protects federal incumbents while providing wireless licensees rights that are clear-cut and certain.

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.

Respectfully submitted,

/s/ Kara Graves

Kara Graves
Director, Regulatory Affairs

cc: Aaron Goldberger
Erin McGrath

⁹ See Comments of Ericsson, GN Docket 14-177 *et al.*, at 13 (filed Sept. 10, 2018).