

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Competitive Bidding Procedures for)	AU Docket No. 18-85
Auction 101 (28 GHz) and)	
Auction 102 (24 GHz))	
)	

COMMENTS OF CHARTER COMMUNICATIONS, INC.

Charter Communications, Inc. (“Charter”) submits these comments in response to the Federal Communications Commission’s (“Commission’s”) Public Notice seeking input on application and bidding procedures for the upcoming auctions of Upper Microwave Flexible Use Service (“UMFUS”) licenses in the 27.5-28.35 GHz (“28 GHz”) and the 24.25-24.45 and 24.75-25.25 GHz (“24 GHz”) bands.¹ Charter generally supports the Commission’s proposed auction application and bidding procedures for the upcoming auctions. For the reasons set out below, however, Charter respectfully requests that the Commission wait to open the application window for the 24 GHz band auction (“Auction 102”) until after the close of bidding in the 28 GHz band auction (“Auction 101”).²

UMFUS licenses will be critical in facilitating the deployment of fifth-generation (“5G”) wireless technology and other advanced mobile services, which are expected to deliver a wide range of new and innovative products that will benefit all consumers. Charter is particularly excited about the opportunities presented with this high-band spectrum and is exploring how to

¹ See *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services*, Public Notice, FCC 18-43 (Apr. 17, 2018) (“*Public Notice*”).

² See *id.* ¶ 13.

use it to deliver ultrafast, high capacity services to consumers in communities across the country—large and small, as well as urban, suburban, and rural.

Simultaneous or overlapping bidding windows for Auction 101 and Auction 102 could force applicants in Auction 101 to needlessly expend resources on applying for Auction 102 before they know whether their spectrum needs have been met in the first auction. As the Commission notes, applicants may view the licenses offered in Auctions 101 and 102 as substitutes given that they both are for millimeter wave spectrum and subject to the same service rules.³ But while the Commission suggests that this substitutability could lead potential applicants to participate in both auctions,⁴ it is equally likely that substitutability could lead applicants to participate in only one auction.

In particular, applicants in Auction 101 who satisfy their spectrum needs in that auction would not need to participate in Auction 102. Opening the application filing window for Auction 102 prior to the close of bidding in Auction 101 would require these applicants to make an upfront payment for Auction 102, after having made an upfront payment for Auction 101, without knowing whether their spectrum needs have been met in Auction 101. This additional financial burden would fall disproportionately on new entrants and smaller entities who participate in Auction 101.

By contrast, deferring the application window for Auction 102 until the results of Auction 101 are known will enable participants in Auction 101 to better assess their desired level of participation in Auction 102 before having to file in the latter auction. To further facilitate applicants' ability to determine which auction or auctions in which to participate, the

³ *See id.* ¶ 14.

⁴ *See id.*

Commission also should allow an auction applicant that participates in both Auctions 101 and 102 to transfer the amount of the upfront payment associated with any unused eligibility in Auction 101 to Auction 102 in the event that the applicant does not win any licenses in Auction 101.⁵

The success of Auctions 101 and 102 will be critical in further establishing the United States as a leader in the global race to 5G. The adoption of Charter's proposals will ensure that Auctions 101 and 102 encourage broad participation by a wide-range of applicants, thereby promoting wireless innovation and competition in communities across the country.

Respectfully submitted,

/s/ Howard J. Symons

Elizabeth Andrion
*Senior Vice President, Regulatory
Affairs*
Colleen King
Vice President, Regulatory Affairs
CHARTER COMMUNICATIONS, INC.
601 Massachusetts Avenue, NW
Suite 400W
Washington, DC, 20001
(202) 621-1900

Howard J. Symons
Johanna R. Thomas
Christine N. Sanquist
JENNER & BLOCK LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
(202) 639-6000

Counsel for Charter Communications, Inc.

May 9, 2018

⁵ The Commission has in the past allowed bidders to apply upfront payments made in one auction to another. *See Auction of 700 MHz Band Licenses Scheduled for January 24, 2008: Notice and Filing Requirements, Minimum Opening Bids, Reserve Prices, Upfront Payments, and Other Procedures for Auctions 73 and 76*, Public Notice, 22 FCC Rcd 18,141, 18,175 ¶ 123 (2007) (giving qualified bidders for Auction 73 an opportunity to supplement their upfront payments in order to increase their bidding eligibility for Auction 76).