

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Preparation For Incentive Auction of Upper)	AU Docket No. 19-59
Microwave Flexible Use Service Licenses In)	
The 37 GHz, 39 GHz, and 47 GHz Bands)	
(Auction 103))	
)	

REPLY COMMENTS OF CALIFORNIA INTERNET, L.P. DBA GEOLINKS

California Internet, L.P. DBA GeoLinks (“GeoLinks” or the “Company”) hereby submits these Comments in response to the Commission’s Public Notice released in the above-captioned proceedings.¹

I. INTRODUCTION AND SUMMARY

GeoLinks is one of the fastest growing Internet and phone providers in America and the fastest growing telecom in California. As such, and in order to be truly competitive within its service territory, the Company has a vested interest in promoting policies that allow fixed wireless broadband service providers to access spectrum resources suitable to providing high-speed broadband service. Traditionally, fixed wireless ISPs have operated in the unlicensed bands (i.e. 2.4 and 5 GHz). While several fixed wireless providers, including GeoLinks, have been successful in utilizing the unlicensed bands, their application is limited. The availability of PAL licenses in the 37, 39, and 47 GHz bands, in addition to others the Commission is currently crafting rules for, could provide fixed wireless providers opportunities to provide fiber-like high bandwidth services and robust backhaul for 5G services in areas and in ways it was not previously possible.

¹ *Incentive Auction of Upper Microwave Flexible Use Service Licenses in the Upper 37 GHz, 39 GHz, and 47 GHz Bands for Next-Generation Wireless Services; Comment Sought on Competitive Bidding Procedures for Auction 103*, Public Notice, AU Docket No. 19-59, FCC 19-35 (rel. April 15, 2019) (“Public Notice”).

GeoLinks applauds the Commission's efforts to make more spectrum resources available for wireless uses and for seeking comment on ways to structure the upcoming Auction 103 to try to ensure participation from smaller companies. While the Company believes that these efforts are a step in the right direction, it is concerned that Auction 103, if not structured the right way, will result in all available spectrum resources being consumed by large companies with seemingly endless capital. As such, GeoLinks offers the following suggestions to help the Commission put would-be auction participants of all sizes on more equal footing in order to encourage additional licensees and innovative use of the 37, 39, and 47 GHz bands.

I. DISCUSSION

A. The Commission Should Make "White Space" Available for Auction

In the Public Notice, the Commission explains that it does not propose to make the "white space" that results in the 39 GHz band if incumbents chose to receive modified licenses, retaining only "partial PEA holdings (i.e., covering less than the full geographic are of a PEA).² GeoLinks does not believe that leaving these "white spaces" unused promotes sound spectrum policy, especially when these white spaces can be used to further the deployment of advanced spectrum-based services.

In the Public Notice the FCC makes several proposals that would enable small businesses (e.g. small service providers) to participate in Auction 103. However, as small providers have advocated in numerous proceedings, PEA-sized license areas can be too large. For example, in the 3.5 GHz proceeding, GeoLinks previously advocated for smaller license areas because PEAs can so vastly differ in size as well as in urban vs. rural make up.³ The example GeoLinks provided, specifically, was PEA 2 in Southern California, which encompasses eight counties⁴ and includes both large populous areas and large swaths of rural areas that are currently deemed "unserved" by high-speed broadband services. If smaller "white space" license areas were made available within this PEA, for example, it might allow smaller carriers to provide more

² Public Notice at para. 5.

³ See Reply Comments of California Internet, L.P. dba GeoLinks, GN Docket No. 17-258 (filed January 29, 2018).

⁴ PEA 2 encompasses Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties.

pinpointed services to specific communities without having to try and compete with the large providers for an entire PEA.

Attachment A hereto is a screenshot of PEA 2 taken from the California Interactive Broadband Map.⁵ The shaded areas represent areas that are considered unserved (no broadband access).⁶ While most of these areas fall within Connect America Fund Phase II grant areas, this map illustrates that large PEAs can contain both metropolitan areas as well as unserved areas. If “white spaces” in the 39 GHz band exist in PEAs that could be used to help provide much needed services to unserved rural areas, it stands to reason that the Commission should make those areas available to companies that wish to use them. Conversely, if a remaining “white space” were to fall within a more populated area, allowing smaller companies the chance to utilize that spectrum would only serve to promote competition against companies who may opt for PEA-sized licenses.

GeoLinks fails to see the logic in creating auction procedures to encourage small companies to participate but refrain from creating possible license areas that these small companies could utilize – especially when they are available. Moreover, not making these smaller license areas available will lead to these areas remaining unused, which will most likely disproportionately affect rural areas. As such, GeoLinks strongly urges the Commission to reconsider its position to exclude “white space” areas from Auction 103.

B. The Commission Should Eliminate the Proposed Bidding Credit Caps

GeoLinks has previously expressed that incentive auctions tend to only benefit large companies with large amounts of capital to spend. For this reason, GeoLinks commends the Commission on its decision to implement bidding credits for small businesses and primarily rural service providers. However, while the bidding credits set forth in the Public Notice will help level the playing field for all bidders in the Auction 103, the Company believes that if the Commission truly wants to “promote small business and rural service provider participation in auctions and in the provision of spectrum-based services,” it must allow the playing field to

⁵ See <http://www.broadbandmap.ca.gov/> (screenshot taken May 10, 2019).

⁶ Based on California’s definition – areas that are not served by speeds of at least 6 Mbps down/ 1 Mbps up.

remain level throughout the entire auction process. Specifically, GeoLinks urges the Commission to eliminate the bidding credit caps it proposes in the Public Notice.⁷

GeoLinks recognizes that most companies eligible for the bidding credits do not have access to the kind of capital needed to even come close to reaching the bidding credit caps set forth in the Public Notice. However, this does not mean it's impossible. To truly create an auction process that promotes the deployment of advanced spectrum-based services, the Commission must account for the financial differences between larger companies and smaller, competitive companies or those focused on serving rural areas. For example, if a small competitive broadband provider or rural service provider were to successfully raise enough capital prior to the auction, it is possible that that company could compete head-to-head with a larger provider for the same block of spectrum within a specific license area. In this circumstance, the smaller/ rural service provider should not be hamstrung by a limit on bidding credits, which could mean the difference between obtaining needed spectrum or not. To promote innovation, these smaller companies must be given an opportunity to obtain spectrum licenses. Therefore, GeoLinks urges the Commission to refrain from imposing bidding caps on could-be auction winners and make the Auction 103 bidding credits applicable to all bids made by an eligible company, no matter how large.

II. CONCLUSION

GeoLinks applauds the Commission's efforts to make more spectrum resources available for wireless uses and to encourage small businesses to participate in Auction 103. However, in order to truly promote expanded participation in the Auction, GeoLinks recommends that the Commission reconsider making "white spaces" in the 39 GHz band available for auction and remove the bidding credit caps that will only serve to hamstring smaller providers from bidding against large providers.

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⁷ See Public Notice at paras. 11-17.

Respectfully submitted,

GEOLINKS, LLC

/s/ Skyler Ditchfield, Chief Executive Officer

/s/ Melissa Slawson, General Counsel/ V.P of Government
Affairs and Education

May 15, 2019

Attachment A

