



May 24, 2018

**VIA ELECTRONIC FILING**

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

**Re: Ex Parte Presentation,** *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177; IB Docket No. 15-256; WT Docket No. 10-112; IB Docket No. 97-95; *Competitive Bidding Procedures for Auction 101 (28 GHz) and Auction 102 (24 GHz)*, AU Docket No. 18-85.

Dear Ms. Dortch,

On May 22, 2018, representatives from CTIA and our member companies met with representatives of the Office of Engineering and Technology and the Wireless Telecommunications Bureau of the Federal Communications Commission (“Commission”) to discuss the above-captioned proceedings. A full list of meeting attendees is attached.

During the meeting, CTIA applauded the Commission for the diligence with which it is acting to facilitate our 5G future, both by modernizing its infrastructure siting policies and by making additional spectrum available for terrestrial wireless use. The U.S. led the world in 4G LTE deployment and, as a result, the wireless industry has had a tremendous impact on our nation’s economy—adding \$475 billion to the economy every year and supporting 4.7 million jobs.<sup>1</sup> Next-generation wireless services will build on that impact, generating \$500 billion in economic growth and creating three million new jobs.

---

<sup>1</sup> See Letter from Scott K. Bergmann, CTIA, to Marlene H. Dortch, FCC, GN Docket No. 14-177 *et al.* (filed Apr. 17, 2018).



To realize these benefits, the Commission must expeditiously make spectrum available for 5G use. CTIA therefore urged the Commission to move forward with auctioning the 28 GHz band in Auction 101 starting in November.<sup>2</sup> CTIA also supported an expeditious auction of the 24 GHz band through Auction 102, and urged the Commission to explore auctioning the 37/39 GHz and 47 GHz bands alongside the 24 GHz band, to the extent that doing so would not cause substantial delay.<sup>3</sup>

In addition to auctioning the millimeter wave spectrum for which licensing and technical rules have already been established, CTIA supported the Commission's proposals to make additional high-band spectrum available for wireless use.<sup>4</sup> Specifically, CTIA encouraged the Commission to move forward with the *Draft Third FNPRM*, which seeks comment on, among other things, use of the 26 GHz band for flexible, exclusive-use licensing for terrestrial fixed and mobile services.<sup>5</sup> As CTIA has noted in this proceeding, and as the Commission recognizes in the *Draft Third FNPRM*, countries across the globe are exploring use of the 26 GHz band for terrestrial wireless services, making it a valuable swath of potentially harmonized spectrum. Moreover, because the band is directly adjacent to the 28 GHz band and nearly adjacent to the 24 GHz band, the Commission could create a four-gigahertz nearly contiguous block of spectrum to support next-generation services. Given these economies of scale, we urged the Commission to move forward with seeking comment on use of this band for terrestrial services.

---

<sup>2</sup> See *Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services*, Public Notice, AU Docket No. 18-85, FCC 18-43 (rel. Apr. 17, 2018); see also Comments of CTIA, AU Docket No. 18-85, at 7-8 (filed May 9, 2018) ("CTIA Auction PN Comments").

<sup>3</sup> CTIA Auction PN Comments at 7-8.

<sup>4</sup> *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et al.*, Draft Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, FCC-CIRC1806-01 (draft rel. May 17, 2018) ("Draft Third Order" and "Draft Third FNPRM"), <https://www.fcc.gov/document/next-steps-open-spectrum-frontiers-5g-connectivity>.

<sup>5</sup> *Id.* ¶¶ 75-91.



CTIA also urged the Commission to adopt its proposal to permit fixed and mobile use of the 42 GHz band, consistent with the direction of the recently enacted MOBILE NOW Act.<sup>6</sup> CTIA further asked that, to the extent the Commission explores the lower 50 GHz band (50.4-51.4 GHz) for fixed satellite (“FSS”) use,<sup>7</sup> that it promptly complete its assessment of terrestrial use of the 50 GHz band.<sup>8</sup>

Also during the meeting, CTIA discussed the proposed licensing framework for the 37-37.6 GHz band. CTIA noted that, to facilitate robust comments in response to the *Draft Third FNPRM*, more granularity regarding the methodology envisioned for commercial services in that band would be helpful. Specifically, the *Draft Third FNPRM* anticipates that the Commission will seek comment on a first-come, first-served licensing or registration scheme, and it also suggests that users would have a right to interference protection but no right to exclude other users.<sup>9</sup> CTIA asked the Commission to provide additional information regarding the rights expected for commercial users — for example, how the Commission envisions rights would be granted if multiple commercial parties filed mutually exclusive applications at the same time. Additional guidance regarding the protection rights envisioned for commercial licensees would also be useful in ensuring that parties can meaningfully comment on the licensing framework proposed for the 37-37.6 GHz band.

Regarding the *Draft Third Order*, CTIA noted its support for the Commission adopting an operability requirement for the 24 GHz band,<sup>10</sup> and encouraged the Commission to retain the

---

<sup>6</sup> *Id.* ¶¶ 47-57; see also, e.g., Comments of CTIA, GN Docket No. 14-177 *et al.*, at 6-8 (filed Jan. 23, 2018) (“CTIA Second FNPRM Comments”).

<sup>7</sup> *Draft Third FNPRM* ¶¶ 92-94.

<sup>8</sup> See *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 8014, 8157, ¶ 420 (2016) (seeking comment on authorizing fixed and mobile operations throughout the 50.4-52.6 GHz band); CTIA Second FNPRM Comments at 6-8.

<sup>9</sup> *Draft Third FNPRM* ¶ 84.

<sup>10</sup> *Draft Third Order* ¶¶ 13-15.



language in the *Draft Third Order* that indicates the operability requirement does not dictate the use of any particular technology or air interface, and that it is specific to the 24 GHz band.<sup>11</sup> CTIA also encouraged the Commission to retain language in the *Draft Third Order* that makes clear that the geographic area performance requirement is but one option for a licensee satisfying its performance obligation.<sup>12</sup>

Finally, regardless of any action taken in the *Draft Third Order* or *Draft Third FNPRM*, CTIA urged the Commission to continue its efforts to explore use of the 32 GHz and lower 50 GHz bands for terrestrial wireless use, and to not foreclose discussion of expanding the Part 30 framework to the remaining Local Multipoint Distribution Service bands.

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

Sincerely,

/s/ Scott K. Bergmann

Scott K. Bergmann

Senior Vice President, Regulatory Affairs

Attachment

cc: Meeting Participants

---

<sup>11</sup> *Id.* ¶ 14.

<sup>12</sup> *Id.* ¶ 9.



## **Meeting Participants**

### **FCC Office of Engineering and Technology**

Nicholas Oros

Ronald Repasi

### **FCC Wireless Telecommunications Bureau**

Simon Banyai

Stephen Buenzow (by phone)

Tim Hilfiger (by phone)

John Schauble

Catherine Schroeder

Becky Schwartz (by phone)

Blaise Scinto

Janet Young (by phone)

Nancy Zaczek (by phone)

### **CTIA**

Scott Bergmann

Paul Anuszkiewicz

Kara Graves

Jen Oberhausen

Tom Dombrowsky, DLA Piper for CTIA (by phone)

Edward (“Smitty”) Smith, DLA Piper for CTIA

### **CTIA Members**

Gardner Foster, Sprint

John Hunter, T-Mobile

Charla Rath, Verizon