



May 29, 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 Nos. 15-256, 97-95*; *WT Docket No. 10-112*; *Competitive Bidding Procedures for Auction 101 (28 GHz) and Auction 102 (24 GHz)*, AU Docket No. 18-85; *Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258; *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, GN Docket No. 17-183; *Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band*, GN Docket No. 18-122.

Dear Ms. Dortch,

On May 24 and 25, 2018, Scott Bergmann and Kara Graves of CTIA met separately with Rachael Bender, Wireless and International Advisor to Chairman Ajit Pai; Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly; and Umair Javed, Legal Advisor to Commissioner Jessica Rosenworcel, to discuss the above captioned proceedings.

During the meetings, 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-

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<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).



generation wireless services will build on that impact, generating \$500 billion in economic growth and creating three million new jobs.

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, making the 26 GHz band available for flexible, exclusive-use licensing for terrestrial fixed and mobile services, and permitting fixed and mobile use of the 42 GHz band. Further, CTIA asked that, to the extent the Commission explores the lower 50 GHz band (50.4-51.4 GHz) for fixed satellite ("FSS") use, that it promptly complete its assessment of terrestrial use of the 50 GHz band. CTIA also discussed the proposed licensing framework for the 37-37.6 GHz band and 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.

Also during the meetings, CTIA encouraged the Commission to retain the 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. CTIA also

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<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>.



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 to satisfy its performance obligation.

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 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. Similarly, CTIA urged the Commission to act expeditiously to make mid-band spectrum available for 5G use, including by expeditiously issuing an order on the 3.5 GHz band<sup>5</sup> and by moving forward with a notice of proposed rulemaking for the 3.7-4.2 GHz band.<sup>6</sup>

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

cc: Meeting Participants

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<sup>5</sup> See, e.g., Letter from CTIA and CCA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 17-258 (Apr. 20, 2018).

<sup>6</sup> See *CTIA Statement on Chairman Pai's Mid-Band Spectrum Announcement*, CTIA BLOG (May 23, 2018), <https://www.ctia.org/news/ctia-statement-on-chairman-pais-mid-band-spectrum-announcement>.