



May 31, 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; *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84; *Streamlining Deployment of Small Cell Infrastructure*, WT Docket No. 16-421

Dear Ms. Dortch,

On May 30, 2018, Scott Bergmann, Kara Graves, and Jen Oberhausen of CTIA met with Will Adams, Legal Advisor to Commissioner Brendan Carr, to discuss the above-captioned proceedings. 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.¹ Next-

¹ 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.² 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.³

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.⁴ 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 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 meeting, 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

² 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").

³ CTIA Auction PN Comments at 7-8.

⁴ *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.

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 issuing an order on the 3.5 GHz band in July and by moving forward with a notice of proposed rulemaking for the 3.7-4.2 GHz band.⁵

Finally, CTIA highlighted the importance of modernized siting policies at the federal, state, and local levels and their key role in helping to ensure the U.S. is 5G-ready. CTIA therefore asked that the Commission ensure the wireless industry has reasonable access to public rights-of-way and publicly owned assets by establishing clear timelines for the entire local review process, with enforceable remedies; clarifying actions that prohibit or have the effect of prohibiting wireless service; and ensuring that fees charged by state and local governments are cost based, non-discriminatory, and transparent.

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 participant. 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: Will Adams

⁵ See Letter from Meredith Attwell Baker, President and CEO, CTIA, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 17-258, 17-183, 18-122 (filed May 30, 2018).