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June 1, 2018

***VIA ELECTRONIC FILING***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte Notification***

**GN Docket No. 17-258**, *Promoting Investment in the 3550-3700 MHz Band*; and

**GN Docket No. 14-177**, *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*.

Dear Ms. Dortch:

On June 1, 2018, at approximately 10 am, I spoke by telephone with Erin McGrath, Legal Advisor to Commissioner O’Rielly, responding to questions regarding the above-referenced proceedings.<sup>1/</sup>

**3.5 GHz**

I noted that T-Mobile USA, Inc. (“T-Mobile”),<sup>2/</sup> continues to support the compromise proposal submitted by CTIA and the Competitive Carriers Association (“CCA”) on April 20, 2018 regarding the licensing of priority access licenses (“PALs”) in the 3550-3700 MHz (“3.5 GHz”) band.<sup>3/</sup> Under that proposal, the Commission would license PALs using Metropolitan Statistical Areas in the top 306 Cellular Market Areas (“CMAs”) and use county-based geographic area

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<sup>1/</sup> With respect to GN Docket No. 14-177, my telephone conversation with Ms. McGrath was conducted during the Sunshine period. **Pursuant to Section 1.1206(b)(2)(v), T-Mobile hereby identifies Sections 1.1203(a)(1) and 1.1204(a)(10) of the rules as the specific exemption on which it relies.** The call was made at the request, and the advance approval of, Ms. McGrath to resolve issues presented in the *Third Further Notice of Proposed Rulemaking* (“*Third Notice*”) in the Spectrum Frontiers Proceeding.

<sup>2/</sup> T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly traded company.

<sup>3/</sup> Letter from Rebecca Murphy Thompson, Executive Vice President and General Counsel, Competitive Carriers Association, and Scott K. Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 17-258, at 1 (filed Apr. 20, 2018).

licenses in the remaining 428 CMAs. This proposal best addresses the competing interests expressed by the parties in this proceeding. While T-Mobile remains open to considering proposals that are technically sound and meet service requirements, proposals that rely on the use of census tract-based licensing are technically unsupportable, as T-Mobile has demonstrated.<sup>4/</sup>

### **Spectrum Frontiers**

T-Mobile applauds the Commission's continued efforts to make millimeter wave band spectrum available for commercial operations, and we look forward to the Commission's consideration of the *Third Notice* at its upcoming meeting. While we expect that the record in this proceeding will be more fully developed after the *Third Notice* is released, I expressed our preliminary evaluation of the Commission's proposals to permit federal and non-federal sharing of the 37-37.6 GHz band (the "Lower 37 GHz band"). In particular, I noted that T-Mobile agrees with the Commission's draft proposal that non-federal users should work with federal users in good faith to coordinate any new federal system. The opposite is also true – federal users authorized under the new rules should be required to work in good faith to permit additional non-federal use of the spectrum. The Commission seeks comment on several potential coordination mechanisms for the band. For new installations, both federal and non-federal users should be required to employ the same criteria to demonstrate that there will be no harmful interference to existing operations, if such protection is afforded.

The draft *Third Notice* notes the possibility of establishing an aeronautical allocation in the Lower 37 GHz band for Department of Defense operations. While potential aeronautical use may be feasible under certain circumstances or in a limited number of remote areas, T-Mobile is concerned that general aeronautical operations may not be compatible with the type of terrestrial uses described in the *Third Notice*. Coordination between these two disparate applications – which will be complicated and problematic – may limit potential terrestrial use of the band. The draft *Third Notice* does not contain the technical information necessary to evaluate the proposal. Accordingly, before the Commission considers this proposal further, it should require federal users to demonstrate how aeronautical/terrestrial coordination will occur in a manner that will not limit current or future non-federal terrestrial use of the spectrum.

The draft *Third Notice* asks how the Commission may accommodate future federal operations in the 37 GHz band (observing that Section 30.205 establishes the procedure for coordination with the existing 14 military sites and three scientific sites in the 37 GHz band).<sup>5/</sup> In the absence of clearly defined federal requirements, the Commission should not expand the number of coordination zones at this time or adopt broad coordination requirements. The 37 GHz band holds great potential for commercial operations, and the Commission should ensure that

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<sup>4/</sup> Reply Comments of T-Mobile USA, Inc., GN Docket No. 17-258, at 26-27 (filed Jan. 29, 2018). See also Letter from Stacey Black, AT&T, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 17-258 (filed Apr. 5, 2018).

<sup>5/</sup> The heading of the section ((V)(C)) covering this issue refers to the 37.0-38.6 GHz band, but T-Mobile assumes that in that section, the Commission seeks comment on additional federal use in only the 37.6-38.6 GHz band, with additional federal use of the 37-37.6 GHz band covered by the proposals in Section V(B) of the draft *Third Notice*. The Commission may wish to clarify this point in the final version of the *Third Notice*.

provisions to accommodate future federal operations do not undermine the utility of the band or the potential for investment in technology developed for the band. Instead, potential future federal operations should be considered as those requirements develop and can be coordinated between the non-federal license and the relevant federal agency. Such an approach will allow the entities to develop the most efficient arrangement based on actual operating parameters rather than having to adhere to overly conservative protection criteria developed to accommodate undefined requirements. Moreover, T-Mobile agrees, as the Commission asks in the draft *Third Notice*, that the Commission should evaluate whether the coordination zones currently in the rules can be reduced. The National Telecommunications and Information Administration has a successful track record of reducing coordination and protection zones after initial parameters are established.<sup>6/</sup> It should undertake the same effort here.

Finally, the draft *Third Notice* contemplates potential coordination mechanisms for three types of deployments. However, each type of deployment is a form of fixed communications. The Lower 37 GHz band is immediately adjacent to the 37.6-40 GHz band, which may be used to support mobile use. Users of that spectrum may wish to employ the Lower 37 GHz band to supplement the capacity of their licensed network. The Commission should inquire whether parties contemplate offering mobile services in the Lower 37 GHz band and how those operations can be coordinated with other uses.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed in the above-referenced dockets and a copy is being provided to Ms. McGrath. Please direct any questions regarding this filing to me.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey

Vice President, Government Affairs  
Technology and Engineering Policy

cc: Erin McGrath

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<sup>6/</sup> See, e.g., *The Federal Communications Commission and the National Telecommunications and Information Administration: Coordination Procedures in the 1695-1710 MHz and 1755-1780 MHz Bands*, Public Notice, DA 14-1023 (rel. July 18, 2014), Letter from Paige R. Atkins, Associate Administrator, Office of Spectrum Management, NTIA, to Julius P. Knapp, Chief, Office of Engineering and Technology, FCC, GN Docket No. 12-354 (filed Mar. 24, 2015).