

June 3<sup>rd</sup>, 2019

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

Re: ***Partitioning, Disaggregation, and Leasing of Spectrum***  
***WT Docket No. 19-38***

Dear Ms. Dortch:

Select Spectrum LLC is a professional licensed spectrum brokerage firm that currently represents licensees across 18 FCC-licensed spectrum bands, ranging from 150 MHz to 40 GHz. Our company has facilitated hundreds of leases and sales of spectrum licenses, including both geographic and spectral partitions, under the current rule structure. We have experience working with a variety of stakeholders in the secondary market (licensees, lessors, lessees, spectrum buyers, etc.), and are familiar with the associated FCC processes. We agree that the methods in place by the Commission should evolve to become more efficient, effective and robust. While the Commission's methods have improved over time, the implementation of emerging innovative spectrum applications now requires the support of improved and streamlined FCC processes. Ultimately, a more efficient version of the Commission's processes will be required to maximize spectrum usage by all prospective users.

The Commission should consider implementing the overnight Immediate Approval Process (IAP) and grant filed applications for most typical transactions such as assignments, sales, leases, and partitions – for a higher percentage of license transactions. Currently the IAP applies in certain cases, but it should be used for all typical situations where there is no clear reason to conduct a more extensive review. When a transaction encompasses an additional layer of complexity, such as competitive analysis, the approval timing understandably may be extended, but such reviews should still be rare and when required should be carried out as rapidly as possible. Once a respective application is granted, per the mutual agreement between the licensee and lessee or buyer, the application should be consummated promptly, and closing notices should be filed promptly. If this accelerated process above is implemented by the FCC and licensees, lessors and lessees, it will serve to accelerate the vast majority of spectrum transactions, which would assist in putting spectrum to its best use more quickly. Such changes will facilitate more and faster spectrum transactions, which will serve to better support the adoption of unprecedented spectrum use cases as the nation implements Internet of Things and 5G connectivity.

As the FCC increases the availability of commercial spectrum (e.g. CBRS<sup>1</sup>), a more efficient process becomes increasingly critical. Demand for licensed spectrum continues to grow and the FCC has expressed a goal of maximizing the use of existing spectrum but to do so a more systematic process must be applied. Using CBRS as an example, there is a reasonable expectation

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<sup>1</sup> Citizens Broadband Radio Service

that there will be a significant demand for short-term leases, perhaps as short as a few hours or a few days. Under the current process, in some scenarios, the time to file and to receive acceptance of a lease and/or partition could exceed the duration of the lease established between lessor and lessee. Since the Commission's objective is for spectrum to be used to its highest potential, the filing and grant process must accommodate such short-term scenarios.

Aside from CBRS, wherever feasible, the IAP approach should be applied to other bands, such as Educational Broadband Service (EBS) and Broadband Radio Service (BRS), 600 MHz, and the many sub-1GHz narrowband frequency bands governed by Part 22, Part 27, Part 90, and Part 95 rules. Reducing transaction costs by addressing these avoidable complexities and approval delays that are associated with conducting transactions will create favorable outcomes as more users will put more spectrum to good use.

Benefits intended by the proposed rules should not only apply to common carriers as defined in Section 616 of MOBILE NOW Act<sup>2</sup>, but also to fixed wireless rural broadband providers and critical infrastructure industry entities such as electric, gas & water utilities and passenger & freight rail lines. The Commission has determined that the best and highest use of spectrum is facilitated by opening licensing to a broad range of users, and all qualified users should benefit from the efficiencies identified in the Act, the Docket and these comments. Restricting benefits and build-out incentives to common carriers alone would exclude numerous important spectrum users and provide fewer options for larger carriers that seek to disaggregate, partition, or lease spectrum to such service providers. With access to the right spectrum assets, these non-common carrier organizations can increase the public good by assisting in bridging the digital divide, closing the homework gap in rural areas and/or providing services that promote public safety and support economic activity and/or convenience. Rules and benefits should not exclude, but instead be provided equally, to all qualified licensees and lessees.

The FCC's Universal Licensing System "ULS" is an important repository of spectrum data and is critical to the FCC's review and approval of spectrum transactions including sales, leases, and geographic and spectrum partitions. We also want to strongly recommend that the FCC invest money and expertise to improve the reliability and functionality of "ULS". While the system usually works, it also has exhibited frequent problems with errors and outages. Errors have included the incorrect translation of properly submitted license information into different and incorrect licenses and in some cases the inability of ULS to accept properly filed geographic coordinates when attempting to identify a geographic portion of a license as being leased. We generally find FCC staff to be responsive when such problems are encountered, but resolution of the problems takes time, and in certain cases in order to simply allow the lease application/notification to be accepted by ULS without creating errors that could not be resolved within a reasonable period of time, our clients have had to accept countywide partitions rather than the smaller scale of coordinates that they would have preferred.

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<sup>2</sup> *Partitioning, Disaggregation, and Leasing of Spectrum*, Notice of Proposed Rulemaking, WT Docket No. 19-28, FCC-CIRC1903-06 (Feb. 22, 2019).



Thank you for the opportunity to provide suggestions on how to make the spectrum license leasing and partitioning system more responsive, innovative and reliable.

Respectfully submitted,

/s/ Robert M. Finch

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