

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Report on the Feasibility of Allowing Commercial	)	GN Docket No. 18-122
Wireless Services, Licensed or Unlicensed,	)	
To Use Or Share Use of the Frequencies	)	
Between 3.7-4.2 GHz	)	

To: Office of Engineering and Technology  
International Bureau  
Wireless Telecommunications Bureau

**REPLY COMMENTS OF IHEARTMEDIA**

iHeartMedia Communications, Inc., as debtor in possession (“iHeartMedia”), hereby submits these Reply Comments in connection with the Commission’s Public Notice regarding an upcoming Commission report to Congress and the Secretary of Commerce addressing the feasibility of allowing commercial wireless services to use or share use of the 3.7 -4.2 GHz spectrum band (the “C-Band”). <sup>1/</sup> iHeartMedia urges the Commission to adopt further actions to ease and streamline the registration of earth stations by incumbent users in order to obtain a more accurate picture of such incumbent uses, which is necessary before the Commission can fully and properly evaluate proposals to share or re-purpose the C-Band.

iHeartMedia, a leading global media and entertainment company specializing in radio, digital, outdoor, mobile, social, live events and on-demand entertainment, filed Comments in this proceeding noting that it, and its Premiere Networks’ affiliates, rely heavily on receive-

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<sup>1/</sup> See *Public Notice*, DA 18-398 (rel. Apr. 19, 2018) (the “*Public Notice*”).

only earth stations operating in the 3.7-4.2 GHz spectrum to receive programming for radio station broadcasts to the public. <sup>2/</sup> iHeartMedia also observed that C-band facilities are utilized by Premiere Networks in partnership with the Federal Emergency Management Agency to transmit the Emergency Alert System nationwide messages to Premiere's radio affiliates as a redundant delivery method to ensure full, country-wide participation.

In its Comments in this docket, and in the related GN Docket No. 17-183, iHeartMedia has emphasized the need to focus on the protection of incumbent users of the 3.7-4.2 GHz spectrum, particularly broadcasters using receive-only earth stations, as the Commission evaluates options for the efficient use of the C-Band. That the Commission must undertake efforts to identify and preserve incumbent uses of these frequencies – which offer extremely high reliability and a nationwide reach – has been echoed by others in the broadcast

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<sup>2/</sup> See Comments of iHeartMedia Communications, Inc., GN Dkt. 18-122 (May 31, 2018).

arena, 3/ including content providers, 4/ as well as by satellite providers, 5/ the cable industry, 6/ and the aviation field. 7/

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3/ See, e.g., Comments of National Public Radio, Inc. (“NPR”), GN Dkt. 18-122 at 4 (May 31, 2018) (FCC must “preserve critical existing and planned non-Federal capabilities”); NPR Notice of *Ex Parte*, GN Dkt. 18-122 (May 6, 2018) (“degree of disruption and existence of affordable, reliable and available alternatives for incumbent end-users and services should be the primary tests for whether a proposal to share C-band spectrum should be pursued.... opening up C-band frequencies for co-frequency sharing by wireless broadband devices will result in widespread interference that will disrupt public radio broadcasts...”); Comments of National Association of Broadcasters, GN Dkt. 18-122 at 3 (May 31, 2018) (“in considering options for expanded fixed use of the C-band, the Commission should reject any proposal to eliminate or constrain its longstanding and highly successful full band, full-arc earth station licensing policy, under which FSS earth stations may coordinate across the entire frequency band over the entire geostationary arc.”).

4/ See Comments of CBS Corporation, Discovery, Inc., The Walt Disney Company, Time Warner Inc., 21st Century Fox, Inc., Univision Communications Inc., and Viacom Inc. (collectively, the “Content Companies”), GN Dkt. 18-122 at 2 (May 31, 2018) (“the future of the C-band should emphasize the need to protect the integrity of existing services, such as the Content Companies’, that rely on the C-band.”).

5/ See, e.g., Comments of the Satellite Industry Association, GN Dkt. 18-122 at 1-2 (May 31, 2018) (“SIA Comments”) (“evidence already before the Commission demonstrates that C-band satellites play a critical role in the nation’s infrastructure, supplying essential commercial and government services, and that co-frequency, co-coverage sharing between FSS and new terrestrial wireless services is not feasible...any attempt to insert new licensed or unlicensed terrestrial services into the robustly-used 4 GHz band would threaten the continuity of vital FSS offerings while imposing significant constraints on where and how terrestrial networks could operate, producing a lose-lose outcome.”).

6/ See, e.g., Comments of NCTA – The Internet & Television Association, GN Dkt. 18-122 at 1 (May 31, 2018) (“As the race to 5G reaches the C-band, however, we urge the Commission to consider carefully the impact of proposed new terrestrial wireless uses of the 3.7-4.2 GHz downlink on the extensive incumbent operations in the band today. NCTA’s members rely on C-band spectrum to deliver programming to 100 million American households, including 51.9 million cable video customers.”); Comments of Comcast Corporation and NBCUniversal Media, LLC, GN Dkt. 18-122 at 3 (May 31, 2018) (“A critical input to a Commission analysis of the potential for sharing the 3.7 – 4.2 GHz C-Band spectrum, as directed by Congress, will be a complete understanding of how such spectrum is used today, and a plan for how it might be repurposed with minimal impact to existing licensees, users of the spectrum, and consumers.”).

7/ See, e.g., Comments of Aerospace Industries Association, GN Dkt. 18-122 at 2 (May 31, 2018) (“the Commission must consider not only the significant current uses of the 3.7-4.2 GHz band for satellite services, but also the impact on critical systems that either currently exist or are being developed and deployed using frequencies immediately adjacent to the 3.7-4.2 GHz band.

iHeartMedia, as well as others in this proceeding, have observed that because receive-only earth stations are not licensed, and registration with the Commission is strictly voluntary, Commission records vastly undercount the substantial incumbent use of the 3.7-4.2 GHz band. <sup>8/</sup> While the Commission has recently undertaken an effort to encourage the registration of receive-only earth stations by opening a 90-day registration window for incumbent earth stations operating in the C-Band as of April 19, 2018, <sup>9/</sup> this effort to identify and obtain the registration of pre-existing uses of the spectrum is burdened still by administrative roadblocks.

Indeed, widespread registration by incumbents during the window set to expire on July 18, 2018, is hampered by the Form 312 filing fee, the non-streamlined application process and the short filing window. <sup>10/</sup> Addressing these impediments by a blanket filing fee waiver, a

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Of particular note are wireless avionics intra-communications (“WAIC”) systems and aircraft radio altimeters which are essential to aviation safety and are authorized to operate in the immediately adjacent 4.2-4.4 GHz band.”); Comments of Delta Air Lines, Flight Operations, GN Dkt. 18-122 at 1 (May 30, 2018) (“In assessing the implications of changes to the 3.7-4.2 GHz band, Delta Air Lines recommends the Commission consider both in-band, and adjacent band systems, directly supporting aviation safety. The aviation industry is a heavy user of both the 3.7-4.2, and 4.2-4.4 GHz bands, using the C-band satellite system for the distribution of aviation data, and the adjacent band (4.2-4.4 GHz) radio altimeter system for avoiding terrain.”).

<sup>8/</sup> See, e.g., Comments of Connor Media Corporation, Media East, LLC, Heritage Broadcasting, LLC, GN Dkt. 18-122 at 1 (May 31, 2018) (“The database for satellite receive only locations is incomplete, and will likely remain so. Commenters are working to register all their unregistered antennas, but are aware of other broadcasters who are unlikely to go to the expense of registration.”); Comments of SIA at 3 (“the overwhelming majority of earth stations – up to 90% – are unregistered, a rate that suggests the total number of 4 GHz earth stations in use is in the tens of thousands.”).

<sup>9/</sup> See *Public Notice*. Recognizing the potential unnecessary burden on applicants filing during the registration window, the Commission also granted a temporary waiver of the frequency coordination requirement for earth stations registered or licensed during the filing window. See *id.* at 4-5.

<sup>10/</sup> See, e.g., SIA Comments at 8 (Without fee waivers and streamlined registration, “SIA is gravely concerned that at the close of the registration filing window in July, the IBFS database

further streamlined registration process, and the extension of the registration window to allow more outreach to existing users, would improve the information collection process so critical to any Commission action determining the future of the 3.7-4.2 GHz spectrum.

Specifically, more incumbents are likely to register, and thereby improve the Commission's records as to incumbent usage requiring protection, if the Commission were to issue a blanket waiver of the Form 312 registration fees. <sup>11/</sup> As set forth in the NAB *Ex Parte*, the Commission has the authority to waive application fees for good cause shown to promote the public interest, and the extraordinary and compelling circumstances of the earth station registration window justifies a blanket fee waiver.

Moreover, more earth station registrations would be encouraged if the registration process was further simplified. For example, LinkUp Communications Corporation, Intelsat Corporation, and SES Americom, Inc. observe that “the complexity of the forms and the need to file individual Form 312s for each site they operate is serving as a deterrent to registering for some receive-only operators. ... because many receive-only operators elected not to register in the past, many are unfamiliar with the FCC's Form 312 and Schedule B and, additionally, do not

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will continue to represent only a fraction of the 4 GHz earth stations that have been deployed and require interference protection.”); Comments of National Translator Association, GN Dkt. 18-122 at 1 (May 31, 2018) (“Recently the Commission established a mechanism for registration of such use without prior coordination of frequencies but with an onerous registration fee. It is obvious that more users are out there – many more – than are aware of the registration deadline or are willing and able to pay the fee. As a result of these choices, the Commission has guaranteed that the accurate assessment of the scope and scale of existing uses will not be possible to determine in this proceeding.”).

<sup>11/</sup> See LinkUp Communications Corporation, Intelsat Corporation, and SES Americom, Inc. Notice of *Ex Parte*, GN Docket 18-122 (May 29, 2018).

have the technical staff required to complete multiple applications in a timely fashion.” <sup>12/</sup> A pending proposal to increase incumbent registrations by streamlining the process would authorize “batch filing,” that is, simplifying the registration process by allowing applicants to submit a single Form 312 covering all of the receive-only earth stations operated by a given applicant. <sup>13/</sup> As observed by NAB, “[f]inding ways to streamline the application process and reduce the burden for applicants will only help ensure that the information the Commission receives is as accurate as possible.” <sup>14/</sup>

Lastly, given the Commission’s goal to obtain “more accurate information about existing earth stations, which will inform the Commission’s pending inquiry addressing new opportunities for use of this [the C-] band,” <sup>15/</sup> extending the incumbent earth station registration window will better allow the many industries affected to get the word out to their constituents that earth station registrations, preferably under a further streamlined process, is critical. <sup>16/</sup> For decades now, the Commission has encouraged the productive use of this spectrum through a series of steps (starting in 1979) to eliminate the need to license receive-only earth stations and to make registrations non-mandatory. In light of this long deregulatory history, extending the incumbent registration window at least a further 90 days would facilitate more widespread

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<sup>12/</sup> See, e.g., National Association of Broadcasters, *Ex Parte* Notice, GN Dockets 17-183, 18-122 (May 22, 2018) (the “NAB *Ex Parte*”).

<sup>13/</sup> See NAB *Ex Parte*.

<sup>14/</sup> *Id.*

<sup>15/</sup> See *Public Notice* at 1-2.

<sup>16/</sup> See, e.g., SES and Intelsat Notice of *Ex Parte*, GN Dkts. 17-183, 18-122 (May 9, 2018) (C-Band satellite providers undertaking “their own outreach efforts to encourage and facilitate earth station registration”). Moreover, for companies with large numbers of earth stations, given estimates that the FCC Form 312 registration can take as much as 24 hours to complete, “the burden of registering these sites within 90 days is, by OMB’s own estimate, impossible.” See Intelsat License LCC and SES Americom, Inc. Letter, GN Dkts. 17-183, 18-122 at 2 (May 8, 2018).

registration by a constituency that has not needed for a long time to track Commission actions in this arena nor has needed to be up to speed on registration requirements. Such added time will assist the industry associations in their outreach efforts to inform and urge incumbent, non-registered users to file registrations with the Commission, as will actions by the Commission to waive the registration filing fees and to further streamline the registration process with batch filing options.

In sum, incumbent earth station uses of the 3.7-4.2 GHz band have long been critical to the distribution of programming of established value to our nation, as well as emergency and safety uses. The Commission must undertake every effort to ease the process for registration of these existing uses in order to fully develop a record and basis on which to consider proposals to share or repurpose the use of the C-Band spectrum.

Respectfully submitted,

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as debtor in possession**

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June 15, 2018