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VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Written Ex Parte, MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service, RM-11768

Dear Ms. Dortch:

Federated Wireless, Inc. (“Federated Wireless”) files this ex parte to express its agreement that the Federal Communications Commission (the “Commission” or “FCC”) should issue a Notice of Proposed Rulemaking (“NPRM”) and begin the process of implementing flexible use of the 12.2-12.7 GHz band (the “12 GHz Band”), including fixed and mobile 5G wireless broadband services.¹ Federated Wireless agrees with the Competitive Carriers Association, the Computer & Communications Industry Association, INCOMPAS, the Open Technology Institute at New America, and Public Knowledge (collectively, the “MVDDS Group”) that the 12 GHz Band has enormous potential for 5G fixed and mobile broadband services.² At the same time, Federated Wireless also recognizes the importance of protecting and preserving other authorized uses of the band. These two objectives are not mutually exclusive.

Advances in spectrum sharing technology means the Commission no longer needs to choose between the benefits of one type of service over another or rely only on conservative technical rules to ensure protection of incumbent services. Federated Wireless has examined the underlying 2016 Petition for Rulemaking filed by the MVDDS 5G Coalition (the “2016 Petition”)³ and the technical studies submitted in response thereto, and does not see any obstacles to sharing the band between direct broadcast service (“DBS”), non-geostationary satellite orbit (“NGSO”) fixed-satellite services (“FSS”), and fixed and mobile 5G wireless broadband services.

Federated Wireless agrees with the MVDDS Group that “[w]ith the coming communications shift to 5G and consumers’ increasing demand for faster and more reliable wireless services, it is essential to make additional spectrum available for commercial use” and that the 12 GHz Band represents “500 megahertz of contiguous, mid-band spectrum that offers

¹ Letter from Alexi Maltas, Senior Vice President & General Counsel, Competitive Carriers Association to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-11768, filed May 26, 2020 (“MVDDS Group Letter”).

² *Id.*

³ See MVDDS 5G Coalition Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service, RM-11768 (filed Apr. 26, 2016) (“2016 Petition”).

significant propagation advantages over mmWave spectrum.”⁴ As the MVDDS Group notes, authorizing 5G wireless services in the 12 GHz Band will more than double the available nationwide mid-band spectrum, and will bring economic benefits in the form of new investment, jobs, and consumer services.⁵

Initiating an NPRM in this proceeding is timely at this juncture, and justified, as spectrum-sharing technologies have evolved dramatically since the 2016 Petition. The Citizens Broadband Radio Service (“CBRS”), which relies on spectrum sharing, began full commercial services in January 2020, following extensive evaluation of large-scale initial commercial deployments throughout Q4 2019. It is now possible to enable true sharing of a spectrum band, with several disparate services operating in a coordinated fashion, without the administrative difficulties traditionally associated with “coordination.” Through the successful implementation of CBRS, Federated Wireless, and others, have demonstrated the capability of dynamic spectrum sharing technologies to enable new and innovative uses of spectrum, while protecting incumbent operations. Federated Wireless wholeheartedly supports use of these spectrum sharing technologies and frameworks for the 12 GHz Band.

The CBRS experience proves that dynamic spectrum sharing technologies can protect FSS, fixed service, and federal operations, as well as administer a framework to allow multiple tiers of commercial access. The 12 GHz Band shares many of the same challenges and opportunities with CBRS, presenting new opportunities for spectrum use that will expand use of the band, including for 5G services, while protecting or prioritizing incumbent operations as they exist today and as they change in the future. Federated Wireless urges the Commission to leverage the success of the CBRS band, and expeditiously issue an NPRM that will explore application of these technological advances in a manner that permits more intensive use of the 12 GHz Band.

Respectfully submitted,

/s/ Jennifer M. McCarthy
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⁴ MVDDS Group Letter at 1-2.

⁵ MVDDS Group Letter at 3.