

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

In the Matter of	)	
	)	
Office of Engineering and Technology and	)	GN Docket No. 19-128
Wireless Telecommunications Bureau Seek	)	
Comment on Bidirectional Sharing Pursuant	)	
To RAY BAUM’S Act of 2018	)	

**REPLY COMMENTS OF CTIA**

CTIA respectfully submits these reply comments in response to the Public Notice issued by the Wireless Telecommunications Bureau (“WTB”) and the Office of Engineering and Technology (“OET”) on bidirectional sharing.<sup>1</sup>

**I. INTRODUCTION.**

As demonstrated by the record in this proceeding, WTB and OET should recognize the benefits and importance of flexible, exclusive-use licensing as a primary model for spectrum access. To the extent that sharing is recommended, any such framework must fully protect existing incumbent spectrum rights and must be based on a transparent, voluntary approach that is built primarily on commercial agreements. WTB and OET should therefore reject unsupported claims that would require sharing as the exclusive model for spectrum management.

**II. THE RECORD SUPPORTS THE NEED FOR CERTAINTY, TRANSPARENCY, AND RELIANCE ON COMMERCIAL SHARING ARRANGEMENTS IN ANY SHARING FRAMEWORK.**

**A. Commenters Expressed a Uniform Desire for Certainty and Protection of Their Underlying Spectrum Rights.**

As an initial matter, the record correctly reflects that 5G should be based on flexible, exclusive-use licensing as a primary model to best facilitate the deployment of next-generation

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<sup>1</sup> *Office of Engineering and Technology and Wireless Telecommunications Bureau Seek Comment on Bidirectional Sharing Pursuant To RAY BAUM’S Act of 2018*, Public Notice, GN Docket No. 19-128, DA 19-371 (rel. May 1, 2019) (“Public Notice”).

technologies and services.<sup>2</sup> To the extent bidirectional sharing is recommended, the vast majority of commenters agree with CTIA that such policies should be transparent and must not sacrifice the benefits of licensee certainty and flexibility.<sup>3</sup> Specifically, any sharing regime should: (1) prioritize policies that present the most streamlined and unencumbered means of shared use; (2) provide licensees with sufficient rights and regulatory certainty regarding those rights, both of which are needed to support commercial investment decisions; (3) promote transparency among stakeholders; (4) address the need for interference protection; and (5) consider the needs of commercial users to continue and further U.S. wireless leadership.<sup>4</sup> Any successful bidirectional sharing also requires a clear understanding of both Federal and non-Federal entities' rights and obligations.

**B. Commenters Agree that Voluntary, Negotiated Commercial Arrangements Should Be Emphasized in Any Sharing Methodology.**

In the event that a framework for bidirectional sharing is pursued, commenters agree with CTIA that voluntary secondary market transactions such as contracts or commercial leases

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<sup>2</sup> See, e.g., Comments of Verizon, GN Docket No. 19-128, at 12 (filed May 31, 2019) (“Verizon Comments”); Comments of Motorola Solutions, Inc., GN Docket No. 19-128, at 3 (filed May 31, 2019); Comments of CTIA, GN Docket No. 19-128, at 3 (filed May 31, 2019) (“CTIA Comments”).

<sup>3</sup> See Comments of T-Mobile USA, Inc., GN Docket No. 19-128, at 2 (filed May 31, 2019) (“T-Mobile Comments”); Comments of Telecommunications Industry Association, GN Docket No. 19-128, at 4 (filed May 31, 2019) (“TIA Comments”); Comments of The Boeing Company, GN Docket No. 19-128, at 3 (filed May 31, 2019); Comments of Federated Wireless, Inc., GN Docket No. 19-128, at 6 (filed May 31, 2019) (“Federated Wireless Comments”); Verizon Comments at 5.

<sup>4</sup> CTIA Comments at 6, 12; see also Agency to Industry Collaboration Subcommittee Report, Commerce Spectrum Management Advisory Committee (“CSMAC”), at 3 (June 8, 2016), [https://www.ntia.doc.gov/files/ntia/publications/csmac\\_agency\\_to\\_industry\\_collaboration\\_subcommittee\\_report\\_r1.pdf](https://www.ntia.doc.gov/files/ntia/publications/csmac_agency_to_industry_collaboration_subcommittee_report_r1.pdf); Federal Access to Non-Federal Spectrum: Systematizing MOU Structure & Usage and Workshop Recommendations, CSMAC, Subcommittee on Federal Access to Non-Federal Bands, NTIA, at 2 (July 8, 2016), [https://www.ntia.doc.gov/files/ntia/publications/federal\\_access\\_to\\_non-federal\\_bands\\_sc\\_report\\_august\\_1.pdf](https://www.ntia.doc.gov/files/ntia/publications/federal_access_to_non-federal_bands_sc_report_august_1.pdf) (“MOU Structure & Usage and Workshop Recommendations”).

should be utilized and systematized as part of any bidirectional solution.<sup>5</sup> Limited concerns are raised in the record regarding the purported limitations of commercial arrangements and the underlying need for a complicated sharing database.<sup>6</sup> These concerns and suggested solutions are both baseless and misguided. As CTIA has noted, successful sharing has already occurred between Federal and non-Federal parties (*e.g.*, AWS-1, AWS-3), and parties have reached individual commercial agreements with Federal agencies to allow for shared use of commercial spectrum.<sup>7</sup> Moreover, any database mechanism for non-Federal spectrum use would be more burdensome than effective. To the extent WTB and OET believe negotiated agreements are difficult to achieve, they should consider the recommendations from the CSMAC on facilitating bidirectional sharing through Memorandums of Understanding.<sup>8</sup>

### **III. WTB AND OET SHOULD REJECT SUGGESTIONS THAT SHARING SHOULD BE THE DEFAULT MECHANISM FOR SPECTRUM MANAGEMENT.**

Oceus Networks suggests that unfettered, mandatory sharing of commercial spectrum through “guaranteed access for Federal users in non-Federal bands” is the only way Federal agencies can support their mission requirements.<sup>9</sup> As an initial matter, this argument ignores the substantial investments that wireless providers have made in obtaining spectrum rights and the certainty licensees need to support commercial investment decisions.<sup>10</sup> It also ignores the substantial amount of spectrum that is in the hands of Federal entities today.<sup>11</sup> Moreover, this

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<sup>5</sup> *See, e.g.*, Verizon Comments at 3; T-Mobile Comments at 7.

<sup>6</sup> *See* Comments of Oceus Networks, Inc., GN Docket No. 19-128, at 12 (filed May 31, 2019) (“Oceus Networks Comments”); Federated Wireless Comments at 6; *see also* TIA Comments at 6.

<sup>7</sup> CTIA Comments at 12.

<sup>8</sup> *See* MOU Structure & Usage and Workshop Recommendations at 4; *see also* CTIA Comments at 9-11.

<sup>9</sup> Oceus Networks Comments at 7, 13.

<sup>10</sup> *See* CTIA Comments at 6-8.

<sup>11</sup> *See id.* at 12.

argument disregards the Administration's efforts<sup>12</sup> to drive more efficient use of spectrum by Federal agencies: providing Federal agencies with unfettered access to commercial spectrum would eliminate any incentive for agencies to use their already-assigned spectrum more efficiently, precisely contrary to White House directives and sound spectrum policy. To the extent that Federal entities desire access to non-Federal spectrum bands, they can obtain such access through privately negotiated agreements, which will drive more efficient outcomes. Before any new sharing regimes are contemplated, agencies should be required to disclose the need for additional shared access and articulate why existing Federal allocations are insufficient to meet mission requirements.<sup>13</sup>

Oceus Networks also contends that mandatory bidirectional sharing is the sole means by which Federal agencies could deploy Federally managed private LTE networks, and that such networks are important to ensure rural connectivity.<sup>14</sup> At a high level, this private LTE approach bears resemblance to the nationalization/wholesale approach that has been roundly rejected by Federal officials, industry, Congress, and the President alike.<sup>15</sup> Moreover, there is no reason to assume that a Federally mandated deployment model is the only way rural populations will be connected, as the commercial wireless industry is working every day to expand and improve coverage in rural and remote parts of the country. Putting these points aside, there are

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<sup>12</sup> See, e.g., Presidential Memorandum on Developing a Sustainable Spectrum Strategy for America's Future, 83 Fed. Reg. 54513 (Oct. 25, 2018), <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-developing-sustainable-spectrum-strategy-americas-future/> ("It is the policy of the United States to use radiofrequency spectrum (spectrum) as efficiently and effectively as possible.").

<sup>13</sup> CTIA Comments at 12-13.

<sup>14</sup> Oceus Networks Comments at 7-8.

<sup>15</sup> See, e.g., Margaret Harding McGill, *Trump Rejects Government Intervention in 5G Wireless Networks*, POLITICO (Apr. 12, 2019), <https://www.politico.com/story/2019/04/12/trump-government-intervention-5g-wireless-networks-1352763>.

nevertheless ample shared spectrum bands (in addition to the substantial spectrum held exclusively by Federal agencies) available to Federal entities that may be interested in deploying a private LTE network that is fully under the control of the government, including the 37.0-37.6 GHz band. Furthermore, Oceus Networks as a private company is eligible to participate in a competitive bidding process for licensed spectrum and obtain spectrum rights to provide private LTE or other services to the Federal government.

Of further concern, Oceus Networks incorrectly assumes that there is only a nominal risk of interference in an exclusive shared environment because Federal access will be in rural and remote areas.<sup>16</sup> First, this assumption again ignores that wireless providers cover the vast majority of people in the country and are constantly extending coverage into rural and sparsely populated areas.<sup>17</sup> Oceus Networks' assertion that remote and sparsely populated areas are not covered (and thus not susceptible to interference) is therefore misleading and inaccurate. Second, Oceus Networks' assertions that tightly circumscribed interference would be acceptable is antithetical to the spectrum rights provided to wireless providers through the auction process. Licensees understood when bidding on and purchasing spectrum that their rights would be primary and protected—not subject to “circumscribed interference” as Oceus Networks suggests.<sup>18</sup> Moreover, sharing that undermines exclusive-use license rights would result in less efficient use of spectrum and constrain efforts to deploy 5G services, as parties could not be certain their investments would be fully protected.

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<sup>16</sup> See Oceus Networks Comments at 12-13.

<sup>17</sup> See, e.g., *Communications Marketplace Report*, Report, 33 FCC Rcd 12558 (2018).

<sup>18</sup> See Oceus Networks Comments at 12.

#### **IV. CONCLUSION.**

WTB and OET should reject calls to abandon the benefits that flexible, exclusive-use licensing have brought for America's economy and consumers. To the extent a sharing framework is appropriate for a particular spectrum band, such methodology must emphasize licensee certainty and rely on voluntary, negotiated secondary market transactions for access.

Respectfully submitted,

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