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Straight Path Communications, Inc.
600 Sylvan Ave. Suite 402
Englewood Cliffs, NJ 07632

June 30, 2016

VIA ELECTRONIC FILING

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

Re: Written *Ex Parte* Presentation

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

Dear Ms. Dortch:

Lockheed Martin Corporation (“Lockheed Martin”) recently wrote that “the technical record [in the above-referenced proceeding] regarding potential mobile service use of the 37/39 GHz band is not sufficiently developed at this juncture to enable any decision to be made in the forthcoming Report and Order.”^{1/} Lockheed Martin is simply wrong in its characterization of the record. Consequently, Straight Path Communications, Inc. (“Straight Path”) urges the Commission to reject this last-ditch attempt to derail the Commission’s efforts to unlock the millimeter wave bands for innovative 5G wireless broadband networks and technologies.

Lockheed Martin ironically claims that the record is incomplete while at the same time providing minimal substantive input in this proceeding over the past year-and-a-half. While sitting on the sidelines, many other stakeholders representing diverse interests have commented on the proposed rules, submitted detailed technical information into the record, engaged with Commission staff, and collaborated with one another in efforts to create reasonable and realistic proposals. If Lockheed Martin was concerned that the record lacked sufficient information to adopt rules for the 37/39 GHz bands, it should have helped develop the record and provided meaningful contributions to the discussion at a more appropriate time—before the rules were circulated for a vote.

In addition to its failure to timely provide the Commission with meaningful input in this proceeding, Lockheed Martin makes unconvincing arguments. Straight Path and other

^{1/} See Letter from Jennifer A. Warren, Vice President, Technology Policy & Regulation, Trade & Regulatory Affairs, Lockheed Martin Corporation to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, at 2 (filed June 24, 2016).

commenters have submitted extensive material and detailed technical information demonstrating how satellite and terrestrial operations can be conducted in the millimeter wave bands.^{2/}

Further, the record shows only nascent planning for satellite use of the 37 GHz band, which was likely generated only in response to the Commission’s Notice of Proposed Rulemaking.^{3/} In contrast, the record shows real development of 5G technology at 39 GHz^{4/} and includes ample information to support the Commission’s adoption of rules to foster the millimeter wave bands’ enormous potential for innovative 5G networks and technologies.

Finally, the satellite industry has failed to explain why it has not extensively used the 40-42 GHz band, where there have been no regulatory limitations on FSS operations. The requested delay and/or proposed changes to the “soft segmentation” rules governing 37/39 GHz are based on the argument that those accommodations will enable the satellite industry to make extensive use of the bands. The glaring reality is that in the 40-42 GHz band—where the rules already accommodate the satellite industry—there is still no material usage.

Straight Path urges that last-minute efforts to distract and delay the Commission be rejected, and that this historic opportunity to enable U.S. leadership in 5G move forward with the adoption of rules at the July 14th Commission meeting.

^{2/} See, e.g., Comments of Straight Path, Inc., GN Docket No. 14-177, *et al.* (filed Jan. 27, 2016) (“Straight Path Comments”); Letter from Davidi Jonas, CEO and President, Straight Path Communications, Inc. to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177 (filed June 20, 2016); Letter from Brian M. Josef, Assistant Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, *et al.*, at 2 (filed June 29, 2016) (“CTIA Ex Parte Letter”); Letter from John W. Kuzin, Vice President & Regulatory Counsel, Qualcomm to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, *et al.* (filed May 9, 2016); Letter from Stacey Black, AT&T Services Inc., *et al.*, to Marlene H. Dortch, Secretary, FCC (filed June 1, 2016); Letter from Letter from Sanyogita Shamsunder, Verizon, *et al.*, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177 (filed Apr. 21, 2016).

^{3/} See Letter from Davidi Jonas, CEO and President, Straight Path Communications, Inc. to Marlene H. Dortch, FCC, GN Docket No. 14-177, at 1-2 (filed June 23, 2016) (citing Letter from Bruce A. Olcott, Counsel to The Boeing Company to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, *et al.*, at Attachment (filed June 17, 2016)).

^{4/} See, e.g., Straight Path Comments at 15 (“Straight Path has invested in developing a point-to-multipoint system at 39 GHz and expects to bring that system to the U.S. market in 2016.”); CTIA Ex Parte Letter at 3; Letter from Theodore S. Rappaport, Founding Director, NYU WIRELESS, GN Docket No. 14-177, RM-11664 (filed Sept. 26, 2015) (“Millimeter-Wave Channel Modeling and Heating Exposure Conditions”).

Straight Path looks forward to working with all interested stakeholders to produce a timely resolution of this proceeding. Should there be any questions, the Commission is asked to contact the undersigned directly. Pursuant to Section 1.1206(b)(2) of the Commission's rules, a copy of this letter has been submitted in the record of the above-referenced proceeding.

Respectfully submitted,

/s/ Davidi Jonas

Davidi Jonas
CEO and President
Straight Path Communications, Inc.