



July 8, 2016

VIA ELECTRONIC FILING

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

Re: Ex Parte Presentation, Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, GN Docket No. 14-177; IB Docket No. 15-256; RM-11664; WT Docket No. 10-112; IB Docket No. 97-95.

Dear Ms. Dortch,

On July 6-7, 2016, Meredith Attwell Baker, President & CEO of CTIA and Scott Bergmann, Vice President, Regulatory Affairs met with Chairman Tom Wheeler and Commissioners Mignon Clyburn, Jessica Rosenworcel, Ajit Pai and Michael O’Rielly and their wireless legal advisors, Edward “Smitty” Smith, Daudeline Meme (accompanied by legal intern Rachael Connelly), Johanna Thomas, Brendan Carr, and Erin McGrath, respectively, to discuss the above-captioned proceedings.

During the meetings, CTIA expressed support for moving forward to make the 28, 37, 39, and 64-71 GHz bands available to support innovative 5G and Internet of Things technologies. CTIA urged the Commission to adopt policies that prioritize licensed, exclusive use spectrum and provide the flexibility to innovate. CTIA explained that such actions will enable wireless providers to improve service for U.S. wireless consumers, foster development of the Internet of Things, and extend this country’s global 4G leadership position into 5G services. CTIA underscored its support for adoption of the *Report and Order and Further Notice of Proposed Rulemaking* that represents a balanced approach for all affected stakeholders, including mobile broadband incumbents and new entrants, satellite providers, and Federal users.

CTIA stated that satellite providers in the 28 GHz band should remain secondary in priority to terrestrial use and that the Commission should reject satellite operators’ requests to elevate their status to receive preferential treatment for access to this



spectrum. CTIA urged the Commission to adopt an approach consistent with CTIA's advocacy in this proceeding.

CTIA explained the importance of adopting a framework for spectrum sharing that will achieve the Commission's "national priority"¹ objective of rapidly introducing 5G services.² CTIA noted that, despite satellite operators having only limited rights to use of this spectrum, both the Commission and the wireless industry in this proceeding have made significant accommodations to satellite incumbents. These options are especially noteworthy, CTIA explained, in light of satellite companies' stated intentions to compete directly with terrestrial mobile providers in the provision of broadband services.³ CTIA urged the Commission to establish a level regulatory playing field and require satellite operators to go through the same steps to acquire and maintain spectrum access as future terrestrial licensees. CTIA described how, far from restricting satellite licensees' ability to deploy service, the Commission and wireless industry have provided several options to accommodate them, beyond the protections the Commission is required to afford or that were proposed in the Spectrum Frontiers NPRM. CTIA highlighted that these efforts will enable continued satellite operation after Upper Microwave Flexible Use licenses are auctioned and services are deployed in the 28 GHz band.

CTIA explained that the Commission should adopt a framework for licensing and service rules that is grounded in the long-standing, highly successful principles of exclusive spectrum use and flexibility, which will provide the certainty licensees need to

¹ Prepared Remarks of FCC Chairman Tom Wheeler, *The Future of Wireless: A Vision of U.S. Leadership in a 5G World* (Jun. 20, 2016), http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0620/DOC-339920A1.pdf ("Wheeler Remarks").

² Letter from Scott K. Bergmann, CTIA, to Marlene H. Dortch, FCC, GN Docket No. 14-177 *et. al*, at 1 (May 20, 2016) ("CTIA Sharing Framework *Ex Parte*").

³ See, e.g., The Boeing Company, *Satellite and 5G Sharing at the Spectrum Frontier – Charting a New Broadband Future* (June 30, 2016) ("The benefits of satellite-delivered broadband access can now be realized in upper mmW frequencies because significant advances in satellite and phased-array antenna technologies enable extraordinary spectrum re-use and low-cost user terminals, resulting in a ubiquitous broadband offering with a compelling business case that can compete effectively with existing terrestrial offerings."), attached to Letter from Bruce A. Olcott, Counsel to the Boeing Company, to Marlene H. Dortch, FCC, GN Docket No. 14-177, WT Docket No. 10-112, IB Docket Nos. 15-256 and 97-95, and RM-11664 (June 30, 2016). See also Letter from Jennifer A. Manner, Echostar Satellite Operating Corp. and Hughes Network Systems, LLC, to Marlene H. Dortch, FCC, GN Docket No. 14-177, WT Docket No. 10-112, IB Docket Nos. 15-256 and 97-95, and RM-11664 (June 23, 2016).



invest. CTIA stressed that the Commission should promote investment by adopting flexible performance requirements paired with safe harbors for licensees that allow innovators to maximize the potential of innovative 5G technologies and network architectures.

Finally, CTIA urged caution regarding the promulgation of cyber security requirements on the mobile broadband ecosystem. CTIA described the wireless industry's consistent track record of deploying and integrating cyber security protective measures without need for onerous government intervention.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Scott K. Bergmann

Scott K. Bergmann
Vice President, Regulatory Affairs
CTIA