

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

In the Matter of:	)	
	)	
ELEFANTE GROUP, INC.	)	
	)	
Petition to Modify Parts 2 and 101 of	)	RM-11809
the Commission’s Rules to Enable Timely	)	
Deployment of Fixed Stratospheric-Based	)	
Communications Services in the 21.5-23.6,	)	
25.25- 27.5, 71-76, and 81-86 GHz Bands	)	

**OPPOSITION OF CTIA**

CTIA<sup>1</sup> hereby files this Opposition to the above-captioned petition for rulemaking filed by Elefante Group, Inc.<sup>2</sup> The Elefante Petition requests that the Federal Communications Commission (“Commission”) initiate a rulemaking to amend Part 2 and Part 101 of its rules to enable the deployment of Stratospheric-Based Communications Services (“SBCS”).<sup>3</sup> As discussed below, CTIA submits that, if the Commission determines to evaluate the issues raised by the Elefante Petition relating to the 25.25-27.5 GHz (“26 GHz”) band, it should do so within the context of the pending *Spectrum Frontiers* docket, and that all issues raised in the Elefante Petition must be examined more thoroughly before the Commission takes any further action.

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<sup>1</sup> CTIA® (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> Elefante Group, Inc., Petition for Rulemaking, RM-11809 (filed May 31, 2018) (“Elefante Petition” or “Petition”). See also *Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, Public Notice, Report No. 3093 (rel. June 11, 2018).

<sup>3</sup> Elefante Petition at 2.

## I. INTRODUCTION.

CTIA and other parties have recognized the vital role that millimeter wave spectrum will play in the development and deployment of next-generation wireless services. The Commission already has taken critical initial steps to foster the deployment of 5G services by unlocking high-band spectrum through the *Spectrum Frontiers* proceedings. These efforts have been essential to support the imminent roll-out of 5G for American consumers and to ensure U.S. leadership in the race to 5G.

Elefante's proposal targets the 26 GHz band, which has been highlighted by industry and the Commission as an important spectrum band for future 5G services, in addition to other spectrum bands. As the Commission recently noted, the 26 GHz band "has emerged as the leading candidate for 5G services" and would "be suitable for flexible fixed and mobile services."<sup>4</sup> Therefore, regarding the 26 GHz band, to the extent the Commission determines any action is warranted, the Elefante Petition should be consolidated into the active proceeding and any Commission action should be contained within that docket, with the full recognition of the importance of this band for 5G.

Additionally, Elefante's proposals regarding other spectrum bands should be thoroughly studied to ensure the proposed operations would not cause harmful interference to incumbent users before the Commission takes any further action on those bands. However, further exploration of the interference effects of Elefante's proposed operations in these bands should not hinder adoption of service rules for 5G in the 26 GHz band, particularly given the untested nature of Elefante's technology.

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<sup>4</sup> *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, GN Docket No. 14-177, *et al.*, FCC 18-73, ¶ 76 (rel. June 8, 2018) ("*Spectrum Frontiers Third FNPRM*").

## **II. THE ELEFANTE PETITION SHOULD NOT DELAY 5G USE OF THE 26 GHZ BAND.**

### **A. The Issues Raised in the Elefante Petition Regarding the 26 GHz Band Should Be Considered as Part of the *Spectrum Frontiers* Proceeding.**

Elefante asks the Commission to modify its rules to provide SBCS with co-primary access as a Fixed Service in the 21.5-23.6 GHz (“21 GHz”), 26 GHz, 71-76 GHz and 81-86 GHz (“70/80 GHz”) spectrum bands.<sup>5</sup> In particular, Elefante identifies the 26 GHz band as suitable for deploying SBCS user terminal uplinks and downlinks and asks the Commission to adopt technical, operational, and licensing rules applicable to SBCS operators.<sup>6</sup>

The Commission’s ongoing *Spectrum Frontiers* proceeding, however, is in the process of determining the operational and service rules for the 26 GHz band.<sup>7</sup> Indeed, the Commission has noted that the 26 GHz band presents a unique opportunity for 5G. Because of existing global interest in the 24.25-29.5 GHz range and the fact that the Commission has already authorized flexible terrestrial use in the 24 GHz and 28 GHz bands, equipment manufacturers will be able to integrate the 26 GHz band into a wider tuning range if the Commission moves forward with flexible-use rules in the band. The Commission has noted that this approach will lead to key benefits for wireless consumers, including: (1) manufacturing economies to cover multiple millimeter wave bands in a single radio, leading to lower prices; (2) international roaming in affordable user devices; and (3) accelerating the availability of equipment in newly authorized bands that share a tuning range with early-deployed bands.<sup>8</sup> The Commission also has indicated

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<sup>5</sup> Elefante Petition at 2.

<sup>6</sup> *Id.* at 4.

<sup>7</sup> See *Spectrum Frontiers Third FNPRM* ¶¶ 75-91 (seeking comment on the suitability of the 26 GHz band for fixed and mobile use as well as spectrum sharing and licensing in the band).

<sup>8</sup> *Id.* ¶ 77.

that Federal and non-Federal sharing should be easier in this band than it was for lower frequencies.<sup>9</sup>

Thus, there is no need to initiate an additional proceeding, as the Commission already is seeking comment as part of the *Spectrum Frontiers* dockets on a key portion of the spectrum requested by Elefante in its Petition. Creating a new proceeding to evaluate the Elefante proposal would cause confusion for the industry and be administratively burdensome for the Commission, potentially resulting in an inefficient, inconsistent, and duplicative proceeding. Should the Commission determine that Elefante's requests regarding the 26 GHz band warrant further consideration, CTIA urges the Commission to officially consolidate that portion of the Elefante Petition into the *Spectrum Frontiers* proceeding, rather than considering it in isolation. That said, no action regarding the Elefante Petition should slow efforts to adopt service rules for the 26 GHz band for 5G, particularly given the Commission's recognition that the 26 GHz band is suitable for 5G services.

**B. Additional Spectrum Bands Identified by Elefante Must Be Fully Evaluated by Affected Incumbents.**

Elefante also requests that the Commission adopt rules for the 21 GHz and 70/80 GHz bands to enable their use for SBCS links.<sup>10</sup> However, the Commission must ensure that any potential new services in the band do not cause harmful interference to incumbent users. For example, the 21 GHz band is used extensively to provide fixed microwave backhaul for mobile services. Additionally, the Commission recently considered, and rejected, opening up the 70/80 GHz bands to new services over concerns with how the new services would coexist with fixed

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<sup>9</sup> *Id.* ¶ 84.

<sup>10</sup> Elefante Petition at 4.

links “given the risks of interference to existing fixed uses.”<sup>11</sup> In doing so, the Commission expressed a need for additional studies before considering new uses in the bands.<sup>12</sup> Therefore, to the extent it determines that any action is warranted, the Commission should carefully consider the effect that the Elefante proposal could have on existing incumbents and ensure that this proposal would not harmfully interfere with the various incumbent services in the 21 GHz and 70/80 GHz bands.

### **III. CONCLUSION.**

CTIA applauds the Commission for its continued diligence in facilitating the nation’s 5G future by making additional spectrum available for terrestrial wireless use, particularly the 26 GHz band. Making the 26 GHz band available for wireless use would harmonize U.S. and global efforts and, when added to the previously allocated 24 GHz and 28 GHz bands, would provide nearly four gigahertz of contiguous spectrum for domestic 5G services. The Commission should therefore consider the Elefante Petition only in conjunction with its ongoing rulemaking for the 26 GHz band to ensure that it does not impede the progress made in this important band. CTIA also urges the Commission to thoroughly study Elefante’s proposed operations in the 21 GHz and 70/80 GHz bands to ensure they would not cause harmful interference to incumbent users before taking any further action in those bands.

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<sup>11</sup> *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988, ¶¶ 200, 206 (2017).

<sup>12</sup> *Id.* ¶ 206. Relatedly, the International Telecommunications Union (“ITU”) is not investigating the 21 GHz and 70/80 GHz bands for high altitude platform station (“HAPS”) use. Elefante Petition at 65 (citing World Radiocommunication Conference, Final Acts WRC-15, Resolution 160, at 1-3 (2015)). Elefante’s proposed SBCS system would fall under the definition of HAPS. And in Region 2, which covers the United States, the Resolution only suggests study of the 21.4-22 GHz band rather than the 21.5-23.6 GHz band suggested by Elefante in its Petition.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I, Rachel Sher, do hereby certify that on this 11th day of July, 2018, I caused a copy of the foregoing Opposition to be served upon the following individuals by United States Postal Service:

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