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July 20, 2020

EX PARTE PRESENTATION

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

Re: Ex Parte Presentation in Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service, RM-11768; DBSD Corporation, AWS-4, Lead Call Sign T070272001; Gamma Acquisition L.L.C., AWS-4, Lead Call Sign T060430001; Manifest Wireless L.L.C., Lower 700 MHz E Block, Lead Call Sign WQJY944; American H Block Wireless L.L.C., H Block, Lead Call Sign WQTX200

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter summarizing the following meetings on July 17, 2020:

- A meeting with Chairman Ajit Pai and Aaron Goldberger, Wireless and International Advisor for Chairman Pai. Present on behalf of DISH were Charlie Ergen, Chairman; Tom Cullen, Executive Vice President, Corporate Development; Jeffrey Blum, Executive Vice President, External and Legislative Affairs; Alison Minea, Director and Senior Counsel; and Hadass Kogan, Director and Senior Counsel.
- A meeting with Commissioner Geoffrey Starks and William Davenport, Chief of Staff and Senior Legal Advisor for Wireless and International, for Commissioner Starks. Present on behalf of DISH were Charlie Ergen, Chairman; Tom Cullen, Executive Vice President, Corporate Development; Jeffrey Blum, Executive Vice President, External and Legislative Affairs; Alison Minea, Director and Senior Counsel; and Hadass Kogan, Director and Senior Counsel.

During the meetings, DISH highlighted its entry into the consumer wireless market through its July 1, 2020 acquisition of Boost Mobile.¹ DISH also provided updates related to its deployment of the nation's first O-RAN compliant 5G wireless network. Among other developments, in April 2020, DISH selected Mavenir to deliver cloud-native OpenRAN software for its 5G network.² On June 30,

¹ See "DISH Enters Retail Wireless Market with Close of Boost Mobile, Advances Build of the Nation's First Standalone 5G Network," DISH Newsroom (Jul. 1, 2020), available at <http://about.dish.com/2020-07-01-DISH-enters-retail-wireless-market-with-close-of-Boost-Mobile-advances-build-of-the-nations-first-standalone-5G-network>.

² See "DISH Selects Mavenir to Deliver Cloud-Native OpenRAN Software for Nation's First Virtual 5G Wireless Broadband Network," DISH Newsroom (Apr. 23, 2020), available at <http://about.dish.com/2020-04->

2020, DISH announced two additional major vendor agreements: a large purchase of radio units (“RUs”) from Fujitsu and a multi-year agreement with AltioStar to deliver a cloud-native Open vRAN software solution.³ DISH will be utilizing Fujitsu’s Low Band Tri-Band RU and Mid Band Dual-Band RU, both industry firsts for O-RAN radios, across the company’s spectrum portfolio. In addition to RUs, Fujitsu will provide support through its integrated supply chain to deliver best-in-class radio and antenna integration. Fujitsu will also manage DU/RU hardware validation between vendors, including AltioStar and Mavenir.⁴

DISH also urged the Commission to act on a long-standing petition for rulemaking (the “Petition”) filed by the MVDDS Coalition to unleash 500 MHz of new 5G-ready spectrum in the 12.2-12.7 GHz band (the “12 GHz Band”). The benefits of utilizing the 12 GHz Band for 5G broadband service are well documented in the record. As RS Access, LLC explained, “[t]he 12 GHz Band is *the* timely and compelling solution to meet America’s burgeoning need for 5G spectrum.”⁵ Similarly, CCA, CCIA, INCOMPAS, Public Knowledge and New America Foundation’s Open Technology Institute noted that “[b]y granting flexibility in this band, the Commission could more than double the nationwide mid-band spectrum available for 5G mobile and fixed broadband deployment and further close the digital divide.”⁶ DISH also explained that granting the pending SpaceX application to use the 12 GHz Band for satellite use would permanently foreclose use of the band for terrestrial 5G. This would not be in the public interest given the clear potential benefits for 5G, especially when SpaceX seeks thousands of megahertz of *other* spectrum suitable for its planned uses. Moving forward by initiating a neutral rulemaking on the 12 GHz Band will provide an opportunity for all stakeholders to weigh in on the Petition and address any interference concerns. Indeed, Commissioner O’Rielly recently recognized that “further dialogue with applicable and interested parties on the much debated 12 GHz band [] would certainly seem appropriate to explore the relevant issues here.”⁷ And a group of 11 public interest groups observed, “[c]ommencing a rulemaking process will allow the Commission to develop a record and ultimately decide how the grossly underutilized 12 GHz Band can advance forward-looking 5G services, promote competition, spur innovation and help to address the digital divide in underserved communities.”⁸

[23-DISH-Selects-Mavenir-to-Deliver-Cloud-Native-OpenRAN-Software-for-Nations-First-Virtual-5G-Wireless-Broadband-Network](#).

³ See “DISH Advances O-RAN Network, Selects Fujitsu for 5G Radio Units and AltioStar for Virtualized RAN Software Solution,” DISH Newsroom (Jun. 30, 2020), available at <http://about.dish.com/2020-06-30-DISH-advances-O-RAN-network-Selects-Fujitsu-for-5G-radio-units-and-AltioStar-for-virtualized-RAN-software-solution>.

⁴ *Id.*

⁵ Letter from V. Noah Campbell, RS Access, LLC, to Marlene H. Dortch, FCC, IBFS File No SAT-MOD-20200417-00037; RM-11768, at 1 (Jun. 11, 2020).

⁶ Letter from Alexi Maltas, Competitive Carriers Association, et al., to Marlene H. Dortch, FCC, RM-11768, at 2 (May 26, 2020).

⁷ Remarks of FCC Commissioner Michael O’Rielly Before the New Jersey & New York Wireless Associations’ 2020 Update Webinar, at 3-4 (Jul. 9, 2020), available at <https://docs.fcc.gov/public/attachments/DOC-365441A1.pdf>.

⁸ Letter from Harold Feld, Public Knowledge and Michael Calabrese New America’s Open Technology Institute, to Chairman Ajit Pai, FCC, RM-11768, at 6 (Jul. 9, 2020).

/s/ Jeffrey H. Blum
Jeffrey H. Blum

cc: Aaron Goldberger
William Davenport