

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Allocation and Service Rules for the)	WT Docket No. 19-116
1675-1680 MHz Band)	
)	

REPLY COMMENTS OF DISH NETWORK CORPORATION

DISH Network Corporation (“DISH”) respectfully submits these reply comments in response to the Notice of Proposed Rulemaking (“NPRM”) released by the Federal Communications Commission (“FCC” or “Commission”) seeking comment on the reallocation of spectrum in the 1675-1680 MHz band.¹

I. INTRODUCTION

DISH supports the Commission’s goals in this proceeding of making spectrum available for new, non-federal flexible wireless use while protecting incumbent federal operations. If the 1675-1680 MHz band is reallocated for shared federal and commercial use, DISH agrees with the Commission and commenters that it should be (1) licensed on a geographic area basis utilizing Partial Economic Areas (“PEAs”); (2) auctioned under the Commission’s general competitive bidding rules using a well-tested traditional auction design; and (3) subject to performance requirements that allow for the development of new services and technologies, including 5G, with appropriately tailored rules to account for the unique challenges of serving the license for the Gulf of Mexico.

¹ *Allocation and Service Rules for the 1675-1680 MHz Band*, Notice of Proposed Rulemaking, WT Docket No. 19-116, FCC 19-42 (rel. May 13, 2019) (“NPRM”).

II. PARTIAL ECONOMIC AREA LICENSES IN THE 1675-1680 MHz BAND WILL ENCOURAGE AUCTION PARTICIPATION

If the 1675-1680 MHz band is reallocated, DISH supports a geographic area licensing scheme that would allow for the submission of mutually exclusive applications, and it agrees with the Commission that licensing on a PEA basis would enable a wide range of bidders to participate in an auction and select the areas best suited to their planned operations.² As the National Spectrum Management Association (“NSMA”) notes, “this would allow opportunities for more bidders (and perhaps small bidders) to participate in this auction.”³ PEA licensing in the 1675-1680 MHz band therefore would encourage a competitive auction and promote the rapid deployment of service.

The Commission adopted the use of PEAs in the Incentive Auction proceeding, finding that PEAs “will promote participation by both larger and smaller wireless providers, including rural providers, and encourage new entrants.”⁴ It further explained that PEA licensing “encourage[s] entry by providers that contemplate offering wireless broadband service on a localized basis” and “will best promote entry into the market by the broadest range of potential wireless service providers without unduly complicating the auction.”⁵ These same factors make PEA licensing appropriate for the 1675-1680 MHz band.

² See NPRM ¶ 25.

³ Comments of the National Spectrum Management Association, WT Docket No. 19-116 at 5-6 (filed June 20, 2019) (NSMA Comments).

⁴ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6585 ¶ 44 (2014).

⁵ *Id.* at 6597 ¶ 71.

DISH agrees with other commenters that the Commission should reject suggestions to license the 1675-1680 MHz band on a nationwide basis. As NSMA explains, a nationwide license “would eliminate some bid options and likely reduce the number of bidders[.]”⁶ Iridium concurs, noting that auctioning the 1675-1680 MHz band on a nationwide basis “would undoubtedly reduce the number of potential bidders for the spectrum.”⁷

III. A TRADITIONAL AUCTION FORMAT AND THE COMMISSION’S COMPETITIVE BIDDING PROCEDURES ARE APPROPRIATE FOR ANY AUCTION OF 1675-1680 MHz SPECTRUM

DISH agrees with CTIA that the Commission should assign any spectrum licenses for reallocated 1675-1680 MHz spectrum by auction,⁸ and supports the Commission’s proposal to conduct such an auction under its general competitive bidding rules in Part 1, subpart Q.⁹ The general competitive bidding rules and a standard auction format are time-tested and will provide the simplest way to disseminate licenses in the 1675-1680 MHz band while recovering a portion of the proceeds for the U.S. Treasury.¹⁰ The Commission should also follow its normal pre-auction process and seek comment on and establish application and bidding procedures after it adopts technical and service rules.

⁶ NSMA Comments at 6.

⁷ Comments of Iridium Communications Inc., IB Docket No. 19-116 at 7 (filed June 21, 2019) (Iridium Comments).

⁸ See Comments of CTIA, IB Docket No. 19-116 at 3-4 (filed June 21, 2019) (CTIA Comments).

⁹ NPRM ¶ 42; *see also* 47 C.F.R. §§ 1.2101-1.2114.

¹⁰ See *also* Iridium Comments at 8 (urging the Commission to adopt “competitively neutral” auction and service rules that “will allow the market to decide how the bands achieve their highest valued uses”).

IV. PERFORMANCE REQUIREMENTS IN THE 1675-1680 MHz BAND SHOULD ACCOMMODATE NEW SERVICES, TECHNOLOGIES, AND DEPLOYMENT MODELS.

DISH agrees with CTIA that the Commission's performance requirements should encourage deployment while accommodating market forces, service provider technology, and service and deployment decisions.¹¹ DISH also agrees, as the NPRM recognizes, that the Gulf of Mexico warrants a tailored approach to performance requirements.¹² Gulf licensees should be permitted to use off-shore platforms as a proxy for population coverage, similar to a waiver the Commission granted to Verizon in connection with its 700 MHz C Block buildout.¹³ In addition, the Commission also should permit providers in the Gulf of Mexico to use recreational boating estimates as proxies for population when measuring construction and performance benchmarks. Recreational boaters, including recreational anglers, provide an identifiable population in the Gulf of Mexico. There are data sets and traffic density maps regarding recreational boats and anglers that can be used to estimate the user population in the Gulf of Mexico.

V. CONCLUSION

If the 1675-1680 MHz band is reallocated for shared commercial use, the Commission should adopt geographic licensing using PEAs, auction PEA licenses using a well-tested traditional auction design, and apply flexible performance requirements to the new PEA licenses.

¹¹ NPRM ¶¶ 34-38 (seeking comment on performance requirements for the 1675-1680 MHz band); *see* CTIA Comments at 3-4.

¹² NPRM ¶ 35.

¹³ *Id.*; *see also* *Small Ventures USA, LP and Cellco Partnership d/b/a Verizon Wireless Request for Waiver and Applications for Assignment of 700 MHz C Block License*, 28 FCC Rcd 6569, 6571 ¶ 9 (WTB 2013).

Respectfully submitted,

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