

United States Senate

August 18, 2019

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The Honorable Mike Pompeo
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20230

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Secretary Pompeo and Chairman Pai:

I am writing to you today about a very concerning matter that will likely adversely affect hundreds of thousands of Texans living along the United States-Mexico border, and to encourage you to act expeditiously to ensure that communications networks along the border are able to continue operating unimpeded.

As you know, communications networks are critically important to the people they serve, and this is especially true for those along the 2,000 mile United States-Mexico border. A new, wholesale telecommunications carrier created by the Mexican government, Altan, has indicated that it intends to begin operations in Mexico along the border as soon as August 19 in a manner that can and will cause harmful interference to existing US networks, including those used by federal and local law enforcement, hospitals, the US military, local governments, and other sensitive and important users.

The threat of harmful interference to for existing US networks is not just speculation unfortunately. Just recently on August 5, only two days after the tragic mass-shooting in El Paso, Altan decided to operationally test its network in Ciudad Juárez, just across the border from El Paso, utilizing the 700 MHz spectrum band. The result was a severe degradation of the communications network in El Paso including a nearly complete loss of wireless network coverage for the University Medical Center, where more than 10 people injured in the shooting—five of which were still in critical condition at the time—were being treated; a loss of connectivity for the City of El Paso's fire and rescue services, including network-connected defibrillators and other equipment in ambulances that communicates to the hospitals receiving the patients; and a loss of network coverage for critical equipment in El Paso Police Department patrol cars. As bad as this was, the planned August 19 start of operations could be significantly worse.

The First Responder Network Authority (FirstNet), an independent authority authorized by Congress in 2012, has as its mission to ensure the establishment and operation of the Nationwide Public Safety Broadband Network (NPSBN). The NPSBN provides critical communications services to first responders and other public safety personnel that allow them to protect communities and save lives during everyday emergencies as well during catastrophic events. While the NPSBN was not impacted by the August 5 testing, if Altan proceeds with the proposed activation of full operations on August 19, the NPSBN is very likely to incur significant disruption as well. Worse still, due to the manner in which Altan has constructed its network, this interference could happen as far as fifty miles north of the almost 2,000 mile long southern border.

As you are both aware, this harmful interference issue stems from Mexico's choice to establish a spectrum band plan for its 700 MHz spectrum that is inconsistent and incompatible with those employed in the United States and Canada. While I understand that your teams have worked long and hard to find a solution with your Mexican counterparts, and that there are options on the table that would allow Altan to operate without interfering with US networks, it is also my understanding that those negotiations have not yet resolved this significant problem.

Accordingly, as August 19 is, quite literally, right around the corner, I ask you to make clear to the relevant Mexican authorities—at the highest levels—that a mutually satisfactory solution must be found before Mexico allows Altan to begin operations. There is no need for Altan to begin operations along the US-Mexican border before these significant interference issues can be resolved, particularly given available alternatives, and the likely impact to the communications networks of thousands of Americans living near the border is too severe.

Thank you for your continued leadership on this important issue to public safety and border security. I look forward to your response.

Sincerely,



Ted Cruz
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 21, 2019

The Honorable Ted Cruz
United States Senate
404 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cruz:

Thank you for your letter expressing concerns—concerns I share—about potential harmful interference along the U.S.-Mexican border as a result of the unilateral decision by Altán Redes (Altán), to commence operations in Mexico involving its wholesale wireless network and using 700 MHz spectrum.

Before I offer a more detailed explanation of the situation, I want to begin by making clear that both I and, at my direction, the staff of the Federal Communications Commission, have taken your letter very seriously. For instance, this past Monday, August 19, in a phone call with Chairman Gabriel Contreras Saldívar of the Instituto Federal de Telecomunicaciones (IFT), the Mexican equivalent of the FCC, I made clear that addressing the issue of interference to U.S. communications immediately was and would continue to be a major priority for our government; that even limited operations by Altán to date had caused interference, including to public safety communications (as you observed in your letter); that I was disappointed that Altán had rejected eminently reasonable proposals for testing, including narrowband testing; and that this issue had the attention of senior officials in multiple branches of our government. My staff has also been in touch with the office of Salma Jalife Villalón, Undersecretary of Communications and Technological Development in the Ministry of Communications and Transportation (SCT), in order to facilitate a similar conversation. (Additionally, on several previous occasions, I have discussed this issue with one or both of them, including a detailed discussion with Chairman Contreras Saldívar at the end of July regarding the parameters of testing along the border.) Moreover, I can assure you that Commission staff have been actively working on this issue with all relevant parties in the United States and Mexico to resolve these issues. We will continue to do so.

I offer the following for deeper context. As you note, the Commission has been working extensively with all parties to find technical solutions to this problem. Indeed, during my chairmanship, the Commission has been fully engaged, in coordination with the State Department and IFT, to craft a revised protocol to govern use of the 700 MHz band across the border, once Mexico chose to implement an incompatible 700 MHz band plan. Based on that extensive groundwork, we believed that there was a path forward that accommodated both robust U.S. carrier operations and the deployment of Altán's network in that band.

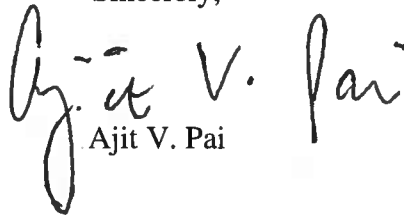
In conjunction with the State Department, the Commission has worked with the IFT, SCT, and Promtel, the Mexican government entity responsible for facilitating Altán's use of the

700 MHz band to secure that path forward. In fact, Commission staff and IFT met in person in Mexico City on August 8-9, and in Ottawa, Canada during the week of August 12, and agreed to engage in expedited testing. The Commission believed that we had made progress in its discussions in advancing the view that Altán could use certain frequencies in order to meet their buildout obligations without causing interference.

Given the promising exchanges on a revised protocol, it was a shock to learn at the eleventh hour that Altán unilaterally decided to turn on its network at a time and in a manner that would directly and foreseeably cause harmful interference to U.S. cellular carriers and their customers who rely on them on a daily basis. Once we learned of this, we immediately contacted and shared the limited information we had with all domestic carriers potentially affected by Altán's initiation of service, as well as the State Department. And my staff quickly set up the call with Chairman Contreras that I described earlier in this letter.

While I unfortunately cannot tell you that this situation has been resolved, I want you to know that the FCC will continue to make every effort to ensure that the negative consequences of Altán's decision do not come to pass. We will make sure to keep you informed as things develop. And in the meantime, please do not hesitate to contact me if you would like to discuss these issues or if I can otherwise be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ajit V. Pai". The signature is fluid and cursive, with the first name "Ajit" being the most prominent part, followed by "V." and "Pai".

Ajit V. Pai