



VIA ECFS

November 7, 2019

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

**Re: Expanding Flexible Use of the 3.7 to 4.2 GHz Band, GN Docket No. 18-122
Auction of Priority Access Licenses for the 3550-3650 Band, AU Docket No. 19-244**

Dear Ms. Dortch,

On November 5, 2019, I met with Erin McGrath, Legal Advisor, Wireless, Public Safety and International to Commissioner O’Rielly. On November 7, 2019, I met with Will Adams, Legal Advisor to Commissioner Carr; Umair Javed, Legal Advisor, Wireless and International to Commissioner Rosenworcel; and Bill Davenport, Chief of Staff & Senior Legal Advisor for Wireless and International to Commissioner Starks. In each of the meetings, we discussed the above-captioned dockets.

With respect to the C-band, I noted that the coalition 5G Plus proposal continues to have a variety of advantages over other proposals in the record. I explained that the 5G Plus plan would free up more spectrum than other leading proposals, and, importantly, would inject significant amounts of fiber into rural America. It also would ensure revenue for the U.S. Treasury. I urged the Commission to maximize the amount of spectrum repurposed for terrestrial wireless services, and to seize the opportunity to narrow the digital divide through a substantial fiber deployment.

I also argued that an FCC-led public auction continues to have numerous benefits compared to any private auction approach. A public auction would be on the strongest legal footing and would guarantee the transparency and due process that promotes participation and competition.

A public auction also could be accomplished on a similar timeframe to a private auction. Under any approach, the Commission should design and adopt auction procedures consistent with the objectives set forth by Congress under Section 309(j) of the Communications Act. The Commission also should issue a public notice spelling out its proposed auction design, to ensure compliance with the Administrative Procedure Act, and also to ensure that all interested parties can understand, review, and comment on the specifics of the auction. The Commission will need to implement application procedures to identify and enforce applicant qualifications, real parties in interest, foreign ownership, license holdings, etc. And the Commission is the only entity that can meaningfully implement and



enforce anti-collusion rules. In the end, the only way to ensure transparency, due process, and compliance with the law is for the Commission to control and implement most if not all of the auction process under any scenario, at which point there is little that a private party could bring in terms of speed in implementing the Commission's design that the Commission itself could not accomplish on a similar time frame.

As CCA has previously argued, any auction will be judged on whether it implements sound auction design principles, and promotes transparency and fairness.¹ The set of auction principles that were recently submitted by several carriers contain a number of positive principles that would promote a fair auction design, including principles that would increase transparency and ensure that all spectrum is auctioned at once.² I encouraged the Commission to include an aggregation limit, so that no one entity could obtain more than 1/3 of the available C-band spectrum in any geographic area. Through a careful, transparent, and fair process, the Commission can ensure that any auction design genuinely promotes participation and competition.

Finally, with respect to the 3.5 GHz auction procedures, I explained CCA's concerns that CMA-level bidding for county-sized licenses could create price distortions that could reduce participation and investment in rural America. I therefore encouraged the FCC to auction county-sized licenses on a county-by-county basis.

Sincerely,

/s/

Alexi Maltas
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CC: Erin McGrath
Will Adams
Umair Javed
Bill Davenport

¹ See Letter from Alexi Maltas, Competitive Carriers Association, to Marlene H. Dortch, FCC, GN Docket No. 18-122 (Oct. 18, 2019).

² See Letter from AT&T, Bluegrass Cellular, C-Band Alliance, Pine Belt Wireless, U.S. Cellular, and Verizon to Marlene H. Dortch, FCC, GN Docket No. 18-122 (Oct. 29, 2019).