

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

In the Matter of )  
 )  
Allocation and Authorization of Additional ) RM-11733  
Spectrum for the Fixed-Satellite Service in the )  
50.4-51.4 GHz and 51.4-52.4 GHz Bands )  
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**COMMENTS OF THE DIGITAL POLICY INSTITUTE AND  
SUBMISSION OF AN ANALYSIS PREPARED BY HAROLD FURCHTGOTT-ROTH ON BEHALF OF THE  
CENTER FOR THE ECONOMICS OF THE INTERNET AT THE HUDSON INSTITUTE**

The Federal Communications Commission (“FCC”) now has before it a Petition for Rulemaking filed by The Boeing Company (“Boeing”). The Boeing petition proposes the allocation and authorization of additional uplink spectrum for the Fixed-Satellite Service in the bands 50.4-51.4 GHz and 51.4-52.4 GHz. Here the Digital Policy Institute (“DPI”)<sup>1</sup> would like to enter into the record of this matter, in order to provide the agency with some relevant and persuasive arguments regarding the subject petition, an analysis prepared by Harold Furchtgott-Roth, Director of the Center for the Economics of the Internet at the Hudson Institute. Furchtgott-Roth’s paper, *Spectrum Allocation at the Federal Communications Commission: Time for a Reset*, explains why the FCC should not open a formal rulemaking proceeding to alter the allocation and power limits for high band spectrum.

Key points in the Furchtgott-Roth report include:

- While no one can fault Boeing for pursuing all avenues to its advantage, this development highlights several flaws in the FCC’s administrative review process for spectrum allocations.
- The FCC’s current process imperfectly tries to mimic market mechanisms and, in so doing, needlessly extends the time it takes to move spectrum to its best and most efficient use.

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<sup>11</sup> DPI is an independent digital communications research and policy organization established in 2004.

- High-frequency spectrum is indeed one of the last frontiers in which to find useable spectrum to support mobile broadband. Unlike the space frontiers of the fictional *Star Trek*, however, the frontiers of high-frequency spectrum are here and now.

- We can continue to allocate high-frequency spectrum on a piece-meal basis, as we have in the past. Or we can learn from past mistakes and rely on better, more market-oriented mechanisms that accelerate the process of allocating new spectrum. The economic consequences of getting more efficient use of spectrum from market mechanisms are enormous. The consequences of not getting more efficient use of spectrum are both tragic and economically irrational.

DPI appreciates the opportunity to offer its brief comments and to enter the Furchtgott-Roth paper, *Spectrum Allocation at the Federal Communications Commission: Time for a Reset*, into the record of this matter.

Respectfully submitted,

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December 1, 2016