



April 10, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, Notice of *Ex Parte* Communication

Dear Ms. Dortch:

The National Association of Broadcasters (NAB) continues to support the Commission's efforts to expand opportunities for efficient and innovative uses of spectrum, including through unlicensed operations and spectrum sharing. The Commission's efforts to create a new Citizens Broadband Radio Service carry tremendous potential for innovative and exciting new uses of finite spectrum resources.

Of course, as with all such operations, unlicensed operations in the 3.5 GHz band must not cause harmful interference to licensed services. To prevent harmful interference, the Commission has proposed a dynamic spectrum access system, "conceptually similar to, but more advanced than the databases used to manage Television White Spaces (TVWS) devices."¹

We write only to express our grave concern about the Commission continuing to develop spectrum policy that relies on a database framework that is clearly not sustainable. As documented in NAB's March 19, 2015 Petition for Rulemaking,² the FCC's current spectrum database system does not prevent users from entering false information in the TVWS database. The database incorporates no checks to ensure that users enter correct information, or even that they enter *any* information in all required fields. Expanding it at this point, prior to making any fundamental changes, is highly problematic.

¹ *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Further Notice of Proposed Rulemaking, 29 FCC Rcd 4923, ¶ 6 (2014).

² NAB Emergency Motion for Suspension of Operations and Petition for Rulemaking, RM-11745 (filed March 19, 2015).

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NAB appreciates that the FCC staff has been cleaning up the many errors and false entries in the TVWS database since we filed our petition in March. The staff has worked diligently to attempt to ensure that the many entries that violated basic Commission rules were removed. However, the systemic problem remains. Nothing prevents users from falsifying information in the database. Until the Commission develops a framework that requires all devices to have some form of geolocation and assigns responsibility to database administrators for patently false entries, spectrum sharing will simply not work.

We urge the Commission to carefully consider the ramifications of basing rules for commercial operations in new bands on a demonstrably flawed spectrum access regime. The foundation for these rules must be a spectrum access system that is reliable and not readily subject to manipulation and abuse. The best time to ensure its efficacy is right now, at the outset of operations, rather than only after experience proves the system to be fundamentally flawed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Renee Gregory
Louis Peraertz
Priscilla Delgado Argeris
Matthew Berry
Robin Colwell