

# COALITION FOR 4G IN AMERICA

June 25, 2010

**Written Ex Parte Presentation** – via Electronic Filing

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *700 MHz Interoperable Broadband Public Safety Network*  
WT Docket No. 06-150, PS Docket No. 06-229,  
GN Docket Nos. 09-47, 09-51, 09-137, RM Docket No. 11592

Dear Ms. Dortch:

We write to urge that the Federal Communications Commission (“FCC” or “Commission”) promptly issue a Further Notice of Proposed Rulemaking in the above referenced proceeding so that the FCC may auction and license spectrum in the 758-763/788-793 MHz band (the so-called 700 MHz “D Block”). It has been thirteen years since Congress directed the FCC to auction 36 MHz of spectrum in the Upper 700 MHz band for commercial use, a directive which will not have been fully accomplished until the D Block is licensed.<sup>1</sup> The delay in licensing the D Block is impeding the growth of competition in, and delaying much needed spectrum for, wireless broadband services. Moving forward promptly will enhance competition, promote the growth of the economy as a whole and further the goals of America’s National Broadband Plan, including the establishment of an interoperable public safety broadband network.

As the FCC’s National Broadband Plan recognizes, there is a significant shortfall of spectrum to meet the Nation’s mobile broadband communications requirements.<sup>2/</sup> The National Broadband Plan recommended that the D Block spectrum be made available as a down payment to meet these spectrum needs by starting a rule making proceeding no later than June of 2010.<sup>3/</sup> However, the FCC’s recently released agenda for its July 15, 2010 meeting does not initiate this

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<sup>1</sup> See Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 § 3004 (1997), codified at 47 U.S.C. § 337.

<sup>2/</sup> *Connecting America: The National Broadband Plan*, The Federal Communications Commission (March 2010), at 77, available at <http://download.broadband.gov/plan/national-broadband-plan.pdf> (noting that “[t]he growth of wireless broadband will be constrained if government does not make spectrum available to enable network expansion and technology upgrades.”).

<sup>3/</sup> *Id.* at 76 (recommending, “[t]he FCC should auction the 10 megahertz Upper 700 MHz D Block for commercial use that is technically compatible with public safety broadband services.”); see also Proposed 2010 Key Broadband Action Agenda Items, available at <http://www.broadband.gov/plan/broadband-action-agenda-items.html>.

D block proceeding.<sup>4</sup> As long as the D Block spectrum remains unauctioned and unlicensed these mobile broadband communications needs will remain unsatisfied. Expeditiously moving forward on the D Block proceeding will introduce additional competition to the wireless industry, stimulate innovation, give consumers and public safety additional choices for wireless broadband services and aid in the delivery of mobile broadband services to rural America. The rulemaking is also key to engaging with public safety on the rules and processes that ensure their needs are met.

More broadly, auctioning the D Block will have a direct positive impact on the United States economy. First, as the National Broadband Plan recognizes, broadband is a driver of economic growth; the sooner the D Block is licensed, the sooner the spectrum can promote economic growth. Second, once the D Block is licensed, capital will be invested in the engineering, construction and operation of D Block networks. Jobs will be created for those involved in, among other things, system design, base station and handset manufacturing, equipment installation, marketing, customer care and system maintenance. Third, the superior propagation characteristics of the D Block will facilitate the construction of wireless networks that better reach rural America. This will give rural businesses and consumers access to lower cost mobile broadband networks and enhance rural economic development by attracting businesses to rural America's lower overhead and labor costs.

President Obama continues to implement measures designed to stimulate the Nation's economy. Potential D Block licensees are prepared to aid the President's efforts by committing the capital and creating the jobs that will result from the implementation of D Block networks. Accordingly, we urge the FCC to act quickly to adopt service and auction procedure rules to permit the auction and licensing of the D Block and look forward to working with the Commission to make the National Broadband Plan's vision for the D Block a reality.

Pursuant to Section 1.1206(b) of the FCC's rules, an electronic copy of this letter is being filed with the office of the Secretary. If you have any questions, please contact the undersigned.

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<sup>4</sup> See News Release, FCC Announces Tentative Agenda for July 15<sup>th</sup> Open Meeting (rel. June 24, 2010), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-299026A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-299026A1.doc).

Sincerely,

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