

August 1, 2013

**1040**

The Honorable Charles T. Hagel  
Secretary of Defense  
1400 Defense Pentagon  
Washington, D.C. 20301-1400

The Honorable Penny Pritzker  
Secretary of Commerce  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

The Honorable Mignon Clyburn  
Acting Chairwoman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Dear Secretary Hagel, Secretary Pritzker, and Acting Chairwoman Clyburn:

We, the undersigned, are members of the Committees on Commerce, Science, and Transportation and Armed Services of the United States Senate. We write to you with the twin goals of strengthening both the economy and our national security. Our respective Committees have held classified briefings and hearings regarding the need for additional Federal agency radio spectrum to be made available for commercial purposes. Our respective Committee records make clear that commercial mobile service providers are facing a spectrum crunch of significant proportions that affects all wireless carriers.

Making more spectrum available for commercial use will grow the country's vibrant mobile wireless industry, spur job creation, and further foster the innovation that has revolutionized the way consumers communicate. This critical need was one of the motivating factors behind our passage of the bipartisan public safety spectrum provisions of the Middle Class Tax Relief Act and Job Creation of 2012. That legislation, signed into law by the President on February 22, 2012, authorized the Federal Communications Commission (FCC) to conduct voluntary incentive auctions and other spectrum auctions to make more spectrum available for mobile broadband use, and most importantly, created and provided funding for the First Responder Network Authority (or FirstNet), a landmark nationwide, interoperable wireless broadband network for first responders.

The Honorable Charles T. Hagel  
The Honorable Penny Pritzker  
The Honorable Mignon Clyburn  
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As part of FirstNet's funding, Congress specifically directed the FCC to auction and license the 2155-2180 MHz band (AWS-3) to commercial users by February 2015. We write today to urge you to take advantage of an opportunity to increase the value of this spectrum band at auction while also harmonizing United States spectrum policy internationally. Specifically, industry and federal agency experts predict that transitioning the 1755-1780 MHz band, currently being used by the Department of Defense (DoD) and other federal agencies, to commercial use and pairing it with the AWS-3 band at auction, would yield substantially greater auction revenues than if those bands were auctioned separately. It also would bring our national spectrum policy in line with 17 of the G-20 countries who already have allocated these two paired bands for commercial use. Pairing these bands is good for our spectrum policy and for first responders.

In order to meet the statutory licensing date, the FCC has indicated that it needs to auction the AWS-3 band by September 2014. However, if the 1755-1780 MHz band is to be auctioned with the AWS-3 band, DoD's final relocation plan must be submitted by January 2014 to the National Telecommunications and Information Administration at the Department of Commerce and the Technical Panel established by the Public Safety Spectrum Act. Accordingly, time is of the essence, and a sense of urgency is required if we are to capitalize on this opportunity to maximize revenue.

We applaud the wireless industry's proposal, or "road map," on freeing spectrum in the 1755-1850 MHz band. We also are encouraged by DoD's own July 17 proposed relocation and sharing plan for 1755-1780 MHz. These proposals represent good-faith efforts by industry and DoD spectrum experts to resolve remaining issues with transitioning the 1755-1780 MHz band for commercial use, while recognizing the need to maintain essential national and homeland security spectrum operations. It is imperative that your agencies work cooperatively to resolve all remaining issues and transition the 1755-1780 MHz band to commercial use.

Now that these concrete plans are on the table, tough decisions must be made – and made quickly. DoD must provide necessary clarifications and explanations regarding its proposal, including technical specifics about how its relocation proposal would work, as soon as possible. The Department of Commerce will have to act with alacrity to analyze these proposals and make recommendations to the FCC on the path forward. The FCC must also work with the Department of Commerce and DoD to expeditiously resolve outstanding issues and complete its rulemaking.

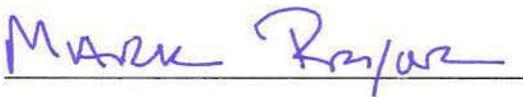
Essential to transitioning DoD operations out of the 1755-1780 MHz band is finding suitable relocation spectrum for their displaced operations. Under existing law, DoD, the Department of Commerce, and the Chairman of the Joint Chiefs of Staff must certify that "such alternative band or bands provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered." As a result, DoD's recommended relocation spectrum must be given serious consideration as part of the transition process. At the same time, the FCC and the Department of Commerce must carefully consider and balance the existing and future uses of any spectrum targeted for DoD relocation.

To ensure that 1755-1780 MHz can be auctioned with 2155-2180 MHz by the statutory February 2015 deadline, we urge each of you to take all necessary steps as soon as possible to ensure that the transition plan for Federal operations in 1755-1780 MHz is finalized. We further request regular updates, in writing, from you jointly on the status of these efforts. We also request that you provide your first written response detailing your efforts to resolve these outstanding issues no later than September 1, 2013. Your progress reports will greatly assist our continued consideration of these issues, which may include legislation if necessary.

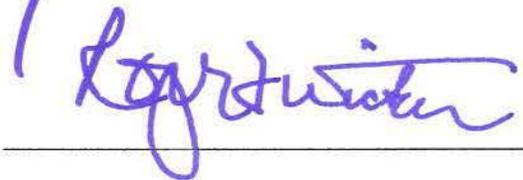
We appreciate your prompt, personal attention to this matter.

Sincerely,

  
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Amy Klobuchar

Roy Johnson

Edward J. Markey

Mark R. Warner

Brian Schatz

Maria Cantwell

Chris McCasill

Barbara Boxer

Paul Begala

Bill Nelson

Richard Blumenthal

Tom Harkin

Roy Blunt

Dan Coats

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Kelly A. Ayette

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Rob Fischer

Jeanne Shaker

Mr. R

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OCT - 1 2013

The Honorable John D. Rockefeller IV  
Chairman  
Committee on Commerce, Science and Transportation  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

To further the President's goal of finding an additional 500 MHz of spectrum for wireless broadband use by 2020, the Commerce Department's National Telecommunications and Information Administration (NTIA) brought together industry, government, and other stakeholders under the auspices of the Commerce Spectrum Management Advisory Committee (CSMAC) to examine the opportunities for clearing of federal systems and sharing between federal and commercial interests in 95 megahertz of spectrum in the 1755-1850 MHz band. As a result of these efforts, the CSMAC presented NTIA its final recommendations for addressing several incumbent federal systems. On August 1, 2013, NTIA requested all affected federal agencies using the 1755-1780 MHz band to submit transition plans for this band no later than January 23, 2014. NTIA is working with the agencies over the coming months to finalize their plans. This schedule will enable the FCC to auction the 1755-1780 MHz band by its September 2014 target date.

After careful review of all available information, including the CSMAC's working group studies, on July 17, 2013, DoD proposed to NTIA to make the 1755-1780 MHz band available for commercial use and enable DoD access to suitable replacement spectrum, including the 2025-2110 MHz band, where and when necessary, without displacing incumbent commercial and federal users. This proposal would restore essential military capabilities as required by the National Defense Authorization Act for Fiscal Year 2000 (NDAA 2000), support the FCC's auction deadline, and enable pairing of 1755-1780 MHz with 2155-2180 MHz. DoD initiated discussions with the broadcast community to determine the most feasible arrangement for coordinating shared access to the 2025-2110 MHz band. DoD is also focusing on the development of its transition plans, which will not be easy to complete in light of the variety and large number of systems affected and the limited time

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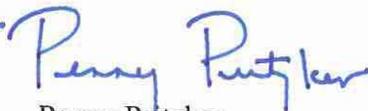
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We recognize that a successful auction of the 1755-1780 MHz band will require additional close collaboration between DoD, NTIA, and the FCC. To that end, our staffs have been involved in dozens of calls and face-to-face meetings with each other, other federal agencies, and industry experts to work successfully through issues and options. The DoD through its Chief Information Officer, the Commerce Department through the Assistant Secretary of Commerce for Communications and Information, and the FCC Chair will continue to work together and will provide you with subsequent joint progress updates, as requested in your letter.

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Charles T. Hagel  
Secretary of Defense



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Mignon Clyburn  
Acting Chairwoman  
Federal Communications  
Commission



OCT - 1 2013

The Honorable John Thune  
Ranking Member  
Committee on Commerce, Science and Transportation  
United States Senate  
Washington, DC 20510

Dear Senator Thune:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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Sincerely,



Charles T. Hagel  
Secretary of Defense



Penny Pritzker  
Secretary of Commerce



Mignon Clyburn  
Acting Chairwoman  
Federal Communications  
Commission



OCT - 1 2013

The Honorable Mark Pryor  
Chairman  
Subcommittee on Communications, Technology, and the Internet  
Committee on Commerce, Science and Transportation  
United States Senate  
Washington, DC 20510

Dear Senator Pryor:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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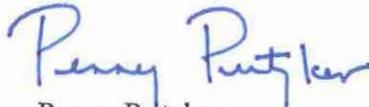
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Sincerely,



Charles T. Hagel  
Secretary of Defense



Penny Pritzker  
Secretary of Commerce



Mignon Clyburn  
Acting Chairwoman  
Federal Communications  
Commission



OCT - 1 2013

The Honorable Roger Wicker  
Ranking Member  
Subcommittee on Communications, Technology, and the Internet  
Committee on Commerce, Science and Transportation  
United States Senate  
Washington, DC 20510

Dear Senator Wicker:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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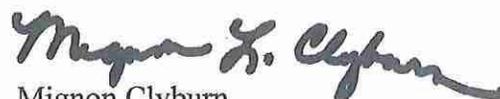
Sincerely,



Charles T. Hagel  
Secretary of Defense



Penny Pritzker  
Secretary of Commerce



Mignon Clyburn  
Acting Chairwoman  
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OCT - 1 2013

The Honorable Kelly Ayotte  
United States Senate  
Washington, DC 20510

Dear Senator Ayotte:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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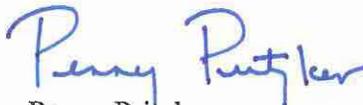
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OCT - 1 2013

The Honorable Mark Begich  
United States Senate  
Washington, DC 20510

Dear Senator Begich:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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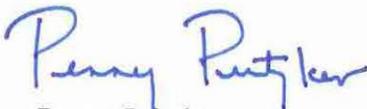
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We recognize that a successful auction of the 1755-1780 MHz band will require additional close collaboration between DoD, NTIA, and the FCC. To that end, our staffs have been involved in dozens of calls and face-to-face meetings with each other, other federal agencies, and industry experts to work successfully through issues and options. The DoD through its Chief Information Officer, the Commerce Department through the Assistant Secretary of Commerce for Communications and Information, and the FCC Chair will continue to work together and will provide you subsequent joint progress updates, as requested in your letter.

Sincerely,



Charles T. Hagel  
Secretary of Defense



Penny Pritzker  
Secretary of Commerce



Mignon Clyburn  
Acting Chairwoman  
Federal Communications  
Commission



OCT - 1 2013

The Honorable Richard Blumenthal  
United States Senate  
Washington, DC 20510

Dear Senator Blumenthal:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

To further the President's goal of finding an additional 500 MHz of spectrum for wireless broadband use by 2020, the Commerce Department's National Telecommunications and Information Administration (NTIA) brought together industry, government, and other stakeholders under the auspices of the Commerce Spectrum Management Advisory Committee (CSMAC) to examine the opportunities for clearing of federal systems and sharing between federal and commercial interests in 95 megahertz of spectrum in the 1755-1850 MHz band. As a result of these efforts, the CSMAC presented NTIA its final recommendations for addressing several incumbent federal systems. On August 1, 2013, NTIA requested all affected federal agencies using the 1755-1780 MHz band to submit transition plans for this band no later than January 23, 2014. NTIA is working with the agencies over the coming months to finalize their plans. This schedule will enable the FCC to auction the 1755-1780 MHz band by its September 2014 target date.

After careful review of all available information, including the CSMAC's working group studies, on July 17, 2013, DoD proposed to NTIA to make the 1755-1780 MHz band available for commercial use and enable DoD access to suitable replacement spectrum, including the 2025-2110 MHz band, where and when necessary, without displacing incumbent commercial and federal users. This proposal would restore essential military capabilities as required by the National Defense Authorization Act for Fiscal Year 2000 (NDAA 2000), support the FCC's auction deadline, and enable pairing of 1755-1780 MHz with 2155-2180 MHz. DoD initiated discussions with the broadcast community to determine the most feasible arrangement for coordinating shared access to the 2025-2110 MHz band. DoD is also focusing on the development of its transition plans, which will not be easy to complete in light of the variety and large number of systems affected and the limited time

available for transition plan development. However, DoD is diligently working with NTIA and other federal and industry stakeholders to enable a timely auction and an executable plan.

On July 23, 2013, the FCC initiated a rulemaking highlighting the critical importance of freeing up additional spectrum for flexible commercial use. This rulemaking is the product of significant work and analysis by FCC attorneys and engineers. Initial public comments are due September 18, 2013, and reply comments are due October 16, 2013. The notice of proposed rulemaking asks many detailed questions about the 1755-1780 MHz band, in addition to other bands, including 2155-2180 MHz. The notice specifically seeks comment on DoD's July 17, 2013, proposed relocation and sharing plan as well as the wireless industry's proposed roadmap for the 1755-1780 MHz band.

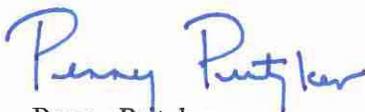
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Charles T. Hagel  
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Penny Pritzker  
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Mignon Clyburn  
Acting Chairwoman  
Federal Communications  
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OCT - 1 2013

The Honorable Roy Blunt  
United States Senate  
Washington, DC 20510

Dear Senator Blunt:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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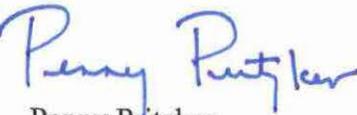
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Secretary of Defense



Penny Pritzker  
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Mignon Clyburn  
Acting Chairwoman  
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OCT - 1 2013

The Honorable Barbara Boxer  
United States Senate  
Washington, DC 20510

Dear Senator Boxer:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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Mignon Clyburn  
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OCT - 1 2013

The Honorable Maria Cantwell  
United States Senate  
Washington, DC 20510

Dear Senator Cantwell:

Thank you for your August 1 letter regarding federal radio spectrum. On behalf of the Department of Defense (DoD), the Department of Commerce, and the Federal Communications Commission (FCC), we recognize that making more spectrum available for commercial use is critical to strengthening our economy and to funding the First Responder Network Authority (FirstNet). At the same time, we must maintain essential national security capabilities. As you requested, this letter will update you on our efforts to resolve the issues related to repurposing the 1755-1780 MHz band to enable the band to be auctioned and licensed by February 22, 2015.

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