



NEW AMERICA
FOUNDATION

February 7, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268

Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354

Operation of Part 15 Devices in the UNII Band, GN Docket No. 13-49

Dear Ms. Dortch:

On February 5, 2014, Michael Calabrese of the New America Foundation and Todd O'Boyle of Common Cause met with David Goldman, wireless advisor to Commissioner Jessica Rosenworcel, concerning the above-referenced proceedings.

The public interest advocates initially noted the growing consensus that unlicensed spectrum is both a complement to licensed and increasingly central to the wireless economy. The advocates reviewed the rapidly increasing share of mobile device data traffic that is off-loaded over Wi-Fi. The PISC representatives asserted that Wi-Fi offload has been the single biggest factor in avoiding the feared "spectrum crisis" that is in fact premised on the difficulty of repurposing more high-power and exclusively-licensed spectrum.

Despite the growing importance of unlicensed spectrum for the economy and a steady stream of positive statements from the Commission, the advocates stated that expanding access to unlicensed spectrum does not actually seem to be a priority at the Commission. In the wake of the Progeny order (which will potentially disrupt long-established use of the 900 MHz band for smart meter deployments and dozens of other uses), the continued uncertainty and lack of actual action on any pro-unlicensed item makes it increasingly harder for investors, entrepreneurs and developers to believe that the FCC is serious about developing next generation businesses and

technologies in this country. Eventually, this capital and those jobs will move overseas where other countries are pursuing next generation unlicensed more aggressively.

With respect to the incentive auctions proceeding (Docket No. 12-268), the PISC representatives emphasized that the public interest is best served by band plan, auction and repacking policies that strike a balance between broadcast stations, licensed mobile operators *and ensuring at least 24 MHz of unlicensed access in every market nationwide*. We acknowledged that although last year's Spectrum Act imposed certain statutory guideposts, the Commission can and should promote competition and innovation by ensuring a sufficient amount of unlicensed access (24 to 30 MHz or more) in *every* market, which is necessary to promote and sustain markets of national scope and scale for unlicensed chips, devices and services.

With respect to the 3.5 GHz band proceeding (Docket No. 12-354), the group reiterated PISC's support for the "Citizen's Broadband Service" concept proposed in the NPRM and in the Commission's *Revised Framework* Public Notice. Enabling small cell band sharing is the most pro-consumer means of meeting exploding mobile data demand. PISC's comments and reply comments strongly supported the proposed 3-tier access model for federal spectrum sharing based on last year's PCAST recommendations. Most critically, the Commission's proposed 3-tier model – governed by a neutral Database mechanism (Spectrum Access System) – provides a framework for sharing additional Federal bands beyond 3.5 GHz. PISC supports reserving, at least initially, a majority of the 3550-3700 MHz band for General Authorized Access (GAA) and no less than 50 MHz in any local market.

With respect to expanding unlicensed access in the 5 GHz band (GN Docket No. 13-49), the advocates expressed strong support for the view that the Commission should move immediately to an initial order that would expand unlicensed access to the U-NII-1 band for outdoor use at full Part 15 power.

Respectfully submitted,

/s/

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cc: David Goldman