



NEW AMERICA
FOUNDATION

February 11, 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 7, 2014, Michael Calabrese of the New America Foundation's Open Technology Initiative met with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn, concerning the above-referenced proceedings.

We generally discussed the agenda for PISC's upcoming meeting with Commissioner Clyburn on Monday, February 10, 2014. I conveyed that our Public Interest Spectrum Coalition has become concerned that despite the growing importance of unlicensed spectrum for the economy and a steady stream of positive statements from the Commission, 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.

With respect to the incentive auctions proceeding (Docket No. 12-268), I 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 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), I 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 three-tier access 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), I 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 and with no DFS requirement. I noted that some organizations in PISC are also part of an informal and diverse coalition of industries and companies supporting that view.

Respectfully submitted,

/s/

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cc: Louis Peraertz