



NEW AMERICA
FOUNDATION

March 10, 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;

Policies Regarding Mobile Spectrum Holdings, GN Docket No. 12-269

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

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

Dear Ms. Dortch:

On March 6, 2014, on behalf of the Public Interest Spectrum Coalition (PISC), Michael Calabrese of the New America Foundation, Harold Feld of Public Knowledge and Mark Cooper of the Consumer Federation of America, met with Julius Knapp, Chief of the FCC's Office of Engineering and Technology, and with other OET and Commission staff.¹

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 carriers and unlicensed innovation by *ensuring at least 24 MHz of unlicensed access in every market nationwide*. The advocates noted that Broadcom, Google, Microsoft and other industry players maintain that if the band plan and repacking policies do not ensure at least four channels of 6 megahertz of unlicensed access in every market, including the most populated metro markets, the Commission will be killing off many emerging unlicensed use cases and the economic and social benefits that rely on low-band spectrum. A diverse ecosystem of both low-band and high-band spectrum will be necessary to extend the benefits of unlicensed spectrum.

¹ FCC staff attending included Paul Murray, Assistant Chief and Chief Counsel of the Wireless Telecommunications Bureau, and Geraldine Matise, Mark Settle, Karen Rackley, Hugh Van Tuyl and Matthew Hussey of the Office of Engineering and Technology.

The PISC representatives noted that although there are several alternative ways to ensure the minimum 24 megahertz of unlicensed access going forward, the Commission will need to make it a conscious goal. These policies should include unlicensed access to the anticipated duplex gap and to the guard band at the lower end of the LTE band in a manner that accommodates a 6 MHz unlicensed channel. We noted that although the record establishes that an 18 MHz duplex gap would be technically reasonable, recent filings by Broadcom conclude that a duplex gap as narrow as 12 megahertz could still accommodate a productive 6 Mhz channel for low-power unlicensed use consistent with existing White Space rules. Accomplishing this was a hard-fought compromise anticipated in the Spectrum Reform Act of 2012 and the clear intent of Congressional compromise. We stated that although some carrier interests assert that a 35-by-35 MHz band plan for LTE is the preferred allocation above Channel 37, even if this proves feasible it would definitely preclude national markets for unlicensed innovation and for investment and mass deployment of 802.11af chips, devices and applications in particular.

The PISC representatives stated that another critical policy choice is to maintain the two designated channels for wireless microphones, but also to open them for unlicensed use subject to protecting microphone reservations via the automatic enforcement mechanism of the TV Bands Database. These could be the first two available channels below the new LTE band. Channel 37 should also be open to shared, unlicensed use subject to TV Bands Database-enforced exclusion areas sufficient to protect radio astronomy and WMTS.

With respect to the 3.5 GHz band proceeding (Docket No. 12-354), the PISC representatives asked about the status of the proceeding and reiterated PISC's support for the Citizens Broadband Service concept proposed in the NPRM and in the *Revised Framework* Public Notice. Most critically, the Commission's proposed 3-tier model – governed by a neutral Database mechanism (a 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 OET's current effort to resolve the exaggerated and purely hypothetical interference concerns raised by Globalstar with respect to the U-NII-1 band spectrum between 5150 and 5250 MHz. We noted that PISC strongly supports the Commission's effort to 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: Julius Knapp
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