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Via Electronic Filing (http://apps.fcc.gov/ecfs/)

March 21, 2014

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

Re: *ET Docket 13-49, Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*

Dear Ms. Dortch:

As TIA stated at the inception of the-above captioned docket, this proceeding provides a unique opportunity for the Commission and industry to work together to fine tune the rules for existing unlicensed operations in the 5 GHz band, as well as to explore opportunities for opening new spectrum to unlicensed devices. TIA writes today to urge the Commission to take action to improve the rules for unlicensed use in existing spectrum, including the U-NII-1 band (5150-5250 MHz).

What we wrote at the beginning of 2013 is no less true today – demand for data from mobile devices is increasing substantially, and the Commission must find a way to ensure that there is both licensed and 5 GHz unlicensed spectrum available to meet that demand.

In its comments, TIA recommended that Commission action in this docket align with several key principles:

- Consistent with the Commission's obligations under the Spectrum Act and its general mandate to advance the public interest, the Commission should provide appropriate levels of interference protection to federal and other incumbents in the 5 GHz band;
- The Commission should foster continued growth of the U-NII marketplace by providing a clear path forward to the designation of additional spectrum for U-NII-2B and U-NII-4, subject to the protection of incumbents;
- To the extent possible, the Commission should strive to provide U-NII devices access to the broadest possible swath of contiguous spectrum under harmonized rules that will accommodate the evolution towards substantially wider channel bandwidths and the efficiency that results for those wider channels;
- The Commission should adopt technology-neutral rules for the 5 GHz U-NII band that encourage co-existence of incumbent systems and unlicensed technologies while minimizing the sort of congestion that is proving problematic at 2.4 GHz.

- Timely action is essential. Rather than await the resolution of all of the questions raised by the *NPRM*, the Commission should address issues on a staggered basis as they become ripe for resolution.

Per the ex parte notices filed in this proceeding, it is now evident that there is an emerging consensus on U-NII-1 and existing band operations. Simply put, the U-NII-1 band rules can be improved by allowing manufacturers to design equipment with higher power, and allowing users to deploy devices outdoors, provided that there are certain protections for the incumbent mobile satellite system.

TIA is encouraged by this development, and recommends that the FCC take swift action on this and other proposals to revise rules for existing bands. Doing so would be a significant first step toward making available unlicensed spectrum so urgently needed.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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