



NEW AMERICA
FOUNDATION

April 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

Dear Ms. Dortch:

On April 8, 2014, Michael Calabrese of the New America Foundation, on behalf of the Public Interest Spectrum Coalition (PISC), met with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn.

I expressed the grave concern in the public interest community that the incentive auction team's reported recommendations, designed to maximize auction revenue at the expense of other policy goals, is an unbalanced and misguided approach that, if adopted, would constitute a decision by the Commission to kill off the longstanding goal of spurring national markets for unlicensed innovation and connectivity in the low-band spectrum below 700 MHz. 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 discussed the growing consensus that unlicensed spectrum is both a complement to licensed services and central to the wireless economy, generating more than \$200 billion in economic activity each year in the U.S. alone, according to an economic study released this year by the WifiForward coalition.

I noted several proposals identified in PISC's incentive auction comments, which were filed by New America Foundation, Consumer Federation of America, Public Knowledge and the National Hispanic Media Coalition in January 2013 (the "January 2013 Comments"). I stated that the Public Interest Spectrum Coalition believes that in the context of a band plan that anticipates clearing and reallocating all of the current broadcast channels above channel 37, the

following policies are necessary to avoid killing the anticipated benefits of a nationwide market for unlicensed broadband connectivity, chips, devices and services incorporating the now-completed 802.11af Wi-Fi standard:

- Authorize unlicensed use of a contiguous duplex gap that is at least 12 MHz wide, since this is both technically reasonable and the minimum necessary to accommodate a 6 MHz unlicensed channel under current TVWS rules. Accomplishing this was a hard-fought compromise anticipated in the Spectrum Reform Act of 2012.
- Allocate only unlicensed use of the duplex gap and lower guard band, subject to control by the TV Bands Database (as the statute requires), with no ability of Part 74 wireless microphone licensees to make reservations that block use of this very limited contiguous unlicensed band.
- To ensure microphone operators licensed under Part 74 have a go-to channel, maintain at least one of the channels currently designated for wireless microphones, at Channel 36 to the extent feasible, but open for shared unlicensed use, subject to protecting microphone reservations via the TV Bands Database.
- Permit unlicensed access to Channel 37 subject to TV Bands Database-enforced exclusion areas sufficient to protect radio astronomy and WMTS.
- Maintain the status quo with respect to unlicensed access to 600 MHz spectrum, post-auction, in each local area until it is actually in use, applying the same “use-it-or-share-it” approach that the Commission has proposed for GAA access to licensed (Priority Access) spectrum in the 3.5 GHz band.

Respectfully submitted,

/s/

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cc: Louis Peraertz