

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Expanding Flexible Use of the 3.7-4.2 GHz Band)	MB Docket No. 18-122
)	
Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission’s Rules to Authorize and Facilitate the deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3.7-4.2 GHz Band)	RM-11791
)	
Fixed Wireless Communications Coalition, Inc., Request for Modified Coordination Procedures in Band Shared Between the Fixed Service and the Fixed Satellite Service)	RM-11778
)	

**REPLY COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments on the Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceedings. In its NPRM, the Commission seeks comment on changes to the 3.7-4.2 GHz band (“C-band”) to expand its use and reallocate part of the band. The spectrum is currently used primarily for Fixed-Satellite Service (“FSS”) downlinks and Fixed Service (“FS”) point-to-point

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

links. The FSS downlinks are used for backhaul of significant amounts of video programming to MVPDs.

NTCA is has substantial interests in this proceeding from several distinct perspectives – many of its members are MVPDs, but its members also provide wired and wireless fixed broadband and a number of members provide mobile wireless service as well. The association, on behalf of its members, therefore support a balanced and measured approach to the spectrum that protects incumbent uses and ensures that all consumers, including those residing in rural areas, can take advantage of the spectrum-based services the band has to offer.

II. INCUMBENT USES MUST BE PROTECTED

NTCA supports expanding uses of the C-band for terrestrial wireless operations but suggests that the Commission proceed cautiously and avoid disrupting the delivery of video content to consumers. The C-band is currently used extensively for content and data delivery in the video programming marketplace.² While such programming can also be received via fiber, most cable operators today find it effective and efficient to receive at least some of their programming via the C-band. It is therefore essential that, even as the Commission considers enabling expanded terrestrial wireless broadband use of the 3.7-4.2 band, it offers protection to existing operations.

Unfortunately, there is significant inconsistency between and among the interested in parties about how much spectrum should, or realistically could, be made available within this

² Comments of the American Cable Association (“ACA”), GN Docket No. 17-183 (filed Oct. 2, 2017); Comments of the Content Companies, GN Docket No. 18-122, at 2-4 (filed May 31, 2018); Comments of the National Association of Broadcasters, GN Docket No. 18-122 (filed May 31, 2018); Comments of NCTA – The Internet & Television Association (“NCTA”), GN Docket No. 18-122, *et. al.*, at 1-6 (filed October 29, 2018).

band.³ Therefore, as the Commission considers reallocating a portion of this band, NTCA agrees that there should be a neutral, objective assessment of the technical limitations of reallocation.⁴ As part of this process, NTCA also supports ensuring that existing users can continue to operate in the portion of the spectrum band that remains available for their use without harmful interference, and the association further believes that current spectrum users should be compensated for excessive and unavoidable costs incurred as a result of any efforts to accommodate new terrestrial wireless operations.

III. THE SPECTRUM PLAN MUST ENSURE RURAL PARTICIPATION IN THE PROVISION OF THE SPECTRUM BASED SERVICES

NTCA's members are evaluating "5G-capable" spectrum as an asset to complement and enhance the broadband services they already offer in their communities. NTCA therefore supports the Commission's exploration of new and flexible use of the 3.7-4.2 band in furtherance of terrestrial wireless services. The NPRM seeks comment on whether a market-based approach would most efficiently repurpose a portion or all of the spectrum, as compared with an auction-based approach or a hybrid mechanism.⁵

If the Commission moves forward,⁶ an auction mechanism offers substantial advantages. The structure is familiar to the industry, is transparent, and would be a competitive approach to freeing up the band. If the Commission moves forward with an auction, however, it is

³ See, e.g., Comments of NCTA pp. 7-8, describing the varying proposals in the record regarding how much spectrum could be cleared to accommodate new mobile services. See also, Comments of ACA, pp. 14-15.

⁴ Comments of ACA, GN Docket No. 18-122, *et.al*, p. 11 (filed October 29, 2018).

⁵ NPRM, para 58.

⁶ NTCA believes there is value in allowing fixed point to multipoint service in the 3.7-4.2 GHz band as it may accelerate the availability of broadband in some rural areas while not affecting the future clearing of the band. See, e.g., Comments of the Broadband Access Coalition, GN Docket No. 18-122 *et.al*. (filed October 29, 2018).

imperative that the auction be structured in such a way as to give small and rural providers a realistic chance to obtain spectrum to serve rural consumers.⁷

By contrast, a more open-ended market-based approach that authorizes current operators to transition voluntarily from all or a portion of the 3.7-4.2 band is a novel process that could free up spectrum for use sooner than an auction. However, under this approach, the incumbent satellite providers would be allocating rights for terrestrial use that they do not currently themselves possess, which in itself raises concerns not otherwise present in a more standard market-based transaction. The Commission must consider the public interest as it crafts rules and policies, including those that govern distribution and allocation of spectrum. A private party is not bound, however, by the same public interest considerations or constraints. Additional clarification about the mechanisms of how such a private mechanism would be structured and operate is necessary to ensure that the spectrum will be put to effective use and not be redistributed merely in a way that reaps the most profit for the incumbent sellers. Thus, the public interest demands that if a voluntary transaction approach is adopted, there must still be specific and binding details about how small and rural providers will be offered a realistic opportunity to obtain this valuable spectrum resource.

⁷ NTCA has long advocated the use of cellular market area sized geographic licensing, favorable roaming requirements, interoperability and small provider bidding credits to help ensure small and rural carrier participation in auctions and their success in the provision in spectrum-based services in rural areas. *See, e.g.*, Comments of NTCA in: Amendment of the Commission's Rules with respect to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands, GN Docket No. 13-185 (Jan. 9, 2014), Service Rules for Advanced Wireless Services in the 2000 – 2020 MHz Band and 2180-2200 MHz Band, *et.al.*, WT Docket No. 12-70 (May 17, 2012); Reexamination of Roaming Obligations of CMRS Providers, *et.al.*, WT Docket No. 05-265, *et. al.* (Nov. 28,2005), Wireless Telecom Bureau Seeks Comment on Request for Waiver and Extension of Time to Construct 700 MHz A- and B-Block Licenses, WT Docket No. 12-332 (Dec. 13, 2012).

IV. CONCLUSION

NTCA supports consideration of new and innovative ways to make more effective use of spectrum in the 3.7-4.2 GHz band. The various stakeholders and interested parties have offered a variety of interesting proposals to replace the current rules for the band. Those proposals demand more thorough and careful consideration, however, with more specific information as to their potential benefits and pitfalls. Rather than rush to judgment in a manner that disrupts existing operations in the band or undermines the public interest in using such spectrum going forward, NTCA supports a measured approach that ensures that this important public resource is put to its highest and best use for the benefit of all consumers, including those residing in rural areas.

Respectfully submitted,



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