

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Expanding Flexible Use of the 12.-12.7 GHz Band)	WT Docket No. 20-443
)	
Expanding Flexible Use in Mid-Band Spectrum Between 3.7-24 GHz)	GN Docket No. 17-183
)	
)	

**OPPOSITION OF 5GFOR12GHZ COALITION TO MOTION FOR EXTENSION OF
TIME TO FILE REPLY COMMENTS**

The 5Gfor12GHz Coalition¹ opposes the Motion for Extension of Time filed by Space Exploration Holdings, LLC, WorldVu Satellites Limited, Kepler Communications, Intelsat License LLC, and SES S.A. (the “NGSO Alliance”).² There is no good cause for an extension, its asserted rationale has already been rejected by the Bureau, and there would be serious prejudice from it.

The 5Gfor12GHz Coalition is a multilateral collaboration of industry leaders comprised of trade associations, public interest organizations, and industry stakeholders that are all seeking

¹ The Coalition’s members include: INCOMPAS, Public Knowledge, DISH Network, Computer & Communications Industry Association (CCIA), RS Access, Open Technology Institute at New America, Federated Wireless, AtLink, Cambridge Broadband Networks Group Ltd. (CBNG), Center for Education Innovations (CEI), Center for Rural Strategies, Etheric Networks, GeoLinks, Go Long Wireless, Granite Telecommunications, mmWave Tech, MVD Number 53 Partners, Resound Networks, Rise Broadband, Rural Wireless Association (RWA), Tel Net Worldwide, Tilson, VMware, WeLink, White Cloud Technologies, Xiber and X-Lab. Public Knowledge, Federated Wireless, MVD Number 53 Partners, and Center for Rural Strategies are abstaining from this opposition.

² See Space Exploration Holdings, LLC, WorldVu Satellites Limited, Kepler Communications, Intelsat License LLC, and SES S.A., Motion for Extension of Time, WT Docket No. 20-443, GN Docket No. 17-183, at 3 (May 24, 2021) (“Third Extension Request”).

ways to best utilize and unlock the power of mid-band spectrum in the 12.2-12.7 GHz band for 5G. The 5Gfor12GHz Coalition is bound together by our mission: To unleash the power of 5G, the FCC must move forward to modernize its rules and open up the 12 GHz band, securing America’s global leadership to protect national and economic security interests while bolstering competition and choice for the American consumers and businesses. More competition and choice will drive down costs and expand connectivity, at a time when we need it most. And it will protect our nation from competitors—especially China—at a time when we must ensure American leadership on the global stage.

The introduction of 5G in the 12 GHz band has already waited for five years, since the filing of a rulemaking petition by the MVDDS 5G Coalition. As one commenter, T-Mobile, has aptly put it, “the rules for this spectrum were adopted before there was an urgent national need to make more spectrum available for 5G mobile services.”³ In light of that urgency, any further delay is prejudicial and must be avoided.

The NGSO Alliance requests additional time because it claims that the opening comments of two parties are too complex and voluminous to respond to within the allocated 30 days for reply comments.⁴ This is hardly sufficient to make this a non-“routine” request eligible for an extension.⁵ The Commission has previously recognized that “Commission proceedings involving technical rules . . . can be expected to contain complex filings of a detailed nature.”⁶

³ Comments of T-Mobile USA, Inc. at 2, WT Docket No. 20-443 (May 7, 2021).

⁴ See Third Extension Request at 3. The initial comments were submitted on May 7, but the NGSO Alliance did not file its request for more time for the reply comments until May 24.

⁵ 47 C.F.R. § 1.46(a).

⁶ Amendment of Rules Governing Ultra-Wideband Devices and Systems, *Order Denying Extension of Time to File Comments and Reply Comment*, 34 FCC Rcd. 7176, 7177 ¶ 3 (2019) (“Given the nature of the petition and the fact that its complexity and length is not exceptional

Confoundingly, the NGSO Alliance also tries—again—to base its request on the supposedly “belated submission” of a study on the part of RS Access showing that 5G and NGSO services can coexist in the band.⁷ There was no delay. That study was submitted with RS Access’ comments as is normal practice during a rulemaking proceeding. Parties are under no obligation to submit comments or supplementary materials *before* they are due.⁸ But of course, the NGSO Alliance’s attempt to blame others for this non-existent delay is not new. It was already considered and denied by the Bureau in this proceeding. Then, the NGSO Alliance supposedly needed more time because RS Access had not yet submitted a study, and now it needs more time because RS Access has submitted its study. As the Bureau held the first time it rejected the NGSO Alliance’s rationale: “to the extent that members of the 12 GHz Alliance have input on whether filings in the comment stage demonstrate the feasibility of sharing in this band, they may submit such input at the reply stage and in subsequent *ex parte* presentations.”⁹ As the Commission has noted in denying a similar extension request, “interested parties are permitted to make *ex parte* presentations to introduce supplemental materials once the notice-and-reply comment cycle has closed,” and thus motions for extension should not be routinely granted.¹⁰

for the subject it addresses, we find nothing sufficiently unique or unusual that would warrant deviation from our well-established rules pertaining to the treatment of petitions for rule making.”).

⁷ Third Extension Request at 3.

⁸ The Third Extension Request also makes repeated references to DISH filing that study. In fact, the study was filed by RS Access.

⁹ Expanding Flexible Use of the 12.2-12.7 GHz Band, Expanding Flexible Use in Mid-Band Spectrum Between 3.7-24 GHz, Order, WT Docket No. 20-443, GN Docket No. 17-183, DA 21-519 ¶ 4 (May 4, 2021)

¹⁰ Unlicensed Use of the 6 GHz Band, Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, Order, 35 FCC Rcd. 6352, 6352 ¶ 4 (2020) (denying extension request).

This extension request is not really about a delay in submitting a study showing that sharing is feasible on the part of RS Access; it is about the NGSO Alliance's own failure to submit any study showing the asserted difficulties of sharing. This was the NGSO Alliance's own choice, and it will inevitably delay the joining of the technical questions even without an extension. An extension would make matters even worse. It would further compound the prejudicial effect of an extension on consumers, on the cause for U.S. leadership in 5G, and on the 5Gfor12GHz Coalition.

The Commission's previous extension of the comment deadline in this proceeding provided ample additional time for stakeholders to prepare and submit the necessary technical and economic analyses to indicate to the Commission whether co-existence in the band is feasible. Further delay is not only unnecessary given the agency's previous extension, it will unnecessarily delay the ultimate resolution of this proceeding, increasing the time that it will take current MVDDS license holders to bring 5G service to the market in the 12 GHz band.

Furthermore, without timely action by the FCC to create policies that accelerate deployment of 5G through mid-band spectrum, America will lose its edge over China in the race to 5G. The country that wins the 5G race will have an outsized role in determining the standards and security of the 5G infrastructure that will be deployed throughout the globe. The expansion of 5G is crucial not just for the national defense; it will also enable the United States economy to lead in new technologies and services.

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The NGSO Alliance's request for an extension of time for the reply comments in this proceeding should be denied.

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