

November 5, 2021

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Expanding Flexible Use of the 12.2-12.7 GHz Band, WT Docket No. 20-443

Dear Ms. Dortch,

On November 3, 2021, representatives of the 5G for 12 GHz Coalition and the undersigned counsel of INCOMPAS met by phone with the Wireless Telecommunications Bureau to discuss the pending *Notice of Proposed Rulemaking* (“12 GHz NPRM”) in the above-referenced proceeding. A full list of meeting participants is provided in Attachment A.

The Coalition is a multilateral consortium of industry leaders comprised of trade associations, public interest organizations, and industry stakeholders that are seeking ways to best utilize and unlock the power of the mid-band spectrum in the 12.2-12.7 GHz band for 5G and opportunistic use.¹ The Coalition continues to draw a diverse group of supporters that have coalesced around the record evidence showing the feasibility of coexistence in the band and who are calling on the FCC to secure American global leadership in 5G by expanding the 12 GHz spectrum band for two-way mobile use.

In the meeting, the Coalition urged the Commission to modernize operational and technical rules for terrestrial incumbents and open up the 12 GHz band to 5G operations and opportunistic use. Taking this affirmative action will secure America’s global leadership in 5G, protect our national and economic security interests, and bolster competition and innovative services for American consumers and businesses. Reallocating the band for

¹ The 5G for 12 GHz Coalition includes the following group of 34 diverse members: INCOMPAS, Public Knowledge, DISH, Computer & Communications Industry Association (CCIA), RS Access, Open Technology Institute at New America (OTI), Federated Wireless, Airspan, AltioStar, A-Side Technology, AtLink, Cambridge Broadband Network Groups, Center for Educational Innovation, Center for Rural Strategies, Dell Technologies, Ethernic Networks, GeoLinks, Globtel Holding, GoLong Wireless, Granite Telecommunications, Mavenir, mmWave Tech, MVD Number 53 Partners, NextLink, Resound Networks, Rise Broadband, Rural Wireless Association (RWA), TelNet Worldwide, Tilson, VMWare, WeLink, White Cloud, Xiber and X-Lab.

flexible use represents a “win-win” for terrestrial and satellite interests, as well as American consumers.

The Coalition cited the various demonstrations in the record from experts, public interest groups, Coalition members, and other stakeholders of how a new mobile allocation will meet the statutory standards for flexible use under Section 303(y)—specifically, that such a reallocation would be in the public interest, would not deter investment, and would not cause harmful interference among incumbents in the band. To that end, the Coalition members made the following points:

- **Public Knowledge** explained that opening the 500 megahertz of spectrum in the 12 GHz band to terrestrial 5G will be important to competition in the wireless market and is therefore in the public interest. Based on the submitted technical studies, interference in the band can be avoided and co-existence can be achieved, meaning that consumers can benefit from the variety of services enabled by the propagation characteristics and throughput of the 12 GHz band, including opportunistic uses. Consistent with its previous filings, Public Knowledge and the Open Technology Institute at New America believe that the current rules adopted for the 6 GHz band and the rules proposed for the 6 GHz band could serve as the basis for an unlicensed underlay in the 12 GHz band.²
- The **Open Technology Institute at New America** explained how expanding the 12 GHz band for flexible use could enhance broadband for rural and underserved communities, and be a significant building block for next generation Wi-Fi. OTI urged the Commission to authorize the band for indoor opportunistic use, to expand capacity for next generation Wi-Fi, and for use outdoors by providers of fixed wireless point-to-multipoint applications, noting that this would improve access to broadband for rural, tribal, and unserved consumers.
- **Sascha Meinrath**, the Palmer Chair in Telecommunications at Penn State University, indicated that reallocating the band for opportunistic uses would allow the Commission to make more effective use of available spectrum assets to support universal and more affordable broadband. He encouraged the Commission to view the 12 GHz band as an opportunity to bolster digital equity efforts across the nation and urged the Commission to quickly make the band available to connectivity-implementers in order to bolster network deployment efforts.
- The **Rural Wireless Association** noted that opening access to unused capacity in the 12 GHz band will provide another way for the Commission to bridge the Digital Divide by substantially improving broadband access and capacity in rural, tribal, and other hard-to-serve areas. The 12 GHz band offers an opportunity to get better terrestrial 5G spectrum, which will enable more IoT opportunities and rural applications like precision agriculture.

² The Coalition notes that this final point represents a restatement of positions taken by Public Knowledge and OTI in its joint comments and does not necessarily reflect the views of other Coalition members.

- As the primary user of the band, **DISH** explained that it supports spectrum sharing in the 12 GHz band and that coexistence between DBS, NGSO FSS, and terrestrial 5G services is eminently feasible based on the science and the data.
- **RS Access**, which commissioned engineering, technical and economic studies for this proceeding,³ reiterated its position that the co-primary services in the band can co-exist without being subject to harmful interference.
- **Go Long Wireless** noted that the technological and equipment landscape for services in the 12 GHz band has changed dramatically since the company acquired its licenses in 2004. The company noted that it could deploy a terrestrial 5G service relatively quickly due to the availability early next year of high powered radios that have readily modifiable software that would allow the company to comport with any rules the Commission adopts in the band.

Furthermore, the Coalition noted that a technical study conducted by Roberson & Associates (“Roberson Report”) highlights the utility and suitability of the 12 GHz band for 5G across a variety of settings. Specifically, the Roberson Report demonstrates that the propagation characteristics of the 12 GHz band are “highly favorable for 5G and resemble those of the lower mid-band frequencies” and that wireless network operators could use the band to add capacity and coverage to their networks.⁴ This will ensure that providers will be able to use the 12 GHz band as a tool to provide coverage in more remote and/or rural areas.

Finally, the Coalition indicated that the *12 GHz NPRM* provides sufficient notice to address all technical, regulatory, legal, and policy issues associated with introducing terrestrial 5G into the 12 GHz band. As such, the Coalition urged the Commission to quickly adopt rules that would reallocate the band for terrestrial 5G use and to simultaneously conduct a Further Notice of Proposed Rulemaking to explore opportunistic use of the band.

If you have any questions about this filing, please feel free to contact me.

³ See RKF Engineering Solutions, LLC, *Assessment of Feasibility of Coexistence between NGSO FSS Earth Stations and 5G Operations in the 12.2-12.7 GHz Band* (May 2021), The Brattle Group, *Valuing the 12 GHz Spectrum Band with Flexible Use Rights* (May 7, 2021) appended to Comments of RS Access, LLC, WT Docket No. 20-443, GN Docket No. 17-183 (filed May 7, 2021); *see also* Roberson and Associates, LLC, *The 12 GHz Band: Analysis of Physical Characteristics and Applicable Technologies* (July 7, 2021) (“Roberson Report”), appended to Reply Comments of RS Access, LLC, WT Docket No. 20-443, GN Docket No. 17-183 (filed July 7, 2021).

⁴ Roberson Report at 1-2.

Respectfully submitted,

/s/ Christopher L. Shipley

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CC

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ATTACHMENT A

November 3, 2021 Meeting Attendees

5G for 12 GHz Coalition

- Chip Pickering, CEO, INCOMPAS
- Carri Bennet, Partner, Womble Bond Dickinson (Counsel to the Rural Wireless Association)
- Jeff Blum, Executive Vice President, External & Legislative Affairs, DISH
- Michael Calabrese, Director of the Wireless Future Program & Senior Research Fellow, Open Technology Institute at New America
- V. Noah Campbell, Co-Founder and CEO, RS Access
- James Childs, SVP Corporate Development & Spectrum Strategy, GeoLinks
- Harold Feld, Senior Vice President, Public Knowledge
- Lindsee Gentry, Vice President, Rational 360
- Melissa Green, Partner, Rational 360
- Sascha Meinrath, Palmer Chair in Telecommunications at Penn State University / Founder of X-Lab
- Tim Meyer, Go Long Wireless
- Alison Minea, Vice President & Associate General Counsel, DISH
- Christopher Salemme, Vice President – Government & Strategic Affairs, Airspan
- Christopher L. Shipley, Attorney & Policy Advisor, INCOMPAS
- Daniel Shuchman, Partner, MSD Capital
- Maryvonne Tubb, SVP – Global Marketing & Corporate Communications, Mavenir Systems

Wireless Telecommunications Bureau

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