

United States Senate

WASHINGTON, DC 20510

November 13, 2018

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Pai:

We commend the Federal Communications Commission (FCC) for continuing to pursue policies enhancing the availability of high-speed broadband to our constituents, especially those in rural communities. As you are aware, broadband connectivity and associated technological innovations can do wonders for rural communities in areas such as education, health care, agriculture, and manufacturing, to name a few. The deployment of 5G mobile wireless technology in the United States is poised to contribute significant economic growth, job creation, and technological competitiveness on the global scale. To that end, the FCC's spectrum management policies promoting commercial wireless broadband are critical to efficiently and effectively improving overall broadband access in rural America. At the same time, as the FCC considers repurposing spectrum to meet the growing demand for wireless broadband, it must ensure that the needs of existing users and the millions of consumers who enjoy the content delivery services that rely on those same spectrum bands can continue to be met.

Specifically, the FCC proposed an *Order and Notice of Proposed Rulemaking*, which was adopted on July 12, 2018, to consider permitting new commercial wireless services and shared use in the 3.7 – 4.2 GHz band, also known as the “C-band.” This band is currently licensed to satellite companies that deliver high-quality content for a number of stakeholders including television and cable programming. This content is then distributed to over 100 million American households through thousands of cable earth station antennas, over 1,000 broadcast television stations affiliated with national networks, and over-the-top service providers, which amount to billions of dollars in private investment. Additionally, radio services count on this spectrum to connect local public and commercial stations to national networks and syndicated programming.

It is reassuring that the FCC is seeking comments on appropriate questions related to the protection of these incumbents and their customers in the proceeding, including clarification on the “standard for determining the need to relocate each category of incumbents,” “specific relief that should be provided to each class of incumbents,” and “responsible [party] for reimbursing incumbent earth station operators and C-band customers for costs incurred in any transition.”¹ As part of its proceeding, the FCC must consider whether sufficient spectrum will remain available to accommodate today's C-band services, whether other transmission capacity could provide an equally reliable, available, affordable, and resilient alternative, whether new uses of

¹ Expanding Flexible Use of the 3.7 to 4.2 GHz Band, *Order and Notice of Proposed Rulemaking*, GN Docket No. 18-122, FCC 18-91, rel. Jul. 13, 2018, (“3.7-4.2 GHz NPRM”), available at https://ecfsapi.fcc.gov/file/10531189368753/asfiled%20Joint_Mobile_Now_PN_Comments.pdf<https://docs.fcc.gov/public/attachments/FCC-18-91A1.pdf>.

the band could result in harmful interference to existing services, and how to reimburse C-band earth station operators for costs incurred. We appreciate the attention that the agency is already dedicating to these important considerations and ask for these efforts to continue.

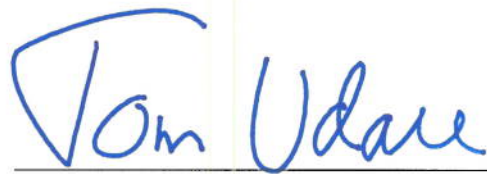
Operations within the C-band include a number of unique attributes favorable to content delivery, particularly in rural areas, including reliability, availability, affordability, and resiliency. The FCC must ensure that necessary content delivery to American consumers is not harmed as a result of their policymaking. Due to the C-band operations' extreme sensitivity and vulnerability to terrestrial interference, the FCC should consider the potential for harmful interference to incumbent operations that remain in the band while tailoring technical rules as necessary to avoid such interference.

We support the FCC's rigorous examination of new and innovative uses of the C-band spectrum. Mid-band spectrum like the 3.7 – 4.2 GHz band has the potential to provide critical capacity and coverage characteristics for next-generation services in the United States. As the rest of the world looks to mid-band spectrum for 5G, the U.S. operators need access to mid-band spectrum to win the global race to 5G. In the interest of a balanced approach, we urge the FCC to consider the extensive use and significant investment already made in the 3.7-4.2 GHz band by satellite licensees and their content-providing customers, while accounting for the unique attributes of the spectrum that currently provide quality services, including to rural communities. Thank you for your attention to this important matter.

Sincerely,



Jerry Moran
United States Senator



Tom Udall
United States Senator

cc.

The Honorable Michael O'Rielly, Commissioner, Federal Communications Commission
The Honorable Brendan Carr, Commissioner, Federal Communications Commission
The Honorable Jessica Rosenworcel, Commissioner, Federal Communications Commission