



Computer & Communications
Industry Association
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Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122

Dear Ms. Dortch:

The Computer & Communications Industry Association (CCIA)¹ and INCOMPAS² respectfully submit this letter in the above-referenced proceeding. On November 18, 2019, Chairman Ajit Pai wrote to Congressional leaders to announce his intention to hold a public auction of 280 megahertz of spectrum in the 3.7 – 4.2 GHz band, commonly known as the “C-band.”³ Chairman Pai noted that C-band spectrum is considered especially valuable in the development and implementation of fifth generation (“5G”) wireless networks because of the band’s capability to transmit large amounts of

¹ CCIA is a 501(c)(6) trade association representing the high technology products and services sectors, including computer hardware and software, electronic commerce, telecommunications and Internet products and services. CCIA members employ more than 750,000 workers and generate annual revenues in excess of \$540 billion. A list of CCIA members is available at <http://www.ccianet.org/members>.

² INCOMPAS is the preeminent national industry association for providers of internet and competitive communications networks and services, including both wireline and wireless providers in the broadband marketplace. A list of INCOMPAS members is available at <https://www.incompas.org/memberlist.asp>.

³ Letter from Ajit V. Pai, Chairman, FCC, to the Hon. Roger Wicker, Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate (Nov. 18, 2019).

data over long distances.⁴ CCIA and INCOMPAS applaud the Chairman’s decision to move forward with a public auction of this valuable band of spectrum.

To compete globally, the United States must expedite allocation of mid-band spectrum for the development and deployment of 5G networks, and the reallocation of C-band spectrum will be a substantial step forward in providing wireless carriers with the necessary mid-band spectrum for their 5G networks. CCIA and INCOMPAS support the Chairman’s proposal for a public auction, which will ensure more transparency and fairness than a private auction would provide.

In his letter to Congressional leadership, Chairman Pai outlined four principles for the C-band rulemaking: 1) make available a significant amount of C-band spectrum for 5G; 2) make C-band spectrum available quickly; 3) generate revenue for the federal government; and 4) protect the services that are currently using C-band.⁵ CCIA and INCOMPAS agree with these principles, and propose a fifth – design the C-band auction in a way that ensures a competitive marketplace for 5G services. Since their founding, CCIA and INCOMPAS have each emphasized the importance of fair and open competition in the technology and telecommunications industries. Competition in the telecommunications industry requires policies that further the ability of competitive carriers to obtain spectrum, and CCIA and INCOMPAS have opposed policies that would result in the largest carriers increasing their market power through unfair auctions. Given the limited amount of C-band spectrum that will likely be reallocated in this proceeding and the valuable potential of this band, the auction needs to be designed to ensure that there is a limit to how much spectrum any one carrier can acquire.

To Ensure a Competitive Marketplace, the C-Band Auction Must Include Spectrum Aggregation Limits

In order to ensure a competitive market for 5G networks and services, competitors in the mobile broadband industry must have the opportunity to fully participate in the C-band spectrum auction. As other stakeholders have noted, aggregation limits are a crucial tool to ensure that competitors in this market have the opportunity to fully participate, and that the C-band spectrum auction outcome will ultimately result in consumers having the opportunity to choose between multiple competing 5G services.⁶ Because the C-band

⁴ *Id.*

⁵ *Id.*

⁶ *See, e.g.*, Letter from Michael Calabrese, New America’s Open Technology Institute, to Ms. Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, at 6 (Jan. 27, 2020) (supporting a limit on the amount of C-Band spectrum any bidder can win to ensure that at least four competing operators have sufficient spectrum); Letter from Alexi Maltis, Senior Vice President & General Counsel, Competitive Carriers Association, to Ms. Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 at 1 (Dec. 19, 2019) (encouraging the Commission to adopt an aggregation limit so that no bidder could

spectrum is particularly valuable for developing 5G mobile broadband networks, it is essential for consumers that no one carrier is able to use the auction to gain an undue competitive advantage. Aggregation limits should be applied both to the total amount of spectrum auctioned (280 megahertz) in each market, as well as to each tranche that is individually auctioned in each market. To this end, commenters have suggested aggregation limits ranging from 25% to 33%. CCIA and INCOMPAS encourage the Commission to implement the lowest feasible aggregation limit, such that, at least, four competing carriers might have access to sufficient C-band spectrum to deploy 5G networks.

In conclusion, CCIA and INCOMPAS thank Chairman Pai and the Commission for beginning the process to reallocate this valuable band of spectrum to expedite the development of 5G networks in the United States. CCIA and INCOMPAS are optimistic about the potential for a public auction of C-band spectrum that is structured in a way that ensures competition between mobile broadband carriers.

Sincerely,

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acquire more than one-third of available spectrum); Letter from Steve B. Sharkey Vice President, Government Affairs, T-Mobile, to Ms. Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, at 2 (Dec. 18, 2019) (encouraging the Commission to adopt a spectrum aggregation limit of one-third of the available spectrum).