

April 28, 2021

VIA ECFS

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

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

Dear Acting Chairwoman Rosenworcel, Commissioner Carr, Commissioner Starks, and Commissioner Simington:

As Co-Chairs, we are pleased to announce today's launch of the new 5G for 12GHz Coalition. The 5G for 12GHz Coalition is a multilateral consortium of industry leaders comprised of trade associations, public interest organizations, and industry stakeholders that are all seeking ways to best utilize and unlock the power of mid-band spectrum in the 12.2-12.7 GHz band for 5G. The 24 Coalition members include: INCOMPAS, Public Knowledge, DISH, 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, Resound Networks, Rural Wireless Association (RWA), Tel Net Worldwide, Tilson, White Cloud Technologies, Xiber and X-Lab.

The 5G for 12GHz Coalition is bound together by our mission: to encourage the Commission to unleash the power of 5G by adopting rules that modernize and open up 500 megahertz in the 12 GHz band to two-way terrestrial wireless communication services. Unlocking the 12 GHz band for 5G will help secure America's global leadership, protect national and economic security interests, and bolster competition and choices for the American public and businesses. The following are our guiding principles, which you will also find attached to this letter.

1. The FCC should act swiftly to unlock the 500 MHz of existing terrestrial licenses in the 12 GHz band to successfully ensure America's edge over China in the race to 5G. U.S. national security and economic interests depend upon it.
2. The FCC should eliminate barriers to meeting the full potential of 12 GHz by aligning federal regulations with today's realities to empower an ecosystem where mid-band spectrum drives innovation, new technologies, and next-generation connectivity for American businesses.
3. The FCC should promote competition in mobile and satellite broadband through the expansion of 12 GHz, delivering more choices and lower costs for consumers.

4. The FCC can and should expand the use of the band while protecting existing users.
5. The 12 GHz band offers the FCC opportunities to expand opportunistic uses of this attractive spectrum critical to advancing 5G.

We also respectfully request that the Commission deny the recently-filed motion by the “12 GHz Alliance” for a further extension of the comment and reply comment deadlines in the above-captioned proceeding.¹ In its motion for a further extension, the 12 GHz Alliance asks the Commission to extend the deadline “until RS Access, LLC produces in the record the technical analyses purportedly establishing the feasibility of sharing between MVDDS licensees and co-primary satellite operations (the ‘RS Sharing Studies’) in the 12 GHz band.”² However, this request for a further extension is inappropriate because the Commission has already dealt with and dismissed this same request. On March 29, 2021, the Commission adopted an Order in this proceeding wherein it granted a motion for a 30-day extension of the filing deadlines. In the same Order, the Commission noted that the “12 GHz Alliance does not object to the Motion but requests suspension of comment and reply comment deadlines until RS Access, LLC, provides certain technical analyses referenced in a filing by RS Access,” and the Commission decided to “decline to take this action, which may be rendered moot by our grant of the instant Motion.”³ For the same reason, the Commission should once again decline the 12 GHz Alliance’s request.

Please feel free to contact us if you would like to discuss this matter further.

Respectfully Submitted,

/s/ Chip Pickering

Chip Pickering

CEO of INCOMPAS

Co-Chair of 5G for 12GHz Coalition

/s/ Joe Lockhart

Joe Lockhart

Partner of Rational 360

Co-Chair of 5G for 12GHz Coalition

Attachment

¹ See 12 GHz Alliance Motion for Extension, *Expanding Flexible Use of the 12.2-12.7 GHz Band, Notice of Proposed Rulemaking*, WT Docket No. 20-443 (filed Apr. 26, 2021).

² *Id.* at 1.

³ *Expanding Flexible Use of the 12.2-12.7 GHz Band, Notice of Proposed Rulemaking*, WT Docket No. 20-443, *Expanding Flexible Use in Mid-Band Spectrum Between 3.7-24 GHz*, GN Docket No. 17-183, Order (rel. March 29, 2021), at n.6.

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ENSURING U.S. LEADERSHIP IN 5G

America has an opportunity to unlock the power of the 12 GHz band for 5G, giving us an edge: an edge over competitors like China who threaten our leadership in 5G; an edge for innovation and new technologies to revolutionize the way we live, work, and learn; and an edge for consumers through more competition and choices.

The US ranks last among 13 major wireless markets in licensed mid-band spectrum, which is essential for 5G. The 500 megahertz of licensed terrestrial spectrum in the 12 GHz band will catapult the United States back to its place as a global leader in telecommunications. The 12 GHz band is unlike any other. It's a large swath of a precious finite resource. It's unencumbered from federal users. And its power is ready to be unleashed immediately.

In order to drive this technological revolution, a multilateral coalition of 5G leaders has joined together to work as swiftly as possible, across government agencies and between the public and private sectors, to ensure the U.S. does not fall behind on the 5G race because of outdated rules and regulations. The stakes are high, but the upside is higher – and the key is cohesive direction from federal lawmakers and regulators. By joining forces and working towards this shared goal of unlocking mid-band spectrum, we can secure U.S. leadership on the global stage, spur competition, and provide next-generation connectivity for all Americans.

MISSION

To unleash the power of 5G, the FCC must move forward with its Notice of Proposed Rulemaking to modernize rules and open up the 12 GHz band, securing America's global leadership to protect national and economic security interests while bolstering competition and choices for the American public and businesses.

GUIDING PRINCIPLES

- 1) The FCC must act now to unlock the 500 MHz of existing terrestrial licenses in the 12 GHz band to successfully ensure America's edge over China in the race to 5G. U.S. national security and economic interests depend upon it.¹
- 2) The FCC must eliminate barriers to meeting the full potential of 12 GHz by aligning federal regulations with today's realities to empower an ecosystem where mid-band spectrum drives innovation, new technologies, and next-generation connectivity for American businesses.
- 3) The FCC should promote competition in mobile and satellite broadband through the expansion of 12 GHz, delivering more choices and lower costs for consumers.
- 4) The FCC can and should expand the use of the band while protecting existing users.
- 5) The 12 GHz band offers the FCC opportunities to expand opportunistic uses of attractive spectrum critical to advancing 5G.



ENSURING U.S. LEADERSHIP IN 5G

KEY POINTS

1. The FCC must act to unlock the 500 MHz of existing terrestrial licenses in the 12 GHz band to successfully ensure America's edge over China in the race to 5G. U.S. national security and economic interests depend upon it.

- The U.S. has historically led the globe in telecommunications advancements, but our posture today is diminished. According to a recent study completed for CTIA, the U.S. currently ranks last among 13 major wireless markets in 5G mid-band spectrum.
- Even after the C-band auction, the U.S. will remain behind China – 450 MHz to 480 MHz respectively of re-allocated mid-band spectrum.
- Allowing for flexible-use licenses for two-way broadband by swiftly modifying the 500 megahertz of existing licenses in the 12 GHz band allows the U.S. to overtake China (950 MHz) immediately and propels the U.S. from 13th place to 2nd place behind Japan (1000 MHz).
- Without timely action by the FCC to create policies that accelerate deployment of 5G through mid-band spectrum, America could lose the race to China. Over the last 15 years, Huawei has been an integral part of China's strategy to employ economic and technical supremacy as tools of national power. As [a report from The MITRE Corporation says](#), "5G is an active front in the growing great power competition between the U.S. and China." And a report from the Carnegie Endowment for International Peace says, "China is eclipsing the United States as the world's largest overall (public and private) R&D investor."
- National security is more than just planes and tanks and ships. The growth of our 5G networks and the new capabilities they will provide will be critical to defending our nation from threats of all kinds.
- 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.
- But the expansion of 5G is not just crucial for the national defense; it will also enable the United States economy to lead in new technologies and services.



ENSURING U.S. LEADERSHIP IN 5G

KEY POINTS

2. The FCC must eliminate barriers to meeting the full potential of 12 GHz by aligning federal regulations with today's realities to empower an ecosystem where mid-band spectrum drives innovation, new technologies, and next-generation connectivity for American businesses.

- As spectrum-sharing technology advances, it enables additional bands of spectrum to be opened up for new or more flexible uses. Outdated rules and regulations governing the use of these bands stifle innovation and prevent the development of cutting-edge new applications. The FCC must update the Multi-channel Video and Data Distribution Service (MVDDS) operational rules permitting licensees to provide two-way mobile/fixed broadband service. The Commission must also update the MVDDS technical rules to enable a viable 5G service while protecting DBS operations from harmful interference.
- Over the past two decades, the landscape has evolved on spectrum-sharing technology. In 2002, when the current FCC rules governing the 12 GHz band were written, Blockbuster Video was still dominating the movie rental market, Facebook and YouTube had not been invented, and most Americans still relied on landlines as their primary method of communication. Today, America faces an unmet and rapidly evolving need for new spectrum that enables advanced wireless services, connects rural customers to broadband, and encourages game-changing innovation. Modernizing the long-outdated rules currently governing the 12 GHz band will accelerate 5G deployment throughout the country and improve how our children learn, how we access healthcare, and how small businesses operate.
- This important action also comes at a time when American businesses desperately need a boost, following a devastating 2020 in which the COVID-19 pandemic caused financial strain across sectors and slowed the national economy to a crawl.

3. The FCC should promote competition in mobile and satellite broadband through the expansion of 12 GHz, delivering more choices and lower costs for consumers.

- Increased competition in mobile and satellite broadband through the broader use of mid-band spectrum supports free markets that encourage competition, more choices, and greater opportunities for American families.
- Maximizing the number of potential providers in the 12 GHz band also offers the best chance for consumers to access reliable, affordable broadband and mobile services throughout the United States.
- Leveraging 5G through increasing the US mid-band spectrum allocation is not only about faster speeds but also building next-generation networks that will transform the way American businesses serve American families. Building next generation 5G networks for enterprise will help modernize how hospitals, power grids, factories and farms operate. Doing so will allow these entities to deploy new automation tools to better serve hardworking Americans who rely on them.



ENSURING U.S. LEADERSHIP IN 5G

KEY POINTS

4. The FCC can and should expand the use of the band while protecting existing users.

- The Coalition believes that any change in the rules of the band should protect existing authorized users. That includes existing satellite television providers and other existing satellite services, such as the new broadband satellite services.
- But there are many ways to protect existing users while expanding the use of the band for 5G and other broadband services.
- Some authorized users say we should leave the band the way it is. But everyone agrees that it will take changes in the rules to use the band more intensively for broadband, including for terrestrial 5G, for satellite broadband, or for both. The only question is what the new rules should be.
- This includes companies like SpaceX that want to use the 12 GHz band to offer satellite broadband (through its Starlink service). But while SpaceX opposes a broad rule change, it has asked the FCC for waiver of existing rules for its own service. SpaceX argues it needs the waiver to improve Starlink's broadband service offering. The chief difference between SpaceX's waiver request and the changes in the rules sought by the 5Gfor12GHz Coalition is that SpaceX's rule change will only benefit Starlink, while potentially harming other incumbents and jeopardizing the potential for a win-win in the band to benefit all consumers.
- Everyone in the band should have a chance to succeed. All Americans benefit when we have multiple providers of advanced broadband services.

5. The 12 GHz Band offers the FCC opportunities to expand opportunistic uses of attractive spectrum critical to advancing 5G.

- The 12 GHz band offers new possibilities to expand unlicensed opportunistic spectrum access (meaning spectrum open to everyone, not just someone with an FCC approved license).
- People use spectrum opportunistically every day. We all use Wi-Fi to connect to the internet.
- Cellular companies use "Wi-Fi offload" to meet demand, and wireless ISPs (WISPs) creatively use spectrum to provide broadband access – particularly in rural areas.
- "Opportunistic" sharing technologies let multiple users share the same set of frequencies without interfering with each other.
- As part of exploring how to expand use of the 12 GHz band, the Coalition fully supports finding ways to maximize unlicensed opportunistic sharing in the band.
- These uses should be allowed to the extent they can coexist with existing and expanded licensed uses. This will promote innovation and better broadband access for all Americans.

¹ <https://apictia.org/wp-content/uploads/2020/03/5G-mid-band-spectrum-global-update-march-2020.pdf>

² <https://www.fcc.gov/document/fcc-annual-broadband-report-shows-digital-divide-rapidly-closing>

³ <https://venturebeat.com/2018/02/10/how-the-digital-divide-is-holding-the-u-s-economy-back/>