



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

APR 19 2013

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Planned Auction of Licenses in the 1695-1710 MHz Band and the 1755-1780 MHz Band

Dear Chairman Genachowski:

I am writing in response to your letter dated March 20, 2013 that the Federal Communications Commission (FCC) intends to commence the auction of licenses in the 1695-1710 MHz band and the 1755-1780 MHz band as early as September 2014. Planning for this auction is another important step in meeting the President's goal of finding 500 megahertz of spectrum for commercial broadband services. The National Telecommunications and Information Administration (NTIA) supports the FCC's efforts to ensure that there is adequate time to conduct the auction and complete the subsequent licensing process pursuant to the February 2015 deadline referenced in your letter. We appreciate that the letter also recognizes the other key statutory milestones and issues that the FCC and NTIA, together with the federal agencies currently using these bands and industry stakeholders, must achieve and address to ensure a successful auction and smooth transition.

Pursuant to our common objectives related to these two spectrum bands, I have attached two reports for the FCC's consideration that the Commerce Spectrum Management Advisory Committee (CSMAC) recently adopted. As you acknowledge in your letter, these and forthcoming CSMAC reports will inform service rules for both the 1695-1710 MHz band and the 1755-1780 MHz band, including sharing and protection criteria. NTIA endorses the recommendations contained in these reports, and anticipates receiving early this summer the additional CSMAC recommendations that will be based on the work of the other three industry/government working groups addressing the 1755-1850 MHz band. We appreciate the ongoing and helpful participation of the FCC staff in all five of these working groups and in NTIA's interagency Policy and Plans Steering Group (PPSG).

As a result of the auction plans set forth in your letter, NTIA has informed the PPSG and the Interdepartment Radio Advisory Committee that affected agencies' transition plans for these two bands will be due as early as January 23, 2014.¹ In order for agencies to timely and

¹ See 47 U.S.C. § 923(h)(1) (federal entities authorized to use eligible frequencies must submit their transition plans to NTIA and the new Technical Panel not later than 240 days before the commencement of any auction of these frequencies).

adequately prepare sufficient plans, especially those for the 1755-1780 MHz band, the FCC and NTIA must address several important questions as soon as possible. These include, but are not limited to: (i) opportunities for developing a sharing framework based on well-understood technical parameters for new commercial wireless systems and new coordination processes and tools; (ii) challenges involving the identification and prioritization of geographic service areas; (iii) reallocation scenarios that consider the entire 1755-1850 MHz band; and (iv) the potential identification of alternative frequency assignments to which federal entities' operations could be relocated, if necessary.

First, the FCC rulemaking process should set forth the conditions under which sharing arrangements would be implemented by non-federal users while protecting federal operations. The enclosed report developed in CSMAC Working Group 1 includes recommendations to maximize the use of the 1695-1710 MHz band for commercial services while protecting federal meteorological earth stations from harmful interference.² The report refines the parameters for Long-Term Evolution (LTE) systems to reflect real-world deployment scenarios and will also inform the FCC's rulemaking and contribute to the other CSMAC working groups. Additionally, the report proposes a framework to allow LTE operations inside the protection zones after successful coordination and calls for NTIA and the FCC, in collaboration with the affected federal agencies, to establish the details of the coordination processes and tools. These recommendations will provide a foundation for agencies to start developing their transition plans and we urge the FCC to use these recommendations in drafting proposed rules to implement shared use of the 1695-1710 MHz band. As noted above, the CSMAC continues to work on exploring options for shared use of the 1755-1850 MHz band as well, and we will review and transmit its additional recommendations, as appropriate, for the FCC's consideration in developing rules in that band.

Second, in the enclosed report on law enforcement surveillance, explosive ordnance disposal, and other short distance links in the 1755-1850 MHz band, the CSMAC presents a geographic prioritization for transition of federal systems as recommended by industry participants on the working group.³ The report notes that, while industry would prefer federal relocation based on the ranking of economic areas (EAs) on the suggested list, the agencies will need to establish their timelines for clearing based on their operational requirements. In some cases, operational needs may require clearing larger geographic areas. Accordingly, the prioritized list of EAs will serve as an input for consideration as the agencies develop their transition plans. We recommend that the FCC seek comment on the proposed prioritization list to obtain broad industry views. Furthermore, due to the agencies' challenges in planning and implementing the transition of these systems without impacting operational requirements, the FCC should ensure that prospective bidders understand that agencies may not be able to vary

² CSMAC, "1695-1710 MHz Meteorological-Satellite," Final Report of Working Group 1 (Feb. 22, 2013), *available at* http://www.ntia.doc.gov/files/ntia/publications/wg-1_report_v2.pdf.

³ CSMAC, "1755-1850 MHz Law Enforcement Surveillance, Explosive Ordnance Disposal, and other short distance links," Final Report of Working Group 2 (Jan. 2013), *available at* http://www.ntia.doc.gov/files/ntia/publications/csmac_wg-2_final_report_jan-4-2012.pdf.

significantly from the timelines in their published transition plans, unless the Office of Management and Budget (OMB) approves accelerated implementation payments.⁴

Third, while we recognize that pairing and auctioning the 25 megahertz of spectrum in the 2155-2180 MHz band with the same amount in the 1755-1780 MHz band will be a primary option for the FCC and the commercial mobile wireless industry, we appreciate your recognition of the potential need to address rules to accommodate the phased reallocation of the entire 95 megahertz of the 1755-1850 MHz band.⁵ Most federal functions in the band require and operate throughout the entire 1755-1850 MHz band to meet their missions. Given the focus on the lower 25 megahertz, whether as part of a relocation or a sharing arrangement, the FCC will need to consider the potential for a phased transition to facilitate commercial access to the 1755-1780 MHz band in a shorter timeframe while preserving longer-term repurposing and transition opportunities for the entire 1755-1850 MHz band. If an FCC auction of the 1755-1780 MHz band results in the relocation of or sharing with federal systems that currently have access to the entire 1755-1850 MHz band, agency transition plans for the lower 25 megahertz will need to account for those systems, even if the FCC holds multiple auctions over time.

Fourth, if necessary, NTIA and the FCC must identify and reallocate replacement spectrum to accommodate displaced federal operations unless these agencies can maintain comparable capability of systems via sharing or utilizing alternative technology.⁶ NTIA's March 2012 Report on the 1755-1850 MHz band identified thousands of federal frequency assignments held by over 20 federal agencies for a wide range of mission-critical systems that will be impacted in a reallocation of the band. Each agency provided NTIA, in rank order, a prioritization of comparable bands for each 1755-1850 MHz band operation, supported by a rationale for each band's selection and ranking. For example, the Department of Defense (DOD) identified the 2025-2110 MHz band as the preferred option to relocate most of its operations.⁷ The National Aeronautics and Space Administration and DOD also identified the 5150-5250 MHz band as a comparable destination band for its aeronautical mobile telemetry systems.⁸ If it is determined that agencies will need to relocate any of these systems, the FCC and NTIA will

⁴ NTIA must make the transition plans, with the exception of classified or other sensitive information, publicly available on its website no later than 120 days before the auction start date. 47 U.S.C. § 923(h)(5). OMB may, in consultation with NTIA, make additional payments to eligible federal entities that are implementing a transition plan in order to encourage such entities to complete the implementation more quickly, thereby encouraging more timely access to the eligible frequencies. *Id.* at §§ 928(f)(2), 923(g)(3)(A)(v).

⁵ See NTIA, "An Assessment of the Viability of Accommodating Wireless Broadband in the 1755-1850 MHz Band," at 3 (Mar. 2012) (March 2012 Report).

⁶ See 47 U.S.C. § 923(g)(4)(B); see also, "National Defense Authorization Act for Fiscal Year 2000," Pub. L. No. 106-65, Div. A, Title X, Subtitle G, § 1062(b), 113 Stat. 768 (Oct. 5, 1999) (requiring the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff to jointly certify to Congress that the "alternative band or bands provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered").

⁷ See March 2012 Report at 49.

⁸ See *id.* at 45.

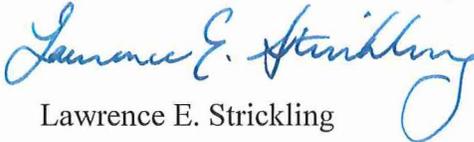
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need to identify replacement spectrum and take necessary steps to enable comparable capabilities of these important federal missions and to facilitate availability of the reallocated spectrum for commercial broadband providers.

There is a lot of work still to be done and questions to be answered to ensure a successful and timely transition to enable non-federal use. We look forward to working with the FCC on these efforts to make as much as 110 megahertz of additional spectrum available for commercial broadband use. Should you have any questions, please contact me or Karl Nebbia, Associate Administrator, Office of Spectrum Management, at (202) 482-1850.

Sincerely,



Lawrence E. Strickling

Enclosures (2)