

Separate Statement of Janice Obuchowski
2 Aug 2013

The following provides a separate statement in conjunction with the Commerce Spectrum Management Advisory Committee's (CSMAC's) consideration for its Aug. 28 meeting of the remaining Working Group reports (3, 4 and 5). This statement is meant to add further context to this work rather than to provide detailed technical feedback on each the group's recommendations.

At the outset, it is important to recognize the achievement of this process itself, given how far the conversation on Federal and non-Federal spectrum sharing has evolved as part of this effort. Of note, agencies have expended considerable resources to advance these assessments during a period of extreme budgetary challenges, not the least of which has been sequestration. The WG effort has gotten as far as it has because this has unilaterally been a good faith effort, even though important questions remain to be answered as part of next steps, including potential refinements to some of the analyses.

A key take-away, as Assistant Secretary Strickling noted at the July CSMAC meeting, is that sharing is difficult. Given the diverse range of complex, mission critical Federal systems that operate in this band, this conclusion should surprise no one. Although now, as part of an unprecedented exchange of information between Federal users and commercial players, we have far more detail than ever before about *why* this is the case.

An overarching challenge has been that CSMAC WGs' effort has not had the luxury of taking place in a vacuum. Since the work of the groups began more than a year ago, other proposals on 1755-1780 MHz and 2155-2180 MHz have emerged to advance these findings, even as they have neared their final versions, including the Industry Roadmap and DoD alternative proposal.¹ In addition, to meet the deadlines of the Spectrum Act, the FCC has moved forward with a Notice of Proposed Rulemaking that will incorporate by reference the findings of the CSMAC WGs.

The fact that more recent developments are converging for answers on this lower 25 MHz should not deflect attention from the original intent of the CSMAC working group effort, progress made to date or necessary next steps to ensure that all spectrum user equities are fully addressed, both in the private sector and among Federal users. It is important that these findings, particularly because they touch on *de novo* regulatory and technical issues with respect to Federal and non-Federal spectrum sharing, be viewed in their full context:

¹ See Letter from Steve Sharkey, T-Mobile U.S., to FCC, WT Docket Nos. 10-123, 07-195 (June 24, 2013), at Attachment, Industry Roadmap. See also Letter from Karl Nebbia, Associate Administrator, Office of Spectrum Management, NTIA, to Julius P. Knapp, Chief, Office of Engineering and Technology, FCC, at 1-2 (July 22, 2013) Enclosure 1 (Letter from Teresa Takai, CIO, DoD, to Lawrence E. Strickling, Assistant Secretary for Communications and Information, NTIA, U.S. Dept. of Commerce (July 17 2013).

- 1. Relocation versus sharing:** The recommendations of the working groups represent limited findings, based on time and information constraints, about sharing in this band. They do not serve as a broader litmus test for sharing over relocation. The working group effort was initiated precisely because the initial NTIA findings about total clearing for 1755-1850 MHz were deemed to be not compatible with a feasible auction for this spectrum.² Estimated costs for relocation across the band were too high (\$18 billion) and the timelines too long (up to 10 years for some systems.) Sharing was not a first choice for finding a path forward for making this spectrum available for broadband but it was, at least in part, an unavoidable starting point for the CSMAC working group's effort.³

We cannot view these challenges as “either/or scenarios” to provide broadband access to bands that already have extensive investments by Federal users. Further, relocation is a viable alternative for Federal users only when all requirements are addressed up front, including comparable replacement bands.⁴

- 2. Quality of the analysis:** Some attention has focused on the limited data available to inform the working group findings and the quality of the analysis itself. By way of context, public releasability issues encompassed both statutory restrictions on data that the Department could release into the public domain as well as proprietary information considerations and modeling changes on the part of private sector stakeholders in this process. The working groups were open forums, including to foreign nationals, which also affected releasability from the perspective of national security disclosure requirements. These issues will remain pertinent and must be managed going forward in any other band that will be considered for Federal and non-Federal spectrum sharing. In this area, too, progress has been made given the non-disclosure agreements that are now in place with private sector stakeholders and DoD.
- 3. International considerations:** With regard to next steps, further analysis and implementation efforts from these findings must take into account international implications. The WG-4 recommendations included studying Protection Zone analysis methodologies for TRR and JTRS with a goal of improving the assumptions and approach used in the analysis. The final report stipulated that “there is disagreement on the study of interference protection criteria (IPC). Industry believes that the study of interference criteria would be beneficial, while DoD believes that the current interference criteria are appropriate for all the

² NTIA's 1755-1850 MHz Assessment (Fast Track Report) indicated that government agencies should engage with industry stakeholders to identify potential solutions, including partial clearing scenarios and a phased approach to commercial auctions and entry.

³ NTIA's directions for the working groups were that the Fast Track report, as it pertains to the 1695-1710 MHz band and the 1755-1850 MHz assessment, will serve as the bases for beginning the discussions: “NTIA staff participants will present to the Working Group questions regarding the terms and conditions under which commercial users would be able to avoid (i.e., exclusion zones) or live with (i.e., sharing) Federal systems.”

⁴ Replacement spectrum was not within the scope of work of the WG effort, but the extent to which these findings have implications for a policy focus on sharing versus relocation need to be seen through this broader lens of Federal user requirements.

systems that are operating in the band.” Any changes to the IPC on a going forward basis by way of implementing these recommendations must be taken with extreme caution.

IPCs are developed over lengthy periods of time and, in the case of international spectrum-based operations (e.g., space-based systems, flight operations, etc.) proceed in conjunction with other international stakeholders. So these changes cannot be made unilaterally without significant repercussions for Federal systems with a global footprint. As the WG-4 report noted when explaining the disagreement on these issues: “these long standing IPCs successfully form the basis for many national and international spectrum use agreements, including allocation and reallocation decisions, despite the often rapid evolution and improvement of new and incumbent systems.”

Respectfully submitted

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