

August 3, 2017

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

Re: Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, *et. al.*, GN
**Docket No. 14-177, IB Docket No. 15-256, RM-11664, WT Docket No. 10-112, IB
Docket No. 97-95.**

Dear Ms. Dortch:

The Federal Communications Commission (“Commission” or “FCC”) should move forward quickly to finalize its sharing rules for the frequencies from 37-37.6 gigahertz (“Lower 37 GHz band”). Spectrum sharing is critical to maximizing the usefulness of available spectrum. Further, diverse spectrum access schemes are important for promoting new and innovative technologies and uses. The Commission’s sharing framework for the Lower 37 GHz band will advance the public interest goals of promoting innovation, market entry, competition, intensive spectrum reuse, and accommodate a myriad of users and uses. By finalizing its sharing rules, the FCC can ensure the Lower 37 GHz band is made available to that diverse range of users and uses as soon as possible.

Last month, Starry, Inc. (“Starry”) urged the Commission to finalize the work teed up in the *Spectrum Frontiers Report and Order and Further Notice of Proposed Rulemaking* (“*Spectrum Frontiers Order*” and “*FNPRM*”),¹ regarding sharing rules for the Lower 37 GHz band.² Public Knowledge shares Starry’s belief that finalizing the sharing rules for the Lower 37 GHz band “will drive substantial investment in new innovative services and technologies, and enable the deployment of competitive broadband services to consumers across the country.”³ As Starry correctly explains, tens of millions of Americans lack access to or competitive choices of high-speed broadband providers. Innovative uses of millimeter wave spectrum have the potential to bring connectivity and competition to densely populated communities.⁴ The Commission should move forward to establish its sharing rules for the band, and should strongly consider Starry’s proposal.

¹ See Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, *et. al.*, GN Docket No. 14-177, IB Docket Nos. 15-256, 97-95, RM-11664, WT Docket No. 10-112, *Report and Order and Further Notice of Proposed Rulemaking*, 31 FCC Rcd 8014, 8170-8172 ¶¶ 447-459 (2016) (“*Spectrum Frontiers Order*”).

² *Ex Parte* Letter from Starry, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 14-177, IB Docket Nos. 15-259, 97-97, RM-11664, WT Docket No. 10-122 (filed July 13, 2017) (“*Starry Letter*”).

³ *Id.* at 1.

⁴ *Id.* at 2.

Public Knowledge agrees with Starry that the Commission should move forward with the framework proposed in the *Spectrum Frontiers Order* and *FNPRM* to authorize access to the Lower 37 GHz band by rule, and that the band be available to both Federal and Non-Federal users on a coordinated, co-equal basis.⁵ The FCC was correct in its conclusion that “[a]llowing [the 37-37.6 GHz block] to be made available on a non-exclusive, shared basis will promote access to spectrum by a wide variety of entities, support innovative uses of the band, and help ensure that spectrum is widely utilized.”⁶ Additionally, Starry’s framework includes a reasonable list of information SALs should provide for their site-specific registrations.⁷ Information from SALs regarding location, height, and power of a site will permit a SAS to objectively and efficiently calculate necessary protection contours for SALs.

Starry’s proposal could also be improved in some key ways. Starry proposes a somewhat static initial process to identify and prevent potential interference.⁸ However, to the extent the Commission determines that Shared Access licensees (“SALs”) in the Lower 37 GHz band should receive interference protection for particular frequencies at a particular location, the FCC should leverage the capabilities of a dynamic Spectrum Access System (“SAS”) to maximize the availability of the band for all potential users, including Starry. An automated SAS, certified by the Commission and operated by one or more third parties, would coordinate the greatest degree of sharing by users with varying needs for interference protection.

Finally, rather than establishing static channel sizes, the Commission should require the coordination mechanism for the band to attempt to maximize the number of users in a given area. Device registrations and operator requests for a SAL should specify the bandwidth needed for a specific deployment. As a result, the SAS will be able to maximize use of the shared Lower 37 GHz spectrum, while accommodating innovative uses, such as Starry’s.

The Commission adopted its *Spectrum Frontiers Order* and *FNPRM* more than a year ago, and it is time for the FCC to move forward to finalize its sharing rules for the Lower 37 GHz band so that potential SALs can deploy innovative uses and technologies in the band. The Commission should delay no longer.

Sincerely,

Phillip Berenbroick

Senior Policy Counsel
Public Knowledge

Cc: Chairman Ajit Pai
Commissioner Mignon Clyburn
Commissioner Mike O’Rielly

⁵ *Id.* at 3.

⁶ See *Spectrum Frontiers Order* at 8059 ¶ 112.

⁷ See Starry Letter at 3-4.

⁸ See *id.* at 3-5.

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