

February 25, 2014

**VIA ECFS**

The Honorable Thomas E. Wheeler, Chairman  
The Honorable Mignon L. Clyburn, Commissioner  
The Honorable Jessica Rosenworcel, Commissioner  
The Honorable Ajit Pai, Commissioner  
The Honorable Michael P. O’Rielly, Commissioner

Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

The Honorable Lawrence E. Strickling, Assistant Secretary

National Telecommunications & Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave., N.W.  
Washington, D.C. 20230

Re: Implementation of the Middle Class Tax Relief and Job Creation Act of 2012 –  
Federal Agency Transition Plans and Information Sharing; Amendment of the  
Commission’s Rules with Regard to Commercial Operations in the 1695-1710  
MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, GN Docket No. 13-185.

Dear Mr. Chairman, Commissioners, and Assistant Secretary:

There can be no doubt that in recent years, the U.S. mobile sector has been the envy of the world. Indeed, the wireless industry has made staggering contributions to the U.S. economy through world-leading investment in next generation networks, a strong record of job creation, the provision of unparalleled value to consumers, incredible innovation through all sectors of the mobile ecosystem, and the most competitive wireless services marketplace in the world. Put simply, wireless is an incredible American success story.

The Federal Communications Commission and the National Telecommunications & Information Administration are playing a key role in fostering the continued growth of the mobile wireless ecosystem by making available additional spectrum through efforts like the Advanced Wireless Services proceeding (AWS-III) and the reallocation of the 1755-1780 MHz band for commercial use. In this letter, CTIA outlines its view on a key next step that will be necessary to achieve a successful AWS-III Auction, the development of transition plans and technical data for incumbent services in the 1755-1780 MHz band.

CTIA has been committed to furthering the benefits of mobile wireless services, and it is astonished by the dynamism and leadership of the wireless industry. The U.S. invests more in its wireless networks than any other nation. In 2012, U.S. wireless carriers invested more than \$30 billion in their networks, six times more per subscriber than its global counterparts.

As a result, U.S. consumers comprise 50 percent of the world’s Long Term Evolution (“LTE”) subscribers. American consumers have a choice of 790 different handsets and devices from more than 50 different device manufacturers. The U.S. also has the most facilities-based mobile providers of any nation – 191 facilities-based providers, according to the Commission’s most recent data. Thus, from infrastructure and equipment manufacturers, to content and application developers, to platform and service providers – as prices fall, and investment and innovation increase – the U.S. wireless marketplace is fiercely competing to deliver unparalleled value to wireless users.

For these overwhelmingly positive trends to continue, additional mobile wireless spectrum is essential. CTIA has been a leader in the effort to identify and allocate new mobile broadband spectrum. The Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”)<sup>1</sup> was a key legislative landmark that provided the Commission and NTIA with great opportunity and also great responsibility. Under the Spectrum Act, the FCC must allocate, auction, and license several spectrum bands, including the 2155-2180 MHz band, by February 2015. Another key step taken by Congress was the amendment of the Commercial Spectrum Enhancement Act (“CSEA”)<sup>2</sup> to focus on thorough, substantive transition plans. Congress has made a commendable effort to effectuate the goal of rapidly transitioning spectrum to commercial use with minimal impact on critical federal systems and ensuring that agencies’ communications needs continue to be met.

Because the 2155-2180 MHz spectrum – which is required to be licensed by February 2015 – is likely to be paired with the 1755-1780 MHz band currently used by the Federal government, it is essential that transition plans maximize transparency for all interested parties so that potential bidders may make informed decisions. As CTIA has previously noted, “[t]he more bidders are educated about the existence and nature of incumbent operations, the more realistic they can be about valuing the spectrum and planning their build-out schedule.”<sup>3</sup>

In the attached proposal, CTIA outlines a potential timeline for the release of Federal Agencies’ transition plans and technical data. This proposal, which involves a three-stage release, builds on the procedures followed in advance of the 2006 Advanced Wireless Services Auction. There, NTIA provided the Commission with certain relevant information about each Federal station several months in advance of the auction.<sup>4</sup> Under our proposal, NTIA would provide the same information with respect to stations in the 1755-1780 MHz band in Phase 1 of the release of information. At the same time, and to the extent necessary, Federal Agencies should open a window for the execution of non-disclosure agreements (“NDAs”) with potential bidders. In Phase 2, Federal Agencies would release additional information to potential bidders with executed NDAs. Finally, in Phase 3, qualified bidders who have executed a NDA would receive technical data from Federal Agencies for each

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<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Spectrum Act”).

<sup>2</sup> Spectrum Act, §§ 6701-6703.

<sup>3</sup> Comments of CTIA – The Wireless Association®, Docket No. 0906231085-91085-01, at 7 (Aug. 21, 2009) (“CTIA CSEA Comments”).

<sup>4</sup> See Public Notice, “The Federal Communications Commission and the National Telecommunications and Information Administration – Coordination Procedures in the 1710-1755 MHz Band, FCC 06-50 (Apr. 20, 2006).

system pursuant to NTIA's Manual of Regulations and Procedures for Federal Radio Frequency Management (Redbook).

As President Obama observed, "America's future competitiveness and global technology leadership depend, in part, upon the availability of additional spectrum."<sup>5</sup> CTIA looks forward to working with interested stakeholders to ensure a successful implementation of the Spectrum Act, and asks the Commission and NTIA to facilitate these efforts through a transparent, timely exchange of information.

Sincerely,

*/s/ Scott K. Bergmann*

Scott K. Bergmann  
Vice President, Regulatory Affairs  
CTIA – The Wireless Association®

Attachment

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<sup>5</sup> The White House, Presidential Memorandum: Unleashing the Wireless Broadband Revolution (June 28, 2010) ("Presidential Memorandum"), 75 Fed. Reg. 38387 (July 1, 2010), <http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution>.

## **Proposal to Release Federal Agency Transition Plans and Technical Data For Systems in the 1755-1780 MHz Band to Auction Bidders**

### **Release #1 (120 Days prior to auction)**

- NTIA makes each Federal Agency Transition Plan and any updates (excluding classified/national security information) publicly available on website
- NTIA releases to the FCC the following information for each Federal station in the 1755-1780 MHz band:
  - Serial Number
  - Longitude/Latitude of Transmitter and Receiver sites
  - Frequency Center Channel
  - Bureau Code (Agency Identifier)
  - Service Type (*e.g.*, fixed microwave, aeronautical)
  - Relocation Timeline
  - Cost Estimate
  - Agency Point of Contact
- Federal Agencies open window for executing non-disclosure agreements to receive Releases #2 and #3

### **Release #2 (49 days prior to auction)**

- Deadline for potential bidders to submit short-form application to participate in auction
- Deadline for potential bidders to execute a non-disclosure agreement with Federal Agencies, at agencies' discretion.
- Federal Agencies release to potential bidders with executed NDAs the following information regarding each station:
  - The bandwidth of frequency assignment
  - Latitude, longitude, and radius of operations

### **Release #3 (14 days prior to auction)**

- FCC releases Public Notice announcing qualified bidders. All qualified bidders seeking access to classified/national security information should already have in place a non-disclosure agreement (see above).
- Federal Agency releases to qualified bidders with executed NDAs technical data for each system pursuant to NTIA's Manual of Regulations and Procedures for Federal Radio Frequency Management (Redbook), May 2013 Edition, Annex O - RELOCATION OR SHARING BY FEDERAL GOVERNMENT STATIONS IN SUPPORT OF REALLOCATION.