

**Public Interest Spectrum Coalition  
Dynamic Spectrum Alliance  
Broadband Connects America Coalition  
Schools, Health & Libraries Broadband Coalition**

July 9, 2019

The Honorable Roger Wicker  
Chairman  
Committee on Commerce, Science,  
& Transportation  
United States Senate  
Washington DC 20510

The Honorable Maria Cantwell  
Ranking Member  
Committee on Commerce, Science,  
& Transportation  
United States Senate  
Washington, DC 20510

The Honorable John Thune  
Chairman  
Subcommittee on Communications,  
Technology, Innovation and the Internet  
United States Senate  
Washington DC 20510

The Honorable Brian Schatz  
Ranking Member  
Subcommittee on Communications,  
Technology, Innovation and the Internet  
United States Senate  
Washington, DC 20510

Dear Chairmen Wicker and Thune, Ranking Members Cantwell and Schatz:

The undersigned organizations are leading advocates for more available, fast and affordable broadband connectivity, particularly in rural and other underserved areas. We are writing to express our strong support for Congressional action to ensure that the underutilized “C-band” of public airwaves between 3700 and 4200 MHz is reallocated in a manner that best serves that public interest.

The reorganization of the C-band to clear a portion of the band for emerging 5G mobile services gives Congress a unique opportunity to direct \$10 billion or more in auction revenue to pay for broadband infrastructure in underserved areas *and* to authorize the use of spectrum in that band for high-capacity fixed wireless service in rural and less densely populated areas on a shared basis. The combination of dedicating public auction revenue to support rural infrastructure *and* authorizing shared access to unused mid-band spectrum for use by small and rural operators is the most promising way to close the rural digital divide, promote competition, and make 5G more available and affordable for all Americans.

Currently the Federal Communications Commission is considering two proposals that together could put the entire 500-megahertz C-band to use for 5G mobile services *and* for fixed wireless broadband services while protecting Fixed Satellite Service (FSS) incumbents (satellites and receive-only earth stations) from harmful interference.<sup>1</sup> We urge you to work on a bipartisan basis to hold hearings and ultimately advance legislation that will accomplish *both* of the following priorities:

***1. A public, FCC-run auction with net revenues designated for rural broadband infrastructure***

While the Commission has been open to a wide range of views, our groups remain concerned that the agency continues to consider proposals for a ‘private auction’ that would violate the Communications Act and needlessly transfer many billions of dollars in public assets to four foreign satellite companies that

never paid for the public airwaves they use. A private sale controlled by these few incumbent, foreign-based companies, with no return of the anticipated proceeds of \$10 to \$30 billion or more to the Treasury, amounts to a massive and needless giveaway of public revenue.

A private auction or sale would violate Section 309(j) of the Communications Act and willfully ignore Congressional intent and precedent. Congress has twice passed legislation ensuring that when the TV bands at 700 MHz and 600 MHz were consolidated for auction to mobile carriers, local broadcast stations would either receive no windfall (the 2002 Auction Reform Act) or receive at most incentive payments limited by a competitive reverse auction (the 2012 incentive auction bill). Indeed, most broadcasters received only compensation for expenses incurred to switch frequencies, an approach that would work well in the C-band if only the lower 200 megahertz are cleared, because incumbents have acknowledged that all current FSS video and radio distribution can be accommodated above 3900 MHz.

Just as Congress in 2012 designated \$7 billion from the auctions of AWS-3 and 600 MHz spectrum to fund FirstNet, under your leadership Congress can set aside \$10 billion or more of C-band auction revenue to pay for broadband infrastructure in underserved areas. According to FCC data, broadband is unavailable to roughly 25 million Americans, more than 19 million of whom live in rural communities. One in four rural residents say access to broadband is a “major problem” in their community. With a pay-for at hand, Congress should not miss this rare opportunity to narrow the rural/urban digital divide.

Without full transparency and close FCC supervision, a private sale is also likely to distort competition in the mobile market, excluding smaller ISPs. Incumbents have a strong incentive to maximize their windfall rather than the broader public interest. Moreover, a private sale would set a dangerous precedent, suggesting that incumbent licensees should always wage maximum resistance against giving up or sharing unused spectrum unless the Commission agrees to give them *all* the public revenue that until now has always, with few exceptions, flowed back to the public, as Section 309(j) clearly intends.

## ***2. Authorization of coordinated access to unused spectrum for fixed wireless broadband***

C-band supports critical video and radio distribution services but, like the TV band prior to its consolidation, the C-band’s overall capacity is grossly underutilized. The authorization of coordinated, shared use of unused C-band spectrum is an essential component of a potential win-win-win solution that achieves three vital public interest outcomes: First, to clear, reallocate and auction a substantial portion of the band to promote mobile 5G networks; second, to enable high-speed fixed wireless service in rural, small town, tribal and other underserved areas at a fraction of the cost of trenching or stringing fiber; and third, to protect incumbent FSS licensees from undue disruption or harmful interference.

We believe any Congressional action on C-band should require the FCC to authorize coordinated, shared access to unused spectrum across the entire band to the extent it does not cause harmful interference to registered FSS earth stations or to future licensed mobile services. Spectrum itself is public infrastructure that can be used to help close the digital divide. Unlocking every megahertz of the grossly underutilized C-band will promote a more inclusive, robust and affordable 5G wireless ecosystem for all Americans.

By requiring rural ISPs and other operators to rely on an automated frequency coordination system, the FCC can fully protect incumbent licensees in a manner equivalent to the type of protection that the Spectrum Access System (SAS) will begin providing this year as it coordinates shared use of the adjacent

3.5 GHz band between the U.S. Navy and terrestrial broadband providers. In that band the SAS will both safeguard Navy operations and manage opportunistic use of unused licensed spectrum until Priority Access Licensees actually build out and commence service. Similarly, the FCC should be required to authorize shared use of vacant spectrum across the entire C-band, but retain the discretion to determine the technical rules that ensure there is no harmful interference to licensed and operating services.

Respectfully yours,

New America's Open Technology Institute  
Access Humboldt  
American Library Association  
Benton Foundation  
Broadband Connects America Coalition  
California Center for Rural Policy  
Center for Rural Strategies  
Common Cause  
Consumer Reports  
CoSN – Consortium for School Networking  
Dynamic Spectrum Alliance  
Institute for Local Self-Reliance  
Maine Broadband Coalition  
National Consumer Law Center, on behalf of its low-income clients  
National Digital Inclusion Alliance  
National Hispanic Media Coalition  
Next Century Cities  
Public Knowledge  
Public Interest Spectrum Coalition  
Schools, Health & Libraries Broadband Coalition  
Tribal Digital Villages Network  
X-Lab

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<sup>i</sup> Notice of Proposed Rulemaking, *Expanding Flexible Use of the 3.7 to 4.2 GHz Band, Order and Notice of Proposed Rulemaking*, GN Docket No. 18-122, FCC 18-91 (rel. July 13, 2018) (“NPRM”).

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July 9, 2019

The Honorable Frank Pallone  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Michael Doyle  
Chairman  
Subcommittee on Communications and  
and Technology  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Robert Latta  
Ranking Member  
Subcommittee on Communications  
and Technology  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairmen Pallone and Doyle, Ranking Members Walden and Latta:

The undersigned organizations are leading advocates for more available, fast and affordable broadband connectivity, particularly in rural and other underserved areas. We are writing to express our strong support for Congressional action to ensure that the underutilized “C-band” of public airwaves between 3700 and 4200 MHz is reallocated in a manner that best serves that public interest.

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