

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Transforming the 2.5 GHz Band)	WT Docket No. 18-120
)	

**REPLY COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these Reply Comments in response to the Federal Communications Commission’s (the “Commission’s”) request for comment on steps to encourage and facilitate more efficient use of the 2.5 GHz frequencies.²

The 2.5 GHz band constitutes the single largest band of contiguous spectrum below 3 gigahertz and is prime spectrum for next generation mobile services in certain markets. Today, as the Commission notes, significant portions of the band currently lie fallow across much of the United States, primarily in rural areas.³ As NTCA and several other parties recommended in

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

² *Amendment of Parts 1,21,73,74 and 101 of the Commission’s Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, WT Docket No. 03-66 (Terminated) *Transforming the 2.5 GHz Band*, WT Docket No. 18-120, FCC 18-59, Notice of Proposed Rulemaking (Rel May 10, 2018). “Notice”

³ Notice, ¶ 1.

initial comments, the Commission should take the opportunity afforded by this proceeding to modernize its rules and free up spectrum for wireless broadband service in rural areas.

NTCA's members serve sparsely populated areas with unforgiving terrain. They offer vital communications links to consumers living in areas that other providers decline to serve. Unlike most start-ups or large or regional providers, rural telephone companies are situated in the communities they serve, and their business decisions are influenced heavily by community need. Rural telephone companies have a background in, and dedication to, rural communities that have been recognized by Congress and policy makers since the time when plain old telephone service made its debut across the country.⁴ Available frequencies in the 2.5 GHz band offer an opportunity for rural providers to offer a viable and affordable wireless broadband service in the rural communities they serve.

Current providers of wireless service supported the proposal to make 2.5 GHz white spaces spectrum available for commercial use via competitive bidding.⁵ NTCA supports priority access licenses if issued pursuant to the suggestion offered by the Rural EBS Coalition. The Rural EBS Coalition recommended that *both* the priority license applicants and their lessee partners be required to have ties to the local communities for which the licenses are sought.⁶

In proposing the local priority filing windows, the Commission noted that historically, local applicants have been preferred, as they are believed “to be the best authorities for

⁴ The Rural Electrification Administration was authorized in 1947 to provide low-cost loans to rural telephone companies and cooperatives. In establishing the telephone loan programs, Congress declared a policy of “assuring the availability of adequate telephone service to the widest practical number of users.” 7 U.S.C. § 921. The House committee report for the legislation supported “area coverage,” which entails “planning, financing, and constructing a rural telephone system so that service will be available to all the subscribers within the company’s area who want it, whether the installation of their particular telephone will be profitable or not.” H.R. Rep. No. 246, 81st Cong. 1st Sess. 8 (1949).

⁵ See, e.g., Comments of AT&T, Sprint, Verizon, WT Docket No. 18-20 (filed August 8, 2018).

⁶ Comments of the Rural EBS Coalition, WT Docket No. 18-20 (filed August 8, 2018).

evaluating their educational needs and the needs of others they propose to serve in their communities.”⁷ However, the majority of Educational Broadband Service (“EBS”) 2.5 GHz licenses are currently leased by the national carriers who concentrate their build out on the more profitable densely populated areas. As Chairman Pai explained, “[w]e need to get this valuable spectrum into the hands of those who will provide service . . . particularly in rural areas where the spectrum is currently mostly unused.”⁸ Requiring a legitimate local presence for both the priority license applicant and any lessee partner would put valuable rural spectrum into the hands of parties who will use it to serve rural communities.

Requiring a local presence for both the applicant and lessee would also ameliorate the threat that the largest national providers could make deals in multiple markets, undercutting the auction process. Instead, the Commission would “promot[e] economic opportunity and competition and ensur[e] that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses [and] *rural telephone companies*...”⁹ and promote “the development and rapid deployment of new technologies, products, and services for the benefit of . . . those residing in rural areas, without . . . delay.”¹⁰

CONCLUSION

Small, rural telecommunications providers are interested in the 2.5 GHz spectrum band and its potential for the provision new and enhanced wireless broadband service in rural areas. NTCA urges the Commission designs spectrum use and auction rules that ensure that rural

⁷ Notice, ¶ 26 (quoting *ITFS Local Priority Order*, 101 FCC 2d 56, ¶15).

⁸ *Transforming the 2.5 GHz Band*, WR Docket No. 18-120, Statement of Chairman Ajit Pai.

⁹ 47 U.S.C. § 309 (j)(3)(B) (emphasis added)

¹⁰ 47 U.S.C. § 309(j)(3)(A).

providers, who will put spectrum to its highest and best use in rural areas, have a realistic opportunity to add 2.5 GHz spectrum to their broadband portfolios.

Respectfully submitted,



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