

**Before the
Federal Communications Commission
Washington, DC 20230**

In the Matter of)
)
Facilitating Shared Use in the 3100-3550) WT Docket No. 19-348
MHz Band)

**JOINT REPLY COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION AND
THE RURAL WIRELESS ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ and the Rural Wireless Association, Inc. (“RWA”)² (together, “the Associations”) hereby submit these reply comments in response to comments filed in the Further Notice of Proposed Rulemaking issued by the Federal Communications Commission (“Commission”) in the above-referenced proceeding.³ Many commenters joined the Associations in recommending the Commission adopt rules for the licensing of the 3.45-3.55 GHz (“3.45 GHz”) spectrum band that align with those of the recently

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 RWA is a 501(c)(6) trade association dedicated to promoting wireless opportunities for rural broadband companies who serve consumers who, reside, work, or travel in rural America. RWA’s members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. Each of RWA’s member companies serves fewer than 100,000 subscribers.

³ *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Oct. 2, 2020) (“*Notice*”).

completed Citizens Band Radio Service (“CBRS”) Priority Access License (“PAL”) auction.⁴ In doing so, commenters pointed to the success of the CBRS PAL auction by every measure – the number of bidders, the amount bid, the wide range in the size of the bidders from the smallest to the largest, and the award of over 93% of licenses in both rural and metropolitan areas.⁵ The success was due to the Commission’s crafting of rules that would “more effectively promote competition and ensure the development and rapid deployment of new technologies to consumers, including to those in rural areas, disseminate licenses among a wide variety of applicants, and encourage efficient and intensive use of the spectrum.”⁶

As Charter and Cox noted, utilizing the same framework for the 3.45 GHz auction as that developed by the Commission for the CBRS PAL auction would provide “opportunities for a diverse array of providers, including both nationwide carriers and new entrants and smaller providers who will serve rural areas.”⁷ Significantly, creating opportunities for large and small providers alike to participate in a spectrum auction should not be a one-time thing. Indeed,

⁴ See, e.g., Comments of Open Technology Institute at New America and Public Knowledge, *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), pp. 5-6 (“OTI Comments”). See also Joint Comments of The Telecommunications Subcommittee of the American Petroleum Institute (“API”) and the Regulatory and Technology Committee of the Energy Telecommunications and Electrical Association (“ENTELEC”), *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 2.

⁵ See, e.g., Comments of Dynamic Spectrum Alliance, *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 5 (“the CBRS PAL auction was a resounding success”).

⁶ OTI Comments at p. 9, citing *Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258, Report and Order (Oct. 24, 2018) at ¶ 7.

⁷ Comments of Charter Communications, Inc. (“Charter”) and Cox Communications, Inc. (“Cox”), *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 1 (“Charter Comments”).

Congress has mandated the Commission’s responsibility to provide opportunities for a variety of entities, both large and small. Specifically, as the Associations pointed out in their comments in this proceeding, Section 309(j) of the Communications Act of 1934, as amended, compels the Commission to adopt safeguards to protect the public interest in the use of the spectrum and to make radio communication service available “to *all* the people of the United States.”⁸ The Commission can best fulfill that mission in the instant proceeding by aligning the 3.45 GHz licensing rules with those of the CBRS PAL spectrum, including licensing the spectrum on a county basis. As NCTA commented, county-sized licenses were “critical to the success” of the CBRS PAL auction.⁹

Licensing the 3.45 GHz spectrum on a county basis would not only provide for more opportunities for entities of all sizes to participate in the auction but also would align the spectrum holdings with the PALs in the neighboring CBRS band that have already been awarded.¹⁰ Notably, the Commission concluded in the CBRS PAL proceeding that “[t]he Communications Act requires the Commission to adopt auction mechanisms that “promot[e] economic opportunity and competition,” “avoid[] excessive concentration of licenses” and “disseminat[e] licenses among a wide variety of applicants.”¹¹ As Southern Linc pointed out, “the use of much larger [Partial Economic Areas (“PEAs”)] would effectively foreclose the vast

⁸ 47 U.S.C. § 151 (emphasis added).

⁹ Comments of NCTA – The Internet and Television Ass’n, *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 4 (“NCTA Comments”).

¹⁰ See OTI Comments at p. 8.

¹¹ NCTA Comments at p. 22.

majority of potential users and use cases from accessing or utilizing the 3.45-3.55 GHz band, including those who have already invested in PALs in the adjacent CBRS band and are seeking to serve a smaller geographic area.”¹²

Only a few commenters encouraged the Commission to award the 3.45 GHz licenses according to the much larger PEAs. Qualcomm, for instance, supported the Commission’s proposal to license this spectrum in PEAs but failed to provide any basis for why the Commission should adopt this proposal.¹³ T-Mobile claims that awarding 3.45 GHz licenses on a county basis rather than by PEAs would “add unnecessary complexity and costs to network design, buildout, and management” for the few entities that were awarded C-Band licenses and the even fewer that might want to expand upon their C-Band offerings by acquiring 3.45 GHz licenses due to the difference in licensed area.¹⁴ However, as Southern Linc pointed out, building out an Internet of Things (“IoT”) system – one of the Commission’s goals in making this spectrum commercially available – that covers a geographic area the size of PEAs would be extraordinarily difficult, if not impossible, due to the technology and cost required to do so.¹⁵ Therefore, instead of trying to align the 3.45 GHz spectrum with that of non-adjacent 3.7 GHz “C-Band” spectrum, and for what will likely be no more than 50 winning bidders, the Commission should instead adopt the same licensing rules as used for the adjacent 3.55-3.7 GHz

¹² Comments of Southern Communications, Inc. d/b/a Southern Linc, *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 6 (“Southern Linc Comments”).

¹³ Comments of Qualcomm Incorporated, *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 3.

¹⁴ Comments of T-Mobile USA, Inc., *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 26.

¹⁵ Southern Linc Comments at p. 8.

CBRS band, which resulted in four times as many auction winners.¹⁶ Furthermore, as WISPA pointed out, “[a]pplying the CBRS licensing and technical rules to the 3.45-3.55 GHz band ... would create a contiguous swath of 250 megahertz of mid-band spectrum under a single, uniform regulatory regime....”¹⁷

Accordingly, awarding 3.45 GHz licenses on a county basis is not only consistent with the Communications Act and prior Commission auctions, but also is in the best interest of the communities to be served by the licenses. Awarding licenses in smaller, county-sized areas will allow entities intending to serve, and indeed probably already serving, small, rural areas to do so by acquiring licenses at auction, rather than the smaller, more rural areas being lumped into a much larger geographic area license where the smaller areas will not only be likely to receive the service last, but also are unlikely to receive services with the targeted focus a smaller provider would bring to the community. Furthermore, awarding 3.45 GHz licenses on a county basis would further incentivize CBRS PAL auction winners to participate in the 3.45 GHz auction because they could readily combine operations in both bands due to the fact that the same equipment could be used for both bands and the license boundaries would remain the same. This would likely result in faster deployment of 3.45 GHz service to communities because CBRS PAL licensees who acquire 3.45 GHz licenses at auction would already be on their way to

¹⁶ Only 57 applicants were found qualified to participate in the upcoming 3.7 GHz C-Band auction. *See* Auction of Flexible-Use Service Licenses in the 3.7–3.98 GHz Band, *Public Notice*, DA 20-1333, AU Docket No. 20-25 (Nov. 12, 2020). In contrast, the CBRS PALs auction resulted in 228 winning bidders. *See* Auction of Priority Access Licenses in the 3550-3650 MHz Band Closes, *Public Notice*, DA 20-1009, AU Docket No. 19-244 (Sep. 2, 2020).

¹⁷ Comments of the Wireless Internet Service Providers Ass’n (“WISPA”), *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 4.

deploying equipment that is compatible for both spectrum bands and the communities to be served would remain the same, therefore not necessitating any technical changes to adapt the equipment or services to different service boundaries.

Charter commented that the 3.45 GHz band “is the next important step in making additional mid-band spectrum available for 5G use.”¹⁸ Thus, the Commission must ensure that the rules adopted for awarding this spectrum best fulfill the promise of ensuring communities of all sizes and all locations, as well as providers of a myriad of technologies, have a meaningful opportunity to acquire licenses in the 3.45 GHz auction. Numerous commenters demonstrated that county-sized licenses will best fulfill this mission given the fact that they are “best suited to enable different use cases, including the lower power, small cell deployment model often associated with 5G,”¹⁹ “would increase the ability of diverse carriers and new entrants to target their spectrum acquisitions to their communities, particularly in rural communities, while still promoting efficient spectrum use in more urban areas.”²⁰

Commenters as well as the Commission’s own precedent with the successful CBRS PAL auction, combined with the Commission’s statutory requirement to ensure companies of all sizes have a meaningful opportunity to acquire spectrum and communities of all sizes and locations will be served by licenses for the spectrum, clearly demonstrate that the Commission can best

¹⁸ Charter Comments at p. 1. *See also Notice* at ¶ 42.

¹⁹ NCTA Comments at p. 7.

²⁰ Comments of the Competitive Carriers Ass’n, *Facilitating Shared Use in the 3100-3550 MHz Band*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 19-348 (Nov. 20, 2020), p. 6.

accomplish the goals established for the 3.45 GHz spectrum by awarding licenses on a county basis and aligning the spectrum licensing rules with those of the CBRS PAL licensing regime.

Respectfully submitted,



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