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July 13, 2020

Ex Parte Presentation

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

RE: IBFS File No. SAT-MOD-20200417-00037; RM-11768, Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service

Dear Ms. Dortch:

Space Exploration Holdings, LLC (“SpaceX”) has requested significant modifications to its satellite authorizations for its proposed non-geostationary orbit fixed-satellite service system.¹ These modifications would prevent the multichannel video distribution and data service (“MVDDS”) operating in the 12.2-12.7 GHz band of spectrum (the “12 GHz band”) from unleashing this valuable spectrum for delivery of fifth generation wireless broadband services (“5G”). The MVDDS Coalition, which is a group of licensees holding authorizations in the 12 GHz band, has filed a petition for rulemaking with the Commission to allow spectrum in the 12 GHz band to be used for two-way, mobile and fixed 5G wireless broadband services.² The SpaceX application would preclude many of the possibilities described in the MVDDS petition. Such a consequential policy decision by the Commission should not be determined in a license modification request. In light of these important considerations, the Commission should initiate a Notice of Proposed Rulemaking (“NPRM”) on the future of the 12 GHz band of spectrum to fully consider all stakeholder interests and coexistence with a tentative conclusion that the 12 GHz band can be used for two-way, fixed and mobile 5G wireless broadband services.

As CCIA, INCOMPAS and other organizations noted in a previous filing in the MVDDS petition, it is essential to make more spectrum available for commercial use in the development of 5G services, and the 12 GHz band is particularly well positioned for this evolution.³ Under the leadership of Chairman Ajit Pai, the Commission has prioritized the development of 5G networks, including making new bands of spectrum

¹ Application for Modification of Authorization for the SpaceX NGSO Satellite System, IBFS File No. SAT-MOD-20200417-00037 (filed Apr. 17, 2020) (“SpaceX Application”).

² Petition of MVDDS 5G Coalition for Rulemaking, RM-11768 (filed Apr. 26, 2016) (“MVDDS Petition”).

³ See Letter from Alexi Maltas, Senior Vice President & General Counsel, Competitive Carriers Association et al., to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-11768, filed May 26, 2020 (“Multi-association Letter”).

available for 5G use.⁴ Recent events have demonstrated that consumers' need for fast and reliable wireless service is dramatically increasing. To fulfill the Commission's 5G priorities and increase the amount of spectrum available for wireless services for consumers, the Commission should initiate an NPRM to revisit the obsolete and burdensome technical requirements for the 12 GHz band. The Commission first set these restrictions in 2002, and wireless technology has drastically changed since then. By granting flexibility in the 12 GHz band, the Commission could more than double the mid-band spectrum available for 5G mobile and fixed broadband deployment in the United States.

The concerns raised in this letter only apply to the 3.6 percent of SpaceX's total spectrum authorization that exists in the 12 GHz band of spectrum. The 14,050 megahertz of spectrum available to SpaceX outside the 12 GHz band of spectrum does not interfere with the MVDDS petition and is a greater amount of low-band to mid-band spectrum than is currently available for all licensed 5G services.⁵ The Commission should consider in an NPRM the availability of this vast amount of spectrum outside the 12 GHz band when weighing SpaceX's need for modifications of the 12 GHz band against the potential 5G benefits.

If the Commission grants the modifications requested in the SpaceX application, the potential 5G uses for the 12 GHz band may never occur. Given the emphasis that the Commission has placed on 5G promotion, taking regulatory action that will limit the promotion of 5G networks in the United States warrants an NPRM, so the Commission can fully consider the future of the 12 GHz band and the best use of this valuable spectrum. Therefore, the Commission should not act upon these modifications in the 12 GHz band, and should instead initiate an NPRM.

Sincerely,

/s/ Vann Bentley

Vann Bentley
Policy Counsel
Computer & Communications Industry Association

/s/ Angie Kronenberg

Angie Kronenberg
Chief Advocate & General Counsel
INCOMPAS

⁴ See *The FCC's 5G FAST Plan*, FCC, <https://www.fcc.gov/5G>.

⁵ See Letter from V. Noah Campbell, RS Access, LLC, to Marlene H. Dortch, FCC, IBFS File No. SAT-MOD-20200417-00037; RM-11768, at 2 (June 11, 2020).