

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:

Fixed and Mobile Services in the Mobile
Satellite Service Bands at 1525-1559 MHz
and 1626.5- 1660.5 MHz, 1610-1626.5 MHz
and 2483.5-2500 MHz, and 2000-2020 MHz
and 2180-2200 MHz

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ET Docket No. 10-142

To: The Commission

**COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA) hereby submits comments to the Federal Communications Commission (Commission) in the above-captioned proceeding.¹ TIA appreciates the opportunity to comment on the potential to provide additional spectrum for terrestrial mobile broadband networks in the Mobile Satellite Service (MSS) spectrum.

¹ *In the Matter Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5- 1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz, ET Docket No. 10-142 (rel. July 15, 2010) (MSS NPRM/NOI).*

TIA represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshow, business opportunities, market intelligence and world-wide environmental regulatory analysis. With roots dating back to 1924, TIA enhances the business environment for broadband, mobile wireless, information technology, networks, cable, satellite and unified communications. Members' products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment and entertainment. TIA is accredited by the American National Standards Institute (ANSI).

SUMMARY

TIA strongly supports the Commission's proposal to add primary Fixed and Mobile service allocations to the 2000-2020 MHz and 2180-2200 MHz bands. Further, TIA supports the National Broadband Plan's recommendation to enable terrestrial deployment in 90 MHz of MSS bands for mobile broadband while preserving essential MSS capabilities. This action will help meet the Commission's goal to provide an additional 500 MHz of spectrum for broadband wireless services within ten years. In order to encourage current licensees to ensure that spectrum is used in the most efficient manner, TIA prefers that Congress grant the Commission authority to conduct voluntary incentive auctions. TIA is a strong supporter of voluntary incentive auctions generally.² Such auctions can ensure that spectrum is allocated to the highest value service and allow MSS and other incumbents to develop potential new business models with capital from

² See, e.g., TIA Ex Parte, GN Docket No. 09-51, PS Docket No. 06-229, DA-10-592, IB Docket No. 95-91, RM No. 11592, WT Docket Nos. 07-195, 07-293, 04-356, 06-150, ET Docket No. 10-142 at 1 (filed August 23, 2010).

monetized spectrum rights. Further, TIA urges the Commission to apply its secondary Wireless Radio Services market spectrum leasing policies to spectrum leasing agreements between MSS operators and third parties to provide terrestrial service. These actions, taken together, can maximize efficient use of MSS spectrum and speed wireless services and products to market.

DISCUSSION

I. MAKING SPECTRUM AVAILABLE FOR FIXED AND MOBILE WIRELESS BROADBAND IN THE MSS BANDS WILL FURTHER THE NATIONAL PRIORITY OF MAKING BROADBAND AVAILABLE TO ALL AMERICANS.

a. Executing the Plan to Make 500 MHz Available for Mobile Broadband in 10 Years is Vital to Continued Wireless Innovation and Service Deployment.

Wireless innovations are deeply impacted by spectrum availability, and without making additional spectrum commercially available, the significant technological progress in enhanced wireless services, devices, and applications will slow considerably. The ability of wireless technologies to advance and further benefit all Americans is dependent on the amount of available spectrum to provide these services.

TIA lauds the Commission for its commitment to make 300 MHz of spectrum available for mobile use within five years, and 500 MHz of spectrum available for wireless broadband in the next 10 years.³ Further, TIA strongly supports President Obama's memorandum directing the National Telecommunications and Information

³ See Federal Communications Commission, *Connecting America: The National Broadband Plan* (Mar. 16, 2010) at 75 ("National Broadband Plan").

Administration (NTIA) to work in partnership with the Commission to make 500 MHz of Federal and nonfederal spectrum available over the next 10 years.⁴

TIA believes that these efforts will go a long way toward meeting the ever-growing need for spectrum as a result of customer demands and innovative wireless broadband devices. While TIA has found that innovation in spectrum efficiency has and will continue to be useful in meeting requirements, technology advancements alone will not meet expected demands.

The MSS Bands are important ingredients if the FCC's goals are to be met.⁵ TIA supports efforts to promote innovation and investment in the MSS bands while preserving vital mobile satellite services. The MSS bands are those that are adjacent to, or near, bands that today are being developed for terrestrial broadband networks using the latest broadband technologies available in the market. Opening up the MSS bands to use by terrestrial broadband technologies, in a technology neutral way, helps grow the global market for broadband equipment, encourages other countries to make similar choices, and expands the existing equipment ecosystem. These benefits are not possible using spectrum bands that are distant from existing terrestrial technology bands. In addition, the MSS bands offer large spectral footprints, consistent with terrestrial broadband technologies' needs for wide channelization.⁶ Increasing the ability of market forces to drive the evolution of the MSS bands is beneficial, and will, TIA believes, result in more

⁴ See Press Release, The White House, Presidential Memorandum: Unleashing the Wireless Broadband Revolution (June 28, 2010), available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-unleashing-wireless-broadband-revolution>.

⁵ See National Broadband Plan at 87.

⁶ See *Id.* at 88.

spectrum being made available for terrestrial broadband uses, consistent with the FCC's goals. Nevertheless, TIA recognizes that mobile satellite services can serve needs in remote and other areas not served by terrestrial networks as well as at times when terrestrial networks are not operational, e.g. natural disasters; therefore, a balance must be struck that allows Fixed and Mobile service in the 90 MHz of MSS spectrum while continuing to allow mobile satellite services to meet demands and unique mission requirements.

b. Adding Primary Fixed and Mobile Use to MSS Spectrum in the 2000-2020 MHz and 2180-2200 MHz Bands Will Spur Broadband Uses.

TIA agrees that by adopting the Commission's proposal to add primary Fixed and Mobile allocations to the 2000-2020 MHz and 2180-2200 MHz bands (2 GHz band),⁷ the Commission can signal its desire to maximize spectrum and ensure more efficient use. As satellite broadband service has been slow to develop in the 2 GHz bands, this spectrum can be used for broadband service so that Fixed and Mobile allocations can be added while allowing MSS to operate.

TIA also agrees with two other proposals made by the NPRM: (1) to continue to sunset primary status of BAS and FS licensees on December 9, 2013 (thereafter considering these licenses to be secondary),⁸ and (2) to announce a policy that if a license in the 2 GHz band were to be returned to the Commission, that license should not be made available for new MSS use, but should be flexibly licensed for terrestrial services.⁹ Further, should spectrum be returned to the Commission, TIA supports auctioning the

⁷ See MSS NPRM/NOI at ¶ 9.

⁸ *Id.* at ¶ 12.

⁹ *Id.* at ¶ 15.

spectrum under the technical rules of a terrestrial-only service. These measures will help evolve the band toward broadband use.

c. Encouraging Creative, Market-Based Uses of MSS Spectrum Will Maximize its Efficiency.

By allowing market-based principles to drive efficient use of the MSS bands, such as with voluntary incentive auctions, the use of the band can evolve to meet wireless needs identified in the National Broadband Plan. Terrestrial players will be able to plan for new spectrum resources that were not previously available, while existing licensees will have the opportunity to increase capital for operations in other bands or to partner to provide service in innovative ways. As stated above, TIA strongly supports Congress granting the Commission broad auction authority to engage in voluntary incentive auctions in the MSS, TV broadcast, AWS, and/or other bands, as the Commission deems appropriate to advance the public interest. Providing the Commission with the authority to conduct voluntary incentive auctions in the MSS bands will create an option for current MSS licensees to make market-based decisions that will maximize the use of spectrum.

TIA also supports application of the Commission's Wireless Radio Services secondary market spectrum leasing policies and rules for wireless terrestrial services to spectrum leasing agreements between MSS operators and third parties to provide terrestrial services. As the NPRM states, consistency with leasing rules that apply to other terrestrial spectrum is a virtue, and helps ensure that future transactions can proceed with greater predictability and transparency.¹⁰ This policy will create regulatory certainty and

¹⁰*Id.* at ¶ 22.

