

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

In the Matter of)	
)	
Amendment of the Commission’s Rules with)	GN Docket No. 12-354
Regard to Commercial Operations in the 3550-)	
3650 MHz Band)	

**REPLY COMMENTS
OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”)¹ hereby submits reply comments to the Federal Communications Commission (“Commission”) in the above-captioned proceeding.²

The record confirms that the Commission should adopt rules that do not stifle progress by introducing undue complications into the relationship between the two newly-proposed commercial license tiers, all while preserving appropriate protections for federal and other incumbent users of the 3.5 GHz band. There is a strong consensus that the Commission should ensure that priority access licensees (“PALs”) receive protections commensurate with their status, and that it should update the exclusion zones to account for new information. TIA is also well-positioned to help facilitate a multi-stakeholder approach to the development of relevant standards, including receiver standards.

¹ TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards.

² See Further Notice of Proposed Rulemaking, *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354 (rel. Apr. 23, 2014) (“FNPRM”).

I. Commenters Agree that Priority Access Licensees Should Receive Protections Commensurate to Their Status.

Since our NPRM comments in 2013, TIA has taken no specific position regarding a particular access or usage control method.³ Nevertheless, in our initial comments, TIA observed that some of the Commission’s proposed rules could produce a backwards result that effectively gives General Authorized Access (“GAA”) users not merely equal, but *superior* rights to PAL users.⁴ For example, the Commission plans to provide GAA users with access to unused PAL channels – and not vice-versa – while also reserving 50 percent of all available spectrum for GAA use.⁵

Several commenters agreed that this arrangement seems backward if the underlying premise is that PAL users – who must meet more stringent qualifications in applying for spectrum – should have priority, or expressed general concerns that the proposed rules created significant uncertainty for PAL licensees.⁶ TIA re-iterates our concerns regarding priority and certainty, and urges the Commission to adopt rules that reflect these concerns and permit near-term deployment of usable services in the band.

³ See Comments of the Telecommunications Industry Association, filed Dec. 5, 2013 in GN Docket No. 12-354 (“TIA Licensing PN Comments”), at 3, *available at* <http://apps.fcc.gov/ecfs/document/view?id=7520960797>; *see also* Comments of the Telecommunications Industry Association, filed July 14, 2014 in GN Docket No. 12-354 (“TIA Comments”), at 2, *available at* <http://apps.fcc.gov/ecfs/document/view?id=7521381802>.

⁴ TIA Comments at 2-3.

⁵ See FNPRM ¶ 36.

⁶ See, e.g., Alcatel-Lucent Comments at 9-10 (describing this scenario as “priority inversion in spectrum access”); Nokia Networks Comments at 11-13 (“The Commission should provide more certainty for priority access licensees to make investments in the band”); Qualcomm Comments at 4-5 (discussing challenges of implementing so many new ideas at once); *see generally* CTIA Comments at 5-10 (proposing possible steps to increase PAL certainty); T-Mobile Comments at 8-11 (urging that “priority access licenses should be issued using a more traditional structure”).

II. Commenters Agree That The Commission Should Update the Exclusion Zones to Account for New Information.

Commenters overwhelmingly agree with TIA that the exclusion zones should be updated.⁷ Reducing the size of the exclusion zones – which cover 60% of the U.S. population as currently proposed⁸ – is critically important to ensuring the commercial viability of any service offered in the 3.5 GHz band. TIA once again strongly encourages the Commission to continue its planned dialogue with NTIA on this issue.

III. TIA Can Help Facilitate a Multi-Stakeholder Approach to Standards.

Commenters agree with TIA that the Commission should avoid imposing mandatory receiver standards, and instead rely on multi-stakeholder processes.⁹ As TIA has explained to the Commission in other proceedings, we believe that voluntary consensus-based standards are a most effective tool for organizations of all sizes to participate – including private and governmental organizations – and better support innovation as well as increased productivity.¹⁰

Voluntary consensus standards, in the view of TIA, are those developed under the open American National Standards Institute (ANSI) process. Such standards provide assurance to those considering adopting them that the standards truly represent an agreement amongst a majority of key players within a sector. TIA’s ANSI accreditation also *guarantees* that any organization or individual – including a Federal agency – has the opportunity to engage in the

⁷ See TIA Comments at 4; *see also* Alcatel-Lucent Comments at 6-8; AT&T Comments at 34-37; CTIA Comments at 11-13; Ericsson Comments at 10-12; Microsoft Comments at 6-9; Motorola Mobility Comments at 12-15; Motorola Solutions Comments at 9-10; Nokia Networks at 5-9 (providing technical analysis); Qualcomm Comments at 7-8 (citing previous analysis); T-Mobile Comments at 6-8; Verizon Comments at 5-6.

⁸ See NPRM ¶ 6.

⁹ See, e.g., Motorola Mobility Comments at 10; Wireless Innovation Forum Comments (*passim*).

¹⁰ See Comments of the Telecommunications Industry Association, PS Docket Nos. 10-255, 11-153, and 12-333 (filed December 13, 2012) at 10 n. 28 (“TIA NG-911 Comments”); Comments of the Telecommunications Industry Association, CC Docket No. 94-102, WC Docket No. 05-196, PS Docket No. 07-114, PS Docket No. 10-255 (filed July 5, 2012) at 23-24 (“TIA MLTS Comments”).

process and work with other stakeholders to shape the standard as needed. This is something that non-consensus standards processes and organizations cannot necessarily guarantee.

TIA would be well-positioned to help facilitate such a process for receiver and other standards in the 3.5 GHz band. TIA looks forward to working with the Commission to further develop these and related issues.

IV. TIA (Briefly) Re-Iterates Other Issues From Our Initial Comments.

TIA urges the Commission to consider the other arguments and issues raised in our initial comments, including the following:

The Commission Should Provide Flexibility Regarding Contained Access Users. The proposed rules state that assigned frequencies “shall not be available” for other GAA users within the physical confines of the Contained Access Facility (“CAF”).¹¹ TIA recommends that the Commission modify its rule text to allow for an SAS or other interested party to seek a waiver if necessary. *See* TIA Comments at 4-5; *see also* Motorola Mobility Comments at 16-17.

The Commission Should Consider Potential Issues Regarding Synchronization. Dynamic channel assignments may raise potential issues regarding synchronization, since all radio base stations – including small cells – require some degree of synchronization, particularly in dynamic applications. *See* TIA Comments at 5-6.

The Commission Should Modify Proposed Transmit Power Limits to Accommodate the Tolerance Level in the LTE Specification for User Equipment. The Commission should allow for a maximum power level of 25 dBm, or else to ensure that its rules accommodate the potential 2 dB tolerance in the LTE specification in some other fashion. *See* TIA Comments at 6.

The Commission Should Ensure that the 3.5 GHz Band Plan Accounts for Globally-Designed Devices. The Commission should carefully monitor and consider global

¹¹ *See* FNPRM at Appendix A (proposing 47 CFR § 96.35(b)).

developments, since devices operating in this band will most likely be designed for global operations – including in spectrum other than 3550-3700 MHz. *See* TIA Comments at 7; *see also* Nokia Networks Comments at 16-20.

The Commission Should Apply Its Existing Secondary Market Rules to the 3.5 GHz Band.

The Commission’s current rules offer a good starting point until a deeper record is developed on a potential spectrum exchange or similar concepts. *See* TIA Comments at 8.

The Commission Should Not Assume that its 3.5 GHz Band Plan will Provide a Model for Other Bands. The Commission should approach spectrum sharing scenarios in any given band on a case-by-case basis – an approach that balances the potential for making more spectrum available for mobile broadband with the needs of specific incumbent operations already in the band. *See* TIA Comments at 8-9; *see also* Echostar Comments at 3.

V. Conclusion

TIA continues to strongly support the Commission’s efforts in this proceeding. TIA urges the Commission to adopt policies consistent with our initial comments and with these reply comments.

Respectfully submitted,

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