

July 07, 2021

VIA ECFS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, N.E.  
Washington, DC 20554

**Re: Expanding Flexible Use of the 12.2-12.7 GHz Band, WT Docket No. 20-443; Expanding Flexible Use in Mid-Band Spectrum Between 3.7-24 GHz, GN Docket No. 17-183**

Dear Acting Chairwoman Rosenworcel,

The undersigned have a fulsome record supporting the Federal Communications Commission's efforts to expand access to spectrum that will allow 5G services. During the request for comments in RM-11768 the Multichannel Video and Data Distribution Service (MVDDS) petition for rulemaking that included requests for two-way mobile broadband service in the 12.2-12.7 GHz band, we respectfully requested that the Commission deny the MVDDS petition.

**Today, we renew our request to deny MVDDS use of the 12.2-12.7 for two-way mobile broadband service, or 5G services.** We believe this throws unnecessary uncertainty into a nascent technology and market which is already demonstrating great promise towards injecting competition in the market and closing the digital divide.

We understand and support the Commission's goals of finding maximum efficient uses for scarcely available spectrum bands, however, the threat alone of interference to newly launched satellite networks could greatly damage the FCC's priorities of universal connectivity and broadband competition.

The FCC has made leaps and bounds in connecting the unconnected in unprecedented times. One of the ways the Commission has pursued these goals is by approving novel provisions of broadband service. As such, in 2018 the FCC licensed several Low Earth Orbit (LEO) non-geostationary orbit (NGSO) satellite constellations that will utilize the 12Ghz band, which is shared with Direct Broadcast Satellite (DBS), in order to provide high-speed broadband internet to rural and remote users to help close the digital divide.

Just three years following FCC authorization in 2018, the U.S. is leading the world with over 1,500<sup>1</sup> satellites deployed, billions of dollars in private capital invested and thousands of U.S. jobs created,

---

<sup>1</sup> Foust, Jeff, "SpaceX Continues Starlink deployment with latest launch," *SPACENEWS*, (May 4, 2021), <https://spacenews.com/spacex-continues-starlink-deployment-with-latest-launch/>

resulting in initial broadband services available across the United States and other parts of the world. While satellite broadband service has been available for years, this new generation of satellites employs updated technologies that can deliver true high-speed broadband that is on track to reach gigabit speeds. At least one satellite provider will offer speeds of up to a gigabit per second and latencies ranging from 25 milliseconds to 35 milliseconds.<sup>2</sup> These speeds will compete in a very real way with fiber, cable, DSL, satellite, 5G, and other broadband offerings. All types of broadband services compete with each other. Having more providers in the market drives down prices for everyone – in rural and urban areas. Any suggestions to relegate this service only to rural areas, because of new interference proposed by Petitioners, could rob the satellite sector from attracting sufficient customers to justify full deployment.

In stark contrast to the demonstrable deployment and increasingly widespread service provided by next-generation satellite systems, the low-power, fixed terrestrial licensees asking the Commission to change its rules on 12 GHz are nothing more than an encumbrance to true broadband. **Despite 15 years of assurances, these terrestrial licensees have effectively deployed no meaningful service. Given this history of empty promises, we encourage the Commission to disregard speculative pleas to redefine the rules.** The Commission correctly established a very high bar in its Notice of Proposed Rulemaking,<sup>3</sup> placing the burden on the terrestrial licensees to prove that they would not interfere with next-generation satellite broadband and asked for a real proposal on how they would use the band to provide broadband to unserved and underserved communities. They have not done so.

**Moreover, use of this spectrum would not significantly enhance America’s position in the race to 5G.** The 12 GHz Band is not optimal for 5G. The need right now is mid-band spectrum in the range of 2 GHz to 6 GHz. The 12 GHz spectrum clearly has utility, but, due to well-known propagation and capacity constraints, telecom companies actively building and deploying networks have not made it a primary target, especially for deployment into rural areas. There are no 5G technology standards in the pipeline for this band and receiving new ITU allocations for global 5G access could take nearly a decade. Opening the spectrum for auction under a new allocation would further delay deployment for any of the suggested technologies such as, fixed broadband, mobile and IoT. These are all technologies that terrestrial licensees are not likely to deploy quickly as they have no background using the band for 5G technology and have not developed methods of broadband connectivity over 15 years under their current authorization.

The 12 GHz band is already heavily shared and extensively utilized. Next-generation satellite systems like Starlink are focused on communities that have few options. Threatening this spectrum with interference or taking it away from satellite broadband to re-allocate to companies who have repeatedly failed to deploy would not serve consumer interests or help close the digital divide.

---

<sup>2</sup> Dujomovic, Jurica, “Here’s the technology behind SpaceX’s plan for fast internet service,” *MarketWatch*, (May 25, 2019), <https://www.marketwatch.com/story/heres-the-technology-behind-spacexs-plan-for-fast-internet-service-2019-05-24>

<sup>3</sup> 36 FCC Rcd 606 (2021); Available at: <https://www.fcc.gov/document/fcc-seeks-comment-maximizing-efficient-use-12-ghz-band>

From serving Washington State first responders during wildfires,<sup>4</sup> to connecting tribal lands,<sup>5</sup> and school districts in remote areas of Wisconsin,<sup>6</sup> Texas,<sup>7</sup> Virginia<sup>8</sup> and North Carolina,<sup>9</sup> Starlink is demonstrating real use of the 12Ghz band to close the digital divide. As these pilot programs continue to expand and connect the unconnected now where other technologies for broadband provision have not been an option, the FCC should avoid a rulemaking that would limit the ability of NGSO systems to serve customers across the United States, and especially those who have not previously been able to get internet access.

The Commission should not hamstring the efforts of next-generation satellite providers as they are becoming available to millions of unserved Americans. Changing the rules now would pull the rug out from U.S. NGSO systems as they are actively serving customers. It would negatively impact investment and materially degrade the ability for these systems to provide service to consumers especially in remote and rural areas where 5G is a very very distant reality.<sup>10</sup>

Thank you for your consideration and the opportunity to submit these comments.

Respectfully,

Grover G. Norquist  
President  
Americans for Tax Reform

Katie McAuliffe  
Executive Director  
Digital Liberty

---

<sup>4</sup> Sheetz, Michael, "Washington emergency responders first to use SpaceX's Starlink internet in the field: 'It's amazing'," Sep 29, 2020, <https://www.cbc.com/2020/09/29/washington-emergency-responders-use-spacex-starlink-satellite-internet.html>

<sup>5</sup> Murdock, Jason, "SpaceX Starlink Internet 'Catapulted Us Into the 21<sup>st</sup> Century,' Native American Tribe Says," *Newsweek*, (Oct. 9, 2020), <https://www.newsweek.com/spacex-starlink-internet-hoh-tribe-washington-state-elon-musk-1537783>; Walters, Jeff, "Pikangikum First Nation gets broadband from SpaceX Starlink," *CBC*, (Dec. 2, 2020), <https://www.cbc.ca/news/canada/thunder-bay/pikangikum-spacex-starlink-1.5824234>; Jade, "Nooksack Partners with SpaceX's Starlink Program for Broadband on Tribal Lands," *Nooksack Tribal News*, (Mar. 25, 2021), <https://nooksacktribe.org/it/2021/nooksack-partners-with-spacexs-starlink-program-for-broadband-on-tribal-lands/>

<sup>6</sup> Kremer, Rich, "Eau Claire County Launching Starlink Broadband Access Initiative," *Wisconsin Public Radio*, (May 14, 2021), <https://www.wpr.org/eau-claire-county-launching-starlink-broadband-access-initiative>

<sup>7</sup> See: "ECISD partners with SpaceX to provide internet access," *NewsWest9*, (Oct. 20, 2020), <https://www.newswest9.com/article/news/education/ecisd-partners-with-spacex-to-provide-internet-access/513-433d481f-5c2b-4926-937d-2151ccf4262f>

<sup>8</sup> See: "Wise County Public Schools becomes first school district in Virginia to utilize space-based internet to connect student." *Wise County Public Schools*, (Dec. 14, 2020), <https://www.wisek12.org/page/press-release-spacex>

<sup>9</sup> Kinlaw, Robert & Sorrells, Analisa, "In Hyde County, two new solutions to an internet 'desert'," *EducationNC*, (May, 25, 2021), <https://www.ednc.org/hyde-county-two-new-solutions-age-old-problem-internet-broadband/>; Porter, Ford, "New Satellite Internet Pilot Program to Connect Students in Two N.C. Counties," *Governor Roy Cooper*, (Mar. 4, 2021), <https://governor.nc.gov/news/new-satellite-internet-pilot-program-connect-students-two-nc-counties>

<sup>10</sup> See: TechFreedom Comments on, "Petition for Rulemaking to Permit MVDDS Use of 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service," (Oct 8, 2020) <https://techfreedom.org/wp-content/uploads/2020/10/TF-Comments-12-GHz-MVDDS.pdf>