

**CONCURRING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258; *Petitions for Rulemaking Regarding the Citizens Broadband Radio Service*, RM-11788 (Terminated), RM-11789 (Terminated)

Nearly five years ago, this Commission embarked on a process to explore the viability of using the 3.5 GHz spectrum band for commercial wireless broadband services. Each step along the way, I have voiced my support for using this band on a shared basis because of the tremendous opportunities it presents for new entrants and smaller providers.

So yes, I would have preferred that the majority not launch this NPRM because it sets the Commission down a path to undo rule provisions for the band that already are fueling investment in innovative wireless services that promise to bring broadband to unserved areas and more competition to the commercial wireless market.

In 2015, the rules we adopted for the Priority Access Licenses, or PALs were designed not just to benefit commercial wireless companies, but attract investment and innovation from manufacturers, utilities, hotels, office complexes, shopping malls, commercial real estate companies, and universities. These are entities that want to build wireless networks that require some measure of interference protection yet are not appropriately outsourced to a commercial cellular network.

Instead of designing traditional wireless licenses with large geographic areas, 10-year license terms, and the expectation of renewal, we took a more creative regulatory approach. Recognizing that Internet-of-things and 5G services would require the use of small cells that serve more targeted areas, the Commission properly determined that a census tract was the more appropriate license size for PALs, with a shorter license term, and no expectation of renewability. Those characteristics also make the PALs affordable for small school systems and rural hospitals, located in underserved areas that are desperate for cost effective broadband services.

The overwhelming evidence demonstrates that those rules are working. Wireless Internet service providers (or “WISPs”) that tend to serve rural areas, equipment manufacturers, tech companies, and heavy industries, have raced to invest millions of dollars to unlock the potential of mid-band spectrum in the Citizens Broadband Radio Service band. To-date, fifty-five entities – including chipmakers, mobile carriers, cable companies, equipment manufacturers and more – have joined the Citizens Broadband Radio Service or CBRS Alliance. Forty-seven companies participating in the Wireless Innovation Forum, have spent tens of thousands of hours developing technical standards to implement CBRS. At least a dozen firms have obtained experimental authorizations to trial equipment and technology in the band. They are developing private networks to support an open architecture operating system for the Industrial Internet as well as smart grid, rural broadband, small cell back haul, and other point-to-multipoint networks.

So why, despite my support for the 2015 rules for PALs, and the clear evidence that they are working, am I voting to concur with this NPRM? The reason is that I negotiated with my majority colleagues to improve the discussion about the geographic size of the PALs. The initial draft publicly, released earlier this month, “proposed” to increase the geographic size of the license area for PALs.

My colleagues agreed to back away from proposing to increase the geographic area size of the PALs and just seek comment on that idea. At my request, the NPRM now includes new language, asking about offering, in urban and rural areas, a mix of larger PALs and PALs at the census tract levels. These changes improve the possibility that the Commission will continue to offer PALs at the census tract size. They improve the possibility that a rural wireless broadband service provider, the smallest of school systems, the most budget constrained small town or a single hospital system, each have a fair shot to obtain a PAL. And they improve the possibility that utility companies and large companies who are working on private wireless networks will be able to bring the most innovative Internet-of-Things, big data analytics, and other 5G solutions to market. The current posture of the NPRM is better for consumers and competition and it would not have happened unless I voted to concur.

So, I concur, and thank Don Stockdale and his staff of the Wireless Telecommunications Bureau, Julie Knapp and his Office of Engineering and Technology for their work on this proceeding and their ongoing efforts, to unleash the next generation of wireless innovation.