



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 21, 2019

The Honorable Ted Cruz
United States Senate
404 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cruz:

Thank you for your letter expressing concerns—concerns I share—about potential harmful interference along the U.S.-Mexican border as a result of the unilateral decision by Altán Redes (Altán), to commence operations in Mexico involving its wholesale wireless network and using 700 MHz spectrum.

Before I offer a more detailed explanation of the situation, I want to begin by making clear that both I and, at my direction, the staff of the Federal Communications Commission, have taken your letter very seriously. For instance, this past Monday, August 19, in a phone call with Chairman Gabriel Contreras Saldívar of the Instituto Federal de Telecomunicaciones (IFT), the Mexican equivalent of the FCC, I made clear that addressing the issue of interference to U.S. communications immediately was and would continue to be a major priority for our government; that even limited operations by Altán to date had caused interference, including to public safety communications (as you observed in your letter); that I was disappointed that Altán had rejected eminently reasonable proposals for testing, including narrowband testing; and that this issue had the attention of senior officials in multiple branches of our government. My staff has also been in touch with the office of Salma Jalife Villalón, Undersecretary of Communications and Technological Development in the Ministry of Communications and Transportation (SCT), in order to facilitate a similar conversation. (Additionally, on several previous occasions, I have discussed this issue with one or both of them, including a detailed discussion with Chairman Contreras Saldívar at the end of July regarding the parameters of testing along the border.) Moreover, I can assure you that Commission staff have been actively working on this issue with all relevant parties in the United States and Mexico to resolve these issues. We will continue to do so.

I offer the following for deeper context. As you note, the Commission has been working extensively with all parties to find technical solutions to this problem. Indeed, during my chairmanship, the Commission has been fully engaged, in coordination with the State Department and IFT, to craft a revised protocol to govern use of the 700 MHz band across the border, once Mexico chose to implement an incompatible 700 MHz band plan. Based on that extensive groundwork, we believed that there was a path forward that accommodated both robust U.S. carrier operations and the deployment of Altán's network in that band.

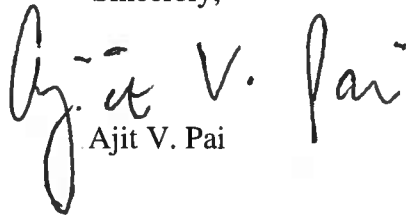
In conjunction with the State Department, the Commission has worked with the IFT, SCT, and Promtel, the Mexican government entity responsible for facilitating Altán's use of the

700 MHz band to secure that path forward. In fact, Commission staff and IFT met in person in Mexico City on August 8-9, and in Ottawa, Canada during the week of August 12, and agreed to engage in expedited testing. The Commission believed that we had made progress in its discussions in advancing the view that Altán could use certain frequencies in order to meet their buildout obligations without causing interference.

Given the promising exchanges on a revised protocol, it was a shock to learn at the eleventh hour that Altán unilaterally decided to turn on its network at a time and in a manner that would directly and foreseeably cause harmful interference to U.S. cellular carriers and their customers who rely on them on a daily basis. Once we learned of this, we immediately contacted and shared the limited information we had with all domestic carriers potentially affected by Altán's initiation of service, as well as the State Department. And my staff quickly set up the call with Chairman Contreras that I described earlier in this letter.

While I unfortunately cannot tell you that this situation has been resolved, I want you to know that the FCC will continue to make every effort to ensure that the negative consequences of Altán's decision do not come to pass. We will make sure to keep you informed as things develop. And in the meantime, please do not hesitate to contact me if you would like to discuss these issues or if I can otherwise be of further assistance.

Sincerely,



Ajit V. Pai