

**STATEMENT OF
FCC COMMISSIONER MICHAEL O'RIELLY**

Re: *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122

This is a fantastic day, and the timing of today's order is both serendipitous and appropriate. Five years ago, almost to the day, I was sitting at Mobile World Congress discussing the future of the wireless sector with industry leaders. During a series of conversations, it became abundantly clear that the U.S., as a whole, and the Commission, in particular, weren't doing enough to allocate mid-band spectrum for 5G. While industry members all said millimeter wave spectrum was useful and a component of next-generation networks, the critical ingredient was mid-band frequencies with their ideal blend of propagation and capacity. Especially outside of our largest cities, mid-band would be the key to realizing the promise of increased speeds and lower latency, along with the vision of a world where almost every object may be connected to the Internet. From that moment on, I turned my attention to the importance of mid-bands, and more specifically the 3.7 to 4.2 GHz band, otherwise known as the C-Band, discussing it with almost anyone who would listen. But, I did more than just talk or wish or complain.

In the many sessions I have had over the past five years with wireless providers, manufactures, the satellite industry, and the broadcasters and cable operators, which account for the vast majority of C-Band transmissions, I worked hard to get the relevant parties to accept the fundamental concept. That wasn't easy, became quite tense at moments, and took a lot of effort, which ultimately proved fruitful. I also formulated four key principles along the way that would need to be addressed to execute this deal and for this reallocation to be successful. First, a sufficient amount of spectrum has to be repurposed, at least between 200 and 300 megahertz. Second, it must be done quickly. There's not time to drag our proverbial feet, as the wireless industry already needed this spectrum yesterday. Third, the incumbent users of the band must be accommodated, and the satellite licensees must be on board and receive adequate compensation to give up their existing rights. Fourth, the other portion of the C-Band, or 6 GHz, has to be opened for unlicensed use.

I thank Chairman Pai for moving this critical item, when the prior Commission did not, and crafting an order that is generally in line with my first three requirements. While I may have gone down a slightly different path if I had the opportunity, I am pleased that we are clearing 280 megahertz for auction. This landing spot took tremendous effort to achieve, as well as a considerable amount of my time, energy, and patience. But, it was incredibly important because new 5G wireless services are going to need wide channel allocations, and no other band provides as great an opportunity as the C-Band.

I also appreciate that the Chairman has committed to making sure that the auction happens this year. Further, if things go as planned, all incumbents should be fully accommodated, with their concerns addressed. I find it highly unlikely that the Commission would turn off popular broadcast and cable programming should the restructuring of this band not be complete by 2025.

At the same time, we have all had to deal with the back and forth between industry participants and Hill policy makers about incentive payments and the possible distribution of proceeds. This is unfortunate, as many months were wasted debating whether to even provide an incentive payment to the satellite providers. The reality is that to do otherwise would have doomed this project and undermined decades of spectrum policy. Keep in mind, satellite companies provide valuable services to their contractees but are willing to do more with less—with varying degrees of difficulty—to enable the government to meet its 5G objectives. Compensation was therefore always going to part of the equation. In the end, almost everyone came around to this thinking—even if they may not agree with the exact funding level. Further, I believe that we have the authority to compensate incumbents for their reasonable

expenses and implement the accelerated relocation payments separate and apart from our auction process using our *Emerging Technologies* framework.

As for my fourth principle, permitting unlicensed use in the 6 GHz band, we have an open proceeding on that matter, and I have adequate assurances from the Chairman and staff of the Office of Engineering and Technology that staff are concluding their technical analysis and preparing an order for Commission consideration in the not too distant future. While it may not be simultaneous with this item, its forthcoming consideration will prove sufficient for me. Providing more unlicensed spectrum has been a passion of mine and getting 6 GHz across the finish line is worth the wait.

So, here we are voting on an item that represents the culmination of many years of work for me, as well as a huge step forward in the Commission's 5G efforts. I feel a sense of accomplishment and relief at the same time. Not everything in this document is perfect. And, the process probably could have been handled slightly differently, but it worked out in the end. Ultimately, we are finishing on a positive upswing, worthy of our great nation's custom of facing tough tasks head-on. The Chairman should be proud of his leadership and ignore the naysayers' arguments, which will fade over time, as they always do.

I approve.