



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 4, 2021

The Honorable Kevin Cramer
United States Senate
400 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cramer:

Thank you for your letter regarding the 12 GHz band. There is substantial interest regarding the 12 GHz band from both satellite and terrestrial interests. We have taken steps to make this spectrum available to a range of parties with the goal of maximizing its use in the public interest, and we continue to consider additional actions that might further increase use of the band.

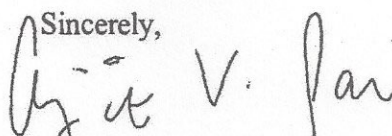
For example, we have approved requests for authorization or market access in recent years associated with several proposed constellations of non-geostationary satellite orbit (NGSO) Fixed Satellite Service (FSS) constellations that would use the 12 GHz band, as well as other frequency bands, to provide broadband Internet access service to U.S. consumers, including in rural, remote, and underserved areas. Two of these companies have launched satellites and one soon will be providing service in the band. Since 2004, we have also had terrestrial Multichannel Video and Data Distribution Service (MVDDS) licensees authorized in the 12 GHz band pursuant to licenses assigned by auction under specific service and technical rules designed to permit them to share the 12.27-12.7 GHz band with direct broadcast satellite (DBS) and NGSO FSS. The MVDDS and NGSO rules are designed to ensure that neither service causes interference to DBS, and that those services do not cause harmful interference to each other.

We are always on the lookout for opportunities to make even greater use of all frequency bands, however, and the 12 GHz band is no different. That's why I recently circulated a Notice of Proposed Rulemaking that seeks comment on whether we can increase sharing in the 12 GHz band while protecting incumbents from harmful interference or whether we should retain the status quo. The Commission has not arrived at any conclusions yet on how to proceed—indeed, the Notice of Proposed Rulemaking, if adopted, would only start the conversation—but I do believe an open and honest discussion of the issues involved and rigorous analysis of what modern technology makes possible is in the public interest.

You also ask what rules the Commission has in place to ensure that operators deploy in the band. Current DBS incumbents have launched satellites and have been providing service to tens of millions of subscribers for many years. These licensees are using their authorized spectrum. MVDDS licensees were required to demonstrate that they provide "substantial service" in the licensed service area by the end of the initial ten-year term of the license. Failure

to meet the required substantial service showing will result in the termination of the MVDDS license. The most recent licensees in the band, the NGSO operators, are subject to implementation milestones and a bond requirement to make sure that authorized satellite licensees fully use their authorized spectrum. Failure to meet the milestone requirements will result in an authorization or market access grant being reduced to the number of satellites in use on the milestone date and will result in forfeiture of the surety bond. All of these requirements are consistent with my emphasis during my time as FCC Chairman on the importance of demanding buildout requirements and enforcing them fully. It is critical that operators deploy promptly in service of the American people.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai