



*Congress of the United States
House of Representatives
Washington, D. C. 20515*

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Sixteenth District
California*

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May 16, 2023

The Honorable Jessica Rosenworcel, Chairwoman
Federal Communications Commission
45 L Street, N.E.
Washington, D.C., 20554

Dear Chairwoman Rosenworcel,

I write regarding the Federal Communications Commission's (FCC) failure to issue licenses won in Auction 108. Spectrum licenses are issued to serve the community of license, and delay in issuing them denies those communities important services. The licenses auctioned in Auction 108 will help deploy fifth generation (5G) wireless technology, increase U.S. competitiveness, and help bridge the digital divide. The FCC has recognized both the benefits of 5G for our economy, security, and quality of life, and the need for spectrum to enable 5G services, and it's imperative that these licenses be issued for the U.S. to realize these benefits.

When the FCC announced its intention to auction the 2.5 GHz (2496-2690 MHz) spectrum in a 2019 Report and Order, it specifically identified the benefits of 5G networks. Specifically, 5G will be much faster and carry more data than current wireless networks, enabling numerous potential applications, such as telemedicine, smart transportation, and the Internet of Things (IoT). The Report and Order also made clear that an essential part of enabling 5G services is making more spectrum available for the commercial marketplace:

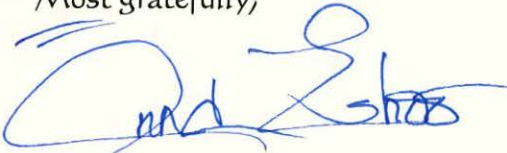
"In this Report and Order, we take another step towards implementing the Commission's strategy by making more mid-band spectrum available. Specifically, we transform the regulatory framework governing the 2.5 GHz band. . . Too much of this spectrum, which is prime spectrum for next generation mobile operations, including 5G, has lain fallow for more than twenty years. That ends today. In order to move this spectrum into the hands of those who will provide service, including 5G, to Americans across the country, and particularly in rural and Tribal areas, we are replacing an outdated regulatory regime, developed in the days when educational TV was the only use envisioned for this spectrum, with one that not only gives incumbent

users more flexibility in how they use the spectrum, but also provides opportunities for additional entities to obtain access to unused 2.5 GHz spectrum. Importantly, the reforms we adopt in this Report and Order will make valuable mid-band spectrum available for the mobile services on which consumers increasingly rely and which is critical to maintaining American leadership in the next generation of wireless connectivity."

The FCC began Auction 108 for approximately 8,000 licenses in the 2.5 GHz band in July 2022. It lasted 73 rounds and yielded over \$419 million in net bids. The winners of the auction paid for the licenses won, but the FCC failed to issue them before its spectrum auction authority lapsed on March 10, 2023. Unfortunately, the benefits promised in the 2019 Report and Order have not been realized and the communities meant to benefit continue to be denied access to important technology and services.

I understand the expiration of spectrum auction authority has raised questions about the FCC's legal authority to carry out its work regarding spectrum management, including its ability to issue licenses won at auction. However, the failure of the FCC to determine its authority and its continued withholding of these licenses harms consumers and prevents the companies that have won--and paid for--these licenses from further investing in and deploying their networks. The goals the FCC articulated in the 2019 Report and Order also remain unfulfilled. I encourage you to finish what the FCC started in 2019 and consider all the options at the FCC's disposal, including granting Special Temporary Authority, to issue these licenses as soon as possible.

Most gratefully,



Anna G. Eshoo
Member of Congress

cc: The Honorable Jeff Zients, White House, Chief of Staff
The Honorable Brendan Carr, Commissioner
The Honorable Geoffrey Starks, Commissioner
The Honorable Nathan Simington, Commissioner