

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

RE: *Facilitating Shared Use in the 3.1-3.55 GHz Band*, WT Docket No. 19-348

I happily approve today's notice starting a proceeding to take the initial steps towards opening the 3.1 to 3.55 GHz band for next-generation commercial wireless services. To realize the true potential of 5G, the Commission will need far more mid-band spectrum than is currently available or already in the pipeline. Unlike high- and low-band spectrum, the mid bands provide the perfect combination of increased capacity and improved geographic coverage that is ideal for 5G offerings. It is why it's been the focus of my spectrum efforts for the last several years. Because of the greater propagation, the mid bands are considered a crucial input to provide 5G in less populated areas of America where there is unlikely to be a business case for dense millimeter wave deployments.

Currently, we have general authorized access – or unlicensed-like – 3.5 GHz spectrum available, with priority access licenses being auctioned in June, and C-band scheduled to be auctioned in late 2020. While this spectrum schedule is great news, we will need even more to meet the needs of all those interested in deploying 5G or other innovative services. Accordingly, it is imperative that we find additional bandwidth, and the 3.1 to 3.55 GHz frequencies – located adjacent to the 3.5 GHz band – are the best candidate.

This item starts the fairly benign task of moving the non-federal incumbents out of the 3.3 to 3.55 GHz portion of the band. And, for those unfamiliar, these are the very same frequencies that other countries are targeting for 5G, with portions of the band already globally harmonized or in the process of being studied for that purpose. One positive outcome from WRC-19 is that the international community agreed to study the 3.3 to 3.4 GHz band for IMT, so that it would have the same designation as 3.4 to 3.55 GHz, which is mostly harmonized. As such, I am completely supportive of this item.

At the same time, while we start to relocate non-federal systems, the bigger challenge of the federal incumbent users still remains, which will require considerably more attention and energy. Consider that Congress identified the 3.1 to 3.55 GHz band numerous times for possible commercial wireless use and ordered NTIA to report on the feasibility of sharing this band by March 2020. By all accounts, however, they are only studying 3.45 to 3.55 GHz. This is not what Congress required, and it is even more disappointing because the U.S. Department of Defense (DoD) previously signaled years ago that it would cede this spectrum for commercial purposes, before reversing course and engaging in protracted, unnecessary studies. I've seen comments that DoD disputes this point, but it has been verified multiple times by reputable individuals in the know, so everyone should stop pretending otherwise. Simply put, this upper 100 megahertz of spectrum should be cleared and repurposed for commercial use immediately.

As for the spectrum below 3.45 GHz, work may still have to be completed to determine whether it can be cleared, and, if clearing is not possible, then sharing the spectrum with the federal incumbents must be explored. Any needed studies should be completed as soon as possible. We can't wait for years to figure out how much and where the spectrum is used, what needs to occur to relocate users, or what protection mechanisms need to be put into place.

In this vein, I am slightly disappointed that we do not take this opportunity to move non-federal users out of the lower 200 megahertz, similarly starting the process for introducing next-generation services into 3.1 to 3.3 GHz. As this is ultimately our intention, it doesn't make sense to me to consider moving the current non-federal users of the upper portion of the band into the lower portion of this band

when it is clear that we must either clear or share that spectrum too. But, I look forward to reviewing the record as it develops and discussing this issue with interested parties.

I thank the Chairman for starting the process of repurposing these bands for next-generation wireless services. In particular, I appreciate his willingness to add language to the draft stating that clearing spectrum is the Commission's priority and that repurposing the 3.45 to 3.55 band should be a matter of greatest importance.