

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS  
CONCURRING**

Re: *Expanding Flexible Use of the 12.2-12.7 GHz Band*, WT Docket No. 20-443; *Expanding Flexible Use in Mid-Band Spectrum Between 3.7-24 GHz*, GN Docket No. 17-183; *MVDDS 5G Coalition Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service*, RM-11768 (Proceeding Terminated)

The Petition underlying this proceeding was filed with the Commission in April 2016. In that filing, the Petitioners clearly stated that mobile wireless operations could not coexist in the 12 GHz band with NGSO satellite broadband, a service that was still largely on the drawing board at that time. For over four years, this Administration ignored that Petition even as it granted multiple authorizations to NGSO applicants. Many of those decisions noted the potential of next-generation satellite broadband, particularly for service to the hardest-to-reach communities. During that same period, this Commission repeatedly expanded the number of spectrum bands available for terrestrial wireless service, even as the Petitioners failed to roll out any significant service of their own.

NGSO operators like SpaceX and OneWeb have now launched over a thousand satellites and invested billions of dollars relying on access to the 12 GHz band to provide service to their customers. SpaceX recently even won nearly \$900 million in universal service funding in our RDOF auction -- a huge priority for this Administration. From the beginning, these NGSOs have told us that repurposing the 12 GHz band would not only damage their ability to serve and compete for customers but also raise questions about their future investments in a service that could help close the rural digital divide.

This NPRM would have been more appropriate years ago as opposed to these final closeout days. While the parties dispute whether NGSO operators assumed the risk that we might someday repurpose the band, the failure of the outgoing Administration to act until the final month of its tenure raises serious questions about the timing of this item, when the impact of any changes to the band will be far more disruptive.

Advocates describe this item as a “neutral” NPRM that simply asks what, if anything, to do with the 12 GHz band, without proposing any specific course of action. Those same advocates claim that there’s no harm in simply asking questions about the future of the band, but that claim is belied by the insistence of those same parties on the designation of this item as a Notice of Proposed Rulemaking rather than a Notice of Inquiry. That insistence demonstrates that those parties intend this item to open the door to taking away a primary downlink for satellite broadband service that has already seen billions of dollars in investment. Merely adopting this NPRM raises serious questions about the future use of the band, and may cause NGSOs to reconsider their investment decisions -- even as our agency likewise invests hundreds of millions of dollars in satellite broadband to connect rural America.

Nevertheless, I recognize that some services in the band are in decline or have not fulfilled their promise. Maximizing the efficient use of spectrum is a core function of this agency, and I concur with moving forward. As we do so, however, I expect the Commission to weigh the heavy concern of protecting satellite broadband from harmful interference from any new operations while also ensuring that this valuable service can fulfill its full potential. Moreover, given the current state of the existing terrestrial licensees’ operations, I look forward to examining how those parties are fulfilling their own FCC obligations and whether they should benefit from any changes to the band going forward.