

**STATEMENT OF
COMMISSIONER NATHAN SIMINGTON**

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 compromise reached on the 12 GHz Notice of Proposed Rulemaking strikes a delicate and important balance that protects the significant and ongoing investment by incumbents operating in the band. Notably, since the MVDDS 5G Coalition filed its petition in 2016, NGSO FSS providers have invested heavily in deploying broadband service, particularly in unserved and underserved rural areas. Rapid deployment between the petition filing and today is remarkable. The Commission, as a matter of policy, does not prejudge matters and is committed to allow all stakeholders to show how their proposed uses of spectrum serve the public interest.

The Notice of Proposed Rulemaking allows the Commission to investigate whether it is technically possible to allow for two-way terrestrial service to operate in the band, as requested by the MVDDS providers. It also creates an opportunity for the Commission to investigate whether additional protections could and should be afforded to NGSO FSS providers. As such, it is consistent with the Commission's goals and purposes of technology agnosticism in the public interest and the establishment of a clear evidentiary basis for all actions.

Commission policies must always further protect and encourage providers who have and continue to expeditiously deploy service in the band. NGSO FSS deployment occurred even though NGSO FSS providers have had to operate on a non-interference basis with respect to other incumbents. Through this Notice of Proposed Rulemaking, the Commission looks forward to protecting the public interest by clarifying the record to ensure that 12 GHz spectrum is put to its highest and best use.