

**STATEMENT OF
COMMISSIONER NATHAN SIMINGTON
APPROVING IN PART, CONCURRING IN PART**

Re: *Facilitating Shared Use in the 3100-3550 MHz Band*, WT Docket No. 19-348

Today's Order begins the critical and expeditious implementation of the Beat CHINA for 5G Act of 2020, which requires the Commission to start a 3.45 GHz band auction by December 31, 2021. In addition to putting into place rules that will enable the Commission to beat that deadline, we also advance the ultimate goal of the legislation: to free more spectrum for U.S. deployment of advanced services. Under the leadership of Acting Chairwoman Rosenworcel, we continue to ensure that America remains a leader in the deployment of advanced networks and that it is poised to harness next generation technologies. With thanks to the invaluable coordination of the NTIA and our other Executive Branch partners, the Commission's actions today will enable industry to exploit an additional 100 megahertz of valuable mid-band spectrum for innovative uses.

The Commission strikes a good balance among competing industry objectives to allow for a numerous and diverse set of potential 3.45 GHz auction participants. This Order preserves the model of high-power exclusive flexible use. However, it also protects existing licensees in the neighboring CBRS band and federal incumbents who require relocation. Finally, it provides the opportunity for numerous smaller providers to participate in the auction and to innovate and flourish in the mobile marketplace.

While I support the item overall, I would be remiss to not acknowledge some reservations about portions of our decision today. I admire the care, diligence, and cooperation of the FCC, NTIA and industry that went into crafting the two-step out-of-band emissions (OOBE) limit. However, I am concerned that, though presently necessary to protect critical federal operations in the band considering present band engineering, this requirement, together with the expedited deployment timelines and a reserve price of over \$14 billion, could dampen potential investment and threaten the auction's success. Potential auction participants have expressed concerns that costs and delays associated with the development of the 3.45 GHz-specific radios required to accommodate the two-step limit could deter participation. The development of new radios for this band will also likely slow deployment for providers who become licensees. Further, the two-step out-of-band emissions approach creates a standard unique only to the 3.45 to 3.55 GHz portion of the band, making it more difficult to achieve holistic international harmonization of the 3 GHz band, which is critical to U.S. 5G competitiveness. While accepting present band engineering as a necessary compromise to timely bring this band to market, I would encourage the Commission to revisit the OOBE limit in the future.

I also fear that our decision to provide relocation reimbursement to secondary radiolocation licensees could have unintended and unwelcome consequences. While the licensees at issue no doubt operate valuable radar systems, the Commission may be unable to make distinctions about future secondary licensees who request the same treatment, but at a much higher price tag. This threatens to further raise the price of relocation in future auctions.

Despite these concerns, I approve in part and concur in part. I also express tremendous gratitude to Commission staff who diligently worked on this item.