

**STATEMENT OF
COMMISSIONER NATHAN SIMINGTON**

Re: *Expanding Flexible Use of the 12.2-12.7 GHz Band*, Report & Order and FNPRM, WT Docket No. 20-443; *Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, NPRM and Order, GN Docket No. 22-352 (May 18, 2023)

I am happy to support today's item. The Report and Order makes the right policy call by protecting NGSO FSS incumbents who have engaged in significant investment in the 12.2 to 12.7 GHz band. The Report and Order also gets the engineering right, considering both these same incumbents' ongoing deployment of state-of-the-art satellite technology and overall trends in earth station design and regulation.

Today's NGSO FSS satellites speak to arrays of electronically steered receivers. Signal rejection within those receivers is frequently achieved very close to the desired reception angle with arrays composed of antennas of limited dynamic range. The power levels and coverage profiles of terrestrial networks risk saturating such arrays with interference from networks of powerful terrestrial transmitters, including via side lobes even when care is taken with terrestrial antenna angles. Barring significant technology developments driving down the price and complexity of individual array elements while driving up quality, this will probably be the case for some time to come. And unless and until we see terrestrial technologies deployed in real-world situations, the FCC has no business betting the store on them by undermining the viability of fixed incumbent services in active deployment at large scale for which there is significant demonstrated public demand.

And while I am hopeful that there is a way to allow satellite and two-way high-power fixed wireless service to coexist in the 12.2 to 12.7 GHz band, I believe the FCC needs to be sure that it is not putting the cart before the horse and that it protects incumbents. That is why I am grateful that my colleagues agreed to include language in the Further Notice that impresses upon parties who comment in this proceeding an obligation to provide clear and detailed technical and operational information, including studies—preferably real-world studies—that support these proposals. Without such proposals, the FCC will never emerge from the quagmire of incommensurable, contradictory technical proposals that are laced with advocacy—as we saw with the record in response to the 2021 12.2 to 12.7 GHz NPRM.

I am also happy to support the proposals made in today's 12.7 to 13.2 GHz NPRM. A high-power exclusive-use licensing approach makes the most sense in a band where there are few incumbents who can be easily relocated without the need for spectrum sharing—which is otherwise the preferred approach in congested spectrum bands. I look forward to a fulsome record.

Finally, I would like to thank the staff WTB and OET for their hard work on this item.