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3.5 GHz Issue Brief

SUMMARY

The Utilities Technology Council (UTC) welcomes efforts by the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) to make more radio spectrum accessible through spectrum sharing, as is the case in the 3.5 GHz band. This may make it possible for more efficient use of spectrum for utilities and other critical infrastructure industries.

UTC is concerned, however, with recent efforts to realign the 3.5 band and expand the size and terms of licenses within it. Doing so could inhibit utilities from obtaining needed Priority Access Licenses (PALs) as it is unlikely that utilities will have much success attaining priority access where commercial carriers are likely to outbid everyone for those licenses.

UTC POSITION

UTC supports allowing utilities and other entities to apply for Priority Access Licenses (PALs) in the 3.5 GHz band in areas where they were the only applicant. This may enable utilities to obtain PALs in some remote areas. Unfortunately, recent FCC changes to the band pose more challenges to utilities in attaining priority access in urban areas where commercial carriers are likely to outbid everyone for those licenses.

BACKGROUND

The radio portion of the electromagnetic spectrum is needed to enable wireless applications for utilities, public safety, and telecommunications providers, among others. This radio spectrum is subdivided into various "bands" measured by "hertz" that have different properties. Utilities often operate their own "private" communications networks—i.e., networks not owned by telecommunications providers, typically to ensure optimal reliability for critical infrastructure sectors such as utilities. These utilities have, in some cases, purchased or otherwise gained access to

certain bands of spectrum to enable wireless applications.

The 3.5 GHz band represents both an opportunity and a challenge for utilities in terms of spectrum access for wireless communications. The band represents an opportunity because utilities could have access to as much as 150 MHz of spectrum (3550-3700 MHz) as well as "Long-Term Evolution" (LTE) equipment, which is a standard for high-speed wireless communications, that will be available for use in the band.

The challenge for utilities is that they have incumbent systems in the 3.65 GHz portion of the band (3650-3700 MHz) which must contend with the threat of interference from new operations coordinated by a spectrum access system database. Such a situation is untested and may not effectively mitigate the threat of interference to incumbent utility systems in the 3.65 GHz band.

Additional complications arise because the utilities that will ultimately need to transition from current rules that apply to their incumbent systems will lose special protections against interference and will need to comply with new rules, including interconnection with the spectrum access database. Utilities have extensive systems in the band and are concerned that the new licensing regime in the 3.5 GHz band will undermine the reliability of and strand the investments made in these systems.

In 2015, the Federal Communications Commission (FCC) issued a proposal to implement a three-tiered spectrum-sharing framework to make up to 150 MHz of 3.5 GHz band spectrum available for mobile broadband in the new Citizens Broadband Radio Service (CBRS). The CBRS spans from 3550 MHz to 3700 MHz and consists of 100 MHz newly available spectrum in the 3550-3650 MHz range and 50 MHz

(3650- 3700 MHz) of spectrum already available for commercial use. The three-tiered licensing scheme is composed of General Authorized Access (GAA) tiers, Priority Access License (PAL) tiers, and incumbent access tiers. Additionally, the 2015 rules included a fixed transition period to protect existing licensees in the 3650-3700 MHz band, many of them held by UTC member utilities, from harmful interference from Citizens Broadband Radio Service.

Following this, the FCC issued sought comment on the parameters for Grandfathered Wireless Protection Zones (GWPZs), which would protect incumbent utility systems in the 3.65 GHz band from interference from new CBRs operating on a GAA basis in the band.

Only three years later, in October 2018, the FCC revised the rules for the 3.5 GHz band once again to make it more conducive for the telecommunications industry. Specifically, the FCC expanded the geographic size and extend the term of priority access licenses (PALs), and now requires auctions, even if there is only one applicant for a license in a given area.

SITUATIONAL AWARENESS

UTC supports policies aimed at making more spectrum accessible and efficient, as doing so will make more spectrum available to utilities and other critical infrastructure industries. However, we are concerned that the decision to expand the 3.5 GHz band to include the 3.65 GHz band will potentially cause interference to the incumbent systems that operate there.

Moreover, we question whether the GWPZ adequately protects utilities in the band or if enables them to expand the coverage of their base stations as they expected when they originally deployed their systems. UTC will monitor developments to determine

whether these incumbent systems become subject to interference from certain devices in the 3.65 GHz band.

UTC is also concerned that the FCC's new rules will make it harder for utilities to be able to access PALs in the band, if the carriers were able to lock up all of the available geographic areas for extended periods of time by acquiring all of the PALs at auction. We do not know if utilities would be able to compete at auction with carriers who would be able to pass on the costs of the spectrum to their customers. The FCC's latest rules takes up some of the same proposals from the petitions by CTIA and T-Mobile.

ABOUT UTC

The Utilities Technology Council (UTC) is a global trade association dedicated to serving critical infrastructure providers. Through advocacy, education and collaboration, UTC creates a favorable business, regulatory and technological environment for companies that own, manage or provide critical telecommunications systems in support of their core business.

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