

October 16, 2020

VIA ECFS

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Petition for Rulemaking to Permit MVDDS Use of the 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service, RM-11768**

Dear Chairman Pai,

The undersigned have a fulsome record supporting the Federal Communications Commission's efforts to expand access to spectrum that will allow 5G services; however, **we respectfully request that the Commission deny the Multichannel Video and Data Distribution Service (MVDDS) petition for rulemaking and calls to move forward with their NPRM regarding two-way use in the 12.2-12.7 GHz band.**

The FCC has made leaps and bounds in connecting the unconnected in unprecedented times. One of the ways the Commission has pursued these goals is by approving novel provisions of broadband service. As such, in 2018 the FCC licensed several Low Earth Orbit (LEO) non-geostationary orbit (NGSO) satellite constellations that will utilize the 12Ghz band, which is shared with Direct Broadcast Satellite (DBS), in order to provide high-speed broadband internet to rural and remote users to help close the digital divide.

Just two years following FCC authorization in 2018, the U.S. is leading the world with nearly 800 satellites deployed, billions of dollars in private capital invested, thousands of U.S. jobs created, and initial service started. While satellite broadband service has been available for years this new generation of satellites employs updated technologies that promise to cover the nation with true high-speed broadband, including gigabit speeds, and latency acceptable for a wide variety of uses, including Internet of Things (IoT) which provide exciting opportunities and applications that can only be deployed via satellite.

**With the success of these networks, the Commission could achieve at least two of its goals:**

- 1) Universal high-speed broadband access – the opportunity to connect the unconnected in unserved areas.
- 2) Increased competition in the market for the provision of high-speed broadband services, that may drive down consumer costs.

**In an effort to connect all Americans, this Commission has unanimously supported the deployment of low earth orbit satellite networks.** These networks may very well be the solution

for closing the digital divide and connecting rural areas without service. While the petitioners' goal is providing more options and new entrants for 5G, that goal comes at a cost of severe interference to the latest generation of satellite broadband networks that are a year out or less from providing full service.

IP traffic will dramatically increase in the coming years<sup>1</sup> and these satellite networks will add to the options and opportunities families and businesses have to access the internet and offload mobile traffic. Any arguments citing the expected dramatic increases in internet traffic highlight the need for these new competitive broadband options, not for interfering with them. The Commission should not hamstring these efforts just as they are about to become available to millions of Americans.

Changing the rules now would pull the rug out from U.S. NGSO systems just as broadband service is starting. It would negatively impact investment and materially degrade the ability for these systems to provide service to consumers, especially in remote and rural areas<sup>2</sup> where 5G is a very very distant reality.<sup>3</sup>

**Competition drives down prices.** Research from US Telecom published on September 16, 2020 shows that speeds are increasing and prices are dropping. "The most popular tier of broadband service in 2015 is now priced 20.2 percent lower and offers 15.7 percent faster speeds in 2020," and "the highest speed offerings in 2015 are now priced 37.7 percent lower and offer 27.7 percent faster speeds in 2020 on an average."<sup>4</sup> This is only among residential fixed broadband competitors.

Joining the mix, at least one satellite provider will offer speeds of up to a gigabit per second and latencies from 25 milliseconds to 35 milliseconds.<sup>5</sup> These speeds will compete in a very real way with fiber, cable, DSL, satellite, 5G, and other broadband offerings. All types of broadband

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<sup>1</sup> According to Cisco's Annual Internet Report 2018-2023, in all of North America by 2023 there will be 345 million Internet users (92 percent of regional population), up from 328 million (90 percent of regional population) in 2018. Additionally, 25 percent of all networked devices mobile-connected and 75 percent will be wired or connected over Wi-Fi. And the average number of devices and connections per capita will grow from 8.2 in 2018 to 13.4 by 2023. The United States will lead the pack among countries with the highest average of per capita devices and connections by 2023 at 13.6, followed by South Korea, 12.1, and Japan 11.1. See CISCO, "Annual Internet Report (2018-2023) White Paper," Mar 9, 2020, <https://www.cisco.com/c/en/us/solutions/collateral/executive-perspectives/annual-internet-report/white-paper-c11-741490.html>

<sup>2</sup> Sheetz, Michael, "Washington emergency responders first to use SpaceX's Starlink internet in the field: 'It's amazing'," Sep 29, 2020, <https://www.cnbc.com/2020/09/29/washington-emergency-responders-use-spacex-starlink-satellite-internet.html>

<sup>3</sup> See TechFreedom Comments on, "Petition for Rulemaking to Permit MVDDS Use of 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service," Oct 8, 2020 <https://techfreedom.org/wp-content/uploads/2020/10/TF-Comments-12-GHz-MVDDS.pdf>

<sup>4</sup> Menko, Arthur, "2020 BROADBAND PRICING INDEX," USTELECOM, Sep 16, 2020, <https://www.ustelecom.org/wp-content/uploads/2020/09/USTelecom-2020-Broadband-Pricing-Index.pdf>

<sup>5</sup> Dujomovic, Jurica, "Here's the technology behind SpaceX's plan for fast internet service," *MarketWatch*, May 25, 2019, <https://www.marketwatch.com/story/heres-the-technology-behind-spacexs-plan-for-fast-internet-service-2019-05-24>

services compete with each other and having more providers in the market drives down prices for everyone – in rural and urban areas. Relegating this service only to rural areas, because of the new interference proposed by Petitioners, could rob the satellite sector from attracting sufficient customers to justify full deployment.

**Use of this spectrum would not significantly enhance American’s position in the race to 5G.** The 12GHz Band is not optimal for 5G. The need right now is mid-band spectrum in the range of 2GHz to 6GHz. The 12GHz spectrum clearly has utility, but, due to well-known propagation and capacity constraints, telecom companies actively building and deploying networks have not made it a primary target, especially for deployment into rural areas.

There are no 5G technology standards in the pipeline for this band and receiving new ITU allocations for global 5G access could take nearly a decade. Many in the record have argued that – were the FCC to grant this petition – the spectrum should go back up for auction under the new allocation,<sup>6</sup> which would further delay deployment for any of the suggested technologies such as, fixed broadband, mobile and IoT. These are all technologies that MVDDS is not likely to deploy quickly since it is not itself a 5G technology nor it has not developed methods of broadband connectivity in the last 15 years.

**Deploying 5G technologies is not incompatible with the nation’s goal, and this Commission’s goal, of connecting all Americans to high-speed broadband. However, creating harmful interference with these new satellite networks is incompatible with the nation’s goal of every American having the opportunity to connect to high-speed broadband, if they choose. Satellite systems must be part of the critical infrastructure for delivery into rural areas.**

For these reasons, **the undersigned request you deny the MVDDS modification petition.**

Respectfully,

Grover G. Norquist  
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Tom Schatz  
President  
Citizens Against Government Waste

Steve Pociask  
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<sup>6</sup> See AT&T comments on “Petition for Rulemaking to Permit MVDDS Use of 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service,” Aug 6, 2020, <https://ecfsapi.fcc.gov/file/108062359830185/200806%20FOR%20FILING%20Ex%20Parte%20RM-11768.pdf>; T-Mobile Comments on “Petition for Rulemaking to Permit MVDDS Use of 12.2-12.7 GHz Band for Two-Way Mobile Broadband Service,” June 8, 2016, <https://ecfsapi.fcc.gov/file/60002102519.pdf>

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