

Before the  
**NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**  
**DEPARTMENT OF COMMERCE**  
Washington, D.C.

Relocation of Federal Systems in the                    )  
1710-1750 MHz Frequency Band:                    )     Docket No. 0906231085-91085-01  
Review of the Initial Implementation of            )  
the Commercial Spectrum                            )  
Enhancement Act                                        )

**COMMENTS OF CTIA – THE WIRELESS ASSOCIATION™**

CTIA – the Wireless Association® (“CTIA”) hereby submits its comments on the National Telecommunications and Information Administration (“NTIA”) Notice of Inquiry (“NOI”)<sup>1</sup> to review the initial implementation of the Commercial Spectrum Enhancement Act (“CSEA”).<sup>2</sup> As detailed below, CTIA recommends that NTIA assume a greater role coordinating Federal agency interests in future relocations under the CSEA. CTIA further submits that taking concrete steps that yield greater information, transparency, and coordination between Federal and private entities will benefit all CSEA stakeholders.

As NTIA observes, two years have now passed since the CSEA policies were invoked to relocate Federal users out of the 1710-1755 MHz band and to clear the way for commercial Advanced Wireless Services (“AWS-1”) licensees. Because the CSEA will be the mechanism that governs future repurposing of spectrum used by Federal licensees, CTIA agrees with NTIA that, notwithstanding the success of efforts at 1.7 GHz, it is appropriate to review the lessons

---

<sup>1</sup> “Relocation of Federal Systems in the 1710-1750 MHz Frequency Band: Review of the Initial Implementation of the Commercial Spectrum Enhancement Act,” *Notice of Inquiry*, Docket No. 0906231085-91085-01, 74 Fed. Reg. 32131 (July 7, 2009) (“CSEA NOI”).

<sup>2</sup> 47 U.S.C. §§309(j)(3), 921, 923, 928.

learned to date with a view to making the CSEA process as efficient and effective as possible for all stakeholders.

## **I. INTRODUCTION**

As an initial matter, CTIA believes that all parties to the 1.7 GHz relocation under CSEA should be commended for their efforts to effectuate Congress' goals of rapidly transitioning spectrum to commercial use without impacting critical Federal systems. Any review of the CSEA implementation should not neglect the progress made to date, especially given the novelty of the CSEA arrangements and the sheer scope and scale of the relocation effort. As NTIA notes, as of December 31, 2008, "Federal agencies had relocated approximately 933 or 47 percent of the 1,990 Federal frequency assignments in the 1710-1755 MHz band."<sup>3</sup> To CTIA's knowledge, this effort has been unique in the history of US spectrum allocations. Accordingly, the respective efforts of the NTIA, the constituent Federal agencies, and the new AWS-1 licensees should be acknowledged and commended.

CTIA further believes that CSEA will be of continuing importance to future spectrum management. Accordingly, NTIA's proposed review is both necessary and appropriate. As CTIA has observed in a number of *fora*, spectrum is the driving input to the competitiveness of the wireless industry and additional spectrum will always be needed to ensure the continued ability of wireless carriers to bring services to market that promote efficiency and enhance the Nation's productivity. As a result, some minor changes that "fine tune" the CSEA processes have the potential to be repeated over and over, magnifying their importance. In that vein, CTIA makes a number of suggestions below that result from its interactions with NTIA, the Federal

---

<sup>3</sup> CSEA NOI, 74 Fed. Reg. at 32133.

agencies, and its carrier members and their suppliers. CTIA believes adoption of these changes will make future relocations under CSEA even more successful and efficient for all parties.

Specifically, CTIA believes—and has always believed—that greater information, transparency, and Federal/private coordination can inure to the benefit of all CSEA stakeholders, both Federal and commercial. CTIA, in fact, sponsored a series of pre- and post-auction symposia in Fall 2006 and Spring 2007 with NTIA, the Federal agencies, and the AWS-1 licensees to discuss what information licensees required and the preparations for pre-relocation coordination and relocation.<sup>4</sup> The more commercial carriers know about Federal systems and licensee priorities, the better they will be at working within the relocation structure to achieve the best results for their customers and the public generally. The more Federal users understand about commercial licensees' plans and priorities, the more they will be able to coordinate and pre-plan to avoid unnecessary spectrum usage conflicts. CTIA believes that all parties will benefit from a process that brings stakeholders together in a meaningful way.

## **II. IN FUTURE RELOCATIONS UNDER CSEA, NTIA SHOULD ASSUME A GREATER ROLE COORDINATING FEDERAL INTERESTS**

As CTIA reviews lessons learned over the past two years, it is apparent that there are a number of areas where NTIA can improve the CSEA process by assuming a greater role coordinating among Federal interests. For example, among the large number of agencies and bureaus involved in the 1.7 GHz band, there were those that were better prepared and were able to provide better information than others.<sup>5</sup> Certain agencies may have had a sufficient number of

---

<sup>4</sup> See, e.g., *CSEA NOI*, 2(c)(i), 74 Fed. Reg. at 32134.

<sup>5</sup> CTIA's view, in this regard, was noted by the Commerce Spectrum Management Advisory Committee ("CSMAC") in its August 22, 2008 report, see Recommendations for Improving the Process for Identifying Spectrum for Future Reallocation or Sharing, CSMAC (Aug. 22, 2008) ("*CSMAC Report*") at 20. CSMAC observed, for example, that there was no consistency across agencies regarding the relocation process or the information sharing process.

links implicated that it justified designation of specific teams and personnel with responsibility for the relocation and coordination. In other cases, devoting the same level of resources may not have been practical. In addition, and understandably, different Federal agencies have different levels of expertise on spectrum issues. As discussed below, however, NTIA does have the expertise, and it is uniquely positioned to disseminate the collective knowledge, processes, and procedures of all agencies to affected licensees. This could result not only in cost savings to individual agencies, but also level all agencies up to a high “best practices” standard under CSEA.

**A. NTIA Should Provide Increased Guidance To Ensure Better Relocation Budgeting and Timing**

As an initial matter, the relocation data demonstrates that some agencies were better able to develop financial budget estimates and relocation schedules more accurately than others. This, plainly, is an area where no party under the CSEA is served if an agency budget or timing estimate is incorrect. If an agency does not have sufficient funds to relocate in a timely manner, the relocation could be delayed while a complex process is undertaken—potentially involving Congressional review—in order to secure the necessary funding.<sup>6</sup> As a result of those delays, an agency may have transitional communications issues if relocations are sequenced incorrectly. And, for commercial carriers, delays have obvious impacts on deployment plans. Because of the capital associated with build-out and launch of commercial networks, delays can have competitive and financial consequences that are staggering.

Because all CSEA parties are served by the greatest accuracy in estimates, NTIA should consider whether it can play a role in pre-relocation budgeting and timing. Specifically, NTIA

---

<sup>6</sup> If an agency’s budget estimate is sufficiently far off, CSEA sets forth a complex process for obtaining necessary approval. Even if an agency could meet its scheduled relocation deadlines if it had the funds, the time necessary to obtain approval for supplemental relocation funds can easily delay a particular relocation for six months or more.

already has a wealth of insights into this process from the perspective of different agencies. NTIA may also be able to interview those agencies that were most successful at budgeting and timing estimates to determine what processes and tools they employed. In addition, the Office of Management and Budget (“OMB”) may have guidelines or have developed criteria for replacement equipment that should be disseminated. Even items as simple as generic flowcharts for relocation planning, or checklists of equipment that may need to be replaced in the relocation process, may serve as invaluable guides for agencies that have not conducted a large number of relocations. With its dual role as a telecommunications policy advisor, NTIA also is well positioned to provide advice and assistance in terms of understanding the options for migrating to other media or into different bands. CTIA therefore submits that NTIA could gather data, forms, processes, and methods from all of the agencies to create best practices that may lead to more accurate forecasting in the future.

**B. Agency Preparation Would Be Enhanced by Permitting the Anticipatory Expenditures of Funds.**

A major difficulty under CSEA, which was noted in the NOI as well as the CSMAC report,<sup>7</sup> is that agencies cannot realistically plan for the transition because of the contingent nature of the funds. As the NOI observes, the auction could be canceled if the revenues do not reach 110% of the CSEA reserve. Indeed, even though the auction of AWS-1 spectrum rapidly crossed that threshold, a further problem existed in that agencies did not believe that it was appropriate to spend money in anticipation of receiving CSEA funds, and waited until actual funding transfers occurred. Realistically, that meant that many agencies simply could not devote any substantial resources to CSEA issues until the funds were actually transferred in March of 2007.

---

<sup>7</sup> CSEA NOI, 2(d), 74 Fed. Reg. at 32135; CSMAC Report at 23.

CTIA suggests that NTIA and OMB should coordinate to permit the pre-receipt expenditure of funds. This would have a number of salutary effects. First, and most importantly, the pre-auction availability of funds would permit agencies to devote necessary time and resources to securing the most accurate budget estimates and relocation timelines. As NTIA notes, this may include “project management, technical studies, training, development of software tools, or the hiring of additional personnel.”<sup>8</sup> If agencies are permitted to devote resources to considering these issues, the accuracy of the projects should be enhanced. Of course, more accurate timelines and budgeting benefits all parties.

Second, the early availability of funds might permit and encourage agencies to work with commercial carriers pre-auction to understand the priorities of commercial carriers, and thereby craft relocation plans that facilitate achieving Congress’ goals under the CSEA. CTIA and commercial carriers recognize that relocation priorities are governed by the radio communications needs of each specific agency. However, agencies must, at some level, engage in trade-offs where devotion of resources to relocating one link under a specific schedule may result in a timeline that is longer for another link. Or, a decision is made to clear a particular class of facilities prior to clearing another class of facilities. In those situations, understanding the priorities of typical commercial carriers would allow the agencies to make decisions in a way that will reduce the likelihood of unnecessary and avoidable conflicts with pre-relocation deployment by auction licensees.

---

<sup>8</sup> *CSEA NOI*, 2(d), 74 Fed. Reg. at 32135

### **III. INCREASED TRANSPARENCY, COORDINATION AND INFORMATION AVAILABILITY WILL FACILITATE FUTURE RELOCATION ACTIVITIES UNDER CSEA**

#### **A. NTIA Should Investigate Means of Increasing the Availability of Information, Enhancing Access to Information and Improving the Transparency of the Process.**

Increased information availability will help ease the CSEA transition process. The more bidders are educated about the existence and nature of incumbent operations, the more realistic they can be about valuing the spectrum and planning their build-out schedule. In such regards, the NTIA asks whether “details regarding agency transition plans [are] relevant primarily to an assessment of the possibility of early entry,” and, if so, “to what extent would the disclosure of such details prior to the auction affect auction bidding?”<sup>9</sup> Given that bidders discount against uncertainties, the more information that is available, the less likely licenses are to be discounted, resulting in a greater recovery for the public of the value of the spectrum. It is also self-evident that the more educated bidders are about the existence and nature of incumbent operations, the more realistic they can be in crafting deployment plans. If deployment plans are formulated in a realistic manner, then carriers will have the ability to react more flexibly when relocation issues inevitably arise.

First, CTIA believes that NTIA should reconsider what information should remain confidential and whether there is a good basis for maintaining confidentiality. It is unclear, for example, why NTIA data only provides center frequency of operation and omits bandwidth. In addition, power, antenna heights and other more granular data pertaining to Federal stations is necessary for bidders to understand potential limits on the spectrum. In the AWS-1 context, for example, CSMAC noted that “Federal systems used for nationwide mobile operations were not

---

<sup>9</sup> CSEA NOI, 1(a), 74 Fed. Reg. at 32134.

necessarily identified as a deployment barrier for AWS bidders because system bandwidth was not included among the characteristics provided by NTIA.”<sup>10</sup> CTIA certainly concurs that “Federal agencies [should] be required to highlight particular circumstances about which licensees might not otherwise know, such as the fact that replacement equipment is under development and is not commercially available, or the existence of nationwide, airborne, or classified systems.”<sup>11</sup> In fact, systems that have substantial possibility of precluding deployment on a broad scale that are not otherwise known should be highlighted so they can be prioritized for early attention and relocation.

CTIA recognizes that certain information pertinent to an evaluation of the potential for early entry may not be routinely available for public inspection or, in fact, may be classified. With respect to the former, CTIA believes that, just as post-auction winners were granted access to additional information under non-disclosure agreements, the government should consider whether an enhanced data set could be made available to all bidders pre-auction. And, even if all of the information made available post-auction cannot be included, the availability of any additional information for bidders would be helpful. As suggested in legislation introduced by Rep. Jay Inslee, CTIA further suggests that NTIA and the Federal agencies should consider whether there is a process whereby some, or even all, of the classified data could be released to individuals in the private sector that possess appropriate security clearances.<sup>12</sup> Most commercial carriers, in fact, have employees within their engineering organizations that possess such clearances, and certainly there are third party engineering firms with such clearances. Given the

---

<sup>10</sup> *CSMAC Report* at 14.

<sup>11</sup> *CSEA NOI*, 1(a), 74 Fed. Reg. at 32134; *see also* H.R. 7207, 110th Cong. 2nd Sess. (introduced Sept. 28, 2008) (“Inslee Bill”) at 2(b).

<sup>12</sup> Inslee Bill at 2(c).

importance of accurately documenting incumbent operations that could preclude early deployment, some additional information sharing is clearly warranted.

Second, NTIA should consider whether access to information can be enhanced. Again, certain agencies were able to develop effective mechanisms for the dissemination of initial information, as well as timely updates to that information, that functioned better than other agencies. CTIA believes that NTIA could significantly improve the CSEA process if it defined best practices and ensured that agencies establish mechanisms for the timely delivery of information.

**B. Agencies Should Recognize that Pre-Relocation Coordination and Deployment for Commercial Carriers Is Assumed.**

One lesson of the AWS-1 relocation at 1.7 GHz is that Federal agencies may have underestimated the desire on the part of commercial carriers to engage in pre-relocation deployment. In some cases, that may have been the result of Federal agencies having greater access to information that moderated the ability to engage in pre-relocation deployment, but in other cases, it may simply have been the view that such deployment was extraordinary. In this instance, greater communication between carriers and the Federal agencies, perhaps organized through NTIA, might have prepared the Federal agencies for the onslaught of the pre-relocation deployment coordination requests they received.

In the future, Federal agencies should recognize that, re-purposing existing spectrum bands has become the norm as true “greenfield” spectrum no longer exists. As a result, carriers generally expect to coordinate around incumbents during initial deployment for any band. Working with incumbents and relocating incumbents is – and will be – the standard process for implementation of new networks in auctioned bands. Accordingly, as future CSEA implementations are considered, NTIA may have a role educating Federal agencies as to carrier

expectations regarding deployment, which would have the beneficial effect of increasing pre-planning, allowing agencies to develop appropriate information gathering tools, forms, and portals, automating processes and setting up procedural flows to meet expected coordination demand.

#### **IV. CONCLUSION**

CTIA believes that the two years that have passed since the 1.7 GHz relocation commenced demonstrate that remarkable progress can occur when Federal agencies and the commercial sector cooperate effectively. The relocation of Federal users in the 1.7 GHz bands is a monumental task, and all parties are to be commended for the progress made to date. The 1.7 GHz band is now a model for future relocations under CSEA, and, as NTIA suggests, reviewing the initial implementation with an eye towards improving and optimizing processes is a critical part of future spectrum planning. In such regards, CTIA, as discussed above, believes that NTIA

should take a greater role in assisting Federal agencies in achieving common best practices, and that further consideration should be given to information sharing and process transparency.

Respectfully submitted,

CTIA – The Wireless Association®

By: /s/ Brian M. Josef

Brian M. Josef  
Director, Regulatory Affairs

Michael F. Altschul  
Senior Vice President, General Counsel

Christopher Guttman-McCabe  
Vice President, Regulatory Affairs

CTIA–THE WIRELESS ASSOCIATION®

1400 16th Street, NW, Suite 600  
Washington, DC 20036  
(202) 785-0081

August 21, 2009