

Status Report:

Bi-Directional Sharing Working Group

For Discussion at CSMAC Meeting

10 July 2014

Current Members

- **Co-chairs**: Jennifer Warren, Janice Obuchowski
- **Members**:
 - Tom Sugrue
 - Bryan Tramont
 - Michael Calabrese
 - Carl Povelites

NTIA Questions

Posed at August 2013 CSMAC meeting:

1. What methods can be used to allow federal agency access of non-federal bands, particularly for large, intermittent exercises and emergency use?
2. Would federal users be expected to pay for temporary spectrum access?
3. Would such access only be available if the nonfederal licensee does not have an immediate, short-term or long-term need to operate in the spectrum and location in question?
4. What band and location combinations can support large federal exercises or emergency use?

Q.1: What methods can be used to allow federal agency access of non-federal bands, particularly for large, intermittent exercises and emergency use

- Federal Agency access to non-fed communications network
- Secondary Easements by Federal Agency for use of “unused commercially licensed spectrum”
- License rights by Federal Agency of spectrum by incumbent
 - Voluntary and Involuntary

Q.2: Would federal users be expected to pay for temporary spectrum access?

- **Access to Exclusive Licensed Spectrum**

- Where no impact on planned operations/build-out, we recommend that no financial payments are necessary and no rights (NIB basis- STA Model) accrue
- Where potential impact on planned operations/build-out/leasing, we recommend consideration of the following options, but recognize that there may be others that we have not yet considered as viable for this list.
 - Secondary Markets Scheme — perhaps if desire to negotiate constraints, temporary operational changes to provide incentives for incumbent to agree to use or temporary constraint.
 - Regulatory Framework, rather than Negotiated Secondary Markets
 - Other options to still explore.

Q.2 Cont'd: Would federal users be expected to pay for temporary spectrum access?

- **Access to Shared Licensed Spectrum/Existing Shared Spectrum.**
 - Temporary, where there is no impact on sharing regime (FSS/FS) or incumbent operations
 - We recommend that no financial payments are necessary and that a Special Temporary Authority (STA) model would be appropriate
 - Temporary, where there could be impact on secondary market opportunities
 - Engage in a Secondary Market Scheme – but challenges in the valuation for federal access.

Q.2 Cont'd: Would federal users be expected to pay for temporary spectrum access?

- **Access to “Unlicensed” Bands**

- Temporary Basis – Consistent with Technical Rules for Band

- We recommend that no financial payments be required—and that there are no rights for any user to expect to operate without interference.

Q.3: Would such access only be available if the non-federal licensee does not have an immediate, short-term or long-term need to operate in the spectrum and location in question?

- Federal operations that conflict with the service needs of the incumbent non-federal licensee should generally not be permitted.
- However, there are a number of considerations and approaches that should be evaluated in determining whether a conflict exists or whether options are available that could lead to mutually beneficial sharing/use arrangements, including the type and location of the competing spectrum uses and the potential for commercial agreements between the parties.

Q.4: What band and location combinations can support large federal exercises or emergency use?

- WG agreed that this question lacked sufficient assumptions for federal and non-federal operations to allow a meaningful response.

Regulatory Issues

- Three buckets of regulatory issues were outlined for consideration, not all of which garnered consensus:
 - NTIA and FCC Joint Statement of Principles
 - Affirming the policy of the FCC and NTIA to encourage sharing of non-Federal spectrum by Federal operations, particularly in cases that match relatively light commercial use with projected heavy use by Federal operations on an intermittent, supplemental basis.

Regulatory Issues Cont'd

- Modifications to existing NTIA or FCC Rules to Facilitate Sharing;
 - Possible modifications to Sec. 2.103 rules to apply more broadly beyond public safety scenarios;
 - Potential updates to FCC secondary leasing regulations to broaden eligibility to Federal entities.
- Implementation of sharing principles in open proceedings – no agreement.

Next Steps

- **Seek New Members**
- **Consequential New Questions**
 - What rules and regulations discourage broader forms of sharing, and how should they be updated/revised?
 - How should NTIA seek to implement recommendations?
 - Is there a role for a “use it or share it” principle?
 - Others?