

**Before the  
DEPARTMENT OF COMMERCE  
National Telecommunications and Information Administration**

Implementation Plan for the National Spectrum Strategy

**COMMENTS OF WISPA – *BROADBAND WITHOUT BOUNDARIES***

WISPA – *Broadband Without Boundaries* (<http://www.wispa.org>) is pleased to offer its Comments on how the National Telecommunications and Information Administration (“NTIA”) can implement the National Spectrum Strategy (“Strategy”) released on November 13, 2023. The Notice of Opportunity for Public Input invites public comment on implementing the Strategy “with a focus on the next 1-3 years, as such inputs allow NTIA and other federal agencies to benefit from expertise and viewpoints outside the federal government.”<sup>1</sup> WISPA appreciates NTIA’s transparency and its strong interest in receiving public input on the Strategy.

**Introduction**

On April 17, 2023, WISPA submitted Comments with respect to the development of the Strategy, urging NTIA “to prioritize the need to repurpose and share spectrum to help bridge the digital divide that separates rural and disadvantaged communities from the benefits of affordable broadband access.”<sup>2</sup> WISPA identified a number of spectrum bands that could be made available for commercial allocation, in some cases under a model in which Federal and non-Federal users share spectrum through a variety of techniques.

On November 13, 2023, NTIA released the Strategy, and the White House released a corresponding Presidential Memorandum (“Memorandum”). Section 4 of the Memorandum requires that “NTIA, in coordination with the [Interagency Spectrum Advisory] Council, and

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<sup>1</sup> Notice of Opportunity for Public Input, 88 Fed. Reg. 85266 (Dec. 7, 2023).

<sup>2</sup> Comments of WISPA, Docket No. 230308-0068 (filed Apr. 17, 2023), at 1 (“WISPA Comments”).

after seeking to collaborate with FCC, shall publish an Implementation Plan for the Strategy. The Implementation Plan shall include a schedule for detailed studies of the pipeline bands identified in the Strategy to be completed within 2 years of the submission of the Strategy or, in the case of proposals by agencies to conduct studies under the Spectrum Pipeline Act of 2015 (Public Law 114-74), within 2 years of the date of receipt of funding.”

### **Discussion**

In its Comments, WISPA provided specific recommendations on an implementation plan, and suggested that NTIA establish the following goals for the first 12-24 months following adoption of the Strategy:

- Resolve as expeditiously as possible the FCC’s 5.9 GHz proceeding;
- Open 500 megahertz of licensed spectrum in the 10 GHz band for point-to-point secondary use on a shared basis with federal and amateur users as described in the Coalition Petition;<sup>3</sup>
- Schedule multiple public listening sessions and roundtables among stakeholders on the best approaches to implementing the near-term elements of the Strategy;
- Solicit public comment on initial draft plans for spectrum transition in bands identified for near term reallocation or enhanced use;
- Initiate a comprehensive spectrum occupancy audit covering both federal and non-federal users;
- Establish methods to encourage flexible leasing, sale or disaggregation methodologies for licensed spectrum with light touch regulation for unserved and underserved geographic areas and with unused spectrum being made opportunistically available for near-term use with appropriate protections; and
- Value newly allocated bands to maximize their potential service to the public and not only valued based on their potential auction revenue.<sup>4</sup>

WISPA maintains that these tasks remain important aspects of implementing a transparent process that will help NTIA meet the strategic objectives outlined in the Strategy.

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<sup>3</sup> See *infra*, pp.7-8.

<sup>4</sup> WISPA Comments at 40.

## **Pillar One**

The Strategy identifies three objectives in Pillar One, with a time frame for implementing the Strategy spanning the next three years: (1) ensuring sufficient spectrum access to support Federal agency missions; (2) ensuring spectrum resources are available to support private sector innovation, and (3) maintaining the spectrum pipeline by applying guiding principles and leading program management practices to identify additional bands for study. With respect to the first strategic objective, WISPA believes NTIA has accurately identified the elements it should consider in assessing the spectrum resources allocated to Federal agencies and whether that spectrum can be used more efficiently and effectively.<sup>5</sup> As noted, “Federal operations often do not fully occupy their spectrum assignments at all times; however, the nature of an agency’s mission may require constant *availability* of a spectrum assignment for immediate use.”<sup>6</sup> WISPA strongly agrees with this, as placing an emphasis on availability invites broader use of dynamic sharing techniques across the time, frequency and geography dimensions, making it far easier to introduce innovative commercial uses.

With respect to the second and third strategic objectives, WISPA is pleased to provide its recommendations with respect to three of the bands – the Lower 3 GHz (3.1-3.45 GHz) band, the 7125-8400 MHz band and the 37.0-37.6 GHz band.<sup>7</sup> WISPA acknowledges that “[i]dentifying this quantity of spectrum is based (in part) on recognizing that the United States must now invest time and resources into studying spectrum bands that are more encumbered and complex than in

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<sup>5</sup> See Strategy at 4.

<sup>6</sup> *Id.* (emphasis in original).

<sup>7</sup> Strategy at 6-7.

the past.”<sup>8</sup> However, by methodically assessing the needs of the Federal government and ways in which spectrum can be used more efficiently through compression and modulation technology,<sup>9</sup> relocation and sharing techniques, this investment is necessary to implement successfully the entirety of the Strategy. In the short-term, more than 700 megahertz of spectrum can be made available for commercial purposes to support rural broadband deployment, the Internet of Things and other uses and applications. That said, the Strategy unfortunately did not identify an additional 500 megahertz in the 10.0-10.5 GHz band as potentially usable for point-to-point services to support last-mile and other services. As discussed below, WISPA’s Comments ask that NTIA include this band for further study in the short-term.

***Lower 3 GHz (3.1-3.45 GHz Band)***

In its Comments, WISPA identified the 3.1-3.45 GHz band as “a prime candidate for allocation of 350 megahertz of spectrum” and urged that “the entire band should be made available on a non-exclusive, shared basis with federal users, with appropriate interference protection standards enforced by an AFC system or similar dynamic frequency coordination system that restricts use in and around federal operations and maintains confidentiality where national security interests require.”<sup>10</sup> Noting the interests of the Department of Defense (“DoD”),<sup>11</sup> WISPA asked that this band be studied for shared use in the short-term.<sup>12</sup>

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<sup>8</sup> *Id.* at 7.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> WISPA Comments at 10.

<sup>11</sup> *Id.*

<sup>12</sup> *See id.* at 2.

WISPA is pleased that the Strategy identifies this band for “in-depth study in the near term.”<sup>13</sup> The Strategy explains that “DoD determined that sharing is feasible if certain advanced interference-mitigation features and a coordination framework to facilitate spectrum sharing are put in place.”<sup>14</sup> Assistant Secretary Alan Davidson has stated in testimony before the House Energy & Commerce Committee that “there’s no easy answers here,”<sup>15</sup> adding that [w]e felt this band was too important to give up on.”<sup>16</sup>

DoD’s report has not been made available to the public. However, there is no need to wait until DoD, NTIA and other governmental agencies determine whether NTIA can make the entire 350 megahertz available on a commercial basis. NTIA Administrator Davidson testified that the DoD report indicated that sharing of this band would take time. But, in his testimony, he also made clear that “we didn’t want to give up on that band. And that’s why you’re seeing the follow-on studies in the national spectrum strategy. And you’re seeing us really redouble our efforts to make sure that we do two different things. Look at spectrum sharing in the band and how we could do that. And also look at whether there’s possibility of relocating some systems.”<sup>17</sup> These efforts, then, will not be achievable in the short-term.

WISPA believes that further study may show that it will be possible for Federal and commercial users to share some portion of the 3.1-3.45 MHz band. If further study demonstrates that any subset of the band can be allocated for non-Federal purposes and responsibly shared, NTIA should make that spectrum available for commercial use as soon as practical. That could

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<sup>13</sup> Strategy at 6.

<sup>14</sup> *Id.*

<sup>15</sup> Transcript of Testimony of Alan Davidson (“Davidson Testimony”).

<sup>16</sup> *Id.*

<sup>17</sup> Davidson Testimony.

lead to “accelerated access to the band for commercial purposes to support, among other things, expanded rural broadband deployments, without the need and expense of clearing federal incumbents and relocating their operations to another band.”<sup>18</sup> Undoubtedly, the proximity of this band to the CBRS spectrum that many WISPA members are using today to serve consumers in rural and other areas will ensure fast and intensive deployment as soon as appropriate technical and operating rules can be adopted. NTIA should expedite whatever additional study it believes may be necessary and conclude such study by December 2024. If this additional NTIA study indicates that the Federal government can share any portion of the 3.1-3.45 GHz band with commercial operations under a dynamic coordination framework, then within four months following that determination, the Federal Communications Commission (“FCC”) should initiate a rulemaking proceeding to facilitate the allocation and sharing of the identified portions of the band.

#### ***7125-8400 MHz Band***

The Strategy indicates that the 7125-8400 MHz band “will be studied for wireless broadband use (on a licensed and/or unlicensed basis), though some sub-bands eventually may be studied for other uses.”<sup>19</sup> As with the 3.1-3.45 GHz band, NTIA should consider whether certain portions of the band can be shared with commercial users before sub-bands requiring more study can be made available due to the “variety of mission-critical Federal operations in the band.”<sup>20</sup> In particular, and as discussed in WISPA’s Comments,<sup>21</sup> the 125 megahertz at 7125-7250 MHz is a prime candidate for short-term availability and can be combined with the existing

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<sup>18</sup> WISPA Comments at 10.

<sup>19</sup> Strategy at 6.

<sup>20</sup> *Id.*

<sup>21</sup> *See* WISPA Comments at 10-11.

6 GHz band for unlicensed low-power use. NTIA should continue to study the remainder of the band to determine whether, how and to what extent the Federal government can share other sub-bands.

### ***37-37.6 GHz Band***

This band already has been allocated for shared use, so as WISPA recommended,<sup>22</sup> the next step should be for NTIA and the FCC to develop a coordinated sharing approach to make this 600 megahertz of spectrum available under the “co-equal, shared-use framework.”<sup>23</sup>

### ***10.0-10.5 GHz Band***

WISPA is disappointed that NTIA did not identify this band for further study, and asks that NTIA carefully study the proposal in the Coordinated Sharing Coalition’s Petition for Rulemaking<sup>24</sup> that would make this 500 megahertz available for coordinated, point-to-point use.<sup>25</sup> As discussed in the WISPA Comments, “over the last decade, the FCC has made thousands of megahertz of spectrum available for last-mile use, but that there is a shortfall of point-to-point spectrum available for backhaul to support last-mile use, especially in rural areas where fiber is either unavailable or overly expensive, or where the logistics of fiber deployment are very difficult.”<sup>26</sup> WISPA appreciates that there are Federal users in this band, and that the interference environment needs to be better understood. Given the need for backhaul for rural broadband and for other uses, WISPA respectfully requests that NTIA commence a study of the band immediately and invite stakeholder input and engagement with NTIA and DoD, so that

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<sup>22</sup> *See id.* at 11.

<sup>23</sup> Strategy at 7.

<sup>24</sup> *See* Petition for Rulemaking of the Coordinated Sharing Coalition (filed Oct. 4, 2022) (“Coalition Petition”).

<sup>25</sup> *See* WISPA Comments at 9.

<sup>26</sup> *Id.* at 7.

NTIA can better understand the density and extent of use. Beginning a study of the band in the near-term that is open to public comment would be consistent with the Strategy’s objective that “spectrum assessments by the U.S. Government should be guided by certain enduring principles that facilitate a comprehensive, documented, and appropriately transparent, end-to-end process for evaluating incumbent and potential new or different Federal and non-Federal spectrum uses.”<sup>27</sup>

## **Pillar Two**

When implementing the near-term Strategy over the next few years, NTIA also should begin to establish the processes for long-term planning consistent with the objectives discussed in Pillar Two. As the Strategy describes, NTIA has made considerable progress by establishing advisory groups and developing the revised Memorandum of Understanding with the FCC.<sup>28</sup> Review and development of spectrum resources, however, is still a largely *ad hoc* process that may vary significantly from band to band. WISPA thus supports the continued development of an “architecture for a new collaborative framework”<sup>29</sup> as proposed in the Strategy, but strongly urges NTIA to develop and implement a regular, standardized assessment of spectrum resources, featuring a clear decision-making process adhering to predictable timelines.

NTIA has the opportunity to create a dependable pipeline. The WISPA Comments recommended a number of factors that NTIA should adopt as it establishes a long-term spectrum strategy,<sup>30</sup> namely: (1) conduct an audit of actual spectrum use by Federal and commercial users, (2) consider the age and design of existing equipment, and whether it can be made more

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<sup>27</sup> *Id.*

<sup>28</sup> Strategy at 9-10.

<sup>29</sup> *Id.* at 10.

<sup>30</sup> See WISPA Comments at 18-23.

efficient with better receiver standards, (3) focus on spectrum sharing where Federal users cannot be cleared, and auction designs that do not require a monetary threshold that dictates a particular auction design, and (4) collaborate with the FCC to compare timelines and costs for clearing in contrast to sharing, and implement sharing when spectrum can be made available much faster or at much lower costs. By creating a more regular, predictable long-term process incorporating these factors, the Strategy could work one of the most significant changes in spectrum policy since the implementation of auctions.

In addition to the implementation proposals WISPA advanced in its Comments, WISPA also applauds the Memorandum's establishment of the Interagency Spectrum Advisory Council "to serve as the principal interagency forum for heads of agencies to advise NTIA on spectrum policy matters and to ensure that all decisions made by NTIA take into consideration the diverse missions of the Federal Government."<sup>31</sup> Working with industry stakeholders, this Council can "establish a national spectrum planning process that better incorporates future, as well as near- and mid-term, spectrum needs into the decision-making process."<sup>32</sup>

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<sup>31</sup> Memorandum, Section 2.

<sup>32</sup> Strategy at 10.

## **Conclusion**

WISPA asks NTIA to implement the National Spectrum Strategy as discussed above in order to realize the strategic objectives NTIA has established. WISPA looks forward to further engagement on these important issues.

Respectfully submitted,

**WISPA –  
*BROADBAND WITHOUT BOUNDARIES***

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