

WASHINGTON SIEC AGENDA SUBMITTAL

Meeting: October 15, 2020

Submittal to the SIEC regarding 4.9 GHz.

In 2002, the Federal Communications Commission (FCC) allocated 50 megahertz of spectrum in the 4940-4990 MHz band (4.9 GHz band) for fixed and mobile services (except aeronautical mobile service) and designated this band for use in support of public safety.

On September 9, 2020, the FCC released a Sixth Report and Order and Seventh Further Notice of Proposed Rulemaking for tentative consideration at the Commission's September 30, 2020 open meeting.

The following excerpt from the FCC document summarizes the action being considered.

Background: Nearly two decades ago, the Commission designated the 4.9 GHz (4940-4990 MHz) band for use in support of public safety. Today, the 4.9 GHz band remains underused outside of major metropolitan areas, with stakeholders citing high equipment costs and limited availability of broadband equipment, among several barriers to its use. Currently, access to the 4.9 GHz band is restricted to certain entities and use of the spectrum is limited to public safety purposes. Licensees do not receive exclusive use licenses for the spectrum but rather operate pursuant to a coordination framework for shared use of the band. Although nearly 90,000 public safety entities are eligible under our rules to obtain licenses in the band, there are only 3,559 licenses currently issued to 2,090 individual licensees.

In March 2018, the Commission released a Sixth Further Notice of Proposed Rulemaking seeking comment on ways to stimulate expanded use of and investment in the 4.9 GHz band, including allowing licensees the flexibility to engage in spectrum leasing and broadening existing eligibility requirements.

What the Order Would Do:

- Permit one statewide 4.9 GHz band licensee per state (the State Lessor) to lease some or all of its spectrum rights to third parties, including commercial, critical infrastructure, and other users, thus making up to 50 megahertz of mid-band spectrum available for more intensive use;
- Treat single statewide licensees as the default State Lessor and require states with multiple statewide licensees to select one of those entities as the State Lessor
- Eliminate the requirement that leased spectrum must be used to support public safety and permit the State Lessor to lease spectrum rights for public safety or non-public safety purposes; and
- Require lessees to adhere to the same informal coordination required of existing licensees.

What the Further Notice Would Do:

- Propose a new set of licensing rules, including making permanent the freeze on new applications implemented on September 8, 2020 and grandfathering all current public safety licensees;
- Propose to allow states without a statewide license to obtain such a license;
- Seek comment on the creation of a voluntary State Band Manager to coordinate and authorize new public safety operations as well as the State Band Manager's authority and responsibilities; and

- Seek comment on additional ways to implement and facilitate robust use of the leasing framework, including the use of dynamic spectrum sharing and encouraging collaboration across jurisdictions.

Recent Action:

On September 30, 2020 at their open meeting, the FCC approved a report and order that would allow states to lease 4.9 GHz spectrum to commercial entities despite strong opposition from public safety.

The report and order adopts a voluntary leasing framework for the 50 megahertz of spectrum in the band in an attempt to increase use of the band. Under the proposal, eligible states would have the opportunity to lease some or all of their spectrum to commercial or critical infrastructure entities.

Each state that chooses to lease spectrum will designate a single statewide 4.9 GHz licensee as the state lessor. The state lessor would then have the ability to lease the spectrum to entities for non-public-safety operations. The proposal grandfathers existing public-safety licensees into the band, but those licensees cannot modify their licenses if it would expand their operations.

The report and order would also permit the state lessor to engage in non-public safety operations entitling it to the same usage rates as its lessees.

Who should manage the 4.9 GHz band for Washington State?

At present, there are approximately 178 existing WA Licenses with unknown future needs and programs.

Under RCW 43.105.331, the SIEC coordinates and manages the state-designated and state-licensed radio frequencies. However, lacking funding and staff, managing spectrum has been delegated to the individual agencies on behalf of the SIEC.

Priority of the spectrum needs to remain with public safety and commercial use should not be allowed.

If managing this additional spectrum for public safety and in a manner that supports generating revenue from commercial users, this program will need to be managed by a state entity that can accept revenue, establish budgets / spending criteria, and create / manage fee schedules. Furthermore, funds generated by this program will need to be made available for mission critical communications and programs under SIEC oversight.

The SAW Group believes issues will evolve creating new and unexplored landscape for the state. However, if action is not immediately taken to centralize the management of this spectrum, the alternative is not having it available for the public safety uses which have been in place for some time.

The SAW Group recommends the SIEC immediately accept the role of 4.9 GHz Spectrum Licensee and the statewide public safety purview of this spectrum.

The SAW Group further recommends SIEC establish a 4.9 GHz review committee, similar to the existing FCC structured Region 43 RPC to review and approve spectrum applications.