ITIF | INFORMATION TECHNOLOGY & INNOVATION FOUNDATION

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COMMENTS OF ITIF

Before the

National Telecommunications and Information Administration

Washington, D.C.

In the Matter of:

Implementation of the National Spectrum Strategy

December 20, 2023

INTRODUCTION AND SUMMARY

ITIF appreciates the opportunity to respond to the Notice of Opportunity for Public Input regarding Implementation of the National Spectrum Strategy (NSS).[1] The NSS is an opportunity to shore up American leadership in the development and deployment of wireless technologies. It can ultimately benefit both the critical missions of federal agencies, the economic strength of the United States, and consumers of wireless services.

STUDIES SHOULD FOCUS ON MAXIMIZING COMMERCIAL USE

The implementation plan should ensure studies prioritize opening spectrum for commercial use. It should, therefore, require the cooperation of federal incumbents in identifying actual capacity needs, technological upgrades that could reduce capacity needs, and alternative spectrum that agencies could use. The Strategy will be a failure if agencies resist change rather than being active collaborators in opening spectrum to commercial users.

Specifically, the studies should contain exact technical and financial requirements for clearing the band, dynamic sharing, and non-dynamic time, frequency, or geographic sharing. Including these details will enable NTIA to serve the public interest of commercial spectrum use while also providing the information necessary to protect (or even enhance) federal missions throughout the process. NTIA should be able to proceed directly from studies to implementation of a reallocation plan rather than having surprise technical obstacles arise later.[2]

STUDIES SHOULD EVALUATE RECEIVER PERFORMANCE

In some cases, higher-performing receivers can reduce interference conflicts and, therefore, facilitate both commercial use and the resiliency of federal missions. NTIA should work with agencies to identify the performance levels of radio receivers used by federal agencies and the industries they regulate. This evaluation should especially focus on whether receivers are sufficiently filtering transmissions from adjacent bands such that they could operate without interference from, e.g., full-power mobile transmissions.

In the past, insufficient knowledge of receiver performance has led to agencies' late obstruction of FCC spectrum decisions.[3] Even if agencies do not immediately remedy poorly filtered receivers, the knowledge that they are in the field will inform spectrum allocation decisions.[4] Paying for technical improvements necessary to allow commercial use is a routine part of spectrum reallocation, but detailed knowledge of the current state of play is a prerequisite to that.

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[1] Founded in 2006, ITIF is an independent 501(c)(3) nonprofit, nonpartisan research and educational institute—a think tank. Its mission is to formulate, evaluate, and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress.

[2] Joe Kane et al., (Filling Gaps in US Spectrum Allocation: Reforms for Collaborative Management," (ITIF, Feb. 2023) https://itif.org/publications/2023/02/27/filling-gaps-in-us-spectrum-allocation-reforms-for-collaborativemanagement/.

[3] *Id.*

[4] *Id.*

The FCC has undertaken an effort to define and standardize receiver performance criteria for spectrum use under its jurisdiction.[5] NTIA should include a similar effort for federal spectrum as part of the implementation of the NSS.

THE PRESIDENTIAL MEMORANDUM'S COUNCIL SHOULD NOT OVERSHADOW THE IRAC

The Presidential Memorandum creates an Interagency Spectrum Advisory Council (ISAC) "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." This mission is similar to the role of the Interdepartment Radio Advisory Committee (IRAC) which provides "spectrum management and policy advice from Federal government experts."[6] The ISAC could be valuable if it undertakes the information gathering and technical analysis suggested above. Indeed, part of what it means to consider the diverse missions of federal agencies is to ensure they dovetail with each other and with broader federal policies. This task can only be achieved by close coordination and continuous, evidence-based evaluation of actual spectrum needs alongside alternative means of accomplishing the same mission and alternative uses for any given frequency.

NTIA should be careful, however, not to undermine the IRAC. Indeed, IRAC is already an available forum for agencies to present their interests to NTIA. NTIA is to exercise its own judgment in determining how to advise the president about what spectrum policy is in the interest of the United States.[7] Therefore, while the ISAC and IRAC will provide a greater voice to agency concerns, NTIA should not be swayed to bias its advice in favor of those concerns.

Thank you for your consideration.

Joe Kane
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[5] "Promoting Efficient Use of Spectrum & Opportunities for New Services" Federal Communications Commission, Policy Statement (ET Docket No. 23-122, April 2023) https://www.fcc.gov/document/promoting-efficientuse-spectrum-opportunities-new-services.

[6] "IRAC" National Telecommunication and Information Administration, https://www.ntia.gov/category/irac.

[7] 47 U.S.C. 902(b)(2).