



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC

May 13, 2020

Mike O’Rielly
Commissioner

The Honorable Adam Smith
Chairman
Committee on Armed Services
U.S. House of Representatives
2216 Rayburn House Office Building
Washington, DC 20515-6035

The Honorable William M. “Mac” Thornberry
Ranking Member
Committee on Armed Services
U.S. House of Representatives
2216 Rayburn House Office Building
Washington, DC 20515-6035

Dear Chairman Smith, Ranking Member Thornberry, and Member Signatories:

Thank you for your recent letter. The Commission’s decision involving the L-Band license modification has generated considerable attention. As with all Commission matters, I remain open to reconsidering the decision if presented with new and convincing evidence and data.

Here are my answers to the specific questions posed:

1. I am not aware of a separate legal analysis prepared by the Commission on the specific provision referenced in the National Defense Authorization Act for Fiscal Year 2017. The Commission’s license modification order extensively addresses the concerns in the record, including those raised by the national security community, regarding harmful interference that allegedly could arise from the applicant’s petition, as well as potential mitigation mechanisms. Therefore, it should meet the applicable statutory requirements.
2. No. As you can imagine, classified briefings are currently more difficult given the ongoing COVID-19 pandemic. As a general matter, executive branch departments and agencies offer briefings to Commissioners as they deem appropriate. No such offer for a briefing was extended to me in this instance. However, the Commission’s order discusses all information provided by the federal departments and agencies to the Commission at length, including the Department of Transportation’s study. Pursuant to the opinion and recommendation of the experts within the Commission’s Office of Engineering and Technology, the International Bureau, and the Wireless Telecommunications Bureau, the study and available data were assigned appropriate weight and consideration in the license modification order.
3. Not applicable.

I hope these answers are responsive to the Committee’s inquiry and would respectfully request that a copy of my letter be provided to the other Member signatories of your original letter, per staff discussions. As soon as possible, I will have both your original letter and this response posted to the Commission’s public website.

Sincerely,

Michael O’Rielly