

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	
)	
Upper C-band (3.98 to 4.2 GHz))	GN Docket No. 25-59
)	

REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS

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February 18, 2026

TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	1
II.	THE UPPER C-BAND AUCTION SHOULD BE LIMITED TO 100 MHZ.....	2
III.	INCUMBENTS MUST BE HELD HARMLESS	4
IV.	CAUTION, SEQUENCING, AND RELIABILITY ARE ESSENTIAL	8
V.	CONCLUSION	10

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I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ submits its reply comments in the above-captioned Notice of Proposed Rulemaking.² The record confirms what NAB has consistently emphasized: Upper C-band is mission-critical to broadcasting and is already operating at its practical limit.³ While NAB recognizes that the Commission is required by statute to auction at least 100 MHz of Upper C-band spectrum, nothing in the statute requires clearing or auction beyond that minimum.⁴ The weight of the record supports setting the auction goal at 100 MHz. In conducting the mandated auction, the Commission must ensure that broadcast customers are fully protected and bear no harm throughout the transition.

¹ The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² FCC Notice of Proposed Rulemaking, *Upper C-band (3.98–4.2 GHz)* GN Docket No. 25-59, 90 Fed. Reg. 56076 (Dec. 5, 2025) (NPRM).

³ See, e.g., NAB Comments (January 20, 2025).

⁴ Pub. L. No. 119-21, § 40002(b)(2), 139 Stat. 72 (2025) (One Big Beautiful Bill or OBBB Act).

Two other major stakeholders in this proceeding – the satellite operators and the aviation industry – agree that clearing any portion of the Upper C-band will require significantly longer timelines than the Lower C-band transition. Even pro-clearing commenters acknowledge that any reallocation must include robust incumbent protections and prompt, full reimbursement of transition costs. The Commission cannot responsibly pursue clearing any portion of the Upper C-band in the public interest without first ensuring that incumbents can continue delivering the same services with the same reliability, scale, and resilience on which broadcasters and the public have long depended.

If any C-band users are transitioned to other bands or platforms, the Commission must ensure that those users retain connectivity commensurate with the reliability, coverage, and capability inherent in C-band operations. Any transition of incumbent services in the Upper C-band will be dramatically more complex and expensive than with the Lower C-band. Even with a carefully engineered transition plan, incumbents will face material disruption. An aggressive transition, by contrast, risks systemic harm and interruption of broadcast services. The Commission should apply the lessons learned from the prior transition to manage this process carefully and deliberately.

II. THE UPPER C-BAND AUCTION SHOULD BE LIMITED TO 100 MHZ

Viewed as a whole, the record in this proceeding does not support clearing more than the statutory minimum of 100 MHz. Outside of the insatiable nationwide wireless carriers and a small subset of proponents focused on speculative future uses, commenters overwhelmingly caution that additional clearing would jeopardize broadcast distribution, increase systemic risk, and undermine public-interest services. The wireless carriers repeatedly argue that the Commission should maximize the amount of Upper C-band

spectrum made available for terrestrial use.⁵ Notably, commenters advocating for clearing beyond 100 MHz do not explain how such action would preserve incumbents' ability to provide substantially the same service. Congress did not direct the Commission to maximize auctionable spectrum at the expense of existing infrastructure. To the contrary, Congress directed the Commission to auction at least 100 MHz;⁶ it did not repeal or modify the Commission's longstanding obligations under Section 316 to promote the public interest, convenience, and necessity while modifying licenses underpinning a functioning, relied-upon distribution system where the record shows the costs would far outweigh any incremental benefit.

The record overwhelmingly supports NAB's showing that the existing Upper C-band spectrum is optimized and operating with minimal headroom, leaving little capacity for further clearing without degrading service.⁷ Broadcast service providers, engineering organizations, MVPDs, and satellite operators consistently explain that the post-2020 repack essentially exhausted available efficiency gains and that the Upper C-band spectrum represents the functional floor for reliable national video distribution — not excess capacity.⁸ Numerous commenters warn that clearing beyond the statutory minimum risks degrading broadcast reliability, increasing fragility in the system, and undermining services the public depends

⁵ See, e.g., Comments of Verizon, GN Docket No. 25-59 at 2 (Jan. 20, 2026), Comments of T-Mobile, GN Docket No. 25-59, at 2 (Jan 20, 2026), Comments of CTIA, GN Docket No. 25-59, at 6 (Jan. 20, 2026).

⁶ OBBB Act, *supra*.

⁷ Comments of NAB, GN Docket No. 25-59, at 2 (Apr. 29, 2025).

⁸ See, e.g., NAB comments GN Docket No. 25-59, at 4 (Apr. 29, 2025); Society of Broadcast Engineers Comments, GN Docket No. 25-59, at 3 (Jan. 20, 2026); Comments of PSSI Global Services, GN Docket No. 25-59, at 27 (Jan 20, 2026); ACA Connects, GN Docket No. 25-59, at 5 (Jan. 20, 2026); Cunningham Communications, GN Docket No. 25-59, at 6 (Jan. 20, 2026).

upon daily.⁹

Even with the loss of 100 MHz of spectrum, repacking will inevitably cause some disruption to incumbent users in part because compressing services into less spectrum creates a Tetris-like problem.¹⁰ But repacking all or most users within C-band will be far less disruptive than forcing incumbents out of C-band into other satellite spectrum or alternative platforms. As NAB previously commented,¹¹ satellite operators and broadcast users have substantial, practical experience with the mechanisms necessary to accomplish repacking, such as filter installations and antenna repointing, and the Lower C-band transition provides a roadmap for managing such a process. Conversely, relocation out of C-band presents far greater uncertainty. The costs to transition may be many multiples higher,¹² and timelines to transition could extend a decade or more.¹³ NAB agrees with Eutelsat and others that clearing larger amounts of C-band becomes increasingly complex, costly, and disruptive.¹⁴

III. INCUMBENTS MUST BE HELD HARMLESS

Across the record, commenters emphasize the need to protect critical incumbent operations and carefully ensure coexistence before terrestrial use is expanded.¹⁵ Virtually all

⁹ See, e.g., Comments of PSSI, GN Docket No. 25-59 at 38 (Jan. 20, 2026), Comments of ACA Connects, GN Docket No. 25-59, at 18 (Jan 20, 2026), Comments of CTIA, GN Docket No. 25-59, at 6 (Jan. 20, 2026).

¹⁰ In this context, the “Tetris problem” is an idiomatic reference to the classical bin-packing problem and refers to a lack of idle C-band spectrum to which incumbent users can be temporarily relocated while use of the remaining spectrum is optimized.

¹¹ Comments of NAB, GN Docket No. 25-59, at 3 (Jan. 20, 2026).

¹² *Id.* at 4.

¹³ Comments of Aerospace Industries Association, *et al.*, GN Docket No. 25-59, at 16 (Jan. 20, 2026) (Joint Aviation Comments); FAA NPRM 2026-00051 Table 5, 91 Fed. Reg. 472 (Jan. 7, 2026).

¹⁴ Comments of Eutelsat Communications S.A. GN Docket No. 25-59, at 9 (Jan. 20, 2026).

¹⁵ See, e.g., Comments of Boeing, GN Docket No. 25-59, at 17 (Jan. 20, 2026).

commenters agree that any transition must include appropriate reimbursement mechanisms for incumbent users. NAB agrees absolutely with this recommendation but it must not be constrained or limited. CTIA and others self-servingly assert that broadcasters can rely on IP, fiber, Ku-band, or compression technologies to replace C-band capacity.¹⁶ As discussed above, the record squarely contradicts this assertion. Broadcasters, MVPDs, and satellite operators explain that these alternatives are neither universally available nor functionally equivalent, particularly for point-to-multipoint distribution, rural service, and live event coverage.¹⁷

The Communications Act simply does not permit the Commission to substitute theoretical alternatives for actual continuity of service.¹⁸ Incumbents must retain the ability to provide “substantially the same service,” not merely access a different technology that performs adequately under ideal conditions. The Commission has long recognized that Section 316 does not permit license modifications that effect a “fundamental change” in a licensee’s authorization.¹⁹ Section 316 permits license modification, but not fundamental alteration of the essential rights conveyed by an FCC authorization. A reallocation that eliminates the practical ability to provide satellite-based distribution, or forces migration to non-satellite platforms, would exceed permissible modification and constitute a fundamental

¹⁶ Comments of CTIA at 13.

¹⁷ See, e.g., Comments of ARCTEK, GN Docket No. 25-59, at 2 (Jan. 20, 2026); Comments of NCTA, GN Docket No. 25-59, at 6–7 (Jan. 20, 2026); Comments of SES, GN Docket No. 25-59, at 5–6 (Jan. 20, 2026).

¹⁸ 47 U.S.C. § 316.

¹⁹ 47 U.S.C. § 316; *PSSI Global Servs. L.L.C. v. FCC*, 983 F.3d 1, 9-10 (D.C. Cir 2020) (affirming *Community Television, Inc. v. FCC*, 216 F.3d 1133, 1141-1142 (D.C. Cir 2000) in which it “reasoned that the licenses were not fundamentally changed because broadcasters would “begin and end the transition ... under very similar terms” and would “provide essentially the same services” before, during, and after the transition.”)

change. Following precedent, the Lower C-band Order repeatedly stated that incumbents would be provided “substantially the same service,” which must again be assured.²⁰

NAB agrees with LTN and others that reimbursement is appropriate and necessary even where alternative distribution technologies (non-satellite) are deployed.”²¹ Additionally, numerous small businesses — particularly occasional use and temporary earth station operators — demonstrate that the Commission’s prior treatment of transmit-only and temporary earth stations failed to reflect operational reality.²² These small businesses were effectively or entirely excluded from interference protection despite their reliance on the same C-band downlink spectrum as receive-only and transmit/receive facilities. NAB agrees with ACA, Cunningham, ARCTEK, PSSI, and others that the Commission must lift its “temporary” freeze on C-band applications — which is hardly temporary having already been in place for some eight years — to allow a brief opportunity for longstanding, operating C-band facilities to register for interference protection.²³ With appropriate restrictions to target earth stations that are actually operating, say, as of July 4, 2025, as suggested by ACA,²⁴ NAB believes that the number of eligible applicants would be modest and their inclusion would not materially affect the auction.

In past spectrum reallocations, the Commission ensured that incumbent users were held harmless. The record underscores that the prior reimbursement framework — requiring

²⁰ Lower C-band Order, 35 FCC Rcd at 2409-10.

²¹ See, e.g., Comments of LTN Global Communications, GN Docket No. 25-59, at 17–19 (Jan. 20, 2026).

²² Comments of ARCTEK, *op cit.*, at 1; Comments of PSSI comments, *supra*, at 9, 13.

²³ See, e.g., *ex parte* letter from Max Staloff, ACA Connects to Marlene H. Dortch, GN Docket No. 25-59 at 2 (Nov. 23, 2025); Comments of Cunningham Communications, GN Docket No. 25-59 at 7 (Jan. 20, 2026).

²⁴ ACA *ex parte*, *supra*.

incumbents to front millions of dollars and wait years for repayment — is untenable, especially for small operators. NAB agrees with commenters that the Commission should adopt upfront or direct-pay mechanisms and to recognize business interruption costs as a necessary component of any “comparable facilities” determination.²⁵

Whether or not broadcasters are forced to vacate C-band because more than 100 MHz is auctioned, they must not bear any direct or indirect transition costs. These costs must be borne by auction winners who benefit from the reallocation. As NAB previously commented, the Commission must also ensure that any users relocated out of the C-band retain access to connectivity that fully preserves the unique capabilities of C-band — particularly very high short- and long-term reliability — that their operations require.²⁶ The record consistently demonstrates that claims of “viable alternatives” are overstated, unsupported, and incomplete. IP, fiber, or Ku-band may supplement C-band in limited circumstances, but no one offers a universal, one-for-one replacement capable of delivering the same reliability, coverage, scalability, and resilience nationwide. For example, LTN claims “zero downtime” for the past 15 years²⁷ and lists among its customers several NAB member organizations.²⁸ Discussions with some of those organizations shows that claim to be false, or at least misleading, as there were reports of substantial periods where programming could not be broadcast due to failure of the LTN-designed system.

Terrestrial circuits are vulnerable to physical cuts, congestion, vendor outages, and

²⁵ See, e.g., Comments of ACA at 3.

²⁶ NAB Comments at 5.

²⁷ Comments of LTN Global Communications, GN Docket No. 25-59, at 2 (Jan. 20, 2026).

²⁸ Comments of LTN Global Communications, GN Docket No. 25-59, at Appendix A (Nov. 12, 2025).

first-mile failures, with restoration times measured in hours or days — conditions completely incompatible with broadcast operations. The Commission previously rejected an all-fiber (or nearly all-fiber) deployment as carrying “a bevy of challenges.”²⁹ Ku-band, while a valuable improvement over terrestrial fiber, remains more susceptible than C-band to weather-related degradation and would require years of satellite launches and costly retrofits to approach current C-band reliability. No terrestrial or alternative satellite platform can fully replicate C-band’s reliability, and its unique point-to-multipoint efficiency, which allows a single uplink to serve hundreds or thousands of downstream receivers simultaneously at essentially zero incremental cost as additional receivers are added or changed. The record confirms NAB’s position: The Commission cannot magically assume theoretical alternatives in place of preserving incumbent capability.

IV. CAUTION, SEQUENCING, AND RELIABILITY ARE ESSENTIAL

Aviation manufacturers and safety organizations independently reinforce NAB’s call for measured, evidence-based decision-making in this proceeding. They emphasize that radio altimeters are safety-of-life systems whose protection cannot be treated as an afterthought or mitigated through assumptions about future equipment upgrades.³⁰ They confirm that while spectrum auctions may proceed before spectrum becomes usable, wireless operations cannot commence until incumbent systems are fully upgraded, tested, and certified.³¹ NAB agrees. Similar sequencing principles must apply to incumbent C-band satellite facilities.

²⁹ *In the Matter of Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, FCC 20-22, GN Docket No. 18-12, ¶53, 35 FCC Rcd 2343, (rel. Mar. 3, 2020) (Lower C-band Order).

³⁰ Comments of The Boeing Company, GN Docket No. 25-59, at 17 (Jan. 20, 2026).

³¹ Comments of NTIA, GN Docket No. 25-59, at 5–7 (Jan. 21, 2026).

Many transitions out of C-band will take perhaps a decade to complete and will impose billions of dollars in costs — costs that must be borne by those who benefit from reallocation. Incumbents affected by such unavoidable, lengthy transitions, must not be displaced or have their services downgraded.

The Commission has ample precedent to auction spectrum by the mandated July 2027 deadline, while deferring operational use until incumbent protections are fully in place,³² undermining claims by CTIA and others that immediate clearing is necessary to meet statutory obligations.³³ Importantly, even commenters that support some level of additional clearing concede that any further reallocation must be phased, incentive-based, and carefully engineered.³⁴ Satellite operators warn that clearing beyond limited amounts would require new satellite fleets, extensive ground retrofits, and significantly longer timelines.³⁵ Technology vendors advocating compression and hybrid models concede that such approaches can only be implemented gradually and must preserve extremely high availability thresholds.³⁶ These concessions reinforce NAB's argument that the Commission cannot responsibly pursue aggressive clearing without first ensuring that incumbents can continue to deliver the same services with the same reliability, scale, and resilience the public expects.

The record underscores that the prior reimbursement framework — requiring incumbents to front millions of dollars and wait years for repayment — is untenable, especially

³² See, e.g., Lower C-band Order, *op cit.*; 800 MHz Rebidding Order, 19 FCC Rcd 14969 (2004); and Auction 97 (AWS-3), 29 FCC Rcd 4610 (2014).

³³ Comments of CTIA at 7.

³⁴ See, e.g., Comments of SES at 3; Comments of Synamedia, GN Docket No. 25-59, at 3 (Jan. 20, 2026).

³⁵ Comments of SES, *supra*.

³⁶ Comments of Synamedia, at 2.

for small operators. NAB supports the commenters urging the Commission to adopt upfront or direct-pay mechanisms and to recognize business interruption costs as a necessary component of any “comparable facilities” determination.³⁷ Higher operating costs that may be required to ensure reliability flow directly from reallocation and must also be eligible for reimbursement.³⁸ Holding incumbents harmless requires covering both capital and operating cost impacts.

V. CONCLUSION

The record in this proceeding is clear. Across broadcasters, satellite operators, MVPDs, aviation stakeholders, engineers, and small businesses, commenters consistently warn that further Upper C-band clearing beyond 100 MHz would jeopardize the reliability of the nation’s video distribution infrastructure, impose disproportionate harm on small entities, and undermine services the public relies upon for news, emergency information, and live events.

The Commission should therefore adhere to the statutory minimum of 100 MHz, ensure that all legitimate incumbents are fully protected and made whole, and reject proposals that would sacrifice a functioning, mission-critical ecosystem for speculative gains.

Respectfully submitted,

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³⁷ See, e.g., Comments of ARCTEK at 3.

³⁸ Comments of NCTA at 17; Comments of SBE n.24; Comments of NPR at 5.

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