

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Review of the Commission's Rules Governing)	WT Docket No. 17-200
the 896-901/935-940 MHz Band)	

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its comments in the above-identified proceeding.¹ EWA also is filing comments (“Joint Comments”) in this proceeding jointly with pdvWireless, Inc. (previously Pacific DataVision, Inc.) (“PDV”). The parties previously submitted a Joint Petition for Rulemaking recommending that the 896-901/935-940 MHz Band (“900 MHz Band”) be realigned to provide for a 2/2 megahertz narrowband (896-898/935-937 MHz) and a 3/3 megahertz broadband (898-901/937-940 MHz) allocation.² The realignment proposed in the EWA/PDV Petition is one of the approaches on which the FCC has requested comment in the NOI in which it seeks to ensure that the 900 MHz Band is put to its “best and highest use for the American public.”³ EWA and PDV believe that the proposed realignment will allow Private Enterprise (“PE”), including Critical Infrastructure Industry (“CII”), entities optimal flexibility

¹ Review of the Commission's Rules Governing the 896-901/935-940 MHz Band, WT Docket No. 17-200, *Notice of Inquiry*, 32 FCC Rcd 6421 (rel. Aug. 4, 2017) (“NOI”).

² Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., RM-11738 (filed Nov. 17, 2014) (“EWA/PDV Petition”).

³ NOI at ¶ 18.

by preserving spectrum for continued narrowband use while creating an opportunity for private carrier broadband networks. Except as specifically noted herein, the Alliance fully endorses the positions set out in the Joint Comments.

I INTRODUCTION

EWA is a national trade association representing business enterprises, wireless sales and service providers, hardware and software system vendors, and technology manufacturers, including those that operate on or provide equipment and other services for users of 900 MHz Band spectrum. The Alliance has represented this community for many decades. It is a driver in Private Land Mobile Radio (“PLMR”) initiatives to secure additional spectrum, to make more efficient use of the spectrum allocated for PLMR operations, and to propose FCC rules that will enable PLMR entities to address their wide variety of communications requirements with traditional and/or more advanced technologies, including broadband.

Recognizing that the Commission no longer is inclined to allocate spectrum for discrete categories of licensees, with the exception of public safety, in recent years EWA has redoubled its efforts to promote the intensive use of available PLMR spectrum. For example, it filed a Petition for Rulemaking to create full-power interstitial channels in the 800 MHz band⁴ and worked with The Monitoring Association in developing rules that will allow use of central station channels by other PLMR users.⁵

EWA is firmly convinced that many of its members and other PLMR entities must have access to broadband capability that meets their specialized requirements, whether for coverage,

⁴ See Petition for Rulemaking of the Enterprise Wireless Alliance, RM-11572, filed April 29, 2009; *see also* In the Matter of Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 809-817/854-862 MHz, WP Docket No. 15-32, *Notice of Proposed Rulemaking*, 30 FCC Rcd 1663 (2015).

⁵ See May 8, 2017 *Ex Parte* Comments, WP Docket No. 16-261 filed jointly by The Monitoring Association (formerly the Central Station Alarm Association) and the related Alarm Industry Communications Committee (“AICC”) (collectively “TMA”) and the Land Mobile Communications Council (“LMCC”).

reliability, security, or other factors. Commercial broadband networks provide exceptional service for the consumer marketplace; they do not always conform to the more demanding criteria of PE users.

EWA sought input from its members that operate in the 900 MHz Band with regard to the issues posed in the NOI. These members range from small commercial providers to some of the nation's largest corporations. Not surprisingly, given the variety of incumbent businesses represented in the Alliance's membership, the responses offered a range of opinions. What is clear is that many companies are looking at broadband as one option for addressing an ever-increasing demand for data, including IoT, and other fixed and mobile services. They also recognize that regulations adopted in the mid-1980s to promote adoption of trunking, the advanced PLMR technology of its day, may not be able to support today's advanced broadband technology. It is for these reasons that EWA, along with PDV, have recommended a realignment that will modernize the 30-year old regulatory structure in the 900 MHz Band and allow the deployment of private carrier broadband systems for PE entities.

II RECOMMENDATIONS

As noted above, EWA is in agreement with the positions espoused in the Joint Comments with one exception. That matter is addressed below. The Alliance also has certain matters not raised in those Joint Comments that it wishes to bring to the Commission's attention.

EWA wishes to reaffirm at the outset its conviction that narrowband PLMR systems will continue to play a vital role in addressing the communications requirements of the PE community for the foreseeable future. The introduction of more efficient and feature-rich digital equipment in recent years has allowed American businesses to enjoy enhanced capabilities. This improved functionality enables them to operate more efficiently and competitively.

Nonetheless, the Alliance remains committed to seeing that these businesses also have access to the most advanced technologies, those that are offered as a matter of course to the consumer marketplace. The international migration to broadband cannot be ignored. Broadband not only delivers greater capacity, lower latency, and improved speed, but allows users to enjoy the economies of scale in equipment cost that flow from a robust international marketplace.

Narrowband versus broadband is not an either/or choice, either generically or in the 900 MHz Band. Many PE users have a need for both. EWA has joined with PDV, the primary 900 MHz incumbent, to develop a realignment plan that will allow both types of systems to operate in this band under technical rules designed to protect narrowband operations from harmful interference. The Alliance welcomes constructive, fact-based comments on those proposed technical requirements. However, it cautions against what often is an instinctive incumbent reaction against any changes in the spectrum environment, even changes that promise to benefit the PLMR user community generally. The CII industry, in particular, has been articulate and persistent in explaining to the Commission why commercial broadband networks often fail to meet their specialized requirements.⁶ Given the FCC's clear policy shift away from user-designated allocations, EWA would expect these users to embrace a private carrier broadband option designed specifically to address the unique operating criteria they have identified.

There is one area wherein EWA recommends a somewhat different approach than proposed in the Joint Comments. One primary reason that the Alliance supports 900 MHz Band rule changes is the reality that the Business/Industrial/Land Transportation ("B/ILT") channels

⁶ See, e.g., The Utility Spectrum Crisis: A Critical need to Enable Smart Grids, Utilities Telecom Council, January 2009; see also API, EWA, and UTC Letter to Roger C. Sherman, Acting Chief, Wireless Telecommunications Bureau, dated Feb. 27, 2014, stating "Introducing broadband capability to the 900 MHz band will be complicated but is absolutely necessary if Private Enterprise – in particular critical infrastructure industries – broadband interests are to be met;" see also Comments of UTC – NBP Public Notice #6, GN Docket No. 09-47, filed Oct. 23, 2009 at 9-11; Reply Comments of The American Petroleum Institute – NBP Public Notice #6, GN Docket No. 09-47, filed Nov. 13, 2009.

available on a site- and frequency-specific basis for PE entities remain underutilized in too many parts of the country more than 30 years after allocation. As explained in the Joint Comments, there is a practical explanation for this limited usage. PE users in those areas with a need for narrowband systems often are able to acquire spectrum in lower bands where the equipment choices are greater and frequently less costly.

But it is not sound spectrum policy to continue to leave below 1 GHz spectrum vacant in perpetuity. It is for that reason that the Alliance supports the Joint Comment recommendation that the FCC conduct overlay auctions in the identified markets to award licenses for both broadband and wideband systems. The opportunity to deploy wideband technologies may prove attractive to a variety of PE entities that have IoT or other data requirements that cannot be met on narrowband channels. The proposal would not provide for mandatory relocation of incumbents on spectrum available for wideband use. Incumbents would be free to continue operating narrowband systems unless they came to a voluntary agreement with the auction winner. Additionally, the Joint Comments recommend reserving until 2025 ten narrowband channels, in the event that an incumbent or new entrant has a belated need for narrowband capacity after all these decades.

The one area in which EWA recommends a different approach than proposed in the Joint Comments is the geographic size of the spectrum to be auctioned. Rather than retaining MTAs as the geographic licensing scheme for all 900 MHz Band competitive bidding, the Alliance recommends BEAs as a better option for wideband channel blocks. BEAs have been used in a number of FCC auctions and, in EWA's opinion, are better suited to the coverage requirements of PE entities than are MTAs. As explained in the Joint Comments, there is a fundamental disconnect between the market sizes and spectrum blocks typically used in auctions, which are

designed around consumer-based commercial networks, and the specific capacity and coverage needs of a business enterprise. Nonetheless, the Alliance believes that it is easier for a PE entity to assemble a few BEAs if needed for coverage than it is to dispose of unneeded geography in quite large MTAs.

Finally, and consistent with the FCC’s general policy of adopting flexible allocations, EWA suggests that future rule changes and allocations associated with the Part 90 services err on the side of minimal restrictions on eligibility.⁷ Once channels have been designated in the rules as available for a designated use, it is a laborious, costly, lengthy, and too often futile exercise for “non-eligible” entities seeking access to those channels, even if they are not in use in the requested area and have not been for an extended period. This allows valuable spectrum to lie fallow when it could be placed into productive use.

The designation of spectrum for use by entities that qualify under the Commission’s definition of CII is one example of this issue.⁸ While the entities included in that definition generally track those whose initial applications are exempted from competitive bidding by the Communications Act,⁹ the FCC has used the CII category for purposes of determining eligibility for spectrum even when it is not awarded by auction, and so is not bound by any statutory limitation. Most parties would agree that airlines and certain other industries are “critical” to the day-to-day workings of the American economy (and are equally responsible for the protection of life, health, or property), yet they are not included in the FCC’s CII definition. EWA hopes the FCC will consider carefully what the best use of spectrum might be before designating it exclusively for CII entities as currently identified.

⁷ The Alliance recognizes that spectrum allocated for public safety use will remain so designated. It does urge the FCC to evaluate inter-category sharing waiver requests between Public Safety and Industrial/Business entities on a consistent basis, and to apply the same waiver standards and technical analyses to both.

⁸ 47 C.F.R. § 90.7.

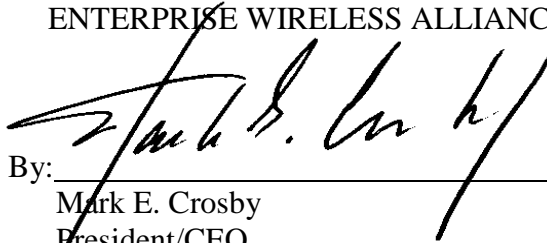
⁹ 47 U.S.C. §309(j)(2).

III CONCLUSION

For the reasons discussed above, EWA urges the Commission to proceed promptly to the next stage in this proceeding and to propose rule changes consistent with the EWA/PDV Petition recommendations for a 900 MHz Band realignment, as modified by the Joint Comments and by the comments herein.

Respectfully submitted,

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