

January 28, 2019

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Notice of Ex Parte Presentation - In the Matter of Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Request for Waiver of the Citizens Broadband Radio Service Transition Deadline - WT Docket No. 18-353*

Dear Ms. Dortch:

Neptuno Media, Inc. d/b/a Neptuno Networks (“Neptuno”), through the undersigned counsel, submits this *ex parte* letter in support of the Petition for Waiver submitted by the Wireless Internet Service Providers Association (“WISPA”) and the Utilities Technology Council (“UTC”) to the Federal Communications Commission (“FCC” or “Commission”).¹ Neptuno is a leading wireless broadband service provider based in Puerto Rico, and a licensee in the 3650-3700 MHz band. The 3650-3700 MHz band is a critical component of Neptuno’s ability to provide reliable broadband service in Puerto Rico, for which reason Neptuno has been an active participant in this proceeding since the release of the Notice of Proposed Rulemaking in 2012.²

Neptuno agrees with WISPA and UTC that the period for grandfathered incumbent licensees originally adopted by the FCC should be expanded in light of the delays in the development of the Spectrum Access System (“SAS”) and other components of the Citizens Broadband Radio Service (“CBRS”) framework, which is set forth in Part 96 of the

¹ Waiver of Sections 90.1307(c) and (d) and Sections 90.1338(a) and (b) of the Commission’s Rules, WT Docket No. 18-353, Petition for Waiver (filed Nov. 28, 2018) (“Petition for Waiver”).

² See generally Amendment of the Commission’s Rules With Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, Comments of Neptuno Networks (filed Feb. 20, 2013); Amendment of the Commission’s Rules With Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, Reply Comments of Neptuno Networks (filed Apr. 5, 2013).

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Commission's rules.³ When the FCC adopted the CBRS licensing framework in 2015, the period for transition for grandfathered incumbent licensees outlined in the Order appeared appropriate to Neptuno because there was a working assumption that there would be sufficient time for the SAS and the Environmental Sensing Capability ("ESC") to be developed and in operation, thus allowing incumbent licensees in the 3650-3700 MHz band to transition to Part 96 compatible equipment with sufficient time and be protected (on a temporary basis) from interference from General Authorized Access ("GAA") operations.

As WISPA and UTC point out in their Waiver Petition, however, as of late 2018 neither the SAS nor the ESC are operational and it is unclear when they will become operational.⁴ This delay has resulted in a lack of certified and commercially available equipment under Part 96, which is essential for a proper transition to the new CBRS framework. Without this equipment, it will be impossible for incumbents like Neptuno to transition to operations under the CBRS framework that are consistent with the Part 96 rules, much less test and install equipment with sufficient time for testing. The delay also threatens to put incumbents like Neptuno in the position of not having incumbent protection from GAA operations (within their grandfathered zones) for a sufficient amount of time when service in the GAA frequencies is deployed.

Incumbent licensees in the 3650-3700 MHz band should not be negatively impacted by delays that were out of their control, or by any gaps that occur between the end of the grandfathering period envisioned by the CBRS Order and the full implementation of the CBRS framework as a result of these delays. The Commission should grant the Waiver Petition submitted by WISPA and UTC and allow grandfathered incumbent licensees in the 3650-3700 MHz Band, such as Neptuno, additional time to transition to the Part 96 Rules.

Please contact the undersigned with any questions.

Sincerely,

/s/ Matthew G. Baker

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³ See 47 C.F.R. § 96.

⁴ Petition for Waiver at 6.