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October 17, 2018

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

Re: **Wireless Internet Service Providers Association
Promoting Investment in the 3550-3700 MHz Band
GN Docket No. 17-258
Unlicensed Use of the 6 GHz Band
ET Docket No. 18-295
Expanding Flexible Use in Mid-Band Spectrum between 3.7 and 24 GHz
GN Docket No. 17-183
Notice of Oral Ex Parte Presentations**

Dear Ms. Dortch:

On October 15, 2018, Claude Aiken, President & CEO of the Wireless Internet Service Providers Association (“WISPA”), and undersigned counsel to WISPA met by telephone with Rachael Bender, Legal Advisor to Chairman Ajit Pai. On October 16, 2018, Messrs. Aiken and Coran met with Will Adams, Legal Advisor to Commissioner Brendan Carr; Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly; and Umair Javed, Legal Advisor to Commissioner Jessica Rosenworcel. These presentations concerned issues in each of the above-referenced dockets.¹ On October 16, 2018, Messrs. Aiken and Coran met with Julius Knapp, Ira Keltz, Aspasia Paroutsas, Kevin Holmes, Karen Rackley, and Nicholas Oros of the Office of Engineering and Technology concerning the *Draft 6 GHz NPRM*.

¹ See *Promoting Investment in the 3550-3700 MHz Band*, Report and Order, GN Docket No. 17-258, FCC-CIRC1810-02 (“*Draft CBRS Order*”); *Unlicensed Use of the 6 GHz Band, et al.*, Notice of Proposed Rulemaking, ET Docket No. 18-295 and GN Docket No. 17-183, FCC-CIRC1810-01 (“*Draft 6 GHz NPRM*”).



Draft CBRS Order

At each meeting with the Legal Advisors, the WISPA representatives reiterated their strong belief that the Commission should auction at least two Priority Access Licenses (“PALs”) in every market according to census tracts. We explained that, while county-based PALs may be acceptable to larger WISPA members, the majority of WISPA members are small broadband providers that would be able to participate in the auction in greater numbers and with better opportunities for success if the Commission auctioned PALs by census tracts. Because many counties contain urban cores where large companies could easily satisfy their build-out obligations, the rural areas surrounding those urban areas would, in many cases, be left unserved with PAL spectrum. By contrast, auctioning census tracts would afford rural broadband providers an opportunity to acquire PALs for targeted rural areas that better fit their business plans and accelerate service to unserved rural Americans.

The WISPA representatives stated their appreciation for the proposed adoption of partitioning and disaggregation of PALs, but noted that large companies generally have been unwilling to make spectrum available to smaller WISPA members in the secondary market. We further supported the proposed adoption of the rural bidding credit and the 15 percent and 25 percent bidding credits for small businesses that demonstrate average gross revenues not exceeding \$55 million and \$20 million, respectively, over the three years preceding the auction, consistent with Sections 1.2110(f)(2)(i)(B) and (C) of the Commission’s rules and proposed Section 96.30.²

At each meeting with the Legal Advisors, we asked the Commission to incorporate Section 1.2110(f)(2)(i)(A) into Section 96.30 to thereby extend a 35 percent bidding credit to bidders that demonstrate average gross revenues not exceeding \$4 million over the three years preceding the PAL auction. There are at least two reasons why making available this bidding credit would be appropriate. First, the 35 percent bidding credit would be available to a majority of WISPA members, especially those that have 5,000 or fewer subscribers. Second, counties (or census tracts) are the smallest geographic units the Commission has authorized for spectrum auctions. Adopting a lower revenue tier of bidding credit would better align the small geographic licenses with the interests of small providers that have historically not been able to bid for spectrum covering CMAs, PEAs, and other larger geographic-sized licenses. Taken together, these two benefits are likely to increase auction participation from smaller providers and make PALs more affordable, thereby enabling more expeditious build-out to rural areas.

We also asked the Commission to eliminate language in the *Draft CBRS Order* that would seek comment on package bidding in the top 305 MSAs. We explained that this mechanism could be used to foreclose meaningful participation by smaller providers interested in acquiring rural areas that would be included in the package.

² See *Draft CBRS Order* at ¶ 89 & Appendix A.



In response to questions posed by Legal Advisors, the WISPA representatives expressed support for the proposed build-out rules, which would encourage more intensive use of General Authorized Access spectrum in areas PAL holders elect to leave unserved.

Draft 6 GHz NPRM

The WISPA representatives expressed support for initiating a proceeding to make a significant amount of spectrum available in the 6 GHz band for shared use with licensed point-to-point services. Because WISPA members currently use licensed 6 GHz links and are also interested in accessing additional spectrum for outdoor use to relieve congestion in the nearby 5 GHz band, WISPA seeks a balanced approach that protects incumbents and enables shared use for new deployments.

To promote expanded outdoor use of the 6 GHz band, we asked the Commission to seek comment on additional issues regarding (1) more expansive outdoor use of the U-NII-5 (5925-6425 MHz) and U-NII-7 (6525-6875 MHz) bands, and (2) use of existing Section 101.103 on an interim basis prior to establishment of automated frequency coordination (“AFC”). Specifically, we suggested that the following issues be addressed in the upcoming NPRM:

- Whether client devices should be permitted to operate *on a coordinated basis and with professional installation* with up to +18 dB antenna gain before lowering power. The proposal in the *Draft 6 GHz NPRM* limits client devices (e.g., routers, CPE, etc.) to +24 dBm (+18 dBm conducted power + 6 dB gain) on an uncoordinated basis. We asked the Commission to seek comment on whether the Commission should allow an additional +12 dB antenna gain so long as client devices are coordinated and are professionally installed. This could create a separate “licensed by rule” tier that would extend point-to-multipoint coverage to 6-8 miles, significantly further than the proposed power limits that would apply to uncoordinated client devices.³
- Whether the FCC should allow frequency coordination under Part 101.103 before AFC is available. This proposal would enable service to begin as soon as the rules are effective and any additional required frequency coordination procedures are in place.

Given increasing congestion in the nearby 5 GHz band, WISPA believes that, if the rules permit, existing 5 GHz U-NII equipment can be easily certified for operation in the U-NII-5 and

³ The *Draft 6 GHz NPRM* distinguishes between access points and client devices and thus can be construed to propose a prohibition on client devices from using the higher power level proposed for access points. Another way the Commission can authorize higher-gain antennas at the end user location is by using the terms “coordinated devices” to refer to both access points and client devices that are coordinated, and “uncoordinated devices” to refer to the lower-power (+24 dB) devices.



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U-NII-7 bands and fixed wireless broadband providers would quickly deploy service to relieve congestion and provide higher quality service to consumers.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-referenced proceedings.

Respectfully submitted,

/s/ Stephen E. Coran

Stephen E. Coran

cc: Rachael Bender
Will Adams
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