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February 22, 2019

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
455 12th Street, SW  
Washington, DC 20554

**Re: *Wireless Internet Service Providers Association and Utilities Technology Council  
Request for Waiver of Citizens Broadband Radio Service Transition Deadline,  
WT Docket No. 18-353***

Dear Ms. Dortch,

NCTA – The Internet & Television Association (NCTA) reaffirms its position in this proceeding that the Commission should deny the request of the Wireless Internet Service Providers Association and Utilities Technology Council (collectively the Petitioners) for waiver of the Citizens Broadband Radio Service transition deadline (Petition).<sup>1</sup> If the equipment availability and other concerns raised by Petitioners have not been resolved in sufficient time for compliance with the 2020 grandfathering deadline as it approaches, it may be appropriate for those individual licensees to request relief based on their specific circumstances.<sup>2</sup>

NCTA appreciates the Petitioners' recognition in their Reply Comments "that after the [Priority Access License] PAL auction is complete and PAL Protection Areas can be defined, [General Authorized Access] GAA access to the 3550-3650 MHz portion of the band may

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<sup>1</sup> Wireless Internet Service Providers Association and Utilities Technology Council, Petition for 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 (filed Oct. 4, 2018); *see also Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Request for Waiver of Citizens Broadband Radio Service Transition Deadline*, Public Notice, WT Docket No. 18-353 (rel. Nov. 27, 2018).

<sup>2</sup> *See* Comments of NCTA – The Internet & Television Association, WT Docket No. 18-353, at 9 (filed Dec. 12, 2018) (NCTA Comments).

become much more constrained,” and that “the Petitioners are open to allowing the [Grandfathered Wireless Protection Zone] GWPZ protections to expire at that time, so that sufficient GAA spectrum remains available everywhere.”<sup>3</sup> Nevertheless, for the reasons stated in NCTA’s comments, the Commission should deny the Petition without prejudice. The Petitioners’ stated openness to the described auction-limited, blanket waiver does not rectify the deficiencies NCTA identified in its comments in this proceeding.<sup>4</sup> The Petition remains premature, lacking in sufficient detail as to the individual circumstances faced by licensees, and contrary to the public interest at this time.<sup>5</sup> As previously noted, while the requested blanket waiver is not warranted, at some time in the future it may be appropriate for individual licensees to request relief based on their specific circumstances.

Please address any questions regarding the foregoing to the undersigned.

Sincerely,

**/s/ Neal M. Goldberg**

Neal M. Goldberg

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<sup>3</sup> Reply Comments of the Wireless Internet Service Providers Association and the Utilities Technology Council, WT Docket No. 18-353 at 14 (filed Dec. 24, 2018).

<sup>4</sup> See NCTA Comments at 2-8.

<sup>5</sup> *Id.*