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February 28, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: ***Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band
ET Docket No. 13-49***

***Transforming the 2.5 GHz Band
WT Docket No. 18-120***

***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***

Notice of Oral Ex Parte Communication

Dear Ms. Dortch:

On February 26, 2019, Claude Aiken, President and CEO of the Wireless Internet Service Providers Association ("WISPA"), and the undersigned met with Erin McGrath, Legal Advisor to Commissioner Michael O'Rielly, to discuss matters related to the above-referenced proceedings.

ET Docket No. 13-49

The WISPA representatives reiterated support for the Commission's adoption of a Further Notice of Proposed Rulemaking with respect to the 5850-5925 MHz band (the "5.9 GHz



band”).¹ We emphasized that the Commission should understand that the 5.9 GHz band is useful not just for Wi-Fi but for rural broadband under rules that are similar to those used in the adjacent 5 GHz U-NII band. We noted WISPA’s opposition to the 5GAA waiver request that seeks access to 20 megahertz of spectrum for a single technology and use case, a result that would repeat the Commission’s policy that resulted in the underutilization of the band for Dedicated Short Range Communications.² We also mentioned WISPA’s Comments filed with the Department of Transportation in which WISPA discouraged the Department’s involvement in commercial spectrum matters.³

WT Docket No. 18-120

The WISPA representatives highlighted members’ strong interest in obtaining access to 2.5 GHz spectrum and support for rules that eliminate inefficient spectrum allocation processes. With respect to existing licensed spectrum, we explained that a voluntary incentive auction could be difficult given that most existing licenses are encumbered by spectrum leases that create contractual rights. With respect to unassigned EBS spectrum, the WISPA representatives reiterated WISPA’s preference for an auction with appropriate safeguards to ensure that one entity could not acquire all available spectrum in a geographic market.⁴ We indicated that WISPA does not object to ensuring that auction proceeds were deposited in a “homework gap” fund should the Commission have or obtain such authority.

WT Docket No. 18-353

The WISPA representatives urged the Commission to act on the petition for waiver filed jointly by WISPA and the Utilities Technology Council.⁵

¹ See Letter from Claude Aiken, WISPA President & CEO, to Marlene H. Dortch, FCC Secretary, ET Docket No. 13-49 (filed Oct. 26, 2018).

² See WISPA Comments on 5GAA Petition for Waiver to Allow Deployment of Intelligent Transportation System Cellular Vehicle to Everything (C-V2X) Technology, GN Docket No. 18-357 (filed Feb. 8, 2019).

³ See WISPA Comments, Docket No. DOT-OST-2018-0210 (filed Feb. 25, 2019).

⁴ See WISPA Comments, WT Docket No. 18-120 (filed Aug. 8, 2018).

⁵ See WISPA/UTC Petition for Waiver, WT Docket No. 18-353 (filed Oct. 4, 2018).



Marlene H. Dortch, Secretary

February 28, 2019

Page 3

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed in ECFS in each of the above-referenced dockets. Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

/s/ Stephen E. Coran

Stephen E. Coran

cc: Erin McGrath
Claude Aiken