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March 8, 2019

**VIA ELECTRONIC FILING (ECFS)**

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

Re: Ex Parte Notice: Review of the Commission's Rules Governing the 896-901/935-940 MHz Band – WT Docket No. 17-200

Dear Ms. Dortch,

This letter is submitted, pursuant to Section 1.1206(b)(1) of the FCC's rules, to notify you that representatives of NextEra Energy, Inc. ("NextEra"), on behalf of itself and its subsidiary Florida Power & Light ("FPL"), met with Wireless Telecommunications Bureau representatives Roger Noel, Rebecca Schwartz, Scot Stone, Lloyd Coward, Stanislava Kimball, and (by telephone) Anna Gentry on March 8, 2019. Attending the meeting on behalf of NextEra by telephone were William P. Cox, Senior Attorney, FPL; Tim Lewis, Group Manager for Radio Engineering and Operations, FPL; Richard Nelson, Wireless Architect Radio Engineering, FPL; and Dan Ericson, Senior Scientist, Harris Corporation; and in person by Bryan Tramont and Timothy Cooney of Wilkinson Barker Knauer, LLP.

The NextEra representatives discussed how the NPRM expressly should seek comment on a truly voluntary approach in which some 900 MHz markets never transition to a reconfiguration that includes an internal broadband segment. We respectfully suggest that Paragraph 37 could be revised as follows (insertions are underlined; deletions are indicated by strike through):

37. We reiterate that this proposal is intended to rely on purely voluntary mechanisms for realigning the 900 MHz band. An applicant will only be able to acquire a license for the new 3/3 megahertz broadband segment in a county where it either has reached an agreement to voluntarily relocate, or has demonstrated how through compliance with appropriate minimum spacing criteria it will provide interference protection to, all covered incumbents. This market-driven

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approach permits the prospective broadband licensee and covered incumbents to negotiate the specific terms of their Transition Plan (e.g., payment of relocation costs, replacement facilities, administrative duties). Unless the prospective broadband licensee agrees to protect incumbents from interference, all covered incumbents must agree to clear, ~~and each will therefore have an incentive to holdout for a larger share of the gains than it individually contributes.~~ We seek comment on our proposal and what, if any, additional requirements may be necessary to ensure an efficient and complete transition process. In particular, we seek comment about the scenario when some markets never transition but adjacent markets do transition.

In the same vein, a new paragraph could be added after current paragraph 40 to address what happens when some markets do not agree to transition to broadband, as follows:

If no party within a market or markets satisfies the eligibility requirements of paragraph 29 above, such that no party is eligible to file an application to become the broadband licensee in the market within the time window for filing, what would the impact be if an adjacent market transitions to include broadband? Would lifting the freeze on new site-based license applications in a market that does not transition affect an adjacent market that does transition to broadband? We seek comment on any other issues raised by our proposed voluntary approach when one or more markets do not agree to transition to broadband.

NextEra also respectfully suggests that the NPRM expressly seek comment on the studies already submitted into the record – albeit at an earlier stage of the debate.

For example, paragraph 15 of the draft NPRM references the potential interference to users adjacent to the 900 MHz band (896-901/935-940 MHz) such as Sensus. The draft NPRM could be revised to seek comment regarding potential interference from broadband to those narrowband users that remain within the 900 MHz band. A new paragraph could be added after paragraph 15 as follows:

Does Sensus's warning of potential interference from placing the broadband segment immediately adjacent to narrowband spectrum apply also within the 900 MHz band? Although Sensus might be protected with what would effectively be a 500 kilohertz guard band between it and the broadband segment, will narrowband users within the 900 MHz need a similar or larger guard band between them and the broadband segment? If so, will the proposed .5/.5 megahertz segment (900.5-901/939.5-940 MHz) above the broadband segment be able to be used for narrowband operations at all? We seek comment on whether the broadband segment will cause interference to narrowband users within the 900 MHz band. In particular, we seek comment on the two technical studies NextEra submitted on September 21, 2018, one by Harris Corporation and the other by

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Gillespie, Prudhon & Associates, Inc. (“GP&A”). These reports explore the technical and cost impact issues of PDV’s previous 3/3 megahertz reconfiguring proposal, which may adversely affect the operational reliability of mission-critical narrowband communications networks because of several factors, including: (a) compacting of all site-based narrowband users now spread across a 5/5 MHz band into much smaller bands; (b) interference from adjacent short-spaced narrowband 900 MHz channel assignments; (c) out of band emission (“OOBE”) impacts into base and mobile receivers from broadband LTE transmitters; (d) geographical limitations on co-channel reuse; (e) insufficient interference protection threshold rules to protect narrowband users; and (f) lack of a guard band between broadband LTE and narrowband 900 MHz operations, even though a guard band was considered necessary in other bands. We ask for comment on these and other technical issues raised by a potential reconfiguring of the 900 MHz band and how these concerns are altered by our revised proposal herein.

Better integration of economic analysis into its work has been a top priority of the FCC. NextEra submitted on September 14, 2018, a Cost-Benefit Analysis (“CBA”) consistent with Office of Management and Budget guidelines. That study addressed a proposal similar to that the FCC seeks comment here. The draft NPRM could be revised by adding a new paragraph after paragraph 18 as follows:

We also seek comment on the costs and benefits of reconfiguring the band in a way that would disrupt current narrowband users. For example, does the design of hardened, mission-critical narrowband systems facilitate rapid restoration following a weather-related natural disaster, which is the time when these systems provide greater value to the system users and the public’s well-being, such that we should not take any action at all? Are the current and projected needs of critical infrastructure providers better served by their existing narrowband operations in the 900 MHz band than broadband operations for reasons of coverage, security, and cost efficiency? In particular, we seek comment on the Cost-Benefit Analysis (“CBA”) prepared by The Brattle Group (“TBG”), which was submitted by NextEra on September 14, 2018, to address the revised PDV proposal. The CBA found that the direct costs of reallocating the 900 MHz band in the parts of Florida served by FPL are approximately \$98M, consisting of one-time “transition costs” of \$62M and “ongoing costs” with a present value of \$35+M. TBG estimated that the 3/3 megahertz proposal will result in total benefits of at most \$83M if the broadband pricing for significantly larger (and therefore more valuable) spectrum blocks holds, but possibly much less—as little as \$4M based on an earlier auction of spectrum blocks more similar to 3/3. The CBA concluded that in the study area the 3/3 proposal would have net private costs in excess of benefits of at least \$15M and as much as \$93M, with additional external costs to the public at large up to \$1B if FPL could not replicate its existing disaster

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recovery efficiencies after a reconfiguration. How would our proposal alter this calculus if at all?

In addition to soliciting comment on these reports already in the record, the NPRM also could expressly seek comments on the following issues:

1. Seek comment on the status of a commercial market for a 3/3 MHz broadband segment now that FirstNet/AT&T and Verizon now offer priority levels of service with significantly more bandwidth for critical communications services for utilities and for other business, industrial and land transportation ("B/ILT") eligibles.
2. Seek comment on whether a purely voluntary, market-driven approach to broadband should include options for either a 1.4/1.4 MHz broadband segment or a 3/3 MHz broadband segment and what advantages such flexibility might provide.
3. In the event of the voluntary relocation of site-based narrowband licensees, seek comment on requiring the broadband licensee to provide the relocated incumbent comparable facilities, that is, comparable coverage and capacity (not just the number of channels previously licensed).
4. Seek comment on whether B/ILT licensees also should be allowed to be eligible to be the broadband licensee and, if so, whether the B/ILT licensee may retain its site-based licenses as it transitions its operations to broadband.
5. Seek comment on how any non-voluntary approach that would include mandatory relocation of narrowband licensees can ensure comparable replacement facilities when there has been no other spectrum band identified for those that cannot be accommodated within the truncated 900 MHz narrowband segments. Seek comment on whether the broadband licensee must be subject to provisions for surety bonds or other form of security to ensure that it has the financial resources to pay all the transitional and ongoing expenses of all narrowband licensees subject to any mandatory relocation that the FCC may order.

Please contact the undersigned if you have any questions.

Sincerely,

/s/ Bryan N. Tramont

Bryan N. Tramont

Timothy J. Cooney

cc: Roger Noel

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