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March 8, 2019

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

Re: *Partitioning, Disaggregation, and Leasing of Spectrum*  
*WT Docket No. 19-38*

*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*

*Notice of Oral Ex Parte Communication*

Dear Ms. Dortch:

On March 7, 2019, Claude Aiken, President and CEO of the Wireless Internet Service Providers Association ("WISPA"), and the undersigned met with Rachael Bender, Legal Advisor to Chairman Ajit Pai, to discuss matters related to the above-referenced proceedings.

**WT Docket No. 19-38**

The WISPA representatives asked that the Commission seek comment in the upcoming Notice of Proposed Rulemaking on whether the benefits intended by the proposed rules should be extended to rural broadband providers that are not "carriers" as defined in Section 616 of MOBILE NOW Act.<sup>1</sup> We explained that strictly limiting the benefits and build-out incentives to

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<sup>1</sup> *Partitioning, Disaggregation, and Leasing of Spectrum*, Notice of Proposed Rulemaking, WT Docket No. 19-38, FCC-CIRC1903-06 (Feb. 22, 2019).



“carriers” would exclude broadband providers that are not “common carriers” and provide fewer options for larger carriers wishing to disaggregate, partition, or lease spectrum to rural providers.

#### **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”).<sup>2</sup> 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.

#### **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.<sup>3</sup> We indicated that WISPA does not object to ensuring that auction proceeds are deposited in a “homework gap” fund should the Commission have or obtain such authority.

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: Rachael Bender  
Claude Aiken

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<sup>2</sup> See Letter from Claude Aiken, WISPA President & CEO, to Marlene H. Dortch, FCC Secretary, ET Docket No. 13-49 (filed Oct. 26, 2018).

<sup>3</sup> See WISPA Comments, WT Docket No. 18-120 (filed Aug. 8, 2018).