

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Use of Spectrum Bands Above 24 GHz for Mobile Radio Services)	GN Docket No. 14-177
)	
Establishing a More Flexible Framework to Facilitate Satellite Operations in the 27.5- 28.35 GHz and 37.5-40 GHz Bands)	IB Docket No. 15-256
)	
Petition for Rulemaking of the Fixed Wireless Communications Coalition to Create Service Rules for the 42-43.5 GHz Band)	RM-11664
)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures)	WT Docket No. 10-112
)	
Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5- 42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0- 40.5 GHz for Government Operations)	IB Docket No. 97-95

To: The Commission

REPLY COMMENTS OF SCIENTEL SOLUTIONS LLC

Scientel Solutions LLC (“Scientel”), by its attorneys, hereby submits to the Federal Communications Commission (“FCC” or “Commission”) the following reply comments on the Further Notice of Proposed Rulemaking (“FNPRM”), FCC 16-89, released July 14, 2016 in the above-captioned proceedings.

In its September 30, 2016 Comments herein, Scientel strongly urged the Commission to proceed with great caution to preserve the rights of incumbents like Scientel to continue to operate and develop the high-speed data transmission businesses in the 70/80 GHz Bands in which they have invested heavily in reliance on the regulatory scheme established by the Commission in 2003. Such enterprises bring to the marketplace precisely the kind of innovative services envisioned by the Commission when it established the relevant allocation band plan. In particular, Scientel's Comments (at 3) pointed to the importance of the Commission's answering the most basic of threshold questions before moving to consider allowing 5G mobile operations in bands in which Scientel has now been operating successfully for a number of years. That fundamental question is whether shared mobile and fixed use in these bands could be accomplished without new mobile 5G operations causing harmful interference to incumbents' fixed uses. In these reply comments, Scientel notes that a number of other commenters have echoed and reinforced various concerns raised by Scientel, including in the three areas discussed below.

First, various commenters make clear that use of the 70/80 GHz Bands has steadily increased over time and remains on the rise.¹ This trend illustrates how the light licensing regime the FCC put in place for the MWB band in 2003 (non-exclusive nationwide licenses and particular link registrations through third party database managers) is working as intended, a

¹ September 30, 2016 Comments of Comsearch at 3 ("The attractiveness of the 70/80 GHz band is now rapidly increasing There are about 11,800 registered paths, close to 200 licensees, about 25 equipment manufacturers and over 20 antenna manufacturers in the 70/80 GHz band.") September 30, 2016 Comments of Wi-Fi Alliance at 7 ("[A]s the Commission recognizes, there is already extensive use of the 70/80 GHz bands.") and September 30, 2016 Comments of Anova Technologies, LLC (Anova Comments) at 3 ("Use of the band is growing rapidly"). *See also* September 30, 2016 Comments of The Fixed Wireless Communications Coalition ("FWCC Comments") at 9-10 (footnote omitted) ("A map of 70/80 GHz usage looks a lot like a map of U.S. population density. In other words, 70/80 GHz links are where the people are.").

success the FCC should now be vigilant to preserve. Indeed, the Commission should not risk past and current successes in these particular bands when other, potentially less disruptive spectrum destinations exist for potential mobile 5G operations.

Second, commenters raise real concerns as to whether mobile 5G operations would be compatible with fixed, point-to-point incumbent operations in the 70/80 GHz Bands.² For reasons previously articulated by Scientel, such concerns are paramount here.

Third, a number of commenters forcefully argue that it would plainly be premature for the Commission to even begin to consider implementation of the three-tiered Spectrum Access System (SAS) licensing regime in the 70/80 GHz Bands.³ This scheme was only first applied to a portion of the so-called Citizens Broadband Radio Service (3550-3700 MHz) in 2015 and is not yet operational. The Commission therefore lacks the kind of real world data and experience it needs to begin to contemplate extension of this experiment to the 70/80 MHz Bands. Given these realities, the idea of importing SAS-style regulation into the 70/80 GHz Bands should not be pursued at this time.

² See Anova Comments at 5 (“It will be very difficult for high power point-to-point links to operate within technical parameters designed to protect mobile services”). See also FWCC Comments at 12 (“[W]ithout protected incumbent status, the prospect of mobile use makes the construction of additional fixed links a risky undertaking”).

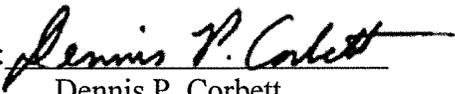
³ September 30, 2016 Competitive Carriers Association Comments at 5 (“the Commission’s proposals are premature considering the SAS has not been proved as a reliable sharing mechanism Neither the Commission nor stakeholders know how or whether the SAS will actually work”) (footnote omitted); Anova Comments at 6-7 (“[I]t would be highly premature to rely on, and mandate, SAS for the 70/80 MHz band until and unless it can be shown that SAS works in the real world SAS is not yet up and running in any market”); and FWCC Comments at 11 (“SAS technology is still unproven Even its predecessor technology, the TV white space database, has never been tested in commercial use with mobile devices. Regulatory action now predicated on the SAS protecting fixed links is premature.”).

CONCLUSION

Scientel again urges the FCC to make robust protection of incumbents in the 70/80 GHz Bands a top priority in this proceeding, in accordance with the views set forth above and in Scientel's Comments.

Respectfully submitted,

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October 31, 2016

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