

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

Aeronet Global Communications Inc.'s	)	
Petition for Rulemaking to Amend	)	RM-11824
the Commission's Allocation and Service Rules	)	
for the 71-76 GHz, 81-86 GHz, and 92-95 GHz	)	
Bands to Authorize Aviation Scheduled	)	
Dynamic Datalinks	)	
	)	
Aeronet Global Communications Inc.'s	)	
Petition for Rulemaking to Amend	)	RM-11825
the Commission's Allocation and Service Rules	)	
for the 71-76 GHz, 81-86 GHz, and 92-95 GHz	)	
Bands to Authorize Maritime Scheduled	)	
Dynamic Datalinks	)	
	)	
Petition to Modify Parts 2 and 101 of the	)	
Commission's Rules to Enable Timely	)	RM-11809
Deployment of Fixed Stratospheric-Based	)	
Communications Services in the 21.5-23.6,	)	
25.25-27.5, 71-76, and 81-86 GHz Bands	)	

**REPLY COMMENTS OF ELEFANTE GROUP, INC.,  
ON THE AERONET PETITIONS**

Elefante Group, Inc. ("Elefante Group"), by its attorneys, hereby submits its reply comments on the above-captioned Petitions for Rulemaking of Aeronet Global Communications Inc. ("Aeronet") (collectively referred to as the "Aeronet Petitions").<sup>1</sup>

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<sup>1</sup> See Public Notice, Report No. 3112, *Aeronet Global Communications Inc.'s Petition for Rulemaking to Amend the Commission's Allocation and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands to Authorize Aviation Scheduled Dynamic Datalinks*, (CGA rel. Feb. 7, 2019); Public Notice, Report No. 3113, *Aeronet Global Communications Inc.'s Petition for Rulemaking to Amend the Commission's Allocation and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands to Authorize Maritime Scheduled Dynamic Datalinks*, (CGA rel. Feb. 7, 2019).

In general, the comments of others join Elefante Group in calling for Aeronet to provide additional information that would allow the Commission and others to assess the petitioner's claims of compatibility with other uses of the proposed spectrum.<sup>2</sup> Elefante Group welcomes the opportunity to review any additional information Aeronet chooses to provide, and will be open to working with Aeronet on this issue.

Elefante Group chooses to comment briefly on a few other points in several of the initial comments. T-Mobile, while opposing the *Aeronet Petitions*, argues in the alternative that the Commission should “defer consideration [of the *Aeronet Petitions*] and consolidate all proposals for use of the 70/80 GHz bands into a comprehensive proceeding.”<sup>3</sup> T-Mobile adds that the Commission “must consider all potential uses of the band, including effective, extensive wireless backhaul and potential mobile service.”<sup>4</sup> Elefante Group disagrees that “all potential uses” of the band must be considered. The Commission, for example, in late 2017 has already rejected use of the 71-76 and 81-86 GHz bands for mobile services.<sup>5</sup> T-Mobile offers no reason why the Commission should consider that again.

Nor does T-Mobile make a compelling case for why the Commission should delay action on whether to move forward on new proposals to use the 71-76 and 81-86 GHz Bands simply because there are long-pending requests to adjust certain fixed wireless technical rules.<sup>6</sup> While

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<sup>2</sup> See Comments of T-Mobile USA, Inc. (“T-Mobile”), RM-11824 and RM-11825 (filed March 11, 2019) at 5; Comments of WorldVu Satellites Limited (“OneWeb”), RM-11824 and RM-11825 (filed March 11, 2019) at 3.

<sup>3</sup> See Comments of T-Mobile at 1.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, GN Docket No. 14-177, *et al.*, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988, ¶¶ 200 (2017) (“We decline to authorize mobile use in the 70 GHz and 80 GHz Bands.”).

<sup>6</sup> See Comments of T-Mobile at 2, 3.

any loosening of the conventional fixed service rules (namely, a certain relaxation of antenna gain and other requirements) the Commission might consider could affect *how* the fixed services coordinate among themselves, any minor rule modifications should not fundamentally change *whether* coordination can occur among those services and whether there is basic compatibility with new proposals. Accordingly, whether to move forward with a rulemaking on the *Aeronet Petitions* or other innovative proposals to use these bands pending before the Commission, such as Elefante Group's Petition for Rulemaking in RM-11809, does not *require* that the Commission also resolve simultaneously the pending requests to adjust certain conventional fixed wireless technical rules.

Loon asks the Commission to adopt comprehensive rules in response to the Aeronet petition and "uniformly apply all proposed rule modifications to all users of the E-Band."<sup>7</sup> Loon adds that it "oppose[s] any rule modifications that could favor Aeronet's use of the E-Band or restrict operation by other users," such as Loon, presumably.<sup>8</sup> Loon has provided in its comments little to no description about its proposed use in the 71-76 and 81-86 GHz Bands, but its comments contain specific hints that generate serious questions whether its service would have claim to any modified fixed service rules. For example, Loon explains that its balloons are highly mobile: "Loon balloons have travelled more than 58 million kilometers across 6 continents."<sup>9</sup> In any event, while the Commission's rules should always apply without discrimination, the Commission cannot fashion rules that permit *any* type of service without considering compatibility. The Commission should not try to make the fixed service rules,

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<sup>7</sup> Comments of Comments of Loon LLC, RM-11824 and RM-11825 (filed March 11, 2019) at 3.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 2.

which call for access to the spectrum, to be “all things to all people.” Rather, it should address concrete, well-supported proposals for rule changes that support certain classes of fixed service applications in a coordinated fashion that promotes compatible spectrum operations.

Finally, Elefante Group wishes to emphasize that the Fixed Services are co-primary in the 71-76 and 81-86 GHz bands. OneWeb contends that “any rulemaking initiated in response to the Aeronet Petition should preserve the primary FSS allocation in the E-band and should not infringe upon use of the E-band by FSS.”<sup>10</sup> Elefante Group does not understand that the *Aeronet Petitions* propose, directly or indirectly, to disrupt the primary Fixed Satellite Services (“FSS”) allocation. As a general matter, Elefante Group support the ability of FSS systems to offer “future innovations”<sup>11</sup> in the 71-76 and 81-86 GHz Bands *as a co-primary service in the band*. As such, it is appropriate for the Commission to consider issues of compatibility among permitted co-primary services and fashion reasonable sharing frameworks in the E-Band, which may require systems of the various allocated services to incorporate compatibility-by-design, and accept a certain measure of possible infringement to ensure that all can deploy and grow and continue to innovate.

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<sup>10</sup> Comments of OneWeb at 4.

<sup>11</sup> *See id.*

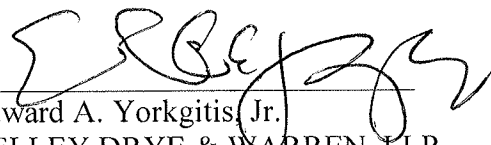
## **CONCLUSION**

For the foregoing reasons and those set forth in its initial comments, Elefante Group submits that the Commission should request that Aeronet provide information to allow compatibility to be assessed by it and other interested parties before action is taken on the Aeronet Petitions.

Respectfully submitted,

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26 March 2019

## CERTIFICATE OF SERVICE

I, Edward A. Yorkgitis, Jr., hereby certify that on March 26, 2019, a copy of the foregoing Reply Comments of Elefante Group, Inc., on the Aeronet Petitions was served by U.S. Mail on the following:


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