

April 2, 2019

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
455 12th Street, SW  
Washington, DC 20554

**Re:    *Office of Engineering and Technology Seeks Comment on Metrom Rail LLC Request for Waiver of Part 15 Ultrawideband Rules for a Positive Train Control System, ET Docket No. 18-284***

Dear Ms. Dortch,

Metrom Rail LLC (Metrom) has requested a waiver to obtain an equipment authorization for ultrawideband (UWB) devices in the 3.272-5.014 GHz band to operate above the current radiated power emissions limit, and to install and operate such equipment as fixed wireless infrastructure under the rules for handheld UWB equipment, as part of positive train control system deployment.<sup>1</sup> While Metrom's goal of promoting railway safety is worthy, Metrom has not provided any interference analysis – much less the detailed interference analysis that is warranted given the importance of incumbent operations – describing how its higher power UWB operations would protect Fixed Satellite Service (FSS) receive-only earth stations operating on a primary basis in the C-band. Therefore, NCTA – The Internet & Television Association (NCTA) and ACA Connects – America's Communications Association (ACA Connects) reaffirm their position in this proceeding that the Commission should consider Metrom's Waiver Request only after Metrom submits detailed technical analysis demonstrating that its proposed operations will not cause harmful interference to C-band downlinks.<sup>2</sup> Furthermore, if Metrom fails to provide additional technical analysis in a timely manner, the Commission should deny the Waiver Request.

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<sup>1</sup> Request by Metrom Rail, LLC for Waiver of Sections 15.519(a) and 15.519(c) of the Commission's Rules, ET Docket No. 18-284, at 1 (filed Sept. 4, 2018) (Waiver Request); *see also Office of Engineering and Technology Seeks Comment on Metrom Rail LLC Request for Waiver of Part 15 Ultrawideband Rules for a Positive Train Control System*, Public Notice, 33 FCC Rcd. 8802 (2018).

<sup>2</sup> *See* NCTA – The Internet & Television Association and American Cable Association Replies to Comments on Request for Waiver, ET Docket No. 18-284, at 2, 5 (filed Nov. 6, 2018) (NCTA/ACA Reply Comments). Since those Reply Comments were filed, the American Cable Association has changed its name to ACA Connects – America's Communications Association.

NCTA and ACA Connects' joint reply comments noted that the Waiver Request included no discussion or technical analysis regarding how Metrom's equipment would protect FSS downlinks.<sup>3</sup> In its own reply comments, Metrom provided information about certain technical characteristics of its UWB system, including the transmitted power and signal characteristics, but did not provide an analysis of how those operations might affect incumbent FSS services.<sup>4</sup> In its later response to NCTA and ACA Connects' call for additional technical analysis,<sup>5</sup> Metrom merely cited back to its reply comments, stating that: "there is no need for a detailed technical analysis on potential harmful interference because the interference posed by the proposed system can be readily calculated and the energy in question is minimal."<sup>6</sup> NCTA and ACA Connects do not agree; in the absence of technical analysis, the Commission cannot reasonably assess, much less grant, Metrom's request for waiver.

Please address any questions regarding the foregoing to the undersigned.

Sincerely,

**/s/ Ross Lieberman**

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**/s/ Neal M. Goldberg**

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<sup>3</sup> See *id.* at 4.

<sup>4</sup> Reply Comments of Metrom Rail, LLC, ET Docket No. 18-284, at 4-10 (filed Nov. 6, 2018).

<sup>5</sup> See NCTA/ACA Reply Comments at 1, 5.

<sup>6</sup> Further Reply Comments of Metrom Rail, LLC, ET Docket No. 18-284, at 4-5 (filed Dec. 3, 2018).