

EX PARTE OR LATE FILED



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Federal Communications Commission
Office of the Secretary

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

February 22, 2019
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Bureau / Office

Re: EX PARTE FILING
WT Docket 17-200
Review of the Commission's Rules for the
896-901/935-940 MHz Band

Dear Ms. Dortch:

This written ex parte submission is made by Southern California Edison ("SCE"). SCE is one of the largest electric utilities in the United States, providing service to most of the south-central region of California which includes some 15 million residential and industrial customers across 50,000 square miles. These customers depend on SCE to deliver electrical service to them safely, securely and reliably.

SCE currently holds 100 licenses in the 900 MHz band which it actively employs to provide both secure internal voice communications and data communications in support of its various operations in the region. It has therefore followed with interest the proceedings in this Notice of Inquiry and the Petition for Rulemaking which preceded it. As a critical infrastructure provider to millions of Californians, SCE shares the view expressed by many commenters to date that there is an urgent need for improved and expanded telecommunications resources to ensure the reliability, security and safety of the nation's electrical utility infrastructure. Just in the past few months, SCE and thousands of its customers experienced the Woolsey wild fire in the Ventura County – Los Angeles region that consumed nearly 100,000 acres of land area and destroyed millions of dollars' worth of property. The Camp Fire in northern California simultaneously wreaked devastating damage to a large swath of northern California and took many lives. In fact, 10 of the 20 most destructive wildfires in California have happened since 2015. Wildfires like these present an immediate and public threat to California. Broadband visual and data monitoring of electrical facilities in remote locations is critical to mitigate electric infrastructure ignition risk and ensure fire events are detected immediately and extinguished before they grow into major public safety events.

At the same time, utilities are coming under increasing threats from hackers and malicious agents of hostile states. As network management functions become more and more digitized, it becomes increasingly important that utilities like SCE maintain a communications

have to be coordination of the narrowband/broadband allocations at the borders of each MTA, just as such coordination to prevent interference is now required of regional CMRS carriers at the borders of their service areas. That coordination process works very effectively to allow the operators on both sides of the borders to use their authorized spectrum without interference. The same process would work here.

2. Permit aggregation into broadband segments that are a minimum of 1.4 MHz wide wherever in the band such an aggregation can best be accomplished

PdvWireless's one-size-fits-all approach also applies to the size of the proposed broadband spectrum authorization. Here too a more flexible approach would speed the availability of broadband for critical utility applications. PdvWireless's proposal contemplates a 3 MHz broadband allocation and nothing less than that. However, LTE architecture accommodates broadband service with a bandwidth of 1.4 MHz. Aggregation of that smaller quantum of narrowband channels in the near term is much more feasible because not all existing equipment deployments can be quickly transitioned. SCE therefore recommends that the Commission consider authorizing both 1.4 MHz and 3 MHz-wide broadband assignments which can be deployed by utilities in the nearer term to satisfy at least a portion of their immediate broadband needs. Over time, the 1.4 MHz broadband assignment could be expanded to 3 MHz and potentially even 5 MHz in the longer term as technology-enabled capabilities necessary to serve public safety and critical infrastructure protection needs increase. Any remaining licenses still in operation would need to be relocated at the expense of the broadband spectrum license holder.

3. If incumbent licensees are not able to agree on an aggregation plan, the Commission should authorize an auction of 3 contiguous MHz of the 900 MHz band open only to utilities. Non-utility licensees with significant 900 MHz holdings would be relocated to a comparable 3 MHz-wide (or larger) spectrum band which would be available for flexible spectrum use.

PdvWireless recognizes the possibility that the necessary aggregation of now separately owned 900 MHz band licenses may not be accomplished by voluntary negotiation. It therefore proposes an overlay auction which would give the auction winner the right to a 3 MHz-wide license and the authority to move recalcitrant incumbent licensees out of the band.² SCE too recognizes that the required aggregation may not be achieved through negotiation, but its alternative solution to that problem is to free up 900 MHz space by relocating non-utility licensees like pdvWireless to a different but comparable part of the FCC's spectrum inventory.

The Commission and the courts have recognized that the Commission has ample authority under the Communications Act to modify the licenses of incumbents by moving them to other comparable spectrum with similar operational rights. Indeed, in the recently announced Incentive Auction Notice for the 39 GHz band, the Commission adopted procedures to clear

² See Further Comments of the Enterprise Wireless Alliance and pdvWireless, WT Docket 17-200, at 22 (May 1, 2018).

unwilling incumbents from the auctioned band by paying them off or relocating them. *Use of Spectrum bands Above 24 GHz for Mobile Radio Services*, DA-18-180, rel. December 18, 2018. There is no need to delve into the precise details here, but the Commission can clearly relocate pdvWireless from the band by similar or comparable means. This would permit eligible utilities to purchase 3 MHz of the 900 MHz spectrum at auction for market value while leaving sufficient space in the 2 MHz narrowband segment of the band for relocation of smaller utility incumbents who do not desire broadband capacity. The result would quickly address the immediate needs of utilities for broadband and would also be fair to pdvWireless, who would receive spectrum resources or money at least as valuable and useful as the band in which its licenses are now situated. This spectrum clearing process would be faster by at least a year or two than the period of protracted negotiations followed by an auction as posited by pdvWireless. As all agree, the perils faced by electric utilities at this moment call for swift remedial action. We must also observe that the pdvWireless' plan, while couched in terms of the benefits it would provide to critical infrastructure service providers, does not in any way commit pdvWireless to lease its 3 MHz of broadband spectrum to such providers either exclusively or at all. The Commission should therefore consider the instant proposal as an appealing alternative to the plan propounded by pdvWireless.

4. As an alternative, or in addition to, the alternatives outlined above, the Commission should allocate up to 5 MHz of available comparable spectrum to be auctioned for broadband use by critical infrastructure entities.

An alternative to relocating pdvWireless to a different band would be to make a similar band available for broadband usage by electric utilities. The record of this proceeding to date strongly demonstrates a need to make broadband capacity available for these utilities as quickly as possible. A reallocation of small LTE-standardized 5 MHz spectrum band, would satisfy this need relatively quickly. The Commission could quickly auction that band to utilities in 1.4 MHz and 3 MHz sizes, permitting not only immediate deployment of broadband technology but also facilitating the clearing of some of the 900 MHz band that would no longer be necessary. This solution, like the one explained in Item 3 above, obviates the need for utilities to be dependent on the vagaries of a non-utility third-party licensee for access to essential spectrum resources.

The suggestions set forth above propose solutions to some of the issues which have arisen in the course of the NOI. These alternatives would simplify and expedite the process of making broadband spectrum available to utilities by applying a flexible geographic and spectrum use approach to clearing and consolidating operations in the current 900 MHz band. They would also ensure that the utilities themselves securely and permanently control access to and use of the spectrum that will form the foundation for next-generation utility resource management. SCE therefore strongly urges the Commission to include consideration of these alternatives in any NPRM which is adopted in this matter.

Respectfully submitted,

Southern California Edison

By /s/ Todd Inlander
Sr. Vice President, CIO
Southern California Edison

Cc: (via hand delivery) Chairman Ajit Pai
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