

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Spectrum Horizons)	ET Docket No. 18-21
)	
James Edwin Whedbee Petition for Rulemaking to)	RM-11795
Allow Unlicensed Operation in the 95-1,000 GHz)	
Band)	

REPLY COMMENTS OF THE CITY OF NEW YORK

I. INTRODUCTION

The City of New York (“the City”) submits these reply comments in connection with the Federal Communications Commission (“FCC” or “Commission”) proceedings listed above.¹ The City supports the efforts of the Commission to make more spectrum available for new uses and technologies, and believes the Commission’s proposal can be strengthened by allocating more spectrum for unlicensed use. Additional spectrum for fixed point-to-point and point-to-multipoint deployments could help increase the access and connectivity of New York City’s residents, businesses, and visitors, particularly in high-demand or densely populated areas where wireless solutions provide alternatives to wired deployments. Additionally, the City supports the Commission’s proposal to make experimental licenses available in new bands, subject to careful monitoring of such licensees and strict enforcement of license violations.

II. UNLICENSED SPECTRUM

The City supports the Commission’s plan to make more spectrum available for unlicensed use and urges the Commission to allocate more than the proposed 15.2 GHz of spectrum for unlicensed use. Unlicensed spectrum supports new and innovative uses and helps provide access and connectivity in underserved areas. Spectrum currently allocated to unlicensed use has prompted significant investment in compatible devices and use by the public and emerging technologies are only increasing the need and demand for similar flexible use spectrum.

¹ *In the Matter of Spectrum Horizons and James Edwin Whedbee Petition for Rulemaking to Allow Unlicensed Operation in the 95-1,000 GHz Band*, 83 FR 13888, FCC 18-17, Notice of Proposed Rulemaking and Order, adopted Feb. 22, 2018 (hereinafter “NPRM”).

Making more unlicensed spectrum available would support the deployment of Wi-Fi hotspots.² These hotspots are deployed not just by internet service providers, but by municipalities and businesses, and often provide free internet connections for residents and customers, and support connections in places that the spectrum supporting 4G connections cannot penetrate. The unlicensed spectrum supporting these uses is heavily congested, however, and making more spectrum available could relieve that congestion and increase network performance. Unlicensed spectrum could also support the deployment of wireless service by smaller or non-traditional providers looking to compete with the major carriers by seeking to provide service in underserved areas or in particular locations, such as in malls, stadiums, or office buildings.

Given the benefits of unlicensed spectrum and the increasing demand for similar flexible use spectrum, the City urges the Commission to make more than 15.2 GHz of spectrum available for unlicensed use.

III. LICENSE TERMS

The City generally supports the Commission's proposal to make licenses available under rules similar to the 70/80/90 GHz rules. However, the City urges the Commission to adopt rules that reduce barriers to entry and encourage use of this spectrum by small entities and new entrants. License terms should not be cost-prohibitive or insufficient in duration such that it prevents investment, deployment, or use of this spectrum by all entrants.

Additionally, the Commission should set aside some of the spectrum it is considering for exclusive public safety and municipal use. There is a growing need for spectrum to support public safety communications, including traffic management, IoT deployments, emergency communications, and other emerging uses of technology to support these missions. Many of these uses are mission-critical, and in places like New York City, could require such dense deployments that interference could become a serious issue.

IV. EXPERIMENTAL LICENSES

The City supports the Commission's proposal to make experimental licenses available in new bands. However, the City does not believe that restrictions on these licenses should be loosened, and urges the Commission to undertake careful monitoring of experimental licensees in all bands, and to strictly enforce violations of license terms. The spectrum at issue here may have shorter propagation distances than that available for experimental licenses in the past, but greatly expanding the number of experimental devices in operation, particularly in dense areas like New York City, could still result in interference, especially if devices are not properly retrieved or rendered inoperable at the end of the experimental license term. If the Commission decides to loosen such restrictions, it should, at a minimum, adopt geographic limits and other appropriate provisions to protect users in densely populated areas, in addition to ensuring that experimental licenses are carefully monitored and their license terms are strictly enforced.

² NPRM at ¶ 9 (noting that “[t]he Wi-Fi Alliance pointed out that the propagation characteristic of spectrum above 95 GHz make it particularly attractive for unlicensed use.” (*Citation omitted.*)).

V. CONCLUSION

The City supports the Commission's efforts to make more spectrum available, and believes this NPRM is an important step in that process. The City believes that increasing the amount of unlicensed spectrum available, making spectrum available to public safety and municipalities both now and in the future in both licensed and unlicensed forms, and ensuring that experimental licenses are strictly enforced will further the Commission's goals and help more people connect to the internet and take advantage of emerging next generation technologies.

Respectfully,

/x/

The City of New York

May 17, 2018