

May 28, 2019

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Association of American Railroads Notice of *Ex Parte* Presentation
WT Docket No. 17-200**

Dear Ms. Dortch:

On May 23, 2019, representatives of the Association of American Railroads (“AAR”) met with FCC Wireless Bureau staff to discuss the Notice of Proposed Rulemaking (“NPRM”) issued in the above-referenced docket (the “900 MHz Proceeding”). FCC staff present at the meeting were: Roger Noel, Joel Taubenblatt, Anna Gentry, Scot Stone, Lloyd Coward, Stana Kimball, and Becky Schwartz. Participants in the meetings on behalf of AAR were Kevin Stokes (CSX), Bart Downing (CSX), Jim Barrett (BNSF), Tom Peters (Hogan Lovells), and the undersigned outside counsel to AAR.

In the presentation, AAR explained the unique nature of its existing six-channel nationwide geographic ribbon license, which is used for mission-critical wireless control of wayside track switches and signals. AAR noted that the NPRM was not clear on how its channels would be relocated, given that the proposed rules only discuss site-based and geographic SMR licenses. AAR expressed its concern that, under a literal reading of the NPRM, it appeared that the geographic ribbon license would be “broken up” and returned to site-based licensing, which could result in thousands of individual call signs, given the 9,500 railroad transmitters currently operating on the spectrum. AAR also expressed concern that, by handling the band reconfiguration on a county-by-county basis as proposed, AAR could be left with a patchwork of different frequencies which could create operational problems when a wayside switch or signal needs the ability to communicate with two base stations located in different counties.

AAR provided staff with estimates of the costs involved in relocating its channels, which AAR calculated at nearly \$70M for all six of its channels. Given the fact that many radios cannot be retuned (and those that can still need to be physically swapped out to enable accurate retuning in a lab), the costs may be high enough to discourage potential broadband licensees who would need to reimburse these costs.

Finally, AAR discussed a number of important train safety applications that could be deployed in 900 MHz if, as part of the reconfiguration process, AAR were relocated to 10 contiguous channels. AAR updated staff on a proposed spectrum swap arrangement it has negotiated with

pdvWireless which would result in AAR's relocation to the 10-channel A Block. This proposed solution to the problems presented by the unique AAR ribbon license would both provide for the relocation of the ribbon license on a nationwide basis and would serve the public interest by making the advanced train safety applications possible. Under this arrangement, the railroads would cover the full cost of their relocation, removing this as a hurdle to the implementation of broadband licenses nationwide. In order for this solution to proceed, however, AAR explained that there would need to be an exception to the proposed requirement that a potential broadband licensee hold 20 MTA blocks, and to the 1:1 channel exchange limitation.

This notice is filed pursuant to FCC Rule 1.1206; please contact the undersigned with any questions regarding this matter.

Respectfully submitted,

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