

June 29, 2018

FILED VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

**Re: *Ex Parte* Notification
 GN Docket No. 18-122**

Dear Ms. Dortch:

On June 27, 2018, representatives of the Broadband Access Coalition (“BAC”) met separately with Rachael Bender, Legal Advisor to Chairman Pai; Erin McGrath, Legal Advisor to Commissioner O’Rielly; and Will Adams, Legal Advisor to Commissioner Carr. The BAC representatives also met with those members of the Wireless Telecommunications Bureau, Office of Engineering and Technology and International Bureau listed on Appendix A hereto. Representing the BAC at these meetings were Jaime Fink, co-founder and Chief Technology Officer of Mimosa Networks, Inc. (“Mimosa”); Claude Aiken, President and CEO of the Wireless Internet Service Providers Association (“WISPA”); Stephen Coran, counsel to WISPA; Michael Calabrese, Director, Wireless Future Program, Open Technology Institute at New America; and the undersigned, counsel for Mimosa.

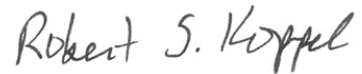
The BAC representatives expressed appreciation for the Commission’s issuance of a draft Order (“*Draft Order*”) and draft Notice of Proposed Rulemaking (“*Draft NPRM*”) that, among other things, seeks comment on the BAC’s Petition for Rulemaking.¹ We emphasized the critical importance of access to a portion of the 3700 – 4200 MHz band for the provision of fixed point-to-multipoint broadband wireless service to consumers in rural areas of the country. We further emphasized that gigabit fixed wireless service could be quickly and cost-effectively deployed in a manner that would protect registered Fixed Satellite Service (“FSS”) earth station operators. The BAC representatives reiterated that adoption of its proposal would not preclude clearing another portion of the band for exclusive licensing for flexible use.

The BAC representatives made suggestions on ways in which the *Draft Order* and *Draft NPRM* could be clarified and improved. In addition to the specific proposals discussed in Appendix B, we asked that the Commission *propose* to adopt the rules discussed in paragraphs 111-128 of the *Draft NPRM* rather than to seek comment, and to include an appendix with specific language for the rules. Taken together, we stated that these changes would result in a more fulsome record on the Commission’s proposal to promote more intensive use of the 3700-4200 MHz band for point-to-multipoint services.

¹ Broadband Access Coalition, Petition for Rulemaking, RM-11791 (filed June 21, 2017) (“BAC Petition”).

Please contact the undersigned if you have any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert S. Koppel". The signature is written in a cursive style with a large, stylized 'R' and 'K'.

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Enclosures

cc: All meeting participants

Appendix A
Meeting Participants from Bureaus

Chris Bair (by telephone)
Peter Daronco
Tom Derenge
Ariel Diamond (by telephone)
Diane Garfield (by telephone)
Anna Gentry
Michael Ha
Joyce Jones
Julius Knapp
Robert Nelson
Barbara Pavon (by telephone)
Matt Pearl (by telephone)
Paul Powell (by telephone)
Becky Schwartz (by telephone)
Jeff Tignor
Brian Wondrack (by telephone)
Colin Williams

Appendix B

Recommendations Regarding the *Draft Order* and the *Draft NPRM*

Draft Order

Paragraph 17: All of the information required to be submitted by earth station operators should be made public. The information required to be submitted is no different from the detailed technical information provided, and made publicly available, for wireless providers in other services. If the information regarding earth station operations is not made public, it will be difficult for stakeholders to help develop interference protection and sharing rules.

Proposed language: Delete the following: “Earth station operators and FSS licensees may request confidential treatment of some or all of the information they submit.” Add: “*Space station licensees may request confidential information of the information that they submit. The information submitted by earth station operators will be made public. After the initial data entry, FSS operators must ensure that their registration data remains current during the pendency of this proceeding.*”

Paragraph 21: Earth station operators are required to provide certain information, including the “transponder number(s) and how often each transponder is used: regularly (i.e., at least daily); infrequently; or backup capacity”. Footnote 555: “transponder number” refers to a standard 36 megahertz wide transponder” We recommend that the Commission seek specific frequency information given that there are many operators that use less than the full 36 MHz transponder.

Proposed language (insert the italicized language): “transponder number(s); *the center frequency and the bandwidth used for each transponder*; and how often each transponder is used”

Note: Paragraph 23 would require operators to provide “the center frequency and bandwidth of [TT&C] beams.” The same information should be required for all FSS operations.

Draft NPRM

Paragraph 38: We strongly support the FCC’s goal to terminate the “full-band, full arc” policy. But we anticipate that many FSS earth station operators will report that they use some, or all, of the 500 megahertz infrequently or as backup capacity. The FCC proposes “that earth stations operators will be entitled to protection only for those frequencies ... *on file* with the FCC.” (Emphasis added.) This language is too broad.

Proposed language (insert the italicized language): “we propose that for purposes of interference protection, earth station operators will be entitled to protection only for frequencies *identified as being used regularly or notified to the Commission, frequency coordinator or database operator*, and for those azimuths, elevation angles and other information on file with the Commission”

Paragraph 114: The language seeks comment on a “limit” of 160 megahertz for point-to-multipoint service in the upper portion of the 3700-4200 MHz band, and alternative limitations

of 100 megahertz and 320 megahertz. We recommend that the Commission propose to authorize “up to 320 MHz” for *licensed* point-to-multipoint service.

Proposed language: Delete the following: “We also seek comment as to whether, regardless of how much spectrum becomes available for flexible use in the near term, to limit point-to-multipoint use to 160 megahertz (e.g., 4.04-4.2 GHz) to accommodate a transition from FSS to flexible use working-up from 3.7 GHz. Alternatively, we seek comment on limiting point-to-multipoint use to 100 megahertz or 320 megahertz.” Add: “*We propose to authorize point-to-multipoint service, on a licensed basis, in up to 320 megahertz of the 3.7 – 4.2 GHz band. We seek comment on how best to accommodate a potential transition from FSS to cleared spectrum made available for flexible use working up from 3.7 GHz.*”

New paragraph (can be added after paragraph 171 or elsewhere): Even with a portion of the band set aside for terrestrial mobile services, there will still be unused spectrum, particularly in rural areas. Until the auction, all such spectrum will be available. Even after the auction, guard band spectrum will be available on an opportunistic, non-interfering basis, and spectrum in many rural areas could be coordinated for PTMP. Additional spectrum, above the guard band, may also continue to be occupied by FSS pending a potential second stage of clearing that may be delayed by many years.

Proposed language: “*We seek comment on permitting opportunistic, non-interfering access for P2MP services in the remaining portions of the band that are not authorized for point-to-multipoint service on a licensed basis. How would we ensure that such services operate without causing interference? What are the costs and benefits of permitting opportunistic access?*”