

July 5, 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 July 5, 2018, Claude Aiken, President/CEO of the Wireless Internet Service Providers Association (“WISPA”), Bob Koppel, counsel to Mimosa Networks, Inc., and the undersigned counsel to WISPA, as representatives of the Broadband Access Coalition (“BAC”) met with Commissioner Jessica Rosenworcel and her legal advisor Umair Javed regarding the draft Order (“*Draft Order*”) and Notice of Proposed Rulemaking (“*Draft NPRM*”) in the above-referenced proceeding.

The BAC representatives expressed appreciation for the Commission’s issuance of the (“*Draft Order*”) and *Draft NPRM* that, among other things, seeks comment on the BAC’s Petition for Rulemaking.¹ We emphasized the need for consumers in rural areas of the country to have access to mid-band spectrum for fixed point-to-multipoint service that could be quickly and cost-effectively deployed in a manner that would both protect registered Fixed Satellite Service (“FSS”) earth stations from harmful interference and clear a portion of the 3700-4200 MHz 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 A hereto, 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 and transparent FSS earth station registration process and invite 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.

We expressed our willingness to be available to the Commission if questions arise and noted our strong interest in participating in the upcoming proceeding.

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,

/s/ Stephen E. Coran

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Enclosure

cc: Commissioner Jessica Rosenworcel
Umair Javed

Appendix A

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

Draft Order

Paragraph 17: Information submitted by earth station operators should be made public absent a compelling showing that finite data points require confidentiality. If the key 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 needs to be provided 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 are concerned that many FSS earth station operators will report that they use all 500 megahertz infrequently or as backup capacity. The FCC proposes to protect frequencies *on file* with the FCC. This 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 MHz for point-to-multipoint service in the upper portion of the 3700-4200 MHz band, and alternative limitations of 100 MHz

and 320 MHz. 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. This would be spectrum that is not made available for flexible use.”*

New paragraph (can be added after paragraph 171 or elsewhere): Even with spectrum 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 will be available.

Proposed language: *“We seek comment on permitting opportunistic, non-interfering access for P2MP services in the flexible use portion of the band. How would we ensure that such services operate without causing interference? What are the costs and benefits of permitting secondary access?”*