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July 24, 2017

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: WT Docket No. 10-112
Ex Parte Letter**

Dear Ms. Dortch:

The draft Second Report and Order in the above-identified proceeding that is scheduled to be considered at the Commission's August 3, 2017 meeting proposes to adopt rules that, among other objectives, will facilitate the "robust use of the nation's scarce spectrum resources."¹ The Enterprise Wireless Alliance ("EWA" or "Alliance") strongly endorses that goal and supports all reasonable measures that advance it.

It was for that reason that the Alliance made the following statement in its 2010 Reply Comments:

In its Comments in this proceeding, the Alliance strongly supported the Commission's proposal to require site-based wireless licensees to certify continued operation of the facility(s) to be renewed. In fact, EWA recommended that this affirmative requirement be extended to licensees of Public Safety Pool spectrum, a position also adopted by the Land Mobile Communications Council ("LMCC") whose members include all of the Part 90 FCC-certified public safety Frequency Advisory Committees. Requiring licensees of all site-based wireless systems to certify affirmatively what they represent implicitly by virtue of filing a renewal application – that the license in question has not canceled automatically because of permanent discontinuance of operation and is, therefore, eligible for renewal – should prompt a more meaningful review of the operational status prior to seeking

¹ Draft Order at 2.

renewal. EWA believes that the record supports this aspect of the *NPR* and urges the FCC to adopt a site-based certification of continued operation.²

The FCC has declined to do so despite the LMCC's recommendation, which recommendation continues to be supported by most LMCC members representing public safety users. The proposed rules exempt public safety entities from the Renewal Standard for site-based and geographic-private systems licenses, from the Regulatory Compliance Certification, and from any rule governing discontinuance of service or operation by a public safety licensee.

EWA supports the revised renewal rules because it is not unusual over a 10-year license term for entire Part 90 systems, or individual frequencies or sites, to be taken off the air for any number of valid reasons. This is particularly true at times when technology advances – analog to digital, narrowband to broadband – provide attractive upgrade opportunities. It is far less common, however, for the licensee to modify its system or cancel its license when that happens, despite an affirmative obligation to do so.³ Requiring an affirmative certification at renewal, confirming that the authorization in question remains fully operational, seems to the Alliance to be a minimally burdensome reminder to licensees of the certification they make implicitly today when filing a renewal application. As the FCC has noted, spectrum is scarce and it is imperative on all to ensure that it is being used productively.

If public safety licensees conducted all their operations on spectrum allocated exclusively for public safety use, this exemption would be of primary interest to other public safety users, many of whom support extending the certification to their own systems for the sound spectrum management reasons described above. However, that is not the case. Public safety applicants seek waivers to use Industrial/Business (“I/B”) spectrum based on claims that there are no public safety channels available.⁴ EWA sometimes disagrees with that assertion, based on an independent review of public safety channel assignments. If the Commission now affirmatively exempts public safety licensees from certifying the accuracy of their operations at license renewal and from the obligation to notify the FCC when any portion of their licensed service is permanently discontinued, EWA and other FCC-certified Frequency Advisory Committees will not be able to rely on the validity of the ULS database with regard to actual public safety spectrum use. Since public safety entities will be operating under very different rules than all other wireless licensees, including those who also use their systems to ensure safety and security, the Alliance urges the FCC to reject as insufficiently supported all future public safety waiver requests seeking use of I/B channels.

² EWA Reply Comments, WT Docket No. 10-112, filed August 23, 2010 at 2.

³ 47 C.F.R. § 1.955(a)(3).

⁴ See e.g., Shelby County, AL, call sign WQOT500; Weld County, CO, call sign WQUB704; Flathead County, MT, call sign WQVH356; State of Michigan, Order, DA 17-511 (rel. May 25, 2017).

Marlene H. Dortch

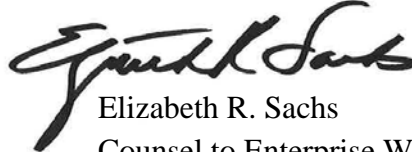
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This letter is being filed electronically, in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), for inclusion in the record in this proceeding.

Kindly refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth R. Sachs". The signature is fluid and cursive, with the first name "Elizabeth" being more prominent.

Elizabeth R. Sachs

Counsel to Enterprise Wireless Alliance

cc: Joyce Jones, FCC (via email)
Thomas Reed, FCC (via email)
David Furth, FCC (via email)