

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of	)	
	)	
Petition for Rulemaking to Amend and Modernize	)	
Parts 25 and 101 of the Commission's Rules to	)	Docket No. RM-11791
Authorize and Facilitate the Deployment of	)	
Licensed Point-to-Multipoint Fixed Wireless	)	
Broadband Service in the 3700 - 4200 MHz Band	)	

**OPPOSITION OF  
TUCSON ELECTRIC POWER COMPANY  
TO PETITION FOR RULEMAKING**

**Tucson Electric Power Company**

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August 7, 2017

Tucson Electric Power Company (“TEP”) respectfully submits the following Opposition to the Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission’s Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3700-4200 MHz Band (“Filing”), filed by the Broadband Access Coalition (“Petitioners”) on June 21, 2017. TEP is a regulated utility that generates, transmits, and distributes electricity to approximately 422,000 retail customers in a 1,155 square mile area in southeastern Arizona. TEP extensively utilizes broadband spectrum for its day-to-day operations.

In reviewing the Petitioners’ Filing in this matter, TEP recognizes and concurs that additional spectrum is desperately needed for point-to-multipoint broadband wireless communications. Moreover, such additional spectrum needs to become available on a licensed, protected basis, which obviates any detriment or interference to incumbent primary users. TEP also acknowledges that the 3.7 to 4.2 GHz band does show some promise as viable spectrum for these purposes given the propagation characteristics of radio waves in this band. TEP notes, however, that comments by others, including the Commission itself in its Notice of Inquiry, GN Docket No. 17-183, which is captioned “Exploring Flexible Use in Mid-Band Spectrum Between 3.7 GHz and 24 GHz,” suggest that there may be more utilization of and incumbents in this band than the Petitioners indicate in their Filing.

TEP does not believe that the Petitioners’ proposal is comprehensive enough in terms of the frequency bands that should be evaluated for potential broadband use. On its own, the Petitioners’ proposed rulemaking appears to be a rush to add up to 500 MHz of additional broadband spectrum without the full participation of all non-federal stakeholders who require additional spectrum for broadband applications, including public safety and critical infrastructure providers.

TEP believes that the public interest is best served by more inclusive participation in developing proposed rulemakings by all interested parties. Such interested parties can assist the Commission in this process by evaluating spectrum options, sharing operational requirements, and in contributing to the

development of the Commission's eventual rules that would govern the use of any expanded broadband spectrum. On this basis, TEP submits that the Commission's current Notice of Inquiry, GN Docket No. 17-183, is a superior and preferable vehicle for evaluating options, reviewing repurposing of frequency bands, and endeavoring to advance the goals of all parties.

It is important to recognize that the 500 MHz additional spectrum requested by the Petitioners would represent a 77 percent increase to the 645.5 MHz of licensed spectrum currently used by the entire mobile wireless industry. Further, this request is more than three (3) times the spectrum made available by the Commission's recent adoption of the Part 96 rules in the 3550-3700 MHz band. While TEP strongly supports establishing comprehensive, sound, and flexible spectrum policies, enabling innovations and investment to keep pace with technological advances, and maintaining U.S. leadership in deployment of next-generation services in the long term, the matter under consideration is not trivial.

As a regulated public utility that operates across urban, rural, and tribal service areas, providing critical infrastructure and services, TEP has a clear-eyed view of the scarcity of currently available spectrum. TEP also understands the challenges of deploying and maintaining vital broadband systems in metropolitan and rural areas, and along the U.S.-Mexico border.

The Petitioners appear to believe that no changes to U.S. international treaty obligations are needed to adopt their point-to-multipoint proposal. However, TEP has only been able to identify bilateral agreements relating to fixed satellite services (e.g., GSO, DTH, & FSS). TEP does not see where point-to-multipoint terrestrial operations in the 3.7-to-4.2 GHz band would be sufficiently protected under existing law in the U.S.-Mexico border area from an international standpoint. This is especially the case with operations at effective isotropic radiated power levels of up to 50 dBm, using channel sizes of up to 20 MHz wide, with wide-beam antennas, which may include omnidirectional implementations, all as described by the Petitioners. Finally, recognizing that international frequency coordination is dealt with almost exclusively through bilateral agreements, TEP feels that Petitioners' Filing does not

adequately contemplate, if at all, automated frequency coordination with foreign spectrum incumbents or future users in the border areas.

Owing to the broad international implications of Petitioners' Filing, TEP strongly encourages the Commission to fully engage the Cross Border Negotiations and Treaty Compliance Branch of its International Bureau's Global Strategies and Negotiation Division. Further, any such engagement should be in close coordination with the Bureau of Economic and Business Affairs Office of International Communications and Information Policy at the U.S. Department of State. The purpose of such engagement is to ensure that U.S. spectrum users will not cause harmful interference in violation of international agreements and treaties to which the United States is a signatory, but also to establish clear, enforceable mechanisms to prevent harmful interference to U.S. spectrum users within our borders from foreign transmitters and operations, both now and in the future. Again, TEP strongly encourages such coordinated engagement before considering Petitioners' Filing or any other rulemaking that contemplates spectrum use of this magnitude in the U.S.- Mexico border area.

TEP respectfully requests that the Commission deny the Petitioners' Filing in the above-captioned proceeding. In the alternative, TEP encourages any party interested in increasing available spectrum above 3.7 GHz for broadband applications to comment on and participate in the Commission's Notice of Inquiry, GN Docket No. 17-183, which is captioned "Exploring Flexible Use in Mid-Band Spectrum Between 3.7 GHz and 24 GHz."

Respectfully Submitted,

TUCSON ELECTRIC POWER COMPANY

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Dated: August 7, 2017