

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

In the Matter of)	
)	
FELHC, Inc., et. al. Request for Extension or)	WT Docket No. 17-201
Waiver of 700 MHz Guard Band Performance)	
Requirement)	

To: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF
BPC SPECTRUM LLC, DOMINION 700, INC., AND ACCESS 700, LLC

BPC Spectrum LLC, Dominion 700, Inc., and Access 700, LLC, the licensee parties to the request for extension or waiver in the captioned proceeding (the “Licensees”), submit these reply comments in response to the comments of the Utilities Technology Council (“UTC”), Edison Electric Institute (“EEI”), and pdvWireless, Inc. (“PDV”, and together with UTC and EEI, “Commenters”).¹ In the request for extension or waiver, FELHC, the license-holding subsidiary of FirstEnergy Corp. (“FE” or “FirstEnergy”), one of the nation’s largest investor-owned electric systems, and Licensees (together, the “Parties”) jointly ask the Commission for extension or waiver of the substantial service requirement applicable to Upper 700 MHz A Block spectrum that has been assigned or is in the process of being assigned by Licensees to FELHC.² The Parties ask the Commission, in connection with FE’s deployment of a replacement utility communications network utilizing spectrum acquired or in the process of being acquired from Licensees across FE’s utility footprint, to grant FELHC an extension of time or waiver until

¹ See Comments of UTC in WT Docket No. 17-201, filed Sept. 6, 2017 (“UTC Comments”); Comments of EEI in WT Docket No. 17-201, filed Sept. 6, 2017 (“EEI Comments”); Comments of PDV in WT Docket No. 17-201, filed Aug. 16, 2017 (“PDV Comments”).

² See *FELHC, Inc., et. al. Request for Extension or Waiver of 700 MHz Guard Band Performance Requirement*, WT Docket No. 17-201, filed Aug. 29, 2017 (“Request for Extension or Waiver”).

December 31, 2022, for FELHC to meet the substantial service requirements applicable to the spectrum, and to clarify application of the population coverage metric that will be used to demonstrate compliance with the substantial service performance requirement.

DISCUSSION

Commenters are unanimous in their strong support for the requested waiver or extension, as well as for the requested clarification of the population coverage requirement where spectrum is being used to support utility-related assets. In its comments, UTC highlights the compelling case that the Parties have made demonstrating that grant of the extension or waiver would serve the public interest. As UTC argues, “the Commission should support FirstEnergy’s effort to put this spectrum to good use, which will serve the public interest by reducing FE’s dependence on third party providers, improving reliability, and hardening security against evolving threats.”³

As noted in the Request for Extension or Waiver, “FE has put in place an aggressive plan to use the Licenses to deploy, throughout its service territory, a private, internal radio system to support FE’s utility operations and the reliable monitoring and control of electrical equipment at thousands of locations across FE’s footprint,” with deployment commencing in 2017, significant construction across FE’s footprint by the June 13, 2019 expiration date, and substantial completion projected no later than December 31, 2022.⁴ PDV concludes, based on these facts, that FE “has demonstrated the unquestionable intention of putting this spectrum into productive use as promptly as possible to serve the electric needs of its customers.”⁵ Overall, not only

³ UTC Comments at 5.

⁴ Request for Extension or Waiver at 2.

⁵ PDV Comments at 3-4.

would grant of the request serve the public interest, but, as PDV observes, its denial “would serve no public interest purpose” and, indeed, would “ill-serve the public interest.”⁶

Similarly, EEI notes that “[d]ue to the considerable scope of the project, FirstEnergy anticipates that deployment will not be completed by the June 13, 2019, substantial service deadline for the licenses.”⁷ EEI continues, “if the deadline is extended as requested, by the end of 2022, FirstEnergy estimates that 8.9 million people will benefit from its 700 MHz band deployment, clearly meeting the substantial service requirements.”⁸ Thus, EEI urges that “[i]t clearly is in the public interest to allow FirstEnergy the time necessary to complete its upper 700 MHz A block deployment.”⁹

Licensees, of course, fully agree with Commenters, and believe that an overwhelming case has been made for the prompt and expeditious grant of extension or waiver of the substantial service requirement applicable to the Upper 700 MHz A Block spectrum that has been assigned to or is in the process of being assigned to FELHC. As noted by PDV, the Request for Extension or Waiver, “amply justifies either the construction deadline extension requested or a waiver of that rule.”¹⁰

As discussed in the Request, the closing of the transactions and acquisition of the Licenses by FELHC is occurring in two stages (labeled as the “2017 Spectrum Rights” and the “2018 Spectrum Rights” in the Request for Extension or Waiver). While the assignment of the 2017 Spectrum Rights occurred earlier this year, as noted in the Request, closing and assignment for the remaining Licenses is expected to occur in 2018, following action by the Commission on

⁶ *Id.* at 4-5.

⁷ EEI Comments at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ PDV Comments at 1.

the instant Request for Extension or Waiver. That request has now been pending since June 2017. Support for its grant is overwhelming, with no opposition whatsoever, or reason for delay. Accordingly, Licensees respectfully urge that the Request for Extension for Waiver be expeditiously granted by the Bureau.

Respectfully submitted,

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