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September 23, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ***Competitive Bidding Procedures for Auction 105***
AU Docket No. 19-244

Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Request for Waiver of the Citizens Broadband Radio Service Transition Deadline
WT Docket No. 18-353

Notice of Ex Parte Communication

Dear Ms. Dortch:

On September 19, 2019, on behalf of the Wireless Internet Service Providers Association (“WISPA”), the undersigned and its outside counsel Stephen Coran met with: (1) Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly; (2) Joseph Calascione, Legal Advisor to Commissioner Brendan Carr; (3) Umair Javed, Legal Advisor to Commissioner Jessica Rosenworcel; and (4) Bill Davenport, Legal Advisor to Commissioner Geoffrey Starks. The purposes of the meeting were to discuss the draft Public Notice proposing procedures for the auction of Priority Access Licenses in the 3550-3700 MHz band¹ and the status of the joint request for waiver of the Part 96 transition rules filed by WISPA and the Utilities Technology Council (“Waiver Request”).²

With respect to the *Draft PN*, we expressed WISPA’s desire to ensure that the auction rules afford bidders a fair opportunity to bid on and acquire rural counties. We discussed the proposal that there be a \$10 million small markets cap on the overall amount of bidding credits that any winning small business bidder may apply to licenses won in counties located within any Partial Economic Area (“PEA”) with a population of 500,000 or less, which the FCC appeared to

¹ Public Notice, *Auction of Priority Access Licenses for the 3550-3700 MHz Band; Comment Sought on Competitive Bidding for Auction 105; Bidding in Auction 105 Scheduled to Begin June 25, 2019*, FCC-CIRC1901-01, AU Docket No. 19-244 (Sept. 5, 2019) (“*Draft PN*”).

² Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Request for Waiver of the Citizens Broadband Radio Service Transition Deadline*, DA 18-1206 (rel. Nov. 27, 2018).



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first adopt in 2015, in an order that reformed many competitive bidding rules.³ We also indicated that WISPA would be an active participant in the proceeding. Finally, we asked that the Commission include a sentence at the end of paragraph 32 asking what alternative proposals the Commission should consider to encourage robust bidding in rural counties and other counties with low populations.

With respect to the Waiver Request, we reiterated, consistent with WISPA's May 3, 2019 ex parte letter,⁴ that the April 2020 transition deadline would not allow many WISPA members to complete the transition in time given delays in equipment certifications and the upcoming winter months that will make hardware change-outs more challenging, if not prohibitive, in many areas of the country. We asked that the Commission act quickly to grant the Waiver Request.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed in ECFS in above-referenced dockets. Please contact the undersigned with any questions.

Respectfully submitted,

/s/ *Louis Peraertz*
Louis Peraertz, Vice President of Policy

cc: Erin McGrath
Joseph Calascione
Umair Javed
Bill Davenport

³ See *Draft PN* at 8, ¶ 20, citing *Updating Part 1 Competitive Bidding Rules, et al.*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, Third Report and Order, WT Docket Nos. 14-170 and 05-211; GN Docket No. 12-268, 30 FCC Rcd 7493, 7524-25, ¶ 128 (2015).

⁴ Letter from Stephen E. Coran, Counsel to WISPA, to Marlene H. Dortch, FCC Secretary, WT Docket No. 18-353 (filed May 3, 2019).