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September 28, 2018

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

Re: Notice of Ex Parte Presentation; Review of the Commission's Rules
Governing the 896-901/935-940 MHz Band – WT Docket No. 17-200

Dear Ms. Dortch:

On September 26, 2018, Jason Ervin, Senior Director, Telecommunications and Raul Garcia, Legal Counsel, of Lower Colorado River Authority ("LCRA")¹ and undersigned counsel met with Roger Noel, Scot Stone, Anna Gentry, Stanislava Kimball, Melvin Spann (via telephone) and Rebecca Schwartz (via telephone) of the Wireless Telecommunications Bureau to discuss the above-referenced proceeding.

LCRA owns and operates a 900 MHz land mobile radio system for mission-critical utility operations and provides non-profit, shared use of its system with public safety entities and other users. During the meeting, LCRA raised significant concerns regarding the licensing freeze that was recently placed on the acceptance of certain applications related to Part 90 services operating in the 896-901/935-940 MHz band.²

¹ LCRA is a Texas conservation and reclamation district that provides many vital services, including producing and transmitting electricity, managing the water supply and environment of the lower Colorado River basin, providing public recreation areas, and supporting community development. LCRA supplies wholesale electricity to retail utilities, including cities and electric cooperatives that serve more than one million people in 55 counties. LCRA operates six dams on the Colorado River that create the Highland Lakes and, through these dams, manages floodwater and produces hydroelectric power.

² Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz Band) Spectrum, *Public Notice*, WT Docket No. 17-200, DA 18-949 (WTB Sept. 13, 2018); Letter from Scot Stone,

LCRA discussed its need to expand and make changes to its 900 MHz radio system in order to support the growth of its utility operations, especially with respect to the growth of LCRA's transmission system due to an increase in the general load in Texas, to support expanding oil and gas production, and to connect new renewable energy facilities.

LCRA explained that its ability to expand its 900 MHz radio system to provide coverage in areas where its utility operations are growing is essential for the safety of its employees and the general public. LCRA operates and is expanding its utility facilities in rural areas in Texas where there often is a lack of reliable cellular coverage. LCRA's 900 MHz radio system is therefore the primary means of communication for its employees to safely and reliably construct, operate and maintain transmission lines and substations in these areas. LCRA's employees rely on their 900 MHz radios for coordination and communication with LCRA's control center, for communication during ongoing patrol and maintenance of the transmission system, and for reliable communications necessary to safely and quickly de-energize facilities either for planned work or in the event of a maintenance emergency situation.

The licensing freeze, however, effectively prevents utilities such as LCRA from expanding the coverage and capacity of their 900 MHz radio systems that are necessary for mission-critical communications to meet the needs of their growing utility operations. The licensing freeze thus will adversely affect LCRA's ability to obtain the adequate and reliable radio coverage it needs to ensure the safety of its employees and its ability to respond to maintenance issues with the transmission system.

LCRA discussed generally with the FCC the provisions available to seek a waiver of the licensing freeze to support the growth of utility operations, for *de minimis* changes to existing sites, or due to radio and equipment obsolescence or other changes beyond a licensee's control. LCRA and the FCC staff also discussed that an application that seeks to change an existing emission designator, without other changes to the frequencies or locations or technical parameters, would not expand a station's spectral or geographic footprint, and would therefore not be subject to the licensing freeze.

Finally, LCRA discussed some of the concerns it has previously raised in its comments filed in this docket regarding the potential impacts on incumbent narrowband 900 MHz systems that would occur under a realignment of the 900 MHz band. LCRA emphasized the need to protect incumbent narrowband systems through adoption of a suitable noise floor and by taking into account that rebanding will necessitate an increase in site density and require additional sites and frequencies. LCRA also emphasized that if the intent of this proceeding is to support the broadband needs of utilities, the FCC should ensure that utilities that operate incumbent 900



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MHz systems have a fair opportunity and a realistic timeframe to acquire any 900 MHz broadband spectrum.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-referenced proceeding.

Respectfully submitted,

Lower Colorado River Authority

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