

November 11, 2019

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation - In the Matter of Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Requests for Waiver of the Citizens Broadband Radio Service Transition Deadline - WT Docket No. 18-353*

Dear Ms. Dortch:

Neptuno Media, Inc. d/b/a Neptuno Networks (“Neptuno”), through the undersigned counsel, submits this *ex parte* letter to reiterate its support for the Petition for Waiver submitted by the Wireless Internet Service Providers Association (“WISPA”) and the Utilities Technology Council (“UTC”) to the Federal Communications Commission (“FCC” or “Commission”) in November 2018.¹ Neptuno previously submitted a letter to the FCC in support of the Petition for Waiver in January 2019.²

Neptuno supports the notice of *ex parte* filed by WISPA on October 9, 2019, which reiterated that the April 2020 transition deadline will not allow incumbents in the 3650-3700 MHz band to transition in time. If the Commission does not grant the Petition for Waiver, Neptuno fears that its ability to provide service to its customers in the 3650-3700 MHz band will be negatively impacted. The key problem in this regard is that there are no Environmental Sensing Capability (“ESC”) systems installed in Puerto Rico, and the first three sensor operators

¹ Waiver of Sections 90.1307(c) and (d) and Sections 90.1338(a) and (b) of the Commission’s Rules, WT Docket No. 18-353, Petition for Waiver (filed Nov. 28, 2018) (“Petition for Waiver”).

² Letter from Matthew G. Baker and Eduardo R. Guzmán, counsel to Neptuno Media, Inc. d/b/a Neptuno Networks, to Marlene H. Dortch, Secretary, FCC (filed Jan. 28, 2019) (“January Letter”).

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were recently approved.³ As Neptuno noted in the January Letter, the delay in granting the ESC deployments and the development of the Spectrum Access System (“SAS”) has made it impossible for incumbent licensees to acquire certified and commercially available equipment under Part 96.⁴ Neptuno is concerned that there is a significant limitation in its present ability to test new equipment and validate the operations of the ESC and SAS providers—a critical step to ensure that there be no interference between the legacy equipment in Neptuno’s network and the new equipment used in the Citizens Broadband Radio Service (“CBRS”).

Finally, Neptuno has concerns that under the current transition timeline, the migration of its operations in the 3650-3700 MHz band will cause a high impact on its customers, which are primarily hospitals, educational institutions, pharmaceutical companies, rural residential customers, and government agencies. To migrate customers from legacy 3650-3700 MHz radios to CBRS compliant radios requires the physical installation of new equipment and a transition period during which legacy equipment and new equipment are simultaneously installed in order to minimize network downtime. Neptuno serves thousands of customers and must coordinate installation with each of them to minimize periods of service interference. The lack of ESC sensors in Puerto Rico means that Neptuno is currently unable to test equipment under real world conditions. If the Petition for Waiver is not granted, Neptuno will have an extremely short period of time to order and install new customer equipment and it is unclear how much, if any, testing will occur prior to beginning operations with the new equipment. Neptuno fears that the lack of ESC sensors in Puerto Rico and the lack of available equipment will lead to service disruptions for its customers if the Petition for Waiver is not granted.

Please contact the undersigned with any questions.

Respectfully submitted,

/s/ Matthew G. Baker

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³ *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce the Approval and Registration of Environmental Sensing Capability Sensors of Three ESC Operators for the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 33 FCC Rcd 6409 (WTB 2019).

⁴ January Letter, at 2.