

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

In the Matter of	)	
	)	
Waiver of Sections 90.1307(c) and (d)	)	WT Docket No. 18-353
and Sections 90.1338(a) and (b) of the	)	
Commission's Rules	)	

To: Wireless Telecommunications Bureau

**COMMENTS OF XCEL ENERGY SERVICES INC.**

Xcel Energy Services Inc., on behalf of its public utility operating company affiliates, Northern States Power Company – Minnesota, Northern States Power Company – Wisconsin, Public Service Company of Colorado, and Southwestern Public Service Company (collectively, “Xcel Energy”) hereby submits its comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) Public Notice in the above-captioned proceeding.<sup>1</sup>

Xcel Energy, an electric and natural gas company based in Minneapolis, Minnesota, provides a comprehensive portfolio of energy-related products and services to approximately 3.6 million electricity customers and approximately 2 million natural gas customers in eight states – Colorado, Michigan, Minnesota, New Mexico, North Dakota, South Dakota, Texas and Wisconsin.

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<sup>1</sup> *Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Request for Waiver of Citizens Broadband Radio Service Transition Deadline*, WT Docket No. 18-353, Public Notice, DA 18-1206 (rel. Nov. 27, 2018).

**I. THE COMMISSION SHOULD EXTEND THE TRANSITION DEADLINE FOR INCUMBENT LICENSEES**

Xcel Energy holds a nationwide, non-exclusive license in the 3650-3700 MHz band (“3.65 GHz band”). Xcel Energy is in the midst of a multi-year, large-scale deployment of a Field Area Network (“FAN”) using WiMAX technology in the 3.65 GHz band. The FAN is a wireless communications network that enables two-way communication of information and data between substations and field devices. The FAN will securely and reliably address the need for increased communication capacity that arises from grid advancements. Xcel Energy’s FAN deployment supports mission critical applications, such as Advanced Metering Infrastructure (“AMI”) backhaul, Distribution Automation, and Supervisory Control and Data Acquisition (“SCADA”).

The FAN deployment is a key component of Xcel Energy’s plan to make its electric distribution system more automated and interactive by utilizing advances in sensing, controls, information, computing, communications, materials, and components. The more intelligent distribution system will be able to better meet customer’s energy needs, while also integrating new sources of energy and delivering power over a network that is increasingly interoperable, efficient, and resilient. It will enable Xcel Energy to more efficiently remotely monitor and control utility devices located on its distribution system, such as capacitor banks, reclosers, fault circuit indicators, and distributed generation controllers.

On April 17, 2015, the Commission adopted a *Report and Order and Second Further Notice of Proposed Rulemaking* (“3.5 GHz Order”) that established a new Citizens Broadband Radio Service (“CBRS”) in the 3550-3700 MHz band (“3.5 GHz Band”). In the 3.5 GHz Order, the Commission adopted rules to protect existing licensees’ registered base stations in the 3.65 GHz band from harmful interference from CBRS users for a fixed transition period. During the

transition period, existing licensees will receive protection for operations that are within their Grandfathered Wireless Protection Zones, provided that: (1) the stations were registered in the Commission's Universal Licensing System ("ULS") on or before April 17, 2015; and (2) as of April 17, 2016, the stations were constructed, in service, and fully compliant with the relevant operating rules.<sup>2</sup>

Xcel Energy is considered a non-federal Grandfathered Wireless Broadband Licensee that is granted certain Incumbent User protections with respect to CBRS operations within Xcel Energy's Grandfathered Wireless Protection Zones.<sup>3</sup> As of the date of this filing, Xcel Energy has 476 registered locations and is in the process of registering additional base and fixed stations to support its critical utility operations.<sup>4</sup> Xcel Energy's license was granted on July 19, 2014. Accordingly, Xcel Energy will be afforded protection from harmful interference from CBRS users until April 17, 2020 for its operations within its Grandfathered Wireless Protection Zones.<sup>5</sup>

In addition, equipment deployed by Xcel Energy during its license term will be exempt from the requirement that all Citizens Broadband Radio Service Devices ("CBSDs") must be capable of two-way operation on any authorized frequency from 3550-3700 MHz assigned by the Spectrum Access System ("SAS").<sup>6</sup> After the transition period, Xcel Energy may apply for Priority Access Licenses ("PALs") that will be auctioned in the 3550-3650 MHz band or

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<sup>2</sup> See 47 C.F.R. § 90.1338.

<sup>3</sup> See 47 C.F.R. §§ 90.1338 and 96.21.

<sup>4</sup> Call Sign WQUI767.

<sup>5</sup> See 47 C.F.R. § 90.1307(d).

<sup>6</sup> See 47 C.F.R. § 96.39(b).

continue to operate its network under the Part 96 General Authorized Access (“GAA”) rules, but without the priority afforded it during the transition.

Xcel Energy has invested significant financial and administrative resources to deploy its FAN network. As discussed above, Xcel Energy’s 3.65 GHz band wireless communications system facilitates internal communications used in support of vital public services; namely, the safe and reliable provision of electric and natural gas delivery service to the public.

As explained by UTC and WISPA, the transition period was predicated on the assumption that five years would be sufficient time for incumbent 3.65 GHz licensees to transition their operations to GAA use under the Part 96 CBRS rules.<sup>7</sup> Among other things, the transition requires numerous steps, such as certifying equipment under Part 96 to operate under the new technical rules and under the control of an SAS, certification of an SAS and the Environmental Sensing Capability (“ESC”), and authorization by the Commission that GAA operations can commence.

However, while progress has been made, there still are a number of testing, certification, and other steps left to go through before 3.5 GHz spectrum may become available for use on a GAA basis. As a result, incumbent licensees will be left with a very limited amount of time during which they will be protected from harmful interference from GAA users. Furthermore, because it is uncertain when the Commission will make PALs available for licensing through auction, Xcel Energy will likely not have the option of transitioning its FAN network to protected PAL spectrum until after its Incumbent User status expires April 17, 2020.

Xcel Energy strongly agrees with UTC and WISPA that this significant reduction in the amount of time available for incumbent licensees to complete the transition frustrates the

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<sup>7</sup> See WISPA UTC, Petition for Waiver of Sections 90.1307(c) and (d) and Sections 90.1338(a) and (b) of the Commission’s Rules, File No. \_\_\_\_ (filed Oct. 4, 2018) (“*Petition*”).

transition rules by exposing incumbents to interference that was not anticipated when the rules were adopted. As such, it would serve the public interest to extend the transition time for incumbent licensees to ensure that critical utility operations are provided maximum protection against harmful interference and that existing 3.65 GHz band systems will not be interrupted by the expiration of the license before it can be converted to CBRS. Xcel Energy urges the Commission to extend the interference protections for all incumbent licenses to January 8, 2023.

## **II. CONCLUSION**

**WHEREFORE, THE PREMISES CONSIDERED,** Xcel Energy respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

**XCEL ENERGY SERVICES INC.**

/s/ Kevin M. Cookler

Kevin M. Cookler  
Lerman Senter PLLC  
2001 L Street, NW, Suite 400  
Washington, DC 20036  
T: 202-416-6749  
E: kcookler@lermansenter.com

Its Attorney

Dated: December 12, 2018