

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Waiver of Sections 90.1307(c) and (d), and)	WT Docket No. 18-353
Sections 90.138(a) and (b) of the Commission's)	
Rules)	
)	

COMMENTS IN SUPPORT OF PETITION FOR WAIVER

CenterPoint Energy, Inc. (“CenterPoint”), through its undersigned counsel, and pursuant to the November 27, 2018 Public Notice in the above-captioned docket,¹ submits these comments in support of the Petition for Waiver of the Wireless Internet Service Providers Association (“WISPA”) and the Utilities Telecom Counsel (“UTC”),² and respectfully requests that Commission grant to all licensees currently operating on the 3650-3700 MHz band an extension of time, through January 8, 2023, to complete the transition of their operations to the Part 96 Citizens Broadband Radio Service (“CBRS”) rules.³ The Petition unequivocally demonstrates that the relief requested by WISPA and UTC is consistent with Commission’s rules and case precedent, and would serve the public interest.

CenterPoint is the corporate parent of CenterPoint Energy Houston Electric, LLC (“CEHE”); an investor-owned electric utility headquartered in, and serving Houston, Texas, and its surrounding areas. CEHE provides electric transmission and distribution services, and owns and operates wires, poles, and other infrastructure throughout its five thousand (5,000) square mile service area. CEHE currently delivers electric power to 2.4 million metered homes and businesses. CenterPoint actively

¹ 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), DA 18-1206 (rel. Nov. 27, 2018).

² Petition for Waiver of the Wireless Internet Service Providers Association (“WISPA”) and the Utilities Telecom Counsel (“UTC”), filed Oct. 4, 2018 (“Petition”).

³ Specifically, the Petition requests a waiver of Rules 90.1307(c) and (d) and 90.1338 (a) and (b) with respect to all current 3650-3700 MHz licensees.

participated in the proceedings that resulted in the current CBRS rules, and its substantial investment in the 3650-3700 MHz band is documented in the public record.⁴ CenterPoint became authorized to operate on the 3650-3700 MHz band in 2009, and continues to operate on the 3650-3700 MHz band pursuant to its license, which is now grandfathered under the Part 90 rules.⁵ The equipment deployed by CenterPoint on the 3650-3700 MHz band supports mission critical systems used in CEHE's utility business. Accordingly, CenterPoint's interest with respect to the Petition is well established.

The Petition underscores CenterPoint's concern that a *seamless* transition to the CBRS rules on April 17, 2020 is not a reality. **First**, CenterPoint cannot at this time even identify – let alone secure – frequencies in the 3650-3700 MHz band that would support its operations beyond the April 17, 2020 expiration of its existing license. As the Petition explains, there is no General Authorized Access (“GAA”) service yet in operation, to which current users of the 3650-3700 MHz band will be able to transition their services. Thus, CenterPoint's core internal communications network may be vulnerable to harmful interference just sixteen (16) months from now, except in the unlikely case that GAA service, and its requisite systems become fully operational.⁶ **Second**, even if, and to the extent that GAA service becomes commercially available before April 17, 2020, the equipment that CenterPoint will require to complete its timely transition may not be. Indeed, as the Petition aptly points out, the development of proxy controller equipment that would enable older 3650-3700 MHz devices to communicate with the SAS has not occurred. Therefore, while CenterPoint and similarly situated companies may have planned to maintain their 3650-3700 MHz systems to the end of life,⁷

⁴ See, e.g., Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Brett Heather Freedson, re: Ex Parte Supplemental Comments of CenterPoint Energy Houston Electric, LLC in GN Docket No. 12-354, filed Oct. 16, 2014.

⁵ See Call Sign WQJY595. Upon renewal in 2019, this license will expire on April 17, 2020.

⁶ Under the Part 96 CBRS rules, no Priority Access License (“PAL”) will be issued for the 3650-3700 MHz band, and the Spectrum Access System (“SAS”) is intended to manage harmful interference with respect to GAA users. Therefore, CenterPoint reasonably believed that it would be able to continue its operations in the 3650-3700 MHz band without the threat of harmful interference beyond the expiration of its existing license.

⁷ See *supra* n. 4.

the current lack of any retrofit technology that would render such systems compliant with the Part 96 CBRS rules, in fact, will require such systems to be prematurely replaced.

For the reasons set forth herein, and in the Petition, CenterPoint respectfully requests that the Commission grant to all licensees currently operating in the 3650-3700 MHz band an extension of time, through January 8, 2023, to complete the transition of their operations to the Part 96 rules.

Respectfully submitted,



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