

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Adaptrum, Inc. Request for Waiver of) ET Docket No. 14-187
Section 15.709(b)(2) of the Commission’s Rules)

To: Chief, Office of Engineering and Technology

**COMMENTS OF
THE WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

The Wireless Internet Service Providers Association (“WISPA”) comments in support of the request for waiver of Section 15.709(b)(2) of the Commission’s Rules (“Waiver Request”) filed on August 10, 2014 by Adaptrum, Inc. (“Adaptrum”).¹ For the reasons discussed herein, and consistent with the waiver standard in Section 1.925(b)(3), the Office of Engineering and Technology (“OET”) should promptly grant the Waiver Request.²

Discussion

In the Waiver Request, Adaptrum proposes to install up to 15 TV white space antennas at heights of up to 250 feet above ground level (“AGL”) in rural Washington County, Maine, in excess of the 30 meters above ground level permitted by Section 15.709(b)(2). Adaptrum indicates that it is working with Axiom Technologies (“Axiom”), a wireless Internet service provider (“WISP”) seeking to serve an area where there are few broadband access alternatives. Adaptrum and Axiom propose to utilize existing towers and explain that heights of up to 250 feet AGL are necessary to clear the tree lines.

¹ See *Public Notice*, “Office of Engineering and Technology Declares the Adaptrum, Inc. Request for Waiver of Section 15.709(b)(2) of the Rules to be a ‘Permit-But-Disclose’ Proceeding for *Ex Parte* Purposes and Requests Comment,” DA 14-1530 (rel. Oct. 23, 2014).

² WISPA notes that Adaptrum requested expedited action on the Waiver Request.

Adaptrum provides technical information demonstrating that operation under the Waiver Request would not cause harmful interference to U.S. or Canadian television stations or to Canadian non-TV UKF licenses. The Waiver Request describes a number of operating conditions, including use of channels that have no co-channel Canadian TV station within 150 km of the proposed towers, directional antennas and downtilt. Adaptrum shows that there is an abundance of TV white space spectrum in the area. Adaptrum also points out that operation at 30 meters AGL would be very expensive, likely because of the need for Axiom to deploy a larger number of base stations to cover the same rural area that would be covered from the fewer number of sites where antennas would be installed under the Waiver Request.

OET should grant the Waiver Request. Adaptrum has shown that the underlying purpose of Section 15.709(b)(2) would not be served because the higher antenna heights are necessary to economically serve rural Washington County. Strict application of that rule also would be inequitable and unduly burdensome such that it may not be possible for Adaptrum and Axiom to serve the area at all. The public interest will be advanced through the cost-effective availability of fixed broadband service in a remote area of the country where other alternatives are lacking.

The Commission has acknowledged the benefits of allowing TV white space operations from higher AGL elevations. In the *Part 15 NPRM*,³ the Commission is inviting comment on whether to amend certain TV white space rules, including Section 15.709(b)(2), to improve the efficiency and utility of unlicensed white space operation. The Commission stated as follows:

A higher antenna height above ground could be beneficial in rural areas since an antenna could be mounted on a tower or other structure at a sufficient height to clear intervening obstacles such as trees and hills that would attenuate the transmitted signal. Increasing the antenna height could increase the maximum distance at which a signal can be received. . . . Since there are fewer authorized

³ *Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37*, Notice of Proposed Rulemaking, FCC 14-144, ET Docket Nos. 14-165, *et al.* (rel. Sept. 30, 2014) ("*Part 15 NPRM*").

users of the spectrum in rural areas, there is a lower likelihood that an increased antenna height above ground will cause interference.⁴

The Commission further asked for information on what should be the new maximum height AGL if the 30-meter AGL restriction were changed.⁵ WISPA submits that grant of the Waiver Request may help inform the record and thus help determine whether and to what extent Section 15.709(b)(2) should be amended.

Conclusion

Expeditious grant of the Waiver Request would benefit the public interest by making fixed broadband service available in rural Washington County, Maine and by contributing to the record in the *Part 15 NPRM*. Adaptrum has taken substantial safeguards to ensure that the proposed operations would not cause harmful interference to licensed U.S. and Canadian television stations or to Canadian non-TV licenses. OET should promptly grant the Waiver Request.

Respectfully submitted,

WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION

November 24, 2014

By: */s/ Chuck Hogg, President*
/s/ Alex Phillips, FCC Committee Chair
/s/ Jack Unger, Technical Consultant

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⁴ *Id.* at ¶ 47.

⁵ *See id.*