

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Parts 1 and 22 of the Commission's)	WT Docket No. 12-40
Rules with Regard to the Cellular Service,)	
Including Changes in Licensing of Unserved Area)	RM No 11510
)	
Amendment of the Commission's Rules with)	
Regard to Relocation of Part 24 to Part 27)	
)	
Interim Restrictions and Procedures for Cellular)	
Service Applications)	
)	
Amendment of Parts 0, 1, and 22 of the)	
Commission's Rules with Regard to Frequency)	
Coordination for the Cellular Service)	
)	
Amendment of the Commission's Rules Governing)	RM No. 11660
Radiated Power Limits for the Cellular Service)	

To: The Commission

**COMMENTS OF
RURAL WIRELESS ASSOCIATION, INC.**

The Rural Wireless Association, Inc. ("RWA")¹ respectfully submits these Comments in response to the Federal Communications Commission's ("FCC" or "Commission") *Report and*

¹ RWA is a Section 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies through advocacy and education in a manner that best represents the interests of its membership. RWA's members have joined together to speed the delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved sections of the country. RWA's members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. RWA's members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies.

*Order and Further Notice of Proposed Rulemaking.*² RWA appreciates the hard work Commission staff has put into working with RWA and other members of the industry to craft rules to transition the Cellular service to geographic based licensing based on CGSAs. Timely resolution of the issues outlined in the *FNPRM* is imperative to ensuring the timely deployment of broadband services to rural consumers. As discussed in detail below, RWA supports those rule changes proposed by the Commission that will further transition the 800 MHz Cellular (“Cellular”) Service from site based licensing to geographic based licensing.

I. BACKGROUND

The Cellular service is the foundation for today’s commercial wireless industry. Cellular licensing first began in 1981 with two channel blocks (Blocks A and B). Licenses were issued in two phases based on the 734 Cellular Market Areas (“CMAs”) ensuring there would be two cellular providers in each market. These providers had a five year exclusive right to build out these licenses anywhere within the CMA and any area timely constructed became the licensee’s Cellular Geographic Service Area (“CGSA”). “[A]ny area not built out by the five year mark was automatically relinquished for re-licensing on a site-by-site basis by the Commission.”³ With site-by-site licensing, the applicant requested authority to construct a transmitter at a specific location within an Unserved Area (“UA”) and applicants were only allowed to construct transmitters at the requested location.

² *Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, Amendment of the Commission’s Rules with Regard to Relocation of Part 24 to Part 27, Interim Restrictions and Procedures for Cellular Service Applications, Amendment of Parts 0, 1, and 22 of the Commission’s Rules with Regard to Frequency Coordination for the Cellular Service, Amendment of the Commission’s Rules Governing Radiated Power Limits for the Cellular Service*, Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 12-40, RM Nos. 11510 and 11660, FCC 14-181 (rel. Nov. 10, 2014) (“*Order and FNPRM*”).

³ *Order and FNPRM* at ¶ 6.

In 2012, the Commission proposed to transition the Cellular service to geographic-based licensing through geographic-area overlay licenses and competitive bidding.⁴ The Commission also proposed a field strength limit, some changes to streamline the application process and the deletion of certain data collection requirements. After significant input from the industry, the FCC adopted the *Order and FNPRM*, which transitions the Cellular service to geographic licensing based on CGSA boundaries rather than providing for the issuance of licenses via geographic-based overlay licenses awarded through competitive bidding. The Commission also limited CGSA expansions to a minimum of 50 contiguous square miles, limited major modification applications to new systems and expansions of a licensee's CGSA, and adopted a 40 dB μ V/m field strength limit at the CGSA boundary, which can be negotiated up or down by effected adjacent and co-channel licensees.

The Commission also found it would be in the public interest to continue to allow licensees to provide service to UAs that are less than 50 contiguous square miles and provide service on a secondary basis indefinitely without any filings with the Commission. Licensees extending service into these areas must (1) comply with the 40 dB μ V/m signal field strength limit at every point along a neighboring co-channel licensee's CGSA boundary; (2) accept interference from other Cellular systems; and (3) avoid causing harmful interference to any neighboring co-channel licensee's CGSA. However, neighboring co-channel licensees may negotiate field strength limits higher or lower than the limit established by the Commission. In addition, an incumbent licensee may extend its Service Area Boundary ("SAB") into an unserved

⁴ *Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, Amendment of the Commission's Rules with Regard to Relocation of Part 24 to Part 27, Interim Restrictions and Procedures for Cellular Service Applications*, Notice of Proposed Rulemaking, WT Docket No. 12-40, RM No. 11510, 27 FCC Rcd 1745, (rel. Feb. 15, 2012) ("2012 FNPRM").

area located within its market that is smaller than 50 contiguous square miles on a secondary basis without any FCC filings. Service to UAs that are smaller than 50 contiguous square miles and are bordered by more than one licensee seeking to serve the UA will be based on written agreements negotiated by the parties or on a shared secondary (unprotected) basis. In order to add flexibility and efficiency to the Cellular service licensing framework, the Commission has proposed additional reforms to its Cellular service rules, for which it now seeks comment.

II. PERMANENT DISCONTINUANCE OF OPERATIONS

Section 1.955(a)(3) of the Commission’s rules provides that an authorization will automatically terminate if service is “permanently discontinued.”⁵ Section 22.317 of the Commission’s rules “defines permanent discontinuance as the failure to provide service to subscribers for 90 continuous days ([or] up to 120 continuous days with an [FCC] extension).”⁶ Once service is permanently discontinued, the licensee’s CGSA will be modified to reflect the reduction in licensed area.⁷ RWA supports the Commission’s proposal to adopt a new service-specific rule that defines permanent discontinuance of service for the Cellular service.⁸ However, RWA recommends the Commission define permanent discontinuance for Cellular licensees as a 12-month period during which the licensee does not operate or, in the case of a Cellular commercial mobile radio service (“CMRS”) provider, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier. The Commission should clarify that a carrier providing only roaming services, with no subscribers of its own, will not be deemed to have permanently discontinued service as long as it continues to provide roaming services to at least one roamer.

⁵ 47 C.F.R. § 1.955(a)(3).

⁶ *Order and FNPRM* at ¶ 77 (citing 47 C.F.R. § 22.317).

⁷ *Id.*

⁸ *Id.* at ¶ 78.

RWA agrees with the Commission that CMRS operators will benefit from a longer permissible period of discontinuance. Twelve months is a reasonable amount of time to ensure that a carrier that may have stopped operating for a period of time intended to permanently cease operations. In addition, given the transition of the Cellular service to geographic-based licensing, the rule should be applied to the licensee's entire CGSA as opposed to individual cell sites. In addition, it is reasonable for Cellular Licensees to have 10 days in which to notify the Commission of the permanent discontinuance of service in order for the FCC's Universal Licensing System to reflect the change.

III. FREQUENCY COORDINATION

RWA supports the Commission's proposal to require prior frequency coordination for Cellular carriers applying for licenses for new Cellular systems and CGSA expansions (*i.e.*, major modification applications claiming at least 50 contiguous square miles of UA as CGSA). Frequency coordination will reduce the expenditure of Commission resources by ensuring that applications comply with the Commission's rules and are complete before they are filed with the Commission. Frequency coordination will also ensure appropriate frequency assignments, which will minimize interference issues between licensees and should expedite the FCC's licensing process.

As with frequency coordination in other services, including the Part 90 Private Land Mobile Radio Service ("PLMRS"), an applicant would submit its completed application, along with an appropriate fee, to the frequency coordinator for review and the frequency coordinator would review the application for compliance with the Commission's technical rules. Once the coordinator finds the application meets these rules, the coordinator would submit the application on behalf of the applicant to the Commission along with a recommendation that the application

be approved. RWA supports the Commission's proposal that in the event of a dispute between the applicant and the coordinator, the applicant be permitted to direct the coordinator to file the application with the Commission without the coordinator's recommendation that the proposed operations be approved. The applicant would be responsible for explaining to the Commission why the application should be approved without the frequency coordinator's recommendation.

As with PLMRS applicants, Cellular service applicants should receive conditional authority to begin operations once the application has been approved by the frequency coordinator and filed with the Commission. RWA supports the proposal that licensees wait ten days after an application has been submitted to the Commission before operating under conditional authority, but it is unnecessary for applicants to wait to begin operating until completion of the 30 day public notice comment period. Prior to the application being filed with the Commission, the frequency coordinator will have determined that the proposed facilities will not cause harmful interference to other operators and the likelihood of harm resulting from applicants operating under conditional authority is minimal. Allowing applicants to begin operating ten days after the application is filed with the Commission will provide the FCC with sufficient time to review the application while also promoting the timely deployment of service to the public.

IV. RADIATED POWER LIMITS FOR THE CELLULAR SERVICE

RWA supports the Commission's proposal to supplement the current effective radiated power ("ERP") limits by adopting a power spectral density ("PSD") model⁹ for calculating ERP

⁹ The Commission notes that "[w]hile [its] rules do not define 'power spectral density,' a simple description is the amount of effective radiated power that would be allowed per unit of bandwidth from a Cellular base station antenna (*e.g.*, 100 watts/MHz), such that wider

limits in the Cellular service and increasing the ERP limits in terms of PSD in the Cellular service as it will enhance the deployment of wireless broadband networks using wideband technologies such as LTE. RWA specifically supports Union Telephone Company d/b/a Union Wireless' ("Union Wireless") proposal that the Commission increase the ERP limits to 500 W/MHz ERP in non-rural areas and 1000 W/MHz in rural areas when the limits are calculated using the PSD model.¹⁰ Increasing the power limits in accordance with Union Wireless' proposal strikes an appropriate balance between the proposals submitted by AT&T Services, Inc. on behalf of AT&T, Inc. and its subsidiaries ("AT&T")¹¹ and Verizon Wireless.¹² AT&T proposes to increase the ERP to 250 W/MHz ERP in non-rural areas and 500 W/MHz ERP in rural areas. Verizon proposes to increase the power limits to 1000 W/MHz ERP in non-rural areas and 2000 W/MHz in rural areas in combination with an increase in the power flux density ("PFD") limit.¹³ Specifically, Verizon proposes that when increasing the ERP to Verizon's proposed PSD limits, "the [PFD] that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure."¹⁴

bandwidth emissions would be permitted more power commensurate with their bandwidth." *Order and FNPRM* at note 161.

¹⁰ *Order and FNPRM* at ¶ 113.

¹¹ See AT&T Services, Inc., Petition for Expedited Rulemaking and Request for Waiver of Section 22.913 of the Commission's Rules (filed Feb. 29, 2012) (re-posted in RM No. 11660 on May 20, 2013).

¹² Reply Comments of Verizon Wireless, dated June 18, 2012, in RM 11660.

¹³ The Commission notes that "[f]or the purpose of this proceeding, PFD is the amount of radio frequency energy or power that would be present over a given unit of area (*e.g.*, 100 microwatts per square meter). Therefore, PFD can be used to describe the strength of signals on the ground in a given location." *Order and FNPRM* at note 227.

¹⁴ *Order and FPRM* at ¶ 130 (*citing* Reply Comments of Verizon Wireless, RM 1160, at 6 (filed June 18, 2012) ("Verizon Wireless PSD Reply Comments"))).

Verizon's proposed ERP limits are not in the public interest as the proposed levels will increase the likelihood of harmful interference to co-channel and adjacent channel operators, including public safety operations that may continue to operate in the Cellular band. Adopting AT&T's proposed ERP limits would not be in the public interest because, as outlined in joint comments submitted by Broadpoint, LLC d/b/a Cellular One, Cincinnati Bell Wireless LLC, NE Colorado Cellular, Inc., Smith Bagley, Inc. and Union Telephone Company d/b/a Union Wireless, AT&T's PSD limits would result in the reduction of existing coverage areas for 2G GSM/EDGE networks, which would dramatically increase roaming costs for customers and in some instances will result in the roaming customers' loss of signal altogether.¹⁵ It would not be in the public interest for the Commission to adopt power limits that reduce existing carriers' service areas. The proposal submitted by Union Wireless strikes an appropriate balance of increasing power limits for carriers deploying wideband technologies, without significantly increasing interference to co-channel and adjacent channel operators, and without reducing service to customers who obtain service through 2G or EDGE networks.

Respectfully submitted,

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¹⁵ See Joint Comments of Broadpoint, LLC d/b/a Cellular One; Cincinnati Bell Wireless LLC; NE Colorado Cellular, Inc.; Smith Bagley, Inc.; and Union Telephone Company d/b/a Union Wireless at 2 (filed June 1, 2012) ("GSM Licensees Comments").