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VP, Regulatory Affairs
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January 26, 2015

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attn: Office of Engineering and Technology

Re: *Time Warner Cable Inc. Response to Globalstar, Inc.; Supplemental Request for Waiver of Certain Technical Requirements for Operation of New U-NII-3 Devices in the U-NII-1 Band*

Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band, ET Docket No. 13-49

Dear Ms. Dortch:

Time Warner Cable Inc. ("TWC") submits this reply in response to comments filed by Globalstar, Inc. ("Globalstar")¹ regarding TWC's request for a waiver of Commission rules adopted in the above-referenced proceeding to permit the operation of new 5 GHz Unlicensed National Information Infrastructure ("U-NII") devices designed for the 5.725-5.825 GHz band (referred to as the "U-NII-3 band"), to operate at modified parameters in the 5.15-5.25 GHz band (referred to as the "U-NII-1 band").

Significantly, Globalstar makes clear in its comments that it does not oppose the grant of TWC's requested waiver to operate up to 10,000 new U-NII-3 devices in the U-NII-1 band with up to 250 mW of conducted power and a PSD of 11 dBm/MHz with a 6 dBi gain antenna. Globalstar also notes that TWC's waiver request is narrow in scope.

The Commission already has granted TWC a waiver through streamlined procedures to operate currently deployed U-NII-3 systems in the U-NII-1 band at these parameters.² Although

¹ Letter from Regina M. Keeney, Lawler, Metzger, Keeney & Logan, LLC, to Marlene H. Dortch, Secretary, FCC, re: Public Notice DA 14-1807, ET Docket No. 13-49 (Jan. 12, 2015).

² See Letter from Julius P. Knapp, Chief, OET, to Terri Natoli, Vice President, Regulatory Affairs Government Relations, TWC, DA 14-1197, ET Docket No. 13-49 (Aug. 20,

the streamlined waiver procedures do not apply to new deployments of U-NII-3 equipment, the underlying reasons for granting waivers for currently-deployed devices are equally applicable to TWC's request to deploy a limited number of new devices subject to the same conditions.

Compliance with the technical requirements that apply to the waivers granted for currently-deployed U-NII-3 devices would ensure that the operation of a relatively small number of new devices similarly would have a negligible effect on the potential for harmful interference. The Commission has granted streamlined waivers covering approximately 43,000 deployed U-NII-3 devices,³ and has pending waiver requests for approximately 13,500 additional new units.⁴ The aggregate of these devices would still be well below the estimated 200,000 operational U-NII-3 devices that the Commission anticipated could be eligible for the streamlined waiver criteria and procedures, and which it considered to be sufficiently limited.⁵

Further, in adopting the streamlined waiver procedures, the Commission acknowledged the benefits of rapidly deploying equipment for more flexible operation in the U-NII-1 band.⁶ Although the systems at issue here have not yet been deployed, allowing TWC to expand the use of U-NII-3 equipment to operate in the U-NII-1 band at modified parameters would increase the opportunities for TWC to provide expanded Wi-Fi offerings to its customers on an expedited basis. TWC's equipment vendors are still in the process of obtaining the necessary equipment authorizations for U-NII-1 devices that can operate at the full power levels adopted in the *5 GHz Order*. In the meantime, there is still a critical need for the ability to deploy additional U-NII-3 devices that can operate at the lower power levels in the U-NII-1 band.

Therefore, TWC respectfully requests that OET act promptly to grant TWC such a waiver. The limited waiver requested in this case would serve the public interest. Moreover,

2014) (“TWC Streamlined Waiver Grant”); *see also Revision of Part 15 of the Commission’s Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, First Report and Order, 29 FCC Rcd 4127 ¶ 40 (2014) (“*5 GHz Order*”) (establishing a streamlined procedures for limited waivers for U-NII-3 systems installed as of the effective date of the rules adopted).

³ The Commission granted streamlined waiver requests of TWC for 19,913 U-NII-3 devices, Comcast for 20,820 devices, and Cox for 2,346 devices. *See* TWC Streamlined Waiver Grant; Letter from Julius P. Knapp, Chief, OET, to David Don, Comcast Corporation, DA 14-1195, ET Docket No. 13-49 (Aug. 20, 2014); Letter from Julius P. Knapp, Chief, OET, to Jenny Prime, Director, Regulatory Affairs, Cox Communications, Inc., DA 14-1196, ET Docket No. 13-49 (Aug. 20, 2014).

⁴ *See* Public Notice, Office of Engineering and Technology Declares the Time Warner Cable Inc. and the Comcast Corporation Requests for Waiver of Rules to be a “Permit-but-Disclose” Proceeding for Ex Parte Purposes and Requests Comment, ET Docket No. 13-49, DA 14-1807 (rel. Dec. 11, 2014) (notifying of Comcast’s request for a waiver to permit the operation of up to 3,583 new devices, in addition to TWC’s request to operate up to 10,000 new devices).

⁵ *5 GHz Order* ¶¶ 39, 41.

⁶ *Id.* ¶ 39.

there are no objections to the grant of the waiver, and the limited scope of the request would ensure that no other users of the U-NII-1 band will be harmed.

Should you have any questions about this waiver request or TWC's 5 GHz U-NII operations, please do not hesitate to contact the undersigned at 202-370-4222 or at Terri.Natoli@TWCable.com.

Respectfully submitted,

/s/

Terri B. Natoli