

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

In the Matter of)	
)	
Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area)	WT Docket No. 12-40
)	RM No. 11510
)	
Amendment of the Commission’s Rules with Regard to Relocation of Part 24 to Part 27)	
)	
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)	RM No. 11660
)	

REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

I. INTRODUCTION AND SUMMARY

CTIA – The Wireless Association® (“CTIA”) respectfully submits these reply comments in response to the Commission’s Further Notice of Proposed Rulemaking (“*FNPRM*”) seeking comment on additional proposed reforms of the Cellular licensing model.¹

CTIA supports many of the proposals in the *FNPRM*. In particular, CTIA agrees with the Commission’s proposal to revise the cellular discontinuance rule and to amend the cellular

¹ *Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in the 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, FCC 14-181 (Nov. 10, 2014) (“FNPRM”).*

radiated power rules. CTIA also supports elimination of rules that would inhibit Cellular licensees from enjoying the same flexibility as licensees in other services. However, CTIA has concerns about the Commission's proposal to appoint frequency coordinators to review Cellular license applications. The use of frequency coordinators could unduly burden Cellular licensees if such a requirement is immediately placed on Cellular licensees. The Commission should proceed cautiously, after evaluating the impact of the new Cellular licensing rules, before creating a new frequency coordination scheme.

Since the Commission's adoption of initial rules for the 800 MHz Cellular Service in 1981, wireless broadband networks and technologies have changed the way millions of Americans live, work, and communicate. This rulemaking represents the next step in the evolution of the Cellular rules and CTIA and its members applaud the Commission for investigating reforms to the Cellular Service licensing model. Many of the proposals in the *FNPRM* would reduce licensee administrative burdens, enhance flexibility to adapt quickly to technological and market place changes, and increase harmonization of the Cellular Service rules with those of other services. CTIA welcomes this opportunity to provide input on a licensing regime that will meet the goals of the Commission and Cellular licensees and facilitate the continued delivery of wireless services to consumers.

II. THE USE OF FREQUENCY COORDINATORS MAY UNDULY BURDEN CELLULAR LICENSEES.

CTIA does not at this time support the immediate use of frequency coordinators in conjunction with the reform of the Cellular licensing rules. Instead, the Commission should proceed cautiously and allow adequate time under the newly adopted regulatory framework to determine if frequency coordinators truly are necessary. After a sufficient trial period, CTIA suggests that the FCC again look to determine if third party frequency coordination is necessary.

Should the Commission determine that frequency coordination is required, CTIA supports those commenters in the record that proposed streamlined approaches to coordination.

CTIA agrees with commenters that the use of frequency coordinators does not appear necessary in light of the expected reduction in application filings under the new Cellular licensing rules.² In the Report & Order accompanying the *FNPRM*, the Commission predicted that by limiting CGSA-expansion major modification applications to those that propose expansion of 50 contiguous square miles or more, together with adopting a streamlined procedures for service coverage expansions of less than 50 contiguous square miles, the volume of major modifications and amendments for CGSA expansions would be reduced by at least 60 percent.³ If the volume of applications is, in fact, reduced due to these rule changes, CTIA believes that adopting a frequency coordinator model would be unnecessary.

The FCC's proposal to use frequency coordinators could cause some unintended negative consequences. First, the use of frequency coordinators to review applications would increase licensee costs. Licensees would be required to pay fees to frequency coordinators in addition to the existing Commission application fees, adding significant costs to the application process. Second, this proposal could result in delayed broadband deployment in the Cellular bands. An additional review of Cellular license applications would inherently delay the licensee in putting the spectrum to productive use. Further, the addition of frequency coordinators to the application process could create confusion and delay for licensees in determining which process applies to different application types. Third, requiring frequency coordination is at odds with the

² Comments of AT&T, WT Docket No. 12-40, RM No. 11510, RM No. 11660 at 6 (“AT&T Comments”); Comments of Verizon, WT Docket No. 12-40, RM No. 11510, RM No. 11660 at 9 (“Verizon Comments”).

³ *FNPRM* at ¶ 38.

proceeding's goal of harmonizing the Cellular rules consistent with the rules governing other services. Other radio services are not subject to this frequency coordinator requirement. To avoid these negative consequences, the Commission should proceed cautiously, after evaluating the impact of the new Cellular licensing rules, before creating a new frequency coordination scheme.

If after careful deliberation, the Commission determines that the use of frequency coordinators is in the public interest, the Commission should take certain steps to reduce the burden on Cellular licensees. The Commission should relieve some of the cost burden on applicants by reducing its application fees.⁴ Since the Commission only would be conducting a brief review before taking action on the application, a lower fee would be warranted. The Commission should reduce the delays caused by use of the frequency coordinator by granting applicants conditional authority to operate during the pendency of their application.⁵ The Commission also should consider how disputes between the licensee and frequency coordinator would be resolved. One solution would be to allow licensees that disagree with a frequency coordinator's application decision to file an application directly with the Commission.⁶ Finally, to avoid conflicts of interest, commercial licensees should be prohibited from serving as frequency coordinators.⁷ These measures would help remedy some of the negative consequences associated with the use of frequency coordinators in this service and thereby foster speedy and cost-efficient deployment of mobile broadband services.

⁴ AT&T Comments at 8.

⁵ *Id.* at 9-10.

⁶ *Id.* at 10.

⁷ *Id.* at 11.

III. COMMENTERS SUPPORT THE COMMISSION'S PROPOSED NEW RULE GOVERNING THE PERMANENT DISCONTINUANCE OF OPERATIONS.

CTIA joins commenters in supporting the revision of Cellular service rules to allow Cellular licensees to discontinue service for as much as 180 days without penalty. This change to the Cellular discontinuance rules would be consistent with the requirements applied to other commercial mobile radio service licenses and would allow Cellular licensees the flexibility to move to new technologies without the need for Commission action.

The Commission proposes to add a new Section 22.947 to the Cellular rules to define permanent discontinuance as 180 consecutive days during which the licensee does not operate.⁸ The Commission also proposes that the new service discontinuance rule be applied to the entire geographic license area, *i.e.*, the CGSA, rather than the individual cell site.⁹ Commenters support this new rule, as it will further the Commission's goal of reducing necessary filings and give licensees flexibility to modify their networks to accommodate changes in technology, network integration, and system upgrades.¹⁰ Under this proposal, licensees will be able to undertake these upgrades, some of which may require providers to discontinue service for up to six months, without putting their licenses at risk. Moreover, this step will further bring the Cellular Service into parity with rules governing other geographically-licensed commercial wireless services.

⁸ *FNPRM* at ¶ 78.

⁹ *FNPRM* at ¶ 79.

¹⁰ AT&T Comments at 3, 5-6; Verizon Comments at 2, 7-8.

IV. THE COMMISSION SHOULD SUPPLEMENT ITS EXISTING EFFECTIVE RADIATED POWER (“ERP”) LIMITS FOR THE CELLULAR SERVICE WITH ALTERNATIVE LIMITS BASED ON POWER SPECTRAL DENSITY.

The *FNPRM* discusses revising the Cellular power rules to permit measurement of base transmitter and Cellular repeater power using a power spectral density (“PSD”) model.¹¹ CTIA joins many commenters in supporting this proposal.¹² The current Commission rules constrain LTE deployment over the Cellular service because the base station power limits favor narrowband systems.¹³ But, transitioning to PSD base station power rules will remedy this disadvantage and enhance the deployment of broadband networks using wideband technologies such as LTE.¹⁴ Ultimately, this rule change will afford more efficient spectrum utilization for next-generation wideband wireless broadband networks.

Certain commenters also believe that the Commission should adopt power flux density (“PFD”) limits for the Cellular rules.¹⁵ Verizon states that adopting the same PFD rule for Cellular that applies to the upper 700 MHz band will protect adjacent public safety and other licensees from harmful interference while enabling the Commission to adopt higher PSD

¹¹ *FNPRM* at ¶ 110.

¹² See Comments of Rural Wireless Association, Inc., WT Docket No. 12-40, RM No. 11510, RM No. 11660 at 6-7 (“RWA Comments”); AT&T Comments at 11-18; Verizon Comments at 2-7; Comments of Pericle Communications Company and Shulman, Rogers, Gandal, Pordy & Ecker, P.A., WT Docket No. 12-40, RM No. 11510, RM No. 11660 at 5 (“Pericle *et al.* Comments”).

¹³ See *NPRM* at ¶ 113 (“current limits apply to each emission or a channel, so that a licensee using narrow emissions can transmit more total power per MHz than a licensee using wideband emissions.”).

¹⁴ RWA Comments at 7.

¹⁵ Verizon Comments at 1; Pericle *et al.* Comments at 4.

limits.¹⁶ Pericle *et al.* note that changing the measuring standard for new technologies is consistent with the Commission's actions in the past, including changing most of the Part 90 narrowband standards from output power to effective radiated power.¹⁷ Any proposal adopted should reflect the Commission's goal to promote spectral efficiency and provide licensees with the flexibility to select the technology that best suits their needs.

V. THE COMMISSION SHOULD ELIMINATE UNNECESSARY RULES IN THE CURRENT CELLULAR REGULATORY REGIME.

Finally, the Commission seeks comment on other changes designed to update the Cellular rules. CTIA supports elimination of rules that would inhibit Cellular licensees from benefitting from the same level of flexibility as is available in other CMRS spectrum bands. Specifically, the requirement in Section 22.303 for Part 22 licensees to retain the authorization for each station as a permanent part of the station records should be eliminated. As Verizon noted, this requirement is “burdensome, outdated, and unnecessary.”¹⁸ The Commission does not send copies of licenses when minor modifications are granted, and has announced that official wireless authorizations can be accessed through ULS and will no longer be mailed to licensees or registrants except on request.¹⁹ This requirement would therefore unduly burden licensees by requiring them to request paper copies from the Wireless Telecommunications Bureau or print copies from ULS as changes to the license are made.

¹⁶ Verizon Comments at 6.

¹⁷ Pericle *et al.* Comments at 4.

¹⁸ Verizon Comments at 14.

¹⁹ See *Wireless Telecommunications Bureau Implements Enhancements to the Commission's Universal Licensing System and Antenna Structure Registration System and Adopts Final Procedures for Providing Access to Official Electronic Authorizations*, Public Notice, WT Docket 14-161, DA 14-1846 (Dec. 18, 2014).

The Commission also seeks comment on whether and how it should amend the Cellular height/power limit rules in Section 22.913(b) or if the current limit should be deleted altogether.²⁰ This rule could be deleted without causing any adverse effects. As AT&T noted, “[t]he current height-power limit allows an average distance to [the service area boundary (“SAB”)] that is greater than the SABs deployed at the vast majority of base stations, and thus, the limit is rarely an issue.”²¹ The height-power limit in Section 22.913(b) is no longer necessary and should be eliminated.

VI. CONCLUSION

CTIA and its members support the Commission’s efforts to further reform the Cellular service rules to establish a more flexible and efficient licensing approach. The Commission should revise the rules to define permanent discontinuance as 180 consecutive days, permit measurement of base transmitter and Cellular repeater power using a PSD model and a PFD limit as appropriate, and eliminate unnecessary rules such as the requirement to maintain and post a license and the height-power limit. The Commission should refrain from mandating the use of

²⁰ *NPRM* at ¶ 138.

²¹ AT&T Comments at 17-18. *See also* Verizon Comments at 10-11.

frequency coordinators for new Cellular applications at this time.

Respectfully submitted,

By: /s/ Brian M. Josef

Brian M. Josef
Assistant Vice President, Regulatory Affairs

Thomas C. Power
Senior Vice President, General Counsel

Scott K. Bergmann
Vice President, Regulatory Affairs

CTIA – The Wireless Association®
1400 16th Street, NW, Suite 600
Washington, D.C. 20036
(202) 785-0081

Dated: February 20, 2015