

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

In the Matter of )  
)  
Wireless Telecommunications Bureau’s )  
Broadband Division and Public Safety and )  
Homeland Security Bureau’s Policy and )  
Licensing Division Issue Declaratory Ruling ) GN Docket No. 15-20  
on Microwave Frequency Coordination and )  
Seek Comment on Portion of Petition for )  
Declaratory Ruling Filed by the Fixed Wireless )  
Communications Coalition, Inc. )  
)

**COMMENTS OF PCIA – THE WIRELESS INFRASTRUCTURE ASSOCIATION**

PCIA – The Wireless Infrastructure Association (“PCIA”) respectfully submits these comments concerning the Federal Communications Commission’s (“FCC” or “Commission”) proposal in its Public Notice (“PN”) seeking comment on a portion of the Petition for Declaratory Ruling filed by the Fixed Wireless Communications Coalition, Inc. (“FWCC”) concerning parties holding “growth channels” under the Commission’s Part 101 rules.<sup>1</sup> PCIA supports the FCC’s proposal to impose fixed maximum time requirements before growth channels must be relinquished to ensure prompt buildout and discourage unnecessary spectrum squatting. Due to scarce resources, disputes over growth channels may become commonplace;<sup>2</sup> by acting to clarify

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<sup>1</sup> *Wireless Telecommunications Bureau’s Broadband Division and Public Safety and Homeland Security Bureau’s Policy and Licensing Division Issue Declaratory Ruling on Microwave Frequency Coordination and Seek Comment on Portion of Petition for Declaratory Ruling Filed by the Fixed Wireless Communications Coalition, Inc.*, Public Notice, (2015) (“PN”).

<sup>2</sup> Fixed Wireless Communications Coalition, Request for Declaratory Ruling at 9 (filed Oct. 23, 2014) (FWCC Request for Declaratory Ruling) (“Disputes over growth channels used to be

timelines and procedures over growth channels, the FCC will help to prevent these disputes and provide needed certainty for the wireless industry.

By establishing limits on reserving growth channels, the FCC will ensure efficient use of all available spectrum and give infrastructure providers the necessary certainty when reserving attachment space for future uses. Predetermined time limits on growth spectrum will encourage those reserving coordinated spectrum on speculation of future plans to either build out their network as planned in a timely fashion, or relinquish the spectrum and allow others to utilize it. Moreover, infrastructure providers often reserve space on support structures for these future planned uses; a time limit would help providers plan appropriately and maximize use of existing wireless facilities.<sup>3</sup> By imposing time limits, the FCC will help preserve such scarce resources as open spectrum and antenna attachment zones.

Existing Commission interpretations of Part 101 rules contemplate and support prompt buildout in these bands. The Commission has previously has read Section 101.013(d)(2)(xii) of its rules “to indicate that growth channels may be held for ‘months,’ ‘not years.’”<sup>4</sup> The Commission has also found that a party holding growth channels for longer than six months must demonstrate a need for those channels, noting that “it is paramount that we provide an

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rare . . . . Due to congestion on certain routes, these disputes may become more common in the future.”).

<sup>3</sup> The FCC already enforces construction timelines for Part 101 spectrum upon the affirmative grant of a license; the license grant starts a shot clock for construction completion (18 months) and channel loading (30 months). *See* 47 C.F.R. §§ 101.63(a), 101.141(a)(3)(ii).

<sup>4</sup> PN at 7 (citing *Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services*, Report and Order, 11 FCC Rcd 13449, 13473 n.102 (1996) (*Part 101 Report & Order*)); *see also* Asia Skylink, Inc., Memorandum Opinion and Order, DA 99-2965 (WTB PS&PWD rel. Dec. 23, 1999) at ¶ 14 (finding that a party may not hold growth channels for more than six years without justifying need for same).

environment where spectrum will not remain idle, particularly when a legitimate communications requirement exists.”<sup>5</sup> Further, in the order at issue in this PN, the Commission held that Auburn Data Systems, LLC must relinquish its growth channels because they remained fallow for too long.<sup>6</sup> The Commission concluded that:

. . . Auburn’s attempt to reserve channels for 2.5 years is still a longer period than the Commission contemplated . . . . We believe that allowing Auburn to hang on to these frequencies after doing nothing for 2.5 years would be inconsistent with [existing Commission] guidance. We therefore conclude that Auburn was required to relinquish the frequencies.<sup>7</sup>

The Commission should solidify its existing rule interpretations and set a specified time after which unused growth channels must be relinquished.

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<sup>5</sup> See *Part 101 Report & Order*, 11 FCC Rcd at 13474 at ¶ 66.

<sup>6</sup> PN at 2, 7; see *Geodesic Networks, LLC*, Memorandum Opinion and Order and Order on Reconsideration, 29 FCC Rcd 10429 (WTB BD 2014) (*Geodesic Order*).

<sup>7</sup> *Geodesic Order*, 29 FCC Rcd at 10435 ¶ 18.

## CONCLUSION

To ensure prompt buildout and proper utilization of scarce spectrum and attachment resources, the Commission should limit the amount of time users of Part 101 spectrum may hold additional growth spectrum without building out networks.

Respectfully submitted,

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February 25, 2015