



Wireless Internet Service Providers Association

April 14, 2015

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

**Re: Notice of Oral Ex Parte Presentation  
GN Docket No. 12-354**

Dear Ms. Dortch:

On April 10, 2015, Stephen Coran, counsel to the Wireless Internet Service Providers Association (“WISPA”), and myself met separately with Travis Litman, Legal Advisor to Commissioner Jessica Rosenworcel, Brendan Carr, Legal Advisor to Commissioner Ajit Pai, and Renee Gregory, Legal Advisor to Chairman Tom Wheeler, to discuss issues relevant to the above-referenced pending rulemaking proceeding.<sup>1</sup>

We pointed out that the fixed wireless broadband industry was one of the first industries to express strong interest in using the 3550-3650 MHz band for rural deployment on a shared basis with federal incumbents,<sup>2</sup> given that the adjacent 3650-3700 MHz band was being used successfully for rural broadband operations.<sup>3</sup> Since the release of the Fast Track Report and the Commission’s initial Notice of Proposed Rulemaking,<sup>4</sup> WISPA has strongly supported the Commission’s proposals to establish a robust, three-tier Spectrum Access System (“SAS”) that enables higher-power fixed rural broadband operations in the 3550-3650 MHz band and continued incumbent use of the 3650-3700 MHz band.

**3650-3700 MHz**

Regarding the 3650-3700 MHz band, we stated that the Commission should permanently grandfather existing operations and must not require incumbent operators

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<sup>1</sup> See *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Further Notice of Proposed Rulemaking, 29 FCC Rcd 4273 (2014).

<sup>2</sup> See NTIA, *An Assessment of the Near-Term Viability of Accommodating Wireless Broadband Systems in the 1675-1710 MHz, 1755-1780 MHz, 3500-3650 MHz, 4200-4220 MHz, and 4380-4400 MHz Bands* (rel. October 2010) (“Fast Track Report”), available at [http://www.ntia.doc.gov/files/ntia/publications/fasttrackevaluation\\_11152010.pdf](http://www.ntia.doc.gov/files/ntia/publications/fasttrackevaluation_11152010.pdf).

<sup>3</sup> See Comments of WISPA, ET Docket No. 10-123 (filed Apr. 22, 2011) (commenting on Fast Track Report).

<sup>4</sup> *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Notice of Proposed Rulemaking and Order, 27 FCC Rcd 15594 (2012).

that had invested significant time and expense to construct facilities across the country to replace equipment. In preserving incumbent operations and allowing Priority Access Licenses (“PALs”) only in the 3550-3650 MHz band, the Commission should not permit PALs in the 3650-3700MHz band under any circumstances; rather, such operations should be confined to the 3550-3650 MHz band even when their operations are impaired by Incumbent Access operations.

### **3550-3650 MHz**

Regarding the 3550-3650 MHz band, we explained that the proposals in the NTIA’s March 24, 2015 ex parte letter precluding higher-power operations in rural areas prior to the establishment of a sensing system were overly protective of ground-based radar facilities.<sup>5</sup> We discussed whether the Commission would consider a consent process by which an operator could apply to the Commission, which would then work with NTIA to assess the level of aggregate interference on a case-by-case basis similar to the process for proposed operations inside Quiet Zones.<sup>6</sup> This process would enable higher-power operations in many rural areas without any potential for interference, while ensuring that the cumulative number of base stations was known and would not exceed levels unacceptable to the government. To the extent the Commission does not adopt this proposal, it should seek comment in the Further Notice of Proposed Rulemaking the Commission will adopt.

We urged the Commission to limit PALs to 60 MHz of spectrum and to adopt rules that would enable an applicant to obtain a PAL even when there were no mutually exclusive applicants for a particular license area. We proposed that non-mutually exclusive applicants should have a choice between accepting General Authorized Access (“GAA”) use (with no payment to the Commission in exchange for use of the spectrum) and PAL use (with payment of a meaningful fee). An applicant choosing a PAL would obtain a license that would promote investment and quality of service, without impairing any “use it or share it” rights attendant to GAA use.

We discussed the need for a robust SAS that incorporates specific device and operational parameters such as antenna directivity, polarization, antenna height and other data inputs to provide a more precise picture of the interference environment at a particular time and place. We also endorsed the requirement that non-grandfathered devices operate across the entire 3550-3700 MHz band and communicate with the SAS, but that devices need not be interoperable with each other.

We stated that rules allowing only downlink communications in the band would not provide sufficient information from end-user devices to be transmitted to the SAS, meaning that the SAS would not be able to identify and mitigate interference. The Commission thus should require two-way, in-band communications without a licensed control channel.

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<sup>5</sup> See Letter from Paige R. Atkins, NTIA Associate Administrator, Office of Spectrum Manager, to Julius P. Knapp, Chief, Office of Engineering and Technology, GN Docket No. 12-354 (filed March 24, 2015).

<sup>6</sup> See 47 C.F.R. § 1.924.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceeding.

Respectfully submitted,

/s/ Alex Phillips

Vice President and FCC Committee Chair

cc: Travis Litman  
Brendan Carr  
Renee Gregory