

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

In the Matter of)	
)	
Terrestrial Use of the 2473–2495 MHz Band for)	IB Docket No. 13-213
Low-Power Mobile Broadband Networks;)	RM-11685
Amendments to Rules for the Ancillary Terrestrial)	
Component of Mobile Satellite Service Systems)	

To: The Commission

EIBASS *Ex Parte* Comments

1. Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS) hereby respectfully submits its *ex parte* comments in response to multiple *ex parte* filings by the Bluetooth Special Interest Group, CableLabs, the Consumer Electronics Association, Gerst Capital, Globalstar, Google, Iridium Constellation, the National Cable & Telecommunications Association (NCTA), the Open Technology Institute, and the Wi-Fi Alliance in February, March and April 2015, to the IB Docket 13-213 rulemaking regarding the Terrestrial Low-Power Service (TLPS) and Advanced Wireless Service Band 5 (AWS-5).

I. Co-Channel, Licensed, 2.5 GHz Licensees Again Ignored

2. The *ex parte* filings by all of the above parties, except Globalstar and CableLabs, all ignore the existence of licensed Part 74 and Part 101 stations operating at 2.5 GHz; namely, TV BAS Channel A8 at 2,450-2,467 MHz; TV BAS Channel A9 at 2,467-2,483.5 MHz, and grandfathered TV BAS Channel A10 at 2,483.5-2,500 MHz. Globalstar at last acknowledges the existence of TV BAS Channel A9 and A10 operations. However, they dismiss this serious and harmful co-channel conflict in a cavalier manner with a vague promise of a Network Operations Center (NOC) that would act in some foggy and undefined way to avoid interference with mobile electronic news gathering (ENG) operations in a time frame to be useful to such dynamic, real-time mobile operations. All the CableLabs *ex parte* comments did was note, at page 10 of 29, that Broadcast Auxiliary Service (BAS) operations were not considered.

3. Here are easily verifiable facts that the proponent does not address in a meaningful manner. The Universal Licensing System (ULS) currently shows 69 Part 74 and Part 101

EIBASS Ex Parte Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

licenses for the 2,483.5-2,495 MHz AWS-5 portion of Globalstar's proposed TLPS/AWS-5, and 505 Channel A9 TV BAS stations for the 2,473-2,483.5 MHz TLPS portion. For the AWS-5 portion, 40 licenses are for TV Pickup (ENG) use, 6 are for point-to-point TV Inter City Relay or TV Translator Relay use, 2 are Part 101 Land Mobile Radiolocation, 3 are Part 101 Public Safety, and 8 are Part 101 Industrial/Business microwave.

4. Part 15, unlicensed Wi-Fi and Bluetooth use of 2.5 GHz is secondary to all licensed uses, a regulatory fact hopefully not in dispute. Per Section 15.5(b) of the FCC Rules, a Part 15 device must accept interference from any licensed service, and must not cause interference to any licensed service. Part 74 and Part 101 stations are licensed uses that trump Part 15 anything. Further, to the extent that the Globalstar TLPS/AWS-5 requires a single 22 MHz wide channel (*i.e.*, Wi-Fi Channel 14), the 2,473-2,483.5 MHz Part 15 portion de facto downgrades the licensed 2,483.5-2,495 MHz AWS-5 portion to secondary status. Even if the Globalstar system allows separating the 10.5 MHz TLPS portion from the 11.5 MHz AWS-5 portion, the users of AWS-5 portion would must protect the co-primary, indefinitely grandfathered TV BAS Channel A10 operations in fourteen major metropolitan areas; that is, Boston, Chicago, Denver, Detroit, Los Angeles, Miami, New York City, Philadelphia, Phoenix, Sacramento, Salt Lake City, San Diego, San Francisco, and Washington, DC, since between co-primary licensees the newcomer is obligated to protect the incumbent(s). This is because between co-primary users, the newcomer user is obligated to protect the incumbent user. Incumbent Part 101 operations would also be entitled to protection.

5. EIBASS submits that the Globalstar TLPS/AWS-5 proposal is akin to a proposal by a hypothetical entity we will call Globalpark. Globalpark's current business model is built around parking lots in remote locations that have never been profitable. To become profitable, they are petitioning the Federal Car Commission (*FCC*) to allow them to lease convenient and desirable parking spaces in big cities for private vehicle parking, in red zones in front of fire hydrants. The Globalpark petition claims that if a Fire Department needs to access a hydrant, they can simply call a Parking Operations Center (POC) to have the private auto towed from the red zone. During a three-day demonstration of this terrestrial local parking system (*TLPS*) arranged to prove the concept, not a single Fire Department needed to use a red zone fire hydrant. Globalpark declared its *TLPS* demonstration a complete success. However, no Fire Departments were invited to, or participated in, the demonstrations.

EIBASS Ex Parte Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

6. EIBASS further therefore submits that the recent demonstrations of the proposed Globalstar TLPS at the FCC headquarters in Washington, DC, proved nothing due to the failure to include tests of interference to and from higher priority, licensed, Part 74 and Part 101 stations. Further, EIBASS can find no evidence that Globalstar complied with Special Condition 1 to its WH2XNQ experimental Special Temporary Authority (STA), the "SBE Clause," which required prior coordination with broadcasters. Finally, the STA also had Special Condition 2, requiring similar prior coordination with "existing microwave users," which EIBASS takes to mean any Part 101 licensees in the area.

II. Summary

7. The convenient failure to include higher-priority, Part 74 or Part 101 stations in the demonstration turned the process into a farce, that proved nothing of value to support Globalstar's case. Globalstar's 2,483.5-2,495 Mobile Satellite Service spectrum is terrestrially encumbered spectrum (red zone fire hydrants), because most of the large metros have grandfathered, *licensed*, TV BAS Channel A10 operations, as well as Part 101 stations that must be protected. To the extent that the proposed use of Wi-Fi Channel 14 in the United States for TLPS/AWS-5 would be a single-channel, non-disaggregating use of that 22 MHz of spectrum, then the Globalstar system would be a secondary, not co-primary, use relative to licensed Part 74 and Part 101 operations at 2.5 GHz; that is, TLPS/AWS-5 would be just another secondary, unprotected, WiFi system, and not a protected, "network-grade" system warranting paid subscriptions. Globalstar should not have the right to park in front of fire hydrants or have the right to subvert legitimate, long-standing use by licensed entities for its own profit.

**EIBASS *Ex Parte* Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)**

III. List of Figures

8. The following figures have been prepared as a part of these IB Docket 13-213 *ex parte* comments:

1. Figure accurately showing the co-channel conflict between TV BAS and TLPS/AWS-5.
2. Copy of the WH2XNQ experimental STA.

Respectfully submitted,

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EIBASS Co-Chair
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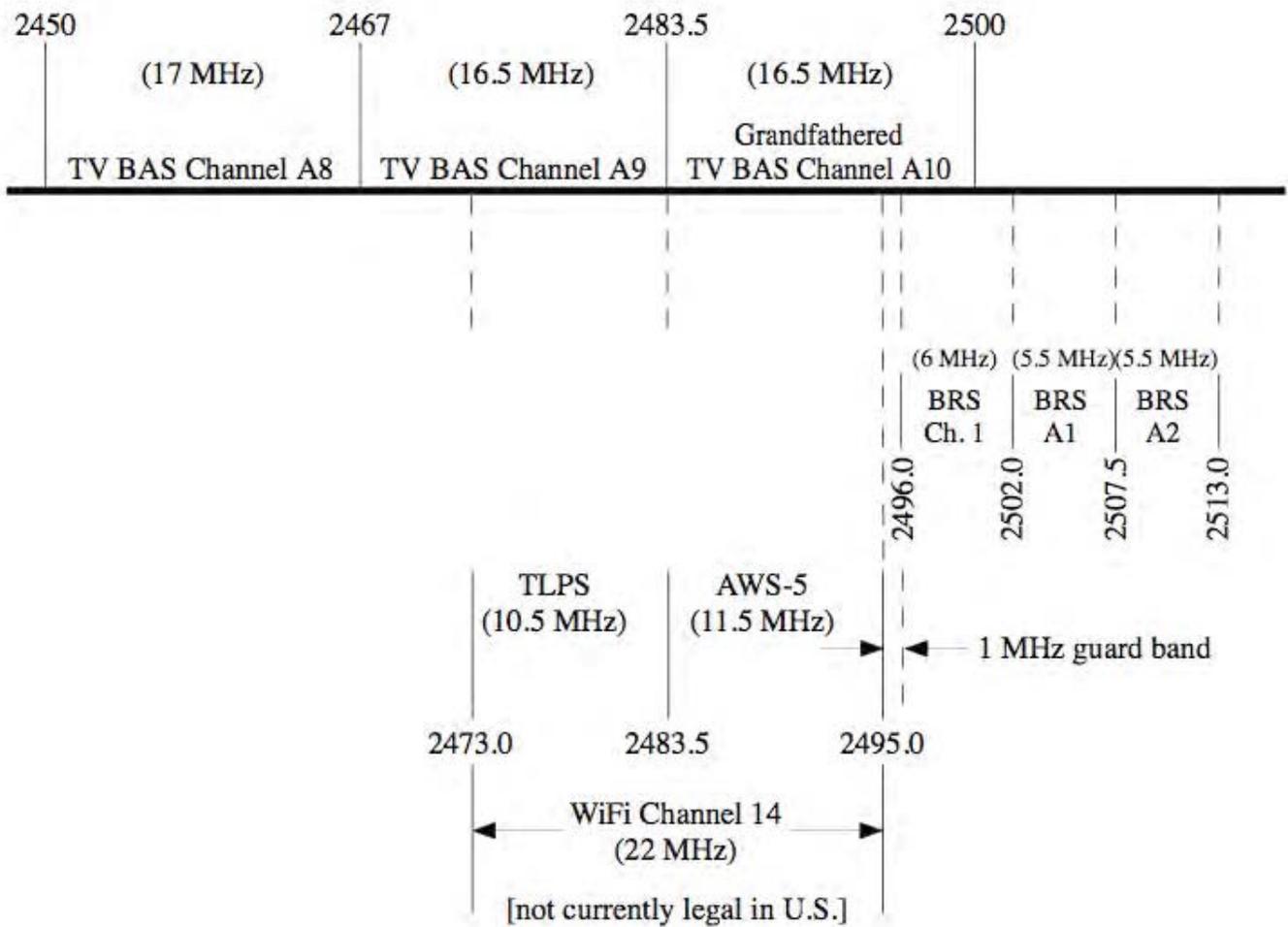
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April 18, 2015

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EIBASS *Ex Parte* Comments to IB Docket 13-213,
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

2.5 GHz TV BAS Band



All frequencies are in MHz

**EIBASS Ex Parte Comments to IB Docket 13-213,
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)**

Globalstar WH2XNQ Experimental STA

Leo Kutz, 300 Holiday Square Blvd., Covington, LA 70433,

**United States of America
FEDERAL COMMUNICATIONS COMMISSION
EXPERIMENTAL
SPECIAL TEMPORARY AUTHORIZATION**

<u>EXPERIMENTAL</u> (Nature of Service)	<u>WH2XNQ</u> (Call Sign)
<u>XT FX MO</u> (Class of Station)	<u>0177-EX-ST-2015</u> (File Number)

NAME Globalstar

This Special Temporary Authorization is granted upon the express condition that it may be terminated by the Commission at any time without advance notice or hearing if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the authority herein granted is or will be in the public interest beyond the express terms hereof.

This Special Temporary Authorization shall not vest in the grantee any right to operate the station nor any right in the use of the frequencies designated in the authorization beyond the term hereof, nor in any other manner than authorized herein. Neither the authorization nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This authorization is subject to the right of use of control the Government of the United States conferred by Section 706 of the Communications Act of 1934.

Special Temporary Authority is hereby granted to operate the apparatus described below:

Purpose Of Operation:

Demonstration and experiments associated with a terrestrial low power data service.

Station Locations

(1) *Washington (DIST OF COLUMBIA), DC - NL 38-53-00; WL 77-01-45; MOBILE:within 1 km*

Frequency Information

Washington (DIST OF COLUMBIA), DC - NL 38-53-00; WL 77-01-45; MOBILE:within 1 km

Frequency	Station Class	Emission Designator	Authorized Power	Frequency Tolerance (+/-)
2473-2495 MHz	MO	22M0M9W	4 W (ERP)	1 %
2473-2495 MHz	FX	22M0M9W	4 W (ERP)	1 %

This authorization effective March 02, 2015 and
will expire 3:00 A.M. EST April 01, 2015

**FEDERAL
COMMUNICATIONS
COMMISSION**



**EIBASS *Ex Parte* Comments to IB Docket 13-213,
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)**

Globalstar WH2XNQ Experimental STA

Licensee Name: Globalstar

File Number: 0177-EX-ST-2015 Call Sign: WH2XNQ

Special Conditions:

- (1) Operation is subject to prior coordination with the Society of Broadcast Engineers, Inc. (SBE); ATTN: Executive Director; 9102 North Meridian Street, Suite 305; Indianapolis, IN 46260; telephone, (866) 632-4222; FAX, (317) 846-9120; e-mail, executivedir @ sbe.org; information, www.sbe.org.
- (2) Licensee is required to coordinate operations with existing microwave users in the area to avoid interference.