

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Creation of Interstitial 12.5 kHz Channels) WP Docket No. 15-32
in the 800 MHz Band Between 809-)
817/854-862 MHz) RM-11572
)

To: The Commission

COMMENTS OF SOUTHERNLINC WIRELESS

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (“SouthernLINC Wireless”) hereby submits its comments in response to the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding requesting comment on the proposal to introduce new, full power, interstitial 12.5 kHz “offset” channels in the 809-817/854-862 MHz band, also referred to by the Commission as the “800 MHz Mid-Band.”¹

The 800 MHz Mid-Band is the result of the Commission’s carefully-considered reconfiguration of the 800 MHz band, which was undertaken in 2004 in order to resolve interference issues that had arisen between “high site” systems operated by public safety and enterprise users and “low site,” high-density systems operated by commercial service providers.² A key element of the Commission’s solution to potential interference issues in the 800 MHz

¹ / *Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 809-817/854-862 MHz*, WP Docket No. 15-32, RM-11572, Notice of Proposed Rulemaking, FCC 15-17 (rel. Feb. 9, 2015) (“*NPRM*”).

² / See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004) (“*800 MHz Rebanding Order*”).

band is the assurance of sufficient separation between operations in the 800 MHz Mid-Band and those in the new NPSPAC and Enhanced Specialized Mobile Radio Service (“ESMR”) bands established through the 800 MHz *Rebanding Order*, including in the Southeastern United States, where the allocation of 800 MHz spectrum differs significantly from the rest of the country.

As discussed herein, SouthernLINC Wireless is concerned that the list of new, full-power, interstitial “offset” channels that the Commission has proposed in the *NPRM* includes certain channels that, if implemented in the Southeast, would eliminate any separation between the 800 MHz Mid-Band and the ESMR band in this region, allow 800 MHz Mid-Band operations to intrude into the licensed ESMR band, and directly and adversely affect service to hundreds of thousands of wireless consumers, including utility, enterprise, public safety, and government subscribers in urban and rural areas across the Southeast. SouthernLINC Wireless notes that this is not an issue in the rest of the country, where the Commission’s proposals preserve the current level of separation between the 800 MHz Mid-Band and the ESMR frequencies licensed to Sprint.

In addition, the Commission’s proposals for the Southeast would insert into the “Expansion Band” a new full-power interstitial channel allocated exclusively for public safety. This allocation is inconsistent with the treatment of the Expansion Band under the *NPRM*’s proposals for the rest of the country, diminishes the availability and usability of the Expansion Band in the Southeast, and results in lesser separation between public safety and ESMR operations.

Accordingly, to the extent the Commission should decide to adopt the new licensing plan proposed in the *NPRM*, SouthernLINC Wireless urges that this proposal be modified to provide SouthernLINC Wireless the same 1 MHz of separation between 800 MHz interstitial operations

and the ESMR band in the Southeastern United States as Sprint has been afforded by the Commission's proposal elsewhere in the country. In any event, the Commission must at a minimum revise the list of proposed new, full-power interstitial channels to delete proposed channel 372a (857.5500 MHz) from Table 1A of Section 90.617(a)(2) and to delete proposed channel 410a (858.5000 MHz) from Tables 2A and 2B of Section 90.617(b)(1) and (2), respectively.

I. BACKGROUND

A. SouthernLINC Wireless

SouthernLINC Wireless, a wholly owned subsidiary of Southern Company, operates a commercial digital 800 MHz ESMR system to provide interconnected voice, dispatch, push-to-talk, Internet access, and data transmission services over the same handset. SouthernLINC Wireless provides these services over a 128,000 square mile service territory covering Georgia, Alabama, southeastern Mississippi, and the panhandle of Florida. SouthernLINC Wireless offers comprehensive geographic coverage, serving the extensive rural territory within its footprint as well as major metropolitan areas and highway corridors. Because of its expansive and reliable coverage within the region, SouthernLINC Wireless' service is widely used by local and statewide public safety agencies, school districts, rural local governments, public utilities, and other emergency responders. It is also utilized by commercial and other government entities in both urban and rural areas.

B. Reconfiguration of the 800 MHz Band in the Southeastern United States

In 2004, after much deliberation and careful consideration, the Commission adopted an order reconfiguring the 800 MHz band in order to address actual or potential interference issues between the various users of the interleaved portions of this band, including public safety, critical infrastructure industry ("CII") and other enterprise entities, and commercial ESMR providers

including Sprint (formerly Sprint Nextel) and SouthernLINC Wireless.³ In this order, the Commission stated:

We are aware that, in some markets, there may be insufficient spectrum in the 816-824MHz/861-869 [MHz] band segment to accommodate both incumbent ESMR licensees already operating there and new ESMR entrants migrating from the lower channels. *This is particularly true of certain markets in which both SouthernLINC and Nextel currently are offering service.*⁴

Because the Commission found it necessary to expand the ESMR band in the Southeast due to the region's "atypical" market structure, the Guard Band at 861-862 MHz was eliminated in this region, and the Expansion Band in this region was comprised of different channels than elsewhere in the country.

Thus, as the Commission noted in the *NPRM*, the allocation and usage of the 800 MHz spectrum band differs significantly in the Southeast where SouthernLINC Wireless operates – specifically, in those areas set forth in Section 90.614(c) of the Commission's Rules – from the way in which this band is allocated and used elsewhere in the United States.⁵ Accordingly, any proposal regarding the use of spectrum in the 800 MHz band must ensure that this difference is appropriately and correctly taken into account.

II. THE COMMISSION'S PROPOSAL MUST BE MODIFIED TO ACCOUNT FOR THE DIFFERENCE IN SPECTRUM ALLOCATIONS IN THE SOUTHEAST AND TO PROVIDE CONSISTENT TREATMENT OF ESMR LICENSEES NATIONWIDE

SouthernLINC Wireless is concerned that the list of new, full-power, interstitial "offset" channels that the Commission has proposed in the *NPRM* includes certain channels that, if implemented in the Southeast, would eliminate any separation between the 800 MHz Mid-Band

³/ See *800 MHz Rebanding Order*.

⁴/ *800 MHz Rebanding Order*, 19 FCC Rcd at 15057-58 ¶ 164 (emphasis added).

⁵/ *NPRM* at note 4.

and the ESMR band in this region, allow 800 MHz Mid-Band operations to intrude into the licensed ESMR band, and directly and adversely affect service to hundreds of thousands of wireless consumers, including utility, enterprise, public safety, and government subscribers in urban and rural areas across the Southeast. SouthernLINC Wireless notes that this is not an issue in the rest of the country, where the Commission's proposals preserve the current level of separation between the 800 MHz Mid-Band and the ESMR frequencies licensed to Sprint and provide Sprint with 1 MHz of separation between the proposed 800 MHz interstitial operations and Sprint's own ESMR operations.

A. The Commission's Proposals Would Allow 800 MHz Interstitial Operations to Intrude Into the Licensed ESMR Band in the Southeast

In Appendix B of the *NPRM*, the Commission proposes to revise its Part 90 frequency allocation tables for the 800 MHz band to include new channel designations and new allocations for the proposed new full-power interstitial channels.⁶ As proposed, the table of frequencies to be made available under Section 90.613 would be revised to include new interstitial channels up to proposed new channel 549a at 861.9750 MHz.⁷ Thus, there would be no interstitial channel designated at 862.0000 MHz, which is the demarcation point between the 800 MHz Mid-Band and the ESMR band in most of the country *except for* the Southeastern United States.

Of these newly-designated interstitial channels, in most of the country (excluding the Southeast) the highest interstitial channel allocated to the Public Safety Pool would be channel 470a at 860.0000 MHz, which is the demarcation point between the Interleaved Band and the Expansion Band;⁸ the highest interstitial channel allocated to the B/ILT Pool would be 507a at

⁶ / *NPRM* Appendix B.

⁷ / *Id.* at p. 46.

⁸ / *NPRM* Appendix B at pp. 47-48, Table 1.

860.9250 MHz, which is several channels below the demarcation point between the Expansion Band and the Guard Band;⁹ and the highest interstitial channel allocated to site-based SMR services would be 510a at 861.0000 MHz, which is right on the demarcation between the Expansion Band and the Guard Band.¹⁰ In all cases, no interstitial channels would be made available under the proposed allocations any closer than 1 MHz from the lower end of the ESMR band and Sprint's ESMR operations.

However, in the Southeast, where there is no Guard Band, the Commission's proposed allocations would make interstitial channels available right up to the demarcation point between the Expansion band and the ESMR band and allow 800 MHz Mid-Band operations to intrude into licensed ESMR frequencies.

Specifically, the Commission is proposing to revise Tables 2A and 2B in Sections 90.617(b)(1) and (2), respectively, to make available to B/ILT-eligible licensees the proposed new interstitial channel designated 410a at 858.5000 MHz, which is precisely on the demarcation point between the Expansion Band and the ESMR band in the Southeast.¹¹ Under the Commission's proposal to allow licensees of interstitial channels to operate with an authorized bandwidth of 11.25 kHz,¹² this would allow full-power interstitial operations to extend at least 5.625 kHz into the ESMR band licensed to and utilized by SouthernLINC Wireless, thus directly and adversely affecting SouthernLINC Wireless' operations. By contrast, Sprint would suffer no

⁹ / *NPRM* Appendix B at pp. 50-51, Table 2.

¹⁰ / *NPRM* Appendix B at pp. 52-53, Table 4B.

¹¹ / *NPRM* Appendix B at pp. 51-52, Tables 2A and 2B.

¹² / *See NPRM* at ¶ 32.

such imposition on or impairment of its licensed ESMR spectrum under the Commission's proposals for the 800 MHz Mid-Band.¹³

Accordingly, to the extent the Commission should decide to adopt the new licensing plan proposed in the *NPRM*, SouthernLINC Wireless urges that this proposal be modified to provide SouthernLINC Wireless the same 1 MHz of separation between 800 MHz interstitial operations and the ESMR band in the Southeastern United States as Sprint has been afforded by the Commission's proposal elsewhere in the country. In any event, the Commission must at a minimum revise the list of proposed new, full-power interstitial channels to delete proposed channel 410a (858.5000 MHz) from Tables 2A and 2B of Section 90.617(b)(1) and (2), respectively.

B. The Commission's Proposals Would Diminish the Usability of the Expansion Band in the Southeast and Result in Inconsistent Separation Between Public Safety and ESMR Operations

In addition to allowing the direct intrusion of 800 MHz interstitial operations into the ESMR band, the Commission's proposals for the Southeast would insert into the region's Expansion Band a new full-power interstitial channel allocated exclusively for public safety. Specifically, the Commission's proposed revisions to Table 1A of Section 90.617(a)(2) would allocate to the Public Safety Pool a new interstitial channel designated 372a at 857.5500 MHz, which is .0500 MHz above the demarcation point between the Interleaved Band and the Expansion Band in the Southeast.¹⁴ This allocation is inconsistent with the treatment of the Expansion Band under the *NPRM*'s proposals for the rest of the country, where, as described above, the highest interstitial channel allocated to public safety is *on* – rather than *above* – the

¹³ / In fact, as noted above, Sprint would enjoy 1 MHz of separation throughout most of the country and even greater separation in the Southeast.

¹⁴ / *NPRM* Appendix B at pp. 48-49, Table 1A.

demarcation point between the Interleaved Band and the Expansion Band. The Commission's proposal therefore diminishes the availability and usability of the Expansion Band in the Southeast, and results in lesser separation in this region between operations on public safety frequencies and licensed operations in the ESMR band.

SouthernLINC Wireless therefore urges the Commission to revise the list of proposed new full-power interstitial channels to delete proposed channel 372a (857.5500 MHz) from Table 1A of Section 90.617(a)(2) in order to ensure consistent treatment of the Expansion Band throughout the country and to ensure that there is a consistent 1 MHz of separation nationwide between 800 MHz interstitial operations and licensed ESMR operations.

III. THE COMMISSION SHOULD REVISE THE TITLE BLOCKS OF ITS FREQUENCY ALLOCATION TABLES TO ACCURATELY REFLECT THE CHANNELS AVAILABLE IN THE SOUTHEAST

Finally, SouthernLINC Wireless requests that the Commission make an administrative change to the title blocks for its tables of 800 MHz channel allocations in Section 90.617 of its rules to accurately reflect the range of frequencies actually available for licensing in the Southeastern United States. In particular, SouthernLINC Wireless recommends that the Commission amend the title blocks for Tables 1A, 1B, 2A, 2B, 4C, and 4D in Section 90.617 to change the reference to the covered spectrum from "806-816/851-861 MHz Band Channels" to "806-813.5/851-858.5 MHz Band Channels" in order to avoid any potential confusion in the future regarding the treatment of 800 MHz frequencies in the Southeast.

WHEREFORE, THE PREMISES CONSIDERED, SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

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Dated: May 11, 2015