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June 22, 2015

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **EX PARTE NOTICE**

Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, WT Docket No. 08-166;

Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition, WT Docket No. 08-167;

Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, ET Docket No. 10-24;

Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, ET Docket No. 14-165;

Promoting Spectrum Access for Wireless Microphone Operations, GN Docket Nos. 14-166; and

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Dortch:

On Thursday, June 18, 2015, Jeffrey Craven of Thompson Coburn, LLP, representing the Nuclear Energy Institute (“NEI”), Jonathan L. Wiener of Goldberg, Godles, Wiener & Wright LLP, representing American Electric Power, Jeffrey L. Sheldon of Levine, Blaszak, Block & Boothby LLP, representing Southern Company, and Donald L. Herman, Jr. (the undersigned) and Sarah Aceves, both of Herman & Whiteaker, LLC, representing Pinnacle West Capital Corp., met with Gary Epstein, Ira Keltz, Julius Knapp, Geraldine Matise, Paul Murray, Bruce Romano, Randy Small, Scot Stone and Hugh Van Tuyl from the Federal Communications Commission’s (“FCC” or “Commission”) Office of Engineering and Technology and Wireless Telecommunications Bureau.

The purpose of the meeting was to discuss concerns held by NEI and the Utilities Telecom Council as described in comments submitted in response to the FCC Notice of Proposed Rulemaking regarding wireless microphone operations.¹ Specifically, the representatives raised concerns held by nuclear plants in light of the pending rulemakings regarding wireless microphones and the upcoming incentive auction² (collectively, the “Proceedings”), and the uncertainty regarding nuclear plants’ future rights to use Telex equipment within the television bands on an unlicensed basis on frequencies below 698 MHz.³ The representatives emphasized the special challenges nuclear plants continue to face when providing reliable communications services inside and around nuclear plants’ containment buildings, and the unparalleled ability of Telex equipment to provide clear, hands-free communications.

The representatives noted that, over the years, nuclear plants have investigated other potential options for operation of communications equipment in other frequency bands, and the plants will continue to look for other options. However, until suitable alternatives can be developed and tested, the plants will need to use the Telex equipment that is highly effective, reliable, reduces worker exposure to radiation and generally improves safe operation of nuclear plants. Because there are only 99 nuclear plants at 64 locations around the country, the plants do not comprise a large enough market for manufacturers to develop comparable equipment in other

¹ See Comments of the Nuclear Energy Institute and Utilities Telecom Council, ET Docket 14-165, GN Docket 14-166, GN Docket No. 12-268 (Feb. 4, 2015).

² See *Promoting Spectrum Access for Wireless Microphone Operations*, GN Docket No. 14-166, Order, 29 FCC Rcd 12343 (2014). See also *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014).

³ See Letter from Julius Knapp and Ruth Milkman to J. Jeffrey Craven, ET Docket No. 10-24 (Oct. 1, 2010) (Granting the nuclear plants a modification of the blanket waiver provided under Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, *Report and Order and Further Notice of Proposed Rulemaking*, 25 FCC Rcd 643 (2010), which allowed the plants additional flexibility in their use of low power auxiliary devices in the television bands, and discussed ways that nuclear plants could continue to operate Telex equipment given the changing landscape of the broadcast bands).

bands just for their needs. The representatives reported that one major equipment manufacturer previously declined to discuss the development of comparable replacement equipment after learning the size of this potential market.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. L. Herman, Jr.', with a long, sweeping flourish extending to the right.

Donald L. Herman, Jr.
Counsel for Pinnacle Capital Corp.

CC: Gary Epstein
Ira Keltz
Julius Knapp
Geraldine Matise
Paul Murray
Bruce Romano
Randy Small
Scot Stone
Hugh Van Tuyl