

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of the Commission’s Rules with) GN Docket No. 12-354
Regard to Commercial Operations in the)
3550-3650 MHz Band)

To: The Commission

**COMMENTS OF
KANOKLA COMMUNICATIONS, INC.**

KanOkla Communications, Inc. (“KanOkla”), by its attorneys, hereby submits these comments on the Second Further Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding. KanOkla, as a current licensee in the 3650-3700 MHz band operating in rural Kansas, appreciates this opportunity to submit comments on the NPRM.

KanOkla limits its comments to the issue of defining “use” of Priority Access Licenses (“PALs”). The Federal Communications Commission’s (“FCC” or “Commission”) Report and Order in this proceeding adopted rules to allow General Authorized Access (“GAA”) users some degree of “opportunistic access” to “unused” Priority Access channels.¹ The NPRM seeks comment on how to define “use” by Priority Access licensees.

KanOkla opposes any definition of “use” that would facilitate spectrum hoarding by PAL licensees. As a grandfathered incumbent terrestrial licensee in the 3650-3700 MHz band, KanOkla will only derive the protective benefits of its incumbent license status for a five year transition period that will end on April 17, 2020. The new Citizens Broadband Radio Service

¹ *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Report and Order and Second Further Notice of Proposed Rulemaking, GN Docket No. 12-354, rel. April 24, 2015 (“*Report and Order*”).

(“CBRS”) regulatory scheme adopted by the Commission in its *Report and Order* will force KanOkla to either operate on a GAA basis without protection from interference or compete for a PAL license in the 3550-3650 MHz band. To obtain the protections against interference that its users demand, KanOkla will need to obtain a PAL license after the end of the transition period. However, there is no guarantee that KanOkla will be able to successfully acquire a PAL license at auction, and in order to continue providing service under such a scenario, KanOkla would have to obtain a GAA authorization. Any definition of “use” adopted by the Commission that would limit the availability of spectrum for GAA use would harm KanOkla and other small rural carriers like it.

Adoption of an “economic definition” of use, such as the definition proposed by Massachusetts Institute of Technology economist, William Lehr, would allow PAL licensees to let spectrum lie fallow. While such a definition would provide such licensees some incentive to make use of their investment, such incentive could easily be outweighed by the stronger incentive to hold on to spectrum for future, more lucrative, use. PAL licensees should not be permitted to hold spectrum hostage, while service providers like KanOkla have urgent need for such spectrum to meet the demands of their customers.

KanOkla also opposes any engineering definition of “use” that would allow PAL licensees to engage in the equivalent of hoarding simply by deploying low-cost Citizens Broadband Radio Services Devices (“CBSDs”). Such a tactic, commonly known as a “license save,” does nothing to further the public interest in terms of providing the public with the value derived from full deployment.

KanOkla urges the Commission to account for the needs of prospective GAA users and their customers when developing the definition of “use” that will govern the availability of 3650-3700 MHz spectrum for the foreseeable future.

Respectfully submitted,

KANOKLA COMMUNICATIONS, INC.

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