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October 19, 2015

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: WP Docket No. 07-100  
PS Docket No. 06-229  
WT Docket No. 06-150**

**Ex Parte Letter**

Dear Ms. Dortch:

On September 28, 2015, APCO International (“APCO”) filed a 4.9 GHz Task Force Report (“APCO Report”) in the above-identified proceedings.<sup>1</sup> It explains that the APCO Task Force was convened to provide recommendations to the Federal Communications Commission (“FCC”) as the FCC considers potential regulatory changes in this band. In particular, the Task Force attempted to secure data in support of rules that would increase public safety (“PS”) use of the band and drive investment in equipment capable of operating at 4.9 GHz.

One recommendation is that the FCC replace the current shared use environment with a more structured licensing scheme, one that would provide users with greater certainty and predictability about their proposed use of this spectrum. In particular, the Report supports an earlier recommendation by the National Public Safety Telecommunications Council (“NPSTC”) that applications be coordinated before filing with the FCC.<sup>2</sup> The Report also endorses NPSTC’s

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<sup>1</sup> In the Matter of Amendment of Part 90 of the Commission’s Rules; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; WP Docket No. 07-100, PS Docket No. 06-229, WT Docket No. 06-150, *Fourth Report and Order and Fifth Notice of Proposed Rulemaking*, 27 FCC Rcd 6577 (2012).

<sup>2</sup> 4.9 GHz National Plan Recommendations, Final Report, filed by National Public Safety Telecommunications Council in a letter from Ralph A. Haller, Chair, NPSTC, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated October 24, 2013 (“NPSTC Report”).

position that all coordination should be performed by PS frequency coordinators “as this band is specific, and critical, to public safety.”<sup>3</sup>

The Enterprise Wireless Alliance (“EWA” or “Alliance”) has been an active participant in this proceeding from the outset. It served as Co-Chair of the NPSTC 4.9 GHz working group ‘Critical Infrastructure Use and Conditions Task Team’ (“CII Task Team”) that included representatives from other CII industry associations. It participated in the preparation of the NPSTC Report, which included a recommendation that there be shared, co-primary use of two 5 MHz channels by PS agencies and CII entities.<sup>4</sup> That recommendation was fundamental to CII support for the NPSTC Report.

EWA agrees that coordination will prompt more intensive and more effective use of the 4.9 GHz band. However, it did not endorse the NPSTC Report position that only PS frequency coordinators should be certified to perform coordination of 4.9 GHz channels. As stated in its Comments on that report:

EWA appreciates that coordination in the 4.9 GHz band will require the highest level of technical expertise and professionalism. With all due respect to public safety coordinators, the Alliance is confident that EWA and other organizations such as the American Petroleum Institute (“API”), the Association of American Railroads (“AAR”), the American Automobile Association (“AAA”), and the Utilities Telecom Council (“UTC”) have both the capability and commitment to process applications in conformance with whatever rules and policies the FCC adopts. Some of these entities already exchange information regularly with public safety coordinators when handling applications for Sprint-vacated spectrum and adhere to the specialized procedures for processing such requests.<sup>5</sup>

The APCO Report is no more persuasive on this point. Once the FCC defines the necessary coordination protocols, it will be incumbent on all coordinators to follow them precisely. The rules will determine what frequencies can be assigned at what locations and used for what purpose. That analysis that can be performed by any coordinator that invests in the technical resources and personnel needed to ensure compliance with the coordination criteria. For example, the APCO Report notes that the great majority of PS usage is point-to-point backhaul traffic and suggests that the rules incorporate elements of the Part 101 microwave coordination requirements, a function that, to our knowledge, PS coordinators currently do not perform.<sup>6</sup>

EWA is prepared to implement whatever frequency coordination requirements the FCC might adopt at 4.9 GHz and is confident that it will handle such analyses at least as competently as any PS coordinator. Access to competitive coordination choices will be particularly important should the FCC expand the eligibility at 4.9 GHz to promote its more efficient use.

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<sup>3</sup> APCO Report at 10.

<sup>4</sup> NPSTC Report at 11.

<sup>5</sup> EWA Comments dtd. Nov. 22, 2013 at 6.

<sup>6</sup> APCO Report at 10-11.

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Kindly refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,



Elizabeth R. Sachs

cc: Scot Stone, WTB (via email)  
David Furth, PSHSB (via email)  
Jeffrey S. Cohen (via email)