

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

In the Matter of)	
)	
Wireless Telecommunications Bureau Seeks)	WT Docket No. 15-218
Comment on Petitions of Seven Licensees for)	
Waiver of Multichannel Video Distribution and)	
Data Service Technical Rules)	
)	

REPLY COMMENTS

Go Long Wireless, Ltd., and on behalf of affiliated entities¹ (hereinafter collectively referred to as “GLW”), and pursuant to Public Notice, *Wireless Telecommunications Bureau Seeks Comment in Petitions of Seven Licenses for Waiver of Multichannel Video Distribution and Data Service Technical Rules*, DA 15-1017, dated September 14, 2015, submits its Reply Comments to the September 14, 2015 “Comments of AT&T.” In support, GLW respectfully submits the following:

BACKGROUND

GLW seeks waiver of Sections 101.113 note 11, 101.147(p), 101.1407, and 101.1411(a) of the Commission’s rules to use the 12.2-12.7 GHz band for two-way, point-to-point operation at an Effective Isotropic Radiated Power (EIRP) level of up to 55 dBm. The rules limit MVDDS stations to one-way operation and an EIRP level of 14 dBm per 24 MHz in the 12.2-12.7 GHz

¹ Satellite Receivers, Ltd., MVD Number 53 Partners Vision Broadband, LLC, Story Communications, LLC, Cass Cable TV, Inc. and WCS Communications, Inc.

band² and are designed to protect Direct Broadcast Satellite Service (DBS) subscribers and Non-Geostationary Satellite Orbit Fixed Satellite Service (NGSO FSS) from MVDDS operations.³

In its Comments, AT&T argues that a grant of the waiver requests would overturn the “extensive balancing of the needs of both terrestrial and DBS operations.” In this regard, AT&T contends that the proposed high-power, two-way MVDDS operations will cause harmful interference to DBS receivers – “exactly what the rules were designed to avoid.” As will be demonstrated, AT&T is wrong.

GLW, in its Waiver Request and Supplement thereto, states that the grant of the waiver would not negatively impact Direct Broadcast Satellite (DBS) reception because “an increase in power, while maintaining the existing EPFD limit, would offer the same protection to DBS as the existing rules.” See GLW Waiver Request at 3. See also the Technical Statement signed by Alan Pate attached to GLW’s Waiver Request. Therein, Mr. Pate reinforces the fact that the current EPFD limit would be maintained. Furthermore, the waiver requests do not in any way disturb any existing notification process. See GLW Supplement at 2. See also 47 C.F.R. § 101.1440(d). AT&T fails to acknowledge these facts and, thus, in ignoring this, its pleading is disingenuous.

Also ignored by AT&T is the fact that when the Commission adopted the MVDDS rules in 2002, it contemplated that MVDDS providers might petition for waivers of the MVDDS

² 47 C.F.R. §§ 101.113 note 11 (the EIRP for MVDDS stations is limited to 14.0 dBm per 24 MHz (-16.0 dBW per 24 MHz)), 101.147(p) (licensees can use channels of any desired bandwidth up to the maximum of 500 MHz provided the EIRP does not exceed 14 dBm per 24 megahertz), 101.1407 (MVDDS licensees must use spectrum in the 12.2-12.7 GHz band for any digital fixed non-broadcast service . . . including one-way direct-to-home/office wireless service. Two-way services may be provided by using other spectrum or media for the return or upstream path.), 101.1411(a) (MVDDS licensees are permitted to provide one-way video programming and data services).

³ Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission’s Rules to Authorize Subsidiary Terrestrial use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. To Provide a Fixed Service in the 12.2-12.7 GHz Band, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Red. 9614 at 9617, 9691-92, and 9704 ¶¶ 2, 198, 235 (2002) (“*MVDDS MO&O*”).

technical rules. *See* MVDDS MO&O, 17 FCC Rcd at 9704 § 236. The Commission had left the door open for the instant waiver requests.

The Commission clearly has the authority to grant waivers from its regulations “for good cause shown.” 47 C.F.R. § 1.3. Good cause exists where the particular facts presented make imposition of a rule “inconsistent with the public interest.” *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). The Commission may grant such waivers “at any time,” provided it does not act out of “unbridled discretion or whim” and “clearly state(s) in the record its reasons for granting the waiver.” *Keller Communications, Inc. v FCC*, 130 F.3d 1073, 1076 (D.C. Cir. 1997)(citations omitted). “The Commission is charged with administration in the “public interest” and the waiver mechanism provides an important “safety valve” when the public interest would not be served by applying a rule in an individual case. *See Wait Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

It is submitted that granting a waiver of the current power limitation would allow for the implementation of meaningful two-way service. It is axiomatic that more wireless availability is in the public interest. The waiver of the power limitation would allow for more efficient utilization of the bandwidth. Clearly, there would be public interest benefits in light of the scarcity of the spectrum.

In further support of the need for the MVDDS band, attached to the instant submission is a Statement from Cambridge Broadband Networks Limited (CBNL).⁴ Specifically, CBNL states the following:

“We believe that with some additional flexible use considerations as outlined and clarified herein by Go Long Wireless and affiliates that the MVDDS band has real potential to be a lead joint use band between DBS operators and terrestrial users. We encourage the

⁴ CBNL is the worldwide leader in licensed microwave point to multipoint deployments and commands over 60% of global market share.

Commission to carefully evaluate and approve the requests for additional power in areas where an increase can be determined to have no impact on DBS operations via the well understood EPFD process.”

AT&T seems to acknowledge the weakness of its position (i.e. denial of the waivers)

when it states the following:

“If the Commission does not deny the waiver requests outright, as it should, the Commission should, at a minimum, treat the requests as initial requests to coordinate with DBS.”

As previously stated, GLW is fully prepared to maintain the EPFD requirements and the attendant notification process.

In view of the foregoing, it is respectfully submitted that good cause is present for grant of the waivers.

Respectfully submitted,



Aaron P. Shainis
Counsel for
Go Long Wireless, Ltd.
and affiliated entities

October 29, 2015

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Statement regarding MVDDS Spectrum:

In re to: WT Docket No. 15-218

To Whom It May Concern,

Cambridge Broadband Networks, Ltd. is the worldwide leader in licensed microwave point to multipoint deployments and commands over 60% of global market share.

Our hardware platform currently features 10.5 / 26 / 28 and 39 GHz solutions and we're engaged with several of the MVDDS holders in the USA working on the R&D and commercial business cases regarding porting functionality into MVDDS spectrum should the right contracts be realized.

Cambridge Broadband Networks (CBNL) has over 125,000 microwave links deployed globally with 7 of the top 10 mobile network operators in the world including Etisalat, MTN, Vodafone, Telefonica, Orange and others. We support over 75 Broadband and Mobile Network Operations in 45 countries.

We believe that with some additional flexible use considerations as outlined and clarified herein by Go Long Wireless and affiliates that the MVDDS band has real potential to be a lead joint use band between DBS operators and terrestrial users. We encourage the Commission to carefully evaluate and approve the requests for additional power in areas where an increase can be determined to have no impact on DBS operations via the well understood EPFD process.

Our firm continues to see the need for licensed microwave point to point and multipoint deployments in the US and believes there is a solid case for additional long range middle mile backhaul spectrum as could and will be possible with deploying MVDDS systems.

Best Regards,

**Dr. John Naylor
CTO / Founder
Cambridge Broadband Networks, Ltd.**

**Mark Ashford
VP; Americas
Cambridge Broadband Networks, Ltd.**

**James Childs
Sr. Director; Strategy
North America
Cambridge Broadband Networks, Ltd.**

CERTIFICATE OF SERVICE

I, Malinda Markland, do hereby certify that copies of the foregoing "Reply Comments" were sent on this 29th day of October, 2015, via US mail, to the following:

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Gary L. Phillips
David L. Lawson
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Malinda Markland

Malinda Markland