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December 23, 2015

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Re: RM-11738 – Notice of *Ex Parte* Presentation

Dear Ms. Dortch:

In accordance with 47 C.F.R. § 1.1206(b) of the rules of the Federal Communications Commission (“FCC” or “Commission”), NextEra Energy, Inc. (“NextEra”) hereby notifies the Commission of the following *ex parte* communication in the above-referenced proceeding. This letter is being filed electronically for inclusion in the record in this proceeding and emailed to the distribution list below.

On December 21, 2015, Timothy Lewis, Richard Nelson, and the undersigned with NextEra subsidiary Florida Power & Light Company (“FPL”), on behalf of NextEra, met with Jean Kiddoo, Roger Noel, Scot Stone, Wayne Leighton, and Stana Kimball of the Wireless Telecommunications Bureau. The attendees discussed the following issues with regard to the above-referenced proceeding:

- **Substantial risk of interference associated with EWA/PDV proposal on existing 900 MHz band users**
 - *Importance of 900 MHz band to NextEra operations.* NextEra subsidiary FPL, the third largest electric utility in the United States, serves approximately 4.8 million customers across nearly half of the State of Florida. FPL uses the 896-901/935-940 MHz (“900 MHz”) band for critical electrical service restoration voice communications and nuclear plant operations and security voice communications.
 - NextEra has reviewed the Enterprise Wireless Alliance/Pacific DataVision, Inc. (“EWA/PDV”) 900 MHz rebanding proposal with skilled radio frequency (“RF”) engineers to properly qualify EWA/PDV’s proposal and determine its potential impact on FPL.
 - Based on this review, NextEra discussed its concerns about the potential interference impact of the EWA/PDV proposal on FPL’s existing narrowband voice communications operating in 900 MHz, which are critical for power restoration efforts and nuclear power plant operations.

- FPL operates a Private Land Mobile Radio (“PLMR”) system on the spectrum it has licensed in the 900 MHz band available under Part 90 of the Commission’s rules for the purpose of voice dispatch for electrical service restoration and maintenance and power plant operations. Degradation of this service would place electrical service workers at a high safety risk and result in restoration work being delayed, while a means of safe communications is secured. The PLMR system includes an emergency notification feature to alert dispatch command of any immediate risk that represents a threat of life and limb being experienced in the field.
- With regard to nuclear power plants, FPL utilizes PLMR in the 900 MHz band for critical voice communications for plant security and operations to comply with Nuclear Regulatory Commission regulations, *e.g.*, 10 CFR §73.55(j).
- Prior experience with interference in the 900 MHz band. In 1999, FPL experienced interference impact from a Commercial Mobile Radio Service (“CMRS”) provider operating more than 10 MHz away from FPL’s 900 MHz licensed spectrum. That CMRS provider, although operating legally within its licensed band and within the parameters of the emission mask, recognized the interference and associated negative impact its transmissions were causing. As a result, it redesigned its systems to prevent the interference, restoring the noise floor to appropriate levels for narrowband operations. The CMRS provider subsequently implemented this solution nationwide to serve all 900 MHz band users.
- Based on this and other experience, NextEra is concerned that a closely spaced broadband system operating directly adjacent to the incumbent systems, such as proposed by EWA/PDV with the creation of a new Private Enterprise Broadband (“PEBB”) allocation within the 900 MHz band, will produce an impact that cannot be mitigated without a substantially larger protective guard band than proposed by EWA/PDV and an appropriate noise floor and emission mask.
- Broadband technologies tend to raise the overall noise floor in the environment in which they operate, further exacerbating this potential interference impact. Because the narrowband frequencies are allocated at 12.5 kHz segments by the FCC, the narrowband communications systems are more susceptible to interference from broadband and more limited in their abilities to mitigate interference issues. For this reason, NextEra recommended that more measures must be taken to protect these systems beyond what has been proposed by EWA/PDV, including providing larger guard bands and maintaining existing noise floor protections.

➤ **Financial impact of EWA/PDV proposal on existing 900 MHz band users**

- NextEra discussed the significant financial impact the EWA/PDV proposal would have on existing 900 MHz band users, such as FPL, beyond what EWA/PDV has committed to address in its petition and filings with the FCC in this docket.
- FPL’s existing systems are licensed and configured across the current 5 MHz of spectrum within the 900 MHz band to provide optimal performance with the necessary functionality for operations.
- The impact of EWA/PDV’s proposal potentially will require FPL to double the number of wireless antenna sites for its existing narrowband services. This would result in a substantial financial impact to FPL.

- EWA/PDV proposes a five-year, make-whole arrangement to 900 MHz licensees like FPL that are impacted by the EWA/PDV proposal. FPL estimates that the impact will be \$2–3 million annually after this five-year, make-whole period ends, and FPL plans to operate its system for at least twenty years.
- Further, NextEra is concerned that other measures may be required to address interference and other operations issues after the five-year period has ended, which are not apparent today and would be dependent on EWA/PDV's deployment schedule within FPL's service territory.
- NextEra also discussed how PLMR narrowband systems may change over time, while recognizing that FPL as a 900 MHz band user is limited by the products available from technology manufacturers that have the required functionality for FPL.

Please refer any questions or correspondence regarding this proceeding to the undersigned.

Sincerely,

s/ William P. Cox

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WPC/msw

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