



January 14, 2016

**VIA ELECTRONIC FILING**

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

**Re: *Ex Parte Letter*, RM Nos. 11719, 11755**

Dear Ms. Dortch,

PCIA – The Wireless Infrastructure Association (“PCIA”)<sup>1</sup> submits this letter for the record to emphasize its continued support of the Federal Communication Commission’s (“FCC” or “Commission”) critical and ongoing work to make efficient use of spectrum through flexible use policies and the need to provide for new innovations and business models in the 800 MHz band.<sup>2</sup> PCIA has consistently advocated for spectrum use policies that promote increased competition.<sup>3</sup>

The FCC should deny any requests to delay the FCC’s release of additional 800 MHz Expansion Band (860-861/815-816 MHz) (“EB”) and Guard Band (861-862/816/817 MHz) (“GB”) spectrum. A delay would hamper the Commission’s efforts to promote efficient, innovative, and competitive use of spectrum at a time when consumer demand for spectrum and the applications it enables has never been greater.<sup>4</sup> The FCC should not allow special privileges for incumbent users in this band. Incumbents refrained from applying for new spectrum during the previous 800 MHz EB/GB release. The lack of previous action evidences a lack of need to secure mandated

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<sup>1</sup> PCIA – The Wireless Infrastructure Association is the principal organization representing the companies that build, design, own and manage telecommunications facilities throughout the world. Its over 230 members include carriers, infrastructure providers, and professional services firms.

<sup>2</sup> See Letter from D. Zachary Champ, PCIA – The Wireless Infrastructure Association, to Marlene H. Dortch, Secretary, FCC, RM No. 11755, (filed Nov. 24, 2015). Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Petition for Rulemaking Filed by Land Mobile Communications Council Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies, *Public Notice*, RM-11719, DA 14-545 (rel. Apr. 24, 2014).

<sup>3</sup> See Letter from D. Zachary Champ, PCIA – The Wireless Infrastructure Association, to Marlene H. Dortch, Secretary, FCC, RM No. 11755 (filed Nov. 24, 2015). See Comments of PCIA, RM No. 11755 (Sept. 21, 2015).

<sup>4</sup> For this reason, PCIA could not support Land Mobile Communications Council’s (“LMCC”) multiple requests to the FCC to delay release of additional 800 MHz EB/GB spectrum. See Letters from LMCC, to Marlene H. Dortch, Secretary, FCC, RM No. 11719 (filed Jan. 12, 2015; Sept. 2, 2015; and Dec. 17, 2015).

set-asides for incumbents in future releases. A set-aside would deny new entrants an opportunity to obtain the spectrum needed to better serve the public. The proposed exclusionary period may needlessly delay or even foreclose opportunities for new entrants to provide valuable services to the public, thus inhibiting competition and innovation.

The FCC should also approve M2M Spectrum Networks, LLC's request to open a rulemaking proceeding to enable 896-901/935-940 MHz ("900 MHz") Business/Industrial/ Land Transportation ("B/ILT") license applicants to obtain authorization to provide for-profit service to B/ILT eligibles<sup>5</sup> because expanded eligibility would make more efficient use of the spectrum than current uses.

Machine-to-machine applications can be applied in both regional and national scopes and impact a variety of verticals including the retail, education, and entertainment sectors. Machine-to-machine service providers are more likely to invest in deploying these much needed applications when afforded exclusive use of the spectrum, which provides greater interference protection. By allowing increased exclusive access to spectrum without delay, the Commission will create an opportunity for entrants to provide valuable new services to the public.<sup>6</sup>

The FCC should allow for flexible and more efficient use of spectrum to best promote innovative technological development and competition and not yield to narrowly-focused, self-interested parties who seek to thwart competition.

Sincerely,



D. Zachary Champ  
Director of Government Affairs  
PCIA – The Wireless Infrastructure Association  
500 Montgomery St., Suite 500  
Alexandria, VA 22314

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<sup>5</sup> Wireless Telecommunications Bureau Seeks Comment on M2M Spectrum Networks Petition for Rulemaking to Allow Specialized Mobile Radio Service Over 900 MHz Business/Industrial Land Transportation Frequencies, *Public Notice*, RM-11755, DA 15-944 (WTB rel. Aug. 21, 2015). See Comments of PCIA, RM No. 11755 (Sept. 21, 2015).

<sup>6</sup> For this reason, PCIA could not support LMCC's *ex parte* letter dated Dec. 17, 2015 opposing the M2M Petition. Letter from Greg Kunkle, LMCC, to Marlene H. Dortch, Secretary, FCC, RM No. 11755 (filed Dec. 17, 2015). As PCIA has noted previously, this spectrum is suitable for use by entities other than M2M, and machine-to-machine technology is being deployed, or is ready to be deployed, by entities in the 800 and 900 MHz bands.