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February 29, 2016

**VIA ELECTRONIC MAIL**

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Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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Re: *Ex parte* letter – PS Docket No. 13-229  
Coordination Clarification

Gentlemen:

The Enterprise Wireless Alliance (“EWA”) is in receipt of and will not seek reconsideration of your February 23, 2016 letter (“FCC Letter”) in response to EWA’s Request for Clarification of coordination criteria in the above-identified proceeding.<sup>1</sup> However, EWA disagrees with the FCC’s response, including its conclusion that there is no decisional commonality between the Sprint-vacated coordination process and coordination of the six VHF channels at issue in this proceeding.<sup>2</sup>

While the Sprint-vacated spectrum unquestionably is a unique byproduct of the 800 MHz rebanding process, in EWA’s opinion the similarities from a frequency coordination perspective are striking. Sprint-vacated spectrum, after the first three years, is available on a first-come, first-served basis to both Critical Infrastructure Industry (“CII”)<sup>3</sup> and Public Safety (“PS”) entities on an equal basis. As with this spectrum, channels are not set aside for use by particular user categories.

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<sup>1</sup> Amendment of Sections 90.20(d) and 90.265 of the Commission’s Rules to Facilitate the Use of Vehicular Repeater Units, PS Docket No. 13-229, *Report and Order*, 30 FCC Rcd 8864 (2015) (“VRS Order”).

<sup>2</sup> The Public Safety Coordination Council (“PSCC”) filed a letter on February 23, 2016 in which it disagreed with EWA’s position on coordination of these channels.

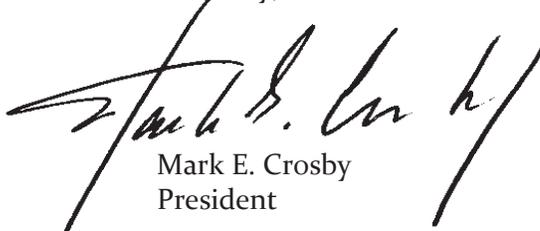
<sup>3</sup> CII licensees are a subset of the Business/Industrial/Land Transportation (“B/ILT”) users eligible to operate on these six VHF channels.

Applicants for Sprint-vacated spectrum may choose any qualified Frequency Advisory Committee (“FAC”) to perform the coordination analysis irrespective of applicant eligibility. That process works because there are clearly defined technical parameters that determine where channels may be assigned, as there are when considering Vehicular Repeater Systems (“VRS”) protection of data telemetry systems and vice versa on these six channels. Just as on Sprint-vacated channels, all FACs would reach the same spectrum recommendations since the protection criteria are established. The FCC rules and policies do not permit the interjection of subjective coordination considerations in either instance.

The FCC Letter states that, unlike Sprint-vacated spectrum, these channels are shared. This presumably refers to sharing among VRS and among data telemetry users. Even there, however, EWA respectfully disagrees with the PSCC’s position that PS coordinators have unique expertise that can be applied to VRS frequency recommendations.<sup>4</sup> Until adoption of the VRS Order, PS applicants often addressed the need for separation between their primary channels and the channels to be used in VRS operations by requesting waivers to use B/ILT frequencies. Their requirements were analyzed and suitable frequencies were selected by B/ILT FACs seemingly to the satisfaction of the PS applicants. The frequency selection process on these six channels will be even less subjective as the FCC has adopted a loading standard and directed that it be used as the principal criterion for assigning frequencies. It stated that it anticipates coordinators “will assign users in the same area to the same channel if the channel is not loaded to full capacity and interference would not result, even if this means that the two entities’ use would exceed the 50 unit loading capacity.”<sup>5</sup> It should be the extraordinary instance when a FAC would recommend channel assignments other than through the loading analysis process outlined by the FCC and all qualified FACs could address any such situations in a responsible fashion.

As spectrum for Part 90 eligibles becomes increasingly constrained, extracting the optimal use from the available supply will demand that channel sharing among all categories of eligible entities increases as well. As that occurs, applicants should be permitted to select the FAC they believe best qualified to provide a technically appropriate recommendation. EWA and the FACs that comprise the PSCC all are capable of providing that level of frequency analysis and should be permitted to recommend frequencies to any eligible entity on shared channels.

Sincerely,



Mark E. Crosby  
President

cc: David Furth (via email)  
Roger Noel (via email)  
Michelle Fink (via email)

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<sup>4</sup> PSCC Letter at 1.

<sup>5</sup> VRS Order at ¶ 34.