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June 13, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Notice of Oral Ex Parte Presentation**
IB Docket No. 13-213

Dear Ms. Dortch:

On June 10, 2016, the undersigned, representing the Wireless Internet Service Providers Association ("WISPA"), met with Johanna Thomas, Legal Advisor to Commissioner Jessica Rosenworcel, to discuss the draft order on circulation regarding Globalstar's proposed Terrestrial Low Power Service ("TLPS").

I pointed out that WISPA had maintained an open mind about Globalstar's proposal since Globalstar filed its petition for rulemaking, but that the draft order does not appear to adequately address WISPA's primary concerns.[1] WISPA has expressed concern that the lack of any guard band between Channels 14 and 11 raises questions about the potential for harmful interference to the operations of fixed wireless Internet service providers ("WISPs") that rely on Channel 11 to provide service to consumers. The draft order appears to grant Globalstar conditional operating authority without requiring any adequate testing for adjacent-channel interference. This would provide Globalstar with the opportunity and incentive to initially deploy TLPS in "safe" areas (and perhaps even indoor only) during the conditional licensing period, which would undermine the ability of the Commission and the public to determine, at the end of the conditional licensing period, whether and to what extent WISP customers would experience degraded service. Previous demonstrations of TLPS did not constitute sufficient adjacent-channel testing and did not alleviate WISPA's interference concerns. Accordingly, WISPA cannot support the draft order in its currently understood form.

[1] *See, e.g.*, Letter from Stephen E. Coran, WISPA counsel, to Marlene H. Dortch, FCC Secretary, IB Docket No. 13-213 (filed Dec. 10, 2015); WISPA Comments, IB Docket No. 13-213 (filed May 5, 2014); WISPA Reply Comments, IB Docket No. 13-213 (filed June 4, 2014); WISPA Comments, RM-11685 (filed Jan. 14, 2013).

I suggested that the draft order could be improved to address WISPA's concerns. Rather than approving conditional authority for TLPS, the Commission could instead grant Globalstar an experimental license. During the experimental license term, Globalstar would be required to conduct cooperative lab and field testing against outdoor devices to determine whether and to what extent there may be harmful interference to Channel 11 and to report those findings in the docket. WISPA would not oppose establishing CableLabs as an appropriate location for lab testing, so long as outdoor devices are included under appropriate test parameters.[2] Alternatively, if the draft order is approved, the Commission should be required to vote on whether to grant Globalstar full TLPS authority at the end of the one-year conditional term. This second Commission-level vote would be made on the basis of adequate testing as described above and reports that Globalstar and others would submit in the record. In short, whether through an experimental license or the second-vote condition, both the Commission and the public would have more information on which to evaluate interference concerns.

If the Commission nonetheless decides to proceed without requiring adequate interference testing, the Commission should consider allowing all 22 megahertz of Channel 14 – both the unlicensed and licensed portions – to be available for opportunistic public access, as proposed by New America and Public Knowledge.[3] Public access could be governed by a Spectrum Access System similar to the one being developed in the Citizens Broadband Radio Service, to protect Globalstar's licensed operations while allowing public access when and where licensed services and not in use. I pointed out that, while WISPs and their customers might enjoy the benefits of an additional channel (Channel 14), the concerns about adjacent-channel interference would remain in the absence of testing. That may not present a problem for a WISP operating on both Channel 11 and Channel 14 in a given area, but could result in interference if the two channels were being operated by different parties.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceeding.

Respectfully submitted,

Stephen E. Coran

cc: Johanna Thomas

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[2] *See* Letter from Paul Margie, Counsel to NCTA, to Marlene H. Dortch, FCC Secretary, IB Docket No. 13-213 (filed May 31, 2016).

[3] *See* Letter from Michael Calabrese, New America, and Harold Feld, Public Knowledge, to Marlene H. Dortch, FCC Secretary, IB Docket No. 13-213 (filed June 6, 2016), and ex parte letters cited therein. WISPA agrees that the Commission may need to adopt a Further Notice of Proposed Rulemaking to adopt this proposal.