

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Amendment of Part 101 of the Commission’s )  
Rules to Facilitate the Use of Microwave for ) WT Docket No. 10-153  
Wireless Backhaul and Other Uses and to Provide )  
Additional Flexibility to Broadcast Auxiliary )  
Service and Operational Fixed Microwave )  
Licensees )  
 )  
To: The Commission )

**COMMENTS OF THE  
WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

The Wireless Internet Service Providers Association (“WISPA”),<sup>1</sup> by counsel, hereby submits its additional Comments in response to the June 7, 2011 *Public Notice* released by the Wireless Telecommunications Bureau (“Bureau”) in the above-captioned proceeding.<sup>2</sup> As further described below, with some exceptions, WISPA generally agrees with the Bureau’s proposals that would establish limited geographic restrictions and frequency separation requirements on band sharing among BAS, CARS and FS licensees. To promote flexibility and spectral efficiency, WISPA believes the Commission should adopt maximum channel widths of 25 megahertz for the 6875-7125 MHz band and 50 megahertz for the 12700-13200 MHz band, but there should be no minimum channel width for either band.

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<sup>1</sup> WISPA is the pre-eminent trade association representing the interests of wireless Internet service providers (“WISPs”) that operate in hundreds of communities across the country using unlicensed, “licensed lite” and licensed bands. WISPA filed Comments and Reply Comments in this proceeding. *See* Comments of WISPA, WT Docket Nos. 10-153, 09-106 and 07-121, filed Oct. 25, 2010 (“WISPA Comments”); Reply Comments of WISPA, WT Docket Nos. 10-153, 09-106 and 07-121, filed Nov. 22, 2010 (“WISPA Reply Comments”).

<sup>2</sup> *Public Notice*, “Wireless Backhaul: Further Inquiry into Fixed Service Sharing of the 6875-7125 MHz and 12700-13200 MHz Bands, DA 11-1011, rel. June 7, 2011 (“*Public Notice*”).

## Discussion

### I. THE COMMISSION SHOULD ADOPT ITS PROPOSED CHANNEL-SHARING PROPOSALS.

In the WISPA Reply Comments, WISPA opposed broadcast industry arguments that fixed operations in the 7 GHz and 13 GHz bands should be secondary to BAS operations and that portions of the bands should be reserved for BAS.<sup>3</sup> WISPA suggested that the Commission should adopt less restrictive means to allow for FS shared use while ensuring the viability of existing mobile BAS licensees, mitigating interference potential and providing opportunities for new BAS licenses.<sup>4</sup>

WISPA is pleased that the Commission has arrived at the same conclusion and has proposed band-sharing rules that would properly balance the interests of itinerant TV pickup station licensees and the interests of WISPs and others that require access to new spectrum for wireless backhaul capabilities, particularly in rural areas. WISPA therefore supports rules that would generally prohibit an FS station from operating in the service area assigned to co-channel TV pickup stations. This geographic restriction should alleviate the potential for interference while enabling access to as much as 750 megahertz for backhaul.

In addition, where the parties agree, an FS path could be located within the TV pickup station's service area. This exception would perhaps enable critical FS operations within a large service area where use of TV pickup stations is expected to be light, and would be based on terms and conditions that the parties negotiate. Such flexibility through private contracts is authorized in other services where licensees operating on the

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<sup>3</sup> See WISPA Reply Comments at 5.

<sup>4</sup> See *id.*

same channels cooperate to allow interim operation, reciprocal exchanges of service areas or other business terms appropriate for the circumstances.<sup>5</sup>

Although WISPA was critical of the broadcast industry's proposal to designate a portion of the 7 GHz and 13 GHz bands for exclusive BAS and CARS operations,<sup>6</sup> WISPA does not object to the Commission's proposal to reserve 50 megahertz of spectrum in each band for BAS and CARS operations. Accordingly, WISPA finds acceptable the exclusion of FS operations from the 7075-7125 MHz band and 13.15-13.2 GHz band. FS operations would thus have authority to operate in 200 megahertz of spectrum in the 7 GHz band and 450 megahertz in the 13 GHz band. Where frequency coordination is possible, any new BAS and CARS stations should first be authorized in the 50 megahertz of reserved spectrum instead of the shared portion of the band so more of the shared portion of the band can be available for FS operations.

The Commission should monitor BAS, CARS and FS licensing in these bands over time to determine whether the spectrum reservation continues to be necessary in light of increasing FS licensing that is expected. If the documented decline in BAS and CARS licensing continues<sup>7</sup> and the shared unreserved portion of the bands becomes congested, the Commission should consider eliminating the reservation. WISPA believes that the Commission should conduct a review within three years of the effective date of the rules adopted in this proceeding.

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<sup>5</sup> See, e.g., Section 22.912(b) (allowing cellular licensees to enter into private contracts for Service Area Boundary extensions); Section 27.55(a)(4) (enabling BRS and EBS licensees to exceed signal strength and Geographic Service Area boundaries with the consent of affected licensees).

<sup>6</sup> See WISPA Reply Comments at 5.

<sup>7</sup> See *Public Notice* at 3 and nn.20 and 21.

## **II. THE COMMISSION SHOULD ADOPT MAXIMUM, BUT NOT MINIMUM, CHANNEL WIDTHS IN ITS CHANNELIZATION PLAN.**

The Bureau proposes to adopt 25-megahertz channels for both the 7 GHz and 13 GHz bands.<sup>8</sup> WISPA does not object to a maximum channel size of 25 megahertz for the 7 GHz band, but believes the Commission should establish a 50-megahertz maximum channel size for FS operations in the 13 GHz band. The increased channel size will allow FS licensees to operate with higher throughput in areas where there is demand for higher capacity. The 13 GHz band has more spectrum for FS than the 7 GHz band, so 50-megahertz channels can be accommodated more easily than they can in the 7 GHz band. Overall, FS licensees would enjoy greater flexibility in selecting the appropriate spectrum band based on differing propagation characteristics, topology and throughput needs.

Moreover, the channel widths should be expressed as maximum channel widths to afford FS licensees the ability to license less spectrum where appropriate, thereby potentially increasing efficiency. To the extent the Commission imposes capacity and loading requirements on FS licensees, licensees should have the flexibility to meet those requirements using narrower channels. In supporting flexibility, WISPA stated in the WISPA Comments that “[l]icensees should have the ability to select a channelization plan that corresponds to the bandwidth necessary to provide the desired throughput and data rates, as well as the equipment that is manufactured.”<sup>9</sup> WISPA continues to believe that the Commission should establish maximum channel widths, but FS licensees should have the flexibility to be licensed on channel widths of lesser size.

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<sup>8</sup> See *Public Notice* at 4-5.

<sup>9</sup> WISPA Comments at 3.

## **Conclusion**

WISPA supports adoption of rules allowing fixed service licensees to share the BAS and CARS bands for backhaul. The Commission also should adopt maximum channel widths of 25 megahertz for the 7 GHz band and 50 megahertz for the 13 GHz band, but should not establish minimum channel widths.

Respectfully submitted,

**THE WIRELESS INTERNET  
SERVICE PROVIDERS ASSOCIATION**

June 27, 2011

By: */s/ Elizabeth Bowles, President*  
*/s/ Jack Unger, Chair of FCC Committee*

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