

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees)	WT Docket No. 12-64
)	
Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/ 862-869 MHz Band)	WT Docket No. 11-110
)	

To: Chief, Wireless Telecommunications Bureau

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its comments in the above-entitled proceeding.¹ In response to a request from Sprint Nextel Corporation (“Sprint Nextel”),² the Commission has proposed to “eliminate a legacy channel spacing and bandwidth limitation for Economic Area market (EA)-based 800 MHz Specialized Mobile Radio (SMR) licensees in the 813.5-824/858.5-869 MHz band.”³ Doing so would allow Sprint Nextel and any other SMR licensee operating in what commonly is referred to as the ESMR (Enhanced SMR) band to deploy more advanced broadband 3G Code Division

¹ *Notice of Proposed Rulemaking*, WT Docket Nos. 12-64 and 11-110, 77 FR 18991 (Mar. 29, 2012) (“NPRM”).

² Request for Declaratory Ruling that the Commission’s Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band, filed June 3, 2011 (“Sprint Nextel Petition”).

³ NPRM at ¶ 1.

Multiple Access (“CDMA”) technology on that spectrum, a result that the FCC has concluded would serve the public interest.⁴

EWA has previously addressed this issue in its comments on the Sprint Nextel Petition. In that filing, the Alliance stated that if the FCC satisfied itself that deployment of CDMA on ESMR spectrum would not cause harmful interference to other users in the 800 MHz band, then customers of Sprint Nextel and other ESMR operators would be well-served by the availability of more advanced technology.

It appears from the NPR that the Commission has completed its technical analysis and is confident that broadband technology poses no risk of interference for 800 MHz users, even those in immediately adjacent bands.⁵ It has proposed that ESMR licensees be permitted to exceed the channel spacing and bandwidth limitations in Rule Section 90.209 throughout the entire ESMR band in NPSPAC regions where 800 MHz rebanding is complete and no public safety users are still operating in the “old” NPSPAC band at 821-824/866-869 MHz. In regions where rebanding has not yet been completed, the more flexible rules would apply only on ESMR spectrum other than the 821-824/866-869 MHz band and ESMR licensees would need to provide at least 30 days written notice to public safety licensees operating in the 821-824/866-869 MHz in that region, as well as those with base station licenses within 113 kms (70 miles) of the affected

⁴ *Id.* at ¶ 12.

⁵ Both the NPRM and Sprint Nextel’s technical showing in its August 16, 2011 Reply Comments in WT Docket No. 11-110 (“Sprint Nextel Reply Comments”) discuss the means by which Sprint Nextel will prevent interference from its proposed CDMA deployment to 800 MHz public safety systems. EWA assumes that the failure to simultaneously recognize the presence of the many Industrial, Business, and commercial licensee incumbents in this band is an inadvertent oversight, and that Sprint Nextel and the Commission are confident those licensees will not experience interference either.

region border.⁶ These licensees will remain subject to the emission mask requirements in FCC Rule Section 90.691 with regard to the “outer channels” in their licenses.

Since the Commission is proposing to permit CDMA operations on spectrum immediately adjacent to systems still using “old” NPSPAC channels, it must be satisfied that the technologies can co-exist. This validation by the FCC is significant to EWA not only because preventing interference to public safety operations is important for all citizens, but also because the Alliance’s own members likely will be operating in the Guard Band at 816-817/861-862 MHz, spectrum immediately below the ESMR band, once the FCC makes that spectrum available for new licensees.⁷ Based on the Commission’s conclusion that CDMA will not cause interference to adjacent public safety users, EWA assumes this technology should not be expected to present interference concerns for future users of Guard Band spectrum either.⁸

The Alliance does suggest that the Commission clarify the applicability of this proposed technical flexibility in the Canadian border regions where the 800 MHz band plan is complicated and differs from region to region.⁹ The same frequency may be assigned to a site-based licensee in one region, whose authorized coverage is defined by a service contour, and to an ESMR licensee operating pursuant to an EA license in the adjacent region. While the ESMR licensee is obligated to protect the service contour of the adjacent market site-based system, that protection has always been calculated on a frequency-specific, co-channel contour basis. If the ESMR

⁶ NPRM at ¶ 13-14. The Alliance notes that this prior notification requirement does not apply to non-public safety entities in the region that may be operating on frequencies with no greater separation from the proposed CDMA operation than licensees on NPSPAC frequencies.

⁷ As discussed below, while there is a national, post-rebanding 800 MHz band plan throughout most of the country, that plan is modified in certain regions such as the Southeast where SouthernLINC Wireless operates and in the Canadian and Mexican border areas. There is no designated “Guard Band” in certain areas because of insufficient spectrum availability.

⁸ See Sprint Nextel Reply Comments at 8: “Among other things, Sprint Nextel has imposed extremely tight out-of-band emissions (OOBE) filtering requirements on base station vendors for frequencies below 861 MHz and aggressive OOBE roll-off requirements between 861-862 MHz.”

⁹ Clarification may also be needed in the Mexican border area depending on the band plan that is adopted.

licensee's 25 kHz channels are instead to be operated as part of a broadband CDMA channel, the FCC needs to ensure that the same protection standards will be maintained vis-à-vis third party site-based facilities.

EWA has consistently endorsed the introduction of more advanced technologies that can provide enhanced communications capabilities. It supports the proposal herein on the basis that the FCC has examined the technical ramifications of integrating CMDA technology into the ESMR portion of the 800 MHz band and has confirmed that it will not increase the interference potential for other systems in the band including those operated by Industrial, Business, commercial, and public safety entities. As noted above, the Alliance also recommends that the FCC clarify the applicability of the proposed rules to EA licenses in the Canadian border regions, thereby ensuring that all current protection standards are maintained.

ENTERPRISE WIRELESS ALLIANCE

By: _____ /s/

Mark E. Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678

April 13, 2012