

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

In the Matter of)	
)	
Amendment of the Commission's Rules with)	GN Docket No. 12-354
Regard to Commercial Operations in the 3550-)	
3650 MHz Band)	

COMMENTS OF KANOKLA COMMUNICATIONS, INC.

KanOkla Communications, Inc. (“KanOkla”) is a small company that has been providing telecommunications services to rural customers in rural Kansas and Oklahoma for over sixty years. KanOkla currently uses the 3650-3700 MHz (“3.65 GHz”) band to provide high quality broadband services to 1497 customers. As a small rural carrier, KanOkla is not without its share of challenges. Providing services to a relatively low density of customers is difficult for small operators as they lack the size and customer totals to make a traditional business case for deployment. The one saving grace for many small operators is the ability to use both unlicensed and lightly licensed frequencies for wireless broadband deployments. This option allows rural carriers to provide cost-effective high-speed broadband services that customers and rural economies require without demanding millions of dollars in capital expenditures for spectrum acquisition.

DISCUSSION

The Federal Communications Commission (“FCC” or “Commission”) proposes to create a new Citizens Broadband Service in the 3550-3650 MHz band (“3.5 GHz”) to promote the deployment of small cell systems and allow the use of spectrum sharing between incumbent

federal operators and commercial licensees.¹ The Commission also proposes to migrate existing 3.65 GHz licensees to the proposed 3.5 GHz Band Service. The proposed licensing scheme for the newly created 3.5 GHz Service includes three tiers of service operators, Incumbent Access (“IA”) users, Protected Access (“PA”) users and General Authorized Access (“GAA”) users, which will receive varying levels of interference protection. PA and GAA licensees would be licensed by rule as 3.5 GHz Service users under Part 95 of the Commission’s rules. The FCC proposes that interference among the users be mitigated through the use of a geo-location enabled dynamic database called a spectrum access system (“SAS”).

Under the proposed licensing regime, IA users include federal users and grandfathered fixed satellite service licensees and are afforded the highest level of interference protection from all other users. PA users include critical use facilities such as hospitals, utilities, government facilities and public safety entities, who receive quality-assured access to a portion of the 3.5 GHz band in certain designated locations. GAA users include everyone else operating in the band and must ensure their operations do not interfere with IA and PA users. While KanOkla does not disagree with the use of this tiered interference protection regime, KanOkla does not support the requirement that all licensees, including 3.65 GHz licensees currently providing service, use the proposed SAS to mitigate interference as its implementation is unnecessary and extremely costly for small rural operators.

KanOkla applauds the FCC’s recent wireless proceedings, which include opening up an additional 100 megahertz of underutilized spectrum for broadband services in the 3.5 GHz band. KanOkla has made a significant investment in equipment and has been operating in the adjacent

¹ *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3.650 MHz Band*, Notice of Proposed Rulemaking, FCC 12-148, GN Docket No. 12-354 (Dec. 12, 2012).

3.65 GHz band for several years. KanOkla can confirm that the new frequency band will work very well for delivering high bandwidth services in rural markets.

KanOkla strongly opposes the FCC's proposal to migrate 3.65 GHz licensees, such as KanOkla, to the proposed 3.5 GHz service. This new regulatory regime and the requirement to implement the SAS would result in a significant loss of investment and additional expenses due to the need for costly software and hardware upgrades. KanOkla's current WiMAX equipment is not compatible with the FCC's proposed SAS system, nor is the equipment of most vendors. If KanOkla is required to replace its current tower equipment, it would need to remove a half-million dollar investment. These costly software and hardware changes would significantly delay service deployments and would cause unnecessary service interruptions to existing customers.

As an alternative, KanOkla requests that the licensing model and interference protection plan currently used in the 3.65 GHz band be used for the 3.5 GHz band.² Licensees providing service in the 3.65 GHz band currently ensure they are not interfering with incumbent licensees through a cooperative channel plan, which has been extremely effective. The proposed SAS system is unnecessary and cost prohibitive for small rural service providers. KanOkla supports the FCC's proposal to allow the use of the 3.5 GHz band in conjunction with operations in the 3.65 GHz band. However, KanOkla believes the rules adopted in the 3.65 GHz band should be adopted for the 3.5 GHz band. Applying the 3.65 GHz licensing rules would ensure timely deployment of commercial operations. The current 3.65 GHz licensing plan has been effective

² See *Wireless Operations in the 3650-3700 MHz Band; Rules for Wireless Broadband Services in the 3650-3700 MHz Band; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band; Amendment of the Commission's Rules With Regard to the 3650-3700 MHz Government Transfer Band*, Report and Order and Memorandum Opinion and Order, ET Docket Nos. 04-151, 02-380, 98-237, WT Docket No. 05-96 (March 26, 2005).

in deploying small cell broadband services in many rural markets, while maintaining interference protections for incumbent users. KanOkla has excellent working relationships with other operators in the band and has had no problems working to eliminate interference issues through a cooperative channel plan. Adopting the existing 3.65 GHz licensing and interference protection regulations and allowing for the use of equipment already shown to work effectively in the 3.65 GHz band, will ensure timely deployment of broadband systems as it lowers the time for manufacturers to develop much needed broadband equipment. Many providers already have equipment that will operate in the 3.5 GHz band. With this shorter development time, the FCC will lower the time of service deployment and ultimately, the amount of time for even higher bandwidth deployments in rural areas.

In addition to the costs involved with adopting the SAS, KanOkla has serious concerns over the security and reliability of the SAS, which will have direct control of its network infrastructure. As proposed by the FCC, devices will have to be Internet connected to validate available channels, thus making them susceptible to a direct target of malicious users. In addition, an external system will ultimately have the authority to enable or disable KanOkla's broadband services and it is not clear what happens in the event the database is down or unreachable. KanOkla urges the FCC to consider the potentially crippling effect the SAS could have over the broadband networks of providers operating in the band.

Regardless of whether the FCC elects to adopt the already working 3.65 GHz licensing scheme and allow for the use of existing equipment for the 3.5 GHz band, we strongly disagree with the Commission's proposal to move current 3.65 GHz licensees to the proposed 3.5 GHz Service. KanOkla has substantial capital investment in its existing broadband network.

KanOkla's network is currently delivering speeds up to 6 Mbps on its WiMax network over

areas of Kansas and Oklahoma, which will be increased with access to additional spectrum. KanOkla currently provides service to nearly 1500 customers, and is actively increasing the size of its network to meet even more network demands. Requiring software and/or hardware upgrades at this time would be a costly and time consuming process that could slow KanOkla's deployment schedules and ultimately prevent consumers from obtaining reliable broadband services. Many of the territories KanOkla serves today, or that are on its deployment roadmap, have no other broadband technologies available to them. Without KanOkla's service, these rural customers would be forced to utilize low-band dialup to access the Internet.

If the Commission disregards KanOkla's request not to shift existing 3.65 GHz licensees to the 3.5 GHz Service, KanOkla asks that the Commission, at a minimum, exempt, or allow those licensees currently providing service in the 3.65 GHz band, to file for a waiver of the requirement to deploy the SAS system for interference mitigation, and allow these licensees to continue using their cooperative channel plans.

CONCLUSION

KanOkla supports the FCC's proposal to open additional frequencies for small operators in the 3.5 GHz band. However, KanOkla urges the Commission to adopt the regulatory scheme currently used for 3.65 GHz licensees, which is a licensing model that will allow for a short time to market for operators and hopefully, advance broadband services for consumers in the rural

United States. In the alternative, KanOkla urges the Commission to maintain the status quo for licensees currently operating in the 3.65GHz band.

Respectfully submitted,

KanOkla Communications, Inc.

By: */s/ Caressa D. Bennet*

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Dated: February 20, 2013