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 telecommunications company that has been providing service to 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 1,497 customers. KanOkla was able to make the business case to deploy cost-effective high-speed broadband services because it was able to use unlicensed and lightly licensed frequencies. As a small operator, KanOkla feels the financial pinch of regulatory changes on a greater level than companies with greater economies of scale and strongly encourages the Federal Communications Commission ("FCC" or "Commission") to adopt a regulatory framework for the 3.55-3.650 GHz ("3.5 GHz") band that protects incumbent 3.65 GHz operators from unnecessary financial strain. KanOkla continues to encourage the Commission to adopt the 3.65 GHz regulatory framework for the 3.5 GHz band. However, if the Commission insists on integrating the 3.65 GHz band into the 3.5 GHz band regulatory framework, KanOkla strongly encourages the Commission to provide incumbent 3.65 GHz operators with at least three years to implement any regulatory changes adopted by the Commission.

I. BACKGROUND

In December of 2012, the FCC proposed to create a new Citizens Broadband Service ("CBS") in the 3.5 GHz band, which is currently used by military and satellite operators, to allow for the deployment of small cell networks.[1] As part of this new regulatory framework, the Commission proposed to adopt three service tiers: (1) Incumbent Access ("IA"); (2) Priority Access ("PA"); and (3) General Authorized Access ("GAA"). The Commission initially proposed that the IA service tier be reserved for incumbent military and satellite operators, and the PA service tier be reserved for "certain critical, quality-of-service dependent users at specific, targeted locations."[2] The GAA service tier would be made available to the general public on an opportunistic basis within designated geographic areas and in zones that would not cause interference to IA operators. While GAA operators must provide interference protection for IA operators, GAA operators would be allowed to operate in areas where they might receive interference from incumbent operators. The Commission also proposed to implement a spectrum access system ("SAS") which is a dynamic database that would prevent harmful interference to incumbent users and act as a real-time manager of interference protection among other users. The FCC also proposed to integrate the 3.65 GHz band into the 3.5 GHz regulatory framework.

After receiving comments on the 3.5 GHz regulatory framework proposed in the *NPRM*, the Commission adopted a *Public Notice* seeking additional comments on a "Revised

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[1] *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Notice of Proposed Rulemaking, FCC 12-148 (rel. Dec. 12, 2012) ("*NPRM*").

[2] *Id.* at ¶ 9.

Framework" that would open the PA service tier to a broader class of commercial users.[3] The Revised Framework proposes to retain the IA and GAA service tiers as proposed in the *NPRM*, but opens the PA tier to all eligible users who would obtain spectrum rights in the form of Priority Access Licenses ("PALs") through an auction. PALs would be auctioned based on time (each license would have a one year, non-renewal term that can be aggregated); geography (based on census tracts); and frequency/bandwidth (10 MHz unpaired channels). Any spectrum not used by a PA service operator would be made available for use by a local GAA operator via the SAS. The Commission has asked for comment on the Revised Framework in general, as well as whether the Commission should integrate the 3.65 GHz band into the Revised Framework.

II. KANOKLA SUPPORTS A TWO-TIERED LICENSING MODEL

KanOkla continues to believe the Commission should retain the *status quo* with regard to incumbent use of the 3.65 GHz band, and encourages the Commission to adopt the light-licensing regulatory framework used in the 3.65 GHz band for the 3.5 GHz band. However, should the Commission insist on integrating the 3.65 GHz band into the 3.5 GHz regulatory framework, KanOkla does not support the Commission's proposed three-tiered licensing approach. KanOkla believes the Commission should adopt a two-tiered licensing model that includes IA licensees (which includes incumbent military operations, satellite operators *and* existing 3.65 GHz licensees) and GAA licensees. GAA operators would use the new spectrum to provide much-needed broadband services to rural markets while protecting existing IA licensees. KanOkla believes the PA class, which would most likely be comprised of larger

[3] *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Public Notice, FCC 13-144 (rel. Nov. 1, 2013) ("*Public Notice*").

telecommunications carriers, would hurt the expansion of rural broadband services because large carriers are likely to use the spectrum for densely populated areas while ignoring large rural portions of their license areas.

Small operators such as KanOkla have limited access to affordable spectrum, while large carriers with large pocketbooks have a greater opportunity to obtain spectrum. Small cell operators, who operate low-powered wireless base stations covering indoor or localized outdoor areas to improve network coverage, are driving rural broadband services and require as much spectrum as possible to deliver the bandwidth needed to support modern video and communications platforms. The FCC must adopt a licensing scheme that supports deployment of spectrum-based services to rural America. A two-tiered licensing framework would meet those needs.

III. INCUMBENT WISP OPERATORS SHOULD BE AFFORDED INCUMBENT STATUS AND FULL ACCESS TO THE 3.65 GHZ BAND

KanOkla strongly believes the Commission should adopt a licensing scheme that ensures Wireless Internet Service Providers ("WISPs"), whose services are instrumental in providing broadband services to the rural areas of tier-1 telephone service providers, are allowed to continue to provide services to their existing customers via the 3.65 GHz band. The Commission's proposal to adopt a three-tiered licensing framework that includes placing incumbent WISPs in the GAA class is not acceptable to KanOkla. KanOkla, and other existing 3.65 GHz operators, should be afforded incumbent status and protected from harmful interference to their existing operations. Only by affording existing licensees incumbent status can the Commission ensure that these operators' services are not interrupted or discontinued. If the Commission refuses to provide incumbent 3.65 GHz operators with IA status, the

Commission should at a minimum provide them with IA status until their vendors have had an opportunity to develop software and/or hardware upgrades needed to allow them to transition customers from the 3.65 GHz band to the 3.5 GHz band.

The FCC's Revised Framework includes a proposal to divide the 50 MHz of spectrum available between 3650 MHz and 3700 MHz evenly between PA and GAA operators by licensing 25 MHz of spectrum to PA operators and reserving 25 MHz of spectrum for GAA operators. However, the Commission notes that dividing the spectrum in this manner will result in a "fractional PAL" as each PAL is comprised of 10 MHz channels.[4] To keep 10 MHz channels, the Commission must license 10, 20, or 30 MHz of spectrum to PA operators and allocate the remainder to GAA operations. KanOkla has significant concerns regarding this proposal because KanOkla would likely lose access to at least 25 MHz of the 50 MHz of 3.65 GHz spectrum to which it currently has access. If the Commission tries to retain 10 MHz spectrum blocks for PALs, KanOkla may lose access to even more spectrum that is currently being used to provide service to customers. Granting PA operators interference free access to 25 MHz or more of the 3.65 GHz band will significantly impact KanOkla's provision of services to its customers. The Commission must allow WISPs to retain access to the full 50 MHz of spectrum in the 3.65 GHz band, at least until their vendors have an opportunity to develop software updates to allow these operators to expand into the 3.5 GHz band. Therefore, KanOkla strongly encourages the Commission to protect the 3.65 GHz services KanOkla is currently providing to customers by ensuring that KanOkla will continue to have access to 50 MHz of 3.65 GHz spectrum for a period of at least three years, which will allow its vendors time to develop, and KanOkla time to deploy, the necessary software upgrades.

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[4] *Public Notice* at ¶ 29.

IV. THE FCC MUST PROVIDE INCUMBENTS WITH SUFFICIENT TIME TO UPGRADE EQUIPMENT AND SOFTWARE TO ACCOMMODATE THE SAS

KanOkla continues to encourage the Commission to adopt the light-licensing regulatory framework used in the 3.65 GHz band for the 3.5 GHz band. KanOkla does not believe implementation of the SAS is necessary to prevent harmful interference in the 3.5 GHz band as the light-licensing regulatory framework currently used in the 3.65 GHz band has been effective for preventing harmful interference. In addition, adopting the light-licensing regulatory framework for the 3.5 GHz band would allow service providers to deploy existing 3.65 GHz equipment which would provide a faster time to market for services in the 3.5 GHz band. If the Commission insists on migrating the 3.65 GHz band into the 3.5 GHz licensing framework, KanOkla urges the Commission to provide licensees with at least three years to deploy equipment compatible with the SAS and transition to the new regulatory framework. This three year period of time should provide vendors with sufficient time to develop the necessary upgrades.

V. CONCLUSION

The 3.65 and 3.5 GHz spectrum bands are vital to the deployment of broadband services to rural America, and the Commission must do all that it can to support rural broadband deployment. KanOkla strongly encourages the Commission to ensure that the policies it adopts in this proceeding do not impede existing 3.65 GHz licensees from continuing to provide broadband services to their customers, and ensure that the licensing framework adopted for the 3.5 and 3.65 GHz bands further supports the important services WISP operators intend to provide to future customers.

Respectfully submitted,

KanOkla Communications, Inc.

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