

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

In the Matter of)
)
Amendment of Part 2 and 90 of the) RM-11715
Commission’s Rules To Create a New)
Frequency Allocation for Wireless)
Broadband Services)

To: The Commission

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

The Wireless Internet Service Providers Association (“WISPA”), pursuant to Section 1.405 of the Commission’s Rules, hereby provides its Comments in support of the Petition for Rulemaking (“Petition”) filed by Mimoso Networks, Inc. (“Mimoso”).¹ The Petition proposes the allocation of spectrum in the 10-10.5 GHz band under Part 90, Subpart Z of the Commission’s Rules and the protection of incumbents in the band. Given the strong interest and desire of WISPA’s members for additional spectrum, WISPA urges the Commission to expeditiously adopt a Notice of Proposed Rulemaking so that a full and complete record can be developed.

Introduction

WISPA is the trade association that represents the interests of wireless Internet service providers (“WISPs”) that provide IP-based fixed wireless broadband services to consumers, businesses and anchor institutions across the country. WISPs use unlicensed spectrum in the 900 MHz, 2.4 GHz and 5 GHz bands and “lightly licensed” spectrum in the 3650-3700 MHz band to provide high-quality and affordable service in unserved, underserved and competitive areas.

¹ See *Public Notice*, Report No. 3002 (March 11, 2014). See also *Order*, DA 14-413 (March 27, 2014) (confirming April 10, 2014 deadline for filing comments).

WISPA's members include more than 800 WISPs, equipment manufacturers, distributors and others committed to providing affordable and competitive fixed broadband services. WISPA estimates that WISPs serve more than 3,000,000 people, many of whom reside in rural, unserved and underserved areas where wired technologies like FTTH, DSL and cable Internet access services may not be available. In some of these areas, WISPs provide the only terrestrial source of fixed broadband access. In areas where other broadband options are available, WISPs provide a local access alternative that fosters competition in service, cost and features.

As unlicensed wireless services become more ubiquitous and the capacity needs of consumers continue to expand, WISPs are facing congestion and increased "noise" and interference in unlicensed bands, including in the 2.4 GHz and 5 GHz bands where mobile broadband carriers and cable broadband providers are deploying both indoor and outdoor Wi-Fi access points, hotspots and in-home routers in ever-increasing numbers, and in the 900 MHz band where utilities are deploying outdoor, wide-area meter reading networks. In addition, WISPs in rural and remote areas often lack access to affordable backhaul and connectivity. Access to additional spectrum can help resolve these shortcomings and enable the expansion of affordable broadband service to more and more areas of the country.

WISPA commends Mimosa for taking the initiative to file the Petition and propose a regulatory regime that would make available a significant amount of spectrum while promoting responsible spectrum use and incumbent protection. WISPA's members are extremely interested in obtaining access to additional spectrum for point-to-point and point-to-multipoint operations. As Mimosa observes, the allocation of spectrum in the 10 GHz band "would facilitate access to higher capacity backhaul that would provide a path for WISPs to offer better services in rural

areas....”² Relative to licensed microwave spectrum that must be coordinated under Part 101, it is expected that equipment in the 10 GHz band can be purchased at lower cost to drive a competitive marketplace.

WISPA also appreciates that Mimosa’s proposal may affect existing amateur radio operations in the 10 GHz band. WISPA looks forward to productive dialogue with Mimosa and representatives of the amateur radio community to assess, discuss and, hopefully, resolve any interference issues that bear on the commercial allocation and sharing of the 10 GHz band.

I. THE COMMISSION SHOULD ADOPT A NOTICE OF PROPOSED RULEMAKING.

The Petition proposes a creative way in which the Commission can make available a significant amount of spectrum in the 10 GHz band to WISPs and others. Allocation of the 10 GHz band for backhaul and connectivity would benefit consumers, WISPs and others by providing an option to other licensed and unlicensed bands that are used to deliver broadband connectivity, especially in rural areas.

WISPA therefore asks the Commission to expeditiously adopt and release a Notice of Proposed Rulemaking to invite comments on Mimosa’s proposal. The Commission, the public and stakeholders would benefit from the development of a full and complete record on relevant issues, including the regulatory regime, incumbent protection and technical rules such as channel size and power. The Commission should act in an expeditious manner so that spectrum can be made available at the earliest opportunity.

² Petition at 23.

II. THE COMMISSION SHOULD INVITE COMMENT ON A NUMBER OF IMPORTANT ISSUES.

In its Notice of Proposed Rulemaking, it is critical for the Commission to ask for comment on several important issues. These include the following:

- Spectrum Use
 - Is Part 90 “light licensing” the best approach? If not, should the Commission instead allocate the 10-10.5 GHz band on an unlicensed basis pursuant to Part 15, or should the band be licensed and coordinated under Part 101 or some other licensing/registration process?
 - What spectrum sharing techniques (e.g., DFS, white space database, Spectrum Access System, automated link registration process, etc.) should be implemented to protect existing radar and amateur radio use?
 - What channel size(s) are appropriate for the band?
 - If the Commission requires “light licensing” or Part 101 licensing, what should the license term be and what, if any, build-out requirements should be implemented?

- Technical and Operating Rules
 - What antenna standards would inherently act to reduce or eliminate interference (i.e., requiring a minimum antenna gain that will also minimize transmit beamwidth while maximizing link quality and minimizing interference to other operators)?
 - What equipment features should be required to minimize radiated power to the minimum level needed (i.e., automatic transmitter power control)?
 - What standards should be implemented for device certification (e.g., DFS testing, security features)?
 - What power limits and out-of-band emission limits should the Commission adopt?
 - What is the most effective band plan? Should guard bands and a “notch” be required to protect amateur radio operations? Do the guard bands proposed by Mimosa provide sufficient interference protection?

Conclusion

WISPA appreciates Mimosa's efforts in filing its Petition to begin the process of allocating the 10-10.5 GHz band for shared commercial use. WISPA respectfully requests that the Commission expeditiously adopt a Notice of Proposed Rulemaking to develop a full and complete record of the issues that can lead to formal rule adoption in the near future.

Respectfully submitted,

WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION

Date: April 10, 2014

By: */s/ Chuck Hogg, President*
/s/ Alex Phillips, FCC Committee Chair
/s/ Jack Unger, Technical Consultant

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CERTIFICATE OF SERVICE

I, Kenn Wolin, a paralegal at Lerman Senter PLLC, hereby certify that a true and correct copy of the foregoing Comments of the Wireless Internet Service Providers Association was sent by first-class mail, postage prepaid, on the 10th day of April, 2014, to the following:

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