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May 2, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268

*Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*, WT Docket No. 08-166

*Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition*, WT Docket No. 08-167

*Amendment of Parts 15, 74 and 90 Of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones*, ET Docket No. 10-24

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

*Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, ET Docket No. 13-49

Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On May 1, 2014, representatives of the Wireless Internet Service Providers Association ("WISPA") met with Renee Gregory, Legal Advisor to Chairman Tom Wheeler, to discuss issues related to the above-referenced proceedings. In addition to undersigned counsel, the WISPA representatives included Elizabeth Bowles, Chuck Hogg, Alex Phillips and Richard Harnish.

With respect to the incentive auction proceeding, the discussion focused primarily on the TV white space spectrum that would be available for fixed unlicensed use after the auction and re-packing of TV stations. The WISPA representatives explained that, despite regulatory and legislative uncertainty and engineering challenges associated with developing equipment capable



of communicating with the geolocation databases, American companies were successfully manufacturing, shipping, installing and deploying TV white space equipment in rural areas. The WISPA representatives emphasized the propagation benefits of sub-1 GHz spectrum for unlicensed use.

The WISPA representatives encouraged the Commission to adopt and implement re-packing rules and procedures that would optimize the amount and viability of contiguous spectrum for unlicensed fixed broadband service. The WISPA representatives noted the significant barriers resulting from the full six-megahertz of adjacent-channel protection each TV station has on both sides of its six-megahertz channel. WISPA reiterated its position demonstrating the spectrally efficient ways that remaining white space could be optimized to maximize the availability and utility of unlicensed spectrum for fixed broadband use.<sup>1</sup> These optimization methods include (a) allowing TV and LPTV stations to share channels where technically feasible, (b) identifying for LPTV displacement applications those channels that maximize the amount of the remaining spectrum for fixed unlicensed use, and (c) enforcing rules to prohibit database protection for LPTV stations that do not timely convert to digital operations or go dark for periods exceeding the time frames permitted by Commission rules.

The WISPA representatives also reiterated their view that the Commission should apply its maximum bidding credit for very small businesses that choose to participate in the forward auction.

With respect to GN Docket No. 12-354, WISPA noted its general support for the rules proposed for the 3550-3650 MHz band<sup>2</sup> regarding the three-tiered Spectrum Access System (“SAS”), higher power operation in rural areas, the set-aside of 50% of the band for General Authorized Access and “use it or share it” opportunistic use of the band where Priority Access licensees are not operating. WISPA noted that it believed that the zones required to protect federal radar use could be reduced. WISPA also suggested that the SAS could include additional features that would enable more flexible deployments, including the ability of the SAS to incorporate directional antenna patterns. WISPA indicated that it was studying other technical proposals and issues related to the ability of the SAS to enforce interference protection rights and the potential transition of the 3650-3700 MHz band into the regulatory scheme that would be adopted for the 3550-3650 MHz band.

With respect to ET Docket No. 13-49, the WISPA representatives expressed concern over the Commission’s imposition of tighter out-of-band emission limits for devices certified to operate in the 5725-5850 MHz band following the effective date of rules the Commission recently adopted.<sup>3</sup>

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<sup>1</sup> See Comments of WISPA, Docket No. 12-268, *et al.* (filed Jan. 25, 2013) at 12-29.

<sup>2</sup> *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Further Notice of Proposed Rulemaking, GN Docket No. 12-354, FCC 14-49 (rel. Apr. 23, 2014).

<sup>3</sup> *Revision of Part 15 of the Commission’s Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, ET Docket No. 13-49, FCC 14-30 (rel. April 1, 2014).

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Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceedings.

Respectfully submitted,



Stephen E. Coran  
*Counsel to the Wireless Internet Service  
Providers Association*

cc: Renee Gregory