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December 5, 2016

Via E-mail:

Honorable Tom Wheeler, Chairman, tom.wheeler@fcc.gov
Honorable Ajit Pai, ajit.pai@fcc.gov
Honorable Mignon Clyburn, mignon.clyburn@fcc.gov
Honorable Jessica Rosenworcel, jessica.rosenworcel@fcc.gov
Honorable Michael O'Rielly, mike.orielly@fcc.gov
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: RM-11738

FCC Commissioners:

On September 16, 2016, the Commission placed on circulation an item described as follows: "Review of the Commission's Rules Governing the 896-901/935-940 MHz Band, Realignment of the 896-901/935-940 MHz Band to Create a Private Enterprise Broadband Allocation." The Enterprise Wireless Alliance ("EWA") and pdvWireless, Inc. ("PDV"), based on discussions with Commissioner offices, believe this item is a Notice of Inquiry ("NOI") into the current state of and consideration of possible rule changes for the 5 MHz of paired 900 MHz spectrum licensed under Part 90 of the FCC Rules.

EWA/PDV jointly filed a Notice of Proposed Rulemaking recommending the bifurcation of this band into a 2X2 MHz narrowband and 3X3 MHz broadband allocation, the latter referred to a Private Enterprise Broadband Allocation.¹ While EWA/PDV continue to believe that their proposal would be best considered in a Notice of Proposed Rulemaking, it appears the Commission has elected to seek further information on this band generally before deciding what, if any, rule changes might be appropriate. The adoption of an NOI does not commit the FCC to any particular course of action. The Commission has used this procedural vehicle in numerous instances when it wished to solicit public input and develop a more comprehensive understanding of the public policy and technical aspects of an issue before making any decision as to the optimal regulatory approach.² As the FCC is charged with ensuring that its rules promote the public interest, it is

¹ Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., filed Nov. 17, 2014.

² See, e.g., Inquiry Regarding Carrier Current Systems, Including Broadband Over Power Line Systems, ET Docket No. 03-104, 18 FCC Rcd 8498 (2003); Broadcast Localism, MB Docket No. 04-233, *Notice of Inquiry*, 19 FCC Rcd

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appropriate that it assess the current utilization and potential uses of all spectrum it regulates, including the 900 MHz band.

EWA/PDV urge the Commission to take this initial step in considering whether the rules governing the 900 MHz band, an allocation made over 30 years ago, remain optimally suited to address the requirements of 21st century telecommunications users.

This letter is being filed electronically, in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), for inclusion in the record in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth R. Sachs". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth R. Sachs

12425 (2004); Investigation of the Spectrum Requirements for Advanced Medical Technologies, ET Docket 06-125, *Notice of Proposed Rulemaking, Notice of Inquiry, and Order*, 21 FCC Rcd 8164 (2006); Revitalization of the AM Radio Service, MB Docket 13-249, *First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry*, 30 FCC Rcd 12145 (2015).