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July 22, 2013

**VIA ELECTRONIC MAIL:** [Ruth.Milkman@fcc.gov](mailto:Ruth.Milkman@fcc.gov)

Ruth Milkman, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: 800 MHz Expansion Band/Guard Band Spectrum**

Dear Ms. Milkman:

Pursuant to a Public Notice released on November 7, 2012, the FCC announced that 800 MHz reconfiguration had been completed in eleven (11) NPSPAC regions.<sup>1</sup> In accordance with procedures adopted in conjunction with the reconfiguration of the 800 MHz band,<sup>2</sup> the Public Notice stated that the Commission would begin accepting applications for 800 MHz Expansion Band and the Guard Band (“EB/GB”) frequencies in those Regions, subject to the pre-coordination procedures described in the Public Notice.<sup>3</sup> It announced that the pre-coordination process would begin on December 11, 2012, and properly coordinated applications could be filed with the FCC beginning on January 17, 2013.<sup>4</sup>

It has come to the attention of the Enterprise Wireless Alliance (“EWA” or “Alliance”) that a Petition to Deny certain applications for this spectrum is pending before the Commission.<sup>5</sup> The Petition alleges a number of violations of FCC requirements, including a failure to follow the pre-coordination procedures specified in the Public Notice, and has triggered an Opposition, a Reply, and other related pleadings.

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<sup>1</sup> Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions, *Public Notice*, 27 FCC Rcd 14775 (PSHSB/WTB 2012) (“Public Notice”). The regions were AK, CO, HI, IA, MN, NB, ND, SD, UT, WI, and WY.

<sup>2</sup> See Improving Public Safety Communications in the 800 MHz Band, *Order*, 23 FCC Rcd 15966, 15972-73 ¶ 17 (2008) (“Sprint Waiver Order”).

<sup>3</sup> Public Notice at 8.

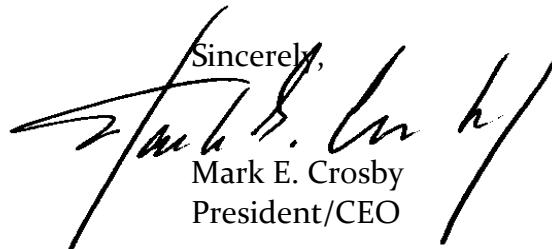
<sup>4</sup> *Id.*

<sup>5</sup> See Petition to Deny dated February 19, 2013, filed by Smartcomm License Services, LLC; Michael D. Judy; Coyote Communications, LLC; and Spectrum Acquisitions Group, LLC.

The EB/GB spectrum is the first “new” allocation of potentially exclusive channels for Industrial/Business (“I/B”) and Specialized Mobile Radio (“SMR”) applicants in almost thirty (30) years.<sup>6</sup> While there likely is available 800 MHz interleaved spectrum in many of the regions specified in the Public Notice, that will not be the case as reconfiguration is completed in more heavily populated NPSPAC regions where no 800 MHz channels have been available for years. For this reason, it is essential that the FCC’s licensing rules generally, and all applicable coordination processes, be followed scrupulously with regard to EB/GB applications.

EWA takes no position on the dispute pending before the FCC. It does request that the FCC resolve that matter as quickly as possible so that similar issues do not arise as EB/GB spectrum becomes available in additional NPSPAC regions.

Please feel free to contact me if you have any questions about this matter.

Sincerely,  
  
Mark E. Crosby  
President/CEO

cc: Roger Noel (via email)  
Scot Stone (via email)  
Terry Fishel (via email)

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<sup>6</sup> The 800 MHz band has been allocated for I/B and SMR use since the mid-1980s and has been utilized intensively by such entities. Thus, the allocation itself is not new. However, in conjunction with the 800 MHz reconfiguration process, the FCC has not accepted applications from new applicants for frequencies in these two bands for almost a decade. In that respect, and as virtually all other available 800 MHz spectrum is reserved, first, for public safety use, the EB and GB represent a unique opportunity for I/B and SMR applicants to utilize frequencies that can be assigned on an exclusive basis for deployment in advanced technology systems.

**CERTIFICATE OF SERVICE**

I, Linda J. Evans, hereby certify that on this 22<sup>nd</sup> day of July, 2013, copies of the foregoing letter were forwarded via first-class mail, postage prepaid, to the following:

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*[s] filed electronically*  
Linda J. Evans