

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	WT Docket No. 24-99
Expanding Broadband Opportunities in)	RM-11977
The 896-901/935-940 MHz Band)	

To: Chief, Wireless Telecommunications Bureau

**REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”) has been an active proponent of a 896-901/935-940 MHz band (“900 MHz Band”) broadband option for private enterprise entities since the initial proposal for a 3/3 megahertz broadband segment almost a decade ago.¹ It is one of ten signatories to the Petition for Rulemaking (“Petition”)² in the above-identified proceeding³ proposing an expanded 5/5 megahertz 900 MHz Band broadband option with the provisos that any incumbent relocations from the narrowband 896-897.5/935-936.5 and 900.5-901/939.5-940 MHz segments (“Narrowband Segments”) be entirely voluntary and that there be continued interference protection for all remaining narrowband incumbents.

The Comments reaffirm EWA’s belief that the 900 MHz Band offers a unique opportunity for the deployment of private broadband networks. Its members and their employees all use commercial wireless service for certain purposes, but their critical business operations and applications require dedicated systems that they design and control. As cybersecurity threats continue to escalate, the advantage of broadband capability independent of the Internet has become compelling.

¹ See Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., RM-11738 (filed Nov. 17, 2014).

² Petition of Ameren Services Company *et al.* for Rulemaking (filed Feb. 28, 2024). The petitioners are Ameren Services Company; Anterix, Inc.; Enterprise Wireless Alliance; Evergy, Inc.; Lower Colorado River Authority; Portland General Electric; San Diego Gas & Electric; Southern Communications Services, Inc.; Utility Broadband Alliance; and Xcel Energy Services, Inc.

³ See *Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking to Expand Wireless Broadband in 900 MHz Band*, WT Docket No. 24-99, Public Notice (rel. Apr. 2, 2024) (“Public Notice”).

Not surprisingly given the size of their service areas and critical nature of their operations, the nation's electric utilities have embraced the 900 MHz broadband option as demonstrated by the identities of the Petitioners and the companies and organizations that filed in support of the Petition. These supporters represent large and small, urban and rural, investor-owned and cooperative utility organizations.⁴ Their filings detail the important role private broadband networks already fulfill and the many advantages that would flow from a 5/5 megahertz network.

Other private enterprise entities are reaching the same conclusion about 900 MHz Band broadband spectrum. The American Petroleum Institute ("API"), which represents companies involved in all phases of the petroleum and natural gas industries, stated in its Comments: "API agrees there is a shortage of broadband spectrum available for use by the critical infrastructure industry especially for high-speed data applications."⁵ As an organization that, like EWA, represents business enterprise users with a range of wireless requirements, API also shares EWA's position that 900 MHz Band broadband, whether 3/3 or 5/5 megahertz, must respect the rights of narrowband incumbents: "API supports allowing 5 x 5 MHz 900 MHz broadband operations in an area once all 900 MHz narrowband B/ILT incumbents have been cleared from the band through a process of 100% voluntary arm's length negotiation."⁶ Having been actively involved in the transition process that has already cleared approximately three-quarters of the 3/3 megahertz broadband segment nationwide on a voluntary basis, EWA is optimistic that a voluntary approach will be successful for a 5/5 megahertz segment as well, but that element of the Petition is fundamental to EWA's support.

EWA also recommends that the FCC consider how to address the comments of Motorola Solutions, Inc. ("MSI") regarding the need for flexibility for narrowband incumbents that want to modify their licenses to expand their geographic footprints.⁷ Transitioning a band to allow for the deployment of more advanced technology always requires a careful balancing of interests. It is not possible to move incumbents to replacement frequencies in the same band if the spectrum landscape is constantly shifting, an issue the FCC clearly recognized in the 800 MHz rebanding

⁴ See, e.g., WT Docket No. 24-99, Comments of Edison Electric Institute, National Rural Telecommunications Cooperative, National Rural Electric Cooperative Association, and The Utility Broadband Alliance.

⁵ API Comments at 6.

⁶ *Id.*

⁷ MSI Comments at 6.

process.⁸ Provisions also need to be in place to prevent speculators from acquiring spectrum in the hope of being paid to relinquish it. A stable environment is essential for a successful technology transition.

Those known issues prompted the FCC to impose and then modify a “freeze” on the 900 MHz Band.⁹ It has worked effectively as evidenced by the amount of 3/3 megahertz broadband spectrum that has been cleared and the number of counties in which broadband operations have been authorized and are in the process of being deployed. Going forward, however, EWA suggests that a further modification of the freeze should be adopted to provide incumbents with some greater flexibility in acquiring vacant channels in the Narrowband Segments. Specifically, it recommends the following:

- Industrial/Business Pool (“I/B”) incumbent licensees may apply for available channels in the Narrowband Segments to increase the spectral and/or geographic footprint of an authorized system in an area not to extend beyond the counties adjacent to their existing fixed locations (“Incumbent Expansion”) once the 3/3 megahertz clearing process has been completed in the county(s) in which expansion is requested. The incumbent system must have an active call sign under the same FCC Registration Number (“FRN”) on the application.
- Completion means, on a county-by-county basis, there are no incumbent licenses on channels in the 3/3 megahertz broadband segment (“Completion”). It does not require an application for or the issuance of a broadband license for the county(s).
- EWA will work with the FCC and Anterix to develop a process by which the date of Completion is reported to the FCC, which will make that information available to the public and to 900 MHz Frequency Advisory Committees by Public Notice.
- The freeze should remain in effect vis-à-vis non-I/B applicants that are not eligible for Narrowband Segment channels pursuant to FCC Rule Section 90.616(a)(1) and for I/B applications that do not qualify as Incumbent Expansions.

⁸ See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, WT Docket No. 02-55, 19 FCC Rcd 15969 (2004).*

⁹ See *Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz Band) Spectrum, WT Docket No. 17-200, 33 FCC Rcd 8735 (2018); see also Order, WT Docket No. 17-200, 33 FCC Rcd 9369 (2019); Review of the Commission’s Rules Governing the 896-901/935-940 MHz Band, Report and Order, Order of Proposed Modification, and Order, WT Docket No. 17-200, 35 FCC Rcd 5183 at ¶¶ 175-6 (2020).*

Finally, the further 900 MHz transition proposed in the Petition will be facilitated by prompt FCC action on EWA's Petition to reclassify all 800 MHz channels between 809-816/854-861 as General Category,¹⁰ abandoning the pool designations that would preclude 900 MHz I/B licensees from securing available replacement channels that are not currently classified as I/B.¹¹ API makes the further suggestion that relocating 900 MHz incumbents should have priority access to all available 800 MHz channels regardless of their pool designation.¹² EWA supports this proposal as consistent with the dual objectives of promoting deployment of advanced technology at 900 MHz and making efficient use of all available spectrum at 800 MHz.

For these reasons, EWA urges the FCC to adopt a Notice of Proposed Rulemaking expeditiously consistent with the recommendations herein and with the rules proposed in the Petition.

Respectfully submitted,

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¹⁰ In the southeastern United States and Atlanta, Georgia, the proposed elimination of the pool allocation is only applicable to 809-813.5/854-858.5 MHz as defined in FCC Rule Section 90.617.

¹¹ See Petition for Rulemaking of the Enterprise Wireless Alliance, Amendment of Certain Part 90 Subpart S 800 MHz Rules (809-816/854-861 MHz) to Promote More Efficient Use of Spectrum Within That Band, RM-11978 (filed Oct. 26, 2022, refiled Feb. 27, 2024.)

¹² API Comments at 8-9.

CERTIFICATE OF SERVICE

I, Linda Evans, on behalf of Lukas, LaFuria, Lantor & Sachs, LLP, hereby certify that the foregoing Reply Comments were served on this 20th day of May 2024, by first-class mail, postage prepaid, to the following:

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