

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

In the Matter of)	
)	GN Docket No. 12-354
Petitions for Rulemaking Regarding)	RM-11788
the Citizens Broadband Radio Service)	RM-11789

To: Chief, Wireless Telecommunications Bureau
Chief Engineer, Office of Engineering and Technology

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its response to the Public Notice seeking comment on the Petitions for Rulemaking (individually an “RM Petition” or, collectively “RM Petitions”) seeking changes to the rules governing the 3550-3700 MHz Citizens Broadband Radio Service (“CBRS”).¹ The RM Petitions were filed by CTIA² and by T-Mobile USA, Inc.³ Both propose changes favorable to Priority Access License (“PAL”) licensees, providing them with longer license terms and larger auction areas, as well as clarifying certain other rules. EWA does not object to the Petitions with regard to those matters.

The T-Mobile Petition goes substantially farther, however. It recommends that the FCC auction the entire band for use by PALs, including the 3650-3700 MHz band already intensively

¹ Wireless Telecommunications Bureau and Office of Engineering and Technology Seek Comment on Petitions for Rulemaking Regarding the Citizens Band Radio Service, *Public Notice*, GN Docket No. 12-354, RM 11788/9, DA 17-609 (rel. June 22, 2017) (“Public Notice”).

² See CTIA, Petition for Rulemaking, GN Docket No. 12-353 (filed June 16, 2017).

³ See T-Mobile USA, Inc., Petition for Rulemaking, GN Docket No. 12-354 (filed June 19, 2017) (“T-Mobile Petition”).

used by numerous governmental, business, industrial, and critical infrastructure entities, many of which are members of EWA. EWA opposes this T-Mobile proposal and urges the FCC to do the same.

Only two years ago, having considered whether to authorize PAL auctioned use across the entire 3550-3700 MHz band or, instead, to limit access to the 3650-3700 MHz band to unlicensed General Authorized Access (“GAA”) operations, the Commission made the following determination:

...we conclude that it is in the public interest to limit 3650–3700 MHz use to GAA operations. GAA operation closely aligns with the current licensing regime in the band where licenses are awarded on a non-exclusive basis and licensees must share spectrum and coordinate operations. Similarly, GAA operators will have shared use of the entire 3.5 GHz Band and access will be coordinated by the SAS. We believe that limiting the 3650–3700 MHz band to GAA use post-transition, rather than adopting our original proposal to allow both PALs and GAA use, will minimize disruption to incumbent operators. By eliminating the availability of PALs in the 3650–3700 MHz portion of the band, incumbent operators will continue to have access to the entire 50 MHz, post-transition. Grandfathered Wireless Broadband Providers thus will have the option, available to all eligible 3.5 GHz Band users, to operate on a GAA basis consistent with Part 96 rules throughout the 3650–3700 MHz band.⁴

The FCC further confirmed that conclusion:

We have therefore modified our proposal in four important ways to preserve existing 3650-3700 MHz investment. First, our decision not to allow Priority Access use in the 3650-3700 MHz band segment means that this portion of the band will continue to be licensed on a non-exclusive basis, and thus will continue to be available on a non-exclusive basis to former Part 90 incumbents.⁵

Neither T-Mobile nor any other party sought reconsideration of this aspect of the Commission’s decision.⁶

⁴ Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 at ¶ 394 (2015) (“CBRS Order”).

⁵ *Id.* at ¶ 395.

⁶ See Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, *Order on Reconsideration and Second Report and Order*, 31 FCC Rcd 5011 at ¶ 19-36 (2016).

If T-Mobile recalls that the FCC considered including this band in the spectrum that would be auctioned for PAL use, but affirmatively rejected that approach in 2015, there is no mention of that determination in its Petition. One might assume that this matter is being suggested for *de novo* FCC review or perhaps that a failed policy decision warranted reconsideration. In fact, the FCC only provided directions to 3650-3700 MHz incumbents with registered facilities about the filing process for creating the grandfathered wireless protection zones to which they are entitled in April 2017, less than four months ago.⁷ It has not yet selected the Spectrum Access System (“SAS”) Administrator(s) and Environmental Sensing Capability (“ESC”) Operator(s) needed to manage this complex band and protect against interference. SASs will serve as advanced, highly automated frequency coordinators across the band, protecting higher tier users from harmful interference from lower tier users and optimizing frequency use to facilitate coexistence among all users in the band. The ESCs will consist of networks of sensors that will detect the presence of signals from federal systems in the band and communicate that information to one or more SASs to facilitate protection of federal operations in the band. It is markedly optimistic – and opportunistic – to propose fundamental changes to a regulatory scheme that depends on the efficacy and reliability of these entities before their capabilities have been tested.

In support of its request, T-Mobile makes the following claim:

T-Mobile has been an active participant in this proceeding and it continues to evaluate how the 3.5 GHz band can be used as part of its network. However, in order for T-Mobile and others to make the 3.5 GHz band a success, the Commission must modify its rules to enhance the utility of the band for 5G licensed services....the viability of the device ecosystem for the band will depend on licensee investment. That investment will be limited unless the Commission maximizes the use of the band for licensed 5G operations. In particular, T-Mobile proposes that the Commission initiate a rulemaking proceeding in order to:

⁷ See Wireless Telecommunications Bureau Announces Filing Window and Procedures for 3650-3700 MHz Band Licensees to File Supplemental Information Necessary for Creating Grandfathered Wireless Protection Zones, *Public Notice*, GN Docket No. 12-354, DA 17-340 (rel. Apr 7, 2017).

- Auction all 150 megahertz of spectrum in the 3.5 GHz band as PALs, with GAA use opportunistically through the band.⁸

T-Mobile may have concluded that for its business purposes CBRS will not be viable unless it includes PAL access to the 3650-3700 MHz portion of the band. Yet CTIA and its members apparently have a different view. The CTIA Petition regarding this same CBRS allocation seeks no change in the availability of that portion of the band for PAL use. Further, T-Mobile has failed to explain what has changed since the FCC adopted these rules two years ago to make a stand-alone 3550-3650 MHz CBRS allocation no longer of any utility.

The Alliance understands that, from the perspective of a carrier, it always will be preferable to have access to the largest possible licensed allocation. The Commission, on the other hand, is responsible for balancing the interests of multiple parties; both incumbents and prospective new entrants. It determined in 2015 to provide only a five-year grandfather period for the several thousand Part 90 incumbent licensees and their more than 25,000 registered sites in the 3650-3700 MHz band.⁹ However, it also found that the public interest would be best served by allowing that band to be shared with unlicensed GAA use, but not with licensed PAL operations. There is nothing in the T-Mobile Petition that warrants disturbing that finding.

EWA members and other entities invested in the 3650-3700 MHz band to deploy highly efficient fixed links that support a wide variety of governmental and business activities. The FCC's decision to create the CBRS and to include this spectrum in it, relying on the as-yet-untested capabilities of SAS Administrators to permit shared use without interference in a complicated tiered arrangement, was far from optimal from the perspective of these incumbents. Nevertheless, limiting sharing to GAA, and not PAL, operations represented the least objectionable balancing of

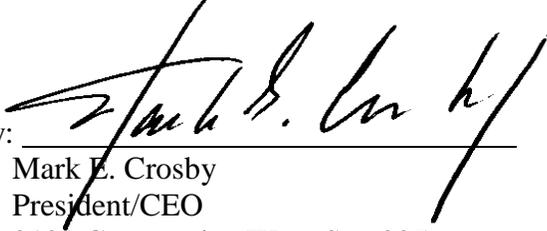
⁸ T-Mobile Petition at 3-4.

⁹ CBRS Order at ¶ 394.

the various types of uses the Commission expects to be deployed across this allocation. Expanding the availability of this portion of the band as requested by T-Mobile would disrupt the FCC's careful calibration before it even has been tested and cannot be viewed as serving the public interest.

Respectfully submitted,

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July 24, 2017

CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, LaFuria, Gutierrez & Sachs, LLP, hereby certify that I have, on this 24th day of July 2017, caused to be forwarded via first-class mail, postage prepaid, the foregoing Comments to the following:

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