

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

In the Matter of)
)
Bristol-Myers Squibb Company) File No. 0007457084
Request for Waiver to Use)
UHF Airport Terminal Use Frequencies)
In New Jersey and Connecticut)

To: Chief, Wireless Telecommunications Bureau

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its response to the Public Notice seeking comment on the Waiver Request (“Waiver Request”) filed by Bristol-Myers Squibb Company (“Bristol-Myers” or “Company”) to use UHF channels designated for Airport Terminal Use (“ATU”) at plants in New Jersey and Connecticut.¹ EWA recommended these channels after determining that there were no other Industrial/Business (“I/B”) Pool channels that could be coordinated for centralized trunked FB8 status inside the Company’s campus facilities. The Alliance is pleased to support the Waiver Request as consistent with EWA’s policy of promoting the intensive use of available I/B spectrum when channels can be utilized on a non-interfering basis and without undermining the primary purpose for which the spectrum was designated.

¹ Wireless Telecommunications Bureau Seeks Comment on Bristol-Meyers Squibb Company Request for Waiver to Use Airport Terminal Use Frequencies in New Jersey and Connecticut, *Public Notice*, File No. 0007457084, DA 17-479 (rel. May 17, 2017) (“Public Notice”).

As stated in the Public Notice, the Company is a major pharmaceutical manufacturer with global operations. It proposes to deploy centralized trunked facilities at five existing plant locations to support plant operations, security, and environmental and human services. Four of the sites are in New Jersey and the fifth is in Connecticut. These Bristol-Myers plants are in the Northeast Corridor, possibly the most spectrum-congested area of the county. Although each of the proposed stations is intended to cover only the area within and immediately around a single large industrial complex, and thus require very limited range – repeaters operating at 3 watts ERP and portables at 4 watts ERP – EWA was unable to identify any assignable I/B channels that would not require a waiver.

The ATU channels are reserved within 16 kilometers of several hundred large and small airports for use by entities providing commercial air transportation services in connection with servicing and supplying aircraft.² They are available on a secondary basis to other I/B entities at locations between 16 and 80 kilometers from the designated airports if limited to the confines of an industrial complex or manufacturing yard and operated with a maximum ERP of 10 watts.³ I/B entities proposing to operate on ATU channels more than 80 kilometers from those airports are permitted to do so on a secondary basis with a maximum ERP of 300 watts.⁴

Three of the Company's proposed plants (Locs. 1-3) are within 16 kilometers of Trenton Mercer Airport and also are between 16 and 80 kilometers from other airports.⁵ The two other plants (Locs. 4-5) are more than 16 but less than 80 kilometers from multiple airports.⁶ Thus, while the Company meets both the industrial complex and power levels prescribed in the rules, a

² 47 C.F.R. § 90.35(c)(61)(iv).

³ 47 C.F.R. § 90.35(c)(61)(iii).

⁴ 47 C.F.R. § 90.35(c)(61)(ii).

⁵ See Attachments 1-3. These maps and those referenced in n. 6 below show only the airports that are closest to the proposed site.

⁶ See Attachments 4 and 5. The Public Notice states that one of the Company's locations is within 16 kilometers of Tweed-New Haven Airport. Loc. 5 is the closest site to that airport and, according to ULS, Loc. 5 is 26.35 kilometers from Tweed-New Haven.

waiver is needed to allow Bristol-Myers to operate sites closer than 16 kilometers from Trenton Mercer Airport and to authorize it for primary FB8 status at all five facilities.

EWA conducted the contour analyses that confirm Bristol-Myers' proposed use can be approved for FB8/MO8 status as the contours of these facilities satisfy the protection criteria in FCC Rule Section 90.187. There is no service or interference contour overlap between Bristol-Myers sites and those of any co-channel licensee. This is the case even without taking into consideration the fact that the Company's communications will be conducted almost exclusively within the plants themselves with only *de minimis* outside coverage required. These are precisely the type of confined facilities and extremely low power stations that the FCC recognized would be compatible with proximate ATU operations. What the ATU rules could not have anticipated at a time when all Part 90 UHF systems operated in analog, conventional mode on a shared basis is the greater efficiency and capabilities of the narrowband, digital, centralized trunking systems the Company plans to deploy. The spectral improvements these systems provide are well-known to the Commission and should be supported when, as in this instance, the grant of a waiver will have no adverse effect on other parties.

The Alliance was able to coordinate these systems for FB8 status despite their close proximity to the airports identified above and the fact that they are within 80 kilometers of the additional airports referenced in the Public Notice. Although Locs. 1, 2, and 3 are, respectively, only 8.9, 10.4, and 8.6 kilometers from the Trenton Airport coordinates, EWA identified an additional 14 ATU channels that also would qualify for FB8 status at each of these Locations. There are 16 additional ATU channels that would qualify at Loc. 4 and 12 ATU channels at Loc. 5. Grant of the waiver requested by the Company would not undermine the purpose of designating UHF channels for ATU operations, as there appears to be a healthy supply of

channels still available should an existing or new ATU-eligible entity identify a need for spectrum at any of those airports.⁷

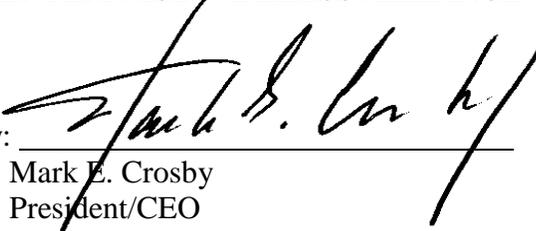
Consistent with FCC Rule Section 1.925, Bristol-Myers has demonstrated that it has no reasonable alternative for meeting its need for centralized trunked systems that are able to support plant operations, security, and environmental and human services at its confined facilities. Grant of this request will not undermine the underlying purpose of designating channels for ATU purposes, as a significant number of such channels will remain available for that specific use. Waiver relief unquestionably will serve the public interest in ensuring that the operations at the Company's plants can be conducted in a secure and efficient manner.

⁷ Clearly systems with the very limited geographic scale proposed by Bristol-Myers would have no impact on ATU operations or channel availability at the more distant airports identified in the Public Notice such as JFK International, Newark International, Bradley International, and Lehigh Valley International.

For these reasons, EWA urges the FCC to proceed promptly in granting the waiver relief requested by the Company.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, LaFuria, Gutierrez & Sachs, LLP, hereby certify that I have, on this 16th day of June 2017, caused to be forwarded via electronic mail the foregoing Comments to the following:

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