

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

In the Matter of	)	
	)	
Amendment of Parts 1 and 22 of the	)	WT Docket No. 12-40
Commission's Rules with Regard to the	)	
Cellular Service, Including Changes in	)	RM No. 11510
Licensing of Unserved Area	)	
	)	
Amendment of the Commission's Rules with	)	
Regard to Relocation of Part 24 to Part 27	)	
	)	
Interim Restrictions and Procedures for	)	
Cellular Service Applications	)	
	)	
Amendment of Parts 0, 1, and 22 of the	)	
Commission's Rules with Regard to	)	
Frequency Coordination for the Cellular	)	
Service	)	
	)	
Amendment of Part 22 of the Commission's	)	
Rules Regarding Certain Administrative and	)	
Filing Requirements	)	
	)	
Amendment of the Commission's Rules	)	RM No. 11660
Governing Radiated Power Limits for the	)	
Cellular Service	)	
	)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90,	)	WT Docket No. 10-112
95, and 101 to Establish Uniform License	)	
Renewal, Discontinuance of Operation, and	)	
Geographic Partitioning and Spectrum	)	
Disaggregation Rules and Policies for Certain	)	
Wireless Radio Services	)	
	)	
2016 Biennial Review of Telecommunications	)	WT Docket No. 16-138
Regulations	)	

To: The Commission

**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 comments regarding the Second Further Notice of Proposed Rulemaking in the above-identified proceeding.<sup>1</sup> While most of the matters in this proceeding do not affect the Alliance or its members, it does wish to address the Commission’s query as to whether regulation of the Specialized Mobile Radio (“SMR”) service should be moved from Part 90 to Part 27. For the reasons described herein, EWA strongly recommends against a wholesale relocation of the SMR service to Part 27, including Enhanced Specialized Mobile Radio (“ESMR”) service systems operated by Sprint Corporation (“Sprint”) and Southern Communications Services, Inc. d/b/a Southern Linc (“Southern”), both of whom are members of the Alliance.

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers. Its membership includes a significant percentage of the 800 MHz and 900 MHz SMR licensees providing service today. The Alliance has a multi-decade, in-depth understanding of the spectrum on which they operate and their regulatory needs. Based on discussions with those members, it urges the FCC to leave the regulation of non-ESMR SMR systems under Part 90.

EWA shares the Commission’s interest in FCC rule modifications that ensure like systems are subject to comparable regulatory rights and obligations. It is in that context that the FCC has questioned whether it should further harmonize the rules governing the 800 MHz Cellular Service with those of other commercial wireless services by relocating the Cellular

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<sup>1</sup> Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, et al., WT Docket No. 12-40 et al., *Second Report and Order, Report and Order, and Second Further Notice of Proposed Rulemaking*, 32 FCC Rcd 2518 (rel. Apr. 24, 2017) (“Further Notice”).

Service to Part 27: Miscellaneous Wireless Communications Services.<sup>2</sup> The Further Notice goes on to note that there are “other geographically-licensed, auctioned services that are not included in Part 27, including Public Coast (Part 80), Specialized Mobile Radio (SMR), Location and Monitoring and 220 MHz (Part 90), and 218-219 MHz (Part 95). Of these, only SMR is used today by wireless carriers to provide services directly to consumers nationwide.”<sup>3</sup> The FCC then questions whether it should move the Part 22 Cellular and Part 24 PCS rules to Part 27 “in conjunction with moving those other service rule parts to Part 27 as well?”<sup>4</sup>

The label “SMR” sometimes is assumed to apply only to the ESMR systems operated by Sprint and Southern. In fact, the term covers a variety of system types, most of which have little in common with Cellular systems from a regulatory perspective. First, contrary to the implication in the Further Notice, not all SMR systems are geographically licensed with spectrum acquired at auction. SMR auctions were conducted on an “overlay” basis, meaning that there were incumbent site-based SMR systems already licensed to use the spectrum that then was auctioned on a geographic basis. Those original systems are site- and frequency-specific operations that provide non-interconnected dispatch service to business enterprise and governmental customers within a limited geographic area. They often utilize a combination of channels, some of which are assigned to the SMR pool, while others are classified as Business/Industrial/Land Transportation (“B/ILT”) or, at 800 MHz, General Category (“GC”). It is not uncommon for an 800 or 900 MHz channel to be used in an SMR system at one location and in a private internal system, for example a utility, at a site in the next county.

These site-based SMR operations do not provide service to consumers nationwide. Indeed, in almost no cases do they provide service to consumers at all, if by “consumers” the

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<sup>2</sup> Further Notice at ¶ 168-9.

<sup>3</sup> *Id.* at ¶ 170.

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

FCC means the individual and family subscribers that are typical on Cellular and similar systems. The dispatch service provided by site-based SMRs on 12.5 or 25 kHz channels is limited geographically and bears no resemblance to the functionality of broadband ESMR, Cellular, PCS, and WCS networks that focus on delivering data, video, and other consumer-oriented offerings.

This intermingling of channels among site-based licensees and the substantial commonality of operational characteristics among site-based Part 90 systems, both private internal and commercial SMR, argue strongly in favor of regulating these systems under the well-established Part 90 rules. The Alliance urges the Commission not to relocate them to Part 27 where the purpose of the rules are not intended for nor particularly aligned with site-specific based private internal and commercial SMR operations.

There even are fundamental differences between SMR systems operating on auctioned spectrum, specifically between SMRs authorized on a geographic basis and ESMRs. Entities such as Sprint and Southern that are licensed on ESMR channels are expressly permitted to operate what the Part 90 rules describe as “a system that uses multiple, interconnected, multi-channel transmit/receive cells capable of frequency reuse and automatic handoff between cell sites to serve a larger number of subscribers than is possible using non-cellular technology.”<sup>5</sup> Nonetheless, both companies have advised EWA that they prefer to remain regulated under Part 90 rules.

Moreover, most geographic SMR licensees operate traditional high-site, non-interconnected dispatch systems. For example, Industrial Wireless Technologies, Inc. (“IWTI”) holds 900 MHz geographic SMR authorizations in both the Boston and Miami areas and has provided service in those markets for decades. It has upgraded from analog to digital technology

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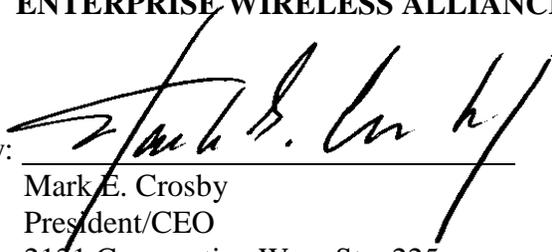
<sup>5</sup> Definition of 800 MHz Cellular System: 47 C.F.R. §90.7.

and offers intra-system roaming, but its service is not the functional equivalent of a Cellular or PCS network with the features and capabilities available with broadband technology that are so attractive to consumers. Its customers use a combination of mobile and portables that need sufficient power to communicate with sometimes distant base transmitters. From an operational perspective, IWTT's facilities and operations and those of other non-ESMR geographic SMRs resemble the multi-site, digital Public Safety and private B/ILT systems that are regulated under Part 90, not Cellular or other consumer-oriented networks. They should remain licensed in that FCC rule part where the rules are specifically relevant to their operations.

For the reasons herein, EWA urges the FCC not to relocate to Part 27 the rules governing SMR licensees generally. If ESMR entities prefer to move, the Alliance supports their decision.

Respectfully submitted,

**ENTERPRISE WIRELESS ALLIANCE**

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1 Filing 2 Review 3 Confirmation

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