

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

In the Matter of )  
 )  
American Electric Power Service ) FCC File No. 0007352620  
Corporation Request for 800 MHz Waiver to )  
Use Frequencies Reserved for Public Safety )  
Licensees )  
  
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 comments in response to the Public Notice seeking comment on the Waiver Request (“Waiver Request”) filed by the American Electric Power Service Corporation (“AEP” or “Company”) to license seven Business/Industrial/Land Transportation (“B/ILT”) frequencies (“Frequencies”) at a site in Sugarcreek, Ohio.<sup>1</sup> The Frequencies are currently available exclusively for licensing by public safety eligible entities in accordance with FCC Rule Section 90.617(g) and will not be available to critical infrastructure (“CII”) entities such as AEP until February 10, 2018. The Company seeks waiver relief to license the Frequencies prior to that date and also to short-space certain Sprint-vacated licenses that are no longer operational.

In its capacity as an FCC-certified frequency advisory committee, EWA processed the AEP application and supports the Waiver Request. The Company has explained its urgent need

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<sup>1</sup> Wireless Telecommunications Bureau Seeks Comment on American Electric Power Service Corporation Request for Waiver Regarding 800 MHz Frequencies Reserved for Public Safety Licensees, *Public Notice*, File No. 0007352620, DA 16-1073 (rel. Sept. 22, 2016).

for 800 MHz frequencies to provide fill-in coverage at the proposed site, citing its obligation to provide reliable communications for workers seeking to restore power during emergency situations. The Alliance has confirmed that there are no other assignable 800 MHz channels for which AEP is eligible at the proposed site. Absent Commission approval of the Waiver Request, the Company will need to wait approximately 18 months before it will be able to meet this critical communication need and put this idle spectrum into productive use.

Moreover, grant of the Waiver Request will not adversely affect other parties. AEP is already licensed for two of the Frequencies, 856/7.3625 MHz, under call sign WPCT716 - Loc. 6, at a site only .046 kms from the proposed location. As explained in the Waiver Request, the proposed site in the instant application does not expand the contour of that licensed location. Thus, it would be virtually impossible for a public safety entity to use those two Frequencies at a site that would provide the necessary co-channel separation from WPCT716 without also protecting the site proposed herein.

AEP also is licensed for three of the other Frequencies, 854.9375, 857.8125, and 859.8125 MHz, in the States of Ohio and West Virginia.<sup>2</sup> Those stations are sufficiently distant that they would not have precluded an interested public safety applicant from requesting these three Frequencies in the general area around the proposed site, but none has done so. The Company's reuse of the Frequencies at the site proposed in the instant application will certainly maximize the use of this valuable spectrum, spectrum that has not been requested by a single public safety entity during the one and one-half years that it has been reserved exclusively for public safety purposes.

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<sup>2</sup> See e.g., stations WPCQ244 and WQCS820.

The reservation of Sprint-vacated spectrum for certain classes of eligible entities set out in Rule Section 90.617(g) was adopted more than twelve years ago.<sup>3</sup> In the intervening decade, there has been a positive trend toward the consolidation of heretofore individual 800 MHz public safety systems into larger county, regional and even statewide networks that typically have deployed more advanced technology with greater capabilities and efficiencies, sometimes including the ability to utilize 700 MHz as well as 800 MHz spectrum. This trend was facilitated by rebanding, which enabled smaller jurisdictions in some instances to use the monies that would have been required to reconfigure their systems to replacement channels, instead to migrate their operations to these larger networks.

In light of these system management and spectrum efficiency advances, EWA suggests that it may be an appropriate time for the FCC to examine the extent to which public safety entities have taken advantage of their three-year exclusive right to Sprint-vacated spectrum. It should re-evaluate whether a three-year spectrum reservation still is justified in light of technology advances, the need for spectrum efficiencies, and the spectrum shortages that exist for other deserving classes of private land mobile licensees. Rebanding has taken considerably longer than originally expected, in large part because of the much greater *ad hoc* interoperability among public safety licensees than was reflected in licensing data, interoperability that needed to be and was maintained during and after the rebanding process. Public safety entities throughout the nation have had ample time to assess whether they need the additional capacity offered by Sprint-vacated spectrum. If the FCC records reflect that much of this spectrum remains unclaimed by public safety and CII entities in significant parts of the country, the Alliance

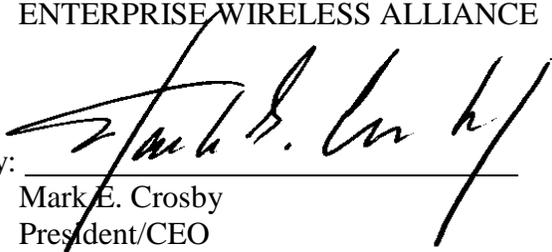
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<sup>3</sup> See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004).

suggests that the FCC reconsider whether these lengthy reservations continue to serve the public interest or result in under-utilization of valuable spectrum.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

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Entered Date: 10/24/2016

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### File Number(s)/Call Sign(s)

0007352620 File Number

### Attachment(s)

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