
March 12, 2021

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

**Re: WT Docket No. 02-55
Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

On March 5, 2021, the 800 MHz Transition Administrator (“TA”), as manager of the 800 MHz reconfiguration effort, filed a “Notice of Program Completion and Request for Authorization to Terminate Program Agreements.”¹ It advised the Federal Communications Commission (“FCC”) that with two noted exceptions “the relocation of all 800 MHz incumbent licensees has been completed.”² EWA commends the FCC, T-Mobile USA, Inc.³, and the TA for completing this complex task that has addressed public safety interference issues and reorganized the 800 MHz band to promote its maximum utilization. Now that all 800 MHz incumbents have relocated to their replacement channels,⁴ it is time for the FCC to lift the almost eight-year freeze on the availability of Expansion Band (815-816/860-861 MHz) and Guard Band (816-817/861-862 MHz) frequencies (collectively “EB/GB Frequencies”) in the Mexican Border Region (“MBR Freeze”).⁵ This spectrum has been long-awaited by EWA members and other land mobile entities with a need for 800 MHz capacity and should be made available as soon as possible.

¹ Notice of Program Completion and Request for Authorization to Terminate Program Agreements, WT Docket No. 02-55 (filed Mar. 5, 2021) (“TA Termination Notice”).

² *Id.* at 3.

³ Previously Sprint Corporation and Nextel Communications, Inc. This entity is hereafter referred to as Sprint in this filing.

⁴ As explained in the TA Termination Notice, the validity of License Acquisitions, LLC authorizations remains an issue pending before the FCC, but it has a no-cost Frequency Reconfiguration Agreement that is being held in escrow until that matter is resolved. TA Termination Notice at 5.

⁵ Public Safety and Homeland Security Bureau Announces that the 30-Month Transition Period for 800 MHz Band Reconfiguration in Regions Along the U.S.-Mexico Border Will Commence on August 23, 2013, WT Docket No. 02-55, *Public Notice*, 28 FCC Rcd 12290 (PSHSB 2013). The MBR Freeze has been extended multiple times and remains in effect as of this date.

The 800 MHz freezes that have been imposed have always included both spectrum in the so-called “interleaved” portion of the band (809-815/854-860 MHz) and the EB/GB Frequencies. This was necessary, as some incumbents might have elected to relocate to available EB/GB Frequencies as part of the available pool of replacement spectrum. That is no longer the case. There are no remaining incumbents whose replacement frequencies have not been assigned. Whatever EB/GB Frequencies remain available in the MBR can be put into productive use by eligible entities once the FCC lifts the MBR Freeze as it applies to EB/GB Frequencies and opens the filing window for them.

EWA recognizes that the FCC in the past has lifted 800 MHz freezes on both interleaved and EB/GB Frequencies simultaneously, but that historical pattern need not be repeated in this instance, as there is a critical difference between these two categories. FCC Rule Section 90.617(g) reserves vacated frequencies below 860 MHz – interleaved frequencies – for public safety entities for three years and public safety and critical infrastructure industry entities for an additional two years.⁶ These vacated frequencies, including those vacated by Sprint, are identified in a separate FCC-maintained database, known as the Vacated Channel Search Engine (“VCSE”). By contrast, EB/GB Frequencies are not subject to this legacy reservation⁷ and are available to qualified applicants as specified in the FCC rules. It has come to the attention of the FCC and the land mobile industry that issues have developed regarding the completeness of the information in the VCSE. Updating and validating the accuracy of that database may take some time and should not hold up release of the EB/GB Frequencies in the Mexican Border Region, since they are not part of the VCSE spectrum.

Any delay in lifting this portion of the MBR Freeze is particularly significant because it affects such a meaningful portion of the country. Because of how it has been defined for 800 MHz rebanding purposes, it includes markets as far from the Mexican border as San Francisco, Las Vegas, and even parts of Houston. Since Sprint vacated all use of spectrum below 862 MHz throughout the country at least as long ago as the summer of 2020,⁸ except to the limited extent it is occupied by narrowband incumbents whose operations will be protected in the frequency coordination process, this spectrum remains vacant. It should be made available promptly for all qualified applicants, including, indeed especially, those that do not qualify for the reserved interleaved frequencies.

⁶ A different line of frequency demarcation applies in the area around Atlanta to accommodate Southern Linc’s facilities.

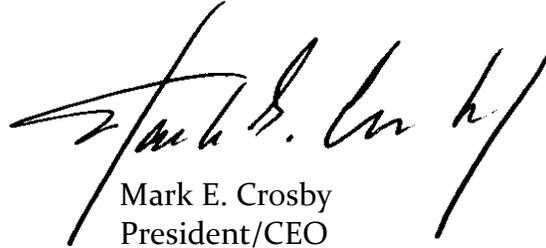
⁷ EWA continues to believe that this five-year reservation, which applies in all areas irrespective of the relative use of 800 MHz spectrum by various categories of licensees, has resulted in underutilization of frequencies, contrary to the public interest.

⁸ See 800 MHz Transition Administrator, LLC, “Quarterly Progress Report for the Quarter Ended June 30, 2020,” WT Docket No. 02-55 (filed September 25, 2020).

EWA looks forward to working with the FCC and with other Frequency Advisory Committees in placing EB/GB Frequencies in this very large area of the country into productive use as soon as possible.

Sincerely,

ENTERPRISE WIRELESS ALLIANCE

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a large initial "M" and "C".

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