



2121 Cooperative Way, Suite 225
Herndon, Virginia 20171

17750 Creamery Road, Suite 10B
Emmitsburg, Maryland 21727

800.482.8282
www.EnterpriseWireless.org

October 5, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: WP Docket No. 16-261
Ex Parte Letter**

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”) welcomes release of the draft Report and Order in the above-identified proceeding. It looks forward to the FCC’s adoption of rules that will allow PLMR users the ability to use their spectrum more intensively and with greater technical flexibility. As a member of the Land Mobile Communications Council (“LMCC”), EWA is pleased that the Commission intends to adopt many of LMCC’s recommendations, such as access to 318 800 MHz interstitial channels, assignment of heretofore unused channels to the 450-470 MHz Industrial/Business Pool, expanded availability of conditional license authority, and the use of forward and reciprocal contour analyses for 800 MHz Mid-Band channel assignments.

However, there are a few areas where EWA believes the proposed rules would benefit from further clarification or where the basis for the FCC’s decision is unclear. EWA requests that the Commission consider the following points before taking action on the draft Report and Order:

- ¶138. This states the FCC is declining to adopt the LMCC recommendation to use F(50,50) curves to assess both coverage and interference contours and that the LMCC “offers no rationale for deviating from the accepted procedure of using the F(50,50) curves for prediction of coverage and the F(50,10) curves for prediction of interference.” In fact, the LMCC did explain the rationale for its proposal in an earlier stage of this proceeding. Attached please find a copy of the October 3, 2014 *Ex Parte* Letter in RM-11572 in which the LMCC responded to a question on this subject from the Public Safety and Homeland Security Bureau. The LMCC would be pleased to discuss this critical technical issue further with the FCC.

¶68. The Commission is declining to extend conditional license authority to the 470-512 MHz (“T-Band”) and the 900 MHz band because both currently are subject to a licensing freeze. EWA suggests that the FCC instead include them in the provisions related to conditional license authority, with that authority becoming effective when/if those freezes are lifted. This will eliminate the need for further rulemakings at that time.

§ 90.175(b)(2). Was it the FCC’s intention to establish a different standard for concurrence from the applicable frequency coordinator when central station channels are involved than other channels addressed in this provision? That is, is concurrence required in all instances and not only when the interference contour of a proposed station would overlap the service contour of an existing station?

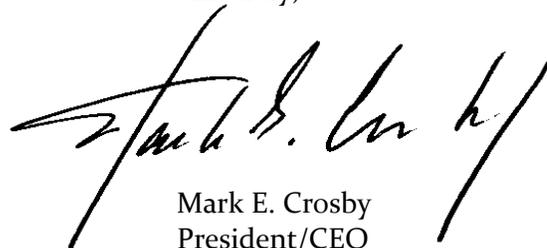
§ 90.613(m). While ¶49 in the draft R&O is clear that the three-year T-Band priority access for 800 MHz interstitial channels only arises in instances of mutual exclusivity, the rule is less clear. EWA believes it could be read to require a set-aside of interstitial channels during that period and urges the FCC to incorporate the mutual exclusivity concept in the rule itself.

§ 90.621(d)(4). Is there a reason the FCC has provided for letters of concurrence for forward contour analyses, but not for the reciprocal contour analyses? The reason for the distinction is not apparent and seemingly would require that a waiver request be submitted in the second instance.

This letter is being filed electronically, in accordance with Section 1.1206(b) of the Commission’s Rules, 47 C.F.R. § 1.1206(b), for inclusion in the record in this proceeding.

Kindly refer any questions or correspondence regarding this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is stylized and written in a cursive-like font.

Mark E. Crosby
President/CEO

Attachment

cc: David Furth, PSHSB
Michael Wilhelm, PSHSB
Roger Noel, WTB
Scot Stone, WTB

**LAND MOBILE COMMUNICATIONS COUNCIL**

October 3, 2014

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: RM-11572

Ex Parte letter

Dear Ms. Dortch:

On October 2, 2014, at the request of the Public Safety and Homeland Security Bureau ("PSHSB"), the members of the Land Mobile Communications Council ("LMCC") listed below, as well as the undersigned, participated in a telephone conference with the PSHSB staff listed below to answer certain questions regarding the June 23, 2010 LMCC Comments in the above-entitled proceeding.

The PSHSB staff requested confirmation that the LMCC intended to use an F (50,50) curve to calculate both predicted service and interference contours for purposes of coordinating the interstitial 800 MHz systems proposed in the Enterprise Wireless Alliance's Petition for Rulemaking. The LMCC explained that experience has shown that the F(50,50) curves are reliable predictors of the actual land mobile environment. In the LMCC's opinion, they represent an appropriate balance of promoting more intensive use of spectrum without burdening applicants with the need to conduct an overly complex and costly coordination analysis. The LMCC representatives also noted that F(50,50) curves have been used successfully to coordinate 800 MHz NPSPAC channels for more than 20 years.

The LMCC representatives also confirmed that they supported reciprocal coordination analyses in this band: The applicant's interference contour cannot overlap the service contour of any affected incumbent and the incumbent(s)' interference contour cannot overlap the applicant's service contour. A reciprocal analysis will provide superior interference protection for both applicants and incumbents.

Respectfully submitted,

/s/

Gregory Kunkle, President
Land Mobile Communications Council
2121 Cooperative Way, Suite 225
Herndon, VA 20171
Phone: (202) 434-4178

cc: Mark Crosby, LMCC (via email)
Ralph Haller, LMCC (via email)
Brian Marenco, PSHSB (via email)
Roberto Mussenden, PSHSB (via email)
John Evanoff, PSHSB (via email)