



June 9, 2015

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

Re: *Ex Parte* - WT Docket No. 15-32
Request for FCC-Industry Meeting Regarding
PLMR Access to 800 MHz Spectrum

Dear Ms. Dortch:

The Enterprise Wireless Alliance (EWA or Alliance) respectfully requests that the leadership of the Federal Communications Commission (FCC) Wireless Telecommunications Bureau (WTB) and Public Safety and Homeland Security Bureau convene an industry-wide meeting in the immediate future to be attended by Frequency Advisory Committees (FACs) certified by the FCC to provide Part 90 800 MHz frequency coordination services, equipment vendors whose customers seek access to the 800 MHz band to capitalize on emerging technologies, and other parties that the FCC believes would contribute to the discussion. Recent filings for 800 MHz Expansion/Guard Band (EB/GB) channels and the proceeding referenced above that could make 800 MHz Mid-Band interstitial channels available call for an FCC-industry consensus about how best to ensure access to 800 MHz spectrum for applicants with *bona fide* intentions to use it for internal purposes or to offer communication services.

As EWA noted in its comments in the above-referenced proceeding,¹ the possibility cannot be ignored that open entry to interstitial spectrum would create the same land rush by what the Alliance considers speculative applicants claiming Specialized Mobile Radio (SMR) eligibility that the industry and FCC have witnessed since EB/GB channels were made available in certain markets. Adoption of the FCC's proposal to assign Mid-Band interstitial channel eligibility based on the lower adjacent channel does not resolve this concern, at least not for SMR or Business/Industrial/Land Transportation (B/ILT) spectrum since asserting an eligible B/ILT activity is no more difficult than claiming SMR status. Companies that have marketed and prepared applications for EB/GB licenses as investment opportunities with, at best, questionable representations about the potential use and, thus, the sales value of the spectrum can be expected to target the 800 MHz Mid-Band as well. Entities involved with one of these companies have been sued by the Securities and Exchange Commission (SEC) because of these

¹ See EWA Comments filed on May 11, 2015; and Reply Comments filed on May 26, 2015.

very activities.² Multiple construction certifications prepared by a single individual and filed on behalf of licensees associated with those same entities have been challenged as questionable.³

The Commission has stated that it would watch EB/GB applications closely and “investigate any unusual concentration of applications and any undisclosed true party in interest behind any application” and cautioned that “Misrepresentation or lack of candor in any application may be referred for enforcement action.”⁴ EWA appreciates that the Commission shares its concern about such applications, and an industry-wide meeting should be a productive way in which approaches to ensure that the spectrum is used for its intended purposes may be identified.

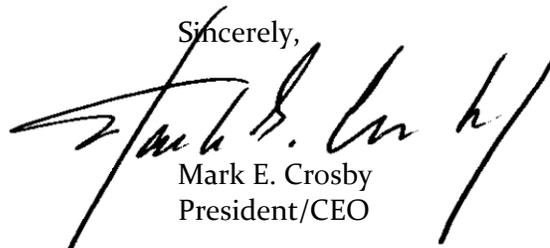
Topics of discussion, among others, could include whether FACs should:

- Have the authority to question applicants about their understanding of the FCC rules and their ability to construct and operate their proposed systems, and to forward for FCC review, but not certify, applications from parties whose responses raise concerns about their *bona fides*; and
- Play a more active role in construction verification, including onsite construction investigation, securing site owner construction affidavits, and confirming equipment acquisition.

EWA anticipates that the outcome of this discussion could be incorporated into protocols adopted by all non-public safety FACs certified to coordinate 800 MHz spectrum, since all share the objective of ensuring that only qualified applicants access this valuable spectrum resource.⁵

Please contact the undersigned should you have any questions or comments regarding this request, and we look forward to this opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark E. Crosby
President/CEO

cc: Roger Sherman
David G. Simpson
Roger Noel
David Furth
Greg Kunkle, President, LMCC

² *Securities and Exchange Commission v. Janus Spectrum LLC et al.*, Civil Action No. 2:15-cv-00609-DGC (April 6, 2015).

³ See *Request for Investigation and Informal Complaint: SBH Spectrum, LLC, WQSG215 et al.*, filed April 10, 2015 by Rob Somers, General Counsel, Smartcomm, LLC.

⁴ See, e.g., “Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions and the Availability of Additional Sprint Vacated Channels,” *Public Notice*, 29 FCC Rcd 16290 at 8 (PSHSB/WTB 2014).

⁵ 800 MHz spectrum designated for use by public safety entities presumably is immune from these concerns.

Your submission has been accepted

ECFS Filing Receipt - Confirmation number: 201569523719	
Proceeding	
Name	Subject
15-32	Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 809-817/854-862
Contact Info	
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Details	
exparte: YES	
Type of Filing: NOTICE OF EXPARTE	
Document(s)	
File Name	Custom DescriptionSize
EWA Ex Parte Re FCC Mtging 800 MHz 6-9-15.pdf	102 KB
Disclaimer	
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