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November 22, 2016

VIA ELECTRONIC FILING

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

Re: ***Ex Parte* Communication**
Higher Ground LLC – Waiver Request
File No. SES-LIC-20150616-00357
Call Sign: E150095

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”) has reviewed the above-referenced application for blanket earth station license and associated waiver request (“Waiver Request”) filed by Higher Ground LLC (“Higher Ground”). The Waiver Request seeks a blanket license to operate up to 50,000 mobile earth terminals (“METs” or SatPaqs”) throughout the United States. As described in the Waiver Request, the SatPaqs will permit “consumer-based test messaging/light email and Internet of Things (“IoT”) communications” on C-Band satellite frequencies in the 3700-4200 MHz (downlink) and 5925-6425 MHz (uplink) bands. A waiver is required both because the latter band, the 6 GHz band, is not available for mobile earth station operations and because Higher Ground seeks to be exempt from both the satellite rules governing the licensing of earth station facilities, FCC Rule Sections 25.130(b) and 25.203(c), as well as the FCC Rule Section 101.103 coordination procedures that apply to fixed microwave services.

EWA is a national trade association whose members include a variety of business enterprise and commercial licensees that rely on spectrum to meet, respectively, their private internal and third-party communications needs. Many of those members use microwave spectrum to link facilities in their networks. The 6 GHz band on which Higher Ground proposes to operate up to 50,000 mobile earth terminals without adherence to the current prior coordination procedures is used intensively by a large number of entities, including EWA members. In fact, many of today’s 6 GHz licensees had to move to this band when the FCC

reallocated for Personal Communications Service (“PCS”) and Mobile Satellite Services (“MSS”) the 2 GHz microwave band they had been using effectively and efficiently for decades.

EWA generally supports efforts to make more intensive use of spectrum. It agrees that in a world of finite spectrum resources, it is incumbent upon the FCC to consider whether bands can be shared between incumbent operations and entirely different services under rules that will allow compatible co-existence. Advances in technology make such co-existence possible in certain instances under appropriate conditions and with clearly defined, effective rules that protect against interference. The Waiver Request does not present such a situation.

A number of commenters in this proceeding have identified already apparent deficiencies in Higher Ground’s proposed methodology for avoiding interference to 6 GHz microwave facilities.¹ The effectiveness of any remotely and automatically controlled database lookup system is dependent both on the algorithms on which it relies and the likelihood that they will be followed unflinchingly in the real wireless world. FWCC’s filings in this proceeding, as well as others, including those referenced in n. 1, raise serious concerns about both aspects of Higher Ground’s proposal. They point out the difficulty, likely impossibility, of a licensee even identifying, much less obtaining recourse, from interference caused to its fixed microwave operation from one of 50,000 METs. They note the critical communications being transmitted on many 6 GHz facilities and question whether METs consumer devices can be relied upon to detect and avoid interference to these systems when relying on features designed for a gaming environment in which mistakes can be easily tolerated. They question why the 6 GHz band should be subjected to this type of experiment when there are MSS bands allocated for this type of service.

The record in this proceeding does not support grant of the Waiver Request. There is ample FCC precedent confirming that Higher Ground should petition for a rule change if it wishes to pursue this course. In two similar situations, the Commission concluded that when presented with proposals that would require significant changes in the FCC’s rules and that raise questions about the appropriate licensing mechanism, the public interest supported a decision to proceed by rulemaking rather than by adjudicating an individual application and associated waiver request.² In this instance, the issues raised with regard to the adequacy of the proposed interference avoidance mechanism provide further evidence that Higher Ground’s concept demands the more extensive technical and legal investigation that is inherent in a rulemaking proceeding.

¹ See, e.g., Fixed Wireless Communications Coalition (“FWCC”) Petition to Deny, filed Sept. 11, 2015; FWCC Ex Parte Presentation, filed July 15, 2016; Utilities Technology Council Ex Parte Presentation, filed Sept. 6, 2016; and Southern Company Services, Inc. Opposition, filed Sept. 30, 2016.

² See, e.g., Applications for License and Authority to Operate in the 2155-2175 MHz Band, WT Docket No. 07-16, *Order*, 22 FCC Rcd 16563 (2007); see also, Spectrum Networks Group, LLC, WT Docket No. 14-100, *Order*, 30 FCC Rcd 3509 (2015).

Ms. Marlene H. Dortch, Secretary

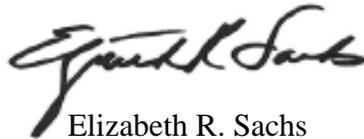
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For these reasons, EWA urges the FCC to deny the Waiver Request and consider the Higher Ground proposal, if at all, in response to a Petition for Rulemaking filed by Higher Ground.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth R. Sachs". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth R. Sachs

Counsel to Enterprise Wireless Alliance

cc: Adam D. Krinsky (via e-mail)

If Commission rules require you to serve your pleading on other parties to the proceeding, you must serve them by mail or as otherwise specified by the rules. Filing a pleading through IBFS does not satisfy the service requirements.

Confirmation

Thank you for your submission. Please make a note of your confirmation number: IB2016002531

The following information was submitted with this Pleading:

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Ex PARTE PRESENTATION NOTIFICATION LETTER

Date

11/22/2016

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Proceedings List

File Number	Call Sign	Applicant
SES-LIC-20150616-00357	E150095	Higher Ground LLC

Non-Confidential Attachment(s)

Date Uploaded	Description	File Name
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