

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

In the Matter of)
)
LV Stadium Events Company, LLC) File No. 0008872979
Request for Waiver of 800 MHz)
Guard Band Licensing Freeze)

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 response to the Public Notice seeking comment on the Waiver Request (“Waiver Request”) filed by LV Stadium Events Company, LLC (“LV Stadium” or “Company”).¹ The Waiver Request seeks relief from the 800 MHz freeze² to permit the assignment of three 800 MHz Guard Band (“GB”) channels (861-862 MHz) in the Las Vegas market. For the reasons described below, the need is urgent, dictated by public safety considerations, and EWA, which coordinated this application, has been unable to identify a viable alternative for LV Stadium’s requirements.

¹ *Wireless Telecommunications Bureau Seeks Comment on LV Stadium Events Company, LLC, Request for Waiver of 800 MHz Guard Band Licensing Freeze*, Public Notice, File No. 0008872979, DA 20-124 (rel. Feb. 5, 2020) (“Public Notice”).

² *See 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*, Public Notice, WT Docket No. 02-55, 28 FCC Rcd 12290 (2013); *see also, Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze along Border with Mexico*, Public Notice, 32 FCC Rcd 1817 (PSHSB 2017) (collectively “800 MHz Freeze”).

1. THE COMPANY HAS AN URGENT NEED FOR ADDITIONAL 800 MHZ CHANNELS.

The record confirms that the Company has an immediate, critical need for additional 800 MHz spectrum. As explained in the Waiver Request and the Public Notice, LV Stadium has been engaged by the Las Vegas Stadium Authority to provide security, maintenance, and other services for Allegiant Stadium (“Stadium”), the new domed stadium being constructed for the Las Vegas Raiders of the National Football League. The team is relocating from Oakland to Las Vegas where it will begin playing in the 2020 season.³ Opening Day is now only months away, but, even more urgently, the communications facilities at the stadium must be installed and tested well before the doors open for crowds of up to 65,000, plus the thousands of persons that are needed to support an NFL stadium on game day.

The Waiver Request explained that security is a primary issue for the Stadium. It is an unfortunate reality that all venues, whether sporting, entertainment, retail, or even religious, have a heightened concern about ensuring the safety of their visitors and their employees. The communications system at the Stadium will be used by maintenance, logistics, and general operations, but its security personnel will have the largest number of units on the system. Even under normal conditions, maintaining security for many tens of thousands of persons requires a reliable and resilient communications network with sufficient capacity to avoid the possibility of delays in critical transmissions. But the Company also must be prepared for the atypical situation that could require prompt evacuation of the Stadium or other crowd management actions during a period of high stress and confusion. Communications during such an event need to be effectively instantaneous. The Stadium personnel cannot rely on a commercial wireless network, since they predictably experience delays due to overcrowding during just such events.

³ The stadium will also be used by the UNLV football team and to host the Las Vegas Bowl, concerts, and various other events.

The Stadium must be equipped with a secure, private wireless system designed, installed, and operated consistent with its specific requirements.

II. 800 MHz GB SPECTRUM IS THE ONLY VIABLE OPTION FOR THE COMPANY.

At the request of LV Stadium, EWA investigated all available bands for use at the Stadium, but the alternatives are extremely limited. The Company explained in the Waiver Request why VHF and UHF channels are not usable for its operations. It is not possible to license exclusive channels in the Las Vegas market because of the number of incumbent systems already licensed for co-channel or adjacent channel systems. Even if exclusive channels were available for licensing, which they are not, the Waiver Request explained that they are highly susceptible to interference from unlicensed temporary operations that typically are gone before the licensee or the FCC can take action.

The only other bands available for private enterprise entities are mid-band 800 MHz and 900 MHz. Both are extensively licensed in the Las Vegas area, but even if channels were available, both currently are subject to FCC freezes. The 900 MHz freeze was adopted in 2018.⁴ The 800 MHz Freeze has been in place even longer, since 2013, and while Las Vegas is hundreds of miles from the Mexican border, it falls within the “buffer zone” outside the Mexican Border Region (“MBR”) that was adopted to ensure a smooth 800 MHz rebanding process in and around the MBR.

All systems in NPSPAC Region 27 – Nevada – completed the rebanding process well over a year ago, as certified by the 800 MHz Transition Administrator (“TA”) in April 2019. In fact, virtually all systems in the MBR have completed this process, and certainly all systems whose operations could be impacted by the assignment of 800 MHz channels in Las Vegas. The

⁴ See *Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz) Spectrum*, Public Notice, DA 18-949 (rel. Sept. 13, 2018).

FCC has recognized this fact and has been receptive to waiver requests, such as that granted to the Company in 2019 for the use of two MHz Business/Industrial/Land Transportation (“B/ILT”) channels in the interleaved portion of the 800 MHz band (854-860 MHz), provided the 800 MHz Transition Administrator concurs, which it did.⁵ However, that portion of the band is heavily encumbered, and no other B/ILT channels are available for assignment to the Company. Most are used in casinos that also have a significant need for secure, reliable communications to address their own public safety considerations.

With no alternatives, LV Stadium has requested a waiver to allow the assignment of three GB channels for use in its system. GB spectrum and spectrum in the adjacent Expansion Band (“EB”) (860-861 MHz) has been available in some parts of the country for a number of years and was released throughout much of the rest of the nation in 2019.⁶ Yet these channels remain frozen in Las Vegas, where they have been vacant for years, because it falls within the buffer zone protecting the MBR.

The Company selected GB rather than EB channels both because they are closer to adjacent cellular operations, and therefore less attractive for public safety and certain private enterprise entities, and because the channels are available for all Part 90 applicants. They are not reserved for a particular sub-category of users. LV Stadium would be eligible for the channels requested once the freeze is lifted, or would be now if the Commission had determined in 2019 that the public interest in seeing this spectrum put back into productive use warranted treating the MBR buffer zone like the rest of the country.

⁵ Call Sign WRDM729.

⁶ *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Availability of Additional Sprint Vacated Channels and the Availability of Expansion Band and Guard Band Channels in Certain NPSPAC Regions*, Public Notice, WT Docket No. 02-55, 34 FCC Rcd 2476 (2019).

III. CONCLUSION

The FCC rules provide for waiver relief when a grant would be in the public interest or when the applicant has no reasonable alternative.⁷ Security of its facility and of the people who work and attend events there is the Stadium's highest obligation and its primary concern. A secure, resilient, reliable communications system is essential for that purpose and unquestionably serves the public interest. As detailed above, the Company has evaluated its spectrum options and has not identified a viable alternative to the GB channels proposed in the Waiver Request.

EWA urges the Commission to grant the relief requested and to do so expeditiously, consistent with the time urgency detailed in the Waiver Request.

Respectfully submitted,

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⁷ See 47 C.F.R. § 1.925.



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02/26/2020 Pleading Enterprise Wireless Alliance Comments re LV Stadium EWA LV Stadium Comments 2-26-20.pdf

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