

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

In the Matter of )  
 )  
Partitioning, Disaggregation, and ) WT Docket No. 19-38  
Leasing of Spectrum )

To: The Commission

**REPLY COMMENTS  
OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”) and other commenters in this proceeding support the FCC’s proposal to adopt alternative build-out and renewal criteria for private enterprise entities authorized to operate on geographic spectrum.<sup>1</sup> There is general recognition that population- or geographic-based criteria designed to promote effective use of spectrum by commercial wireless providers are ill-suited for entities whose requirements are dictated by the individually defined parameters of their service areas. Some, such as a utility, may need coverage throughout multiple counties or even states while a manufacturing plant might cover less than a square mile. EWA has long favored more flexible standards for those using spectrum to address internal operational needs, standards different than those for networks used to provide service to the public.

EWA endorsed both the demand-based and the use or share alternatives outlined in the Second Further Notice. It also proposed a refinement of the demand-based approach, urging the FCC to allow a licensee whose core usage zone, expansion zone (if any), and protection zone collectively do not cover the entire licensed area to return the uncovered area to the FCC via

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<sup>1</sup> *Partitioning, Disaggregation, and Leasing of Spectrum*, WT Docket No. 19-38, Report and Order and Second Further Notice of Proposed Rulemaking, 87 Fed. Reg. 57447 (rel. Jul. 18, 2022) (Second Further Notice).

geographic partitioning.<sup>2</sup> That would not be the preferred outcome for a licensee whose ability to match its service area to an available geographic authorization is limited to the licenses it is able to purchase from the FCC in an auction or from other licensees in the secondary market. The licensee would lose whatever economic value might be attributed to the disaggregated portion of the licensed area, but that result clearly is preferable to losing the license entirely for failure to satisfy a build-out or renewal requirement.

EWA also suggested that the FCC not define the size of the core usage or expansion zones or specify a minimum signal level for the core usage area. In both cases, the Commission questioned whether defined parameters would be needed to prevent spectrum warehousing. In EWA's opinion, that concern is misplaced. Enterprise entities have no incentive to purchase a larger geographic area or more spectrum than needed to address internal requirements, whether they are buying from the FCC or from a third party. They derive no benefit from acquiring a larger licensed area or more bandwidth than needed for operational purposes and would be hard-pressed to justify such an acquisition on their balance sheets. Conversely, they have every incentive to choose a signal level that supports the communications they require irrespective of any minimum level the FCC might adopt.

For reasons that are not clear, the Rural Wireless Association, Inc. ("RWA") supports the demand-based option for private entities only if utilization in the proposed zones conform to specified conditions:

- A minimum signal level based on 5G 3GPP release 17 criteria and minimum uplink and downlink speeds in the core usage zone;
- A maximum two-mile expansion zone with the same technical parameters as the core usage zone; and

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<sup>2</sup> Of course, the licensee also would be free to partition that area to another licensee, consistent with FCC rules governing partitioning and disaggregation.

- A three-mile or one-mile protection zone depending on whether the expansion zone has been timely built out.<sup>3</sup>

While EWA supports appropriate levels of spectrum utilization in all bands and on all frequencies, RWA's recommendations suggest a lack of experience with private wireless operations and with the various forms of geographic licenses.

As an initial matter, not all geographic spectrum has bandwidth sufficient to support broadband operations of 5G or any G variety. For example, Part 22, Subpart E; Part 24, Subpart D; Part 80, Subpart J; Part 90, Subpart S; and Part 95, Subpart F all include provisions for geographic licenses without the bandwidth required for broadband use. Private entities that do not require broadband capability, but need exclusive spectrum for operational purposes, already hold licenses in these services. Future applicants would be deterred from purchasing spectrum in these bands because of the first two conditions and existing licensees might not qualify for license renewal. And even in bands that could support broadband use, imposing what are effectively commercially oriented obligations on private entities would defeat the very purpose of the proposed alternative approach. Some private licensees may elect to deploy facilities that meet those conditions, but others will design systems based on operating requirements that may dictate different technologies and system designs. As long as they are using the spectrum efficiently to address the communications needs of a business entity, that use should be satisfactory for regulatory purposes.

The third condition proposed by RWA appears to EWA to be at odds with the FCC's proposal. The protection zone is described in the Second Further Notice as an area designed "to provide interference protection, consistent with the established service rule-based criteria, for the

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<sup>3</sup> RWA Comments at 2.

licensee and neighboring licensees.”<sup>4</sup> It does not seem possible to accomplish that objective by restricting that area to one or three miles beyond the expansion zone, if any, as recommended by RWA. For these reasons, EWA urges the Commission to reject all three conditions proposed by RWA.

The comments filed by CTIA – The Wireless Association® (“CTIA”) ask the Commission to adopt additional alternative construction and renewal standards for systems operating in rural and remote areas. CTIA also recommends that whatever alternative requirements are adopted should be available for all Wireless Radio Service (“WRS”) licenses,<sup>5</sup> not limited to those using spectrum for private, internal communications.<sup>6</sup>

It is not clear whether CTIA is requesting alternative options for all WRS licenses<sup>7</sup> or only for those that can demonstrate a communications need “less suited to population- or geographic-based requirements,”<sup>8</sup> and, if the latter, how that need could be demonstrated. If the Commission is persuaded that such a showing has been made, EWA would have no objection to application of alternative construction and renewal requirements in particular situations.

EWA disagrees, however, with CTIA’s statement that “Wireless providers holding WRS licenses can deliver the same type of private network services that the Commission seeks to accommodate with its proposed alternative demand-based construction requirement and ‘use or offer to share’ proposal.”<sup>9</sup> The example it offers for that claim is the network slicing opportunity.

EWA does not disagree that network slicing may offer an acceptable solution for some private enterprise users. However, it is not fully comparable to a private system designed, built,

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<sup>4</sup> Second Further Notice at ¶ 117.

<sup>5</sup> See 47 C.F.R. § 1.907.

<sup>6</sup> CTIA Comments at 2.

<sup>7</sup> *Id.* at 8.

<sup>8</sup> *Id.* at 7.

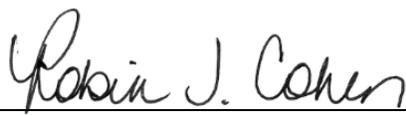
<sup>9</sup> *Id.*

and operated by a private entity using its own facilities entirely. Among other differences, a dedicated private network allows highly customizable functionalities such as high availability, reliability, processing power, and network management based on the private entity's particular requirements and the use cases it is addressing. It offers complete physical/logical isolation that may be required to ensure that security and privacy criteria are met for particularly sensitive data and operations. Isolation from the Internet also functions as protection against security attacks or malfunctions such as service outages that occur on public networks. These are only some of the factors that distinguish stand-alone private networks from solutions such as network slicing. Each serves a purpose for particular private entities, but they are neither equivalent nor fungible and should not be considered comparable for regulatory purposes.

The Second Further Notice represents significant progress in the adoption of construction and renewal rules designed to enable private enterprise entities to put geographic spectrum to productive use in support of the varied and often indispensable services they provide to the public. EWA urges the Commission to adopt rules in this proceeding consistent with the recommendations in this filing and in EWA's earlier-filed comments.

Respectfully submitted,

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