



13221 Woodland Park Road, Suite 410
Herndon, VA 20171

17750 Creamery Road, Suite B10 South
Emmitsburg, MD 21727

800-482-8282
Fax: 703-524-1074
www.EnterpriseWireless.org

June 21, 2022

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: WP Docket No. 07-100
Ex Parte Letter

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”) has been an active participant in this proceeding since 2007 when the FCC began its effort to optimize utilization of this 50 megahertz of 4.9 GHz spectrum allocated for Public Safety use. EWA has consistently recommended that a more defined licensing process would promote more intensive use. It also has urged the FCC to expand eligibility for this spectrum to include entities already identified as Critical Infrastructure Industry (“CII”) and those deserving to be labeled “critical” given their contributions to the public welfare and economic prosperity of America. This approach would benefit Public Safety by broadening the potential customer base and thereby promote a more robust portfolio of cost-effective equipment.

The Eighth Further Notice of Proposed Rulemaking¹ in this proceeding suggests a number of approaches for revisiting the regulatory structure of the band that, in the FCC’s words, “could spur innovation, improve coordination, and drive down costs...”² Having reviewed the options carefully, EWA is persuaded that the FCC should designate APCO, the Association of Public-Safety Communications Officials-International, Inc., as the nationwide frequency coordinator/band manager with responsibility for developing a 4.9 GHz regulatory framework and overseeing an orderly process for licensing with input and support from the other FCC-certified Public Safety Frequency Advisory Committees (“FACs”).³

¹ *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Eighth Further Notice of Proposed Rulemaking, 86 FR 59934 (Oct. 29, 2021).

² *Id.* at ¶ 27.

³ Forestry-Conservation Communications Association, International Municipal Signal Association, International Association of Fire Chiefs, and the American Association of State Highway and Transportation Officials.

Ms. Marlene H. Dortch

June 21, 2022

Page 2

There already is broad consensus among representatives of the Public Safety community about how this spectrum might be optimized,⁴ including the designation of sub-channels for different purposes. APCO and the other Public Safety FACs have twenty years' experience working with their constituents and undoubtedly have a detailed understanding of the current and future requirements of these users at 4.9 GHz. APCO already provides frequency coordination for a significant percentage of Public Safety applicants in a variety of bands, including 4.9 GHz. It has decades of expertise working with users at all levels of government in developing spectrum strategies for systems of every type and size, from local to statewide and even multi-state operations requiring mobile and/or fixed applications. It has the spectrum management infrastructure and staff capable of taking on this role. It has the confidence of the FCC as a certified FAC and as a party to a Memorandum of Understanding with the FCC's Enforcement Bureau to facilitate the resolution of interference among Public Safety licensees. In EWA's opinion, there is no need to look beyond this established coordinator of Public Safety spectrum in selecting an entity optimally suited for this role. Working in collaboration with the governing bodies of the other FACs, a formidable spectrum policy development and management structure is already in place.

EWA continues to believe that allowing access to this band by compatible users while retaining Public Safety priority and pre-emption rights would serve the FCC's objectives. Public Safety and other entities that provide critical contributions to the public welfare have a long history of co-existence in multiple spectrum bands. That history will provide a template for the 4.9 GHz band while preserving efficient and interference-free access for Public Safety entities.

Please feel free to contact me if you have any questions or comments.

Sincerely,

ENTERPRISE WIRELESS ALLIANCE



Robin J. Cohen
President/CEO

13221 Woodland Park Road, Suite 410
Herndon, VA 20171

(703) 528-5115

robin.cohen@enterprisewireless.org

⁴ See, e.g., Comments of the National Public Safety Telecommunications Council.