

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

In the Matter of)
)
Mobile Relay Associates’ Requests for Waivers) WT Docket No. 14-34
to Permit Part 90 Use of Channels on Frequencies)
Between Part 90 and Part 74 Spectrum)

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 comments in response to the Public Notice seeking comment on the Mobile Relay Associates (“MRA”) Waiver Requests (“Waiver Requests”) to permit Part 90 use of channels between Part 90 and Part 74 spectrum.¹ EWA supports all efforts to derive more intensive use from the nation’s finite spectrum resource. Therefore, just as it supported MRA’s similar waiver requests to make use of spectrum between Part 90 and Part 95 General Mobile Radio Service channels, waiver requests that the FCC recently granted,² to the extent that the Commission’s Part 90 narrowbanding initiative³ has fostered the development of equipment that can use this

¹ Wireless Telecommunications Bureau Seeks Comment on Requests of Mobile Relay Associates for Waivers to Permit Part 90 Use of Channels on Frequencies Between Part 90 and Part 74 Spectrum, *Public Notice*, WT Docket No. 14-258, DA 14-258, (rel. Feb. 26, 2014) (“Public Notice”).

² See Mobile Relay Associates: Requests for Waivers to Permit Part 90 Use of Channels on the Band Edges Between Part 90 and Part 95 Spectrum, *Order*, WT Docket No. 13-212, 29 FCC Rcd 660 (WTB 2014) (“MRA Waiver Order”).

³ See, e.g., Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011) (“NB Waiver Guidelines”).

spectrum without impacting current or future adjacent channel licensees, the Alliance supports grant of the instant Waiver Requests.

The Alliance agrees with MRA's assertion that Part 90 licensees face increasing congestion and a lack of fully usable UHF frequencies in all major metropolitan areas, including the ones in which MRA has requested waiver relief. EWA is on record with the FCC in regard to spectrum constraints that limit the communications options for Industrial/Business ("I/B") licensees, particularly in the nation's major urban areas.⁴ In its comments on MRA's earlier waiver requests, the Alliance reminded the FCC that this user community has not received a new spectrum allocation in almost 30 years,⁵ although the Commission has been unflinching in its efforts to identify additional spectrum for commercial broadband and public safety services. It explained that in the absence of new allocations, "...the PLMR user community has had to pursue a "self-help" approach to achieving the increased capacity and functionality demanded by today's business users primarily by implementing more advanced digital technologies."⁶ MRA is to be applauded for having identified unused spectrum that, post-narrowbanding, can be utilized by Part 90 licensees.

The Waiver Requests explain that the spectrum at issue herein effectively has served as a guardband between Part 90 frequencies and frequencies assigned to the Broadcast Auxiliary Service ("BAS").⁷ The available capacity is sufficient to accommodate systems deploying multiple 4 kHz digital channels as proposed by MRA, without creating spectral overlap with

⁴ See, e.g., EWA Comments and Reply Comments filed in PS Docket No. 13-42 on May 13, 2013 and June 11, 2013, respectively.

⁵ *Report and Order*, Gen. Docket No. 84-1233, 2 FCC Rcd 1825 (1986).

⁶ EWA Comments at 2, filed Sept. 30, 2013.

⁷ The Commission is correct, of course, that it would be permissible, albeit highly unlikely, for a Part 90 licensee operating on 451/6.0250 to justify greater than 12.5 kHz bandwidth if it satisfied the spectral efficiency equivalency standard in FCC Rule Section 90.209(b)(5). See Public Notice at 2.

adjacent channel BAS systems. It also could support digital equipment utilizing 6 or 7 kHz occupied bandwidth.

In the MRA Waiver Order, the FCC stated the following:

When the current frequency designations were adopted, PLMR stations operated in wideband mode and the frequencies between PLMR and GMRS spectrum could not be used without overlap. With the development of equipment with an occupied bandwidth of 4 kilohertz, PLMR stations can operate without causing harmful interference or impacting the use of adjacent GMRS spectrum.⁸

The same reasoning applies to the unassigned spectrum between BAS and Part 90 allocations. Absent a technical showing demonstrating that assignment of these frequencies would cause interference to an already authorized licensee, the Alliance supports the grant of the Waiver Requests and associated applications. It further recommends that these applications be “coordinated” by an FCC-designated Frequency Advisory Committee (“FAC”) as a means of incorporating these non-Part 90 frequencies into the data considered by all FACs when processing future applications.

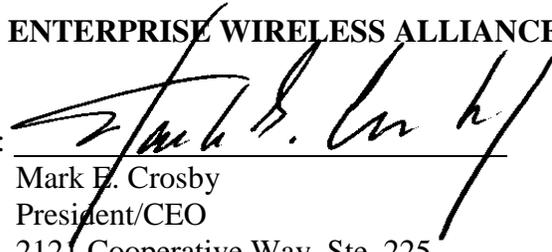
There is no indication that the FCC plans to allocate additional spectrum to Part 90 I/B users. Indeed, the FCC is considering “repurposing” the T-Band spectrum currently used by these entities in the top markets in the country, including markets in which MRA has requested waiver relief.⁹ As the demand for PLMR systems continues to grow, the Alliance supports all efforts, including the instant Waiver Requests, that promise to provide even limited additional capacity to meet these needs contingent, of course, on a showing of non-interference to already authorized licensees.

⁸ MRA Waiver Order at ¶ 9.

⁹ See Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Options for 470-512 MHz (T-Band) Spectrum, *Public Notice*, PS Docket No. 13-42, 28 FCC Rcd 1130 (rel. Feb. 11, 2013).

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