

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

In the Matter of)
) RM-11719
Interim Eligibility Criteria for the 800 MHz)
Expansion Band (860-861/815-816 MHz))
and Guard Band (861-862/816-817 MHz))

To: Chief, Wireless Telecommunications Bureau
Chief, Public Safety and Homeland Security 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 Land Mobile Communications Council (“LMCC”) Petition for Rulemaking (“RM Petition”) regarding interim eligibility for 800 MHz Expansion Band (“EB”) and Guard Band (“GB”) frequencies.¹ EWA strongly supports the RM Petition and urges the FCC to initiate a rulemaking proceeding consistent with it as promptly as possible.

EWA is a national trade association representing many business enterprises, wireless sales and service providers, hardware and software system vendors and technology manufacturers. A significant number of its members operate trunked 800 MHz systems in markets where expansion capacity has been scarce or entirely unavailable in recent years. Many of these business enterprise, critical infrastructure, and commercial SMR licensees are eager to

¹ Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Petition for Rulemaking Filed by Land Mobile Communications Council Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies, *Public Notice*, RM-11719, 29 FCC Rcd 4093 (2014) (“Public Notice”).

add capacity to their facilities, but have been unable to do so since the vast majority of 800 MHz spectrum is being reserved for public safety use once it is vacated by Sprint Corporation. The EB/GB spectrum that will become available after 800 MHz rebanding reaches the requisite completion levels in each NPSPAC market is the only opportunity they have to secure frequencies that can be used to expand their systems.

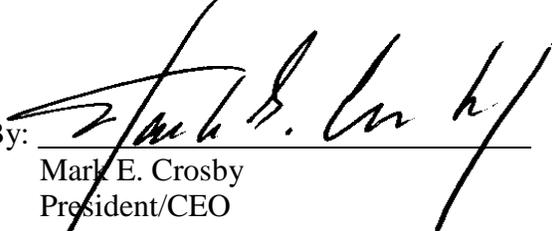
For this reason, the Alliance fully supports the LMCC request for a rule change to provide this limited, six-month opportunity for incumbent-only access to EB/GB frequencies. EWA would have preferred a somewhat longer period, but recognizes that the FCC must maintain a balance between promoting increased spectrum efficiency by allowing incumbent system expansion and making spectrum broadly available to all qualified applicants. The Alliance is persuaded that six months is a reasonable amount of time for any incumbent with a serious spectrum requirement to prepare and file an expansion application.

EWA recommends against reserving a pre-determined amount of spectrum for new entrants. The FCC Rules already limit the number of frequencies that can be assigned at one time to a trunked system² and even that number will be subject to whatever Memorandum of Agreement is adopted by the participating Frequency Advisory Committees to resolve instances of mutual exclusivity in this spectrum. The requirement to certify construction of deployed frequencies also limits over-reaching on the part of applicants. As explained in the RM Petition, the increased capacity created by allowing the expansion of systems by incumbents whose commitment to operate in a particular market already has been demonstrated, in EWA's opinion, outweighs the benefits that might be achieved by guaranteeing some number of new market entrants.

² 47 C.F.R. §90.627(a).

Finally, the Alliance considers it absolutely critical that the FCC defer declaring rebanding complete in additional NPSPAC regions until the rules proposed in the RM Petition have been adopted. The Commission is familiar with the flood of applications that all too frequently is triggered by an expectation that the value of spectrum might increase, applications that have little or nothing to do with the entity's serious intention and ability to deploy and operate the system proposed. Having waited almost a decade for these frequencies to be made available, the Commission should enable the industry to put them to their most productive use by adopting rules consistent with the RM Petition.

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Your submission has been accepted

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