

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

In the Matter of)	
)	WT Docket No. 13-212
Mobile Relay Associates Request for Waivers)	
to Permit Part 90 Use of Channels on Band)	File Nos. 0005877470
Edges Between Part 90 and Part 95 Spectrum)	0005895551
)	0005895553
)	0005898064
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 Request (“Waiver Request”) to permit Part 90 use of channels on the band edges between Part 90 and Part 95 spectrum.¹ EWA supports all efforts to derive more intensive use from the nation’s finite spectrum resource. The frequencies under consideration in the Waiver Request heretofore have not been available to any radio service or class of FCC licensee. To the extent that the Commission’s Part 90 narrowbanding initiative² has promoted the development of equipment that can operate on these channels without impacting the use of adjacent spectrum, the Alliance supports grant of the Waiver Request.

¹ Wireless Telecommunications Bureau Seeks Comment on Requests of Mobile Relay Associates for Waivers to Permit Part 90 Use of Channels on the Band Edges Between Part 90 and Part 95 Spectrum, *Public Notice*, File Nos. 0005877470, 0005895551, 0005895553, and 0005898064, DA 13-1838 (rel. Aug. 29, 2013) (“Public Notice”).

² 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”).

The Alliance has repeatedly advised the FCC that there is a shortage of Part 90 spectrum available for Industrial/Business (“I/B”) licensees, particularly in the nation’s major urban areas.³ This user community has not received a new spectrum allocation in almost thirty years⁴ while the FCC has focused substantial effort on identifying additional spectrum for services such as commercial broadband and public safety. The recent narrowbanding requirement for Part 90 Private Land Mobile Radio (“PLMR”) licensees below 512 MHz⁵ created additional capacity for shared frequency operations, but marginal gains for exclusive use channels that are critical in trunked system operations. Without additional spectrum, and laboring under multiple application freezes, 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.

The need for these systems is most compelling in urban areas where available spectrum is the most limited and demand the greatest. The key limiting factor in adopting digital technology is the need for exclusive control channels. Such channels are exceedingly rare in major markets where Part 90 spectrum below 512 MHz has been assigned largely on a shared basis for a half-century or more.

The Waiver Request and accompanying applications seek authority for exclusive use of frequencies that currently support no communications capability at all. Whether or not deliberately reserved for this purpose, the frequencies effectively have served as a guardband between Part 90 frequencies and frequencies assigned to the General Mobile Radio Service

³ See, e.g., EWA Comments and Reply Comments filed in PS Docket No. 13-42 on May 13, 2013 and June 11, 2013, respectively.

⁴ *Report and Order*, Gen. Docket No. 84-1233, 2 FCC Rcd 1825 (1986).

⁵ See 47 C.F.R. § 90.209(b)(6). The FCC on its own motion waived the narrowbanding requirement for systems in the 470-512 MHz band (“T-Band”), but did so only eight months before the deadline for meeting the requirement by which time a number of T-Band licensees already had narrowbanded their equipment. *Order*, WT Docket No. 99-87, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

(“GMRS”).⁶ The available capacity between these allocations was not usable when systems operated with 20 kHz or 16 kHz of occupied bandwidth, the standard for analog Part 90 technology. It is not sufficient to accommodate systems deploying even 6 or 7 kHz occupied bandwidth digital equipment. However, as described in the Waiver Request, it could be assigned for 4 kHz digital use without creating spectral overlap with adjacent channel systems, thereby taking advantage of the technology advances that are a product of the Commission’s Part 90 narrowbanding requirement. EWA believes this would be the case even if, as noted in the Public Notice, adjacent channel systems continue to utilize 20 kHz of occupied bandwidth, whether as GMRS licensees, as Part 90 paging licensees not subject to narrowbanding, or as Part 90 licensees that meet the efficiency equivalency standard in Rule Section 90.203(j)(3).⁷

For this reason, and 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 Request and associated applications.⁸ 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 two of the markets for which MRA has

⁶ One frequency adjacent to a frequency requested by MRA, 462.7500 MHz, is a Part 90 one-way paging frequency that is not subject to the FCC’s narrowbanding requirement. Its pair, 467.7500 MHz, is shared between Part 90, where it is allocated for low-power use, including cargo handling, and Part 80, where it is available for maritime on-shipboard mobile operations, 47 C.F.R. § 80.373(g)(1).

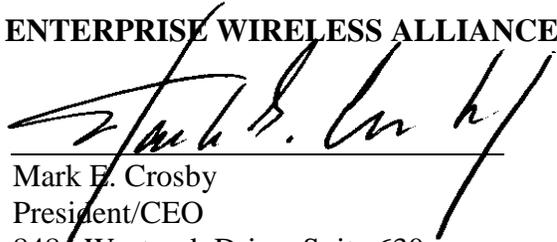
⁷ The only possible exception would be Part 90 systems using equipment authorized for up to a 22 kHz bandwidth as specified in Rule Section 90.209(b)(5) n. 6.

⁸ EWA sees no public interest reason to limit the grant to some, but not all, of the four markets for which applications were filed, since all are extremely congested or to only one of the two channels requested. *See* Public Notice at 2.

requested waiver relief.⁹ As the demand for PLMR systems continues to grow, the Alliance supports all efforts, including the instant Waiver Request, 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.

ENTERPRISE WIRELESS ALLIANCE

By: _____


Mark E. Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678

September 30, 2013

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).

Your submission has been accepted

ECFS Filing Receipt - Confirmation number: 2013930850554		
Proceeding		
Name	Subject	
13-212	Comment Sought on Mobile Relay Associates Band Edge Channel Request	
Contact Info		
Name of Filer: Enterprise Wireless Alliance		
Email Address: lsachs@fcclaw.com		
Attorney/Author Name: Elizabeth R. Sachs		
Lawfirm Name (required if represented by counsel): Lukas, Nace, Gutierrez & Sachs, LLP		
Address		
Address For: Law Firm		
Address Line 1: 8300 Greensboro Dr.		
Address Line 2: Ste. 1200		
City: McLean		
State: VIRGINIA		
Zip: 22102		
Details		
Small Business Impact: NO		
Type of Filing: COMMENT		
Document(s)		
File Name	Custom Description	Size
EWA Comments WT 13-212.pdf		31 KB
Disclaimer		
<p>This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus, or automated links to other documents.</p> <p>Filings are generally processed and made available for online viewing within one business day of receipt. You may use the link below to check on the status of your filing: http://apps.fcc.gov/ecfs/comment/confirm?confirmation=2013930850554</p> <p>For any problems please contact the Help Desk at 202-418-0193.</p>		