



January 31, 2014

VIA HAND DELIVERY AND ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition for Reconsideration
CCD 900 Communications, LLC
Call Sign: WQTE752
FCC File No 0005965963

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”), in accordance with Section 1.106 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully requests the FCC to reconsider and set-aside its grant of the above-identified authorization to CCD 900 Communications, LLC (“CCD 900 Comm” or “Company”) and dismiss the associated application for failure to comply with FCC Rule Section 90.617(c).

EWA is an FCC-certified Frequency Advisory Committee, authorized by the Commission to recommend Part 90 frequencies for use by qualified applicants and to deny coordination to applicants whose proposed use of frequencies does not meet the FCC rules. More broadly, the organization represents the interests of its Industrial/Business (“I/B”) member entities that require access to Part 90 spectrum to satisfy eligible communications requirements. As such, EWA has a direct interest in ensuring that entities authorized to utilize Part 90 900 MHz I/B frequencies, such as CDC 900 Comm, propose operations that at least are facially compliant with applicable FCC requirements. Because CDC 900 Comm’s application explicitly asserts a proposed use of 900 MHz I/B frequencies that is prohibited by FCC Rule Section 90.617(c), and the grant of that application improperly removes them from the pool of available 900 MHz frequencies, EWA and its members are adversely affected by the FCC’s grant of the above-identified application.¹

¹ On January 6, 2014, EWA filed an Informal Opposition to Pending Applications, which applications were filed by several different entities, including the Company. Those applications are essentially identical to the one at issue herein with regard to the applicants’ declared intention to provide commercial service to other entities on 900 MHz I/B frequencies and as to the control point location. This earlier-filed application, granted under call sign WQTE752, had not been identified when the Informal Opposition was filed. The Informal Opposition remains pending.

CDC 900 Comm's license authorizes the Company to operate on ten 900 MHz I/B channels that are allocated under FCC Rule Section 90.617(c). That rule states the following:

The channels listed in Table 3 are available to applicants eligible in the Industrial/Business Pool of [subpart C](#) of this part but exclude Special Mobilized (sic) Radio Systems as defined in [§90.603\(c\)](#). These frequencies are available in non-border areas. **Specialized Mobile Radio (SMR) systems will not be authorized on these frequencies.**²

Consistent with the application filed by CDC 900 Comm and granted by the FCC, ULS describes the Company's eligibility as follows: 90.35a - APPLICANT TO PROVIDE WIRELESS SERVICES TO PART 90 ELIGIBLES. However, the provision of service to other entities is the very definition of an SMR. It does not constitute private, internal use of spectrum to meet an I/B entity's own communications needs, the only use of spectrum that satisfies the requirements of Section 90.617(c). CCD 900 Comm's application further confirms that it does not propose an eligible use of these frequencies, since its response to Item 41 on the Form 601 identifies its Regulatory Status as "Non-Common Carrier," not "Private, Internal Communications."

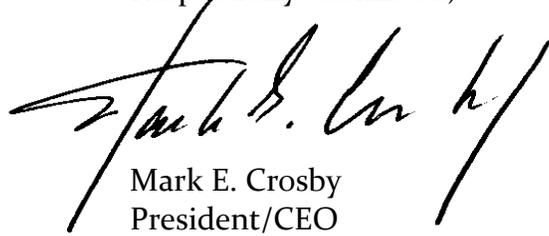
The other information provided in the application supports the conclusion that CCD 900 Comm intends to operate as a commercial service provider, an SMR, rather than meet an internal communications need. The Company has a mailing address of 121 Shipmaster Drive in Brigantine, New Jersey, which appears to be a home rather than business address. The disclosable interest holders in the company are Dr. Daniel Ciechanowski and Eugenia Ciechanowski, both of that same address. The system licensed under this call sign is located at a site in Institute, West Virginia, an unlikely location for Dr. Ciechanowski to pursue his practice or any other eligible business activity. The control point location for the system is in Phoenix, Arizona at the offices of Spectrum Networks Group, LLC. Moreover, the application stated that the Company intended to deploy 70 radios on each of the ten 900 MHz frequencies requested, for a total of 700 radios. In accordance with Rule Section 90.127(b), those 700 radios are required to be placed in operation within eight months of grant of this authorization and used by Company employees or authorized subcontractors.

Although the Company's application proposed a "YU" radio service designator, meaning a system used to satisfy the Company's private, internal communications needs, it simply is not credible that CCD 900 Comm intends to deploy a multi-channel trunked 900 MHz radio system with a fleet of 700 radios for purposes of serving its own, entirely undefined, communications requirements. Perhaps to its credit, the Company has disclosed its actual intention to operate a commercial SMR system on these channels, despite the fact that Section 90.617(c) of the FCC rules expressly prohibits that use of this spectrum.

² 47 C.F.R. §90.617(c) (emphasis added).

The CCD 900 Comm application, by its own admission, does not comply with the FCC's rules. For this reason, the above-identified grant must be reconsidered and set-aside and the underlying application dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark E. Crosby
President/CEO

mark.crosby@enterprisewireless.org

MEC:

CERTIFICATE OF SERVICE

I, Linda J. Evans, hereby certify that I have, on this 31st day of January 2014, caused to be forwarded via electronic mail and first-class mail, postage prepaid, the foregoing letter to the following:

CCD 900 Communications, LLC
121 Shipmaster Dr.
Brigantine, NJ 08203
Attn: Dr. Daniel Ciechanowski
ciechanows@aol.com

Spectrum Networks Group, LLP
3131 E. Camelback Rd., Ste. 450
Phoenix, AZ 85016
Attn: License Services
licensing@specnetgroup.com

/s/ Linda J. Evans