



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON SUPPLEMENT TO ENTERPRISE WIRELESS ALLIANCE AND PACIFIC DATAVISION, INC. PETITION FOR RULEMAKING REGARDING REALIGNMENT OF 900 MHZ SPECTRUM

RM-11738

Comments Due: June 29, 2015

Reply Comments Due: July 14, 2015

With this *Public Notice*, we seek comment on a supplement to the Petition for Rulemaking (Petition) filed by Enterprise Wireless Alliance and Pacific DataVision, Inc. (collectively Petitioners) regarding realignment of 896-901/935-940 MHz (900 MHz) spectrum.¹ On November 17, 2014, Petitioners filed the Petition requesting that the Commission open a rulemaking proceeding to realign the 900 MHz band to create a private enterprise broadband allocation.² Petitioners proposed that the band be divided into a 3/3 MHz broadband segment (898-901/937-40 MHz) to be assigned to a Private Enterprise Broadband (PEBB) licensee, and a 2/2 MHz narrowband segment (896-98/935-37 MHz).³

¹ Currently, the 900 MHz band consists of 399 narrowband (12.5 kilohertz) channels grouped into ten-channel blocks that alternate between Specialized Mobile Radio (SMR) blocks that are geographically licensed by Major Trading Area (MTA) and Business/Industrial/Land Transportation (B/ILT) blocks in which channels are assigned on a site-by-site basis.

² Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., filed Nov. 17, 2014. The Wireless Telecommunications Bureau sought comment on the Petition on November 26, 2014. See Wireless Telecommunications Bureau Seeks Comment on Enterprise Wireless Alliance and Pacific DataVision, Inc. Proposed Rules Regarding Realignment of 900 MHz Spectrum, *Public Notice*, RM-11738, 29 FCC Rcd 14424 (WTB 2014). Comments were due January 12, 2015; reply comments were due January 27, 2015.

³ The broadband segment would be assigned in each MTA to the licensee that currently holds at least fifteen of the twenty SMR licenses for that MTA. This PEBB licensee would be required to fund the relocation to comparable facilities in the narrowband segment of all B/ILT incumbents in the 898-901/937-40 MHz segment, as well as any SMR incumbents that elect to continue operating narrowband systems rather than negotiate with the PEBB licensee to have their spectrum included in the PEBB authorization. Licensees above 898/937 MHz would be required to negotiate with the PEBB licensee; remaining in the broadband segment apart from the PEBB licensee would not be permitted. After relocation and band realignment, the PEBB licensee would be required to offer a build-to-suit broadband solution to any requesting B/ILT entity, with mandatory priority access for critical infrastructure industry entities.

On May 3, 2015, Petitioners filed a supplement to the Petition (Supplement), containing draft proposed rules.⁴ The Supplement sets forth specific technical rules for operation in the broadband segment, such as emission mask and antenna height and power limits. The draft proposed rules also prescribe a relocation process that is similar to the procedure that the Commission adopted in the 800 MHz proceeding. Other draft proposed rules discuss the conditions under which the PEBB licensee would offer broadband arrangements to requesting entities, and the interference protection that the PEBB licensee must provide to systems operating in the 901-902/940-941 MHz band.

In order to develop a full and complete record, we seek comment on the Supplement.

Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written

⁴ Realignment of the 896-901/935-940 MHz Band to Create a Private Enterprise Broadband Allocation, Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., RM-11738, Proposed Rules, filed May 3, 2015.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁶ See 47 C.F.R. §§ 1.1200(a), 1.1206.

presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Stana Kimball of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-1306 or via e-mail at stanislava.kimball@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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