



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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DA 14-1723  
November 26, 2014

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

**RM-11738**

**Comments Due: January 12, 2015**

**Reply Comments Due: January 27, 2015**

On November 17, 2014, the Enterprise Wireless Alliance (EWA) and Pacific DataVision, Inc. (PDV) (collectively Petitioners) jointly filed a Petition for Rulemaking requesting that the Commission open a rulemaking proceeding to realign the 896-901/935-940 MHz (900 MHz) band to create a private enterprise broadband allocation.<sup>1</sup> 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. Petitioners propose that the band be divided into a 3/3 MHz broadband segment (898-901/937-40 MHz) and a 2/2 MHz narrowband segment (896-98/935-37 MHz).

Under the Petitioners' proposal, 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.<sup>2</sup> This Private Enterprise Broadband (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 (CII) entities.

The narrowband segment would continue to be used for site-based B/ILT and MTA SMR narrowband operations. Current licensees below 898/937 MHz would be unaffected by the realignment.

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<sup>1</sup> Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., filed Nov. 17, 2014.

<sup>2</sup> A review of the Commission's Universal Licensing System database indicates that PDV holds at least fifteen SMR licenses in forty-two MTAs or MTA-like areas. No other licensee holds at least fifteen SMR licenses in any MTA. In markets where no licensee currently holds at least fifteen SMR licenses, Petitioners propose that the SMR incumbents negotiate to select the broadband licensee.

Petitioners assert that realignment of the 900 MHz band will provide broadband capabilities to commercial users, particularly CII entities, whose needs are not met by existing commercial broadband networks.

By this *Public Notice*, we seek comment on the Petition for Rulemaking. In addition to commenting on the Petitioners' proposal, we ask commenters to consider the following questions:

-What need do B/ILT entities, particularly CII entities, have for broadband services that can be provided over a 3/3 MHz channel and cannot be met by existing broadband service providers? What functionality do these entities currently lack that could be provided pursuant to the proposed realignment? Does the need for such services exist nationwide?

-In addition to realigning the band, what changes to the Commission's technical rules would be required to enable the PEBB licensee to provide the contemplated broadband service? What other rule changes would be needed to prevent interference between the PEBB licensee and adjacent-channel operations?

-What are the estimated costs to relocate incumbents from the broadband segment to the narrowband segment? Will the narrowband segment accommodate all relocating licensees, even in congested areas?

-If the necessary changes to the technical rules are adopted to permit the contemplated broadband service, can the aggregation of spectrum to be accomplished by means other than the process proposed by Petitioners? For example, are existing secondary market rules sufficient to allow realignment that would effectively separate narrowband and broadband operations?

## **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).<sup>3</sup>

- 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 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries

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<sup>3</sup>See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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 12<sup>th</sup> 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](mailto: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.<sup>4</sup> Persons making *ex parte* presentations must file a copy of any written 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](mailto:stanislava.kimball@fcc.gov).

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

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<sup>4</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.