



December 11, 2019

VIA ELECTRONIC FILING

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

Re: Southern California Edison
Ex Parte Presentation
WT Docket No 17-200

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”), jointly with Pacific DataVision, Inc. (now Anterix, Inc. (“Anterix”)), filed a Petition for Rulemaking more than five years ago that proposed a realignment of the 896-901/935-940 MHz band (“900 MHz”) to create a broadband segment on which enterprise entities could deploy their own private broadband networks.¹ The FCC has an extensive record on this proposal having gone through multiple comment periods in response to the Petition for Rulemaking and, more recently, having received Comments and Reply Comments on the Notice of Proposed Rulemaking in the above-identified proceeding.² EWA and its members hoped that the FCC was close to adopting a Report and Order so the realignment process could begin.

EWA has supported the proposal throughout this lengthy process because it believed then, and is even more firmly convinced today, that many of its enterprise members will benefit from a broadband option that will allow them to design and operate their own systems rather than rely on commercial networks oriented toward consumer requirements that may not be available where needed or provide the capabilities needed for enterprise users. These members include, but are not limited to, utilities and other entities that are fortunate to have been classified as Critical Infrastructure Industry (“CII”) under the FCC Rules.³

For that reason, EWA does not support the December 6, 2019, *ex parte* letter filed by Southern California Edison (“SCE”). The SCE letter recommends priority access to 900 MHz broadband licenses for CII eligible entities, but the focus is on creating a “first crack” for electric utilities. It is not clear from the filing whether that “first crack” would be for 900 MHz

¹ See Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., RM-11738 (filed Nov. 17, 2014).

² *Review of the Commission’s Rules Governing the 896-901/935-940 MHz Band*, Notice of Proposed Rulemaking, WT Docket No. 17-200, 84 FR 12987 (Apr. 3, 2019) (“NPRM”).

³ See 47 C.F.R. § 90.7.

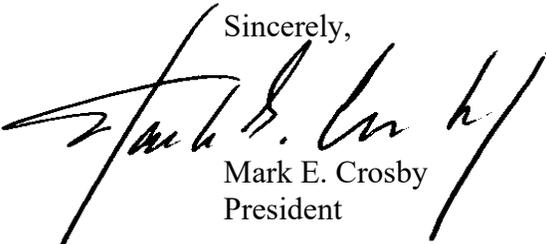
incumbents only or for any entity defined as CII by the FCC, including not-for-profit organizations that offer emergency road services.⁴

The 900 MHz band was allocated for Business/Industrial/Land Transportation (“B/ILT”) entities in 1985, well before the CII label was recognized within the private land mobile vernacular. It was an inclusive B/ILT allocation, not a band allocated for a privileged subset of the private users. Permitting one segment of the industry to have a head start in this band towards broadband technology is prejudicial and tantamount to a reallocation.

SCE offers no justification for limiting eligibility to CII/utilities, even if only for an initial period. EWA agrees that a number of utilities have expressed serious interest in deploying private broadband networks, and it supports their ability to do so; however, so have entities such as United Parcel Service. In EWA’s opinion, it is an accident of legislative drafting, and the engrafting of that statutory definition onto the FCC’s rules, that tow truck operators are classified as CII while airlines, international delivery services, major manufacturing facilities, mass transit systems and other organizations that also provide critical services to the American public are not. EWA has noted on other occasions that the FCC’s CII definition is overly restrictive. It has recommended that it be expanded to mirror the definition used by the Department of Homeland Security.⁵ Until the definition has been modified, EWA cannot support FCC rules that offer priority access to valuable spectrum only to entities that qualify as CII.

EWA has procedural as well as policy objections to the SCE letter. The comment period in this proceeding closed more than five months ago. SCE submitted both Comments and Reply Comments, each of which included an eligibility recommendation that differed from the other, and both of which differ from what is proposed in this filing. SCE, like all who advocate before the FCC, has a responsibility to adopt a consistent position in rulemaking proceedings within the period allotted or explain why it was unable to do so. SCE has offered no explanation. These types of late filings make it exceedingly difficult for the FCC staff to finalize proceedings in a reasonable timeframe, an outcome highly desired by EWA and its members.

EWA respectfully requests the FCC to reject the SCE proposal and proceed to a Report and Order in this proceeding as expeditiously as possible.

Sincerely,

Mark E. Crosby
President

⁴ *Id.*

⁵ <https://www.dhs.gov/cisa/critical-infrastructure-sectors>.