

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

In the Matter of)
)
Petition for Rulemaking in the Matter)
of Subpart L of Part 90 of FCC Rules:) RM-11915
Updated Method to Determine Potential)
Interference Between Land Mobile Stations)
and Digital Television Stations Operating)
in the 470-512 MHz Band (“T-Band”))

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”) is a member of the National Wireless Communications Council (“NWCC”) (previously the Land Mobile Communications Council (“LMCC”)) and strongly supports the LMCC Petition for Rulemaking on which the Federal Communications Commission (“FCC”) has requested comment.¹ The Petition proposes that FCC Rule Section 90.309 governing the protection of television stations by land mobile systems operating in the 470-512 MHz band (“T-Band”) be modified in light of the mandatory migration of full-power and Class A television stations from the analog National Television System Committee (NTSC) format to the digital Advanced Television Systems Committee (ATSC) format. Although this transition was mandated well over a decade ago, the Rule Section 90.309 protection criteria land mobile applicants must satisfy when seeking T-Band channels were not updated to reflect that change. As detailed in the Petition and the accompanying White Paper,

¹ *Public Notice*, Report No. 3186 (rel. Jan. 12, 2022) seeking Comment on LMCC Petition for Rulemaking filed June 24, 2021 (“PFR” or Petition”).

that rule should be modified, as were the Part 73 rules, to maximize spectrum utilization in response to the greater interference immunity inherent in the ATSC format.

It is unfortunate that this change was not implemented on the FCC's own motion in conjunction with the Part 73 rules changes that updated the criteria for interference between digital television stations. These changes were adopted well before Congress enacted the so-called T-Band mandate to reclaim and auction that spectrum.² Had that been done, a modified rule would have been in place last year when the FCC finally was able to terminate its T-Band application freeze for incumbents upon repeal of the T-Band mandate.³ Instead, until completion of what typically is a multi-year rulemaking process, T-Band applicants, many of which are EWA members, must comply with a rule that protects television station contours as though they still were operating in NTSC format even though they are required to operate in ATSC format. In the interim, television stations are receiving greater than necessary protection while, conversely, affected land mobile systems are not able to derive maximum use of T-Band spectrum.

This problem is exacerbated by the fact that the television stations that land mobile applicants are required to protect include stations that are not operational and others whose digital channels are greatly separated from T-Band spectrum. The February 2021 Public Notice released in connection with the partial lifting of the T-Band freeze includes multiple stations that are off the air, in some cases for decades, as well as stations that are identified by their virtual (analog) channel rather than the digital channel on which they now transmit.⁴ This combination

² Pub. L. No. 112-96, 126 Stat. 156 (2012).

³ *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Modify Suspensions of Acceptance and Processing of Certain Part 22 and Part 90 Applications for 470-512 MHz (T-Band) Spectrum*, Public Notice, 36 FCC Rcd 788 (WTB/PSHSB 2021) ("2021 Public Notice").

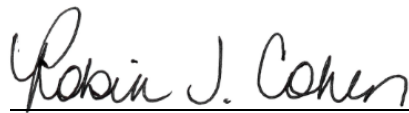
⁴ *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Update List of TV Stations to be Protected in the T-Band*, Public Notice, DA 21-190 (PSHSB/WTB Feb. 17, 2021) ("Public Notice"). The channels being "protected" in those instances are analog assignments that are no longer allocated for the markets in question. No new television applicant could be granted a license for digital operation on those channels.

of an unnecessarily conservative protection standard and the inclusion on that Public Notice of television stations that cannot rationally be deemed to warrant protection results in underutilization of T-Band spectrum in some of the most spectrum-constrained markets in the nation.

The NWCC has requested that the FCC correct the 2021 Public Notice by deleting television stations that demonstrably could not be impacted by land mobile T-Band operations. For the same reason, the opportunity to make maximum use of T-Band spectrum, EWA urges the FCC to adopt a Notice of Proposed Rulemaking consistent with the Petition at the earliest opportunity⁵.

Respectfully submitted,

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⁵ These technical matters should be resolved in advance of the FCC permitting new applicants access to T-Band.

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