



November 21, 2019

VIA ECFS

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

**RE: *Request for Waiver of the Citizens Broadband Radio Service Transition  
Deadline WT Docket No. 18-353***

***Ex Parte Notice***

Dear Ms. Dortch:

On November 19, 2019, the undersigned, on behalf of NTCA–The Rural Broadband Association (“NTCA”) and Jimmy Todd, CEO/General Manager for Nex-Tech, met with the following Federal Communications Commission (“Commission”) staff: Matthew Pearl, Assistant Chief of the Commission’s Wireless Telecommunications Bureau (“WTB”), Paul Powell, Assistant Chief of the WTB’s Mobility Division, Rebecca Schwartz, Legal Advisor with the Office of the Bureau Chief, and Jessica Quinley, Attorney Advisor with the WTB’s Mobility Division. Mr. Powell and Ms. Schwartz joined by telephone. The purpose of the meeting was to urge the FCC to grant the Petition for Waiver filed jointly by the Wireless Internet Service Providers Association (“WISPA”) and the Utilities Technology Council (“UTC”) in which the parties requested an extension of the April 17, 2020 deadline by which existing Part 90 3650-3700 MHz Service licensees are required under Section 90.1307(c) and (d) and Sections 90.1338 (a) and (b) of the Commission’s Rules to complete the transition of their operations to comply with the Part 96 Citizens Broadband Radio Service (“CBRS”) rules.

Nex-Tech, like other companies, currently uses the CBRS spectrum to offer a fixed wireless broadband product to their most remote, difficult, and expensive to serve customers. Many of these subscribers have no other broadband service available to them and rely on the wireless product.

Mr. Todd and I explained that an extension of the deadline is necessary and appropriate because licensees, such as his company, lack sufficient time to acquire, test, and install the certified Part 96 compliant equipment necessary for compliance. The equipment has only recently become commercially available. Companies have also been unable to obtain commercially available software that would allow Part 90 equipment to communicate with the Spectrum Access System (“SAS”) database.

Even when available, the necessary equipment upgrades are vastly more expensive than anticipated. Mr. Todd reported he has learned that it will cost his company nearly one million

dollars to upgrade equipment to comply with the rules and that the cost of SAS access will be about \$2.25 per subscriber, per month. Nex-Tech, like other NTCA members, received RUS funding to construct fixed wireless service. Absent a deadline extension, not only will the RUS-funded investments be stranded, service to nearly 1200 Nex-Tech customers will be interrupted, if not permanently discontinued.

The Bureau representatives suggested that Mr. Todd request an individual waiver, rather than advocate for the blanket extension. Mr. Todd agreed that his company may do so out of an abundance of caution in case the Commission does not grant the WISPA/UTC Joint Petition for Waiver.

However, a blanket extension is appropriate since Nex-Tech is not unique. There are other companies using the CBRS spectrum to offer fixed wireless broadband service to their most difficult to reach subscribers who have no other form of broadband service available to them. These other companies are also learning the costs involved with replacing equipment to become compliant and will need time to purchase and install it. As WISPA, UTC and the Edison Electrical Institute explained in their November 5, 2019 ex parte letter, the majority of providers using the spectrum cannot transition to Part 96 rules via software upgrades, but rather require hardware and customer premises equipment change-outs and truck rolls. The transition is more expensive and taking longer than was originally envisioned by the Commission or industry representatives.

Mr. Todd discussed his company's interest in participating in the upcoming CBRS auction as well as the fact that his success or lack thereof in the auction may affect the decision to invest in a seven-figure upgrade. The Bureau Representatives questioned Mr. Todd about the General Authorized Access ("GAA") spectrum. Mr. Todd explained that priority access to spectrum was necessary for the service for which his company uses the spectrum. Mr. Todd also explained that an extension of the deadline was necessary regardless of whether a company currently using the spectrum eventually provides service via GAA or Priority Access License ("PAL") spectrum.

An extension of the current transition schedule will have no impact on the Commission's plans for the spectrum and cause no party harm. Auction 105 is not scheduled to begin until June 25, 2020 and the auction must be completed, forms filed, and construction began before the spectrum can be used by winning bidders.

Given that the current transition period is insufficient to ensure that companies currently using the spectrum have the ability to comply with the new rules, an extension is appropriate and necessary to ensure that existing services are not terminated before successful Auction 105 bidders are operational.

Thank you for your consideration of this correspondence. Please contact the undersigned if you have any questions regarding these matters.

Sincerely,

/s/ Brian Ford

Brian Ford

Director of Industry Affairs

NTCA–The Rural Broadband Association

cc: Matthew Pearl  
Paul Powell  
Rebecca Schwartz  
Jessica Quinley