



March 5, 2020

***Ex Parte Notice***

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 March 3, 2020, Jill Canfield and the undersigned, on behalf of NTCA–The Rural Broadband Association (“NTCA”), as well as Rhonda Goddard, Chief Financial Officer for Nex-Tech, met with the following Federal Communications Commission (“Commission”) staff: Roger Noel, Chief of the Commission’s Wireless Telecommunications Bureau (“WTB”) Mobility Division, Paul Powell, Assistant Chief of the WTB’s Mobility Division, and Jessica Quinley, Attorney Advisor with the WTB’s Mobility Division. Mr. Noel and Mr. Powell joined by telephone. The purpose of the meeting was to urge the Commission to grant the Nex-Tech Petition for Waiver filed February 13, 2020<sup>1</sup> seeking 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.

As an initial matter, Ms. Goddard stated that Nex-Tech, like other companies, currently uses the spectrum at issue to offer a fixed wireless broadband product to their most remote, difficult, and expensive-to-serve customers. Approximately 1,100 subscribers currently receive service from Nex-Tech via the 3650-3700 MHz band. Many of these subscribers *have no other broadband service available to them and rely on the wireless product.*

It is because many of these subscribers have no other broadband service available to them that grant of the Nex-Tech Petition is imperative. As stated in the Nex-Tech Petition, an extension of the deadline is necessary and appropriate because the transition timeline put in place by the Commission has proven to be too optimistic, and this is due to circumstances beyond licensees’

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<sup>1</sup> Petition for Waiver, Nex-Tech, LLC, WT Docket No. 18-353 (fil. Feb. 13, 2020). *See also* Wireless Internet Service Providers Association (“WISPA”) and the Utilities Technology Council (“UTC”) Petition for Waiver of sections 90.1307 (c) and (d) and Sections 90.1338(a) and (b) of the Commission’s Rules, (fil. Oct. 4, 2018).

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control. Part 96 equipment necessary for compliance has only recently become available to Nex-Tech for the purposes of testing, a process that will take a minimum of 90 days. 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. Ms. Goddard further noted that Nex-Tech cannot transition to Part 96 rules via software upgrades alone, but rather must upgrade hardware and customer premises equipment. The transition is more expensive and taking longer than was originally envisioned by the Commission or the industry.

Ms. Goddard noted that given that the current transition period is insufficient to ensure Nex-Tech’s customers don’t lose service, an extension is appropriate and necessary. Such an extension will allow Nex-Tech and other parties seeking similar waivers to transition to the new rules and continue serving customers.

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: Roger Noel  
Paul Powell  
Jessica Quinley



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Dear Ms. Dortch:

On March 4, 2020, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”), as well as Rhonda Goddard, Chief Financial Officer for Nex-Tech, met with Aaron Goldberger, Wireless and International Advisor to Federal Communications Commission (“Commission”) Chairman Ajit Pai. The purpose of the meeting was to urge the Commission to grant the Nex-Tech Petition for Waiver filed February 13, 2020<sup>1</sup> seeking 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.

As an initial matter, Ms. Goddard stated that Nex-Tech, like other companies, currently uses the spectrum at issue to offer a fixed wireless broadband product to their most remote, difficult, and expensive-to-serve customers. Approximately 1,100 subscribers currently receive service from Nex-Tech via the 3650-3700 MHz band. Many of these subscribers *have no other broadband service available to them and rely on the wireless product.*

It is because many of these subscribers have no other broadband service available to them that grant of the Nex-Tech Petition is imperative. As stated in the Nex-Tech Petition, an extension of the deadline is necessary and appropriate because the transition timeline put in place by the Commission has proven to be too optimistic, and this is due to circumstances beyond licensees’ control. Part 96 equipment necessary for compliance has only recently become available to Nex-Tech for the purposes of testing, a process that will take a minimum of 90 days. Companies have

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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: Aaron Goldberger