Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of  
Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band  
GN Docket No. 12-354

REPLY TO OPPOSITIONS OF THE UTILITIES TELECOM COUNCIL

The Utilities Telecom Council (UTC) hereby files the following reply comments to the oppositions that were filed in response to the Commission’s Report and Order in the above-referenced proceeding. UTC supports the petitions for reconsideration that were filed by Motorola Solutions and Jon Peha; and it echoes the comments that unanimously urge the Commission to allow entities that want to obtain priority access licenses (PALs) in a given area to be able to do so, even if those entities are the sole applicant for the PAL in those areas. As Motorola explains, critical infrastructure industries including utilities may have an interest in obtaining PALs in order to ensure quality of service and reliable communications. However, they would be unable to obtain a PAL in areas where they are the only applicant, due to the Commission’s decision to only license PALs where there are mutually exclusive applications by two or more licensees.

Utilities and other critical infrastructure industries require quality of service and reliable communications to support the safe, secure and effective delivery of essential electric, gas and water services.


3 MSI Petition at 6.

4 See 47 C.F.R. § 96.29(d); 3.5 GHz Order, 30 FCC Red at 4003, para. 136.
services to the public at large. The Commission’s decision to preclude PALs in areas where there is no mutual exclusivity would arbitrarily frustrate utilities and other CII from obtaining PALs to protect their communications and provide priority access to the band. While the Commission believes that it must authorize PALs through competitive bidding and that it may only conduct auctions where there are mutually exclusive applications, UTC disagrees with the Commission’s premise that it must auction PALs and that by extension it may only license PALs where there are mutually exclusive applications.

UTC agrees with WISPA that the Commission’s decision “substitutes the Commission’s business judgment about shared spectrum use over an applicant’s business decision that may favor exclusive spectrum use,” and that “there is no policy reason to foreclose PALs altogether in those areas and allow PALs in other areas that happen to have competing applications.” UTC also agrees with the observation of Federated Wireless that “[t]his lack of mutual exclusivity is likely to disproportionately affect prospective users of Citizens Band spectrum in rural areas, where demand will likely be sparser than in urban and suburban areas, but where there is nevertheless a need for high quality of service and interference protection which can only be afforded through acquisition of a PAL.” Therefore, UTC urges the Commission to reconsider its decision to preclude PALs where there are no mutually exclusive applications.

Respectfully,

Utilities Telecom Council

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October 29, 2015.

5 WISPA Opposition at 13 and 14.
6 Federated Opposition at 6-7.