August 21, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Oral Ex Parte Presentations
GN Docket No. 12-354

Dear Ms. Dortch:

On August 19, 2015, Michael Calabrese of the Open Technology Institute at New America (“OTI”), and Stephen Coran, counsel to the Wireless Internet Service Providers Association (“WISPA”), met with staff of the Office of Engineering and Technology and the Wireless Telecommunications Bureau to discuss issues relevant to the above-referenced proceeding.1 A list of the Commission staff attending the meeting is provided below.

We discussed issues surrounding the Commission’s request for comment in the FNPRM on how to define “use it or share it.” We noted that WISPA and OTI (the latter filing jointly with Public Knowledge) proposed in our respective comments and reply comments that the Commission can best advance its goal to “ensure that the band will be in consistent and productive use”2 by defining actual “use” along two dimensions: geography and time. The Commission should take the opportunity to leverage the capabilities of the Spectrum Access System (“SAS”) – using information reported to the SAS under the rules already adopted – to dynamically determine where and when PAL spectrum is in actual use and what protection contour will ensure non-interference.

With respect to where opportunistic GAA use will be permitted within a census tract, we emphasized that the Commission can best promote consistency, accountability and spectrum efficiency by requiring that the SAS calculate the protection contour for each Citizens Broadband Radio Service Device (“CBSD”) by applying a standardized algorithm to the geolocation and basic operational parameters that are reported for each CBSD as part of the required registration process. With respect to when PAL spectrum should be considered in “use,” we stated that unless the SAS receives a current report that a CBSD is actively transmitting or receiving bearer traffic on a PAL channel, that channel should be available for GAA use. Under the rules, CBSDs must regularly contact the SAS and provide (or certainly could provide) basic information on whether or not they are actively transmitting.

We also discussed whether and to what extent the Commission should permit leasing, partitioning and disaggregation of Priority Access licenses. Mr. Coran reiterated WISPA’s position that, especially in rural areas where census tracts are geographically larger than in urban

---

2 Id. at ¶ 72.
areas, secondary market transactions could be very useful and would afford prospective spectrum users an option other than General Authorized Access. Mr. Coran stated that the Commission could employ the streamlined notification procedures that the Commission uses for spectrum manager leases, which would provide the Commission with information on who to contact regarding operations in a given area or a given frequency range.

We also briefly discussed issues that are the subject of pending petitions for reconsideration of rules adopted in the Report & Order. We indicated that the commission’s decision to limit license terms to three years with no renewal expectancy struck the appropriate balance and that the existing rule should be retained. We also stressed the need to retain the professional installation option for Category B CBSDs, especially for areas where geolocation capabilities would not be effective. We expressed interest in having the SAS include information that would identify the professional installer and thus create greater accountability for the accuracy and reliability of professional installations.

Pursuant to Section 1.1206 of the Commission’s Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceeding.

Respectfully submitted,

Michael Calabrese
Director, Open Technology Institute
New America

Stephen E. Coran
Counsel to WISPA

cc: John Leibovitz
Paul Powell
Ira Keltz
Roger Noel
Chris Helzer
Kamran Etemad
Navid Golshahi
Bob Pavlak
Becky Schwartz
Stephen Buenzow (by telephone)
John Lambert (by telephone)