In the Matter of )
Use of Spectrum Bands Above 24 GHz for Mobile Radio Service ) GN Docket No. 14-177
Amendment of the Commission’s Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands ) ET Docket No. 95-183 (Terminated)
Implementation of Section 309(j) of the Communications Act – Competitive Bidding, 37.0-38.6 GHz and 38.6-40.0 GHz Bands ) (Terminated)
Petition for Rulemaking of the Fixed Wireless Communications Coalition to Create Service Rules for the 42-43.5 GHz Band ) RM-11664

VIVINT WIRELESS, INC.
REPLY COMMENTS

Vivint Wireless, Inc. (“Vivint”) submits these reply comments in response to the Commission’s October 17, 2014 Notice of Inquiry (“NOI”) and certain issues raised in the initial comments filed in response thereto. 1

Vivint is not opposed to existing licensees being permitted to operate mobile as well as fixed services in the millimeter wave (“mmW”) spectrum bands as suggested by multiple commenters.2 If such operation is permitted, an existing licensee should not need to participate in another auction to use its existing spectrum for mobile services.3

2 See e.g., Comments of NYU Wireless at p. 34 (“NYU Wireless Comments); Comments of Samsung Electronics America, Inc. and Samsung Research America at p. 44 (“Samsung
Existing licensees are in the best position to minimize interference. Further, a licensee (new or existing) that operates both mobile and fixed wireless networks in a given area will have the ability to ensure compatible operation.4

Vivint agrees with those who support licensing vacant spectrum by auctioning exclusive rights to geographic areas using existing licensing schemes.5 But the FCC should not establish smaller licensing areas at this time,6 even though a few commenters suggested smaller licensing areas might be used to prevent spectrum from lying fallow.7

Vivint supports permitting secondary market leasing, partitioning and disaggregation. These steps will help to address concerns about auctioned spectrum lying fallow in low-traffic areas.8

Vivint does not take a position at this time about adopting build-out requirements for mobile services in the mmW bands as generally supported by some commenters.9 But, it agrees with Straight Path that any build-out requirements for mobile services should be separate so that any failure would not result in a loss of a fixed service license.

Vivint is strongly opposed to Qualcomm’s suggestion to promptly clear bands above 24 GHz for mobile use and move the incumbents, particularly LMDS and 39 GHz licensees, to

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3 See Comments of T-Mobile USA, Inc. at p. 7.
4 See e.g., XO Comments at p. 5, Samsung Comments at p. 36.
5 See e.g., Fibertower Comments at p. 16, XO Comments at p. 5-6, Straight Path Comments at pp. 22-24, Comments of Nokia (d/b/a Nokia Solutions and Networks US LLC at p. 31 (“Nokia Comments”).
6 See Straight Path Comments at p. 25.
7 See Samsung Comments at p. 36, Nokia Comments at p. 31.
8 See e.g., Fibertower Comments at p. 17, Samsung Comments at p. 36, Nokia Comments at pp. 31-32.
9 See e.g., NYU Wireless Comments at p. 34, Straight Path Comments at p. 24.
other bands.\textsuperscript{10} Any such relocation cannot and should not be hastily undertaken. As described in
Vivint’s initial comments, it is unclear today what mobile applications may develop in the future
whereas market demand for fixed services in the mmW bands exists today. The FCC should
therefore protect the existing deployments in the mmW bands, including backhaul. Clearing the
bands above 24 GHz for mobile use only would destroy the emerging fixed wireless broadband
industry, hindering efforts to improve the competitiveness of broadband access in the United
States.\textsuperscript{11}

Vivint requests that the Commission consider the points discussed herein when
examining the potential for mobile radio services in the mmW bands.

Respectfully submitted,

/s/ Luke Langford

Luke Langford, Chief Operating Officer
Vivint Wireless, Inc.
4931 North 300 West
Provo, UT 84604
Tel: 617-860-3537

Dated: February 17, 2015

\textsuperscript{10} See Comments of Qualcomm Incorporated at pp. 7-9.
\textsuperscript{11} Several commenters noted that demands for fixed service wireless backhaul are growing. See \textit{e.g.}, Comments of Fixed Wireless Communications Coalition at p. 2; Comments of the Consumer Electronics Association at p. 9; Comments of Alcatel-Lucent at p. 11; Fibertower at p. 4; XO Comments at p. 8.