



PUBLIC NOTICE

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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON
KEY BRIDGE GLOBAL LLC PROPOSAL TO BE DESIGNATED AS A
71-76 GHZ, 81-86 GHZ AND 92-95 GHZ BANDS DATABASE MANAGER**

WT Docket No. 13-291

Comment Date: December 12, 2013

Reply Date: December 23, 2013

The Wireless Telecommunications Bureau (WTB) invites comment on Key Bridge Global LLC's (Key Bridge's) proposal to be designated as a database manager for link registrations by licensees in the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands.¹

Background. The 71-76 GHz, 81-86 GHz, and 92-95 GHz (71-95 GHz) bands are allocated to both Federal Government and non-Federal Government users on a co-primary basis, except the 94.0-94.1 GHz portion, which is allocated for Federal Government use on a primary basis.² The Commission issues non-exclusive, nationwide licenses for the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands that serve as a prerequisite for registering point-to-point links in private databases developed and managed by WTB-designated database managers (DMs).³

A licensee is not authorized to operate a link under its nationwide license until the link is both (1) coordinated with the National Telecommunications and Information Administration (NTIA) with respect to Federal Government operations⁴ and (2) registered as an approved link. Interference protection

¹ Key Bridge Global LLC Proposal to Develop and Manage an Independent Database of Site Registrations by Licensees in the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands (filed May 20, 2013) (Key Bridge Proposal). Although captioned under WT Docket No. 02-146, *see infra* note 3, we are opening a new docket.

² *See* 47 C.F.R. § 2.106.

³ *See* 47 C.F.R. §§ 101.1501-1527 (subpart Q - Service and Technical Rules for the 70/80/90 GHz Bands). *See also* Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146, *Report and Order*, 18 FCC Rcd 23318 (2003) (*Report and Order*), recon. *granted in part* in *Memorandum Opinion and Order*, 20 FCC Rcd 4889 (2005) (*MO&O*). In the *Report and Order*, the Commission adopted rules for both unlicensed (Part 15) and licensed (Part 101) use of portions of these bands; this public notice concerns licensed use of the bands, which involves all of the bands except for 100 megahertz of spectrum at 94.0-94.1 GHz. For convenience only, we refer to the licensed spectrum herein as "the bands" or "the 71-95 GHz bands"; such references do not include 94.0-94.1 GHz.

⁴ 47 C.F.R. § 101.1523(b)(1). NTIA developed an automated coordination mechanism that allows non-Federal users and DMs to use an Internet site to determine whether a given non-Federal link has any potential conflict with Federal Government users. *See generally Report and Order*, 18 FCC Rcd 23342-43 ¶ 57-60.

among non-Federal Government links is determined by the date/time of individual link registration in the database.⁵

When the Commission adopted this hybrid licensing approach in 2003, it “reserve[d] the discretion to designate one or more third-party database managers to maintain a repository for the non-Federal Government links.”⁶ In March 2004, WTB issued a public notice listing the Commission’s requirements, soliciting DM proposals, and inviting public comment on any proposals filed.⁷ In September 2004, WTB designated three DMs to jointly develop and manage 71-95 GHz link registration databases.⁸ WTB reserved the right to designate new database managers or change the current designations.⁹ In December 2004, each DM and WTB executed a Memorandum of Understanding (MoU) setting forth its duties and the limits on its authority and renewal MoUs were executed in 2009.¹⁰

Key Bridge Proposal. Key Bridge seeks to be designated as a 71-95 GHz band database manager.¹¹ Recognizing that the original filing deadline for DM proposals was in 2004, Key Bridge notes that WTB decided to designate more than one DM and “reserve[d] the discretion to designate additional managers.”¹² Alternatively, Key Bridge requests a waiver of the 2004 deadline.¹³ Key Bridge provides information on its background, software and database experience (in particular, its experience developing databases, particularly its TV White Space System), and other experience as evidence of its capacity to operate a registration system and database in the 71-95 GHz bands.¹⁴ More specifically, Key Bridge avers that its Petition addresses each of the requirements for DM proposals listed in the *2004 Public*

⁵ As part of registering a link, licensees must provide an electronic copy of an interference analysis to the database manager. *See* 47 C.F.R. § 101.1523(b)(2).

⁶ *Report and Order*, 18 FCC Rcd at 23339-40 ¶ 49. As to whether to designate more than one DM, the Commission expected WTB, under delegated authority, to consider the benefits of competition during the selection process, *id.* at 23340-41 ¶ 51, and to issue public notices implementing the details of licensing and registration, *id.* at 23340-41, 23343 ¶¶ 51, 59; *see also* 47 C.F.R. § 101.1523(b).

⁷ *See* Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146, Wireless Telecommunications Bureau Opens Filing Window for Proposals to Develop and Manage Independent Database of Site Registrations by Licensees in the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, *Public Notice*, 19 FCC Rcd 4597, 4598 (WTB BD 2004) (*2004 Public Notice*).

⁸ *See* Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146, *Order*, 19 FCC Rcd 20524 (WTB BD 2004) (*2004 Order*). The Commission had envisioned a “single, shared database” if more than one database manager is selected but the three entities that submitted proposals jointly indicated that their separate databases would be linked through coordinated communications to form a unified link registration system. After setting certain requirements, WTB concluded that a unified link registration system serves the same purpose as a single, shared database. *See id.* at 20526-27 ¶¶ 7-9.

⁹ *See 2004 Order*, 19 FCC Rcd at 20524 ¶ 1 (“[a]lthough we are designating three database managers at this time, we reserve the discretion to designate additional managers or change the current designations at a later date if circumstances indicate that such action is warranted.”), 20526-27 ¶ 7 (“we conclude that it is appropriate to designate more than one database manager, at least initially. We will continue to have the discretion to revisit this issue in the future if experience suggests such a course is prudent.”).

¹⁰ The Commission anticipated written agreements between the Commission and database managers. *See Report and Order*, 18 FCC Rcd 23340-41 ¶ 51. *See also* Wireless Telecommunications Bureau’s Broadband Division Announces Renewal of Database Managers for Management of the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, *Public Notice*, 24 FCC Rcd 14433 (WTB BD 2009).

¹¹ *See, e.g.*, Key Bridge Proposal at 1, 18-19.

¹² Key Bridge Proposal at 15 (*quoting 2004 Order*, 19 FCC Rcd at 20524 ¶ 1).

¹³ Key Bridge Proposal at 16-18.

¹⁴ *See id.* at 1-6.

*Notice*¹⁵ and in turn and states that it will comply with the duties and responsibilities listed in the *2004 Order*.¹⁶ Key Bridge also acknowledges that the current database managers already have a scheme for synchronizing their databases and states that it “is able to support the existing peering scheme between the current database managers.”¹⁷ We seek comment on the Key Bridge Proposal.

Procedural Matters. To allow the Commission to consider fully all substantive issues regarding the Key Bridge Petition in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁸ **A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.**

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the *ex parte* rules.¹⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comments are due no later than the Comment Date listed on the first page and reply comments are due no later than the Reply Date listed on the first page of this public notice. All filings should reference the docket number of this proceeding, which is listed on the first page of this public notice. Under the Commission’s current procedures for the submission of filings and other documents,²⁰ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission.

¹⁵ See *id.* at 1-14; see also *2004 Public Notice*, 19 FCC Rcd at 4600-01.

¹⁶ See Key Bridge Proposal at 6-11.

¹⁷ *Id.* at 6.

¹⁸ See 47 C.F.R. §1.45(c).

¹⁹ 47 C.F.R. § 1.1200 *et seq.*

²⁰ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

- **If filed by ECFS,**²¹ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.
- **If filed by paper,** the original and one copy²² of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: the Commission’s duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile). Any submission that is e-mailed to Best Copy and Printing should include in the subject line of the e-mail: (1) the docket number of this proceeding, which is listed on the first page of this public notice; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.*, WT Docket No. 13-__, [name of submitting party], Notice of *Ex Parte* Communication).

Copies of the Key Bridge Proposal and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The Key Bridge Proposal and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Key Bridge Proposal is also available electronically through ECFS, which may be accessed on the Commission’s Internet website at <http://www.fcc.gov>.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by e-mail: fcc504@fcc.gov; phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Charles Oliver, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-1325, email: Charles.Oliver@fcc.gov.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

²¹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

²² See 47 C.F.R. § 1.51(c).

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