



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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TTY: 1-888-835-5322

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITIONS OF SEVEN LICENSEES FOR WAIVER OF MULTICHANNEL VIDEO DISTRIBUTION AND DATA SERVICE TECHNICAL RULES

WT Docket No. 15-218

Comments due: October 14, 2015

Reply Comments due: October 29, 2015

Seven Multichannel Video Distribution and Data Service (MVDDS) licensees (“Petitioners”) have filed a total of 49 requests for waiver of certain MVDDS technical rules (“49 Waiver Requests”).¹ With this Public Notice, the Wireless Telecommunications Bureau (“Bureau”) is consolidating its consideration of the 49 Waiver Requests and seeking comment on them as described below.

The Petitioners seek waivers of Sections 101.113 note 11, 101.147(p), 101.1407, and 101.1411(a) of the Commission’s rules to use the 12.2-12.7 GHz band for two-way, point-to-point operation at an Effective Isotropic Radiated Power (EIRP) level of up to 55 dBm.² These rules limit MVDDS stations to one-way operation and an EIRP level of 14 dBm per 24 MHz in the 12.2-12.7 GHz band³ and are designed to protect Direct Broadcast Satellite Service (DBS) subscribers and Non-Geostationary Satellite Orbit Fixed Satellite Service (NGSO FSS) from MVDDS operations.⁴

¹ The seven licensees and 49 applications, with the associated 49 Waiver Requests, are listed in the Attachment to this Public Notice. The 49 Waiver Requests are essentially identical except for the applicant’s name and call sign.

² See GLW Waiver Request at 2; GLW Supplement at 1.

³ 47 C.F.R. §§ 101.113 note 11 (the EIRP for MVDDS stations is limited to 14.0 dBm per 24 MHz (–16.0 dBW per 24 MHz)), 101.147(p) (licensees can use channels of any desired bandwidth up to the maximum of 500 MHz provided the EIRP does not exceed 14 dBm per 24 megahertz), 101.1407 (MVDDS licensees must use spectrum in the 12.2-12.7 GHz band for any digital fixed non-broadcast service . . . including one-way direct-to-home/office wireless service. Two-way services may be provided by using other spectrum or media for the return or upstream path.), 101.1411(a) (MVDDS licensees are permitted to provide one-way video programming and data services).

⁴ Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the

The Petitioners state that granting the relief requested will not negatively impact Direct Broadcast Satellite (DBS) reception because “an increase in power, while maintaining the existing EPFD limit, would offer the same protection to DBS as the existing rules.”⁵ They also note that the 49 Waiver Requests “[do] not in any way disturb any existing notification process.”⁶ As a result, the Petitioners state that granting the 49 Waiver Requests would serve the public interest by allowing the 12.2–12.7 GHz bands to be “utilized more efficiently.”⁷

Requests for waiver of rules governing Wireless Radio Services are governed under Section 1.925 of the Commission’s rules.⁸ Additionally, when the Commission adopted service rules for MVDDS in 2002, it contemplated that MVDDS providers might petition for waivers of the MVDDS technical rules.⁹ Specifically, the Commission stated that “any entity seeking to employ a terrestrial service technology that does not comply with the technical rules must file a waiver petition, on which public comment will be sought.”¹⁰ As part of this waiver process, the Commission stated that “the entity must submit an independent technical demonstration of its equipment and technology.”¹¹ Accordingly, we seek comment on the 49 Waiver Requests.

Procedural Matters

A. Filing

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed either by filing paper copies or using the Commission’s Electronic Comment Filing System (ECFS). *See generally* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). When filing comments, please reference WT Docket No. 15-218.

- Electronic Filers: Comments may be filed using the Internet by accessing ECFS: <http://fcc.gov/ecfs/> Follow the instructions for submitting comments.
 - Generally, only one copy of an electronic submission must be filed and should include the docket or rulemaking number referenced in the caption. In completing

Commission’s Rules to Authorize Subsidiary Terrestrial use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. To Provide a Fixed Service in the 12.2-12.7 GHz Band, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Rcd. 9614 at 9617, 9691-92, and 9704 ¶¶ 2, 198, 235 (2002) (“*MVDDS MO&O*”).

⁵ GLW Waiver Request at 3.

⁶ GLW Supplement at 2. *See also* 47 C.F.R. § 101.1440(d).

⁷ GLW Waiver Request at 4.

⁸ 47 C.F.R. § 1.925.

⁹ *MVDDS MO&O* 17 FCC Rcd. at 9704, ¶ 236.

¹⁰ *Id.*

¹¹ *Id.*

the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking 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. Parties who choose to file by paper must file an original and four copies of each filing.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Office of the Secretary, Federal Communications Commission. Paper filings can be submitted by the following methods:
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail): Mail to 9300 E. Hampton Dr., Capitol Heights, MD 20743.
 - U.S. Postal Service (First-class, Express and Priority): Mail to 445 12th St., S.W., Washington, DC 20554.
 - Hand-delivered/Courier: Deliver to 445 12th St., S.W., Room TW-A325, Washington, DC 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. Envelopes and boxes must be disposed of before entering the building.

People with Disabilities: 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 & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

B. Availability of Documents

Documents in WT Docket No. 15-218 will be available for public inspection either through ECFS: <http://apps.fcc.gov/ecfs/>, or during regular business hours in the FCC Reference Center (CY-A257) at the Federal Communications Commission, 445 12th Street, SW., Washington, DC, 20554. These documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

C. Consolidation

The Petitioners’ 49 Waiver Requests involve substantially the same issues. On our own motion, we are consolidating our consideration of the 49 Waiver Requests.

D. Ex Parte Rules—Permit-But-Disclose Proceeding

Unless otherwise provided, requests for waiver of the Commission’s Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission’s Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission’s Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are

made with respect to the issues involved in the subject 49 Waiver Requests will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b). 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 Section 1.1206(b). In proceedings governed by Section 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.

FOR FURTHER INFORMATION CONTACT: Sue Gilgenbach, Broadband Division, Wireless Telecommunications Bureau at (202) 418-0639, or by e-mail at sue.gilgenbach@fcc.gov.

Action by the Chief, Broadband Division, Wireless Telecommunications Bureau.

– FCC –

ATTACHMENT

#	ULS File No.	Call Sign	Applicant Name
1	0006692050 ¹	WQAR512	Go Long Wireless, Ltd.
2	0006693229	WQAR513	Go Long Wireless, Ltd.
3	0006693548	WQAR514	Go Long Wireless, Ltd.
4	0006693551	WQAR515	Go Long Wireless, Ltd.
5	0006693553	WQAR516	Go Long Wireless, Ltd.
6	0006693555	WQAR517	Go Long Wireless, Ltd.
7	0006693771	WQAR518	Go Long Wireless, Ltd.
8	0006693804	WQAR519	Go Long Wireless, Ltd.
9	0006693821	WQAR520	Go Long Wireless, Ltd.
10	0006693826	WQAR521	Go Long Wireless, Ltd.
11	0006693829	WQAR522	Go Long Wireless, Ltd.
12	0006693879	WQAR523	Go Long Wireless, Ltd.
13	0006693901	WQAR524	Go Long Wireless, Ltd.
14	0006693941	WQAR525	Go Long Wireless, Ltd.
15	0006693954	WQAR527	Go Long Wireless, Ltd.

¹ The 49 Waiver Requests are essentially identical except for the applicant’s name and call sign. For convenient reference, we are uploading to ECFS one representative sample (ULS File No. 0006692050, Application of Go Long Wireless Ltd. to modify Call Sign WQAR512 (“GLW Waiver Request” and “GLW Supplement”). Each of the 49 Waiver Requests is available to the public in the FCC’s Universal Licensing System (ULS) at: <http://wireless.fcc.gov/uls/index.htm?job=home>. Go to Search, select Applications and enter a file number. The search results will include one or more inactive versions of the application and one pending version. Select the link to the pending version to review the pending application as amended to date.

#	ULS File No.	Call Sign	Applicant Name
16	0006693959	WQAR528	Go Long Wireless, Ltd.
17	0006693984	WQAR529	Go Long Wireless, Ltd.
18	0006693993	WQAR530	Go Long Wireless, Ltd.
19	0006694079	WQAR531	Go Long Wireless, Ltd.
20	0006694087	WQAR532	Go Long Wireless, Ltd.
21	0006698152	WQAR533	Go Long Wireless, Ltd.
22	0006698155	WQAR534	Go Long Wireless, Ltd.
23	0006698167	WQAR535	Go Long Wireless, Ltd.
24	0006740285	WQAR505	Satellite Receivers, Ltd.
25	0006740314	WQAR506	Satellite Receivers, Ltd.
26	0006740322	WQAR507	Satellite Receivers, Ltd.
27	0006741311	WQAR538	MVD Number 53 Partners
28	0006741331	WQAR539	MVD Number 53 Partners
29	0006741510	WQAR540	MVD Number 53 Partners
30	0006741527	WQAR541	MVD Number 53 Partners
31	0006741539	WQAR542	MVD Number 53 Partners
32	0006741554	WQAR543	MVD Number 53 Partners
33	0006741565	WQAR544	MVD Number 53 Partners
34	0006741574	WQAR545	MVD Number 53 Partners

#	ULS File No.	Call Sign	Applicant Name
35	0006741611	WQAR546	MVD Number 53 Partners
36	0006741627	WQAR547	MVD Number 53 Partners
37	0006743127	WQAR716	Vision Broadband, LLC
38	0006743137	WQAR717	Vision Broadband, LLC
39	0006743172	WQAR718	Vision Broadband, LLC
40	0006743176	WQAR719	Vision Broadband, LLC
41	0006743185	WQAR720	Vision Broadband, LLC
42	0006743188	WQAR721	Vision Broadband, LLC
43	0006743238	WQAR722	Vision Broadband, LLC
44	0006750485	WQAR509	Story Communications, LLC
45	0006750492	WQAR510	Story Communications, LLC
46	0006769272	WQAR488	Cass Cable TV, Inc.
47	0006769283	WQAR489	Cass Cable TV, Inc.
48	0006781263	WQAR723	WCS Communications, Inc.
49	0006819338	WQAR526	Go Long Wireless, Ltd.