

## Connie Diaz

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**From:** Keith Harper  
**Sent:** Thursday, May 14, 2020 6:22 PM  
**To:** Tony Lee  
**Cc:** FCC Operations Center; Sean Spivey; Charles Mathias; Cecilia Sulhoff; Connie Diaz  
**Subject:** Authorization Granted: 5850-5895 MHz Emergency STA Request - United Wireless Communications, Inc.  
**Attachments:** 2020.05.04 United Wireless 5 GHz STA Haskell County (01423838xB3D1E).pdf

Mr. Lee,

The application for an emergency STA filed by United Wireless Communications, Inc. on May 4, 2020 is granted via this email. The applicant will be using the 5850-5895 MHz band to provide relief during the state-of-emergency caused by the spread of COVID-19 throughout the United States. Applicant is advised that it must ensure proper protection of incumbents in the 5850-5895 MHz band and otherwise comply with the conditions described below.

This grant is for a period of 60 days, provided the applicant files a complete FCC Form 601 application for an STA to continue its operations in the 5850-5895 MHz band within 10 days of today's date (May 14, 2020). If applicant fails to file a complete FCC Form 601 application by this date, its STA will terminate at midnight on that date. Applicant's use of the 5850-5895 MHz band is authorized on a non-interference basis and is limited by the conditions described below.

By utilizing the 5850-5895 MHz band pursuant to this STA, the applicant agrees to the following conditions:

- It understands that operations under this STA are subject to the general conditions of operation set forth in Section 15.5 of the Commission's rules (including that its access is non-exclusive and not subject to interference protection). STA recipients with overlapping grants must work together to resolve interference concerns.
- It is responsible for ensuring that it does not cause interference to existing licensees. It must review existing DSRC licenses in this band to determine any nationwide, statewide, or countywide licenses that cover or are adjacent to its service area, as well as any site licenses that are near that service area. It must then contact each of these affected licensees before beginning operation and provide its contact information so that the licensee can inform it of interference issues. It may then begin operation; it need not await a response or approval. If a complaint of interference cannot be timely resolved, operation under this STA must cease. It may not operate within 2 kilometers of any site license, regardless of notification or actual interference.
- It will operate consistent with the power levels in Section 15.407(a)(3) of the Commission's rules.
- It will attenuate emissions at 5895 MHz to a level of -27dBm or less.
- It understands that any emergency STA grant is conditioned on the applicant filing a formal STA application on FCC Form 601 (Radio Service Code QQ) within 10 days of emergency STA grant. As part of that filing, it must provide a phone number which connects directly to a person who is able to immediately resolve any interference concerns arising from its operations pursuant to this STA.
- Upon expiration of this STA, it will cease operating in the 5850-5895 MHz band and retune equipment to operate in compliance with the Commission's equipment certifications; it will confirm with the

Bureau within 14 days of expiration that it has successfully retuned all of its devices to be compliant with Commission certifications.

- It understands that operations under this STA shall protect federal radiolocation services operating in the 5850-5895 MHz band and, to afford such protection, operations under this STA are prohibited within 75 kilometers of the locations listed in the table below and any additional sites specified by the Commission after initial grant.
- It understands that any structure utilized to operate pursuant to this STA must comply with the height limitations specified in Section 17.7 of the Commission's rules or must be registered with the FAA.

The following are federal radiolocation services locations. Operations under this STA are not permitted within 75 kilometers of these locations:

<b>Location</b>	<b>State</b>	<b>Latitude</b>	<b>Longitude</b>
Ft. Rucker	AL	311947N	0854255W
Redstone Arsenal	AL	343630N	0863610W
Ft. Huachuca	AZ	313500N	1102000W
Yuma Proving Grounds	AZ	330114N	1141855W
Naval Ocean Systems Center	CA	324500N	1171000W
Space and Missile Systems Center	CA	335500N	1182200W
Pacific Missile Test Center	CA	340914N	1190524W
Vandenberg AFB	CA	344348N	1203436W
Edwards AFB	CA	345400N	1175200W
Ft. Irwin	CA	351536N	1164102W
Ft. Hunter Ligget	CA	355756N	1211404W
Parks Reserve Forces Training Area	CA	374254N	1214218W
SAN NICOLAS IS	CA	331447N	1193107W
POINT MUGU	CA	340700N	1190900W
VANDENBERG	CA	343458N	1203342W
EDWARDS	CA	345739N	1175442W
PILLAR PT	CA	372952N	1222959W
Ft. Carson	CO	383810N	1044750W
U.S. Air Force Academy	CO	385800N	1044900W
Naval Research Laboratory	DC	385500N	0770000W
Patrick AFB	FL	281331N	0803607W
Tyndall AFB	FL	300412N	0853436W
Eglin AFB	FL	302900N	0863200W
SADDLEBUNCH	FL	243851N	0813622W
VENICE	FL	270437N	0822703W
MACDILL	FL	274843N	0823217W
ANCLOTE	FL	281118N	0824740W
CAPE SAN BLAS	FL	294039N	0852047W
CARABELLEFIELD	FL	295038N	0843946W
FORT WALTON BEACH	FL	302453N	0863958W
EGLIN	FL	303047N	0863256W
Ft. Stewart	GA	315145N	0813655W
Hunter Army Airfield	GA	320100N	0810800W

Ft. Benning	GA	322130N	0845815W
Ft. Gordon	GA	332510N	0820910W
Ft. Gillem	GA	333600N	0841900W
Ft. Shafter	HI	211800N	1574900W
Ft. Riley	KS	385813N	0965139W
Ft. Leavenworth	KS	392115N	0945500W
Ft. Campbell	KY	363950N	0872820W
Ft. Knox	KY	375350N	0855655W
Ft. Polk	LA	310343N	0931226W
Hanscom AFB	MA	422816N	0711725W
Naval Electronic Systems Engineering Activity	MD	381000N	0762300W
Mid-Atlantic Area Frequency Coordinator	MD	381710N	0762500W
Naval Research Laboratory	MD	383927N	0763143W
Army Research Laboratory	MD	390000N	0765800W
Naval Surface Weapons Center	MD	390205N	0765900W
Aberdeen Proving Ground	MD	392825N	0760655W
PATUXENT RIVER	MD	381749N	0762235W
Ft. Leonard Wood	MO	374430N	0920737W
Ft. Bragg	NC	350805N	0790035W
Ft. Dix	NJ	400025N	0743713W
Ft. Monmouth	NJ	401900N	0740215W
Picatinny Arsenal	NJ	405600N	0743400W
White Sands Missile Range	NM	322246N	1062813W
Holloman AFB	NM	322510N	1060601W
Kirtland AFB	NM	350230N	1063624W
WHITESANDS MISSILE RANGE	NM	330000N	1063000W
Nellis AFB	NV	361410N	1150245W
NEVADA TEST SITE	NV	363942N	1155957W
NV TEST TRAINING RANGE	NV	372460N	1163000W
TONOPAH TEST RANGE	NV	374400N	1164300W
Griffiss AFB	NY	431315N	0752431W
Ft. Drum	NY	440115N	0754844W
Wright-Patterson AFB	OH	394656N	0840539W
Ft. Sill	OK	344024N	0982352W
Naval Air Development Center	PA	401200N	0750500W
Charles E. Kelly Support Facility—Oakdale	PA	402357N	0800925W
Arnold AFB	TN	352250N	0860202W
Brooks AFB	TX	292000N	0982600W
Ft. Hood	TX	310830N	0974550W
Ft. Bliss	TX	314850N	1062533W
Midway Research Center	VA	382640N	0772650W
NORFOLK	VA	365505N	0761055W
WALLOPS ISLAND	VA	375137N	0753034W
Yakima Firing Center	WA	464018N	1202135W
Ft. Lewis	WA	470525N	1223510W

Ft. McCoy	WI	440636N	0904127W
Marinette	WI	450600N	0873748W

Keith D. Harper  
Associate Chief, Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission



1300 NORTH 17th STREET, 11th FLOOR  
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400  
FAX: (703) 812-0486  
www.fhhlaw.com  
www.commlawblog.com

May 4, 2020

**VIA EMAIL**

Donald Stockdale, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: United Wireless Communications, Inc.  
Request for Special Temporary Authority in the 5850-5895 MHz Band**

Dear Mr. Stockdale:

United Wireless Communications, Inc. (“United Wireless”), by its undersigned attorneys, hereby requests emergency Special Temporary Authority (“STA”) to deploy and operate in the 5850-5895 MHz portion of the U-NII-4 band on an unlicensed basis in Haskell County, Kansas. The U-NII-4 band (5850-5925 MHz) is shared with the Dedicated Short-Range Communications (“DSRC”) service (Radio Codes IQ and QQ) and certain federal users. The Commission initially approved a similar request from a group of wireless Internet service providers (“WISPs”) on March 27, 2020 (“WISP STA”),<sup>1</sup> and it approved a separate STA request by United Wireless related to service in five other Kansas counties on April 3, 2020.<sup>2</sup> United Wireless requests an additional STA to provide service using the U-NII-4 band on an unlicensed basis in Haskell County on the same terms as the Commission’s previously granted WISP STA and United Wireless STA. Grant of this request would serve the public interest by helping the company meet the surge in consumer demand for fixed wireless broadband services during the COVID-19 pandemic. United Wireless, therefore, respectfully requests a sixty (60) day STA, or such period as authorized by the FCC, to operate in the 5850-5895 MHz band as described in more detail below.

Since 1951, United Wireless and its parent company, United Telephone Association, Inc., have proudly provided telephone service to Southwest Kansas. In addition to wireless phone service, United Wireless offers internet access service, which it deploys via fixed wireless broadband networks. The communities United Wireless serves are largely rural – and often underserved. Because of the nature of some of the more distant communities United Wireless serves, many customers depend on its deployment of fixed wireless broadband networks in order to receive any broadband services at all.

<sup>1</sup> See <https://docs.fcc.gov/public/attachments/DOC-363358A2.pdf> (last visited Mar. 30, 2020).

<sup>2</sup> See <https://docs.fcc.gov/public/attachments/DOC-363833A1.pdf> (last visited May 4, 2020)

On March 28, 2020 Kansas Governor Laura Kelly issued Executive Order 20-16 (“Order”) ordering individuals to “stay in their homes or residences unless performing an essential activity.” That Order has since expired, but on April 30, 2020, Governor Kelly issued Executive Order 20-28 partially extending Kansas’s stay home order through May 31, 2020. Among other things, Executive Order 20-28 extends the closure of Kansas schools, expands the use of telemedicine, and permits the virtual performance of certain activities traditionally conducted in person, such as “authorizing notaries and witnesses to act via audio-video communications technology.” See Attachment 1. Moreover, while states are beginning to relax stay home orders, United Wireless expects an ongoing spike in bandwidth usage as consumers continue to practice social distancing even as stay home orders expire. United Wireless continues to experience a surge in bandwidth usage as consumer activity, schools, and businesses operate online.

Operation in the 5850-5895 MHz band by United Wireless has provided an important solution to help it meet increased demand in the counties where the Commission previously approved United Wireless’s STA, and the company believes grant of this STA will similarly help it meet increased demand in Haskell County. As noted in the WISP STA request, the 5850-5895 MHz band is not as congested as existing unlicensed bands. Moreover, United Wireless already has 5 GHz-compatible equipment deployed that can be quickly configured to operate in the 5850-5895 MHz band. Enabling operations in the requested band will not require installations to customer locations, which is a critical public interest consideration to mitigate health risks during the pandemic response.

United Wireless will comply with the conditions established in the WISP STA, including the following conditions:

- It understands that operations under an STA are subject to the general conditions of operation set forth in Section 15.5 of the Commission’s rules.
- It is responsible for ensuring that it does not cause interference to existing licensees.
- It must review existing DSRC licenses in this band to determine any nationwide, statewide, or countywide licenses that cover or are adjacent to its service area, as well as any site licenses that are near that service area. It must then contact each of these affected licensees before beginning operation and provide its contact information so that the licensee can inform it of interference issues. It may then begin operation; it need not await a response or approval. If a complaint of interference cannot be timely resolved, operation under an STA must cease. It may not operate within 2 kilometers of any site license, regardless of notification or actual interference.
- It will operate consistent with the power levels in Section 15.407(a)(3) of the Commission’s rules.
- It will attenuate emissions at 5895 MHz to a level of -27 dBm or less.
- It understands that any emergency STA grant is conditioned on the applicant filing a formal STA application on FCC Form 601 (Radio Service Code QQ) within 10 days of emergency STA grant.

- Upon expiration of this STA, it will cease operating in the 5.8 GHz band and return equipment to operate in compliance with the Commission's equipment certifications; it will confirm with the Bureau within 14 days of expiration that it has successfully retuned all of its devices to be compliant with Commission certifications.
- It understands that operations under an STA shall protect federal radiolocation services operating in the 5.8 GHz band and, to afford such protection, operations under this STA are prohibited within 75 kilometers of the locations listed in the WISP STA and any additional sites specified by the Commission after initial grant.
- It understands that any structure utilized to operate pursuant to this STA must comply with the height limitations specified in Section 17.7 of the Commission's rules or must be registered with the FAA.

Grant of United Wireless's request on the same terms as the WISP STA is in the public interest as this will enable United Wireless to meet unprecedented demand for fixed wireless broadband services during the COVID-19 pandemic. The Commission has granted other wireless providers access to additional spectrum to help meet increased demand for broadband service during this national emergency. United Wireless respectfully requests that the Commission grant the requested STA to allow operations in the 5850-5895 MHz band, so United Wireless's customers will not experience unnecessary broadband service slowdowns or outages while they are subject to Kansas's Executive Order 20-28 and social distancing guidelines remain in effect. Doing so will "make it easier for Americans to participate in telehealth, distance learning, and telework, and simply remain connected while practicing recommended 'social distancing.'"

In light of the foregoing, United Wireless requests that the Commission grant its request for an STA to operate in the 5850-5895 MHz band for sixty (60) days, or such period as authorized by the FCC. If there are any questions concerning this matter, please do not hesitate to contact the undersigned by phone at (703) 812-0442 or via email at [lee@fhhlaw.com](mailto:lee@fhhlaw.com).

May 4, 2020

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Respectfully submitted,

/s/ Tony S. Lee

James U. Troup  
Tony S. Lee  
Seth L. Williams  
Fletcher, Heald & Hildreth, PLC  
1300 N. 17th Street, Suite 1100  
Arlington, VA 22209  
Phone: 703-812-0400  
Email: [troup@fhhlaw.com](mailto:troup@fhhlaw.com)  
[lee@fhhlaw.com](mailto:lee@fhhlaw.com)  
[williams@fhhlaw.com](mailto:williams@fhhlaw.com)

Counsel for United Wireless  
Communications, Inc.

cc: Charles Mathias  
Roger Noel  
Jonathan Markman  
Ira Keltz  
Sean Spivey  
Keith Harper



**ATTACHMENT 1**

# STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH  
TOPEKA, KS 66612



PHONE: (785) 296-3232  
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

## EXECUTIVE ORDER NO. 20-28

Reissuing and extending certain Executive Orders relating to the COVID-19 pandemic

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 1,005,000 cases of the illness and more than 57,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act");

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, as of this date, in Kansas there have been 4,238 reported positive cases of COVID-19 spread among 80 counties, including 129 deaths;

**WHEREAS**, since March 12, 2020, I have issued emergency executive orders to address or combat the COVID-19 pandemic and its effects on Kansans;

**WHEREAS**, those orders each expire no later than when the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires;

**WHEREAS**, the Legislature, by House Concurrent Resolution 5025, has extended the State of Disaster Emergency through May 1, 2020, but under the Kansas Emergency Management Act there is currently no effective mechanism for additional extensions of the State of Disaster Emergency other than passage of another concurrent resolution through each legislative chamber;

**WHEREAS**, when the Legislature adjourned in March, Senate Concurrent Resolution 1615 stated that the Legislature would reconvene on April 27, 2020, or on another date determined by the Legislative Coordinating Council (“LCC”);

**WHEREAS**, on April 22, 2020, the LCC voted to not reconvene the Legislature on April 27, 2020, and delayed the decision on when or if to reconvene the Legislature to no later than May 6, 2020;

**WHEREAS**, as of this date, there is no indication that the LCC intends to reconvene the Legislature on or before May 1, 2020, and practically there is no possibility that the Legislature can reconvene to extend the State of Disaster Declaration by concurrent resolution before it expires;

**WHEREAS**, the clearest available mechanism to ensure the continued effectiveness and validity of emergency measures taken to respond to the COVID-19 pandemic—including emergency executive orders and essential federal support—is to issue a new State of Disaster Declaration under the Kansas Emergency Management Act;

**WHEREAS**, accordingly, I have issued a new State of Disaster Declaration in order to avoid the serious threats to public health, safety, and welfare that would otherwise ensue;

**WHEREAS**, the expiration of the previous State of Disaster Declaration requires that previous executive orders be re-issued under the authority triggered by the new State of Disaster Declaration; and

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925, to continue the emergency response efforts and other measures dealing with the COVID-19 pandemic I hereby direct and order the following:

1. Each executive order listed below is incorporated herein by reference and is hereby re-issued and remains in effect through May 31, 2020, or until the statewide State of Disaster Emergency proclaimed on April 30, 2020, relating to COVID-19 expires, whichever is earlier, unless a separate expiration date is noted below.
  - a. 20-03 – Extending states of local disaster emergency
  - b. 20-05 – Temporarily prohibiting utility disconnects

- c. 20-07 – Temporarily closing K-12 schools to slow the spread of COVID-19
- d. 20-08 – Temporarily expanding telemedicine and addressing certain licensing requirements to combat the effects of COVID-19
- e. 20-10 – Temporarily prohibiting certain foreclosures and evictions
- f. 20-11 – Temporarily requiring continuation of waste removal and recycling services
- g. 20-12 – Drivers' license and vehicle registration and regulation during public health emergency
- h. 20-13 – Allowing certain deferred tax deadlines and payments during the COVID-19 pandemic
- i. 20-16 – Establishing a statewide “stay home” order in conjunction with the KEFF for COVID-19 response efforts
  - i. EO 20-16 shall expire—in conjunction with EO 20-24—at 11:59 p.m. on May 3, 2020.
- j. 20-17 – Temporary relief from certain unemployment insurance requirements in response to the COVID-19 pandemic
- k. 20-19 – Extending professional and occupational licenses during the COVID-19 pandemic
- l. 20-20 – Temporarily allowing notaries and witnesses to act via audio-video communication technology
- m. 20-21 – Suspending the issuance of general nonresident spring 2020 turkey permits
- n. 20-22 – Extending conditional and temporary relief from certain motor carrier rules and regulations in response to the COVID-19 pandemic
  - i. EO 20-22 shall expire at 11:59 p.m. on May 15, 2020, unless extended by further order.
- o. 20-23 – Licensure, Certification, and Registration for persons and Licensure of “Adult Care Homes” during public health emergency
- p. 20-24 – Extending Executive Order 20-16 to May 3, 2020
  - i. EO 20-24 shall expire at 11:59 p.m. on May 3, 2020.
- q. 20-25 – Temporarily prohibiting mass gatherings of more than 10 people to limit the spread of COVID-19

- i. EO 20-25 shall expire at 11:59 p.m. on May 3, 2020
  - r. 20-26 – Temporary relief from certain restrictions and requirements governing the provision of medical services
  - s. 20-27 – Temporarily suspending certain rules relating to sale of alcoholic beverages
2. This order supersedes and amends the expiration dates noted in each executive order listed in paragraph 1 above.

This document shall be filed with the Secretary of State as Executive Order No. 20-28. It shall become effective immediately and remain in force until rescinded, until May 31, 2020, or until the statewide State of Disaster Emergency proclaimed on April 30, 2020, relating to COVID-19 expires, whichever is earlier.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR



DATED

4.30.2020

  
Secretary of State

Assistant Secretary of State

