

Connie Diaz

From: Elizabeth Fishel
Sent: Tuesday, June 2, 2020 12:30 PM
To: Susan Mort; Donald Stockdale; Dana Shaffer; Blaise Scinto; John Schauble; Paul Malmud; Stephen Buenzow (CTR); Peter Daronco; Nadja SodosWallace; Susan Mickley; Sommer Gilbert; Rick Torstrick
Subject: FW: STA Application Letter -Harlan 2-way Inc (Revised)
Attachments: EBS STA Application Letter -Harlan 2-way Inc-v2.pdf; DA 20-463 Public Notice.pdf

Revised STA Grant.

Harlan 2-Way Inc. 's request for emergency Special Temporary Authority (STA) to operate on unassigned 2.5 GHz spectrum, formerly Educational Broadband Service spectrum for a period of 60-days is granted via this e-mail. Harlan 2-Way, Inc. will be using this spectrum to provide relief during the state of emergency caused by the spread of the coronavirus throughout the United States.

Harlan 2-Way Inc. may use New Channel 2 (2551.5-2602.0 MHz) to transmit from a site located in Wallins Creek, Kentucky at 36-48-05.0 N., 083-22-37.0 W. , and it may use New Channel 1 (2502.0-2551.5 MHz) to transmit from a site located in Harlan, KY at 36-49-53.04 N., 083-19-23.92 W. This STA will also authorize operation on those same frequencies of fixed and mobile customer equipment located in Harlan County, Kentucky used in association with the transmitter sites listed above. This STA is authorized on a secondary, non-interference basis. Operation under this STA must be consistent with the technical rules applicable to this spectrum. Harlan 2-Way Inc. must cease operating at the expiration of this STA. In addition, the Harlan 2-Way Inc. must cease operating on these frequencies if such use causes harmful interference to any existing licensees. 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.

Harlan 2-Way Inc. must file an STA application for Special Temporary Authorization to continue its operations within 10 days of today's date (June 2, 2020). The STA application should be filed in the Commission's Electronic Comment Filing System (ECFS) as a Non-Docketed Filing in the FCC Inbox for 1.931 Market-based STAs, pursuant to the process described in the attachment to DA 20-463, a copy of which is attached to this email. In addition, a courtesy copy of the STA application should be emailed to the FCC staff members copied on this email. If you have any questions about the filing process, please contact Paul Malmud of the Broadband Division at Paul.Malmud@fcc.gov.

In granting this STA, the Wireless Telecommunications Bureau is relying on our understanding that Harlan 2-Way, Inc. is ready to begin operations promptly. Grant of this STA does not prejudice or impact the rights of any eligible entity to apply for unassigned EBS spectrum in Harlan County, Kentucky in the future, nor does it confer any rights to Harlan 2-Way, Inc. with regard to such future opportunity.

From: Rick Torstrick <rick@harlan2way.com>
Sent: Friday, May 29, 2020 3:33 PM
To: John Schauble <John.Schauble@fcc.gov>; Elizabeth Fishel <Elizabeth.Fishel@fcc.gov>; Paul Malmud <Paul.Malmud@fcc.gov>; Nadja SodosWallace <Nadja.SodosWallace@fcc.gov>
Cc: Rick Torstrick <rick@harlan2way.com>
Subject: STA Application Letter -Harlan 2-way Inc

Richard Torstrick

Harlan 2-Way Inc.
606-273-0100
rick@harlan2way.com

May 29, 2020

VIA EMAIL

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

Re: Request for Emergency Special Temporary Authority

Dear Mr. Stockdale:

Harlan 2-Way Inc. hereby requests emergency Special Temporary Authority (“STA”) to utilize unassigned Educational Broadband Service (EBS) spectrum. Harlan 2-Way Inc. requests to serve Harlan, Kentucky by operating on 2.5 GHz spectrum frequencies for a period of 60 days. The available EBS channels I am requesting to operate on are as follows: For site 1, located on Fox Knob, in Wallins Creek, KY, I am requesting New Channel 2 (2551.5-2692.0 MHz) with the GPS coordinates being 36-48-05.0 and 083-22-37.0. For Site 2, located at Harlan, KY, I am requesting New Channel 1 (2502.0-2551.5 MHz) with a GPS of 36-49-53.04 and 083-19-23.92. These channels have never been assigned and are not currently scheduled to be auctioned for the duration of this request. Grant of an STA will help us quickly deploy and meet the unique connectivity needs of our community during the coronavirus pandemic. If granted this STA, Harlan 2-Way can have the system up and running within 2 weeks of notification of acceptance. The distributor has the equipment in stock and can have it shipped within 5-7 days.

The coronavirus outbreak is a once-in-a-century health pandemic that has required a swift and significant response from all levels of government. The overwhelming majority of states currently have stay at home orders in place to prevent the spread of COVID-19 due to its potent virality. As a result, millions of Americans - including students, rural healthcare patients, nonprofits, and low-income individuals in Harlan, Kentucky who rely on local anchor institutions like schools and libraries for their daily connectivity needs now face significant connectivity challenges because many of these anchors have now been forced to close. Therefore, this STA will address the connectivity needs of our community.

The Commission has proactively responded to address this challenge in a variety of ways. The Commission has already granted a number of STAs for providers to put to use unused spectrum to meet the connectivity demands of Americans, including in the 2.5 GHz band.¹ Harlan 2-Way Inc. further notes that the Commission has recently granted a number of STAs to

¹ See News Release, *FCC Grants the Navajo Nation Temporary Spectrum Access to Meet Increased Wireless Broadband Needs During COVID-19 Pandemic* (Apr. 17, 2020).

help deliver communications services during the coronavirus pandemic, including the use of 600 MHz, AWS-3², AWS-4³, and U-NII-4 band⁴.

Even with these positive actions, many families in Harlan, Kentucky remain without connectivity options. The Harlan 2-Way can quickly deploy fixed broadband to more students and members of the community. Equipment costs are affordable and available off-the-shelf today. Numerous customer-premises equipment (CPE) are also available, some allowing installation without a truck roll, which reduces physical interaction and lowers the risk of spreading coronavirus to a consumer or installer. These unique advantages of the 2.5 GHz band spectrum are ideal for quick delivery of service.

Harlan 2-Way Inc. will comply with all service and technical rules associated with the 2.5 GHz EBS spectrum for the duration of the STA. Harlan 2-Way Inc. acknowledges that the grant of this STA is on a secondary, non-interference basis, that the STA is temporary, and that you will cease operations upon the termination of the STA

Harlan 2-Way Inc. understands that, a grant of an STA provides no permanent right to the spectrum that will be made available in the future 2.5 GHz auctions.

Harlan 2-Way Inc. is purchasing equipment that will be capable of operating in both the 2.5 GHz and CBRS bands and that if the 2.5 GHz STA expires, we will be able to continue providing some service in the CBRS band.

Harlan 2-Way Inc. urges the Commission to allow for the deployment of broadband at this time of crisis. Harlan 2-Way Inc. sincerely thanks the Commission for its consideration of this request. Please contact the undersigned by phone at 606-273-0100 or by email at rick@harlan2way.com . if there are any questions or concerns about this request.

Respectfully submitted,

Richard Torstrick

² See News Release, *FCC Provides U.S. Cellular Temporary Access to Additional Spectrum to Help Keep Americans Connected During Coronavirus Pandemic* (Mar. 17, 2020) and *FCC Grants Verizon Temporary Spectrum Access to Keep Americans Connected During COVID-19 Pandemic* (Mar. 18, 2020).

³ See News Release, *FCC Grants AT&T Temporary Spectrum Access for Puerto Rico and U.S. Virgin Islands to Meet Growing Broadband Needs During COVID-19 Pandemic* (Mar. 26, 2020).

⁴ See News Release, *FCC Grants Wireless ISPs Temporary Access to Spectrum in 5.9 GHz Band to Meet Increase in Rural Broadband Demand During Pandemic* (Mar. 27, 2020).