

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Unlicensed White Space Device Operations in the) ET Docket No. 20-36
Television Bands)

NOTICE OF PROPOSED RULEMAKING

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I. INTRODUCTION

1. In this Notice of Proposed Rulemaking (NPRM), we propose to revise our rules to provide additional opportunities for unlicensed white space devices operating in the broadcast television bands (TV bands) to deliver wireless broadband services in rural areas and applications associated with the Internet of Things (IoT). This region of the spectrum has excellent propagation characteristics that make it particularly attractive for delivering communications services over long distances, coping with variations in terrain, as well as providing coverage into and within buildings. We offer several proposals

to spur continued growth of the white space device ecosystem, especially for providing affordable broadband service to rural and underserved communities that can help close the digital divide.

II. BACKGROUND

2. Unlicensed white space devices can be used to provide a variety of wireless services, including broadband data. Fixed white space devices are being deployed today by Wireless Internet Service Providers (WISPs) to provide Internet connectivity in rural and underserved areas, including for schools and libraries. The Commission's Part 15 rules allow unlicensed white space devices to operate at locations where frequencies are not in use by licensed services.¹

3. In 2008, the Commission first authorized unlicensed white space device operations, both fixed and personal/portable, in portions of the VHF and UHF broadcast television bands (TV bands) that were not being used by TV broadcasters and associated services.² In 2010, 2012, and 2015, the Commission took steps to promote additional opportunities for unlicensed white space devices to use spectrum in the TV bands.³ To prevent harmful interference to broadcast television reception and other protected users, white space devices obtain a list of available channels and operating power levels that may be used at their particular location from databases administered by private entities approved by the Commission.⁴ Fixed white space devices must incorporate a geo-location capability and a means to access a database.⁵ Portable white space devices can either acquire a list of available channels via another device (Mode I), or themselves include geo-location and database access capabilities (Mode II).⁶

4. In the 2015 *White Spaces Order*, the Commission took additional action to promote white space device usage in the repacked TV bands following the broadcast TV spectrum incentive auction, and it also authorized white space device operations in the 600 MHz duplex gap, in unused spectrum in the 600 MHz service band (at locations where 600 MHz service licensees had not commenced operations), and unused portions of television channel 37 (in areas that would not interfere with Radio Astronomy Service and Wireless Medical Telemetry Service incumbents).⁷

5. In an effort to promote more flexibility for white space device operators in rural areas, the Commission permitted fixed white space devices, which under then-existing rules were limited to no more than 4 watts EIRP, to operate at higher power levels of up to 10 watts EIRP in "less congested"

¹ See generally 47 CFR Part 15 subpart H.

² *Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket Nos. 04-186 and 02-380, Second Report and Order and Memorandum Opinion and Order, 23 FCC Rcd 16807 (2008).

³ *Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket Nos. 04-186 and 02-380, Second Memorandum Opinion and Order, 25 FCC Rcd 18661 (2010); *Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket Nos. 04-186 and 02-380, Third Memorandum Opinion and Order, 27 FCC Rcd 3692 (2012) (*White Spaces Third MO&O*); *Amendment of Part of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37; Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and the 600 MHz Duplex Gap, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, ET Docket No. 14-165 and GN Docket No. 12-268, 30 FCC Rcd 9551 (2015) (*White Spaces Order*).

⁴ 47 CFR §§ 15.711(c)(2), (d)(2) and 15.715.

⁵ 47 CFR § 15.711(c)(1). Fixed devices must re-check the database for available channels at least once daily. 47 CFR § 15.711(c)(2).

⁶ 47 CFR §§ 15.703(i) and 15.711(d-e). A Mode I device is not required to incorporate geo-location and database access capabilities.

⁷ See generally *White Spaces Order*.

areas, which are defined as those areas where at least half the television channels are unused for broadcast services and available for white space use.⁸ In that order, the Commission retained the existing requirement that fixed devices operate on antennas that are no more than 30 meters above ground and no more than 250 meters height above average terrain (HAAT).⁹ Most recently, in March 2019, the Commission adopted the *White Spaces Report and Order and Order on Reconsideration*, in which it provided additional flexibility for fixed white space devices to operate at up to 100 meters above ground in “less congested” areas, but retained the 250 meter HAAT limitation based on the record before it.¹⁰

6. On May 3, 2019, Microsoft Corporation filed a petition for rulemaking requesting that the Commission provide additional flexibility for white space device operations in the TV bands.¹¹ Specifically, Microsoft requests that the Commission: (1) permit fixed devices in “less congested” areas to operate at higher radiated power, up to 16 watts EIRP, to support expansion of broadband in rural America, (2) permit fixed devices to operate with higher HAAT, up to 500 meters, to improve rural coverage, (3) examine the possibility of authorizing higher-power operations on first-adjacent channels to TV operations, with appropriate safeguards to prevent harmful interference, (4) permit higher power mobile operations within geo-fenced areas, and (5) adjust the rules to support narrowband IoT white space devices.¹²

7. The Commission sought comment on the petition,¹³ and 21 parties filed comments and 16 parties filed reply comments. These commenters include several proponents of white space device operations generally supporting Microsoft’s proposals, the National Association of Broadcasters (NAB), commenters concerned about protecting Wireless Medical Telemetry Service operations on Channel 37, and commenters concerned about the potential effect of Microsoft’s proposals on wireless microphone users that also operate on TV broadcast spectrum not being used by other authorized services.

III. DISCUSSION

8. We propose targeted changes to the white space device rules in the TV bands to provide improved broadband coverage that will benefit American consumers in rural and underserved areas. Specifically, we propose to permit higher transmit power and higher antenna HAAT for fixed white space devices in “less congested” geographic areas. In addition, we propose to permit higher power mobile operation within “geo-fenced” areas.¹⁴ We also propose rule revisions designed to facilitate the

⁸ *White Spaces Order*, 30 FCC Rcd at 9572, para. 51.

⁹ *White Spaces Order*, 30 FCC Rcd at 9573, para. 53.

¹⁰ *Amendment of Part 15 of the Commission’s Rules for Unlicensed White Space Devices; Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, ET Docket Nos. 16-56 and 14-165 and GN Docket No. 12-268, Report and Order and Order on Reconsideration, 34 FCC Rcd 1827, 1853, para. 67 (2019) (*White Spaces Order on Reconsideration*).

¹¹ Petition for Rulemaking, ET Docket No. 14-165 and RM-11840 (filed May 3, 2019), [https://ecfsapi.fcc.gov/file/1050380945109/White%20Spaces%20Petition%20for%20Rulemaking%20\(May%203%202019\).pdf](https://ecfsapi.fcc.gov/file/1050380945109/White%20Spaces%20Petition%20for%20Rulemaking%20(May%203%202019).pdf) (Microsoft Petition). Microsoft did not propose any rule revisions concerning the rules for unlicensed white space device operation on the 600 MHz duplex gap or the 600 MHz service band. *Id.*

¹² See generally *id.*

¹³ *Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, RM-11840, Public Notice, Report No. 3127 (CGB May 9, 2019).

¹⁴ A “geo-fenced” area as discussed in this NPRM refers to a defined geographic area in which a mobile white space device may operate. The white space device uses an incorporated geo-location capability such as GPS in conjunction with a database to determine the location of the device with respect to the boundaries of the defined area.

development of new and innovative narrowband IoT services. We also seek comment on methods that could be used to allow higher power operation by white space devices when operating within the service contour of an adjacent channel TV station. We do not propose any rule revisions for white space device operations above TV channel 35, including in the 600 MHz duplex gap or 600 MHz service band.

A. Fixed white space devices in rural areas in the TV bands

9. We propose rule changes for fixed white space devices that operate in the TV bands in order to enable improved broadband service in rural areas and underserved areas, defined as “less congested” areas in our rules. Specifically, we propose to increase the maximum permissible radiated power from 10 to 16 watts EIRP in these areas, and to increase the maximum permissible antenna HAAT from 250 meters to 500 meters.¹⁵ Because the maximum transmission range of a white space device is a function of both the power and antenna HAAT, these changes will enable white space devices to provide broadband service over larger areas. Given these proposed revisions, we also propose to protect other users of the TV bands by increasing the minimum required separation distances from protected TV service contours and other protected services for white space devices operating at the proposed higher power and antenna height limits, and we continue to protect Wireless Medical Telemetry Service and Radio Astronomy Service operations by maintaining the current power and HAAT limits on Channel 36.¹⁶ We seek comment on the benefits or costs of these proposed changes with respect to white space device users and to authorized users.

1. Higher power limits

10. The rules currently permit fixed white space devices in the TV bands to operate with a maximum of four watts EIRP in any area, provided the device meets minimum separation distances from co-channel and adjacent channel users in the band.¹⁷ In addition, a fixed white space device may operate with a higher power of up to 10 watts EIRP in the TV bands (except Channel 36) in “less congested” areas, defined as those areas where at least half the television channels in the band of operation (i.e., low VHF, high VHF or UHF) are not in use, and the fixed device complies with increased separation distances from other users in the band.¹⁸ Fixed white space devices are limited to one-watt maximum conducted transmitter power requiring radiated power levels above one-watt EIRP to use an antenna with directional gain, e.g., 6 dBi to produce four watts EIRP, and 10 dBi to produce 10 watts EIRP.¹⁹

11. In its petition, Microsoft requests that the Commission increase the radiated limit to permit fixed device operation with a maximum of 16 watts EIRP in “less congested” areas.²⁰ Advocates of white space device operations support this request.²¹ NAB, commenting on behalf of potentially affected broadcasters, indicates that it does not oppose this proposal provided appropriate separation

¹⁵ Height above average terrain for fixed white space devices is calculated using the same method as used for television broadcast services. See 47 CFR § 15.709(g)(1)(ii) (referencing 47 CFR §73.684(d)). HAAT is based on the terrain profile between 3.2 km and 16.1 km from the device along eight radials.

¹⁶ 47 CFR § 15.709(a)(2)(i) (limiting the 602-620 MHz band to 4 watts EIRP). We propose no changes to the power or HAAT limits in this band.

¹⁷ 47 CFR §§ 15.709(a)(2) & 15.712.

¹⁸ 47 CFR §§ 15.703(h), 15.709(a)(2), & 15.712.

¹⁹ 47 CFR § 15.709(c)(1)-(2).

²⁰ Microsoft Petition at 4.

²¹ Microsoft Petition at 4-5; 6Harmonics Comments at 1-2; Rural Partners Comments at 3; Adaptrum Comments at 2; Dynamic Spectrum Alliance Comments at 5; Nominet Comments at 2-3; Public Interest Organizations Comments at 6-7; RADWIN Comments at 1; Sacred Wind Communications Comments at 4-5; Wi-Fi Alliance Comments at 3; WISPA Comments at 2.

distances are established to protect broadcasters.²² Similarly, Sennheiser does not oppose revision provided the separation distances are revised to protect microphone operations.²³ Commenters supporting Wireless Medical Telemetry Service (WMTS) operations on Channel 37 oppose any revision that would change the existing power limits for white space device operations either on Channel 37 or on adjacent Channels 36 and 38.²⁴

12. We propose to permit fixed devices to operate in the TV bands, up to Channel 35, with a maximum 16 watts EIRP (12 dBW) in “less congested” areas.²⁵ This change will permit fixed devices used in less congested, including rural, areas to reach users at greater distances, thus enabling improved broadband coverage at less cost in these hard-to-reach areas. Higher power will also enable signals to better penetrate foliage, buildings, and other obstacles, thus providing improved coverage at locations where there is not a direct line-of-sight to the transmitter.

13. Specifically, we propose to maintain the one-watt transmitter conducted power limit for fixed devices and require that the higher power be achieved by using higher gain antennas, i.e., 12 dBi to produce 16 watts EIRP with one-watt transmitter power. Because higher gain antennas are more highly directional, this proposed requirement will improve spectrum efficiency by ensuring that less white space device energy is directed outside the main antenna beam than would be the case if we permitted higher transmitter power using lower gain, less directional antennas. We also propose that in cases where an antenna with a gain higher than 12 dB is used, the transmitter power must be reduced below one-watt by the amount in dB that the antenna gain exceeds 12 dBi. This requirement will ensure that the EIRP from a fixed device does not exceed the proposed 16-watt limit if a very high gain antenna is used. To maintain protection for Wireless Medical Telemetry Service and radio astronomy operations on Channel 37, we do not propose to revise our current rules to permit higher power operations in Channel 36 or higher at this time.²⁶

14. We seek comment on our proposal for permitting higher power operations in the TV bands (Channels 2-35). Should we allow the maximum radiated power level to increase from 10 watts EIRP to 16 watts EIRP in less congested areas? Would a different maximum from that proposed be more appropriate to enable service to rural areas? Should we allow even higher power levels under certain circumstances, and if so, what power levels and under what circumstances? How does the proposed antenna gain requirement affect the ability to serve rural areas? Should that requirement be relaxed or tightened? What are the trade-offs, both technically and economically, regarding the potential for causing interference versus the ability to serve more areas?

2. Higher antenna height above average terrain limits

15. The rules currently permit fixed white space devices to operate with a maximum 250 meter antenna HAAT.²⁷ If a fixed white space device antenna HAAT exceeds 250 meters, the white

²² NAB Comments at 2-3; *see also* Microsoft Petition at 4.

²³ Sennheiser Comments at 4.

²⁴ GE Healthcare Comments at 4-6; ASHE Comment at 3.

²⁵ We are not proposing any increase in power for white space devices on Channels 36, 37, or 38. The Commission previously decided to limit the maximum permissible power on Channel 37 to 40 milliwatts to protect operations in the 600 MHz service band, which is separated by three megahertz from Channel 37. 47 CFR § 15.709(a)(3). After the post incentive auction transition, the former Channel 38 will be split between the 3-megahertz 600 MHz guard band adjacent to Channel 37 and the lower three megahertz of the 600 MHz service band. We are not proposing to permit higher power in any portion of the 600 MHz service band (including the upper three megahertz of Channel 38), and white space devices will continue to be prohibited from operating in the 600 MHz guard band adjacent to Channel 37 (the lower three megahertz of Channel 38). 47 CFR § 15.707(a)(4).

²⁶ *Id.*

²⁷ 47 CFR § 15.709(g)(1)(ii).

space database will not provide a list of available channels to the device and the device is not permitted to operate. This requirement was adopted to limit the distance at which interference to other users of the TV bands could occur.²⁸ However, an antenna HAAT limit also precludes white space devices from operating at certain locations, e.g., those where the ground HAAT already exceeds 250 meters. In the *White Spaces Order on Reconsideration*, the Commission upheld its previous decision to maintain a 250-meter antenna HAAT limit but stated that it might consider increasing the limit in the future if there were a more complete record addressing this issue.²⁹

16. We now revisit the issue based on a more complete record. Microsoft argues that a higher HAAT limit subject to certain coordination conditions would reduce the likelihood of harmful interference.³⁰ NAB expresses support for such a change provided that the Commission adopts a special coordination requirement for all fixed white space device operations above 250 meters HAAT and also adjusts the separation distances to protect broadcasters.³¹ Sennheiser does not oppose this revision provided the separation distances are revised to protect microphone operations.³² WMTS interests do not oppose an HAAT limit provided it does not apply on Channel 37 or adjacent Channels 36 and 38.³³

17. We propose to increase the maximum permissible antenna HAAT for fixed white space devices operating on channels 2-35 from 250 meters to 500 meters and seek comment on appropriate procedures that may be necessary to ensure that broadcaster operations and other entities in the TV bands are protected. As commenters note, increasing permissible antenna HAAT will improve broadband coverage in rural areas by enabling signals to reach greater distances and will enable fixed white space devices to operate at locations where they are not currently permitted due to the 250-meter HAAT limit, such as existing towers located at higher elevations.³⁴ We also note that Microsoft, NAB and wireless interests agree that 500 meters is an appropriate maximum HAAT for fixed white space devices.³⁵ In addition, operation from a higher antenna site can help increase coverage by permitting devices to operate above the tree line to avoid signal losses through leaves and to avoid clutter such as buildings. To protect Wireless Medical Telemetry Service and radio astronomy operations on Channel 37, we do not propose to revise our rules to permit operation with a higher HAAT in Channel 36 or higher.³⁶

18. We seek comment on this proposal. What are the benefits of a higher HAAT limit in terms of improved rural coverage and increased transmitter site availability in high elevation areas? Will the increased fixed white space device transmission range associated with higher HAATs limit opportunities for spectrum sharing with other white space devices? Would an upper HAAT limit other than 500 meters be more appropriate? Should white space device operations at HAATs greater than 250 meters be limited to less congested areas?

19. We also seek comment on whether, as suggested by Microsoft, we should require a coordination procedure between white space devices and broadcast licensees when white space devices

²⁸ *White Spaces Order on Reconsideration*, 34 FCC Rcd at 1852-53, para. 67.

²⁹ *Id.*

³⁰ Microsoft Petition at 11.

³¹ NAB Comments at 3.

³² Sennheiser Comments at 4.

³³ GE Healthcare Comments at 4-6; ASHE Comment at 3.

³⁴ Microsoft Petition at 11; 6Harmonics Comments at 4; Rural Partners Comments at 5-6; Adaptrum Comments at 3-4; Dynamic Spectrum Alliance Comments at 6; Public Interest Organizations Comments at 7-8; Sacred Wind Communications Comments at 6-7; Wi-Fi Alliance Comments at 4; WISPA Comments at 3.

³⁵ *Id.* NAB agrees with a 500-meter maximum HAAT, subject to certain conditions. NAB Comments at 3.

³⁶ *See supra* note 26.

operate with HAATs exceeding 250 meters. Microsoft's proposed coordination procedures comprise several steps including notifying a white space administrators, notifying broadcast licensees, operating on a test basis on a 30 days trial authorization, as well as a process to submit claims of harmful interference, investigate such claims, and upon satisfactorily addressing any such claims, permit authorization on a permanent basis.³⁷ While we recognize that this proposed procedure is designed to address NAB's concerns that white space devices operating at higher power and antenna heights could cause harmful interference to TV service, we are concerned about the procedure's complexity and whether such procedures are even warranted given the existing obligations of unlicensed devices to protect authorized radio services.³⁸

20. We believe that a simpler alternative to Microsoft's suggested coordination procedure could be used to achieve the same results. Specifically, an alternative procedure could require a party wishing to operate a fixed white space device at HAATs greater than 250 meters to notify potentially affected protected entities of their intended operation at least 48 hours in advance.³⁹ The notification would include the prospective white space device operator's contact information, geographic coordinates of the antenna, antenna height above ground and average terrain, EIRP and channel(s) of operation.⁴⁰ While entities would be expected to acknowledge receipt of the notification, if a response is not received within 48 hours, the party installing the fixed white space device would be permitted to commence operation. Operators of fixed white space devices with HAATs greater than 250 meters would be required to provide information upon request to a potentially affected protected entity on the white space devices' operational hours to help licensees determine whether a white space device was causing harmful interference. For notification purposes, we would define a potentially affected station consistent with Microsoft's proposal—i.e., a station would receive notification that its broadcast contour was within the separation distance corresponding to an assumed HAAT 50 meters higher than the actual deployment. To accommodate actual deployments exceeding 450 meters where Microsoft did not provide a separation distance, we would add an additional row to the table of separation distances with relevant values.

21. We seek comment on this procedure. As a threshold, is such a procedure even necessary? If so, would the proposed procedure strike the proper balance between ensuring interference protection for protected entities and providing white space device operators with the ability to deploy devices with high HAATs in a timely manner? Are there other alternatives that would satisfy the same

³⁷ Microsoft Petition at 14-15. Under Microsoft's procedure, the party installing a fixed white space device with an HAAT greater than 250 meters must contact a white space database before deploying to identify all broadcast contours that would be within the applicable separation distance if the white space device were operating with an HAAT of 50 meters above the planned height. It must then notify each potentially affected licensee and provide them with relevant technical parameters of the proposed deployment and obtain confirmation of receipt of the information. The installing party may commence operation on a 30-day test basis 48 hours after notification. Additionally, the installing party must provide each potentially affected licensee with information on the time periods of test operations, during which a licensee would be able to submit claims of harmful interference to the installing party or the Commission. The installing party would be required to investigate and resolve all interference complaints before beginning permanent operations. Once a 30-day trial period ends and all interference reports are resolved, the white space database administrator would provide the device operator with a list of available channels at that location. The installing party would have to conduct a new coordination if it seeks to increase the power level or HAAT, or to change location more than 50 meters. *See id.*

³⁸ Additionally, the proposed coordination procedure appears to be incomplete as it does not impose an obligation on a TV station to respond to notification messages nor does it provide a means to permit white space device operation if a TV station simply chooses to ignore such notifications. Also, Microsoft fails to explain what it means to operate on a test basis for a 30-day trial period. Further, in its proposed separation distance table, Microsoft did not provide information regarding required separation distances for HAATs above 500 meters which would be needed to accommodate deployments with HAATs above 450 meters.

³⁹ Potentially affected protected entities can be identified using a white space database.

⁴⁰ Notification may be accomplished through e-mail, telephone, or other appropriate means.

requirements? Should protected entities be defined as described above or is there a better definition? What method of communication should a white space device operator use to contact licensees, e.g., e-mail or other electronic messaging, written mail, fax, telephone, etc.? How would any of these coordination/notification procedures affect the white space database operation? Could they be implemented quickly? What costs would be involved?

22. Under any coordination and/or notification procedure, previously coordinated devices would require new coordination/notification if a fixed white space device is moved more than 100 meters, or when an increase is made to the EIRP or HAAT that increases the minimum required separation distance from the contours of co-channel or adjacent channel TV stations. These proposed requirements are for the purpose of determining when a white space device operator must notify potentially affected stations of changes in the operating parameters of a device with an HAAT above 250 meters; we are not proposing to alter the current requirement that a fixed white space device must notify the database of changes in location of greater than 50 meters or in the antenna height above ground.⁴¹ The fixed white space device would need to obtain a new list of available channels when moved more than 100 meters. We recognize that Microsoft proposed to base new coordination requirements on a 50 meter distance (consistent with existing rules),⁴² but because Microsoft's proposed distances in the tables of required separations from TV station contours are rounded to the nearest 0.1 kilometer (100 meters), we see no reason to require a new coordination for changes less than this amount. We also note that the HAAT levels in the proposed table of separation distances is defined in 50-meter steps for HAAT's above 250 meters. Thus, there would be no need to require new coordination/notification for small HAAT increases within a 50-meter step. We seek comment on this proposal.

23. We are not proposing that white space devices operate during a specific test or trial period as suggested by Microsoft.⁴³ White space devices, like all other unlicensed devices, must not cause harmful interference to authorized services and must cease interference if harmful interference occurs.⁴⁴ Additionally, licensees can bring claims of harmful interference to the Commission or the party operating unlicensed devices at any time, so we do not believe that a 30-day trial period is necessary. We seek comment on this view.

24. *Antenna height above ground.* In a related matter, we seek comment on whether we should increase or remove the limit on antenna height above ground level. The Commission previously increased the maximum permissible antenna height above ground from 30 meters to 100 meters in "less congested" areas in the *White Spaces Order on Reconsideration*.⁴⁵ The Commission took this action to improve wireless broadband service to persons in rural and other underserved areas, noting that a 100-meter antenna height above ground limit will benefit wireless broadband providers and users by permitting antennas to be mounted on towers or other structures at heights sufficient to clear intervening obstacles such as trees and hills that would attenuate the transmitted signal, thereby increasing the range at which the signal can be received.⁴⁶ The Commission made no changes to the rule limiting maximum antenna HAAT to 250 meters at that time.⁴⁷

25. In light of our proposal to increase the maximum antenna HAAT to 500 meters in this *NPRM*, we believe it is appropriate to re-examine the antenna height above ground limit. Antenna heights

⁴¹ 47 CFR § 15.711(c)(1) and (c)(2)(iii).

⁴² 47 CFR § 15.711(c)(2)(iii).

⁴³ Microsoft Petition at 14.

⁴⁴ 47 CFR § 15.5.

⁴⁵ *White Spaces Order on Reconsideration*, 34 FCC Rcd at 1851, para. 64.

⁴⁶ *Id.*

⁴⁷ *Id.* at 1853, para. 67.

above ground and average terrain are directly related, in that any change to a station's antenna height above ground changes its HAAT by the same amount, e.g., a 30-meter increase in height above ground increases the HAAT by 30 meters. However, we note that limiting the antenna height above ground may also limit the maximum achievable HAAT in areas where the terrain is flat since in those areas the HAAT will be approximately the same as, or not significantly higher than, the antenna height above ground. Therefore, the antenna height above ground limit (30 or 100 meters) may preclude white space device operators from taking advantage of the higher HAAT limit we are proposing, or even the current 250-meter limit. Moreover, we note that the distance separation rules to protect TV reception are based on HAAT, not antenna height above ground level.

26. Accordingly, we seek comment on whether we should make any changes to the antenna height above ground limit. Does the current antenna above ground limit restrict flexibility to design and deploy white space networks? Should we increase the antenna height above ground limit, and if so, by how much? Should we remove the height above ground level limit completely and rely only on HAAT? Given that the separation distances are based only on HAAT and not the antenna height above ground, what effect, if any, would such a change have on the potential of causing harmful interference to a protected service? If we modify or remove the antenna height above ground limit, should the modified rules apply across the entire U.S. or only in certain areas (e.g., "less congested areas")?

3. Separation distances

27. Because white space device operations must protect other authorized services from harmful interference, with our proposed increases in fixed white space device maximum permissible radiated power and antenna HAAT in the TV bands, we also propose increases in the minimum required separation distances between white space devices operating at higher power/HAAT in order to protect these other authorized services from harmful interference.

28. *Protecting TV broadcasters.* We propose to apply the same methodology used by the Commission in its 2015 *White Spaces Order* and earlier for determining the minimum required separation distances from TV station protected contours.⁴⁸ The proposed table of separation distances from co-channel TV station contours, as modified to include a 16-watt power level and HAAT values up to 500 meters, is as follows. When an HAAT value falls on the boundary between two rows, e.g., 100 meters, the row with the greater separation distances shall be used, e.g., the row for 100-150 meters.

Fixed White Space Devices								
Antenna height above average terrain of unlicensed devices (meters)	Required separation in kilometers from co-channel digital or analog TV (full service or low power) protected contour based on fixed white space device EIRP							
	16 dBm (40 mW)	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)	42 dBm (16 W)
Less than 3	1.3	1.7	2.1	2.7	3.3	4.0	4.5	5.0
3 - 10	2.4	3.1	3.8	4.8	6.1	7.3	8.5	9.4

⁴⁸ *White Spaces Order*, 30 FCC Rcd at 9577-58, paras. 62-64; *White Spaces Third MO&O*, 27 FCC Rcd at 3698-99, para. 16.

10 - 30	4.2	5.1	6.0	7.1	8.9	11.1	13.9	15.3
30 - 50	5.4	6.5	7.7	9.2	11.5	14.3	19.1	20.9
50 - 75	6.6	7.9	9.4	11.1	13.9	18.0	23.8	26.2
75 - 100	7.7	9.2	10.9	12.8	17.2	21.1	27.2	30.1
100 - 150	9.4	11.1	13.2	16.5	21.4	25.3	32.3	35.5
150 - 200	10.9	12.7	15.8	19.5	24.7	28.5	36.4	39.5
200 - 250	12.1	14.3	18.2	22.0	27.3	31.2	39.5	42.5
250 - 300	13.9	16.4	20.0	23.9	29.4	35.4	42.1	45.9
300 - 350	15.3	17.9	21.7	25.7	31.4	37.6	44.5	48.4
350 - 400	16.6	19.3	23.2	27.3	33.3	39.7	46.9	51.0
400 - 450	17.6	20.4	24.4	28.7	35.1	41.9	49.4	53.8
450 - 500	18.3	21.4	25.5	30.1	36.7	43.7	51.4	55.9

29. Similarly, our proposed table of separation distances from adjacent channel TV station contours, as modified to include a 16-watt power level and HAAT values up to 500 meters, is as follows:

Fixed White Space Devices							
Antenna height above average terrain of unlicensed devices (meters)	Required separation in kilometers from adjacent channel digital or analog TV (full service or low power) protected contour based on white space device EIRP						
	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)	42 dBm (16 W)
Less than 3	0.1	0.1	0.1	0.1	0.2	0.2	0.3
3 - 10	0.1	0.2	0.2	0.2	0.3	0.4	0.5
10 - 30	0.2	0.3	0.3	0.4	0.5	0.6	0.7
30 - 50	0.3	0.3	0.4	0.5	0.7	0.8	1.0
50 - 75	0.3	0.4	0.5	0.7	0.8	0.9	1.0
75 - 100	0.4	0.5	0.6	0.8	1.0	1.1	1.3
100 - 150	0.5	0.6	0.8	0.9	1.2	1.3	1.5
150 - 200	0.5	0.7	0.9	1.1	1.4	1.5	1.7
200 - 250	0.6	0.8	1.0	1.2	1.5	1.7	1.9
250 - 300	0.7	0.8	1.0	1.3	1.6	2.1	2.3
300 - 350	0.7	0.9	1.1	1.4	1.8	2.2	2.4
350 - 400	0.8	1.0	1.2	1.5	1.9	2.4	2.7
400 - 450	0.8	1.0	1.3	1.6	2.1	2.6	2.9
450 - 500	0.8	1.1	1.4	1.7	2.1	2.7	2.9

30. We seek comment on these proposals. Do the proposed separation distances for the higher power and antenna HAAT levels provide adequate protection to co-channel and adjacent channel TV service? Are any other changes necessary to protect TV service in light of the proposed power and HAAT levels?

31. *Protection of other operations in the TV bands.* In addition to the broadcast television service, white space devices must protect certain other operations in the TV bands. These include TV translator receive sites, Low Power TV (including Class A) receive sites, Multi-channel Video Programming Distributor (MVPD) receive sites, fixed Broadcast Auxiliary Service (BAS) links, the private land mobile radio and commercial mobile radio services (PLMRS/CMRS), and Low Power Auxiliary Station services (referenced herein as licensed wireless microphones).⁴⁹ When the Commission increased the maximum power for fixed white space devices operating in less congested areas from 4 watts EIRP to 10 watts EIRP in the *White Spaces Order* in 2015, it also slightly increased the minimum required separation distances from TV translator receive sites, PLMRS/CMRS, and temporary BAS links.⁵⁰ Because we are now proposing to increase the maximum fixed white space device EIRP from 10 watts to 16 watts, and the maximum HAAT from 250 meters to 500 meters, we are proposing to make additional changes to the protection criteria for operations in the TV bands other than broadcasting.

32. We propose changes to the keyhole shaped exclusion zone that is specified to protect the receive sites of TV translators, low power TV stations, Class A TV stations, MVPDs, and BAS facilities from white space devices. Under the current rules, white space devices are prohibited from operating co-channel and adjacent channel to the TV channel(s) being received by these facilities over an arc of ± 30 degrees from a line between the receive site and each associated transmitter. The protection zone extends to a maximum distance of 80 kilometers from the protected receiver toward its associated transmitter for co-channel operations and to 20 kilometers for adjacent channel operation.⁵¹ In addition, to prevent interference from white space device signals outside the main beam of the protected receive antenna, white space devices are prohibited from operating within a circular area of 10.2 kilometers co-channel and 2.5 kilometers adjacent channel from the receive sites in all directions off the ± 30 degree arc when a white space device operates at an EIRP between four and ten watts. We believe the 80-kilometer co-channel and 20-kilometer adjacent channel protection distances are large enough to sufficiently protect these protected receive sites from interference from fixed devices operating at 16 watts EIRP. However, to protect these sites from white space devices that are located outside the main beam, we believe a modest increase in distance is necessary. We are therefore proposing to adjust those distances to prohibit fixed devices operating with EIRPs greater than 10 watts from operating within 16.6 kilometers co-channel and 3.5 kilometers adjacent channel outside the ± 30 degree arc of the protected received site. We seek comment on this proposal. Is an increase in separation distances necessary within the main beam of the antenna, and if so, what are the appropriate distances and how should they be calculated? Are increased separation distances necessary to protect receive sites outside the main beam of the receive antenna, and are the proposed separation distances appropriate?

33. We also propose changes to the protection criteria for the private land mobile radio services and commercial mobile radio services (PLMRS/CMRS). These services operate on TV channels 14-20 in 11 major markets and in some additional areas under rule waivers.⁵² PLMRS/CMRS operations are protected from interference from white space devices through a circular exclusion zone extending from the center of each market, or from specific geographic coordinates for operations under a waiver.⁵³

⁴⁹ 47 CFR § 15.712(b)-(d), (f).

⁵⁰ *White Spaces Order*, 30 FCC Rcd at 9576-77, paras. 59-60.

⁵¹ 47 CFR § 15.712(b)-(c).

⁵² 47 CFR § 90.305 and 47 C.F.R. § 22.625.

⁵³ The zone extends to 134 kilometers for co-channel operations and 131 kilometers for adjacent channel operations for a fixed white space device EIRP of up to four watts, and to 136 kilometers for co-channel operations and 131.5

(continued....)

These exclusion zones are based on the Commission's methodology described in the *White Spaces Second Report and Order*.⁵⁴ Using the same methodology the Commission previously used to determine the protection zones, we propose that fixed white space devices operating at more than 10 watts EIRP in less congested areas may not operate within a circular exclusion zone of 139.2 kilometers co-channel and 132.2 kilometers adjacent channel of the 11 major markets where PLMRS/CMRS stations are permitted to operate and within 59.2 kilometers co-channel and 52.2 kilometers adjacent channel of PLMRS/CMRS base stations operating outside the 11 major markets under a waiver. We seek comment on these proposals. Are the proposed separation distances appropriate to protect PLMRS/CMRS operations? Should we define three sets of exclusion zones based on power levels, e.g., up to four watts, between four and ten watts, and greater than ten watts, or should we combine two or more tiers for simplicity as there is not a large difference between them? What effect might these proposals have on implementing the statutory directive for the Commission to transition public safety operations out of T-Band and auction the spectrum for use by other services?⁵⁵

34. With regard to licensed wireless microphones, we propose to increase the minimum required separation distance from fixed white space devices operating at power levels greater than 10 watts from one kilometer to 1.3 kilometers. This proposed change is intended to provide the same protection level to licensed wireless microphones as the current rules.⁵⁶ We calculated this increased distance using the conservative assumption of free space propagation.⁵⁷ We seek comment on this proposal. Is it necessary to increase the minimum required separation distance from licensed wireless microphones, and is our proposed distance appropriate?

B. Definition of "less congested" area

35. To provide more flexibility to white space device operators in rural areas, the Commission in its 2015 *White Spaces Order* modified the Part 15 rules to permit fixed white space device operators in "less congested" areas to operate beyond the 4 watt EIRP limit up to 10 watts EIRP to increase their service range and provide increased opportunities to serve more distant customers at less cost.⁵⁸ As defined and set forth in that order, fixed white space devices are allowed to operate in the low VHF, high VHF, and UHF TV bands in "less congested" locations where within the band of intended

(Continued from previous page) _____

kilometers for adjacent channel operations for a fixed white space device EIRP between four and ten watts. For PLMRS/CMRS stations operating pursuant to a waiver, the zone extends to 54 kilometers for co-channel operations and 51 kilometers for adjacent channel operations for a fixed white space device EIRP of up to four watts, and to 56 kilometers for co-channel operations and 51.5 kilometers for adjacent channel operations for a fixed white space device EIRP between four and ten watts. 47 CFR § 15.712(d).

⁵⁴ *Unlicensed Operation in the TV Broadcast Bands and Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket Nos. 04-186 and 02-380, Second Report and Order, 23 FCC Rcd 16807, 16873-16875, para.190-193 (2008) (*White Spaces Second Report and Order*) and 47 CFR 74.709. The protection for PLMRS from white space devices are based on a determination that the field strength from a TV band device on a co- or adjacent channel should not be permitted to exceed 52 dBµV or 76 dBµV, respectively, at the 130 km protected radius of the PLMRS/CMRS metropolitan area. Using these criteria, the FCC F(50,10) curves in Section 73.699 of the rules and assuming a fixed white space device operating at 4 watts EIRP and 30 meters AGL, the Commission determined that a white space device needed to be 4 km co-channel and 1 km adjacent channel beyond the PLMRS protected contour.

⁵⁵ Pub. L. No. 112-96, 126 Stat. 156 (2012), § 6103.

⁵⁶ 47 CFR § 15.712(f). Fixed white space devices must operate at least one kilometer away from licensed wireless microphones that are registered in the white space database.

⁵⁷ The change in distance using a free space propagation model is proportional to the square root of the change in power level, so an increase in maximum power by a factor of 1.6 increases the propagation distance by a factor of 1.25.

⁵⁸ *White Spaces Order*, 30 FCC Rcd at 9572-74, paras. 49-55.

operation at least half of the TV channels that will continue to be allocated and assigned only for broadcast service are unused for broadcast and other protected services and are available for white space device use.⁵⁹ The Commission chose this definition of “less congested” because it identifies those locations where a large amount of spectrum is available for white space devices.⁶⁰ An area where the spectrum is “less congested” would typically be a rural or semi-rural area. The Commission noted that a population-based metric may not correlate to the same areas.⁶¹

36. We seek comment on whether any changes are necessary to the definition of “less congested” area given the revised rules that we are proposing in this NPRM. Is the current definition appropriate, i.e., that half the channels in the band of operation be vacant? If not, what is an appropriate metric for defining “less congested” area? Because the number of vacant channels at a location can vary based on the EIRP and HAAT of a white space device, should we define vacant channels at a particular antenna height and power level? Nominet expressed concern that because the required separation distances from TV station contours vary according to white space device HAAT, it can be difficult to determine the precise number of channels that may be vacant in any given area. Nominet proposes that the Commission revise the definition to one based on population density, which would make it easier to determine where devices that operate with higher power or antenna height can be deployed to serve more rural areas.⁶² Should we instead base the definition of “less congested” on the population density of an area where the white space device is located as suggested by Nominet? If we were to adopt a definition of “less congested” based on population density, what is the appropriate population density and how would the white space database determine whether a location meets the definition? How would such changes affect the availability of “less congested” areas compared to those available today? Would such areas be more pervasive? Or less? Are there other technical requirements we could adopt in conjunction with a change to the definition of “less congested” areas to reduce the potential of causing harmful interference when higher EIRP and HAATs are used? Finally, we request comment on the benefits or costs of any changes to the Commission’s current definition.

C. Higher power mobile operation within “geo-fenced” areas

37. The white space rules permit two general classes of devices, fixed devices and personal/portable devices. As noted above, under the current rules fixed white space devices may operate with up to four watts EIRP generally, and up to 10 watts in “less congested” areas. Personal/portable devices may operate with a maximum EIRP of 100 milliwatts,⁶³ may load channel availability information for multiple locations from the white space database and use that information to define a geographic area within which it can operate on a mobile basis on the same available channels at all locations, and they must contact the database again if they move beyond the boundary of the area where the channel availability data is valid.⁶⁴

38. In its petition, Microsoft requests that the Commission permit the use of fixed devices on mobile platforms, such as school buses or agricultural equipment, within “geo-fenced” areas, i.e., defined

⁵⁹ *Id.* at 9573-74, para. 54; *see* 47 CFR § 15.703(h).

⁶⁰ *Id.* at 9573, para. 54.

⁶¹ *Id.*

⁶² Nominet Comments at 2-3.

⁶³ 47 CFR § 15.709(a)(2)(ii). There are two types of personal/portable devices. Mode II devices obtain a list of available channels directly from a white space database, and Mode I devices obtain a list of available channels through a fixed device or a Mode II portable device. The maximum permissible 100 milliwatts radiated power is the same for both types.

⁶⁴ 47 CFR § 15.711(d)(5). This provision applies to Mode II devices, which obtain a list of available channels directly from the white space database.

geographic areas over which a mobile device is permitted to operate.⁶⁵ This proposal is analogous in many respects to the rules for personal/portable devices that are permitted to operate within a defined geographic area. Microsoft, however, proposes to permit mobile white space devices to operate at higher power levels than the rules currently permit for personal/portable devices (i.e., at the same power level as is permitted for fixed white space devices), and proposes specific additional restrictions to prevent harmful interference to users of the TV bands.⁶⁶ Advocates of white space device operations generally support Microsoft's proposal.⁶⁷

39. We propose to allow white space devices to operate on TV Channels 2-35 on mobile platforms within geo-fenced areas at higher power levels than the rules currently permit for portable devices, and propose to limit such operations to "less congested" areas to limit their potential for causing harmful interference. Microsoft suggests that we permit fixed devices to operate on mobile platforms. However, because fixed stations, by definition, are stations that communicate between fixed points (i.e., stations that do not move),⁶⁸ we are instead proposing to allow mobile Mode II personal/portable white space devices to operate at higher power levels commensurate with that allowed for fixed devices within "less congested" areas and limited to pre-cleared geo-fenced areas. These types of geo-fenced operations could benefit persons in rural areas by enabling improved communications on moving vehicles such as school buses and agricultural equipment, and for applications such as monitoring roaming livestock.⁶⁹ We seek comment on the benefits or costs of this proposal with respect to white space device users or other authorized users of the TV band spectrum.

40. We note that the Commission previously granted an experimental license to Microsoft to provide high speed wireless Internet service to school buses and a waiver to Deere & Company to permit operation of a white space device on a mobile platform, specifically, off-road agricultural equipment.⁷⁰ We propose to permit a higher power Mode II white space device installed on a movable platform to load channel availability information for multiple locations in the vicinity of its current location and to use that information to define a geo-fenced area within which it can operate on the same available channels at all locations. Consistent with the requirements for Mode II personal/portable devices, we propose to require that the white space device's location be checked at least once every 60 seconds while in operation, except while in sleep mode, i.e., in a mode in which the device is inactive but is not powered-down.⁷¹ We recognize, however, that checks every 60 seconds may be insufficient to protect services in locations where coverage contours and usage of wireless microphones varies rapidly from one location to the next. To limit the potential of movable devices to cause harmful interference, we propose that a device may not

⁶⁵ Microsoft Petition at 22-24. A white space device would use an incorporated geo-location capability such as GPS in conjunction with a database to determine its location with respect to the defined area where operation is permitted.

⁶⁶ Microsoft Petition at 22-26.

⁶⁷ 6Harmonics Comments at 6; Rural Partners Comments at 6; Connect Americans Now Comments at 3; Dynamic Spectrum Alliance Comments at 8-9; NAB Comments at 3-4; Nominet Comments at ; Public Interest Organizations Comments at 8-9; Radwin Comments at 2; Sacred Wind Communications Comments at 7-8; Wi-Fi Alliance Comments at 6.

⁶⁸ 47 CFR § 2.1.

⁶⁹ Microsoft Petition at 22.

⁷⁰ Microsoft experimental license WJ2XCD, file number 0049-EX-CM-2018, granted April 2, 2018 and *Deere & Company Request for Limited Waiver of Part 15 Rules for Fixed White Spaces Device*, ET Docket No. 15-185, Order, 31 FCC Rcd 2131 (2016). Deere & Company argues that this waiver should not be cited as support for Microsoft's petition because it has not operated any transmitters under the waiver, and the waiver specifically authorized farm equipment moving at relatively slow speeds rather than fully mobile vehicles operating on commercial roads at up to highway speeds. Deere & Company Comments at 1-2.

⁷¹ 47 CFR § 15.711(d)(1).

use channel availability information for multiple locations if/when it moves closer than 1.6 kilometers to the boundary of the geo-fenced area in which the device operates, or at any point outside that boundary. This proposed limitation is designed to ensure that a device moving at 60 miles per hour (1.6 kilometers per minute) does not cross outside the boundary between device re-checks of its location. We further propose, as recommended by NAB, to prohibit operation on board aircraft or satellites to limit the range at which interference could occur.⁷²

41. We seek comment on these proposals. Should we allow Mode II portable devices to operate at higher power in “less congested” areas, and how would such operations benefit persons in those areas? Should we instead permit devices operating under the fixed device rules to operate on mobile platforms as suggested by Microsoft and others? What effect would either approach have on the equipment approval process for white space devices? For example, could portable Mode II devices be approved at the higher power level for general usage because the database would limit the amount of power that they could use for operations in any specific area?⁷³ What antenna requirements should apply to higher power mobile devices? We note that under the current rules, fixed devices may use detachable antennas with high gain, whereas portable devices must use permanently attached antennas, which can have the effect of limiting antenna size and gain.⁷⁴ Should we allow higher power mobile devices to use detachable, higher gain antennas as we permit for fixed devices? Can technologies such as electronically steerable beams allow mobile devices to operate with higher gain, and therefore more highly directional, antennas? If we permit use of detachable antennas for higher power mobile white space devices, should we create a new class of white space devices, such as mobile white space devices, to distinguish such devices from personal/portable white space devices? Are there other rules that need to be modified or limitations that should be imposed for such use?

42. We also seek comment on other requirements for higher power mobile white space devices. Are the proposed operational limitations sufficient to protect other users of the TV bands, including television, cable headends, translator receive sites and wireless microphone users? Do we need to place limitations on the size of the area over which a higher power mobile device could operate? Is four watts an appropriate maximum power to permit for such operations or should a different maximum power level be permitted (e.g., 10 watts or 16 watts EIRP)? Would mobile devices operating at higher power levels be able to comply with the Commission’s RF safety requirements?⁷⁵ Do we need to specify how information on an area will be provided to the white space database?⁷⁶ Are any other safeguards needed to ensure that higher power mobile devices do not cause harmful interference to protected operations, especially operations that are close to, but outside, the edge of a pre-cleared geo-fenced area? Are there concerns about coexistence between higher power mobile white space devices and other mobile or fixed white space devices? Is there a need to prohibit operation on board aircraft and satellites or any other mobile platforms such as trains and boats? Should we limit operation of higher power mobile devices to less congested areas as we propose and as suggested by some commenters?⁷⁷ Are any changes to the white space databases needed to permit the proposed operation?

⁷² NAB Comments at 3-4.

⁷³ We are proposing to limit operation of higher-powered mobile devices to TV Channels 2-35, and the certification process will ensure that devices are capable of operating at higher power on only those TV band channels where such operation is permitted.

⁷⁴ 47 CFR §§ 15.709(c) and (g)(2).

⁷⁵ 47 CFR § 15.709(h).

⁷⁶ Nominet believes that the Commission should provide additional clarity in the rules concerning the locations where a device needs to check channel availability. Nominet Comments at 6.

⁷⁷ Sennheiser Comments at 5; Shure Comments at 7.

D. Narrowband IoT operations

43. Fixed white space devices operating with four watts or greater EIRP must comply with a power spectral density (PSD) limit of 12.6 dBm per 100 kilohertz, which limits total conducted power within any 6-megahertz television channel to 30 dBm.⁷⁸ The PSD limit is proportionally lower for devices operating at lower EIRP levels.⁷⁹ The Commission established PSD limits to prevent multiple white space devices from operating at the maximum allowable power with transmit bandwidths less than six megahertz within a single television channel, which would result in a total transmitted power within that channel significantly greater than the limit.⁸⁰ These PSD limits were calculated based upon a single white space device spreading its energy uniformly across a 6-megahertz television channel bandwidth. The limits serve to limit the maximum power of white space devices with bandwidths of less than 6-megahertz, e.g., a white space device that operates with a bandwidth of half a television channel would be limited to half the power of a device that operates across a full channel.

44. Microsoft contends that the current rule limits the usefulness of white space devices for narrowband applications such as IoT.⁸¹ In its petition, Microsoft recommends that the Commission address this issue and provide technical revisions and clarifications to support IoT investment and deployment with a small number of targeted rules to enable narrowband devices.⁸² Microsoft states that IoT white space devices can leverage the greater range afforded by lower transmission frequencies, better penetration through foliage, and non-line-of-sight operation to also support large-scale environmental monitoring as well as applications in extractive industries that operate predominantly in rural areas.⁸³ Microsoft proposes a definition for “narrowband” white space devices, requiring the limitation of bandwidth to no greater than 100 kHz, the incorporation of a listen-before-talk spectrum access mechanism, restriction to certain low-bandwidth data applications, and other restrictions, including prohibition from operation within 250 kHz of the band edge, and application of separation distances that apply to 4 W devices.⁸⁴ Advocates of white space device operations generally support Microsoft’s request to modify the white space rules to accommodate narrowband IoT applications, with some modifications.⁸⁵ NAB also supports the proposal subject to the limitations that Microsoft specified.⁸⁶ Radwin, in supporting the proposal, states that the Commission must ensure that the rules include a spectrum management mechanism that provides coordination between broadband and narrowband white space device operations to enable sufficient space between narrowband sub-channels and broadband white space device operations that require full 6-megahertz channels.⁸⁷ Commenters supporting wireless

⁷⁸ 47 CFR § 15.709(b)(1)(iii).

⁷⁹ *Id.*

⁸⁰ A PSD limit prohibits high power concentrations in a single channel, which reduces the interference potential to TV stations and other services in the TV bands. *Unlicensed Operation in the TV Broadcast Bands and Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket Nos. 04-186 and 02-380, Second Memorandum Opinion and Order, 25 FCC Rcd 18661, 18695, para. 83 (2010).

⁸¹ The white space PSD limits were designed to ensure that the energy from a transmitter is spread uniformly across most (5.5 megahertz) of a six-megahertz channel, while allowing for roll-off near the channel edges to comply with the adjacent channel emission limits. *White Spaces Third MO&O*, 27 FCC Rcd at 3703-3704, para. 30.

⁸² Microsoft Petition at 18.

⁸³ Microsoft Petition at 15.

⁸⁴ Microsoft Petition at 15-22.

⁸⁵ 6Harmonics Comments at 4-; Rural Partners Comments at 6-7; Adaptrum Comments at 4-5; Dynamic Spectrum Alliance Comments at 9-11; Nominet Comments at 6; Public Interest Organizations Comments at 8; Radwin Comments at 2-3; Sacred Wind Communications Comments at 8; Wi-Fi Alliance Comments at 7-9.

⁸⁶ NAB Comments at 4-5.

⁸⁷ Radwin Comments at 2-3.

microphone operations in the TV bands either oppose the proposal⁸⁸ or state that narrowband devices should be subject to the same or similar emissions masks required for wireless microphone operations.⁸⁹

45. We propose to modify the white space rules to facilitate the deployment of narrowband IoT devices.⁹⁰ TV band frequencies are better able to penetrate foliage and other obstacles than higher frequencies, thus providing improved transmission range for IoT devices. Specifically, we propose to define a “narrowband white space device” as a type of fixed or personal/portable white space device operating in a bandwidth of no greater than 100 kHz. We also propose that narrowband white space devices be client devices that communicate with a fixed or Mode II master device that contacts the white space database to obtain a list of available channels and operating powers at its location.

46. We propose to permit narrowband white space devices to operate with a conducted PSD of up to 12.6 dBm/100 kHz, which is the same level permitted for fixed devices that operate with the maximum permissible one-watt conducted power in a six megahertz channel, and to require narrowband devices to comply with the same maximum antenna gain requirements as fixed devices.⁹¹ We further propose to require narrowband white space devices to comply with an emission limit of -42.8 dBm into adjacent channels, i.e., outside of the six megahertz channel in which they operate. These proposed requirements will clarify that a white space device can operate with a single or several narrowband carriers rather than having to spread all of its energy across a six megahertz channel and will ensure that narrowband white space devices have no greater interference potential than wider bandwidth devices operating under the current rules. To ensure that the total energy in a single TV channels does not cause harmful interference, we propose to limit each transmitter to a total operation of ten seconds per hour. We believe that this proposal will prevent narrowband IoT devices from being used for data intensive applications, including continuous transmissions, transmissions of audio and video or remote control of toys.⁹²

47. We propose to require narrowband devices to use a channel plan that limits total transmitted power in a six-megahertz channel to no higher than the existing limits for a four-watt EIRP broadband white space device. Specifically, we propose to require narrowband white space devices to operate at least 250 kilohertz from the edge of a six-megahertz TV channel, unless the adjacent channel is also vacant, and to permit narrowband white space devices to operate only on channels centered at integral multiples of 100 kHz between the 250 kHz guard bands. The net effect of these proposed requirements is that narrowband devices could operate within 55 possible 100-kilohertz channels in the center 5.5 megahertz of each six-megahertz channel. Even in the event that all 55 narrowband channels within a six-megahertz channel were occupied simultaneously by devices operating at maximum power, the maximum conducted and radiated power within that six-megahertz channel would be no greater than for a fixed device operating with one-watt conducted power and four watts EIRP.⁹³

⁸⁸ Sennheiser Comments at 4-5.

⁸⁹ Shure Comments at 14-15.

⁹⁰ Microsoft Petition at 15-22; NAB Comments at 4-5.

⁹¹ If the maximum antenna gain exceeds 6 dBi, the white space device power must be reduced by the same amount in dB that the maximum gain exceeds 6 dBi. 47 CFR § 15.709(c)(1).

⁹² Microsoft Petition at 18-19.

⁹³ Fifty-five times (+17.4 dB) the conducted power of 12.6 dBm/100 kHz produces a total power of 30 dBm (one watt), the maximum permissible power for a fixed device. Using the proposed 6 dBi antenna gain, the total EIRP would be four watts. In the event that an adjacent six-megahertz channel is vacant and a 250 kilohertz guard band is not necessary, an additional two narrowband channels could be used, but they would only increase the total power within the six-megahertz channel by a maximum of 0.16 dB, assuming all narrowband channels were in use simultaneously at maximum power. We believe that is an unlikely scenario.

48. Microsoft also proposed to require narrowband devices to use a listen-before-talk mechanism.⁹⁴ We disagree. We expect that manufacturers and standards groups will have an incentive to develop their own protocols to prevent multiple devices from transmitting simultaneously and interfering with each other without a regulatory mandate.

49. We seek comment on these proposals. Is the proposed definition of narrowband white space device appropriate for the intended IoT applications? Should narrowband personal/portable devices be subject to lower emission limits than those proposed since the proposed limits are based on four-watt EIRP fixed devices? Is it necessary for the Commission to require a listen-before-talk spectrum access mechanism to prevent harmful interference to protected services in the TV bands? If we were to require such a mechanism, what parameters would we need to specify, e.g., monitoring threshold, monitoring time, receiver bandwidth, receive antenna specifications? If we require narrowband devices to operate as clients to a fixed device that contacts the white space database, is there a need to increase the minimum separation distances from co-channel and adjacent channel TV station contours as we require for personal/portable devices operating as clients?⁹⁵ Are the proposed maximum PSD, out-of-band emission and antenna gain limits appropriate for narrowband devices? Is the proposed data transmission limit of ten seconds per hour necessary to prevent data intensive operations? Is a channelization plan necessary, and if so, is the proposed plan appropriate? Are any other revisions to the proposed rules appropriate to protect licensed wireless microphone operations given that such operations would be protected when registered in the white spaces database? Finally, are there any other revisions to the rules for narrowband operations that should be adopted to protect any other authorized service that operate in the TV bands from harmful interference by narrowband white space devices?

E. Higher power on adjacent channels

50. Among the requirements for white space device operations are that operations above 40 milliwatts EIRP must generally operate outside the protected contours of adjacent channel TV stations.⁹⁶ That's because a strong signal on an adjacent channel can cause interference to the reception of a channel being viewed. The general requirement that all fixed white space devices avoid operation within adjacent channel protected contours means that, as a practical matter, a white space device may operate only at locations where there are three contiguous vacant channels, i.e., the channel used by the white space device plus both adjacent channels. The Commission's rules do, however, provide an exception for operation of low power white space devices on adjacent channels because of the shorter distances at which interference to the adjacent channel TV station could occur. Specifically, fixed white space devices may operate within the protected contour of adjacent channel TV stations with a power level of 100 milliwatts EIRP when the white space device operates in a six-megahertz band centered on the boundary of two contiguous vacant channels, i.e., 50 milliwatts within a three-megahertz band in each channel.⁹⁷

51. Microsoft notes that, even in rural areas, there may not be three contiguous vacant channels available for use by white space devices, and it requests that the Commission examine the possibility of authorizing higher powered white space operations on the first adjacent channel to television broadcasting where appropriate interference safeguards can be established.⁹⁸ Commenters supporting white space device operations generally support the Commission examining potential means

⁹⁴ Microsoft Petition at 18.

⁹⁵ 47 CFR § 15.712(a)(2).

⁹⁶ 47 CFR § 15.712(a)(2)(ii).

⁹⁷ 47 CFR § 15.712(a)(2)(iii). The slightly higher 50 milliwatt per channel power level is permitted due to the frequency separation of three megahertz from the edge of the adjacent channel that results in a slight improvement in receiver selectivity.

⁹⁸ Microsoft Petition at 6-10.

to enable higher powered white space device operations than currently permitted under the rules.⁹⁹ Microsoft and these commenters suggest ways that the Commission could potentially permit higher power operation of white space devices without causing harmful interference to TV reception when adjacent TV channels are occupied, such as more sophisticated computer models to determine the locations where higher power operation could be permitted, consideration of improved selectivity in next generation TV receivers, and tighter out-of-band emission limits.¹⁰⁰ NAB opposes any consideration by the Commission at this time, and states that assessing the potential impact on future next generation TV receivers is premature.¹⁰¹ Commenters supporting wireless microphone operations in the TV bands also oppose any changes to the operational rules for white space device operations on the first adjacent channel to broadcasters.¹⁰²

52. We seek comment on the ideas suggested by Microsoft and others to develop a record on this issue. Could more sophisticated computer models, such as Longley-Rice, be used to permit higher power unlicensed operations on adjacent channels? If so, how? Are they sufficiently precise to identify areas where the desired TV signal strength is sufficiently high that interference from adjacent channel white space devices is unlikely? What specific technical parameters would need to be considered or specified in such calculations, e.g., desired TV signal strength, appropriate grid size for determining where interference could occur, desired-to-undesired signal ratios, white space device power and antenna height? Is there any information available on adjacent channel selectivity and interference rejection capabilities of next generation TV receivers, such as manufacturers' specifications or actual measurement results? Is there any indication that next generation TV receivers will in fact have better adjacent channel interference rejection than current receivers? We note that while some parties advocated for tighter out-of-band emission limits for white space devices, others believe that the current limits are already too stringent.¹⁰³ Would tighter out-of-band emission limits for white space devices result in any reduction in the potential for interference to adjacent channel TV reception? Are there other factors we can consider or steps that users or white space databases can take to provide for more widespread use of white space devices near or within the contour of first adjacent television channels? Commenters should provide technical detail and analysis supporting their position on this issue.

⁹⁹ Rural Partners Comments at 4; Dynamic Spectrum Alliance Comments at 6-7; Public Interest Organizations Comments at 7; Sacred Wind Communications Comments at 5; Wi-Fi Alliance Comments at 4-5; WISPA Comments at 3.

¹⁰⁰ Microsoft Petition at 6-10; 6Harmonics Comments at 2-3; Rural Partners Comments at 4-5; Adaptrum Comments at 2-3; Dynamic Spectrum Alliance Comments at 6-8; Public Interest Organizations Comments at 7; Sacred Wind Communications Comments at 5-6; Wi-Fi Alliance Comments at 5.

¹⁰¹ NAB Comments at 5-6.

¹⁰² *See, e.g.*, Sennheiser Comments at 7-8; Shure Comments at 14; Alliance of Resident Theatres/New York Association of Performing Arts Professionals Reply at 2; Bloomsburg Theatre Ensemble Reply at 2; Dance/USA Reply at 1; Educational Theatre Association Reply at 2; League of American Orchestras Reply at 1-2; Lectrosionics, Inc. Reply at 3; National Alliance for Musical Theatre Reply at 2; OPERA America Reply at 2; Oregon Shakespeare Festival Reply at 2; Recording Academy Reply at 3; Theatre Communications Group Reply at 2; Weston Playhouse Theatre Company Reply at 2. These commenters also request that the Commission move forward with its proposal to expand eligibility to enable qualifying unlicensed wireless microphone users to become licensed wireless microphone operators who could register in the white spaces database to obtain interference protection from white space device operations.

¹⁰³ Rural Partners and Sacred Wind Communications suggested tighter out-of-band emission limits, while Rise Broadband and WISPA argue that the out-of-band emission limits should be relaxed. NAB opposes any increase in the out-of-band emission limits. Rural Partners Comments at 4; Sacred Wind Communications Comments at 6; Rise Broadband Comments at 1; WISPA Comments at 2-3; NAB Comments at 2.

IV. PROCEDURAL MATTERS

53. *Paperwork Reduction Act Analysis.* This document contains proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

54. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act,¹⁰⁴ the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the proposals addressed in this Notice. The IRFA is found in Appendix C. We request written public comment on the IRFA. Comments must be filed in accordance with the same filing deadlines as comments filed in response to the NPRM and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.¹⁰⁵

55. *Filing Requirements.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, 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 using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- 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 Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

¹⁰⁴ 5 U.S.C. § 603.

¹⁰⁵ 5 U.S.C. § 603(a).

56. *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).

57. *Additional Information.* For additional information on this proceeding, contact Hugh L. Van Tuyl, Hugh.VanTuyl@fcc.gov, (202) 418-7506.

V. ORDERING CLAUSES

58. IT IS ORDERED, pursuant to the authority found in Sections 4(i), 201, 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 201, 302a, 303, and Sections 1.407 and 1.411 of the Commission's Rules, 47 C.F.R §§ 1.407 and 1.411, that this *Notice of Proposed Rulemaking* IS HEREBY ADOPTED. The petition for rulemaking of Microsoft Corporation, ET Docket No. 14-165 and RM-11840, is hereby GRANTED to the extent discussed herein, and shall be consolidated into ET Docket No. 20-36.

59. IT IS FURTHER ORDERED that NOTICE IS HEREBY GIVEN of the proposed regulatory changes described in this *Notice of Proposed Rulemaking*, and that comment is sought on these proposals.

60. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Proposed Rules

Part 15 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 15 – RADIO FREQUENCY DEVICES

The authority citation for Part 15 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

1. Amend section 15.703 by removing the paragraph designations and adding a new definition in alphabetical order to read as follows:

§ 15.703 Definitions.

* * * * *

Narrowband white space device. A fixed or personal/portable white space device operating in a bandwidth of no greater than 100 kHz.

* * * * *

2. Amend section 15.707 by adding new paragraph (c) to read as follows:

§ 15.707 Permissible channels of operation.

* * * * *

(c) Narrowband white space devices may only operate on frequencies below 608 MHz.

3. Amend section 15.709 by adding new paragraph (b)(4) and revising paragraphs (a)(2), (b)(1)(ii)-(iii), (c)(2), (g)(1)(ii) to read as follows:

§ 15.709 General technical requirements.

(a) * * *

(2) *TV bands and 600 MHz service band.* (i) (A) Fixed devices in the TV bands below 602 MHz: Up to 4 W (36 dBm) EIRP, and up to 16 W (42 dBm) EIRP in less congested areas. Fixed devices in the 602-608 MHz band may operate with up to 4 W (36 dBm) EIRP.

(B) Fixed devices in the 600 MHz service bands above 620 MHz: Up to 4 W (36 dBm) EIRP, and up to 10 W (40 dBm) EIRP in less congested areas. Fixed devices that operate in any portion of the 614-620 MHz band may operate with up to 4 W (36 dBm) EIRP.

* * * * *

(b) * * *

(1) * * *

(ii) For operation at EIRP levels of 36 dBm (4,000 mW) or less, fixed white space devices may operate at EIRP levels between the values shown in the table in paragraph (b)(1)(iii) of this section provided that the conducted power and the conducted power spectral density (PSD) limits are linearly interpolated between the values shown and the adjacent channel emission limit of the higher value shown in the table is met. Operation at EIRP levels above 36 dBm (4000 mW) but not greater than 40 dBm (10,000 mW) shall follow the requirements for 40 dBm (10,000 mW). Operation at EIRP levels above 40 dBm (10,000 mW) shall follow the requirements for 42 dBm (16,000 mW).

(iii) The conducted power spectral density from a fixed white space device shall not be greater than the values shown in the table in this paragraph (b)(1)(iii) when measured in any 100 kHz band during any time interval of continuous transmission.

Table 1 to Paragraph (b)(1)(iii)

EIRP (6 MHz)	Conducted power limit (6 MHz)	Conducted PSD limit¹ (100 kHz)	Conducted adjacent channel emission limit (100 kHz)
16 dBm (40 mW)	10 dBm (10 mW)	-7.4 dBm	-62.8 dBm
20 dBm (100 mW)	14 dBm (25 mW)	-3.4 dBm	-58.8 dBm
24 dBm (250 mW)	18 dBm (63 mW)	0.6 dBm	-54.8 dBm
28 dBm (625 mW)	22 dBm (158 mW)	4.6 dBm	-50.8 dBm
32 dBm (1600 mW)	26 dBm (400 mW)	8.6 dBm	-46.8 dBm
36 dBm (4000 mW)	30 dBm (1000 mW)	12.6 dBm	-42.8 dBm
40 dBm (10000 mW)	30 dBm (1000 mW)	12.6 dBm	-42.8 dBm
42 dBm (16000 mW)	30 dBm (1000 mW)	12.6 dBm	-42.8 dBm

(2) * * *

(3) * * *

(4) *Narrowband white space devices.*

(i) Narrowband white space devices shall operate on channel sizes that are no more than 100 kHz. The edge of a narrowband channel shall be offset from the upper and lower edge of the 6 MHz channel in which it operates by at least 250 kHz, except in the case where bonded 6 MHz channels share a common band edge. Narrowband channels of operation shall be at integral multiples of 100 kHz beginning at a 250 kHz offset from a 6 MHz channel's edge, or with no offset at the common band edge of two bonded 6 MHz channels.

(ii) The conducted power limit is 12.6 dBm in a 100 kHz segment. The EIRP limit is 18.6 dBm in a 100 kHz segment. The conducted power spectral density limit is 12.6 dBm in any 100 kHz band during any time interval of continuous transmission.

(iii) Conducted adjacent channel emissions shall be limited to -42.8 dBm in 100 kHz in a first adjacent 6 MHz channel, starting at the edge of the 6 MHz channel within which the narrowband device is operating. This limit shall not apply between the edge of the narrowband channel and the edge of the 6 MHz channel that contains it.

(iv) If transmitting antennas of directional gain greater than 6 dBi are used, the maximum conducted power output shall be reduced by the amount in dB that the directional gain of the antenna exceeds 6 dBi.

(v) Total channel occupancy shall be limited to 10 seconds per hour.

(c) * * *

(2) The conducted power, PSD and adjacent channel limits for fixed white space devices operating at greater than 36 dBm (4000 milliwatts) EIRP shown in the table in paragraph (b)(1) of this section are based on a maximum transmitting antenna gain of 12 dBi. If transmitting antennas of directional gain greater than 12 dBi are used, the maximum conducted output power shall be reduced by the amount in dB that the directional gain of the antenna exceeds 12 dBi.

* * * * *

(g) * * *

(1) * * *

(ii) *Height above average terrain (HAAT)*. For operation in the 602-608 MHz band and the 600 MHz service bands, the transmit antenna shall not be located where its height above average terrain exceeds 250 meters. For operation in the TV bands below 602 MHz, the transmit antenna shall not be located where its height above average terrain exceeds 250 meters generally, or 500 meters in less congested areas. The HAAT is to be calculated by the white space database using the methodology in § 73.684(d) of this chapter. For HAAT greater than 250 meters the following coordination procedures are required:

(A) The installing party must contact a white space database and identify all TV broadcast station contours that would be potentially affected by operation at the planned HAAT and EIRP. A potentially affected TV station is one where the protected service contour would be within the applicable separation distance if the white space device was operating at a HAAT of 50 meters above the planned height at the proposed power level.

(B) The installing party must notify each of these licensees and provide the geographic coordinates of the white space device, relevant technical parameters of the proposed deployment, and contact information.

(C) No earlier than 48 hours after this notification, the installing party may commence operations.

(D) Upon request, the installing party must provide each potentially affected licensee with information on the time periods of operations.

(E) If the installing party seeks to modify its operations by increasing its power level, by moving more than 100 meters horizontally from its location, or by making an increase in the HAAT or EIRP of the white space device that results in an increase in the minimum required separation distances from co-channel or adjacent channel TV station contours, it must conduct a new coordination.

* * * * *

4. Amend section 15.711 to add a new subsection (c)(3) to read as follows:

§ 15.711 Interference avoidance methods.

* * * * *

(c) * * *

(3) A Mode II device installed on a movable platform in less congested areas may load channel availability information for multiple locations in the vicinity of its current location. It may use that information to define a geographic area within which it can operate on the same available channels at all locations. A device may not use channel availability information for multiple locations if/when it moves within 1.6 km of the boundary of the area where the channel availability data is valid, or outside that boundary. The location must be checked at least once every 60 seconds while the white space device is in operation except while in sleep mode, i.e., in a mode in which the device is inactive but is not powered-down. Operation on board aircraft or satellites is prohibited.

* * * * *

5. Amend section 15.712 by revising the introductory text and paragraphs (a)(2), (b)(3)(ii)-(iii), (c)(2)(ii), (d), (f), (i)(1) and inserting new paragraphs (b)(3)(iv) and (c)(2)(iii) to read as follows:

§ 15.712 Interference protection requirements.

The separation distances in this section apply to fixed and personal/portable white space devices with a location accuracy of ± 50 meters. These distances must be increased by the amount that the location uncertainty of a white space device exceeds ± 50 meters. Narrowband white space devices shall comply with the separation distances applicable to a fixed white space device operating with 30 dBm conducted power and 36 dBm EIRP across a 6 MHz channel.

(a) * * *

(2) *Required separation distance.* White space devices must be located outside the contours indicated in paragraph (a)(1) of this section of co-channel and adjacent channel stations by at least the minimum distances specified in the tables in paragraph (a)(2)(v).

(i) If a device operates between two defined power levels, it must comply with the separation distances for the higher power level.

(ii) White space devices operating at 40 mW EIRP or less are not required to meet the adjacent channel separation distances.

(iii) Fixed white space devices operating at 100 mW EIRP or less per 6 megahertz across multiple contiguous TV channels with at least 3-megahertz separation between the frequency band occupied by the white space device and adjacent TV channels are not required to meet the adjacent channel separation distances.

(iv) Fixed white space devices may only operate above 4 W EIRP in less congested areas as defined in § 15.703.

(v) The following are the tables of minimum required separation distances outside the contours of co-channel and adjacent channel stations that white space devices must meet.

Table 2 to Section 15.712(a)(2)(v)

Mode II Personal/Portable White Space Devices		
	Required separation in kilometers from co-channel digital or analog TV (full service or low power) protected contour	
	16 dBm (40 mW)	20 dBm (100 mW)
Communicating with Mode II or Fixed device	1.3	1.7
Communicating with Mode I device	2.6	3.4

Table 3 to Section 15.712(a)(2)(v)

Fixed White Space Devices								
Antenna height above average terrain of unlicensed devices (meters)	Required separation in kilometers from co-channel digital or analog TV (full service or low power) protected contour*							
	16 dBm (40 mW)	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)	42 dBm (16 W)
Less than 3	1.3	1.7	2.1	2.7	3.3	4.0	4.5	5.0
3 - 10	2.4	3.1	3.8	4.8	6.1	7.3	8.5	9.4
10 - 30	4.2	5.1	6.0	7.1	8.9	11.1	13.9	15.3
30 - 50	5.4	6.5	7.7	9.2	11.5	14.3	19.1	20.9
50 - 75	6.6	7.9	9.4	11.1	13.9	18.0	23.8	26.2
75 - 100	7.7	9.2	10.9	12.8	17.2	21.1	27.2	30.1
100 - 150	9.4	11.1	13.2	16.5	21.4	25.3	32.3	35.5
150 - 200	10.9	12.7	15.8	19.5	24.7	28.5	36.4	39.5
200 - 250	12.1	14.3	18.2	22.0	27.3	31.2	39.5	42.5
250 - 300	13.9	16.4	20.0	23.9	29.4	35.4	42.1	45.9
300 - 350	15.3	17.9	21.7	25.7	31.4	37.6	44.5	48.4
350 - 400	16.6	19.3	23.2	27.3	33.3	39.7	46.9	51.0
400 - 450	17.6	20.4	24.4	28.7	35.1	41.9	49.4	53.8
450 - 500	18.3	21.4	25.5	30.1	36.7	43.7	51.4	55.9

*When communicating with Mode I personal/portable white space devices, the required separation distances must be increased beyond the specified distances by 1.3 kilometers if the Mode I device operates at power levels no more than 40 mW EIRP or 1.7 kilometers if the Mode I device operates at power levels above 40 mW EIRP.

Table 4 to Section 15.712(a)(2)(v)

Personal/Portable White Space Devices	
	Required separation in kilometers from adjacent channel digital or analog TV (full service or low power) protected contour
	20 dBm (100 mW)
Communicating with Mode II or Fixed device	0.1
Communicating with Mode I device	0.2

Table 5 to Section 15.712(a)(2)(v).

Fixed White Space Devices							
Antenna height above average terrain of unlicensed devices (meters)	Required separation in kilometers from adjacent channel digital or analog TV (full service or low power) protected contour*						
	20 dBm (100 mW)	24 dBm (250 mW)	28 dBm (625 mW)	32 dBm (1600 mW)	36 dBm (4 W)	40 dBm (10 W)	42 dBm (16 W)
Less than 3	0.1	0.1	0.1	0.1	0.2	0.2	0.3
3 - 10	0.1	0.2	0.2	0.2	0.3	0.4	0.5
10 - 30	0.2	0.3	0.3	0.4	0.5	0.6	0.7
30 - 50	0.3	0.3	0.4	0.5	0.7	0.8	1.0
50 - 75	0.3	0.4	0.5	0.7	0.8	0.9	1.0
75 - 100	0.4	0.5	0.6	0.8	1.0	1.1	1.3
100 - 150	0.5	0.6	0.8	0.9	1.2	1.3	1.5
150 - 200	0.5	0.7	0.9	1.1	1.4	1.5	1.7
200 - 250	0.6	0.8	1.0	1.2	1.5	1.7	1.9
250 - 300	0.7	0.8	1.0	1.3	1.6	2.1	2.3
300 - 350	0.7	0.9	1.1	1.4	1.8	2.2	2.4
350 - 400	0.8	1.0	1.2	1.5	1.9	2.4	2.7
400 - 450	0.8	1.0	1.3	1.6	2.1	2.6	2.9
450 - 500	0.8	1.1	1.4	1.7	2.1	2.7	2.9

*When communicating with a Mode I personal/portable white space device that operates at power levels above 40 mW EIRP, the required separation distances must be increased beyond the specified distances by 0.1 kilometers.

(3) *Fixed white space device antenna height.* Fixed white space devices must comply with the requirements of §15.709(g) of this part.

* * * * *

(b) * * *

(3) * * *

(ii) White space devices operating with more than 4 watts EIRP and up to 10 watts EIRP may not operate within 10.2 kilometers from the receive site for co-channel operation and 2.5 kilometers from the receive site for adjacent channel operation.

(iii) White space devices operating with more than 10 watts EIRP may not operate within 16.6 kilometers from the receive site for co-channel operation and 3.5 kilometers from the receive site for adjacent channel operation.

(iv) For purposes of this section, a TV station being received may include a full power TV station, TV translator station or low power TV/Class A TV station.

(c) * * *

(2) * * *

(ii) White space devices operating with more than 4 watts EIRP and up to 10 watts EIRP may not operate within 10.2 km from the receive site for co-channel operation and 2.5 km from the receive site for adjacent channel operation.

(iii) White space devices operating with more than 10 watts EIRP may not operate within 16.6 kilometers from the receive site for co-channel operation and 3.5 kilometers from the receive site for adjacent channel operation.

(d) *PLMRS/CMRS operations.* (1) White space devices may not operate at distances less than those specified in the table below from the coordinates of the metropolitan areas and on the channels listed in §90.303(a) of this chapter.

Table 6 to Section 15.712(d)(1).

White space device transmitter power	Required separation in kilometers from areas specified in §90.303(a) of this chapter	
	Co-channel operation	Adjacent channel operation
4 watts EIRP or less	134	131
Greater than 4 watts and less than 10 watts EIRP	136	131.5
Greater than 10 watts EIRP	139.2	132.2

(2) White space devices may not operate at distances less than those specified in the table below from PLMRS/CMRS operations authorized by waiver outside of the metropolitan areas listed in §90.303(a) of this chapter.

Table 7 to Section 15.712(d)(2).

White space device transmitter power	Required separation in kilometers from areas specified in §90.303(a) of this chapter	
	Co-channel operation	Adjacent channel operation
4 watts EIRP or less	54	51
Greater than 4 watts and less than 10 watts EIRP	56	51.5
Greater than 10 watts EIRP	59.2	52.2

* * * * *

(f) *Low power auxiliary services, including wireless microphones.* White space devices are not permitted to operate within the following distances of the coordinates of registered low power auxiliary station sites on the registered channels during the designated times they are used by low power auxiliary stations.

- (1) Fixed white space devices with 10 watts EIRP or less: 1 kilometer
- (2) Fixed white space devices with greater than 10 watts EIRP: 1.3 kilometers
- (3) Personal/portable white space devices: 400 meters

* * * * *

(i) * * *

- (1) Fixed white space devices may only operate above 4 W EIRP in less congested areas as defined in §15.703.

* * * * *

APPENDIX B**List of Parties Filing Comments**Comments

1. 6Harmonics Inc.
2. 6Harmonics Inc., Agile Networks, Cal.net, Declaration Networks Group, Evolve Cellular, Fairspectrum Oy, Network Business Systems Inc., Nextlink Internet, Packerland Broadband, RADWIN, RTO Wireless, Sacred Wind Communications, Inc., Skylark Wireless, Vistabeam Internet, Watch Communications, WON Communications (Rural Partners)
3. ACT | The App Association
4. Adaptrum, Inc.
5. Connect Americans Now
6. Deere & Company
7. Declaration Networks Group
8. Dynamic Spectrum Alliance
9. Evolve Cellular, Inc. and Skylark Wireless LLC
10. GE Healthcare
11. National Association of Broadcasters (NAB)
12. Nominet
13. Open Technology Institute at New America, Next Century Cities, Gigabit Libraries Network, Tribal Digital Village and Public Knowledge (Public Interest Organizations)
14. RADWIN Ltd.
15. Rise Broadband
16. Sacred Wind Communications, Inc.
17. Sennheiser Research & Innovation
18. Shure Incorporated
19. The American Society for Healthcare Engineering of the American Hospital Association (ASHE)
20. Wi-Fi Alliance
21. Wireless Internet Service Providers Association

Reply comments

1. Alliance of Resident Theatres/New York
2. Association of Performing Arts Professionals
3. Bloomsburg Theatre Ensemble (BTE)
4. Dance/USA
5. Educational Theatre Association (EdTA)
6. League of American Orchestras
7. Lectrosonics, Inc.
8. Microsoft Corporation
9. National Alliance for Musical Theatre
10. National Association of Broadcasters (NAB)
11. OPERA America
12. Oregon Shakespeare Festival
13. Recording Academy
14. Shure Incorporated
15. Theatre Communications Group (TCG)
16. Weston Playhouse Theatre Company

APPENDIX C

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Notice of Proposed Rule Making (NPRM)*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *NPRM* provided in paragraph 55 of the item. The Commission will send a copy of the *NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

The *NPRM* addresses issues raised in a petition for rulemaking filed by Microsoft Corporation on May 3, 2019 which requested that the Commission modify the rules for white space devices in a number of respects. The petition requests that the Commission: 1) permit higher radiated power limits for fixed devices in less congested areas to support broadband expansion in rural America, 2) permit fixed device operations at up to 500 meters height above average terrain (HAAT) to improve rural coverage, 3) examine the possibility of authorizing higher-power operations on first-adjacent channels to broadcasters, with appropriate safeguards to prevent harmful interference, 4) adjust its rules to support the use of white space channels for narrowband IoT, and 5) permit fixed device operations on movable platforms within geo-fenced areas.

B. Legal Basis

The proposed action is taken pursuant to Sections 4(i), 201, 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 201, 302a, 303.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁴ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁶ A “small business

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. § 601 – 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² 5 U.S.C. § 603(a).

³ 5 U.S.C. § 603(a).

⁴ 5 U.S.C. § 603(b)(3).

⁵ 5 U.S.C. § 601(6).

⁶ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).⁷

Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment.⁸ Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.⁹ The SBA has established a small business size standard for this industry of 1,250 employees or less.¹⁰ U.S. Census Bureau data for 2012 show that 841 establishments operated in this industry in that year.¹¹ Of that number, 828 establishments operated with fewer than 1,000 employees, 7 establishments operated with between 1,000 and 2,499 employees and 6 establishments operated with 2,500 or more employees.¹² Based on this data, we conclude that a majority of manufacturers in this industry are small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

White space devices are unlicensed devices that operate in the TV bands at locations where frequencies are not in use by licensed services. These devices may be either fixed or portable. At locations where there are at least three contiguous vacant channels, fixed devices may operate at power levels up to four watts EIRP generally, and up to 10 watts EIRP in less congested areas, defined as those areas where at least half the channels in a device’s band of operation are vacant. Fixed devices may operate on channels adjacent to occupied TV channels with a maximum EIRP of 40 milliwatts where a single channel is available, and at 100 milliwatts EIRP where two contiguous channels are available, and the white space device operates in a six-megahertz band centered on the boundary between the channels. The rules contain provisions to allow white space devices to operate on channel 37 (608-614 MHz), provided they comply with minimum separation distances from Radio Astronomy Service (RAS) sites and locations where the Wireless Medical Telemetry Service (WMTS) operates on channel 37, although the Commission has not yet permitted white space devices to operate on this channel. To prevent harmful interference to broadcast television stations and other authorized users of these bands, white space devices must obtain a list of available TV channels that may be used at their location from databases administered by private entities selected by the Commission.

Most RF transmitting equipment, including white space devices, must be authorized through the certification procedure. Certification is an equipment authorization issued by a designated Telecommunication Certification Body (TCB) based on an application and test data submitted by the

⁷ 15 U.S.C. § 632.

⁸ U.S. Census Bureau, 2012 NAICS Definitions, “334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing”, *See* <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=ib&id=ib.en./ECN.NAICS2012.334220#>.

⁹ *Id.*

¹⁰ 13 CFR § 121.201, NAICS Code 334220.

¹¹ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1231SG2, Manufacturing: Summary Series: General Summary: Industry Statistics for Subsectors and Industries by Employment Size: 2012, NAICS Code 334220, https://factfinder.census.gov/bkml/table/1.0/en/ECN/2012_US/31SG2/naics~334220.

¹² *Id.*

responsible party (*e.g.*, the manufacturer or importer).¹³ The NPRM does not propose to change the authorization procedure for white space devices, but it does propose to modify existing technical requirements for white space devices. Specifically, it proposes to: 1) permit operation at up to 16 watts EIRP on unused channels in the TV bands in less congested areas, an increase from the current limit of 10 watts EIRP; 2) permit operation with an antenna HAAT of up to 500 meters, an increase from the current limit of 250 meters, subject to a coordination procedure in which the operator of a device notifies potentially affected TV station licensees; 3) permit fixed white space devices to operate on mobile platforms such as farm equipment and school buses, within a defined area; and 4) define rules for a new category of narrow bandwidth white space devices that could be used for Internet of Things (IoT) services.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”¹⁴

The rule changes proposed in the NPRM for higher power and antenna HAAT, fixed devices on mobile platforms, and narrowband IoT operations would give greater flexibility for white space device operations. These changes are permissive, meaning that manufacturers of approved white space devices are not required to make any changes to their equipment, nor are current operators of devices required to make any changes. Manufacturers that choose to make equipment that operates under the proposed narrowband rules or at higher power would have to obtain a new equipment certification.

The provision that allows an antenna HAAT above 250 meters requires white space device operators using an antenna above this height to notify potentially affected TV stations. The white space database will identify potentially affected stations. The Commission believes that this requirement is necessary to prevent harmful interference to TV service and seeks comment on whether it would be unduly burdensome. It also seeks comment on whether a notification procedure is necessary at all, and whether the proposed procedure strikes the proper balance between ensuring interference protection for protected entities and providing white space device operators with the ability to deploy devices at higher HAAT in a timely manner. The Commission further seeks comment on any other alternatives to the proposed requirements that would achieve the same goals.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

None.

¹³ 47 C.F.R. § 2.907. The Commission or a TCB may test a sample of a device to verify that it complies with the rules before granting approval for the equipment to be marketed. Examples of devices subject to certification include, but are not limited to, mobile phones; wireless local area networking equipment, remote control transmitters; land mobile radio transmitters; wireless medical telemetry transmitters; cordless telephones; and walkie-talkies.

¹⁴ 5 U.S.C. § 603(c)(1) – (c)(4).

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Unlicensed White Space Device Operations in the Television Bands*, ET Docket No. 20-36.

Beatles fans know well the “White Album,” which included songs that were inspired by the band’s journey fifty-two years ago this month to a remote ashram in the rugged foothills of the Himalayas.

Perhaps inspired by their creative example, today we launch a proceeding named for the empty “White Spaces” in the spectrum bands allocated to broadcast television. Our hope is that we will similarly enable a “Revolution”—this time, one of connectivity across rural and remote areas of this country.

To understand why this proceeding holds that kind of promise, it’s important to recognize the challenge of bridging the digital divide in rural and remote areas. In places that often have sparse populations and rugged terrain, it can be difficult and/or expensive to deliver high-speed Internet, including wireless broadband.

But enabling unlicensed use of TV White Spaces—channels in the television spectrum bands where there are no television stations—can be a game changer. That’s because these White Spaces are in a region of spectrum that is particularly attractive for delivering services over long distances and coping with variations in terrain. These airwaves are thus well-suited for delivering broadband to Americans in rural and remote areas. Moreover, because White Space devices operate under our unlicensed rules, barriers to entry are low, enabling anyone with a compliant device who follows the relevant Commission rules to unlock the potential of this spectrum to provide wireless broadband. I saw the promise of White Spaces technology in South Boston, a town in rural Virginia, where I met a student who said getting Internet access in his home through a White Space device was a game-changer.

Now, the Beatles were successful in composing the White Album in a matter of months, but it’s taken the Commission much longer to establish its rules for White Spaces. In 2008, the Commission first authorized unlicensed white space device operation in portions of the VHF and UHF broadcast television bands that were not being used by TV broadcasters and associated services. In 2010, 2012, and 2015, the Commission took steps to promote additional opportunities for unlicensed white space devices to use spectrum in the TV bands. In 2015, the Commission promoted further use in the repacked TV bands by authorizing white space device operations in the 600 MHz duplex gap, in unused spectrum in the 600 MHz service band, and in unused portions of television channel 37. In March 2019, we provided additional flexibility for fixed white space devices to operate at up to 100 meters above ground in “less congested” areas.

And today, we’re advancing proposals that could spur significant growth of the white space ecosystem and extend Internet connectivity to many more Americans. Specifically, we propose to increase the power and antenna height limits for fixed white space devices deployed in less congested areas to improve coverage and lower costs. We propose to authorize higher power mobile white space device operation within specified “geo-fenced” areas to enable the provision of broadband services on school buses and other mobile platforms such as agricultural equipment. And we propose to amend the rules to better accommodate the narrow bandwidths associated with many Internet of Things (IoT) applications.

I’m optimistic that these proposals will expand broadband deployment to more rural Americans while also protecting television broadcast signals. And I commend Microsoft and the National

Association of Broadcasters for working together in a cooperative manner to develop them. This cooperation is vital. Because at the end of the day, television broadcasters enjoy top priority in the TV spectrum bands, and we must not take any action in this proceeding that would end up causing harmful interference to television broadcasters.

I would like to thank the many dedicated staff whose contribution to this item was invaluable, including from the Office of Engineering and Technology, Martin Doczkat, Ira Keltz, Paul Murray, and Hugh Van Tuyl; from the Wireless Telecommunications Bureau, Steve Buenzow, Roger Noel, Blaise Scinto, Joel Taubenblatt, Jennifer Tomchin, Mary Claire York, and Janet Young; from the Office of Economics and Analytics, Catherine Matraves and Patrick Sun; from the Media Bureau, Mark Colombo; and from the Office of General Counsel, Douglas Klein.

**STATEMENT OF
FCC COMMISSIONER MICHAEL O'RIELLY**

Re: *Unlicensed White Space Device Operations in the Television Bands*, ET Docket No. 20-36.

This item represents a longtime labor of love for me, as I have advocated for the efficient use of the TV white spaces since the mid-2000s. The flexibility reflected in today's notice will help bring further wireless operations and successful deployments to this band. As most people already know, the very nature of television broadcast signals necessitates that frequencies remain fallow so that one full-power station does not interfere with another nearby. Additionally, there are some portions of the country—rural areas in particular—where not all channels are being used, even after the station repack following the broadcast incentive auction. It is common sense to make these frequencies available for additional non-interfering wireless services, including those that bring broadband access to unserved households.

Some have claimed that white spaces never lived up to the previous hype and disparaged flaws in the first-generation of the database. However, now that we are getting to the point, post incentive auction, where there is more certainty about spectrum availability, that criticism is no longer compelling. We are finally in a position where interested parties can determine whether there is usable spectrum in a specific area, providing them with the needed assurances to invest in and deploy systems. And, improvements have been made to ensure the accuracy of the database. While the Commission took steps to provide additional flexibility to white space providers by increasing antenna height and made rule tweaks to increase the reliability of device location information in the database almost a year ago, the record that developed also included other ideas that can be implemented to maximize the potential of these frequencies. That is why I am pleased to have led the effort and secured the commitments to bring the new NPRM forward.

I thank Microsoft for submitting the official petition for rulemaking that serves as the foundation for today's item. The recommendations provided, which include further increases to power limits in rural areas, additional antenna height modifications, and flexibility to provide narrowband IOT, will be particularly useful in providing service in the more remote and unserved parts of the country and allow for a wide variety of use cases.

Although there are remaining TV white space issues to be resolved, such as facilitating unlicensed use in Channel 37, I applaud the fact that we are addressing the less controversial issues here today. I thank the Chairman for moving this important item and look forward to an order in the coming months. In a future proceeding, it is imperative that the Commission further explore the opportunities in Channel 37 and the means to relocate the wireless medical services to a more suitable location.

I approve.

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Unlicensed White Space Device Operations in the Television Bands*, ET Docket No. 20-36.

A couple of bumpy hours outside of Nairobi, Kenya, sits a small market town called Embu. That's where I met Paul—a young man selling rice, beans, and other dry goods out of a packed market stall. Embu runs along the foothills of Mt. Kenya, and like many remote parts of the world, it had been stuck on the wrong side of the digital divide for far too long. That only made it harder for Paul to maintain his business and earn some money. But that changed a few weeks before we met. That's when a fixed wireless provider, Mawingu Networks, worked with Microsoft to bring Internet service to the area using unlicensed TV white spaces.

Paul is an entrepreneur at heart, so he immediately seized the opportunity to use the white space technology to expand his business. He started accepting mobile payments, which were safer and more reliable than cash; he was selling airtime on the network; and he was even tweeting out marketing pitches. That was one year ago.

I reconnected with Paul online this week. I mentioned that I wanted to tell his story at our FCC meeting. He said I want you to let people know how an Internet connection is changing my life. He now gets 50 customers per day that pay through mobile payments, and the number is increasing every month. And it was clear from our conversation that it was not just his life that benefited from a connection. His shop is now a hotspot that lets other people get online. And a few months ago, he introduced M-Pesa—a mobile money transfer service—which allows customers to withdraw cash at his shop and then purchase goods from other merchants and small businesses in the market.

Paul's story is an example of the power of connectivity. He started out selling dry goods in a market stall with a drive to do even more. Now he runs an Internet-powered mobile payment business that provides his entire community with a safe and accessible place to deposit and withdraw money.

The combination of broad, low-band coverage and affordable white spaces devices helped bring this opportunity to Embu.

And that is precisely why it is so important that we expand opportunities for white space devices in this country. We can make even more progress towards closing the digital divide while empowering rural communities through high-speed connections. A big reason we are here today is because stakeholders got together, compromised, and identified a path forward. So I want to commend them for their work, and I look forward to reviewing the feedback on these proposals.

I want to thank the Office of Engineering and Technology for its work on the item. It has my support.

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Unlicensed White Space Device Operations in the Television Bands*, ET Docket No. 20-36.

Remember 2008? The iPhone was six months old. The Android operating system was just introduced, and the digital television transition had yet to begin. But a new wireless era was emerging. Because the same-old, same-old ways of thinking about scarcity in our airwaves were giving way to new theories of abundance.

Nowhere was this clearer at this agency than in our embrace of white spaces. Because in 2008 the Federal Communications Commission proposed something radical. We suggested that instead of letting unused portions of traditional television spectrum lay fallow, we would open them up for unlicensed use. Not everyone embraced this idea from the start. Mixing broadcast and broadband was not for the faint of heart. But the engineers at this agency saw the value proposition in introducing unlicensed service to a band with significant propagation. They understood from the get-go that these unused airwaves could help bring more broadband to rural and hard to reach communities. They could help close the digital divide.

Twelve years hence, we are still working on what was visionary back in 2008. Although white space innovation began in the United States, it actually advanced more rapidly abroad. Eleven countries now have rules permitting television white space devices to use broadcast spectrum to help bring broadband in reach. Fourteen countries have active trials and pilot projects. But here at home, deployment of this technology has stalled.

We need to get our mojo back. The good news is that this rulemaking is part of that effort. In it, we propose updating our Part 15 rules to provide more flexibility for television white space devices in the United States. To this end, today's rulemaking proposes increasing the maximum power that white space devices can use and extending the height of their antennas. These technical changes can open up new possibilities for using these airwaves to power the Internet of Things and extend the reach of broadband networks.

This is progress. So thank you to those, including broadcasters, who helped develop the ideas we introduce in this rulemaking. But more work needs to be done to address remaining regulatory barriers. We have five outstanding petitions for reconsideration involving white space development and deployment. We also need to clear up unresolved matters regarding designation of a database administrator.

I look forward to doing this—and the sooner the better. Because the ideas we had in 2008 are still worth pursuing because by using white spaces we can put more of our airwaves to use for all.

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *Unlicensed White Spaces Device Operations in the Television Bands*, ET Docket No. 20-36.

Deploying high-speed broadband service throughout rural America has been a major challenge for some time. I support this item because it proposes actions that, if adopted, would increase our options for ensuring the availability of broadband data and other services in rural America.

Operating in the unused white space between TV stations presents a valuable opportunity that could significantly change the wireless communications landscape. Technologies and devices being developed for use in this spectrum hold the promise of increasing our broadband capacity and our ability to use limited spectrum resources more efficiently and effectively.

Devices that operate in unlicensed white spaces in the TV bands take advantage of the better propagation characteristics of lower band frequencies to enable broadband data and other services in rural and other hard-to-reach areas. Last year, this Commission took steps to enable more white space device use by adopting measures to improve the accuracy and reliability of data necessary to determine available spectrum for fixed device use, thereby minimizing interference with protected services operating in the TV bands. We also modified the white space device antenna height rules to allow improved broadband coverage in rural areas.¹ Today's action seeks to build upon those improvements by seeking comment on thoughtful industry proposals that could further increase options for unlicensed white space devices to operate in a manner that better serves unmet broadband coverage needs, without causing undue interference to broadcasters and other protected users operating in the same spectrum.

This item poses the right questions, seeking comment on how best to protect other operators in the TV bands, and proposing measures such as increased exclusion zone distances to protect against harmful interference.

I look forward to reviewing the record in this proceeding. Thank you to the Office of Engineering and Technology staff who prepared this item for our consideration.

¹ See *Amendment of Part 15 of the Commission's Rules for Unlicensed White Space Devices, Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, ET Docket Nos. 16-56 and 14-165, GN Docket No. 12-268, Report and Order and Order on Reconsideration, 34 FCC Rcd 1827 (2019).