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September 23, 2020

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: WP Docket No. 07-100  
Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”) is pleased to see the Federal Communications Commission (“FCC”) taking action to promote greater utilization of the prime mid-band 4.9 GHz (4940-4990 MHz) spectrum. EWA and other parties have long urged the FCC to open this band for uses beyond exclusively public safety operations, consistent with the FCC’s own finding that this eligibility criterion has left 4.9 GHz underused or entirely unused in much of the country.

The draft Report and Order describes a novel licensing framework that the FCC believes will address this situation. An entity in each state will be authorized as the State Lessor, and that entity will have authority to use the spectrum for public safety/governmental purposes and/or lease it to eligible entities, including private enterprise and commercial parties. As described by the FCC, states will be empowered to “maximize the value and use of their spectrum based on market forces.”

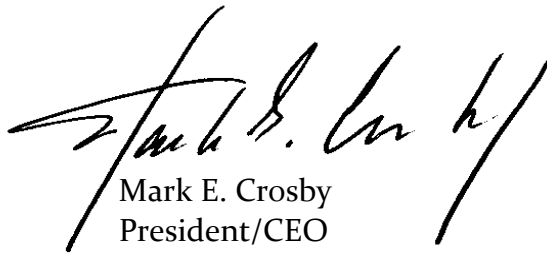
EWA welcomes any approach that has the potential for putting this spectrum to more intensive use, particularly by private enterprise entities whose need for access to broadband spectrum has been well-documented in this proceeding. What is not clear is how the FCC intends to monitor progress in that regard. While market forces generally drive private enterprises to maximize the value of their assets, governmental entities may not share that motivation or the time urgency that drives the marketplace. Is there an end date by which the state must confirm the identity of its State Lessor if it is not the single, current 4.9 GHz statewide licensee? Is there any end date by which the state needs to establish a spectrum leasing process? Does the FCC anticipate reviewing the results of this experiment in a reasonable timeframe to ensure that this new licensing paradigm has performed as anticipated and to take further action if the band remains underutilized? How will utilization be assessed in the absence of build-out requirements, the standard measurement by which spectrum usage is evaluated? EWA assumes each state has regulations that require it to conduct its activities in a fair and

transparent manner but does the FCC feel any obligation to review those processes in light of its own statutory obligations?

Spectrum is a scarce resource. While EWA appreciates the FCC's effort to recognize the interests of public safety entities, it would be most unfortunate and contrary to the public interest if two decades of under-utilization of 50 MHz of spectrum turned into three decades or more. EWA urges the FCC to establish benchmarks and timelines to ensure that states implement processes that give all parties with a need for and commitment to deploying broadband spectrum fair access to this lease opportunity.

Sincerely,

**ENTERPRISE WIRELESS ALLIANCE**

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a large initial "M" and "C".

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