

**Justification for Renewal**

Pursuant to Section 5.3 and 5.54 of the Federal Communications Commission's ("FCC" or "Commission") Rules, Sunesys Enterprise, LLC ("Sunesys") seeks to renew its existing experimental license issued under call sign WI2XQK in Pittsburgh, Pennsylvania for an additional term of two (2) years. Renewal of the license will allow Sunesys to continue testing deployment of 3.5 GHz equipment and site density required to deploy a network in the 3.5 GHz band. By this renewal application, Sunesys seeks authority to continue tests at the locations included in the existing license. All other terms and conditions of the license should remain unchanged.

As was true for the current experimental license term, Sunesys will investigate the coverage area that can be served when deploying 3.5 GHz equipment in different outdoor environments. This testing, which uses Sunesys' existing tower and small cell infrastructure, will consist of installing transmitters at different heights and different antenna types and conducting drive tests to capture signal strength in different environments. This information will allow Sunesys to determine the site density required to deploy a network in the 3.5 GHz band. Once the coverage testing is complete, Sunesys will deploy a small network in order to test the end-to-end functionality of 3.5 GHz hardware including the access points, core network and user devices. Additionally, new wireless network architectures are envisioned that require low latency connections to the mobile core network and edge processing applications. Utilizing the 3.5 GHz band, which currently does not have commercial users, will allow changes to the network architecture and user experience without negatively impacting paying customers. Examples of low latency applications include virtual reality, augmented reality and public safety application including video analytics.

### **Stop Buzzer Contact Information:**

In the event that Sunesys receives a complaint of harmful interference resulting from the proposed continued operations, Sunesys will take immediate action to address the interference, including discontinuing its operations if necessary. Sunesys has designated Don Snyder to act as the “stop buzzer” for this purpose. Don Snyder can be reached at office (724) 416-2470 or by e-mail at [don.snyder@crowncastle.com](mailto:don.snyder@crowncastle.com).

### **Request for Waiver of Section 5.59(a)(2)**

To the extent necessary and to facilitate grant of this renewal application, Sunesys respectfully requests a waiver of Section 5.59(a)(2) of the Commission’s rules, which requires that “[u]nless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed renewal.” Pursuant to Section 1.3 of the Commission’s rules, the Commission may waive its rules “for good cause shown.” Generally, granting a waiver is appropriate when it would not undermine the policy objectives of the rule<sup>1</sup> and would better serve the public interest than requiring strict compliance.<sup>2</sup> Additionally, Section 5.65(c)(2) of the Rules provides that a request for waiver accompanying the instant application cures the defect of failure to request renewal at least 60 days prior to the expiration date of the license to be renewed.

Sunesys’ experimental license currently is scheduled to expire on February 1, 2019. Due to an administrative oversight resulting from substantial resources being dedicated to an impending corporate consolidation scheduled for December 31, 2018, as described in File No. 0052-EX-TU-2018, Sunesys inadvertently failed to request renewal of its experimental license prior to December 1, 2018. Waiving Section 5.59(a)(2) will better serve the public interest than requiring strict

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<sup>1</sup> See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1166 (D.C. Cir. 1990).

<sup>2</sup> See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

compliance because Sunesys will be able to continue, without interruption, ongoing testing and development of innovative wireless solutions in the 3.5 GHz band. Further, a waiver will conserve Commission resources by avoiding a review of an application for a new experimental license that is identical to the existing experimental license that Sunesys seeks to renew. The experimental license is still in effect, and the instant application was prepared and submitted as soon as Sunesys realized that a renewal application was overdue. For these reasons, the grant of the waiver and renewal are in the public interest.