



June 29, 2018

VIA ELECTRONIC FILING

Mr. Anthony Serafini
Chief, Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Experimental Application 0238-EX-CN-2018

Dear Mr. Serafini,

CTIA respectfully writes to raise questions with respect to an application filed by Air-Tel, LLC (“Air-Tel”) for experimental authority to operate in the 3.5-3.6 GHz band.¹

Air-Tel is licensee of station WQLX454, which is authorized for operation “at various locations on spectrum in the 3300-3650 MHz bands” for “base and mobile radiolocation operations for the purpose of determining distance, direction, speed, or position, and use of a digital emission.”² In 2017, the Enforcement Bureau (“EB”) of the Federal Communications Commission (“Commission”) indicated that Air-Tel was operating its license out of compliance with the Commission’s rules—specifically, EB noted Air-Tel’s non-compliance with the Table of Frequency Allocations and failure to use certified equipment.³ Subsequently, Air-Tel ceased operations and filed a Petition for Declaratory Ruling

¹ See Application of Air-Tel, LLC, 0238-EX-CN-2018 (filed Mar. 13, 2018).

² *Air-Tel, LLC; IOU Acquisitions, Inc. Petition for Declaratory Ruling and Waiver*, Order, 32 FCC Rcd 10157 ¶ 2 (WTB 2017) (“Order”).

³ See *Air-Tel, LLC, IOU Acquisitions, Inc. Petition for Declaratory Ruling Pursuant to Section 1.2 of the Commission’s Rules Regarding Part 90 Radiolocation Operations on Call Signs WQLW310 and WQLX454; Request for Waiver to Utilize Non-Certified, Non-Interfering Equipment in Such Operations*, at 4 (filed Oct. 30, 2017) (“Petition for Declaratory Ruling”).



seeking a ruling that its operations were properly considered “radiolocation” operations under Part 90 of the Commission’s rules.⁴ In response to Air-Tel’s Petition for Declaratory Ruling, the Wireless Telecommunications Bureau concluded that Air-Tel’s “GPS-assisted location service” was not a Radiolocation Service within the meaning of the Commission’s rules.⁵ Air-Tel is now seeking an experimental license (and filed a Petition for Reconsideration and Request for Waiver against the Order,⁶ for which CTIA is filing separate comments) for similar operations using the same equipment in the 3.5-3.6 GHz band.

CTIA strongly supports the Commission’s experimental licensing program and files here only to ensure that the system is used for its intended purposes and not to provide commercial services or to circumvent EB directions to cease unlawful operations. Specifically, CTIA raises the following issues for the Commission’s consideration. First, the devices Air-Tel seeks to operate as part of the experimental license are produced by Cambium Networks, and the equipment is currently certified for operations at 3650-3700 MHz—a band available for wireless broadband, not radiolocation. Air-Tel is seeking experimental authority to operate the same equipment in the 3.5-3.6 GHz band. Second, Air-Tel’s above-referenced Petition for Reconsideration makes clear that one of its primary objectives is to “resume service to its customers, who have suffered severe disruption from the cutoff of Air-Tel’s service.”⁷ In its experimental application, Air-Tel seeks to operate the same equipment in two locations that match locations in the license that Air-Tel turned off following EB’s investigation and determination. For these reasons, the Commission should consider whether grant of the experimental application could be used to launch commercial services in contravention of the Commission’s

⁴ *Id.* at 4-5.

⁵ Order ¶ 7; see also Petition for Declaratory Ruling at 2-3 (describing Air-Tel’s operations at “GPS-assisted location service” having “the base station send a signal to the mobile unit, and the mobile unit responding with a transmission of its geographic coordinates back to the base station; the mobile having determined its geographic coordinates by means of an embedded GPS unit”).

⁶ See Air-Tel, LLC, Petition for Declaratory Ruling/Waiver Pursuant to Section 1.2 of the Commission’s Rules, Regarding Part 90 Radiolocation Operations on Call Sign WQLX454; Request for Waiver to Utilize Non-Certified, Non-Interfering Equipment in Such Operations (filed Jan. 2, 2018).

⁷ *Id.* at i.



experimental licensing rules.⁸

Given the above, CTIA asks that the Commission inquire further into Air-Tel's plans prior to action on its Application or Petition for Reconsideration and Request for Waiver to ensure the intent of the Commission's experimental licensing program is not being circumvented.

Sincerely,

/s/ Kara Romagnino Graves

Kara Romagnino Graves
Director, Regulatory Affairs

cc: JoAnn Lucanik, Acting Deputy, Spectrum Enforcement Division

⁸ See, e.g., *Spectrum Horizons et al.*, Notice of Proposed Rulemaking and Order, 33 FCC Rcd 2438, 2443 (2018) (“[E]xperimental licensing does not permit the establishment of commercial deployments other than those that meet specific marketing limitations.”).