



August 10, 2018

VIA ELECTRONIC FILING

Mr. Douglas Young
Office of Engineering and Technology
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Air-Tel, LLC, Experimental Application 0238-EX-CN-2018, Ref. No. 43153

Dear Mr. Young:

CTIA hereby responds to the recent letter from Air-Tel, LLC (“Air-Tel”) addressing CTIA’s initial letter regarding the above-referenced application for experimental authority to operate in the 3.5-3.6 GHz band.¹

As Air-Tel readily acknowledges, the CTIA letter did not oppose Air-Tel’s application.² Rather, CTIA stated that it was filing only to ensure that Air-Tel’s proposed operation be used for its stated purposes, not to provide commercial services, and to operate in a manner consistent with an earlier Enforcement Bureau directive.³ Instead of requesting denial of Air-Tel’s application, CTIA asked the Commission to inquire further into Air-Tel’s plans “to ensure the intent of the Commission’s experimental licensing program is not being circumvented.”⁴ Without commenting on the merits, CTIA appreciates that Air-Tel provided additional information for the Commission’s review.

¹ See Letter from David J. Kaufman, Counsel for Air-Tel, LLC, re: FCC File No. 0238-EX-CN-2018, Ref. No. 43153 (filed July 25, 2018) (“Air-Tel letter”); see *also* Letter from Kara R. Graves, Director, Regulatory Affairs, CTIA, re: Experimental Application 0238-EX-CN-2018 (filed June 29, 2018) (“CTIA letter”).

² Air-Tel letter at 1.

³ CTIA letter at 2.

⁴ *Id.* at 3.



CTIA does wish to respond to Air-Tel's curious claim that CTIA filed in response to Air-Tel's application so "members can obtain a head-start over Air-Tel."⁵ CTIA members compete aggressively in the wireless marketplace—against each other and all comers. At the same time, CTIA members seek to play by the rules. The purpose of CTIA's initial letter was to ensure that Air-Tel is held to those same rules.⁶

Should there be any questions concerning this submission, please contact the undersigned.

Sincerely,

/s/ Kara R. Graves

Kara R. Graves
Director, Regulatory Affairs

cc: JoAnn Lucanik, Acting Deputy, Spectrum Enforcement Division
Anthony Serafini, Chief, Experimental Licensing Branch
David J. Kaufman, Esq., Counsel to Air-Tel, LLC

⁵ Air-Tel letter at 3. See also *id.* (claiming that CTIA's letter was interposed "for the sole purpose of delay").

⁶ Air-Tel is also misguided in asserting that CTIA's letter is "a blatant violation" of the Commission's *ex parte* rules. *Id.* at 1. Air-Tel's characterization of the letter ignores Commission precedent. As Air-Tel observed, it received notice of CTIA's letter from the Commission's Office of Engineering and Technology rather than from CTIA directly. *Id.* But there is no evidence of prejudice or unfairness to Air-Tel due to the brief delay in becoming aware of the letter. Consistent with Commission precedent, this is at most a *de minimis* matter related to service protocol that does not preclude Commission staff from examining issues raised by CTIA regarding Air-Tel's conduct in this matter. See *Travel-Phone Corporation*, Memorandum Opinion and Order, 85 FCC 2d 517, 520 ¶ 9 (1981) (noting that where a bureau, not the filer, relayed letters, "this matter presents a picture of a *de minimis* violation of normal procedures ... concerning service rather than of *ex parte* communications violating fundamental concepts of due process and fairness").