

Telecom Alert: May 1, 2017 -Title II NPRM; FirstNet Update; 800 MHz Spectrum Leasing; WRC-19 Draft Recommendations

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CC Chairman Pai Circulates NPRM to Roll Back Title II Regulation

FCC Chairman Ajit Pai announced last week that he has circulated a Notice of Proposed Rulemaking for vote at the May 18 Open Meeting proposing to roll back the Title II regulation of broadband Internet Access Service as adopted under the 2015 Open Internet Order. The NPRM proposes to reclassify broadband Internet access as an information service. If adopted, the NPRM will also eliminate the “Internet conduct standard”. Additionally, the NPRM seeks comment on how to approach bright-line rules, also adopted in the 2015 Order, which prohibit blocking, throttling, and paid prioritization. The NPRM is expected to be approved by 2-1 vote during the May meeting. The Chairman’s Office has stated that a draft will be available to the public well ahead of the vote.

FirstNet Update

AT&T Senior Executive Vice President and Chief Financial Officer John Stephens announced last week that the company plans to release draft state plans for review in June. It is the goal of AT&T and FirstNet that all 50 states, 5 territories, and Washington D.C will accept FirstNet/AT&T final plans by the fourth quarter of 2017. Each state or territory will have the option of accepting the final FirstNet/AT&T plan or pursuing an alternative plan for coverage. Among the key issues under review will be rural coverage.

EWA Files Comments on 800MHz Spectrum Leasing

The Enterprise Wireless Alliance suggested in an ex parte filing that M2M Spectrum Networks LLC violated the Commission’s rules by leasing large amounts of 800 MHz spectrum. EWA argues that M2M exceeded the number of trunked and conventional channels permitted for lease under the FCC’s rules through a unique partnership with Smartcomm License Services, LLC, an affiliate of

M2M. EWA alleges that M2M obtained leases from licensees who, prior to receiving solicitation from Smartcomm, had no experience in wireless telecom. According to EWA, these licensees explained that Smartcomm offered to prepare and file SMR applications on their behalf and provide the necessary equipment and site leases. In addition, EWA alleges that the licensees were referred to M2M for all “post-licensing assistance,” and that the licensees believe M2M will build the system using its own equipment.

FCC Requests Comment on Draft Recommendations for WRC-19

The Commission seeks comment on draft recommendations provided by World Radiocommunications Conference Advisory Committee (WAC) to reach consensus on items for the 2019 World Radiocommunication Conference (WRC-19). At its last meeting, WAC approved two draft preliminary views and four draft proposals, and returned one draft proposal back for lacking consensus. The returned proposal concerns the coexistence between Wi-Fi and new radar systems in the 5.25 – 5.35 GHz and 5.47 – 5.73 GHz bands. The proposal asserts that “Wi-Fi operations should not be required to protect the radars in a way that would preclude Wi-Fi operations.” The Commission also seeks comment on draft proposals presented by the National Telecommunications and Information Administration (NTIA). Comments will assist the FCC in its consultations with the State Department and NTIA in the development of U.S. positions for WRC-19. Comments are due by May 8.

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