

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Higher Ground LLC	)	IBFS File No.: SES-LIC-20150616-00357
	)	
Application for Blanket Earth Station License	)	Call Sign: E150095
	)	

**APPLICATION FOR REVIEW OF APCO INTERNATIONAL**

The Association of Public-Safety Communications Officials-International, Inc. (APCO) hereby submits the following Application for Review in response to the Order and Authorization issued by the International Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology (collectively, the Bureaus) granting the application of Higher Ground LLC for a blanket earth station license.<sup>1</sup>

Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 27,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 Public Safety Answering Points (PSAPs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

In the Order, the Bureaus granted Higher Ground’s application for a blanket earth station license to operate up to 50,000 earth stations known as “SatPaq” terminals in the 6 GHz band to

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<sup>1</sup> In the Matter of Higher Ground LCC Application for Blanket Earth Station License, File No. SES-LIC-20150616-00357, *Order and Authorization*, DA 17-80 (International Bur., Wireless Telecommunications Bur. Office of Engineering and Technology rel. Jan. 18, 2017) (“Order”).

provide consumers with text messaging, email, and IoT communication capabilities in remote and lightly populated areas.<sup>2</sup> In doing so, the Bureaus waived certain frequency coordination rules, largely based on Higher Ground’s claim that it plans to protect incumbent licensees from harmful interference by using an untested self-coordination system called “Channel Master.”<sup>3</sup>

APCO is filing an Application for Review to urge the Commission to reverse the Bureaus’ Order. APCO was unaware of this proceeding until the Order, which did not include the Public Safety and Homeland Security Bureau, was released on delegated authority. Significant harm to public safety communications could result from this grant.<sup>4</sup>

As a general matter, APCO agrees with many of the concerns raised by commenters but dismissed by the Order, including the use of a waiver rather than a rulemaking of general applicability, proceeding on delegated authority, potential harmful interference to incumbent operations, the use of a proprietary untested self-coordination method, and the large number of devices that Higher Ground is permitted to license in the 6 GHz band.<sup>5</sup> Likewise, APCO agrees with the arguments raised in the Application for Review and Motion for Stay filed by the Fixed Wireless Communications Coalition (FWCC).<sup>6</sup> APCO is particularly concerned about potential interference to the thousands of public safety microwave licensees currently operating in the 6 GHz band and fundamentally opposes the use of an unproven frequency coordination method in a public safety band.<sup>7</sup>

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<sup>2</sup> *Id.* at 2-4.

<sup>3</sup> *Id.* at 2-3.

<sup>4</sup> At least one entity objected to Higher Ground’s application based on the use of the 6 GHz frequency bands for public safety purposes, and this does not seem to have been adequately considered and addressed by the Bureaus in the Order. *See* Order, at n. 35.

<sup>5</sup> *See* Order at paras. 7 and 23.

<sup>6</sup> *See* Application for Review and Motion For Stay of the Fixed Wireless Communications Coalition, File No. SES-LIC-20150616-00357 (filed Feb. 10, 2017).

<sup>7</sup> According to the ULS database, there are over 6,000 licensed public safety microwave stations in the 6 GHz band. APCO expressed similar concerns with regard to frequency coordination in the 4.9 GHz proceeding. *See* Ex Parte Letter of APCO, WP Docket No. 07-100, PS Docket No. 06-229, WT Docket No. 06-150, 2 (filed Jun. 1, 2016).

The Commission should, at a minimum, reverse the Bureaus' Order. Additionally, rather than accepting Higher Ground's assertions outright, and because Higher Ground's proposed operations are completely incompatible with the currently permitted uses in this band, the Commission should conduct a formal rulemaking to amend the rules governing operations in the 6 GHz band. The Commission should require that Higher Ground conduct a live pilot in collaboration with public safety entities to assess the effectiveness of the proposed coordination system to protect licensed operations. Though Higher Ground states that it has explained and demonstrated its coordination process,<sup>8</sup> a written explanation and a demonstration are not equivalent to a pilot or a trial of the coordination method.

The Bureaus acknowledge that Higher Ground's coordination process is both "unconventional and proprietary."<sup>9</sup> This language, and the lack of the coordination method's proven effectiveness, give APCO pause as to whether this method will adequately protect existing public safety licensees from harmful interference. Ultimately, Higher Ground's self-coordination method is untested and unproven, and, for public safety, this uncertainty is unacceptable.

APCO's concerns are not allayed by the Bureaus' statement that the low power transmissions and self-coordination method proposed by Higher Ground will minimize the risk of harmful interference.<sup>10</sup> This has not been verified or demonstrated to be effective in a live setting. Moreover, once these devices have been deployed, there is a risk that competitive or business pressures will lead Higher Ground to seek additional authorization for increased power levels, thus increasing the risk of harmful interference.

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<sup>8</sup> Order, at para. 24.

<sup>9</sup> *Id.* at para. 25.

<sup>10</sup> *Id.* at para. 35.

Regardless of the power level of the devices, the Order generally does not provide much in the way of assurances that harmful interference will not occur. The Order states that the steps Higher Ground will take and the conditions placed on the grant of the application “*should* prevent or *minimize* the risk of harmful interference.”<sup>11</sup> This is not the same as ensuring that Higher Ground’s proposed low power level and self-coordination method *will prevent* harmful interference. Again, public safety is not the appropriate arena to deploy new, untested spectrum-sharing and frequency coordination methods.

Further, APCO is not convinced by the Bureaus’ assertion that Higher Ground’s service will be rolled out in a “controlled manner.”<sup>12</sup> Higher Ground is permitted to deploy 5,000 new terminals each quarter during the first year and then may deploy up to a total of 50,000 terminals.<sup>13</sup> APCO disagrees with the premise that the implementation of 20,000 devices in a year qualifies as a controlled rollout. And, once this service is deployed, if harmful interference does occur, it will be impossible to recall or control all of Higher Ground’s devices.

Finally, APCO disagrees with Bureaus’ evaluation of the purported public interest benefits of granting Higher Ground’s application. The Bureaus did not properly weigh the concerns of public safety or the risk of potential interference to current licensees.

## CONCLUSION

The Commission should reverse the Bureaus’ Order, initiate a formal rulemaking proceeding to amend the rules governing operations in the 6 GHz band, and require that Higher Ground conduct a live test, coordinated with public safety, prior to permitting Higher Ground’s operations.

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<sup>11</sup> *Id.* at para. 19, 34-35 (emphasis added).

<sup>12</sup> *Id.* at para. 20.

<sup>13</sup> *Id.* at para. 36.

Respectfully submitted,

APCO INTERNATIONAL

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February 17, 2017

**CERTIFICATE OF SERVICE**

I, Nicole M. Zimbelman, government relations counsel at the Association of Public-Safety Communications Officials-International, Inc., hereby state that true copies of the foregoing APPLICATION FOR REVIEW were sent by U.S. Mail, February 17, 2017 to the attached Service List.

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