

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**In the Matter of** )  
 )  
**Facilitating Shared Use in the 3100– 3550** ) **WT Docket 19-348**  
**MHz Band** )  
 )

**Joint Comments of the  
Telecommunications Subcommittee of the American Petroleum Institute  
and the Regulatory and Technology Committee of the  
Energy Telecommunications and Electrical Association**

The Telecommunications Subcommittee of the American Petroleum Institute (“API”) and the Regulatory and Technology Committee of the Energy Telecommunications and Electrical Association (“ENTELEC”) jointly submit these comments in response to the Federal Communications Commission’s Report and Order and Further Notice of Proposed Rulemaking (“FNPRM”) in the 3100-3550 MHz band proceeding.

**Background**

API is a national trade association representing more than 600 companies involved in all phases of the petroleum and natural gas industries, including the exploration, production, refining, marketing, and transportation of petroleum, petroleum products, and natural gas. Among its many activities, API acts on behalf of its members before federal and state regulatory agencies. The API Telecommunications Subcommittee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries. API is supported and sustained by companies that make use of a wide variety of wireline, wireless, and satellite communications services on both a private and commercial basis. All wireless services used by our membership require RF spectrum resources, of both narrowband and broadband varieties.

ENTELEC is a user association focusing on communications and control technologies used by petroleum, natural gas, pipeline, and electric utility companies. The Regulatory and Technology Committee is comprised of ENTELEC’s members and provides policy advocacy and targeted educational opportunities and resources on behalf of those members.

## Comments

Our comments in response to the FNPRM focus on the Commission's proposed changes to the 3.45-3.55 GHz Band ("345 Band"). We wish to highlight that based on successful efforts and infrastructure planning for the existing Citizens Broadband Radio Service ("CBRS") band, this FNPRM should seek to align the 345 Band with rules already in place in CBRS, versus adopting a disparate set of regulations. Thus, the 345 Band would be "expanded spectrum" for CBRS.

Further, in adopting CBRS rules for the 345 Band, ENTELEC and API believe the Commission should address the following issues as described below:

- 1) **Interference Minimization.** The Spectrum Access System ("SAS") for CBRS could be used to limit interference and address incumbent protection.
- 2) **Block Sizes.** Since broadband access is important, the channelization of five separate 20 MHz wide contiguous blocks using a time-division duplex solution does appear reasonable. Being that the entire 3.45-3.70 GHz band would be an aggregate CBRS band, the 3.45-3.55 GHz segment would primarily support requests for 20 MHz or more of spectrum access.
- 3) **Spectrum Block Configuration.** API and ENTELEC suggest that one (1) of the five (5) 20 MHz licenses be treated as General Access, with the remaining (4) licenses auctioned for Priority Access Licensing ("PAL"). The net result is that the 3.45 to 3.70 GHz band would consist of 100 MHz reserved for General Access and 150 MHz for PAL access. Of course, General Access devices may operate in PAL blocks as permitted by a SAS.
- 4) **Geographic Licensing.** API and ENTELEC feel that licensing by County, which aligns with CBRS, versus licensing by Partial Economic Areas (PEA) is a much better format. In our view, this does a better job at "(1) facilitating access to spectrum by both small and large providers; (2) providing for the efficient use of spectrum; (3) encouraging deployment of wireless broadband services to consumers, especially those in rural areas and Tribal lands; and (4) promoting investment in and rapid deployment of new technologies and services"<sup>1</sup>. In addition, this aligns with the concept that the 345 Band is an expansion band for CBRS. Note that should the Commission revisit a licensing by Census tract solution, our membership would also be supportive, although this may affect the alignment with CBRS.
- 5) **Guard Bands.** Not required due to the CBRS alignment.

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<sup>1</sup> *Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands*, Report and Order, 18 FCC Rcd 25162, 25174, para. 31 (2003) (*AWS-1 Service Rules R&O*); see also 47 U.S.C. § 309(j); WT docket No 19-348, para. 96 (2020)

- 6) Non-Federal Incumbent Commercial Radiolocation Operator Relocation. Any funding for relocation should be paid for by auction proceeds. The FCC should approach this equitably, by meeting with the incumbents and agreeing on a formula to best represent the proper reimbursement amount per relocation. Then, based on a reasonable timeframe, they should be required to relocate. While this could delay the date for full license utilization, the SAS, as part of the 345 Band infrastructure, ensures those adjustments can be made in real time and limit “blackouts” due to incumbents.
- 7) Amateur Radio Use. Amateur radio operators and their use of RF spectrum is instrumental in furthering experimental frontiers of communications. API and ENTELEC believe that reasonable protection for these operations is within the best interests of the public. We feel it is reasonable to reduce the current Amateur Radio allocations by 100 MHz so that 3.4 to 3.5 GHz is not encumbered; however, we do not believe that sunseting the entire 200 MHz amateur band from 3.3 GHz to 3.5 GHz is in the public interest now or in the near future.
- 8) Technical Issues. By adopting the 345 Band as a CBRS “expansion band”, technical issues would follow the same rules adopted for CBRS.
- 9) License Aggregation. CBRS rules currently permit a PAL holder to aggregate up to 40 MHz of spectrum. As part of this proposal, we would add that an additional 20 MHz of spectrum could be aggregated, provided it came from the 345 Band. Thus, a CBRS-based operation with channels in both the 3.45 to 3.55 GHz and the 3.55-3.70 GHz bands would be authorized for PAL aggregation of up to 60 MHz of spectrum.
- 10) Licensing and Operating Rules. By adopting the 345 Band as a CBRS “expansion band”, the licensing and operating rules would align with the same rules adopted for CBRS.

However, the Commission also brings up a valid point on license preservation; Would an IIoT offering be a valid “safe harbor” for population coverage of 35% of the area by year 8 and 65% of the area by year 12? API and ENTELEC believe that for many remote areas, this target percentage is too great. We instead propose that for counties with populations above 150K, the proposed population coverage of 35%/65% for years 8 and 12 respectively are acceptable. For populations from 1K to 150K, either population coverage or area coverage of 25%/50% for years 8 and 12 respectively is acceptable. Finally, for counties with a population of less than 1K, including the Gulf of Mexico, that a single 8-year filing be required to show a reasonable service investment of an amount of at least \$100K to provide a “viable service for public benefit”. This last criteria needs to be enforced in a reasonable manner as “percentage based” coverage criteria risk penalizing remote connectivity solutions, or only require targeting a single population center in a large area in order to preserve a license.

- 11) Performance Failure and Compliance. These rules should follow rules established for CBRS.
- 12) Competitive Bidding Procedures. These rules should follow rules established for the Priority Access License Auction 105 (CBRS), adjusted for a 20 MHz PAL versus a 10 MHz PAL in terms of deposits and minimum bids. Recall that the 345 Band would permit both PAL and General Access use within the band, since these are both part of CBRS as well.

### **Conclusion**

API and ENTELEC find that having additional spectrum added to the CBRS band in the 3.45 to 3.55 GHz space would be a great way to simply improve the bandwidth offered to CBRS users, including oil & gas, utilities, commercial carriers, and critical infrastructure. We support simplifying the rules, rather than re-inventing them in a long process. API and ENTELEC believe that our members will benefit from the smaller licensing area, for both General and Priority access within the 3.45 to 3.55 GHz spectrum as part of an expanded CBRS offering.

We hope that the Commission will strongly consider our joint position.

Respectfully submitted,

**American Petroleum Institute**



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