

November 24, 2014

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Request for Waiver of Adaptrum, Inc.*, ET Docket No. 14-187

Dear Ms. Dortch:

The Dynamic Spectrum Alliance¹ (DSA) supports Adaptrum Inc.'s request for a limited waiver of the height restrictions on antennas used in connection with unlicensed devices in the television bands. The record indicates that granting Adaptrum's request will not cause harmful interference with licensed services, and it will allow Adaptrum and its partners to deliver broadband to a rural community.

On August 10, 2014, Adaptrum filed a request for a waiver of section 15.709(b)(2) of the Commission's rules.² This section provides that transmit antennas serving unlicensed devices in the broadcast bands may not be placed more than 30 meters above the ground.³ Adaptrum seeks permission to place antennas at a height of 250 feet (76 meters) on up to fifteen towers in its proposed service area in Washington County, Maine, near the Canadian border.⁴ A waiver would allow Adaptrum to place its radios above the tree line, thereby improving coverage within the service area.⁵

Adaptrum's request should be granted because the underlying purpose of the height limitation would not be served in this case, and a grant of the requested waiver would be in the public interest.⁶ The purpose of the height limitation is to limit potential interference to protected users of the broadcast bands. Adaptrum proposes to use only ten of forty available

¹ A list of the Dynamic Spectrum Alliance's 40 members is located at <http://www.dynamicspectrumalliance.org/members.html>.

² See Petition for Waiver of Adaptrum, Inc., ET Docket No. 14-187 (Oct. 23, 2014) (Adaptrum Petition).

³ 47 C.F.R. § 15.709(b)(2).

⁴ See Adaptrum Petition at 1, 2.

⁵ See *id.* at 1.

⁶ See 47 C.F.R. § 1.925(b)(3) (setting forth the standard for granting waivers).

white spaces channels in the service area, and its operations will be spectrally separated from the nearest U.S. broadcaster by three television channels.⁷ In addition, Adaptrum recognizes the need to protect broadcasters and other registered entities on the Canadian side of the border from harmful interference and has committed to working with Industry Canada as necessary to do so.⁸

Granting Adaptrum's request would also serve the public interest. Adaptrum and its partners propose to serve a rural county where the population density is between 13 and 160 people per square mile.⁹ Much of the county is unserved by wireline infrastructure, and the more rural parts of the county, if served at all, experience slow speeds -- below 3 Mbps.¹⁰ As the Commission has recognized, white spaces devices -- which improve spectrum utilization and often reduce network deployment costs -- can be instrumental in bringing broadband to rural and underserved areas.¹¹ Granting Adaptrum's request would enable Adaptrum to improve broadband service in Washington County, Maine, clearly meeting the Commission's public interest test for granting a waiver.

Respectfully submitted,



H. Nwana
Executive Director, Dynamic Spectrum Alliance

⁷ Adaptrum Petition at 4, 6.

⁸ *Id.* at 3, 4.

⁹ *Id.* at 6.

¹⁰ See National Broadband Map, <http://www.broadbandmap.gov/speed> (last visited Nov. 12, 2014).

¹¹ See *Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, *Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 02-380, Third Memorandum Opinion and Order, 27 FCC Rcd 3692 (2012), ¶ 6. Indeed, the Commission recently adopted a Notice of Proposed Rulemaking that considers the question of whether it should raise the very height restrictions that are the subject of this waiver. See *Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, and Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap*, ET Docket No. 14-165; *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Notice of Proposed Rulemaking (rel. Sep. 30, 2014).