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## Selected Articles from **TR Daily**

July 17, 2014

Courtesy [Paul Kirby](#) and others, [TR Daily](#)

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### **LEGISLATION**

#### **SEN. ROCKEFELLER SEEKS REAUTHORIZATION OF AMERICA COMPETES ACT FOR BASIC R&D**

Sen. John D. (Jay) Rockefeller IV (D., W.Va.) today sought to begin the process of reauthorizing the America COMPETES Act to support U.S. research and development by releasing draft legislation that likely will face some headwinds from House and Senate Republicans.

“This bill would make it clear that the United States is committed to leading the world in science and engineering,” Sen. Rockefeller said at a hearing of the Commerce, Science, and Transportation Committee, which he chairs.

“Unless we choose to support science in this country - and it is a choice - I am afraid that the next world-changing innovation will not belong to us,” he said. “That’s why I’d like to invite all of my Senate colleagues to work with me on a 2014 COMPETES reauthorization, to ensure that our country continues to lead.”

The COMPETES act first passed in 2007 and was reauthorized in 2010. A House version of reauthorization legislation was introduced in March by Rep. Eddie Bernice Johnson (D., Texas), ranking member of the House Science, Space, and Technology Committee. But supporters of the bill will have to overcome doubts about the benefits of federal government spending on basic research.

“At some level, there is broad bipartisan consensus that the federal government should play a significant role in promoting scientific research - especially basic research,” said Sen. John Thune (R., S.D.), the commerce committee’s ranking member.

“Businesses can rarely support sustained, long-term, high-risk research in the same way the government can,” Sen. Thune said. “This is especially true when the benefits - though potentially large - are diffuse.”

“But once we get beyond the high-level agreement, the nuts and bolts of federal funding can be challenging,” Sen. Thune added. “It is not hard to find examples of federally funded research that sound more like the pet projects of eccentric billionaires than matters worthy of limited taxpayer dollars.”

Budget “realities,” Sen. Thune said, “underscore the importance of maximizing our federal investments so we can get the biggest bang for our buck, and should encourage an examination of ways to leverage even more private sector resources to expand the reach of our R&D.”

Witnesses at today’s hearing voiced support for increasing the federal government’s financial support for basic research, but some also noted that it was sometimes difficult to determine how to spend

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research dollars most effectively.

“We need better metrics to inform policy decisions about research,” Stephen Fienberg, a professor at Carnegie Mellon University, told the committee. “But the United States lacks an institutionalized capability for systematically evaluating the nation’s research enterprise as a whole, assessing its performance, and developing policy options for federally funded research.”

Internet pioneer Vinton Cerf, Google, Inc.’s chief Internet evangelist, noted that basic research often involved failure and dead ends. “Basic research is high risk but has a high potential payoff,” he testified. “Only the government has the capacity to sustain this kind of effort.”

Sen. Rockefeller said he would “continue to defend scientific research and to make it a priority. Given our government’s long and successful track record in supporting research and development, I would like to think that it doesn’t need defending. But unfortunately, it does.” - Tom Leithauser, [tom.leithauser@wolterskluwer.com](mailto:tom.leithauser@wolterskluwer.com)

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### **INDUSTRY GROUPS PRAISE HOUSE WI-FI LEGISLATION**

Several industry groups today praised a Wi-Fi bill introduced yesterday (TRDaily, July 16) by several lawmakers that is a companion to a Senate measure unveiled last month by Sens. Marco Rubio (R., Fla.) and Cory Booker (D., N.J.) (TRDaily, June 20).

The legislation introduced yesterday by Reps. Bob Latta (R., Ohio), Darrell Issa (R., Calif.), Anna G. Eshoo (D., Calif.), and Doris Matsui (D., Calif.) would direct the FCC to conduct tests to analyze if the 5 gigahertz band can be shared between Wi-Fi and connected-vehicle users without causing interference.

“At a time of exponential growth in demand for wireless spectrum, increased use of unlicensed technologies such as Wi-Fi is vital to alleviate the spectrum crunch,” said Grant Seiffert, president of the Telecommunications Industry Association. “In the upper 5 GHz band, the wireless industry has been working collaboratively with the FCC and the auto industry. TIA remains confident that any potential interference issues can be successfully resolved in a manner that enables increased use of the band for technologies such as Wi-Fi while not compromising the efficacy or safety of potential intelligent transportation systems (ITS) uses of the band.”

The National Cable & Telecommunications Association said, “We applaud Reps. Latta, Issa, Eshoo, and Matsui on the introduction of the Wi-Fi Innovation Act. This bipartisan legislation would take important steps to secure more unlicensed spectrum in the 5 Ghz band. With the demand for WI-Fi enabled

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devices – along with the spectrum required to use these devices — continuously rising, we need to assure that our country can establish a future where ultra-fast Wi-Fi is everywhere. We look forward to working with these members and the rest of the House on passage of this legislation."

"By directing the Federal Communications Commission (FCC) to conduct spectrum-sharing tests within the 5 GHz band, the Wi-Fi Innovation Act will help improve our nation's spectrum efficiency – a critical need, as more and more consumers now demand 'anytime/anywhere' connectivity," said Veronica O'Connell, vice president-government and political affairs for the Consumer Electronics Association. "The bill also recognizes that unlicensed spectrum is critical to vehicle safety applications and intelligent transportation initiatives, proof that the sponsors understand we must have enough unlicensed spectrum available to fuel our increasingly interconnected world."

Scott Belcher, president and chief executive officer of the Intelligent Transportation Society of America, had the same response to the House bill as he did to the Senate legislation, saying that his group "supports the collaborative effort, which is already underway, to explore whether a technical solution exists that would allow Wi-Fi devices to operate in the 5.9 GHz band without interfering with these critical safety applications. But this process should be allowed to proceed without arbitrary deadlines, restrictive parameters or political pressure that could influence the outcome." - Paul Kirby, [paul.kirby@wolterskluwer.com](mailto:paul.kirby@wolterskluwer.com)

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**HEAD START ON ETC STATUS ADVISED FOR BROADBAND EXPERIMENT APPLICANTS**

Although entities that are not currently authorized as eligible telecommunications carriers (ETCs)—a prerequisite to receiving federal high-cost Universal Service Fund support—are allowed to apply for funding under the FCC's rural broadband experiments program, they will need to apply for ETC status if they are awarded support, and thus should look into the process for ETC designation in the state or states they wish to serve, Carol Matthey, deputy chief of the FCC's Wireline Competition Bureau, said during a webinar hosted by the Fiber to the Home (FTTH) Council today.

Under the rural broadband experiments, for which the FCC approved a \$100 million budget last week (TRDaily, July 11), applications to serve different areas (which can combine any number of census blocks) will be compared and winners determined "pretty much immediately" after the Oct. 9 submission deadline, Ms. Matthey said. Each application will be assigned a score based on the support sought as a percentage of the amount of Connect America Fund Phase II support that the FCC's cost model has determined for the areas covered by that application. The lower the percentage, the better the application will score in comparison to other applications.

Jonathan Chambers, chief of the FCC's Office of Strategic Planning & Policy Analysis, noted that interested parties can consult an online map (<http://www.fcc.gov/maps/fcc-connect-america-fund->

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[phase-ii-initial-eligible-areas-map](#)) of CAF Phase II eligible areas. The rural broadband experiment program has funding both for the high-cost unserved areas (dark green on the map) and extremely high-cost unserved areas (red on the map). By zooming in, users can click on individual census tracts and determine the Phase II support levels for each as determined by the cost model. The map also shows the number of unserved locations in each census tract.

Mr. Chambers noted that theoretically parties could apply for support at the cost model level—which serves as the “reserve price” for the rural broadband experiment program—and receive support if applications did not exceed the budget, but that applicants’ chances for funding when demand exceeds the budget will be better if they are lower.

Mr. Chambers emphasized, “What we’re mainly trying to test is the auction procedures,” which will help the agency design subsequent CAF support auctions for areas in which incumbent price cap carriers refuse to serve at the support level determined by the cost model.

The experiment is also “trying to test” support for service at speeds higher than both the FCC’s current 4 megabits per second downstream/1 Mbps upstream definition of broadband and its pending proposed new definition of 10 Mbps/1 Mbps. “This experiment fits into that ongoing proceeding,” he said. - Lynn Stanton, [lynn.stanton@wolterskluwer.com](mailto:lynn.stanton@wolterskluwer.com)

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### **FCC SEEKS COMMENT ON AWS-3 PETITIONS**

The FCC today sought comment on three petitions asking the agency to revisit portions of the AWS (advanced wireless services)-3 order it adopted in March (TRDaily, March 31). Oppositions are due 15 days after “Federal Register” publication of a public notice and replies are due 10 days after that in GN docket 13-185.

A joint petition for reconsideration filed by Trimble Navigation Ltd. and Deer & Company complained that the FCC’s order failed to “adopt appropriate technical safeguards to protect the Global Positioning System (‘GPS’) from harmful interference. Specifically, the Commission erred in not more fully examining the impact of out-of-band emissions (‘OOBE’) to GPS from operations in the 1695-1710 MHz band (the ‘AWS-3 Unpaired Spectrum’).

“Accordingly, the Commission should reconsider its decision to establish 43+10 log<sub>10</sub> (P) dB below 1695 MHz as the relevant OOBE limit for AWS-3 emissions into the radionavigation satellite system (‘RNSS’) spectrum at 1559-1610 MHz (the ‘43+10 log Limit’),” Trimble and Deer said. “Instead, the Commission should base the OOBE limit on how handsets actually operate today, informed by the OOBE limits that already apply among wireless services. While taking these steps to protect GPS is necessary, the Commission need not delay the licensing of AWS-3 Unpaired Spectrum (or the

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remainder of the AWS-3 Unpaired Spectrum (or the remainder of the AWS-3 bands).”

Meanwhile, Engineers for the Integrity of Broadcast Auxiliary Services Spectrum filed a petition complaining that the FCC failed to consider its concerns with the Department of Defense relocating operations from the 1755-1780 megahertz band to the 2025-2110 MHz band (TRDaily, April 28). - Paul Kirby, [paul.kirby@wolterskluwer.com](mailto:paul.kirby@wolterskluwer.com)

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### **S.F. FIRST RESPONDERS CITE BENEFITS OF 911 VERTICAL POSITIONING**

The San Francisco Fire Department, the International Association of Fire Fighters Local 789, and the San Francisco Department of Emergency Management have reported to the FCC the results of tests they conducted with a smartphone equipped with beacon location technology that was developed by NextNav LLC. They say the tests validate the benefits of first responders having 911 vertical location information. The tests at two high-rise buildings in San Francisco showed that the response times for one team without vertical location information were 7 minutes, 6 seconds and 19 minutes, 11 seconds, while the response times for the team with vertical information were 3 minutes, 26 seconds and 2 minutes, 18 seconds. “As the Commission has acknowledged, these time differences can have real impacts on the effectiveness of emergency response, and on the health outcomes for victims,” said an ex parte filing in WT docket 07-114. “Even this limited test provides a clear demonstration in support of the Commission’s conclusion that dispatching first responders with vertical location information can significantly improve public safety, particularly in dense urban areas.”

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### **SURVEY: AMERICANS SUPPORT WARRANT BEFORE POLICE SEARCH CELLPHONES**

Eighty-three percent of Americans say police should have to get a warrant before they search personal information on mobile phones, according to a survey commissioned by Microsoft Corp. In addition, 86% of respondents believe police should have to follow the same rules for getting personal information in the cloud as they do for data stored on paper. A unanimous Supreme Court ruled last month that police searches of digital information on the mobile phones of people they have arrested require search warrants, except in exigent circumstances such as when an accomplice may detonate a bomb or when a child abductor may have information on the location of the child (TRDaily, June 25).

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### **COMMENTS SOUGHT ON AT&T 800 MHz BAND WAIVER**

The FCC’s Wireless Telecommunications Bureau has sought comments on an AT&T, Inc., request for a waiver to permit power spectral density measurements for 800 megahertz cellular operations in the Burlington, Vt., market. Comments are due Aug. 5 and replies Aug. 15 in WT docket 14-107.