October 27, 2016

VIA IBFS

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

Re: *Ex Parte Presentation*  
Higher Ground LLC Application for Blanket Earth Station License  
IBFS File No. SES-Lic-20150616-00357; Call Sign E150095

Dear Secretary Dortch:

Cellular Network Partnership d/b/a Pioneer Cellular, by its counsel, files this *ex parte* letter opposing grant of the application for blanket earth station licenses ("Application") filed by Higher Ground LLC ("HG") in the above-referenced proceeding. Pioneer Cellular shares the concerns expressed by CenturyLink, the Fixed Wireless Communications Coalition ("FWCC"), the National Spectrum Managers Association ("NSMA"), Frontier Communications, and the Utilities Telecommunications Coalition ("UTC") (the "Commenters"). In particular, Pioneer Cellular worries that the proposed operations by HG’s mobile earth terminals will create interference to fixed microwave links, that the source of such interference will be difficult to detect, and therefore, that such interference will be difficult to resolve. Pioneer Cellular specifically objects to a grant of a waiver that would enable HG to bypass the well-established frequency coordination process set forth in the rules and instead engage in an untested "self-coordination" process. Finally, Pioneer Cellular vigorously objects to the manner in which HG’s application has been considered, and urges the Commission to provide appropriate notice by addressing HG’s application, and specifically the waiver requests, in a notice and comment proceeding.

Pioneer Cellular is a wireless service provider serving thousands of customers in mostly rural areas in Oklahoma and Kansas. Pioneer Cellular operates, and relies heavily upon, microwave links operating in the 5925 – 6425 MHz band to provide backhaul services in rural areas without fiber optic facilities. Pioneer Cellular has approximately eighty such links today, and expects to have ninety such links in the next twelve to eighteen months. Pioneer Cellular uses these backhaul links for wireless voice and data services; lifesaving 911 services; essential communications links for fire departments; police departments; medical

---

1 See Comments of CenturyLink in Opposition to Application (Sept. 10, 2015).
2 See FWCC Petition to Deny (Sept. 11, 2015).
3 See Comments of NSMA (Oct. 6, 2015).
5 See *Ex Parte* letter from Brett Kilbourne, UTC, to Marlene Dortch (Sept. 6, 2016).
and rescue services; oil and gas monitoring; and agricultural services. These links range in length from nine to twenty-three miles.

Pioneer Cellular fully agrees with the concerns expressed by the Commenters regarding the risk that HG’s mobile devices will create interference, and that “the intermittent nature of such devices would make it extremely difficult to isolate, identify, or locate them.”\(^6\) Pioneer Cellular also fully agrees with the Commenters generally, and with UTC specifically, that the waiver request “fails to show any unique circumstances and/or undue burden that would justify the Commission’s granting a waiver.”\(^7\)

In considering the waiver, the Commission must consider the precedent that it will be setting. Entities competing with HG likely will request similar waivers. Operation of 50,000 or more mobile earth terminals by additional entities will further exacerbate the potential for harmful interference to fixed microwave links. Will the Commission permit each additional entity to rely on its own “self-coordination” mechanism? Will the operators of fixed microwave links have to identify and contact multiple operators in the event of interference from an unknown source?

Pioneer Cellular submits that the Commission has not provided adequate public notice of the Application and accompanying waiver requests. Like Frontier Communications, Pioneer Cellular did not become aware of HG’s proposal until Comsearch sent an alert to its clients in July 2016.

The nominal public notice provided in this proceeding is wholly insufficient to provide affected parties with appropriate notice of the significant policy issues raised by the Application and waiver requests. The only public notice provided was a one paragraph entry within a thirteen page list of “Satellite Radio Applications Accepted for Filing” released on August 5, 2015. The Commission cannot reasonably expect cellular service providers to be monitoring satellite earth station applications accepted for filing. In all events, the one paragraph description hardly describes the scope and potential impact of HG’s waiver requests.

The significant issues raised by the Application and the accompanying waiver requests require an appropriate notice and comment proceeding. Pioneer Cellular urges the Commission to refrain from processing HG’s Application until after an appropriate, \textit{stand-alone}, Public Notice is published providing an opportunity for comments and reply comments. Several precedent-setting issues in the Application require a full public record before the Commission can reach a well-reasoned decision.

\(^6\) Comments of CenturyLink at 2.
\(^7\) \textit{Ex parte} letter of UTC at 3.
For the reasons set forth above, Pioneer Cellular asks the Commission to defer consideration of HG’s Application and waiver requests pending issuance of a notice and comment proceeding to properly consider the significant policy issues.

Respectfully submitted,

Pamela Gist
Counsel to Pioneer Cellular

Cc (via e-mail): Mindel de la Torre
Jose Albuquerque
Kerry Murray
Stephen Duall
Paul Blais
Blaise Scinto
John Schauble
Stephen Buentzow
Adam Krinsky, Higher Ground
Tiffany West Smink, CenturyLink
Cheng-yi Liu, FWCC
David E. Meyer, NSMA
AJ Burton, Frontier Communications
Brett Kilbourne, UTC
Susan Crandall, Intelsat