

On-Ramp Indiana, Inc.

Request for Special Temporary Authority

Pursuant to Section 1.931(a)(2)(iv) of the Federal Communications Commission's ("FCC" or "Commission") Rules, 47 CFR § 1.931(a)(2)(iv), On-Ramp Indiana, Inc. ("On-Ramp") hereby requests Special Temporary Authority ("STA") to deploy and provide point-to-multipoint service in counties in (a) Hendricks, Marion, Boone, Hamilton, Johnson, Madison, Tipton and Howard counties in Indiana, and (b) Lee, Collier, Charlotte, DeSoto and Sarasota counties in Florida. On-Ramp seeks use of the 5850-5895 MHz band on a temporary basis for an initial period of 180 days.

Grant of an STA would be consistent with the Commission's March 26, 2020 grant of emergency STA to 33 fixed wireless broadband providers ("WISP STA") and numerous others, and will help On-Ramp meet the "extraordinary circumstances" resulting from the surge in consumer demand for residential fixed broadband services during the COVID-19 pandemic.¹ On-Ramp further notes that the Commission has expressly authorized temporary use of the 5850-5895 MHz band during the one-year period when incumbent non-federal operations are in use.²

Pursuant to Section 1.931(a)(2)(iv) of the FCC's Rules, the Commission may grant a request for STA for a period of 180 days upon a finding that there are "extraordinary circumstances requiring operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest." The facts and circumstances described below meet this standard.

On-Ramp is a fixed wireless internet service provider delivering voice and data services in the Indianapolis and Southwest Florida (Fort Myers/Port Charlotte) metropolitan areas to the residential, commercial, small business, education, healthcare and public sector markets. On-Ramp relies primarily on unlicensed spectrum for last-mile connections to end users, including the 5 GHz U-NII bands. Access to "clean spectrum" is a daily challenge because of the number of spectrum users in these densely populated metropolitan areas that have multiple cable company operators, other WISPs, home & business routers all contributing to the interference environment. On-Ramp is limited by RF spectrum availability in a lot of areas of our network and cannot obtain access to large channel sizes, straining capacity and slowing speeds for customers.

As the COVID-19 has spread, federal and local governments have encouraged "social distancing" and issued "stay at home orders." These actions and warnings have resulted in more and more Americans working and learning from their homes, circumstances that are likely to continue for at least several weeks. Beginning in March, On-Ramp has seen its bandwidth usage increase by about 40% as schools closed, workers quarantined and consumers practice "social distancing," and as On-Ramp has added new customers to its broadband network. Spectrum congestion that was already limited has been further stressed by the surge in broadband traffic.

¹ 47 C.F.R. §1.925(a)(2)(iv).

² See *Use of the 5.850-5.925 GHz Band*, First Report and Order, Further Notice of Proposed Rulemaking, and Order of Proposed Modification, ET Docket No. 19-138, FCC 20-164 (rel. 164 (rel. Nov. 20, 2020) ("*5.9 GHz Report and Order*").

Broadband traffic has not decreased over time, and additional spectrum capacity is necessary to meet demand as more and more individuals are working and learning from home. Students are using more bandwidth in their homes than has been the case in the past, and a large percentage of the adult population is continuing to work from home. On-Ramp has seen a huge increase in uplink data usage from Zoom and other remote conferencing software. On-Ramp believes that this trend will continue even after the pandemic as more workers become accustomed to working from home and decide to do so more regularly.

Th additional 45 MHz of “clean” spectrum in the 5850-5895 MHz band will alleviate bandwidth constraints and give On-Ramp the ability to provide faster bandwidth packages and speeds to its existing customer base as well as new customers. This will improve the quality and reliability of broadband connections and enable On-Ramp to add more capacity to its existing access points and towers and lower the amount of congestion that currently exists on parts of its network. On-Ramp would implement the software upgrade to add the additional spectrum immediately, with current equipment, and thereby improve service across its network.

To meet this increase in demand and to ensure that students, consumers, farms and businesses can stay connected with adequate broadband, On-Ramp requires access to additional spectrum. On-Ramp currently uses the U-NII bands to deliver fixed broadband service. The U-NII-4 band (5850-5925 MHz) is shared with the Dedicated Short-Range Communications (“DSRC”) service (Radio Codes IQ and QQ) and certain federal users.

On-Ramp respectfully submits that grant of this request meets the standard set out in Section 1.931(a)(iv) and is in the public interest. Emergency use of the 45 megahertz in the 5850-5895 MHz band will be the best solution for helping to meet the increase in demand for fixed broadband services in Indiana and Florida. First, as COVID-19 has spread, more and more Americans working and learning from their homes, circumstances that have lasted for several months, resulting in a profound shift of broadband use to residences. Second, other unlicensed bands, such as U-NII-1 and U-NII-3, are too congested to meet the existing and expected surge in bandwidth demand, including the needs of first responders. Third, On-Ramp has access to FCC-certified 5 GHz equipment that can be easily and quickly re-tuned via a software update to operate in the 5850-5895 MHz band. Fourth, this re-tuned equipment will not require installations to customer locations in order for access to be enabled, thereby mitigating the health risks to consumers and installers that would be caused by close human contact in the home.

In addition, the *5.9 GHz Report and Order* specifically acknowledges that the Commission “will consider requests for full power outdoor operations through our existing regulatory process for individualized and temporary access to spectrum.”³ The *5.9 GHz Report and Order* confirms the benefits of the Commission’s current STA practice⁴ and recognizes its benefits during the one-year DSRC transition period. Accordingly, a 180-day term will limit the

³ *Id.* at 7 ¶ 13.

⁴ *Id.* at 12 ¶ 27 (“we note that many of WISPA’s members have been able to make temporary use of unused spectrum in the 5.9 GHz band to deliver broadband Internet access service to rural and underserved areas during the current COVID-19 pandemic.”) (citation omitted). The *5.9 GHz Report and Order* will be effective 60 days following its publication in the Federal Register.

number of times On-Ramp and the Commission staff will need to expend resources in renewing or extending STA during the transition period.

In sum, to meet the increase in demand and to ensure that students, consumers, farms and businesses can continue to stay connected with adequate broadband, On-Ramp requires temporary access to this additional spectrum so it can increase throughput to its customers. On-Ramp's proposed operations will not cause interference to other licensed operations.

Consistent with the WISP STA and STAs granted to others, On-Ramp understands that the following conditions may apply to its STA:

- It understands that operations under this STA are subject to the general conditions of operation set forth in Section 15.5 of the Commission's rules.
- It is responsible for ensuring that it does not cause interference to existing licensees. It must review existing DSRC licenses in this band to determine any nationwide, statewide, or countywide licenses that cover or are adjacent to its service area, as well as any site licenses that are near that service area. It must then contact each of these affected licensees before beginning operation and provide its contact information so that the licensee can inform it of interference issues. It may then begin operation; it need not await a response or approval. If a complaint of interference cannot be timely resolved, operation under this STA must cease. It may not operate within 2 kilometers of any site license, regardless of notification or actual interference.
- It will operate consistent with the power levels in Section 15.407(a)(3) of the Commission's rules.
- It will attenuate emissions at 5895 MHz to a level of -27dBm or less.
- Upon expiration of this STA, it will cease operating in the 5.8 GHz band and retune equipment to operate in compliance with the Commission's equipment certifications; it will confirm with the Bureau within 14 days of expiration that it has successfully retuned all of its devices to be compliant with Commission certifications.
- It understands that operations under this STA shall protect federal radiolocation services operating in the 5.8 GHz band and, to afford such protection, operations under this STA are prohibited within 75 kilometers of designated federal locations and any additional sites specified by the Commission after initial grant.
- It understands that any structure utilized to operate pursuant to this STA must comply with the height limitations specified in Section 17.7 of the Commission's rules or must be registered with the FAA.

Should the Commission have any questions or need additional information, please contact our counsel on this matter, Stephen E. Coran, Lerman Senter PLLC, 2001 L Street, NW, Suite 400, Washington, DC 20036, T: 202-416-6744, E: scoran@lermansenter.com.