

that "in view of unique or unusual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."³

Airspan has failed to satisfy either standard. First, Airspan has not shown that the underlying purpose of the OOB limits in 47 C.F.R. § 27.53(n)(1) would be frustrated by strict application. These rules exist specifically to protect CBRS licensees from harmful interference. Airspan's proposal would directly undermine this purpose by allowing massive interference to CBRS operations. Further, Airspan has not demonstrated unusual circumstances warranting relief. To the contrary, the petition reveals design choices that prioritize marginal cost savings for itself over interference protection for adjacent band licensees, circumstances that are neither unique nor compelling enough to justify a waiver.⁴

More specifically, the Commission should deny Airspan's petition because: First, Airspan's requested waiver would exceed OOB limits by a factor of up to 500 (27 dB) across the entire CBRS band, an OOB level likely to cause widespread and harmful interference to the thriving CBRS ecosystem. Contrary to Airspan's claims, the requested waiver is fundamentally different from and significantly more harmful than previously granted waivers to Samsung and Ericsson. It would undermine the Commission's carefully crafted interference protection framework. Airspan's proposed conditions would not protect CBRS users.

³ 47 C.F.R. § 1.925(b)(3); *see, e.g., Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166.

⁴ Airspan acknowledges proper filtering to protect the licensed users of the CBRS band "would create additional costs," but instead argues this justifies waiver relief to benefit itself. *See Airspan Petition* at 10.

Second, granting the waiver would set a dangerous precedent that would effectively nullify the Commission's OOB rules.

Finally, Airspan fails to consider less harmful alternatives. It also fails to articulate any public interest benefits beyond a marginal increase in its own profits that would justify the likely harms to the CBRS band's innovative ecosystem of diverse users serving local needs in rural communities, enterprises and public institutions nationwide.

I. Airspan Seeks Unprecedented Relief that is Likely to Cause Massive Interference to CBRS Users

Airspan's petition seeks relief from OOB limits so that it can operate three base station models on a standalone basis in the 3.45-3.55 GHz band and "with carrier aggregation, simultaneously" in both the 3.45-3.55 GHz and 3.7-3.98 GHz bands.⁵ Critically, Airspan's devices would exceed the 3.45-3.55 GHz band's -40 dBm/MHz OOB limit across the CBRS band by up to 500 times more than the rules allow, even though its radios would not operate in the CBRS band.⁶

As NCTA correctly observes: "Airspan asks to operate across two non-adjacent bands, using the most lenient rules from one of those bands, without any concern for the operational impact on licensees that use the band between them."⁷ This approach goes far beyond the waivers granted to Ericsson and Samsung. More fundamentally, Airspan's proposal is at odds with spectrum management principles and interference protection requirements. According to Airspan's own technical specifications, its devices would emit unfiltered noise at -13 dBm/MHz

⁵ Airspan Petition at 5.

⁶ See Opposition of NCTA—The Internet & Television Association, WT Docket No. 25-234, at 3 (July 7, 2025) ("Opposition of NCTA").

⁷ Opposition of NCTA at 5.

across the entire CBRS band—150 MHz of spectrum that supports over 400,000 deployed devices and more than 1,000 CBRS operators serving consumers and businesses nationwide.

Moreover, even if Airspan mistakenly believes that General Authorized Access (GAA) users are not entitled to the protection of Part 27 OOB limits, in this case the biggest impact could well be on the Priority Access Licensees operating in the lower 70 megahertz of the CBRS band, licensees who clearly have reasonable expectations that the PALs they purchased at auction will not be degraded willy-nilly to benefit a company selling equipment for use in adjacent bands.

A. Airspan's Request Differs Fundamentally from Previously Granted Waivers

Airspan attempts to characterize its request as "Ericsson 2.0," but the relief sought here is vastly broader and more harmful. The Ericsson waiver, among other differences, was premised on dual band filtering.⁸ The Commission has never granted a waiver allowing a device to exceed OOB limits when operating outdoors in standalone mode across a single band.⁹

Further, Airspan's proposed conditions fail to address the fundamental interference problems. While Airspan states it can meet the first two conditions from the Ericsson Waiver Order, it explicitly concedes it cannot meet the third and most critical condition requiring standalone operation to comply with applicable OOB limits.¹⁰

⁸ See *WTB & OET Seek Comment on Ericsson Waiver of Sections 27.53 and 2.947*, Order, 38 FCC Rcd 1253 (2023) ("Ericsson Waiver Order"); *WTB & OET Seek Comment on Samsung Waiver of Sections 96.41 and 2.947, et al.*, Order, WT Docket Nos. 23-93, 25-159 (rel. May 2, 2025).

⁹ See Opposition of NCTA, at 1.

¹⁰ *Ericsson Waiver Order* at 1257.

The Ericsson waiver specifically requires that "when operating as a standalone device in any particular band, the device must meet the technical rules, including the applicable OOB for that band."¹¹ Airspan explicitly acknowledges that it cannot meet this fundamental requirement, stating that "any standalone operation in the lower C band cannot meet that band's standalone OOB limitations."¹² Indeed, as NCTA demonstrated, the "added interference" from Airspan's approach would increase OOB by a factor of 500,¹³ which is absolutely not a tolerable degree of interference for most WISPs and other CBRS operators in the band.

Airspan attempts to justify this massive deviation with flawed logic, arguing that if separate radios are permitted to produce certain emission levels, then any single radio should be able to produce the same emissions regardless of band or design.¹⁴ This reasoning ignores the basic principle that different spectrum bands have different interference environments and protection requirements. In the Commission's finely-balanced technical rules governing the CBRS band's three-tier sharing framework, the OOB limits play an important role in optimizing the ability of many dozens of auction winners and many hundreds of other GAA users to coexist.

Moreover, Ericsson's device included proper filtering and "comple[d] with the 3.45 GHz service OOB limits across the 3.5 GHz band."¹⁵ Airspan's devices, by contrast, make no attempt to filter out emissions into CBRS and rely on what appears to be re-labeled Chinese

¹¹ *Ericsson Waiver Order* at ¶ 9.

¹² Airspan Petition at 13.

¹³ *Id.* at 3; *see also* Waiver Petition at 9, Fig. 1.

¹⁴ Airspan Petition at 13-14.

¹⁵ Opposition of NCTA, at 4; *Ericsson Waiver Order* at ¶ 3.

equipment manufactured by Sunwave, using inexpensive wideband filtering designed for global 3GPP bands 42 and 43 and not for the CBRS band and compliance with FCC technical rules.

Airspan’s argument and characterization as “Ericson 2.0” demonstrate a belief that the Ericson waiver was simply the first step in a plan by the Commission to undermine operations throughout the entire CBRS band. But the Commission made abundantly clear this was not the case. In granting the recent waivers to Samsung and Ericsson for dual-band CBRS/3.7 GHz radios, the Bureau and OET explicitly prohibited operation of those radios “in a standalone 3.5 GHz band mode” outside of equipment-authorization testing.¹⁶ When operational, the Ericsson and Samsung devices must comply with the emissions limits for the relevant bands, and would produce emissions in the upper portion of the band and into C-Band comparable with operation of co-located devices permitted by the rules.¹⁷ The Commission rejected contrary arguments because they “center[ed] on putative adverse impacts on the interference environment in the 3.5 GHz band when the multiband radios are deployed” and “went beyond the instant waiver by assuming the addition of dual band base stations operating in the 3.45 GHz and 3.5 GHz bands.”¹⁸ If accepted, Airspan’s argument would expand the narrow testing waiver granted to Ericsson and Samsung into a waiver for general operation – an outcome the Commission effectively rejected in relation to the Ericsson and Samsung requests.

Finally, Airspan has made no effort to demonstrate that other, less harmful alternatives exist. The company appears content to use a product line designed for different spectrum

¹⁶ *WTB & OET Seek Comment on Samsung Waiver of Sections 96.41 and 2.947, et al.*, Order, WT Docket Nos. 23-93, 25-159, at ¶¶ 12, 15 (rel. May 2, 2025) (“Samsung/Ericsson CBRS/3.7 GHz Waiver Order”).

¹⁷ *Id.* at ¶¶ 11-12.

¹⁸ *Id.* at ¶ 12.

allocations without regard to the interference protection rights the Commission granted to CBRS users.

B. Airspan’s Proposed Waiver Could Impose Massive Interference on CBRS Licensees, Including Many Local Wireless ISPs Relying on CBRS to Deliver Broadband in Unserved and Underserved Rural Communities

The level of OOB emissions inherent in Airspan’s request to waive the existing rules would have profoundly negative effects on CBRS users and the customers they serve. In just five years more than 1,000 CBRS operators have deployed more than 400,000 broadband access points nationwide.¹⁹ A very diverse range of local users—from factory complexes and rural internet providers, to airports, utilities, sporting arenas, ports, mobile carriers, schools and libraries—are expanding use of the band.

It would be massively disruptive to allow an equipment maker to sell base stations that will inevitably increase interference and reduce channel availability for most other users, especially GAA users who have just recently built out the vast majority of CBSDs in reliance on the Commission’s rules. Granting a waiver to permit Airspan's radios to cause massive interference to this successful and evolving marketplace would be contrary to the public interest.

The Airspan waiver would be particularly harmful for rural communities. The deployment of base stations (CBSDs) in rural areas more than doubled from April 2021 to July 2024, according to NTIA, with 67.5% of all CBSDs now located in rural census blocks.²⁰ Going

¹⁹ OnGo Alliance, “OnGo Alliance Reports Breakthrough Year for CBRS with Successful CBRS 2.0 Implementation and Record Deployments,” Press Release (Dec. 17, 2024) (“OnGo Alliance Release”), <https://www.prnewswire.com/news-releases/ongo-alliance-reports-breakthrough-year-for-cbrs-with-successful-cbrs-2-0-implementation-and-record-deployments-302333834.html>.

²⁰ Douglas M. Boulware & Anthony W. Romaniello, An Analysis of Aggregate CBRS SAS Data from April 2021 to July 2024, NTIA Report 25-575, at x (Nov, 2024), <https://www.ntia.gov/sites/default/files/reports/an-analysis-of-aggregate-cbrs-sas-data-from-april-2021-to-july-2024.pdf>.

forward, both PAL and GAA use of CBRS will be foundational spectrum for many recipients of BEAD grants intended to provide high-capacity and reliable wireless broadband service to unserved rural and underserved areas. It would be highly disruptive for licensed-by-rule spectrum to be degraded after the federal government invests billions of dollars in rural broadband deployment premised on CBRS fixed wireless networks.

CBRS has also been a tremendous success in making the U.S. far and away the world leader in enterprise private LTE/5G networks.²¹ By facilitating local spectrum access where it's needed, CBRS boosts productivity and engenders a more robust 5G wireless ecosystem. Manufacturing campuses are one example, with companies including John Deere, Dow Chemical, Chevron and others already operating private mobile networks that rely on CBRS. More than a dozen nations are now seeking to imitate the Commission's innovative approach to giving individual enterprises, small ISPs and other operators local shared spectrum access, although primarily in the upper 3 GHz band without the complication of protecting primary military operations from harmful interference.²²

²¹ "The successful rollout of CBRS 2.0 during 2024 is reshaping how industries deploy private wireless networks," said Dr. Preston Marshall, Chairman of the OnGo Alliance. OnGo Alliance Release, *supra*.

²² Michael Calabrese, "Solving the Spectrum Crunch: Dynamic Spectrum Management Systems," Dynamic Spectrum Alliance, at 39-42 (Oct. 2023), available at <https://www.dynamicspectrumalliance.org/solving-the-spectrum-crunch.pdf>. The United Kingdom, Germany, France, Australia and Brazil are among the nations that have authorized local shared licensing in the upper 3 GHz band.

II. Granting the Waiver Would Undermine the Commission's OOB E Framework

When the Commission adopted OOB E limits for the 3.45 GHz and 3.7 GHz bands, it expressly distinguished the two bands, explaining that "coexistence scenarios for the 3.45 GHz band are more complicated" given federal operations and widespread CBRS deployment.²³ In contrast, Airspan is now essentially arguing that the differences in the OOB E rules across the two bands are meaningless.²⁴ This approach would "effectively undo the Commission's carefully considered rules in both the 3.45 GHz and CBRS bands and would encourage other manufacturers to seek their own waivers through this and other aggressive attempts to emit more and more interference into the CBRS band."²⁵ As NCTA recognized in its opposition, granting this waiver would set a dangerous precedent that encourages other manufacturers to seek increasingly aggressive relaxations of emission limits, progressively degrading the CBRS interference environment and undermining billions of dollars in spectrum investments and deployments.²⁶

CONCLUSION

Airspan seeks unprecedented relief that would cause massive interference to the thriving CBRS ecosystem without adequate justification or appropriate interference protection measures. The company's petition fails to demonstrate that the requested waiver serves the public interest, particularly given the significant harm it would cause to existing CBRS operations and the

²³ *Facilitating Shared Use in the 3100-3550 MHz Band*, Second Report and Order, Order on Reconsideration, and Order of Proposed Modification, 36 FCC Rcd. 5987, ¶ 84 (2021).

²⁴ See Opposition of NCTA, at 9.

²⁵ See Opposition of NCTA at 2.

²⁶ Opposition of NCTA at 8, 10.

federal government's substantial investments in rural broadband deployment that will depend increasingly on CBRS. The Commission should summarily deny Airspan's Petition for Waiver.

Respectfully submitted,

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