

LOWER COLORADO RIVER AUTHORITY
Reply Comments on 2 GHz Licensed PCS

Interest: Public power company that provides electric service to municipalities and cooperatives in central Texas

Relocation of existing users:

- Emphasizes that private fixed microwave licensees cannot operate reliably if given secondary status and, if displaced from 2 GHz band, they must be guaranteed a reliable alternative. (p. 10).

Technical standards:

- Asserts that Commission must ensure microwave licensees interference protection equivalent to Standard 10-E; such a standard is necessary for high reliability and public safety. (p. 2).
- States that changing Standard 10-E to correspond with a different source of interference--mobile services--does not require changing threshold level of interference protection. (p. 4).
- Expresses doubt about effectiveness of "listen-before-talk" interference avoidance methodologies because of highly directionalized nature of point-to-point microwave transmissions. (p. 4).
- States that Commission must guarantee Standard 10-E protection for licensees remaining in the 2 GHz band as well as those who are displaced. (p. 7).
- Asserts that Commission should adopt PCS power and antenna height limits consistent with microcellular service. (pp. 7-8).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

MCCAW CELLULAR COMMUNICATIONS, INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Common carrier licensee for cellular service
and potential new service provider

Band plan:

- 1850-1990 MHz band; reiterates support for 100 MHz allocation for 2 GHz PCS operations. (pp. 3-4).

Amount of spectrum per licensed system:

- 20 MHz allocations for five licensed 2 GHz PCS providers. (p. 4).
- Defends position as procompetitive and widely-supported by other commenting parties and by OPP paper, which confirms that PCS market will support at least five providers and unlicensed services in 1850-1990 MHz band. (pp. 4-18).
- States that arguments in favor of large spectrum grants or fewer competitors lack credible support or rely on erroneous assumptions such as cellular comparability, need for allocation of large spectrum blocks to compensate for presence of existing users, and artificial limits on competition to ensure market viability. (pp. 4, 7-18).

Service areas:

- Reiterates support for MSA/RSA market divisions, citing arguments that include increased entry opportunities, diversity, innovation, rapid deployment, and localism. (pp. 18-27).
- Criticizes MCI consortium proposal, stating that national consortia will limit diversity and competition, slow the deployment of PCS, fail to ensure ubiquitous service, and remove marketplace incentives for provision of service to rural areas. (pp. 29-34).

Cellular carrier participation:

- Remains committed to open entry, and cites comments noting cellular carriers' expertise, efficient implementation, innovation, and diversity in provision of services. (pp. 34-38).
- Notes that OPP paper finds that consumers will benefit by cellular participation due to economies of scope between cellular and PCS. (p. 39-41).

Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006

Local exchange carrier participation:

- Continues to support open entry licensing policies and to oppose set-asides as unwarranted and discriminatory. (p. 38).

Licensing policies:

- States that there is widespread agreement that strict licensing requirements, including strict threshold showings, high initial filing fees, construction benchmarks, and minimum coverage requirements, must be imposed to guard against speculative abuse. (pp. 50-54).
- Asserts that financial qualifications showing should be strengthened to include a demonstration of an applicant's financial ability to compensate existing 2 GHz licensees for the costs of relocation. (pp. 53-54).

Regulatory status:

- Asserts that comments support regulatory parity to prevent competitive inequities. (pp. 43-45).
- States that federal tariffing of common carrier services highlights regulatory imbalances between private and common carriers. (pp. 45-48).
- States that record supports prompt Commission action on Cellular Flexibility Petition ("Petition"); if new 2 GHz PCS carriers are authorized as private carriers, relief sought in the Petition would allow cellular carriers the ability to compete on an equal footing with new 2 GHz offerings. (pp. 49-50).
- Regardless of regulatory model, Petition's proposals promise increased competition and greater spectrum efficiency. (p. 50).

MCI TELECOMMUNICATIONS CORPORATION
Reply Comments on 2 GHz Licensed PCS

Interest: Interexchange carrier and prospective new services provider

Band plan:

- The Commission should allocate three licenses; those who want more are cellular or LEC affiliates; those who want three or less are PCS entrants or manufacturers (25-27).

Amount of spectrum per licensed system:

- The Commission should allocate 40 MHz per provider (19).
- Those recommending 20 MHz allocations do not justify their claims: 20 MHz PCS is only viable if no vehicular service is to be provided; Fleet Call's ability to serve large numbers of customers with 14 MHz is speculative; no estimate of expected demand can be reliably used for spectrum allocation purposes; aftermarket consolidation results in unnecessary delays, excessive costs, and incompatibility; claims of ability to relocate existing users do not recognize situations like the Comsearch model detailed in MCI's Appendix 1, which shows that even a single link will reduce the available spectrum to 0 MHz in certain areas (see also pp. 48-51); the parties requesting 20 MHz allocations are cellular or LEC affiliates who wish to hobble PCS (19-25).

Service areas:

- Nationwide consortium licensing meets all of the Commission's PCS goals: it promotes universality through the local operators and ensures a basic platform of services; speeds deployment through the use of standardized systems, aggregation of capital, and centralized bulk purchasing; diversifies services through allowing local operators to offer customized systems and allowing deployment of otherwise economically unviable services; and promotes competitive delivery through using three consortia (10-14).
- The parties advocating MSA/RSA licensing are those parties with incentives to "kill PCS" -- cellular carriers, SMRs, or LECs; others want larger service areas (29-31).

Licensing policies:

- PCS should be licensed to consortiums to: ensure the capital energy and resources to deploy PCS are available; combine the strengths of a number of providers; diversify ownership; allow development of technical standards; share

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

engineering, technical, and planning information; ease coordination; pool investment; allow nationwide bulk purchasing; allow nationwide marketing; ease international contracting and interconnection; allow centralized development and management of databases and infrastructure; and share revenues among numerous companies (6-9).

- Consortia should be licensed through comparative hearings, which creates the proper incentives for committed applicants and speeds service due to the absence of a post-lottery private auction (10-14).
- Consortia limit the burden on the Commission's resources, even using comparative hearings (15).
- Attempting to formulate consortia after licensing is impractical (17).
- Lotteries give rise to speculation and delays -- the mutual contingent risk sharing proceeding has yet to yield licenses after 4 years. History shows that lottery reforms are likely to be ineffective (31-37).
- MCI extensively details its procedures for expedited comparative hearings, including a "point" system and point values for various comparative criteria (38-48).

Regulatory status:

- Interconnection with LEC facilities (and vice-versa) should be mandated (48).

Technical standards:

- Technical standards should generally be left to each consortium, although each should be required to provide interoperability and roaming and equal access to IXCs (47-48).

Other issues:

- PCS should be a national imperative (2-3).
- MCI advocates 4 PCS principles: PCS must be a viable business; PCS licenses must be awarded to committed applicants; PCS should broaden diversity in communications providers; and PCS should be made a reality as soon as possible (3-6).
- Commenters are divided in to two camps, cellular and LEC providers who wish to "crush" PCS, and equipment vendors, independent PCS experimental licensees, and others "who want PCS to succeed" (18).

*Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006*

METROCALL OF DELAWARE, INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Provider of mobile services

Service areas:

- Comments reflect industry consensus that national licensing limits diversity of services and number of participants and delays service to less populated areas. Similarly, LATAs were not designed for mobile services and are not suited to their needs (3-4).
- Proposes instead a "modified" MSA plan. This plan would use all existing MSAs up to a population of 2 million; the 20 remaining largest areas would be subdivided into smaller licensed areas (see appendix A) (4-5).
- The "modified" MSA plan would permit participation of a larger number of entities, stimulate the development of highly localized services, and expedite implementation to all areas (5-6).

Cellular carrier participation:

- To ensure meaningful competition, cellular carriers should not be permitted to hold PCS licenses in their cellular markets. A two year transition period should be allowed for divestiture of a cellular holding should the carrier obtain a PCS license in the same service area. (6-7).

Local exchange carrier participation:

- To ensure meaningful competition, LECs should not be permitted to hold PCS licenses in their local exchange markets. A two year transition period should be allowed for divestiture of a local exchange holding should the carrier obtain a PCS license in the same service area. (6-7).

Licensing policies:

- Auctions are not in the public interest because they would pass on spectrum acquisition costs to PCS users, disadvantage PCS providers vis-a-vis cellular carriers who did not have this expense, and reduce the pool of eligible participants in PCS (6).
- A transfer of a PCS license should only be allowed after three years and after attaining a subscriber base of one percent of the population in the licensed area (7-8).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

MOTOROLA INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Equipment manufacturer

Band plan: (p. 6)

<u>Block</u>	<u>Spectrum Segment</u>
A	1850-1870/1930-1950
B	1870-1890/1950-1970
C	1890-1900
D	1900-1910
E	1910-1930

- Blocks A and B provide 40 MHz per operator for wide area PCS services.
- Block C is unpaired 10 MHz shared by two licensees for local area services.
- Block D can either be used in the same manner as Block C or to increase the nonlicensed PCS allocation.
- Block E is unpaired 20 MHz for nonlicensed PCS.

Licensing Policies:

- Record strongly supports reform to the licensing process to prevent speculation. The current lottery process encourages widespread speculative abuses. (p. 65)
- In order to minimize the number of PCS applications, the Commission must:
 - Impose high filing fees. (p. 67)
 - Require applicants to demonstrate financial qualifications to construct and maintain the PCS facility as well as to relocate the incumbent 2 GHz licensees. (p. 68, 69)
 - Impose minimum construction deadlines and coverage requirements. (p. 70)
 - Reject mass-produced engineering proposals. (p. 72)
 - Require applicants to demonstrate site availability. (p. 73)

Technical Standards:

- TIA Bulletin TSB10-E requires continued refinement before it is appropriate for PCS to microwave coordination. (p. 18)
- Provided the industry continues to address the problems associated with TSB10-E in a constructive manner, direct

Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006

Commission prescription of coordination standards is unnecessary. (p. 19)

- The proposals for aggregating PCS interference at the microwave receiver require modification. (p. 20)
 - The FCC should allow the use of a mean PCS base station transmitter height when the distance to the microwave receiver is substantially greater than the radius of the area of the base station distribution. (p. 20)
 - PCS licensees should be able to make system modifications without subsequent re-coordination. (p. 20)
 - PCS licensees should be able to de-aggregate mobile and portable levels where the cell is large and located in close proximity to the microwave receiver. (p. 21)
 - A probability term is needed to reflect the number of mobiles in use at any one time. (p. 21)
- The PCS-Microwave coordination table should be extended downward to reflect lower antenna height and power for PCS base stations. (p. 21)
- Continued reliance on the Carey curves must be questioned as sound engineering practice. (p. 23)
- The Commission should encourage the development of common protocols and common air interfaces for various PCS technologies. (p. 25)

**MOULTRIE INDEPENDENT TELEPHONE COMPANY,
NUSHAGAK TELEPHONE COOPERATIVE INC., AND
STATE LONG DISTANCE TELEPHONE COMPANY
Reply Comments on 2 GHz Licensed PCS**

Interest: Small independent telephone companies serving rural areas.

Amount of spectrum per licensed system:

- The public interest would be best served by a scheme that promotes the maximum number of service providers in each market -- five providers should maximize competition (3).

Service areas:

- Agrees with majority of commenters that MSA/RSA service areas should be adopted for PCS because they are well understood, would create opportunities for small businesses, would encourage addressing local needs, and would speed implementation of services (8-9).
- However, within each serving area, each LEC should be granted a right of first refusal to provide PCS within its exchange area boundaries (9).
- Nationwide licensing would be the least desirable alternative as it would minimize the number of entities involved in PCS and result in a lack of responsiveness to local needs (9).

Local exchange carrier participation:

- The Commission should reserve one license for LECs, nationwide. In rural areas, LECs may be the only entities willing to invest in and provide PCS (3).
- The Commission could implement such an approach by affording a LEC the right of first refusal to offer PCS within its exchange area (4-5).

Licensing policies:

- Support the adoption of safeguards to ensure a reasonable and fair licensing mechanism. The settlement process prevalent in the cellular lotteries disadvantaged small telcos (5-8).

*Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006*

NATIONAL ASSOCIATION OF BUSINESS AND EDUCATIONAL RADIO, INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Trade association and frequency coordinator for
business and educational radio service

Licensing policies:

- NABER supports the use of lotteries for licensing (6-7).
- Auctions should not be used in any event (6-7).

Regulatory status:

- PCS should be regulated as private carriage. At a minimum, carriers should be able to elect a regulatory status (4-5).
- Supports overwhelming number of commenters who believe that PCS providers, whether private or common carrier, should have a federally protected right of interconnection with the PSTN that is reasonable under the circumstances and no less favorable than that offered to any other customer or carrier (5-6).

Other issues:

- Supports severing the 900 MHz proceeding from the 2 GHz proceeding to speed authorization of new narrowband PCS systems (2-4).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
Reply Comments on 2 GHz Licensed PCS

Interest: Association of state utility commissions

Amount of spectrum per licensed system:

- States that NARUC's most recent resolution contends that there is insufficient quantitative data to determine optimal number of licensees; however, where economically justified, FCC should award maximum number of licenses that can be assigned in band allocated for PCS in order to maximize competition and innovation. (pp. 12-13).

Service areas:

- NARUC resolution also contends that FCC should further examine, along with other options, whether PCS service areas should be modeled after existing cellular service areas; reiterates preference for local or regional service areas, citing lower investment of each provider and greater number of competitors. (p. 13).

Local exchange carrier participation:

- States that LECs should not be precluded from providing PCS; however, no preferential treatment should be granted. (p. 15).
- Asserts that authorized service providers in a given geographic area should not be affiliated with one another because of anticompetitive effects. (p. 15).

Regulatory status:

- Reiterates position that private carrier classification of PCS is inappropriate from a policy perspective, noting that emergency transmission requirements would not apply and benefits of common carriage, including nondiscriminatory access, full interconnection, just and reasonable rates, and a level playing field would be sacrificed. (pp. 2-7).
- States that private carrier PCS designations and preemption of state authority are legally unjustifiable on basis of current record; rejects commenting parties' "policy" oriented justifications for private carrier status as failing to meet the requirements of relevant provisions of the Communications Act. (pp. 7-11).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Technical standards:

- States that FCC should develop technical standards that assure that customer PCS equipment is interconnectible with all providers of service and that customer can have equal access to all providers without purchasing separate terminal equipment. (p. 16).

Other:

- Urges FCC to ask Federal-State Joint Board to examine impact of FCC's PCS proposals on existing federal and state support mechanisms and consider whether and what changes may be required to further universal service objectives. (pp. 13-14).
- Recommends that FCC develop monitoring standards for PCS trials. (p. 14).

NATIONAL CABLE TELEVISION ASSOCIATION, INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Trade association of cable television companies

Band plan:

- The Commission should allocate 90 MHz to PCS (15-16).

Service areas:

- Nationwide licenses are not in the public interest (18).

Cellular carrier participation:

- No firms should be barred from provision of PCS (14-15).

Local exchange carrier participation:

- LEC set-asides are not in the public interest, since none of the previous policy reasons justifying set-asides apply to PCS; LECs should be allowed to participate (with appropriate safeguards) on the same basis as other applicants (11-15).

Licensing policies:

- Lotteries should be used to license PCS systems since comparative hearings are too costly and time-consuming (17-18).

Regulatory status:

- PCS providers should have a federally protected right of interconnection with the PSTN that is no less favorable than that offered to any other customer or carrier; past practice has shown that telephone companies will discriminate if given the opportunity (19-20).
- State regulation of the types of interconnection available should be preempted (20).
- The Commission should encourage competition by requiring LECs to offer unbundled services; placing safeguards against LEC cross-subsidization; and applying only minimal oversight to non-LEC infrastructure (6-8).
- PCS should be private carrier under Section 332 of the Communications Act since it will not be an essential service and since the Commission has legal authority to classify it as such (9-11).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Technical standards:

- An FCC-mandated standards advisory body is unnecessary in light of industry efforts; the FCC should be mindful, however, to encourage competitive PCS infrastructures (22).

Other issues:

- Cable television companies are efficient providers of PCS, as noted by OPP (3-6).

*Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006*

**NATIONAL CENTER FOR LAW AND DEAFNESS, TELECOMMUNICATIONS
FOR THE DEAF, INC., WORLD INSTITUTE ON DISABILITY, SELF
HELP FOR HARD OF HEARING PEOPLE, INC., AMERICAN SPEECH-
HEARING-LANGUAGE ASSOCIATION**

Reply Comments on 2 GHz Licensed PCS

Interest: Various public interest organizations promoting reforms for people with hearing and speech disabilities (1-3).

Licensing policies:

- The licensing process should take into consideration whether potential PCS licensees propose to provide accessible and affordable PCS to people with speech and hearing disabilities (6).

Regulatory status:

- PCS offerings should be classified as common carriage, because, as GTE notes, private carrier offerings would be exempted from the Americans with Disabilities Act requirements (6-7).

Other issues:

- The FCC has placed licensing speed above all other priorities, which may be misguided. The FCC should consider, at the earliest stage, means of assuring access to new PCS by people with hearing and speech disabilities (3-6).

*Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006*

NATIONAL TELEPHONE COOPERATIVE ASSOCIATION
Reply Comments on 2 GHz Licensed PCS

Interest: A national association of small and rural local exchange carriers.

Amount of spectrum per licensed system:

- Thirty parties echo NTCA's support for awarding five PCS licenses (3).

Service areas:

- There is substantial support for using MSA/RSA service areas (3-4).
- Does not oppose proposals, like that of Bell Atlantic, which envision national licensing schemes that still make room for small rural LEC participation in their telephone service areas (4-5).

Local exchange carrier participation:

- Supports full eligibility for LECs both inside and outside their service areas. Agrees with concerns of several parties that PCS deployment in rural areas will be impeded if rural LECs are not able to provide these services (2).
- Other parties echo NTCA's support for set-aside for LECs operating in RSAs and those having 50,000 subscribers or less (2-3).

Licensing policies:

- Generally supports use of simplified postcard lottery (5).
- Also supports proposal of Oregon telcos that licenses be made available expressly for rural areas with populations of 10,000 or less, and that these licenses be granted upon the request of the LEC serving that area (5-6).

NEHALEM TELEPHONE & TELEGRAPH CO.
Reply Comments on 2 GHz Licensed PCS

Interest: Small, rural local exchange carrier

Other:

- Supports comments filed by Clear Creek Mutual Telephone Company, et al. (establish smaller license areas for rural PCS; refrain from restricting the eligibility of LECs to provide PCS in rural areas or exempt rural telcos servicing areas of 10,000 or less from any general LEC restrictions; impose minimal regulation on PCS providers; and permit cooperative rural telephone companies to elect private carrier status for their PCS offerings) (1).

Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006

NORTHERN TELECOM
Reply Comments on 2 GHz Licensed PCS

Interest: Equipment manufacturer

Band plan:

- 3 licensees with 30 MHz each with 20 MHz for unlicensed devices (1-2).

Cellular carrier participation:

- Supports cellular entry (2).

Local exchange carrier participation:

- Supports LEC entry (2).

Licensing policies:

- Recommends licensing one or two nationwide systems and one or two regional systems for a total of three systems (12).
- Believes MCI's nationwide consortium proposal, or a less formal alliance, will be an effective means of generating standards, and thus will be beneficial (11).
- National consortia would also speed licensing and deployment and would offer opportunities for minority and small business involvement through franchising and pooling of common costs (11-13).
- NT recommends the following changes to the MCI plan: all systems, not just a single consortium system, should operate with the same CAI/SAI and all companies should be eligible to participate in a consortium (13).

Regulatory status:

- Supports regulation as common carriers, with fair interconnection into the PSTN (2).

Technical standards:

- Supports its initially proposed changes to the interference and coordination guidelines (2).
- Supports CAI (and Standard Air Interfaces ("SAIs")) to lower production costs, encourage innovation and specialization, and focus developers' efforts on niche markets and unique applications while supporting competition, roaming, and interoperability (3).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

- A broad cross section of industry parties support SAIs and CAIs, and evidence support for industry, rather than FCC, definition of standards (3-4).
- NT notes that separate SAIs/CAIs should be developed for each service (e.g., voice vs. high speed data), but FCC should not preclude PCS operation before CAIs/SAIs are developed; additional standards should be capable of being developed in response to market demands for new services (4-5).
- PCS providers should have flexibility to use power levels appropriate for the areas they are serving (14).

*Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006*

NUSHAGAK TELEPHONE COOPERATIVE, INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Small, rural local exchange carrier

Other:

- Supports comments filed by Clear Creek Mutual Telephone Company, et al. (establish smaller license areas for rural PCS; refrain from restricting the eligibility of LECs to provide PCS in rural areas or exempt rural telcos servicing areas of 10,000 or less from any general LEC restrictions; impose minimal regulation on PCS providers; and permit cooperative rural telephone companies to elect private carrier status for their PCS offerings) (1).

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

NYNEX CORPORATION
Reply Comments on 2 GHz Licensed PCS

Interest: Local exchange and cellular provider.

Band plan:

- FCC should license five PCS providers per service area. (p. 3).

Service areas:

- As DOJ commented, nationwide licenses, such as those proposed by MCI, would limit the number of participants. Market forces can achieve the goals espoused by MCI without resort to consortia. (pp. 8-11).
- MSA/RSA service areas are best for PCS; as DOJ noted, this will allow the proper PCS market adjustments. (p. 11).

Cellular carrier participation:

- The OPP Paper demonstrates that current cellular spectrum is insufficient to serve both the existing market and new PCS data services. Cellular carriers should be allowed equal participation in PCS outside current service areas and competitive participation -- data services in the 900 MHz range -- within their service areas. (pp. 8-9).

Local exchange carrier participation:

- Full LEC participation, which offers infrastructure and institutional capability as well as a commitment to the consumer mass market, is necessary if the FCC's goals in this proceeding are to be met. Cites OPP Paper in support of this position. (pp. 3-5).
- FCC's proposal that LECs with cellular affiliates should be barred from holding PCS licenses incorrectly assumes that LECs have unfettered access to the spectrum held by their cellular affiliates. (pp. 6-7). The comments of DOJ and NTIA also make this assumption. If a LEC is required to maintain the separate subsidiary relationship, the LEC should be permitted access to spectrum without regard to the cellular affiliate. (pp. 7-8).

Licensing policies:

- Comparative hearings, in conjunction with strict threshold qualifications (proposed by Personal Communications Network Systems of New York among

Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006

others), will produce the most qualified providers.
(pp. 12-13).

- Under either a comparative hearing or lottery licensing scheme, the FCC should require an engineering analysis, detailed financial commitments and demonstrated technical expertise. (pp. 13-14).

Regulatory status:

- Many commenters agreed that PCS should be classified as common carrier to create a level playing field for telecommunications providers. (p. 15).

Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006

OMNIPOINT CORPORATION
 Reply Comments on 2 GHz Licensed PCS

Interest: Pioneer's preference tentative selectee, equipment manufacturer, and prospective service provider

Band plan:

- Given scarce spectrum, the issue of how many licenses are issued will determine how many networks get financed and whether PCS will be able to compete with cellular and ESMR (5).
- Of the 29 commenters advocating five licenses per market, 27 are aligned with LEC, cellular, or ESMR interests (5-6).
- Of the 39 companies advocating less than 5 licenses, 33 advocated two or three providers. These represent a broad cross section of PCS advocates (6).

Amount of spectrum per licensed system:

- As more than 20 companies who analyzed PCS unanimously agreed, PCS ("wireline quality voice, data, video and multimedia applications delivered wirelessly to pocketable devices") will need 40 MHz of clear spectrum; data rates supporting computer communications and digitized video will need even more (2).
- It is impossible for a PCS provider with only 20 MHz to provide contiguous PCS coverage in a city (3).
- All of the 26 parties arguing for 20 MHz have either cellular or LEC interests; in contrast, the 36 commenters advocating more than 20 MHz represent a cross section of RBOCs, cellular, every equipment provider except AT&T, cable companies, IXCs, and OFS incumbents (3).
- Every one of the 18 40 MHz advocates has been in the forefront of bringing PCS to fruition, every one gave detailed technical reasons why 40 MHz was necessary, and all of the companies (except one RBOC) addressing the issue of migrating PCS into the OFS band on a shared basis advocated a minimum of 40 MHz (3).
- Omnipoint recommends 40 MHz allocations within each cell, with each provider given 60 MHz to "hunt in," which would eliminate delays caused by a long voluntary negotiation only relocation period; level the playing field among PCS operators; and provide the FCC with the flexibility to make further decisions on the spectrum reserve later on (4-5).

Wiley, Rein & Fielding
 1776 K Street, N.W.
 Washington, D.C. 20006

Service areas:

- Although a majority of those commenting on service areas (58 percent) advocated MSAs/RSAs, 80 percent of those advocates have cellular or LEC interests (6).
- Large areas must be authorized because studies, especially those done by cellular operators, show coverage is of paramount importance to users; RF signals from adjacent RSAs cause interference to the MSAs since they are uncoordinated; it took ten years to license the MSAs and RSAs (6).
- The only benefit of MSA/RSA licensing is determined boundaries; this could be incorporated by using the outlying RSA/MSA boundaries to define MTAs (7).
- National licenses are unwarranted concentrations of power, and the only benefit is interoperability, which can be achieved other ways (e.g., all A block licensees voting on mandatory interoperability for the A block nationwide) (7).

Licensing policies:

- Omnipoint favors expedited comparative hearings, since lotteries are only appropriate for relatively fungible service proposals (9-10).

Regulatory status:

- The regulatory status should be determined on an offering-by-offering basis (10).

Other issues:

- Omnipoint recommends breaking the NPRM into two stages: (1) decide all licensing issues other than eligibility based on the premise that all will be able to compete; (2) decide issues of eligibility (1).

*Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006*

OTZ TELEPHONE COOPERATIVE INC.
Reply Comments on 2 GHz Licensed PCS

Interest: Small, rural local exchange carrier

Other:

- Supports comments filed by Clear Creek Mutual Telephone Company, et al. (establish smaller license areas for rural PCS; refrain from restricting the eligibility of LECs to provide PCS in rural areas or exempt rural telcos servicing areas of 10,000 or less from any general LEC restrictions; impose minimal regulation on PCS providers; and permit cooperative rural telephone companies to elect private carrier status for their PCS offerings) (1).

Wiley, Rein & Fielding
1776 K Street, N. W.
Washington, D. C. 20006