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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of	)	
	)	
Amendment of the	)	
Commission's Rules to	)	Docket No. 90-314
Establish New Personal	)	
Communications Services	)	
	)	

REPLY OF AT&T CORP.

AT&T Corp. ("AT&T") hereby replies to certain comments on Omnipoint Corporation's Petition for Reconsideration of the Memorandum Opinion and Order<sup>1</sup> in the above-referenced docket (the "Omnipoint Petition").

AT&T agrees with Motorola, Inc. ("Motorola") that the Commission should reject Omnipoint's request that the Commission's spectrum etiquette rules regarding unlicensed PCS should be revised to increase the current "listen before talk" monitoring period for unlicensed PCS devices from ten milliseconds to twenty milliseconds and the frame

<sup>1</sup> In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Memorandum Opinion and Order, Docket 90-314, FCC 94-144 (released June 13, 1994) ("MO&O").

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period for such devices from ten milliseconds/X to twenty milliseconds/X, where X is a positive whole number.<sup>2</sup> The spectrum etiquette adopted by the Commission was the result of a long process of commercial and technical debate and the achievement of a broad industry consensus through two years of efforts by WINForum. The Commission properly weighed the competing interests and struck a balance that ensured that the maximum number of technologies could be accommodated in the unlicensed spectrum.

The Omnipoint Petition, moreover, simply restates arguments about increasing the monitoring and frame periods that were heard and rejected by the Commission before its adoption of the MO&O.<sup>3</sup> Although Omnipoint claims that at the time the Commission heard such arguments "virtually all of the debate still assumed that there would be 40 MHz for

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<sup>2</sup> See Comments of Motorola, Inc., filed August 30, 1994 ("Motorola Comments"), pp. 12-14.

<sup>3</sup> See Rockwell International Corporation's Petition for Reconsideration of the Second Report and Order, filed December 7, 1993, pp. 5-7; Personal Communications Industry Association's Petition for Reconsideration of the Second Report and Order, filed December 8, 1993, pp. 19-20; and Omnipoint Corporation's Comments on Petitions for Reconsideration, filed January 13, 1994, p. 13. These pleadings make the same points that Omnipoint is now raising. They were explicitly rejected by the Commission in the MO&O, para. 238.

all unlicensed PCS,"<sup>4</sup> the amount of spectrum utilized for unlicensed PCS is unrelated to the monitoring and frame periods for unlicensed PCS devices. Consequently, the reduction in the amount of spectrum allocated for unlicensed PCS does not justify a reconsideration of the rules relating to the monitoring and frame periods. In addition, Omnipoint provides no new facts or arguments in support of an increase in the monitoring and frame periods, and "it is well settled that reconsideration will not be granted merely for the purpose of again debating matters which the Commission has deliberated upon and resolved."<sup>5</sup>

AT&T fully agrees with Motorola's comments on the Omnipoint Petition. As Motorola stated, increasing the monitoring and frame periods to twenty milliseconds penalizes more narrow band technologies and portable duplex systems because it will double the spectrum access time and thereby adversely impact the battery life of such systems.

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<sup>4</sup> Omnipoint Petition, p. 2.

<sup>5</sup> Walton Broadcasting, Inc., 83 F.C.C.2d 440 (1980) (footnote omitted). See also MTS and WATS Market Structurer, Amendment of Part 67, 2 FCC Rcd 4533 (1987); American Broadcasting Companies, Inc., 90 F.C.C. 2d 395, 401 (1982); ITT World Communications Inc., 90 F.C.C. 2d 784, 785 (1982) (where the Commission denied a petition for reconsideration because petitioners failed to "raise any fact, argument or language which ha[d] not already been carefully considered by this Commission").

Consequently, Omnipoint's argument that its proposed modifications to the frame period will not create problems for systems subscribing to a shorter frame period or for consumers of such systems is wrong. Although consumers may not notice the additional delay in call set-up time, they will certainly be impacted by the fact that the batteries in their devices will not last as long, thereby increasing the costs of using them and decreasing their service performance. In addition, the longer frame period could lower the effective use of available spectrum to consumers, which would be inconsistent with the Commission's goal of promoting increased spectrum efficiency.

Motorola also makes the significant point that "air interface frame periods of 10 milliseconds are sufficient to support low bit rate advanced vocoders that typically utilize analysis intervals of 20 milliseconds or more. Indeed, the vocoder speech analysis interval need not be the same as the frame period of the air interface transmissions."<sup>6</sup> Essentially, Omnipoint is seeking a regulatory change in an attempt to solve problems related to its architecture.

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<sup>6</sup> Motorola Comments, p. 13.

Although AT&T agrees with Motorola and does not believe that Omnipoint's requested change to the monitoring and frame periods should be granted as proposed, AT&T believes that a compromise could be achieved that would address the concerns that Motorola and AT&T have with Omnipoint's position and that would also accommodate Omnipoint's present architecture. It is the interplay of Section 15.323(c)(5) of the Commission's rules, 47 U.S.C. §15.323(c)(5), with Omnipoint's proposed increase to the monitoring and frame periods to twenty milliseconds, that raises the concerns expressed by Motorola and AT&T. Removing the words "access to spectrum is not available as determined by the above, and" from the first sentence of Section 15.323(c)(5) would address Omnipoint's concerns and would accommodate its proposed changes to Section 15.323(e), without having an adverse effect on more narrow band technologies, such as TDMA or FDMA systems.<sup>7</sup>

AT&T believes that its proposed compromise would be a satisfactory solution to Omnipoint's problem and would

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<sup>7</sup> If AT&T's proposal for changing Section 15.323(c)(5) were accepted, the first sentence would read as follows: "If a minimum of 40 duplex system access channels are defined for the system, the time and spectrum windows with the lowest power level below a monitoring threshold of 50 dB above the thermal noise power determined for the emission bandwidth may be accessed."

also address AT&T's and Motorola's concerns. However, if the Commission does not adopt AT&T's suggested changes to Section 15.323(c)(5), then AT&T urges the Commission to reject Omnipoint's proposed changes to the monitoring and frame periods.

AT&T agrees, however, with Omnipoint's position, and Motorola's comments in support of that position, regarding the proper procedures for measuring out-of-band emissions of licensed PCS transmitters. AT&T fully supports the efforts of WINForum and ANSI/IEEE C63-SC7 in addressing this matter.

Respectfully submitted,

AT&T CORP.

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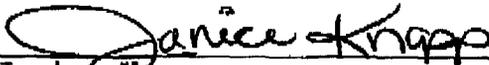
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Dated: September 9, 1994

CERTIFICATE OF SERVICE

I, Janice Knapp, hereby certify that a true copy of the foregoing Reply Comments of AT&T Corp. was served this 9th day of September, 1994, by United States mail, first class, postage prepaid, upon the parties listed on the attached list.

  
Janice Knapp

Dated: September 9, 1994

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