

RECEIVED

JUN 15 1995

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Petition for Rulemaking )  
 )  
Regarding a Plan for Sharing ) RM 8643  
the Costs of Microwave )  
Relocation )

DOCKET FILE COPY ORIGINAL

COMMENTS OF  
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association ("CTIA")<sup>1</sup> hereby submits its comments on Pacific Bell Mobile Systems' ("Pacific Bell") Petition for Rulemaking ("Petition") in the above-captioned matter.<sup>2</sup>

In the Emerging Technologies docket, the Commission established a two-step process for relocating microwave incumbents currently operating in the 2 GHz band assigned for the provision of broadband PCS.<sup>3</sup>

---

<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service providers, including cellular, personal communications service, enhanced specialized mobile radio, and mobile satellite services.

<sup>2</sup> Petition for Rulemaking of Pacific Bell Mobile Systems Regarding a Plan for Sharing the Costs of Microwave Relocation ("Petition"), filed May 5, 1995.

<sup>3</sup> In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Technologies, Third Report and Order and Memorandum Opinion and Order ("Third Report and

No. of Copies rec'd  
List ABCDE

*046*

In its Petition, Pacific Bell asks the Commission to establish a rulemaking proceeding to address the mechanism by which the costs for relocating the incumbent microwave users are to be apportioned between PCS providers, and submits its proposal regarding how the broadband PCS licensees can share the costs associated with relocating incumbent microwave users.

Specifically, Pacific Bell proposes the creation of a cost-sharing plan that grants interference rights to the PCS licensee who first assumes the cost of relocating a microwave incumbent. Pursuant to Pacific Bell's plan, whenever the PCS provider initiates the required prior coordination notice pursuant to §24.237 of the Commission's rules, the PCS provider would possess interference rights and would be reimbursed by subsequent PCS providers on a depreciated sliding scale that commences when the subsequent provider begins to deploy service. Underlying this approach

---

Order"), ET Docket No. 92-9, 8 FCC Rcd 6589 (1993). The first phase is a two-year voluntary negotiation period during which PCS licensees may negotiate with microwave incumbents regarding relocation, but incumbents are under no obligation to move. The second stage, a one-year mandatory negotiation period, requires the incumbent to relocate provided that the PCS licensee meets its relocation obligation pursuant to Commission rules. If negotiations are not completed at the conclusion of the mandatory period, a PCS licensee may evict the incumbent. However, at all times, the PCS licensee is required to pay for all relocation costs to comparable facilities.

is the rationale that subsequent PCS providers will pay an amount that will be less than the initial PCS provider.<sup>4</sup>

Pacific Bell's plan transfers the interference rights to the PCS licensee that relocates a microwave link. That licensee then would then be listed in the FCC database as the owner of the interference right associated with the link that they have relocated. The FCC database would indicate that the identified PCS licensee who migrated the link is conferred interference rights to that link on a "primary basis" as if the link were still operational.<sup>5</sup>

Pacific Bell maintains that without the appropriate cost-sharing mechanism, the first PCS provider that relocates the link pays a full cost, allowing subsequent PCS providers to receive a "free ride," without contributing to the costs of relocation.<sup>6</sup> In addition, Pacific Bell proposes to impose a cap of \$600,000 per microwave link to cover the cost of relocating incumbent microwave systems.<sup>7</sup>

CTIA strongly supports the speedy development and deployment of new wireless technologies, including PCS. As the Commission determined in the Emerging Technologies

---

<sup>4</sup> Petition at 7.

<sup>5</sup> Id.

<sup>6</sup> Id. at 3.

<sup>7</sup> Id. at 10.

docket, undue delay in the implementation of new technologies is contrary to the public's interest in fostering and implementing as quickly as possible new wireless services that utilize emerging technologies.<sup>8</sup>

CTIA fully agrees that the orderly relocation of current incumbent microwave users is necessary and of paramount importance to the rapid development and deployment of PCS services. CTIA estimates that PCS licensees will have to relocate approximately 5,100 microwave links which presently occupy the broadband spectrum to which these services have been assigned.<sup>9</sup>

As the Commission has recognized, the PCS license areas will contain numerous incumbent operating microwave links. For example, the Los Angeles MTA has an estimated 140 links, Chicago has 90, and Washington-Baltimore has 66. And many of the incumbent users operate microwave systems with links in more than one PCS license area. If PCS licensees are unable to relocate incumbent users on an expeditious and fair basis, the public will be denied the full benefit of services PCS promises to deliver.

---

<sup>8</sup> Third Report and Order at ¶ 14.

<sup>9</sup> The PCS broadband spectrum lies between 1850 and 1990 MHz. Licensed PCS spectrum spans blocks A through F (1850-1910 and 1930-1990); unlicensed PCS spectrum occupies block U (1910-1930 MHz).

Therefore, CTIA supports Pacific Bell's request asking the Commission to establish additional rules governing the relocation of incumbent microwave users in the band assigned to broadband PCS services. While this filing does not address the merits of Pacific Bell's specific proposals, we look forward to providing more substantive comments to assist the Commission compile a full and complete record on the most rapid and equitable mechanisms for relocating microwave incumbents. Given the importance of this matter to the successful introduction of PCS service, it is crucial that the FCC act on Pacific Bell's Petition without delay.

Respectfully submitted,

Michael Altschul  
Vice President and  
General Counsel

Randall S. Coleman  
Vice President,  
Regulatory Policy & Law

  
Brenda K. Pennington  
Staff Counsel

**CELLULAR TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION**  
1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

June 15, 1995