RECEIVED

JUN 2 1 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service	)	ET Docket No. 95-18
	)	DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY COMMENTS

Apple Computer, Inc. ("Apple") hereby responds to the Comments of the Society of Broadcast Engineers, Inc., ("SBE") filed in the above-referenced proceeding on May 5, 1995.

In this proceeding, the Federal Communications Commission (the "Commission") has proposed to reallocate certain spectrum from the broadcast auxiliary service ("BAS") to the mobile-satellite service ("MSS"). In its comments, SBE argued that 2 GHz BAS bands are heavily used and that the television broadcast industry has been able to operate with seven electronic news gathering ("ENG") channels only through voluntary frequency coordination, sharing, and the "safety valve" effect of temporarily "borrowing" spectrum in other (non-BAS) bands, including the 2390-2400 MHz band.[1]

Apple takes no position on the Commission's reallocation proposal or on the spectrum requirements for BAS operations. In considering available spectrum resources, however, the Commission should be aware of the fact that, in light of its decision to allocate the 2390-2400 MHz band for Data-PCS,[2] it will no longer be possible for BAS/ENG operators to use the 2390-2400 MHz band on a temporary overflow basis. Data-PCS devices — which will operate at a very low power, in conformance with a spectrum "etiquette" governing shared frequency use by all devices using the band — cannot co-exist with much higher-

---

[1] SBE Comments at ¶¶ 4-5.
[2] First Report and Order and Second NPRM, ET Docket No. 94-32 (released Feb. 17, 1995).

No. of Copies rec'd 0+10
List ABCDE

powered BAS/ENG transmitters. Moreover, because many Data-PCS devices will be operated on an "anytime, anywhere" basis, it will not be possible to coordinate geographically BAS/ENG operations with Data-PCS operations. Finally, because many Data-PCS devices will be operated by users who would be unable to identify a source of interference (or, indeed, even to recognize that interference has occurred), permitting BAS/ENG operators to use the 2390-2400 MHz band on the condition that they cease transmissions if objectionable interference occurs would not protect Data-PCS users.

Apple's interest in the development of Data-PCS and, in particular, in the allocation and use of the 2390-2400 MHz band is well documented. Apple, therefore, urges the Commission to take these reply comments and the needs of Data-PCS users (as well the Amateur Service, which now has a primary allocation in the 2390-2400 MHz band) into consideration in assessing SBE's comments in this proceeding.

Respectfully submitted,

APPLE COMPUTER, INC.

James F. Lovette
One Infinite Loop, MS: 301-4J
Cupertino, California 95014
(408) 974-1418
jlovette@apple.com

Henry Goldberg
Mary Dent
GOLDBERG, GODLES, WIENER & WRIGHT
1229 Nineteenth Street, N.W.
Washington, D.C. 20036
(202) 429-4900

June 21, 1995

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Comments was sent by first-class mail, postage prepaid, this 21st day of June, 1995, to each of the following:

Michael D. Kennedy
Stuart E. Overby
Barry Lambergman
Veronica Haggart
Robert Frieden
Motorola, Inc.
1350 I Street, N.W.
Washington, D.C. 20005

Philip L. Malet
Alfred Mamlet
Pantelis Michalopoulos
Miguel S. Lawson
Pamela Strauss
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Candace Johnson
James G. Ennis
F. Thomas Tuttle
Sallye A. Clark
Iridium, Inc.
1401 H Street, N.W.
8th Floor
Washington, D.C. 20005

James G. Ennis
Fletcher, Heald & Hildreth
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Christopher D. Imlay
Booth, Freret & Imlay
1233 20th Street, N.W., Suite 204
Washington, D.C. 20036

John S. Hannon, Jr.
Nancy J. Thompson
COMSAT Mobile Communications
22300 COMSAT Drive
Clarksburg, Maryland 20871

Fatih M. Yurdal
CEPT-JPT ERC/ECTRA MSS
General Directorate of Radiocommunications
Telsiz Genel Müdürlügü
06510 - Emek/ANKARA
TURKEY

Philip V. Otero
Alexander P. Humphrey
GE American Communications, Inc.
1750 Old Meadow Road
McLean, Virginia 22101

Gerald E. Oberst, Jr.
Jacqueline P. Cleary
Hogan & Hartson L.L.P.
555 13th Street, N.W.
Washington, D.c. 20004

Robert M. Gurss
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W., #1100
Washington, D.C. 20006

David C. Jatlow
Young & Jatlow
2300 N Street, N.W., Suite 600
Washington, D.C. 20037

Thomas J. Keller
Sari Zimmerman
Verner, Liipfert, Bernhard, McPherson & Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005

Robert A. Mazer
Rosenman & Colin
1300 19th Street, N.W., Suite 200
Washington, D.C. 20005

Jeffrey L. Sheldon
Thomas E. Goode
UTC
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

Wayne Watts
Bruce E. Beard
Southwestern Bell Mobile Systems, Inc.
17330 Preston Road, Suite 100A
Dallas, Texas 75252

Thomas J. Casey
Marc S. Martin
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

J. R. Woodhull
Logicon, Inc.
3701 Skypark Drive
Torrance, California 90505-4794

John F.X. Browne
Association of Federal Communications Consulting Engineers
P.O. Box 19333
20th Street Station
Washington, D.C. 20036-0333

Victor Tawil
Association for Maximum Service Television, Inc.
1776 Massachusetts Avenue, N.W., Suite 300
Washington, D.C. 20036

Jonathan D. Blake
Ronald J. Krotoszynski, Jr.
Ellen P. Goodman
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044

Laurie A. Gray

/s/ Laurie A. Gray
Laurie A. Gray