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June 30, 1998

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Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket No. 97-217 and RM-9060 -- Amendment of Parts 21 and 74 To Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees To Engage In Fixed Two-Way Transmissions

Dear Ms. Salas:

In response to the Commission's recent Public Notice in the above-referenced proceeding, Wireless One, Inc. submits this letter to evidence its strong support for the proposals advanced in formal comments and reply comments and in *ex parte* filings by the group of wireless cable industry participants that commenced this proceeding (the "Petitioners"). In particular, Wireless One urges the Commission to adopt the Petitioners' proposals for expediting the licensing of two-way facilities and the deployment of response stations, and to reject proposals by the Catholic Television Network ("CTN") that would unnecessarily jeopardize the viability of commercial two-way services by slowing the deployment process.

Wireless One owns and operates wireless cable systems in small to mid-sized markets in the Southeastern United States. It currently operates 34 analog wireless cable systems, serving approximately 106,000 subscribers. Wireless One has leased excess ITFS capacity on over three hundred ITFS stations, and has provided local educators with millions of dollars worth of equipment, programming, technical and financial support. Recently, in response to consumer demand, Wireless One launch Warp One, a high-speed two-way wireless broadband data service in Jackson, MS utilizing a developmental authorization. The company plans to launch the service in three additional markets this year, and nine in 1999. As such, Wireless One has a vital interest in seeing the Commission expeditiously adopt rules that will permit MDS and ITFS licensees to routinely secure permanent licenses to operate two-way systems, and that will permit those two-way systems to be licensed rapidly and two-way facilities deployed with a minimum of delay.

In Wireless One's view, the Petitioners are to be commended for proposing a set of interference protection rules that both protect existing MDS and ITFS facilities and allow the

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rapid deployment of two-way facilities wherever possible consistent with affording interference protection to incumbents. Wireless One shares the objectives of the group that has guided the Petitioners' efforts – Wireless One wants to deploy two-way services in a commercially viable manner, but at the same time wants to make certain that its own facilities receive an appropriate degree of interference protection. As the Commission considers CTN's rhetoric, the Commission should recognize that, just as CTN is highly protective of its ITFS receive sites; commercial operators fear interference to our commercial receive sites. Our two-way customers will be businesses and consumers used to the almost 100% reliability of the telephone company. We will have to provide as close to that level of reliability as possible in order to be viable in the marketplace. Wireless One is very cognizant of the potential that some licensee unaffiliated with Wireless One could "turn around" some or all of its channels and potentially interfere with Wireless One's channels. Thus, Wireless One would not support the Petitioners' proposals if they did not afford Wireless One a reasonable degree of interference protection. The Petitioners are proposing the same interference protection rules for MDS as will apply to ITFS, and those rules are sufficiently protective of all. While the revised rules and policies recently submitted by the Petitioners in an effort to mollify CTN may prove to be overly restrictive of two-way deployment, Wireless One urges that they be adopted at this juncture, subject to possible loosening once greater experience is gained in the field.

In the past, Wireless One has found its ability to deploy new or modified facilities frustrated by application processing delays at the Commission. Given the large number of applications for two-way facilities that are likely to be filed once the Commission adopts new rules, it is imperative that the Commission find a way to avoid the application processing gridlock that strikes whenever a large number of MDS or ITFS applications are filed in a brief period of time. Incorporating many of the most effective techniques developed by the Wireless Telecommunications Bureau to expedite the inauguration of new services, the Petitioners have proposed rules that will allow the rapid licensing of facility modifications, so long as the licensee proposes to maintain its signal within acceptable limits at the boundary of its service area, demonstrates that it meets interference protection rules (and actually files the supporting interference studies with the Commission and serves copies of those studies on potentially-affected licensees and applicants), and passes a 60-day public notice period without a petition to deny having been filed. Adoption of the approach proposed by the Petitioners' will avoid the processing delays that have plagued wireless cable operators in the past, both by eliminating the need for detailed staff engineering review of non-controversial applications and by freeing the staff to concentrate on contested matters. It has been Wireless One's experience that contested matters often drag on interminably, affording those who file frivolous petitions to deny and other objections substantial leverage. If the staff is freed to act upon frivolous filings rapidly, Wireless One expects that fewer non-meritorious objections will be filed in the future, since the primary objective of those filings – delay – will not occur.

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As the Commission considers CTN's efforts to impose adjacent channel interference protection rules that will delay the deployment of two-way services, the Commission must keep in mind something that CTN assiduously avoids discussing – under the Petitioners' proposal, every ITFS licensee (as well as every MDS licensee) remains entitled to 0 dB adjacent channel D/U interference protection. The Petitioners' technical consultants have developed a conservative methodology for use by all applicants in predicting compliance with the 0 dB adjacent channel D/U interference protection ratio, adding another layer of safety. Retention of the 0 dB D/U ratio, coupled with the requirement that a conservative methodology be employed to demonstrate compliance, eliminates any need for the additional regulatory burdens proposed by CTN in the name of adjacent channel interference protection.

Similarly, the proposal by CTN for delaying the commercial operation of response stations installed under certain circumstances in order to avoid downconverter overload imposes an unnecessary burden that, if adopted, would adversely impact the commercial viability of two-way MDS and ITFS services. Under the CTN proposal, affected response stations could not be put into commercial operation unless all of the ITFS licensees with receive sites in the area received at least 30 days advanced notice, participated in a testing program, and consented to the operation of the response station. The Petitioners have correctly demonstrated that this approach is totally unnecessary. The Petitioners have demonstrated that brute force overload will rarely occur (and will never occur where, as in most markets, all MDS and ITFS channels are collocated and response stations will be oriented towards the transmission site). The Petitioners have also demonstrated that a host of methods exist to prevent any interference before it occurs. Because the Petitioners have proposed rules which require the licensee of a response station to cure any interference it causes, or else cease operating, the licensee has every incentive to carefully engineer the response station and take all necessary protective steps. In the unlikely event that interference occurs despite those protective steps, other methods have been documented by the Petitioners that can be deployed to immediately cure that unanticipated interference.

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Wireless One cannot emphasize enough the importance of allowing rapid deployment of two-way MDS and ITFS services, without delays for application processing and convoluted testing along the lines proposed by CTN. Most potential customers of our services will have the ability to select from among a variety of service providers. Those who desire access to high-speed broadband services will likely turn to one of their other options if Wireless One cannot respond rapidly to a prospective customer's request for service. Unless MDS and ITFS channels can be deployed for two-way services in a commercially viable manner, not only will the marketplace lose a very effective potential provider of broadband services, but ITFS licensees will lose the substantial benefits they receive through association with wireless cable. Therefore, Wireless One urges the Commission to adopt rules along the lines proposed by the Petitioners.

Respectfully submitted,



Henry Burkhalter
President and CEO

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Harold Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Susan Fox
Anita Wallgren
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