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February 18, 1999

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Consolidated Partial Reply to Oppositions
to Petition for Reconsideration and Clarification
MM Docket No. 97-217
File No. RM-9060**

Dear Ms. Salas:

Transmitted herewith on behalf of UT Television, is an original and five (5) copies of its Consolidated Partial Reply to Oppositions to Petition for Reconsideration and Clarification in MM Docket No. 97-217. Should there be any questions concerning this material, please communicate directly with the undersigned.

Very truly yours,


Robert F. Corazzini
Counsel

Enclosure

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Parts 1, 21 and 74 to Enable) MM Docket No. 97-217
Multipoint Distribution Service)
And Instructional Television Fixed) File No. RM-9060
Service Licensees to Engage in Fixed)
Two-Way Transmissions)

**CONSOLIDATED PARTIAL REPLY TO OPPOSITIONS
TO PETITION FOR RECONSIDERATION AND CLARIFICATION**

Comes now, UT Television ("UT/TV") by the undersigned counsel to present its Reply to certain limited issues addressed in the following pleadings filed in the above-captioned Order on February 2 and February 4, 1999: Response of the Catholic Television Network; Joint Comments of Dallas County Community College District et al.; Consolidated Opposition to Petitions for Reconsideration filed by Petitioners; Consolidated Opposition to Petitions for Reconsideration filed by Instructional Telecommunications Foundation, Inc.; and Opposition to Petitions for Reconsideration filed by BellSouth Corporation and BellSouth Wireless Cable, Inc. In support thereof, the following is respectfully submitted:

I. DISCUSSION

1. The issues involved in the above-captioned rule making proceeding have certainly been extensively briefed by the various participating parties. Therefore, UT/TV

will limit this Reply to the processing and interference abatement procedures which have evoked the most significantly disparate positions among the participating parties.

2. The general theme of the original Petitioners has been that regardless of the ultimate outcome of this rule making, when the totality of these rules become effective, their cumulative impact must achieve two objectives. First, the processing procedure must be such that the ITFS and MMDS licensees participating in two-way transmission proposals have a reasonable certainty of timely processing and grant of their applications thereby allowing implementation of this new technology without the delays which have inhibited wireless cable operation since virtually its inception. Secondly, once implemented, assurance must be in place that two-way transmission operation will not cause harmful interference to nearby ITFS facilities and if caused, that such interference be cured or eliminated immediately by a process that does not penalize either the ITFS licensee subject to the interference or the wireless two-way operation allegedly causing the interference.

3. Throughout this entire rule making proceeding, UT/TV has supported the Petitioners' proposals as the most reasonable approach to attaining the desired results based upon the least regulation and the most flexibility. The Petitioners have in their subsequent pleadings attempted to refine these proposals and UT/TV continues to support the refinements and clarifications suggested by both UT/TV and the Petitioners in their petitions for reconsideration and subsequent filings. When all is said and done, it is of utmost importance that the FCC processing procedure not be hamstrung by unnecessary or counterproductive regulatory restrictions. UT/TV's proposed extension

of the new streamlined processing system to all major modifications will achieve that result, without the delays and need for auctions inherent in the counterproposal advanced by Instructional Telecommunications Foundation.

4. Instructional Telecommunications Foundation, Inc. ("ITF") simply opposes changing the current processing procedure and repeatedly objects to a "streamlined", aka automatic grant procedure. In fact, the overriding objection of ITF is directed against the fundamental change in the processing procedure as supported by UT/TV and other proponents. ITF acknowledges the severely negative impact of the inherent delay in the current procedure, but repeatedly asserts its affinity for the status quo. In an imperfect world, insistence upon clinging to the inadequate procedure of the past merely dooms all parties to be revisited by its failures.

5. Without doubt, the most critical aspect of this entire rule making proceeding is to ensure that when implemented, the new two-way transmission systems do not cause harmful interference to pre-existing ITFS receive stations. Under an expedited processing procedure, the only sure way to achieve that goal is to ensure that if actual harmful interference is alleged, any complaint is dealt with and any interference remedied immediately. Virtually all participating parties are in agreement in supporting a Commission procedure that would react rapidly in protecting the ITFS facilities. However, a number of the commenting parties continue to support an automatic shutdown procedure on the basis of the filing of a "documented complaint" with the Commission. However, none of these parties has put forth a justification for immediate termination of two-way service without affording the two-way system operator the

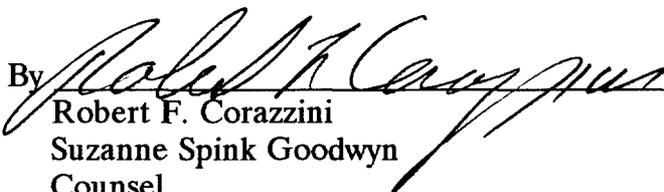
opportunity to disprove the "documented" complaint and the FCC an opportunity to rule. For the reasons set forth in its partial Opposition, UT/TV believes that basic due process and fairness require that at the least, an opportunity however be afforded for the putative offending party to respond.

II. CONCLUSION

In summary, once again UT/TV believes that flexibility and equity should be the primary aspects of any policy regarding two-way transmission and the Commission's regulation of ITFS spectrum. ITFS and wireless cable operators should be free to structure their stations and systems in a way that meets their respective needs allowing for the maximization of the usage of the ITFS spectrum. This can best be achieved through a regulatory scheme that employs a philosophy of the least regulation necessary combined with the most flexibility reasonably allowed.

Respectfully submitted,

UT Television

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February 18, 1999

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CERTIFICATE OF SERVICE

I, Robert F. Corazzini, on behalf of UT Television, certify that a copy of the foregoing **Consolidated Partial Reply to Oppositions to Petition for Reconsideration and Clarification** was delivered by hand or mailed via United States First Class Mail, postage prepaid to the following on February 18, 1999:

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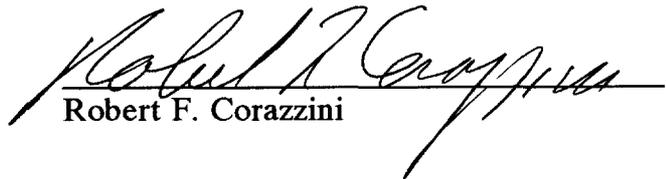
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