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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 5, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S. W.
TW-A325
Washington, DC 20554

Re: 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

Dear Ms. Salas:

Transmitted herewith, on behalf of Telephone and Data Systems, Inc., are an original and four copies of its reply comments in the above-referenced matter.

In the event there are any comments or questions concerning this matter, please direct them to the undersigned.

Very truly yours,


George Y. Wheeler

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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OFFICE OF THE SECRETARY

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

To: The Commission

REPLY COMMENTS OF
TELEPHONE AND DATA SYSTEMS, INC.

Telephone and Data Systems, Inc., on behalf of itself and its subsidiaries, Aerial Communications, Inc. and United States Cellular Corporation (collectively "TDS"), by its attorneys, submits its reply comments in response to the Commission's Memorandum Opinion and Order and Third Notice of Proposed Rule Making and Order ("Third NPRM"), released November 25, 1998 in the above-captioned proceeding.

As described here, the Commission has ample justification to adopt the reallocation of the 2110-2150 MHZ band, to secure use of this band for third generation wireless services and tentatively to conclude or otherwise to confirm that its Broadband PCS (Part 24) service rules, modified as necessary, will be applied to the offered fixed and mobile services using this spectrum.

Discussion

TDS agrees with the comments filed by Cisco Systems, Inc. ("Cisco"), the Wireless Communications Division of the Telecommunications Industry Association ("TIA") and The Personal Communications Industry Association ("PCIA") supporting the Commission's proposal "...to reallocate the 2110-2150 MHZ band for Fixed and Mobile Services for assignment by

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competitive bidding.”¹ Cisco is correct in observing that adoption of the reallocation proposed here simply confirms the co-primary allocation of this band for Fixed and Mobile services for Region 2 and the U.S. Table of Frequency Allocations already in Section 2.106 of the Commission’s rules. The reallocation should be adopted as directly responsive to the congressional mandate to auction this band as provided in the 1997 Budget Act.²

TDS strongly supports the comments of PCIA and TIA that the reallocation of the 2110-2150 MHZ band should help foster deployment of third generation mobile wireless telecommunications systems, referred to as International Mobile Telecommunications - 2000 (“IMT-2000”). Both PCIA and TIA present in their comments abbreviated restatements from the record developed by the Commission in response to its Public Notice requesting comment on spectrum issues related to IMT-2000.³ Anticipated bandwidth and spectrum requirements, the need for identifying specific spectrum and uses of spectrum bands below 2.5 GHZ as discussed by providers, manufacturers and others in response to that Public Notice confirm the suitability of the 2110-2150 MHZ band for IMT-2000 services and provide ample justification for the Commission to take steps to secure use of this band for IMT-2000 services.

TDS also supports the TIA proposal that the 2110-2150 MHZ band be allocated for

¹ Third NPRM, ¶ 30 and 52.

² See Balanced Budget Act of 1997, Pub.L.No. 105-33, 111 Stat. 251, § 3002(c) (“1997 Budget Act”).

³ Public Notice, “Commission Staff Seek Comment on Spectrum Issues Related to Third Generation Wireless/IMT-2000,” (DA 98-1703) released August 26, 1998 (“Third Generation Wireless Public Notice”).

broadband PCS service (Part 24)⁴ so that this band is included under Part 24 which already governs the licensing, service and technical rules for the related lower portions of the ITU allocation for IMT-2000 services (1850-1910 MHz and 1930-1990 MHz). This alignment of spectrum resources will enhance the natural evolution to the third generation wireless capabilities on established wireless networks, alleviate anticipated congestion as demands for wireless capacity increase, make possible new and innovative high-speed switched data and video services, expand roaming options and help diminish the size and cost of IMT-2000 terminals. The consumer benefits from the foregoing are self-evident.

Finally, TDS disagrees with the recommendation made by SBC Communications, Inc. (“SBC”) that the Commission delay the reallocation of the 2110-2150 MHz band. (SBC Comments, p.2). The Commission was correct in addressing this reallocation in the same proceedings as those for the spectrally related allocations of MSS services. A timely decision regarding the future uses of this band is important to guide providers and manufacturers interested in the implementation of IMT-2000 services. Rather than delay consideration of the 2110-2150 MHz band, the Commission should accelerate the reallocations of the 1710-1755 MHz band and of additional bands which are acceptable under the criteria outlined in the November 17, 1998 letter of the National Telecommunication and Information Administration to the Commission. SBC’s objective, “...to maximize the value of all three blocks,”⁵ can be achieved in the subsequent rulemaking proceedings which will be needed to adopt service rules for this new IMT-2000 spectrum.

⁴ TIA Comments, p. 4 and 6.

⁵ SBC Comments, p.3.

Conclusion

The record in this proceeding as supplemented by the extensive submissions in response to the Commission's Third Generation Public Notice confirms the strong interest of providers and manufacturers in deploying IMT-2000 services in the 2110-2150 MHZ band. TDS requests that the Commission tentatively conclude or otherwise confirm in these reallocation proceedings that its Broadband PCS (Part 24) service rules, modified as necessary, will be applied to the offered fixed and mobile services using this spectrum.

Respectfully submitted,

TELEPHONE AND DATA SYSTEMS, INC.

By 

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March 5, 1999

CERTIFICATE OF SERVICE

I, Judy Norris, a legal secretary in the firm of Koteen & Naftalin, L.L.P., hereby certify that on the 5th day of March, 1999, copies of the foregoing "Reply Comments" were deposited in the U.S. mail, first-class, postage prepaid, addressed to:

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