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January 19, 2000

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VIA HAND DELIVERY

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Federal Communications Commission
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445 Twelfth Street, S.W.
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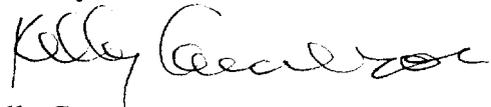
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JAN 19 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

Enclosed please find an original and four copies of the "Reply Comments of QUALCOMM Incorporated" in the above referenced proceeding, along with a motion for acceptance of late filed comments pursuant to 47 C.F.R. §1.46 (b). Due to weather related difficulties, we were unable to file these comments with the FCC on Tuesday, January 18, 2000. As no further responsive pleadings are scheduled to be filed, no party's interests will be prejudiced by this brief delay.

If you have any questions, please call me at (202) 624-3915.

Sincerely,



Kelly Cameron

Enclosure(s)

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List A B C D E

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

ORIGINAL

In the Matter of)
)
Federal-State Joint Board on)
Universal Service:)
Promoting Deployment and)
Subscribership in Unserved)
And Underserved Areas, Including)
Tribal and Insular Areas)

CC Docket No. 96-49

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**MOTION OF QUALCOMM INCORPORATED FOR
ACCEPTANCE OF LATE FILED REPLY COMMENTS**

Pursuant to Section 1.46(b) of the Commission's rules, 47 C.F.R. §1.46 (b), QUALCOMM Incorporated (QUALCOMM) hereby requests permission to submit late-filed reply comments in this proceeding.¹ Due to weather related difficulties, QUALCOMM was unable to file these comments on the due date of January 18, 2000.

As no further opportunity to comment in this docket is contemplated, no party's

¹ The Commission's rules state, in pertinent part, "in emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency will consider motions for acceptance of comments, reply comments or other filings made after the filing date." 47 C.F.R. §1.46(b).

interests will be prejudiced by this brief delay. QUALCOMM requests permission to file copies of its reply comments with the Office of the Secretary on January 19, 2000.

Respectfully submitted,

QUALCOMM INCORPORATED

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Its Attorneys

January 19, 2000

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

ORIGINAL

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service:)	
Promoting Deployment and)	
Subscribership in Unserved)	
And Underserved Areas, Including)	
Tribal and Insular Areas)	

REPLY COMMENTS OF QUALCOMM, INCORPORATED

QUALCOMM, Incorporated ("QUALCOMM"), by counsel and pursuant to Section 1.415 of the Commission's rules, hereby submits its reply comments in the above-captioned proceeding.

In its initial comments in this proceeding, QUALCOMM stressed the importance of a flexible regulatory approach if the Commission is to achieve its objective of encouraging the deployment of both basic *and advanced* services on Tribal Lands and other unserved and underserved areas. In particular, QUALCOMM believes that it is essential that wireless carriers be eligible to receive universal service support for the provision of such services on the same terms as traditional wireline carriers.

As we noted in our comments, wireless services, particularly QUALCOMM's new wireless Internet technology, HDR, have the potential to bring revolutionary economic opportunities to unserved and underserved areas. Services such as HDR

(which can deliver data services at speeds up to 2.4 Mbps) can fill the critical lack of broadband access on Tribal Lands in particular.¹

QUALCOMM is pleased that a large number of commenters agree with this view. As we noted in our initial comments, the very low rates of penetration on Tribal Lands demonstrates quite clearly that traditional wireline networks have failed to provide service on Tribal Lands. A number of other commenters recognize the same problems and conclude, like QUALCOMM, that the only viable solution is to allow wireless carriers also to receive universal service funding.²

In contrast, most incumbent local exchange carriers (ILECs) seek to protect their exclusive right to receive universal service funding. Although in some instances the ILECs assert that they are already providing adequate service to Tribal Lands and other unserved and underserved areas, many ILECs admit frankly that they do not wish to compete against new entrants, such as wireless carriers, in the provision of universal service. For example, the South Dakota Independent Telephone Coalition (SDITC) opposes bringing “subsidized competition” into its members’ territory by allowing wireless carriers to receive universal service funding. SDITC neglects to mention that its members are “subsidized monopolists” and merely assumes that this traditional arrangement will best promote service to consumers. In contrast, GTE, apparently alone among ILECs, agrees that wireless and satellite carriers should be eligible to receive universal service support.³

¹ Although QUALCOMM did not develop HDR specifically with Tribal Lands in mind, the efficient and flexible nature of this technology make it ideally suited to serve sparsely populated rural areas as well as urban and suburban areas.

² See, e.g., Comments of Smith Bagley, Inc. at 3; Comments of CTIA at 3.

³ See GTE Comments at 11-12.

These comments, both supporting and opposing the eligibility of wireless carriers to receive universal service support, focus only on basic services. While the provision of basic services is undeniably critically important, this narrow focus ignores the realities of modern American society.

As the Commission is well aware, access to the Internet and other advanced, broadband services is fundamentally transforming life and work throughout America. Unfortunately, on Tribal Lands and other unserved and underserved areas, this is not the case because advanced services are even less widely available than basic services. Comments filed by the State of Alaska and the Alaska Rural Coalition demonstrate why this is so important. For example, the State of Alaska notes that “[t]he need for Internet service is particularly great in rural Alaska where there are no alternative sources of information (*e.g.*, libraries) and limited sources of commerce, health care and education. Internet is also one of the only means to market small tourism businesses, arts and crafts, and other limited economic opportunities available to these communities.”⁴

Alaska also contends that cellular service is not widely available, costly and difficult to provide in rural Alaska.⁵ If, however, wireless networks were eligible for USF support, these problems would be ameliorated. In particular, if these wireless networks also had the capability, for a modest additional investment, to provide high speed Internet access by deploying HDR, the benefits to these communities would be enormous.

⁴ State of Alaska comments at 9.

⁵ *Id.* at 9-10.

Similarly, the Alaska Rural Coalition notes the high cost of Internet service in rural parts of Alaska.⁶ Although the Coalition suggests that a principal cost driver is the toll charges for satellite connections to urban ISPs, it is clear that HDR could provide more cost effective and high speed delivery of Internet service to local consumers in these areas, particularly where cellular service has already been deployed.

Without access to advanced, broadband services, residents of Tribal Lands and other underserved areas will be ever more apart from the mainstream of American society. As QUALCOMM demonstrated in its initial comments, wireless technologies, and particularly HDR, have the capacity to bridge the Digital Divide between residents of Tribal Lands and residents of the rest of the country.

As we noted in our comments, HDR can allow wireless carriers to add high speed data capabilities to standard wireless infrastructure – whether this is a cellular network, a PCS network, or another type of wireless service. Traditional wireline infrastructure will not be able to match this capability, especially on vast, sparsely populated Tribal Lands. As we stated in our comments, this is because there are real technical and economic impediments to building out broadband wired infrastructure in these areas. In addition, DSL technology is unlikely to be of use on Tribal Lands because of the technical requirement that the subscriber be located within approximately 18,000 feet of the serving central office.⁷

⁶ Alaska Rural Coalition comments at 13.

⁷ Golden West Telecommunications Cooperative, which serves the Pine Ridge Indian Reservation in South Dakota, asserts that “[m]ore than 85 to 90 percent of [its] infrastructure on the reservation can support xDSL technology.” Golden West, et al., Comments at 3. It is not clear from this statement, however, whether a similarly high percentage of Golden West’s subscribers on the reservation could actually receive xDSL service or whether Golden West is merely observing that it’s switches have this capability. As we have noted, subscribers cannot use DSL service unless they are relatively close to the

Clearly, wireless telecommunications can improve not only the availability but also the value of both basic and advanced telecommunications services to subscribers in unserved and underserved areas, including Tribal Lands. The record of the proceeding amply demonstrates that the Commission should immediately take steps that would enable wireless carriers to provide advanced services, such as HDR, to residents of these areas.

Respectfully submitted,

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January 18, 2000

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central office, which will generally not be the case on Tribal Lands. No other rural ILEC even attempts to argue that it is providing DSL services to subscribers on Tribal Lands.

CERTIFICATE OF SERVICE

I, Carla Littlejohn, a secretary at the law firm of Powell, Goldstein, Frazer & Murphy, do hereby certify that copies of the attached document were served on January 18, 2000 in the manner indicated on the following parties:


Carla Littlejohn

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