

EIRP of -6 dBW or below; and (2) amend the ITFS and Multipoint Distribution Service (“MDS”) spectral mask for such low-power response stations.

In addition, for the reasons set forth below, IPWireless urges the Commission to grant the Petition for Further Reconsideration submitted by the Petitioners in this proceeding and permit ITFS licensees to lease capacity on ITFS boosters for which there is no immediate formal educational usage, subject to compliance with the Commission’s capacity reservation rules.

II. DISCUSSION.

A. *The Commission Should Modify Its Rules To Permit Omnidirectional MDS And ITFS Response Station/Receive Site Antennas.*

In its Petition, IPWireless urged the Commission to amend Sections 21.906(d) and 74.937(b) of its Rules to permit the use of omnidirectional antennas at response station/receive sites that will be transmitting with an EIRP of -6 dBW or below.^{3/} As IPWireless explained in detail, although the Commission granted in the *Reconsideration Order* a blanket waiver permitting the use of such antennas, commercial considerations dictate that the blanket waiver be specifically incorporated into the rules.^{4/}

IPWireless’ proposal was endorsed by all of those commenting upon it – BellSouth Corporation and BellSouth Wireless Cable, Inc.,^{5/} Instructional Telecommunications Foundation,

^{3/} See *id.* at 10-11.

^{4/} See *id.* at 11-12.

^{5/} See Consolidation Opposition of BellSouth Corporation and BellSouth Wireless Cable, Inc. to Petitions for Reconsideration, MM Docket No. 97-217, at 3 n.5 (filed Feb. 10, 2000)[hereinafter cited as “BellSouth Opposition”].

Inc. (“ITF”),⁴⁷ Catholic Television Network (“CTN”)⁴⁸ and the Petitioners.⁴⁹ In light of the strong sentiment evidenced in support of the IPWireless proposal, the lack of any opposition, and the benefits that IPWireless established in its Petition will flow from adopting the proposed rule change, IPWireless reiterates its proposal for amendments to Sections 21.906(d) and 74.937(b) of the Commission’s Rules to permit the use of omnidirectional antennas at response station/receive sites that will be transmitting with an EIRP of -6 dBW or below.

B. The Commission Should Adopt The Spectral Mask Proposed By IPWireless For Response Stations Operating At An EIRP Of -6 dBW Or Lower.

In its Petition, IPWireless also urged the Commission to amend its spectral masks for MDS and ITFS response stations (Sections 21.908(d) and 74.936(f), respectively) as follows:

The maximum out-of-band power of an MDS response station operating with an EIRP of -6 dBW or less per 6 MHz channel, using all or part of a 6 MHz channel and employing digital modulation, should continue to be attenuated at the 6 MHz channel edges at least 25 dB relative to the licensed average 6 MHz channel power level.

For such low power response stations, the Commission should replace the requirement of 60 dB attenuation at 3 MHz from the 6 MHz channel edges with a requirement similar to that used in Section 22.917(d)(3), *i.e.*, attenuation to the lesser of 60 dB or $43 + 10 \log P$ dB (where “P” is the licensed 6 MHz channel power level in watts) should be required.

In order to ensure a consistent slope between the attenuation requirements at the channel edges and at 3 MHz from the channel edges, the Commission should modify for low power response stations the requirement of 40 dB attenuation at 250 kHz

⁴⁷ See Consolidated Opposition of Instructional Telecommunications Foundation, Inc., MM Docket No. 97-217, at 6 (filed Feb. 9, 2000)[hereinafter cited as “ITF Opposition”].

⁴⁸ See Comments of Catholic Television Network on Petitions for Reconsideration, MM Docket No. 97-217, at 10-11 (filed Feb. 10, 2000)[hereinafter cited as “CTN Opposition”].

⁴⁹ See Consolidated Comments and Partial Opposition, MM Docket No. 97-217, at 4-5 (filed Feb. 10, 2000)[hereinafter cited as “Petitioners Opposition”].

from the channel edges to require attenuation of at least 40 dB or $33 + 10 \log P$ dB, whichever is the lesser.^{9/}

That proposal was also endorsed by every party addressing it.^{10/} While supportive, CTN did express concern that confusion could result as to whether the “P” in the provision requiring attenuation at 3 MHz from the channel edge to the lesser of 60 DB or $43 + 10 \log P$ DB referenced EIRE or transmitter output power.^{11/} Therefore, CTN suggested that the Commission change the definition of “P” to “the licensed 6 MHz wide EIRE in watts.”^{12/} IPWireless supports adoption of the revision proposed by CTN.

In expressing support for IPWireless’ proposed relaxation of the spectral mask, the Petitioners expressed concern regarding the potential for interference due to noise emitted by response station transceivers that are not engaged in direct communications with a response station hub.^{13/} IPWireless and the Petitioners have since engaged in a dialog regarding the appropriate measure for minimizing the potential for such interference. Although the press of other activities has made it impossible to resolve those discussions within the short time since the issue arose, IPWireless and the Petitioners intend to continue those discussions and IPWireless anticipates reporting on the results shortly.

^{9/} See IPWireless Petition, at 4-10.

^{10/} See, e.g., ITF Opposition, at 6 (IPWireless “makes a convincing case that loosening the spectral mask requirement for low power (-6 dBw maximum) response transmitters poses no interference threat.”); Petitioners Opposition, at 5.

^{11/} See CTN Opposition, at 10.

^{12/} *Id.*

^{13/} See Petitioners Opposition, at 5-7.

C. The Commission Should Permit An ITFS Licensee To Construct And Lease Capacity On A Booster Station Located In Its PSA, Even If There Is No Immediate Formal Educational Usage, Subject To Compliance With Capacity Reservation Requirements.

Because the technology that IPWireless intends to deploy over MDS and ITFS spectrum is based on low-power facilities, it should come as no surprise to the Commission that IPWireless will be utilizing a highly-cellularized system design. As a result, IPWireless is vitally interested in the proposal advanced by the Petitioners in their Petition for Further Reconsideration of the *Reconsideration Order* urging the Commission to exempt from the minimum usage rules, but not from the recapture and reservation rules, those ITFS booster stations serving geographic areas that are within the ITFS licensee's protected service area ("PSA"), but outside the area in which the ITFS license can make formal educational usage of the station.^{14/}

IPWireless agrees with the Petitioners that the public interest would be well-served by permitting the use of ITFS channels for the delivery of commercial broadband services from a booster within an ITFS licensee's PSA even if the ITFS licensee has no immediate use for that particular booster in furtherance of the educational mission of an accredited school, and is pleased that BellSouth has also expressed support for the Petitioners' proposal.^{15/}

The problem is rather simple. As the Petitioners demonstrated, the 35-mile radius circular PSA is so large that many ITFS licensees will find it encompasses territory in which they do not have any need for a booster that will be used in conjunction with the formal education of enrolled

^{14/} See Petitioners Petition, at 12-14.

^{15/} See BellSouth Opposition, at 6 n. 16.

students at an accredited educational institution.^{16/} In a highly-cellularized environment, it is almost inevitable that the commercial operator will need to utilize a given ITFS channel in a portion of the licensee's PSA where the ITFS licensee has no formal educational usage. While IP Wireless appreciates the need to assure that each ITFS licensee meets the formal educational usage test, it makes little sense to require satisfaction from each and every facility that has been licensed under the umbrella of that licensee's main station authorization. Section 74.931(a)(1) of the rules provides that "[a]uthorized instructional television fixed station *channels* must be used to further the educational mission of accredited schools offering formal educational courses to enrolled students."^{17/} IP Wireless agrees with the Petitioners that this Section should be interpreted to provide that so long as the ITFS licensee utilizes a given channel for the transmission of complying material from one of its facilities, it need not make formal educational usage of every booster.

Respectfully submitted,

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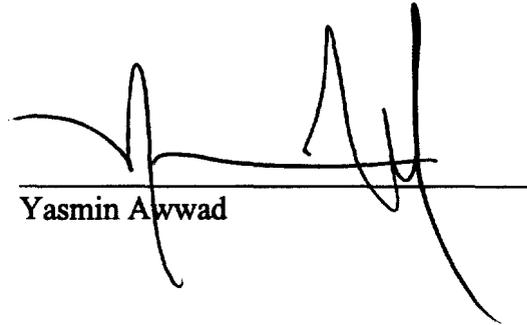
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^{16/} See Petitioners Petition, at 12-14.

^{17/} 47 C.F.R. §74.931(a)(1)(emphasis added).

CERTIFICATE OF SERVICE

I, Yasmin Awwad, hereby certify that the foregoing Reply was served this 22nd day of February, 2000, by depositing a true copy thereof with the United States Postal Service, first-class postage prepaid, addressed to the parties listed on the attached list unless otherwise noted:



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