

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

In the Matter of)
)
Service Rules for the 746-764 and 776-794) WT Docket No. 99-168
MHz Bands, and Revisions to Part 27 of the)
Commission's Rules)
)
Auction of Licenses for the 700 MHz) DA 00-59
Guard Bands Scheduled for June 14, 2000) Report No. AUC-00-33-A

To: Thomas Sugrue, Chief
Wireless Telecommunications Bureau

PARTIAL OPPOSITION

The Personal Communications Industry Association, Inc. ("PCIA"), through counsel, hereby respectfully submits the following Partial Opposition to the Request for Clarification filed by the Association of Public-Safety Communications Officials-International, Inc. ("APCO") in the above-captioned proceeding.¹

APCO seeks clarification of Section 27.601(d) of the Commission's Rules, adopted in this proceeding. It is APCO's belief that this rule section does not "provide sufficient interference protection, and is silent as to the Guard Band Manager's obligations in the event of an objection by a Public Safety Coordinator."

PCIA appreciates and supports APCO's desire to have procedural rules clearly established prior to the implementation of service. PCIA is comfortable with a procedure whereby a Public Safety coordinator could object to the implementation of a Guard Band system during the ten day

¹Report No. 2409, 65 FR 31316 (May 17, 2000).

notification period. However, such objections must be: (1) filed immediately; (2) detailed; and (3) timely acted upon by the Commission. Failure to do so would render the Guard Band Manager's license useless. Delays of several months will rob Guard Band Managers of their ability to enter into lease agreements. The FCC must therefore impose a deadline on its own processes whereby it will render a decision on a dispute. While PCIA appreciates the Commission's concern with withdrawing from the licensing process as much as possible, resolution of disputes is one area in which it should become more vigilant since it is asking applicants to pay substantial sums of money to acquire licenses.

Most importantly, PCIA is concerned that APCO seems to imply on page 3 of its filing that it wishes to protect some unspecified future Public Safety operation which may or may not be implemented. PCIA wishes to emphasize that the Commission's 700 MHz rules are not a license for the Public Safety industry to warehouse spectrum. Interference protests must be based upon real standards impacting real, existing systems. Thus, the transport of data regarding systems must be a two-way exchange. Public Safety users and coordinators must share system data with Guard Band Managers, so that Guard Band Managers are not engaged in an endless series of exchanges with Public Safety coordinators trying to determine where Guard Band systems will "fit in." The need for private spectrum is as real as the need for public safety spectrum. The 700 MHz band represents the first allocation of spectrum for private use since 1982 (the 900 MHz band), and the Commission must allow the spectrum to be placed in use for such operations.

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION, INC.

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