

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

In the Matter of)	
)	
Amendment of Parts 1, 21, and 74 to Enable)	
Multipoint Distribution Service and)	MM Docket 97-217
Instructional Television Fixed Service)	
Licenses to Engage in Fixed)	
Two-Way Transmissions)	

To: The Commission

**REPLY COMMENTS
OF
BELLSOUTH WIRELESS CABLE, INC.**

BellSouth Wireless Cable, Inc. ("BWC") respectfully files these reply comments in support of the Comments in Response to Further Notice of Proposed Rulemaking filed in this proceeding by "Petitioners".¹ For the reasons set forth below, BWC asks the Commission to grant Petitioners' requests:

1. to amend Sections 21.909(m) (47 C.F.R. § 21.909(m)) and 74.939(o) (47 C.F.R. § 74.939(o)) of the Commission's Rules to limit the permissible level of Gaussian noise from response station transmitters when they are in the "off" state, and
2. to clarify that the 1 MHz resolution bandwidth analysis provided for in those rules is to be used solely for measurement purposes and is not intended to permit emissions of 60 microvolts/meter for a 6 MHz channel or greater for higher gain antennas.

¹ According to their Comments, "Petitioners consist of over 110 wireless communications system operators, Commission licensees, equipment manufacturers and consultants who were parties to the Petition for Rulemaking in this proceeding." Comments in Response to Further Notice of Proposed Rulemaking ("Petitioners Comments") at 1.

BWC currently holds Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") channel rights for service areas covering approximately 3.5 million homes in Atlanta, Louisville, New Orleans and several large markets in Florida. Using these channel rights, BWC provides: 1) digital wireless cable services in Atlanta, Daytona Beach, Jacksonville, New Orleans and Orlando, and 2) analog wireless cable services in Louisville, KY, and Ft. Myers and Lakeland, FL. BWC also holds MDS/ITFS channel rights to serve Miami, FL.

BWC operates these systems through the use of MDS channels licensed to it as well as MDS, MMDS and ITFS channels obtained by lease. BWC has already spent hundreds of millions of dollars to acquire, build and operate these systems, and to provide innovative distance learning facilities and opportunities for local ITFS licensees. Further, it recently devoted considerable resources in the preparation and filing of numerous applications for two-way authorizations for its MDS/ITFS systems during the recent August 14-18, 2000 initial "filing window".²

As an MDS operator, BWC has extensive experience in the operation of facilities in the frequency bands at issue here. It is vitally concerned about potential levels of unacceptable interference and the effect such interference may have on its use of any of the MDS or ITFS channels for either current or new uses. For that reason, BWC has followed with interest the Commission's solicitation of comments on the issue raised by Petitioners in their February 10, 2000 Consolidated Comments and Partial Opposition: namely, the proposed establishment of

² *In the Matters of ITFS 2000 Emergency Petition for Postponement of the July 3 - July 10, 2000 Filing Window for Two-Way Multipoint Distribution Service and Instructional Television Fixed Service Applications and The Association of Federal Communications Consulting Engineers Petition Requesting Revision of Initial Filing Window for Two-Way Multipoint Distribution and Instructional Television Fixed Service, MM Docket No. 97-217, Order, DA 00-1401, released June 23, 2000 at ¶7.*

rules to govern emissions by MDS or ITFS response stations when they are not engaged in transmissions.³

BWC agrees with the Commission⁴ and the Petitioners⁵ that, in the multi-operator, wireless broadband environment contemplated by the Commission for the MDS/ITFS channels, there is serious potential for interference at the response station hub of one provider originating from response station transmitters of other providers' systems. Based on its own experience and analysis of this issue, BWC supports the Petitioners' proposal to amend Sections 21.909(m) and 74.939(o) to add language to provide that when a response station transmitter is not in communication with its related response station hub, the maximum permissible radiation level of a response station transmitter must be restricted to an acceptable field strength. BWC believes that such an amendment will significantly reduce the risk of interference.

Petitioners also point out that the radiation limitations as expressed in the *Further Notice* may be susceptible to an interpretation that would increase the permissible levels of emissions from response station transmitters in the "off" state by six fold over what the Petitioners had proposed.⁶ They note that emissions up to 10 microvolts/meter for each 1 MHz could lead to emissions of 60 microvolts/meter for a 6 MHz channel or greater for higher gain antennas.

Based on its experience and analysis as an MDS operator, BWC agrees with Petitioners that such an interpretation would result in intolerable levels of wideband noise. Accordingly,

³ *In the Matter of Amendment of Parts 1, 21, and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions*, MM Docket No. 97-217, *Report and Order on Further Reconsideration and Further Notice of Proposed Rulemaking*, FCC 00-244, released July 21, 2000 ("*Further Notice*") at ¶¶38-40.

⁴ *Id.* at ¶39.

⁵ Petitioners Comments at pp. 2-5.

⁶ *Id.* at 5.

BWC also supports Petitioners' request that the Commission restate the radiation limits in such a way as to make it clear that the 1 MHz resolution bandwidth is to be used solely for measurement purposes and cannot be extrapolated in such a way that would permit emissions of 60 microvolts/meter for a 6 MHz channel or greater for higher gain antennas.

BWC notes further that only the Petitioners filed comments in response to the Commission's solicitation for comments on these issues. They have provided a considered and thoughtful analysis and explanation of the potential interference problems. They have also proffered a carefully tailored solution to these concerns. For the reasons stated above, BWC requests the Commission to amend and clarify its rules consistent with the Comments filed by Petitioners.

Respectfully submitted,

BELLSOUTH WIRELESS CABLE, INC.
By Its Attorneys

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August 31, 2000

CERTIFICATE OF SERVICE

I do hereby certify that I have this 31st day of August 2000 served the following parties to this action with a copy of the foregoing Reply Comments by placing a true and correct copy of the same by U.S. mail, addressed to the parties on the attached list.

/s/ Karen S. Bullock

Karen S. Bullock

SERVICE LIST
CC Docket No. 97-217

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