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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	ET Docket No. <u>98-237</u>
With Regard to the 3650-3700 MHz	)	
Government Transfer Band	)	
	)	
The 4.9 GHz Band Transferred From	)	WT Docket No. 00-32
Federal Government Use	)	

**REPLY COMMENTS OF  
SBC COMMUNICATIONS INC.**

SBC Communications Inc. (SBC) supports the Commission's proposal to "allocate the 50 megahertz of spectrum in the 3650-3700 MHz band to the fixed and mobile (base stations) terrestrial services on a primary basis."<sup>1</sup> Consequently, SBC disagrees with commenters seeking to oppose this allocation. One case in point, the comments of GE American Communications, Inc. Contrary to GE's assertion, the record in this proceeding supports the Commission's proposal.<sup>2</sup>

In the *Order and NPRM*, the Commission sought comment "on the feasibility of pairing the 3650-3700 MHz band with the 4940-4990 MHz band and whether such a pairing will encourage synergies in use of both portions of spectrum."<sup>3</sup> In this regard, we agree with Motorola, Inc., which argues correctly that "the Commission does not need to pair these two bands of spectrum to fulfill or satisfy any statutory provision."<sup>4</sup> Nevertheless, SBC cannot assent

<sup>1</sup> *In the Matter of Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band; The 4.9 GHz Band Transferred from Federal Government Use*, ET Docket No. 98-237, RM-9411, WT Docket No. 00-32, *First Report and Order and Second Notice of Proposed Rulemaking*, FCC 00-363, ¶ 1 (rel. Oct. 24, 2000) (*Order and NPRM*).

<sup>2</sup> "Comments of GE American Communications, Inc.," p. 2 ("The Commission's decision to reallocate the 3650-3700 MHz band for terrestrial operations conflicts with the record in this proceeding.") *But see*, *Order and NPRM*, ¶ 11 n.34.

<sup>3</sup> *Order and NPRM*, ¶ 15.

<sup>4</sup> "Comments of Motorola, Inc.," p. 7.

to Motorola's plea that "the 4940-4990 MHz band be allocated for public safety fixed and mobile services"<sup>5</sup>; thereby scuttling the Commission's attempts to auction the band for commercial use. Additional spectrum has already been set aside for public safety use in recent proceedings.<sup>6</sup> Neither Motorola nor other commenters have made the case for even more set-asides for public safety. Diverting a portion of the band to the exclusive use of public safety service reduces the value of the entire band. Of course, in an open auction, public safety operators would be free to bid on spectrum offered.

In addition to the absence of needing to fulfill a statutory mandate, there are significant technical reasons to reject the pairing of 3650-3700 MHz with 4940-4990 MHz. First, as pointed out by Innowave ECI Wireless Systems, Ltd., two separate antennas would be needed on each transceiver and the frequency offset between transmit and receive is so great that different propagation characteristics in each band would complicate planning and engineering.<sup>7</sup> Second, as Adaptive Broadband Corporation argues, no equipment is available today that is capable of duplex operation in these bands and, in light of the substantial cost associated with such equipment, none is likely to be available in the future.<sup>8</sup> SBC also agrees that pairing the relatively unencumbered 4.9 GHz band with the highly encumbered 3.7 GHz band only serves to encumber both.

Finally, SBC concurs with the Office of Advocacy, U.S. Small Business Administration, and Advanced TelCom, Inc. that Metropolitan Statistical Areas and Rural Service Areas are the

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<sup>5</sup> *Id.* at p. 3.

<sup>6</sup> *In the Matter of Reallocation of Television Channels 60-69, the 746-806 MHz Band*, ET Docket No. 97-157, *Report and Order*, FCC 97-421 (rel. Jan. 6, 1998).

<sup>7</sup> "Comments of Innowave ECI Wireless Systems, Ltd.," p. 5.

<sup>8</sup> "Comments of Adaptive Broadband Corporation," p. 4.

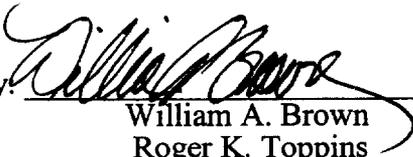
appropriate geographical areas for licensing this spectrum.<sup>9</sup> Auctioning spectrum at the MSA/RSA level encourages small business participation and provision of services to rural areas.

#### CONCLUSION

In sum, SBC supports the unshackled allocation of the 50 MHz of spectrum in the 3650-3700 MHz band to the fixed and mobile (base stations) terrestrial services on a primary basis. It rejects, however, the pairing of 3650-3700 MHz with 4940-4990 MHz and the allocation of the 4940-4990 MHz band for public safety broadband operations. SBC also favors the use of MSAs and RSAs for licensing this spectrum.

Respectfully submitted,

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January 16, 2001

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<sup>9</sup> “Comments of the Office of Advocacy, U.S. Small Business Administration,” pp. 2-3; “Comments of Advanced Telcom Group Regarding Second Notice of Proposed Rulemaking,” p. 2-4.

## CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 16<sup>th</sup> day of January 2001, a copy of the foregoing "Reply Comments" was served by U.S. first class mail, postage paid, to the parties listed on the attached sheets.

  
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