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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

|  |   |                             |
|--|---|-----------------------------|
| In the Matter of                         | ) |                             |
|  | ) |                             |
| Amendment of Part 2 of the Commission's  | ) | ET Docket No. <u>00-258</u> |
| Rules to Allocate Spectrum Below 3 GHz   | ) |                             |
| for Mobile and Fixed Services to Support | ) |                             |
| the Introduction of New Advanced         | ) |                             |
| Wireless Services, including Third       | ) |                             |
| Generation Wireless Systems              | ) |                             |
|  | ) |                             |
| Petition for Rulemaking of the Cellular  | ) | RM-9920                     |
| Telecommunications Industry              | ) |                             |
| Association Concerning Implementation    | ) |                             |
| of WRC-2000: Review of Spectrum and      | ) |                             |
| Regulatory Requirements for IMT-2000     | ) |                             |
|  | ) |                             |
| Amendment of the U.S. Table of           | ) | RM-9911                     |
| Frequency Allocations to Designate       | ) |                             |
| the 2500-2520/2670-2690 MHz Frequency    | ) |                             |
| Bands for the Mobile-Satellite Service   | ) |                             |

To: The Commission

**OPPOSITION TO PETITION FOR RECONSIDERATION OF  
THE SATELLITE INDUSTRY ASSOCIATION**

Wireless One of North Carolina, L.L.C. ("WONC")<sup>1</sup>, by its attorneys and pursuant to Section 1.429(f) of the Commission's Rules, opposes the Petition for Reconsideration ("Recon Petition") filed by the Satellite Industry Association ("SIA") on February 22, 2001.<sup>2</sup> In the Recon Petition, SIA requests that the Federal Communications Commission ("FCC or Commission") reconsider its decision in the *Notice of Proposed Rulemaking and Order* (released January 5, 2001) ("*NPRM and*

<sup>1</sup> WONC is a wireless broadband operator in North Carolina.

<sup>2</sup> The Recon Petition appeared in the Federal Register on March 7, 2001. Pursuant to Section 1.429(f), this Opposition is timely filed.

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Order") denying SIA's Petition to amend the U.S. Table of Frequency Allocations to allocate the 2500-2520 MHz and 2670-2690 MHz frequency bands for Mobile-Satellite Service ("MSS"). In the *NPRM and Order*, the Commission indicated that it agreed with a majority of the commenters to SIA's Petition that reallocation of the 2.5 GHz band to MSS is unwarranted.<sup>3</sup> In its Recon Petition, SIA claims that the Commission's basis for refusing to make the allocation cannot withstand scrutiny.<sup>4</sup> WONC agrees with the Commission's decision to deny SIA's request for reallocation of the 2.5 GHz band for MSS and opposes SIA's Recon Petition.

**I. Spectrum Sharing Between MDS/ITFS and MSS is not Feasible.**

Despite SIA's claims to the contrary, sharing between MMDS/ITFS licensees and MSS is not feasible. As evidenced in the numerous Comments and Reply Comments filed in response to the Commission's *NPRM and Order*, sharing of this spectrum between fixed and mobile services is not a viable solution.<sup>5</sup> Several of the Commenters cited the Commission's *Interim Report*<sup>6</sup> and the *Feasibility Study*<sup>7</sup> prepared by George Harter which concluded that sharing of the 2500-2690 MHz spectrum between fixed and mobile services was not possible due to the interference to

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<sup>3</sup> *NPRM and Order* at ¶ 73.

<sup>4</sup> Recon Petition at p. 2.

<sup>5</sup> See, e.g., Comments of Verizon Wireless ("Verizon Comments") at p. 19; Comments of Motorola, Inc. ("Motorola Comments") at p. 13; Comments of AT&T Wireless ("AT&T Comments") at p. 13; Comments of WorldCom, Inc. ("WorldCom Comments") at pp. 21-23; Comments of the Wireless Telecommunications Association International, Inc. ("WCA Comments") at pp. 26-29. See, also Reply Comments of Verizon Wireless ("Verizon Reply") at pp. 15-16; Reply Comments of WorldCom, Inc. ("WorldCom Reply") at pp. 7-9.

<sup>6</sup> FCC Staff Report Issued by the Office of Engineering and Technology, Mass Media Bureau, Wireless Telecommunications Bureau, and International Bureau: "*Spectrum Study of the 2500-2690 MHz Band: The Potential for Accommodating Third Generation Mobile Systems*," Interim Report, ET Docket No. 00-232, DA 00-2583, released November 15, 2000 ("*Interim Report*").

<sup>7</sup> *Feasibility Study on Spectrum Sharing between Fixed Terrestrial Wireless Services and proposed Third Generation Mobile Services in the 2500-2690 MHz Bands* ("*Feasibility Study*").

MMDS/ITFS hubs and CPUs that would be caused by mobile services.<sup>8</sup> The conclusions reached by the Commission and Mr. Harter contradict SIA's claims that sharing between MMDS/ITFS is possible. Sharing is not possible and the Commission was correct in finding that "sharing between terrestrial and satellite systems would present substantial technical challenges"<sup>9</sup> in the 2500-2690 MHz band.

SIA also claims that any potential interference between MMDS/ITFS and MSS will be manageable because MSS will be a largely rural service and MMDS/ITFS will be deployed in urban areas.<sup>10</sup> This premise is false and is rebutted by numerous Commenters to the *NPRM and Order*, including WONC, who indicated that they would be providing services to rural and underserved areas throughout the country.<sup>11</sup> Indeed, WONC, in addition to commercial services, plans to utilize the spectrum to provide services to residents in rural markets who would otherwise not have access to such services. Thus, any potential interference issues will not be alleviated by geographic separation as SIA claims.<sup>12</sup> Instead, interference issues will hinder both services as they try to serve rural areas.

## **II Spectrum Sharing Between MDS/ITFS and MSS Would Derail Emerging Highspeed Wireless Broadband System**

As many Comments and Reply Comments to the *NPRM and Order* established, the entire 2500-2690 MHz band is required for the digital high-speed wireless broadband

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<sup>8</sup> *Feasibility Study* at p. A-75.

<sup>9</sup> *NPRM and Order* at ¶73.

<sup>10</sup> Recon Petition at p. 6.

<sup>11</sup> See WONC Comments; WorldCom Comments; WCA Comments.

<sup>12</sup> Recon Petition at p.6.

services that are being developed by numerous operators around the country, including WONC which is developing a digital high-speed wireless broadband system in North Carolina.<sup>13</sup> Wireless broadband operators are relying on all available channel capacity in the 2500-2690 MHz band in order to provide service.<sup>14</sup> Consequently, interference in any portion of the band from MSS shared use would be disastrous for the nation's emerging wireless broadband operators.

### **III Conclusion**

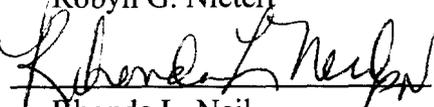
SIA's Recon Petition has not provided any basis for the Commission to reconsider its *NPRM and Order*. The numerous Comments and Reply Comments filed in response to the *NPRM and Order* effectively rebutted the arguments upon which SIA has relied in its Recon Petition. Therefore, SIA's Recon Petition should be denied.

Respectfully submitted,

**WIRELESS ONE OF NORTH  
CAROLINA, L.L.C.**

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Its Attorneys

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<sup>13</sup> See WONC Comments at p. 9; WorldCom Comments at pp. 16-21; Comments of Sprint Corporation ("Sprint Comments") at pp. 20-23; WCA Comments at pp. 32-40; Comments of Cisco Systems, Inc. ("Cisco Comments") at pp. 5-8; WorldCom Reply at pp. 5-8

<sup>14</sup> *Id.*

**CERTIFICATE OF SERVICE**

I, Teresa Yurgartis, a secretary with the law firm of Brown Nietert & Kaufman, Chartered, hereby certify that on the 22nd day of March, 2001, a copy of the foregoing "Opposition to Petition for Reconsideration of the Satellite Industry Association" was deposited in the U.S. mail, postage prepaid, addressed to the following:

The Satellite Industry Association  
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Teresa Yurgartis