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

In the Matter of	)	
	)	
Reallocation of the 216-220 MHz,	)	ET Docket No. 00-221
1390-1395 MHz, 1427-1429 MHz,	)	RM-9267
1429-1432 MHz, 1432-1435 MHz,	)	RM-9692
1670-1675 MHz, and 2385-2390 MHz	)	RM-9797
Government Transfer Bands	)	RM-9854

To: Chief, Wireless Telecommunications Bureau

Reply Comments
of Warren C. Havens

Warren C. Havens hereby submits Reply Comments in this proceeding. My background as FCC licensee in four radio services and interest in this proceeding is described in my Comments.

Spectrum for Time Division Duplex. I strongly support the Comments of ArrayComm with respect to the need for allocation of spectrum for Time Division Duplex technology ("TDD"): an appropriate block or appropriate blocks of 5 MHz or greater. TDD may be appropriate for use in the 216-225 band if such band is consolidated as proposed in my Comments, as well as in the band discussed by ArrayComm in its Comments.

Other nations have allocated such TDD blocks for advanced wireless technologies. In addition to ArrayComm, Siemens and other vendors are developing TDD for 3G (or other advanced) wireless services, and various parties working on initial concepts for "4G" technology are considering TDD as well. China and other nations are adopting TDD for

major 3G networks. TTD has advantages over the more commonly used Frequency Division Duplex technologies, including increased spectrum efficiencies/ data speeds for wireless data over IP networks in which asymmetrical up- and down- link traffic is common. Also, it is easier for nations to allocate block rather than paired spectrum, another reason to commence support of TDD in this nation via appropriate major block allocation(s) for TDD: once TDD is demonstrated in this nation as viable, the FCC would have a firm basis for future allocations of TDD blocks, as well as the more-difficult-to-carve-out FDD paired spectrum.

216-225 MHz. I disagree strongly with Comments of Mobex and Securicor with regard to the accuracy of their claims that AMTS and 220-222 MHz are substantially developed. A discussion to refute such claims is material to this proceeding for reasons shown below, in particular, to support the proposal in my Comments that the FCC form a new 216-225 MHz service (including the portion of this 216-225 MHz range currently held by the Federal government) in which, over time, unifying rules on technology and operation would be imposed, and involving auction of band-manager licenses, etc.

With respect to Mobex, I am on record before the FCC (in various Petitions to Deny and other pleadings) describing, with evidence, the history and status of most AMTS licenses held by Mobex (primarily via its Regionet division) including that such licenses were not timely placed in operation, are not being operated for required maritime-priority service, do not and never did provide required continuity of service to maritime traffic corridors, or are otherwise not valid. It is worth noting that Mobex did not describe in its

Comments many licenses as in actual service to the public, but merely noted a capacity figure of the licenses in operation by Watercom, which Mobex recently acquired. However, Mobex has stated to me in writing recently that Watercom has only approximately 1,000 end user radios in service. Prior to being sold, Watercom's parent company reported essentially the same in a filing with the Securities and Exchange Commission.[1] Since it began to apply for AMTS licenses well back into the 1990's, Regionet (now the AMTS division of Mobex) has provided to the FCC one story after another, many contradictory, about why it needs one sort of FCC relief or another (series of construction deadline extensions, leniency in meeting rules on applications and operations, and now, its appeals in this reallocation matter) before it can do what it stated in its applications it was prepared to do: build and operate AMTS to serve the public. When it applied for AMTS, Regionet alleged it is ready and able to expand and build and operate and serve. Then, after it obtained grants, its story changed from "ready to serve" to "ready to warehouse"-- to why it can't do what it alleged that it could do-- without more time to seek outside financing, new technology, Motorola support, or whatnot.

With few exceptions, for many years Regionet, now Mobex, has merely warehoused AMTS spectrum, thus blocked others from use of such spectrum, and further blocked AMTS from being used to serve the public by filing "strike" applications wherever another party applied for remaining waterways and adjacent markets not covered by its own licenses (i.e., AMTS applications I filed for inland waterways and adjacent markets).

[1] I give citations in my Petitions to Deny filed with the FCC noted above.

It is primarily its own abusive warehousing and "strike" applications that have thwarted development in AMTS, not the matters it writes of in its Comments.

Regarding what it writes of, it writes that it uses Kenwood equipment it claims is no longer available to operate AMTS systems, however, it only used Kenwood handportables operating on MPT1327 (a type of trunked technology) base stations supplied by other sources, and other sources than Kenwood have MPT1327 mobiles and portables on the AMTS frequencies. Also, Mobex alleged that the AMTS band is " . . . Currently Fully Allocated . . . ," but that is grossly misleading. AMTS licenses currently issued do not provide for coverage of most of the land mass of the nation. Of those that are issued, a large percentage (on a population-covered basis) have not been placed into operation in compliance with FCC rules, and those that have been alleged as in such compliance are not being marketed to the public in any publicly discernable manner. Even if all AMTS licenses (except those issued to me based on real-life service contours I responsibly selected via competent engineers) were fully in operation in service to the public with required priority to marine use, this would not constitute "fully allocated," since such licenses are composed of stations that are spaced apart based on minor overlaps of unrealistically large 17 dBu service contours.

That is, as Mobex demonstrated in recent filings with the FCC via maps of its Watercom stations along the Gulf Coast, if real-life service contours were used at its base stations, such stations would not come close to having overlapping service contours. In reality, virtually all AMTS licenses (except those few issued to me using real-life base-station service contours) used 17 dBu contours for the same reasons stated above: to make

warehousing easier and cheaper, not to serve the public. Thus, in reality, AMTS is not at all "fully allocated," but is licensed in "Swiss Cheese" authorizations of strings of base stations spaced far too far apart for real-life multi-site networks, especially those providing for increasingly demanded handportable service. Per FCC rules, AMTS is now frozen with respect to new applications and thus such existing licenses, successfully warehoused for years, have little chance to become commercially viable.

With regard to Securicor, contrary to indications in its Comments, most of the licenses bought in its name in the 220 MHz auctions were bought on behalf of another entity, NRTC, and NRTC-related entities have rights to such spectrum.

RoamerOne, affiliated with Securicor since Securicor's commencement of involvement with 220 MHz, was a telemarketing-based operation that first sold tens of thousands of 220 MHz license applications (for the FCC 220 MHz lottery) in the early 1990's to investors for exorbitant fees, then was associated with other telemarketers who sold 5-channel single-station 220 MHz licenses issued at such lottery (each with only 50 kHz total spectrum) for up to one million dollars each and not less than several hundred thousand dollars each. The RoamerOne name, and sometimes also the Securicor name, was featured on the slick marketing materials used widely over long periods by the telemarketers soliciting nationwide, and in the telemarketers' oral sales pitches, these two companies were pitches as having (and in fact did have) key roles in post-sale license "management" and "construction" (provision of "engineering" and system equipment that did not work as claimed and was by no stretch capable of being a part of any "nationwide network" claimed by the telemarketers citing RoamerOne and Securicor). This history

involved scores of millions of dollars in fraudulent solicitation and stunted the 220 MHz industry. (Telemarketers also sold 220 MHz lottery-awarded licenses coupled with systems provided by SEA on a similar basis, but with less extreme pricing and claims.) Steve Gurwitz, a litigator at the Securities and Exchange Commission in Washington DC, and Mark Knopps, an litigator with the Arizona Corporation Commission in Phoenix, Arizona, each have substantial knowledge of such history. (Mr. Knopps won a decision against one telemarketer selling SEA systems coupled with licenses, and had formed a task force with other States regarding telemarketers selling Securicor systems coupled with such licenses.) I was provided the above information by scores of individuals who invested in such solicitations: their stories and written documents regarding the above were uniformly the same.

The Securicor technology has not performed per the claims of Securicor. I have direct experience and have heard from numerous dealers, licensees, site managers, and NRTC-member agents, who have owned and operated Securicor equipment. To date I have not found one party with direct experience with Securicor equipment who found it a commercially viable product or to have performed as claimed.

The above supports assertions in my Comments that both AMTS and 220 MHz have not been substantially developed or used. To ascertain the situation, the FCC should conduct a study in which it requires licensees in these bands to report under oath appropriate evidence for the FCC to determine the extent of usage, and whether licenses

claimed as in operation in compliance with FCC rules have in fact been in such compliance[2] (and if not, revocation and possible sanctions should be imposed).

Conclusion. (i) the FCC should adopt a new plan for 216-225 MHz along the lines I proposed in my Comments, in which AMTS, 220-222 MHz, as well as the rest of 216-225 MHz, thus far all lightly used, are put to good use in a consolidated service using advanced technology, and (ii) the FCC should consider TDD for as the required technology for such consolidated block of spectrum, as well as for other spectrum subject of this reallocation proceeding as proposed by ArrayComm.

Respectfully submitted,

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[2] E.g., I have frequency been told by antenna-site managers a licensed system of a pre-auction 220 MHz license that supposedly is in operation at the manager's site is not any longer at such site, or in some cases never was at such site.