

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

In the Matter of)
)
Service Rules for the 746-764 and) WT Docket No. 99-168
776-794 MHz Bands, and Revisions to)
Part 27 of the Commission's Rules)

REPLY COMMENTS OF ACCESS SPECTRUM, L.L.C.

Access Spectrum, L.L.C. (“Access Spectrum”) submits these replies to comments to the petitions for reconsideration of the Public Safety Telecommunications Council (“NPSTC”) and the Public Safety Wireless Network (“PSWN”) in the above-captioned proceeding.¹ Access Spectrum joins the other respondents in supporting the recommendations of these petitions that the FCC reconsider its decision to allow commercial base station operations in the 777-792 MHz band and should instead revert to the band structure as originally adopted by the Commission.

Access Spectrum is the licensee of 700 MHz guard band spectrum in 21 major economic areas across the country. Access Spectrum traces its roots to the Industrial Telecommunications Association (“ITA”) which helped create Access Spectrum to increase the availability of spectrum for private mobile radio users while utilizing ITA's intellectual and spectrum management assets. Being a 700 MHz guard band licensee with a historical knowledge of land mobile coordination issues – including the protection of public safety systems – leaves Access Spectrum in a sound position to assess the risks of the FCC’s flexible technical policies under consideration here.

¹ See *Public Notice*, Report No. 2475, rel. April 2, 2001 (66 Fed. Reg. 18474).

Access Spectrum agrees with Nextel, Motorola, and Com-Net Ericsson who have argued that the technical analysis prepared by the Telecommunications Industry Association (“TIA”) and submitted with the NPSTC petition accurately portrays the considerable increased risk of interference to public safety systems caused by commercial base stations operating in the 777-792 MHz band.² Under the rules adopted in the *First Report and Order* in this proceeding, commercial base station transmitters were separated from public safety base station receivers by at least 32 MHz.³ The more flexible technical rules adopted by the Commission on reconsideration in the *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* reduces this separation by 30 MHz and potentially results in commercial base station transmitters operating as close as 2 MHz from public safety base station receivers.⁴ It is without doubt that this scenario will pose greater interference potential to public safety systems especially since the FCC did not increase the amount of required attenuation of out-of-band emissions for commercial base stations.

As Nextel and Com-Net Ericsson point out, the existing interference events in the 800 MHz band should caution the FCC against relying on case-by-case approaches to resolving interference. There, despite the best efforts of all parties, interference

² See *Comments of Nextel Communications, Inc.*, WT Docket No. 99-168, submitted April 24, 2001, at 6; *Comments of Com-Net Ericsson Critical Radio Systems, Inc.*, WT Docket No. 99-168, submitted April 23, 2001, at 3; *Comments of Motorola, Inc.*, WT Docket No. 99-168, submitted April 24, 2001, at 2.

³ *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules*, WT Docket No. 99-168, *First Report and Order*, FCC 00-5, released January 7, 2000.

⁴ *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules*, WT Docket No. 99-168, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 00-224, released June 30, 2000.

resolutions are time-consuming, expensive, and not entirely satisfying to all involved. The far better course is for the Commission to minimize interference before it occurs through the establishment of technical standards that appropriately balance operator flexibility with efficient spectrum use.

Beyond the concerns for public safety systems, Access Spectrum also notes that the FCC's policies could significantly affect operations within the 700 MHz guard bands. Under the existing rules, 700 MHz guard band operations must conform to the orientation of the 700 MHz public safety which restricts base station transmissions to the lower half (746-776 MHz) portion of the band. If commercial carriers choose to "flip" their assignments, they could operate base station transmitters on frequencies *immediately adjacent* to guard band base station receivers. Such deployment scenarios could create severe interference to the guard bands for many miles.

Of course, the 700 MHz A and B block licenses are guard bands and Access Spectrum understands the terms and conditions of guard band operations. However, a coherent band plan that harmonizes all users of the 700 MHz band increases the efficient use of this spectrum by allowing the guard bands to serve many useful communications needs. The FCC should not sacrifice this increase in efficient spectrum use simply for the sake of increased technical flexibility for some users of the 700 MHz band.

For the reasons expressed above, Access Spectrum urges the FCC to adopt the recommendations of NPSTC and PSWN and reconsider its actions that allow for high powered base station transmitters in the 777-792 MHz band.

Respectfully Submitted,

/S/ Mark E. Crosby

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May 4, 2001

CERTIFICATE OF SERVICE

I, Kim Riddick, hereby certify that on this 4th day of May, 2001, I caused copies of the foregoing Reply Comments Of Access Spectrum, L.L.C. to be mailed via first-class postage prepaid mail to the following:

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