

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

In the Matter of)	
)	
Year 2000 Biennial Regulatory Review)	
)	
Amendment of Part 22 of the)	
Commission's Rules to Modify or)	WT Docket No. 01-108
Eliminate Outdated Rules Affecting)	
the Cellular Radiotelephone Service)	
and Other Commercial Mobile Radio)	
Services)	

COMMENTS OF SPRINT PCS

Luisa L. Lancetti
Vice President, PCS Regulatory Affairs
Roger C. Sherman
Senior Attorney, PCS Regulatory Affairs
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
(202) 585-1924

Its Attorneys

July 2, 2001

Table of Contents

Summary of Comments	ii
I. The Commission Should Establish a Nationwide Sunset Date When Cellular Carriers May Begin Withdrawing AMPS Service	2
II. A Five-Year AMPS Transition Period Will Provide for the Orderly Migration to Ubiquitous and Reliable Digital Wireless Service.....	7
III. The Commission Should Adopt The Core Elements of an AMPS Phase-Out Transition Plan	9
A. Customer Education	9
B. Service Quality During Transition	10
C. Spectrum Cap AMPS Credit	11
IV. Conclusion	13

Summary of Comments

Although the migration from analog to digital technologies is well underway, AMPS continues to play a critical role in the mobile telecommunications market. Approximately 40 million Americans still subscribe to AMPS service, and AMPS is the dominant technology used in roaming, which is important to countless more millions of customers with dual-band handsets. AMPS remains the only way that mobile users can reach emergency 911 services in many circumstances, and numerous consumers, including the deaf, hard of hearing, and owners of automobiles with telematics systems, remain wholly dependent on AMPS. Accordingly, many cellular carriers would likely continue to offer AMPS even if the Commission were to eliminate immediately the current AMPS requirement. As the largest cellular carrier stated only last month:

As a result of these important analog uses, a minimum of five MHz of spectrum will need to be dedicated to analog use for the foreseeable future.

The central question for the Commission, however, is whether it should permit each cellular carrier to turn-down its AMPS network on its own schedule, or whether it should establish a national sunset date in order to ensure that AMPS-dependent customers have time to adjust to an environment in which AMPS service may no longer be available. Sprint PCS demonstrates herein that a national sunset date not only will serve the public interest, but also will facilitate the orderly transition from AMPS to digital technologies.

Specifically, Sprint PCS recommends that the Commission sunset the AMPS requirement in five years. It will take one or two years before the sunset date even becomes widely known (and understood) by the public, and customers will thereafter need time to find suitable alternatives, in the event that cellular carriers discontinue this service

offering. The need for an orderly five-year transition is further confirmed by the experience in Australia, where AMPS service was recently withdrawn.

The Commission need not regulate the minutia of an AMPS phase-out transition plan, but it should adopt the core elements of such a plan to ensure an orderly process for consumers and carriers. Sprint PCS recommends a three-part plan:

1. Customer Education. The most important step the Commission can take is to adopt a national sunset date, so carriers and others can begin advising customers of this development. It would also be useful for the Commission to establish a web page addressing the AMPS sunset date and its meaning. Voluntary education efforts will be critically important to the public during the transition period. It will also be important to ensure that public safety services are not disrupted.
2. Service Quality During Transition. There are reasonable approaches that the Commission can adopt to ensure that adequate AMPS capability remains available to the millions of AMPS-dependent customers during the transition.
3. Spectrum Cap AMPS Credit. Sprint PCS recommends that every cellular carrier providing AMPS services be given an "AMPS credit" of 10 MHz against the spectrum cap. This would enable a cellular carrier to acquire immediately up to 55 MHz of CMRS spectrum (65 MHz in rural areas). This addresses the capacity constraint concerns raised by some cellular carriers regarding maintenance of the AMPS requirement.

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

In the Matter of)	
)	
Year 2000 Biennial Regulatory Review)	
)	
Amendment of Part 22 of the)	
Commission's Rules to Modify or)	WT Docket No. 01-108
Eliminate Outdated Rules Affecting)	
the Cellular Radiotelephone Service)	
and Other Commercial Mobile Radio)	
Services)	

COMMENTS OF SPRINT PCS

Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint PCS"), supports the abrogation of rules that are no longer necessary, and is generally supportive of the proposals in the above-referenced Notice of Proposed Rulemaking.¹ There is one aspect of the Notice, however, upon which Sprint PCS provides comment — the continued availability of analog Advanced Mobile Phone Service ("AMPS").

AMPS continues to play a critical role in the market for commercial mobile radio services ("CMRS"). As a result, a specified transition period is needed before the Commission removes the rule requiring cellular licensees to provide AMPS.² As demon-

¹ See *Year 2000 Biennial Regulatory Review – Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services*, WT Docket No. 01-108, *Notice of Proposed Rulemaking*, FCC 01-153 (May 17, 2001), summarized in 66 Fed. Reg. 31589 (June 12, 2001) ("Part 22 Biennial Review NPRM").

² There are two components to the AMPS requirement. Rule 22.901 provides that "[c]ellular system licensees must provide cellular mobile radiotelephone service upon request to all cellular subscribers in good standing, including roamers, when such subscribers are located within any portion of the authorized cellular geographic service area (see §22.911) where facilities have been constructed." Rule 22.933 provides that "[e]xcept as provided in §22.901(d), equipment used in

strated below, the establishment of a five-year sunset date should give AMPS-dependent consumers the time they need to pursue alternative arrangements. A single, nationwide sunset date will also facilitate the migration from AMPS, because carriers and public interest organizations can then begin advising consumers of the date as part of a customer education effort. Premature termination of AMPS will disrupt service and public safety needs. The FCC should ensure that this does not occur.

I. THE COMMISSION SHOULD ESTABLISH A NATIONWIDE SUNSET DATE WHEN CELLULAR CARRIERS MAY BEGIN WITHDRAWING AMPS SERVICE

From a spectrum management perspective, the voluntary migration from AMPS should be encouraged because analog AMPS systems are less spectrally efficient than 2G and 3G digital air interfaces. Nevertheless, as the Notice recognizes, AMPS continues to play a critical role in the CMRS market³:

- Millions of Americans continue to use AMPS,⁴ and analysts predict that consumers will continue to purchase AMPS handsets and services in the foreseeable future, although at increasingly reduced levels.⁵
- AMPS remains the dominant technology used in roaming, a highly profitable business for cellular carriers.⁶ This is largely due to the fact that the

the Cellular Radiotelephone Service must be designed in compliance with . . . Office of Engineering and Technology Bulletin No. 53.”

³ *Part 22 Biennial Review NPRM* at ¶ 23.

⁴ There were 41.9 million AMPS customers in December 1999, constituting 48% of the total CMRS customer base. *See Fifth Annual CMRS Competition Report*, 15 FCC Rcd 17660, 17672, App. B, Table 5 (2000) (“*Fifth CMRS Report*”). At the end of 2000, the percentage of AMPS customers fell to 38%. *See News*, “FCC Adopts Annual Report on State of Competition in the Wireless Industry” (June 20, 2001).

⁵ IDC estimates that 3.2 million AMPS handsets will be sold in 2002, two million in 2003, and one million in 2004. *See IDC, U.S. Wireless Services and Devices Market Assessment, 1999-2004*, at 33, Table 16 (2000). It further predicts that the total number of AMPS customers will fall to 17.7 million in 2003 and 5.6 million in 2004. *Id.* at 22, Table 11. The Strategis Group estimates that there will be 7.7 million AMPS customers in 2007 that will generate \$1.9 billion in revenues. *See Strategis Group, “U.S. Cellular Marketplace: Outlook and Forecasts,”* at 26-27, Tables 5.1 and 5.2 (Feb. 2001).

geographic coverage of AMPS systems is far more extensive than that of the various digital systems:

<u>Air Interface</u>	<u>Percent U.S. Geographic Coverage</u> ⁷
AMPS	93%
TDMA	41%
CDMA	29%
GSM	22%
iDEN	20%

One of the Commission's own consumer publications describes AMPS coverage as "complete, good" and contrasts the absence of ubiquitous digital coverage, stating that build-out is in progress and service "may take a few years to improve."⁸ Roaming on digital systems will also not occur extensively until the coverage of digital networks becomes more extensive and until tri-mode handsets are extensively deployed.⁹

⁶ See *Fifth CMRS Report*, 15 FCC Rcd at 17679 (citing roaming prices in the range of \$0.36 to \$0.44 per minute).

⁷ See *Fifth Annual CMRS Report*, App. B, Table 7 and App. F, Maps 2-5. The limited coverage of digital systems should not be surprising given that carriers have been constructing digital networks for only five years or so. The CMRS industry can nevertheless take pride in the fact that digital coverage in the U.S. approximates the combined land area of the 15 members of the European Union. See 15 FCC Rcd 17677. Moreover, as noted in the automatic roaming docket, Sprint PCS installed more cell sites during its first five years than the entire cellular industry installed during its first ten years. See Sprint PCS Comments, WT Docket No. 00-193, at 11 (Feb. 5, 2001).

⁸ Consumer Information Bureau, "Cell Phones: Facts, Fiction, Frequency," www.fcc.gov/cib/cell_phones.html. The fact that digital services are not completely built-out is to be expected in view of the many years of cellular construction that preceded the allocation of PCS spectrum.

⁹ The roaming issue is not limited to rural areas and AMPS plays an important role in more populated areas of the United States as well. PCS carriers have encountered significant challenges in providing seamless coverage, even in areas where they have already built networks. See, e.g., Sprint PCS Reply Comments, WT Docket No. 00-193, at 18-24 (Feb. 5, 2001). For example, the Town of Durham, Connecticut recently denied a Sprint PCS application to construct a tower because Town officials concluded that Sprint PCS customers could roam on the systems of carriers with existing coverage: "The FCC license does not require 'seamless' coverage, or anything close to it, and the applicant did not demonstrate that there wasn't adequate coverage provided by another carrier." Durham Planning and Zoning Commission (Nov. 15, 2000).

- In many circumstances, AMPS remains the only way that individuals can reach emergency 911 services.¹⁰
- Persons who are deaf or hard of hearing (*e.g.*, use TTY devices or hearing aids) remain dependent on AMPS.¹¹
- All telematics systems installed in automobiles today are AMPS-based systems.¹² General Motors already has more than 1.2 million OnStar customers,¹³ and analysts predict that the OnStar customer base will grow by nearly one million customers annually.¹⁴ Telematics revenues are expected to reach over \$23 billion in 2007.¹⁵

Some parties to this proceeding will undoubtedly recommend that the Commission adopt a *laissez faire* approach to the end of AMPS service: immediately abrogate the AMPS requirement and let each carrier determine for itself when it will withdraw AMPS service. Sprint PCS submits that such an approach would not serve the public interest because it would result in chaos for many customers and undermine the Congressional policy encouraging the “operation of seamless, ubiquitous and reliable wireless telecommunications systems”.¹⁶

¹⁰ This includes persons with 911-only handsets; the elderly and residents of domestic violence centers who receive donated cellular phones, as well as digital customers with dual-mode handsets when traveling in areas where only AMPS service is available.

¹¹ See *Part 22 Biennial Review NPRM* at ¶ 30.

¹² See *id.* at ¶ 29. General Motors explains its use of AMPS as follows: “The benefits of new digital cellular technology are great, but the downside is even greater. Currently, analog cellular technology provides the broadest geographic coverage of the United States. Over 90 percent of the country is covered by the analog system. Digital coverage is less than 30 percent.” OnStar FAQ, www.onstar.com/visitors/html/ao_about_onstart.htm.

¹³ See *Wireless Today*, “OnStar Is Only Recognizable Constellation in Telematics Sky” (June 6, 2001).

¹⁴ See Dain Rauscher Wessels, “Telematics and Location-Based Services: Collateralization,” at 70, Exhibit 39 (April 27, 2001).

¹⁵ See *id.* at 63.

¹⁶ Wireless Communications and Public Safety Act of 1999, 106th Cong., 1st Sess., Pub. L. No. 106-81, § 2, 113 Stat. 1287 (Oct. 26, 1999).

While wireless phones have enabled people to save countless lives, it is clear that improvements need to be made . . . The first of these improvements is that the wireless network must be as seamless as possible. A wireless telephone is worthless unless the call goes through.¹⁷

Simply put, a particular carrier's business plans may not coincide with the needs of AMPS-dependent customers. Moreover, although a cellular carrier will likely give adequate notice of AMPS termination to its own customers, others users of the carrier's AMPS service, such as roamers and specialized users of AMPS (*e.g.*, deaf and hard-of-hearing individuals) will likely not receive such notice.¹⁸ The public interest would not be served by such a scenario.

Moreover, Sprint PCS has elsewhere documented the importance of roaming to consumers and to competition.¹⁹ The overwhelming majority of roaming traffic today (over 90%) is handled by AMPS networks. As Verizon Wireless explained last month:

Analog provides an important link between disparate technologies. For example, customers who subscribe to a carrier that employs TDMA can roam on a CDMA carrier's network using their analog platform. As a result of these important analog uses, a minimum of 5 MHz of spectrum will need to be dedicated to analog for the foreseeable future.²⁰

It will take an enormous industry effort to move analog roaming traffic onto digital networks. As noted above, one of the major challenges is that the geographic cover-

¹⁷ H.R. Rep. No. 106-25 at 5.

¹⁸ For example, an AMPS customer in Idaho has come to expect that AMPS service will be available regardless of where he or she may travel. Learning upon arrival that AMPS service is no longer available is not a consumer-friendly situation and undermines the ubiquitous service the FCC has worked so hard to promote.

¹⁹ See Sprint PCS Comments, WT Docket No. 00-193, at 2-4 (Jan. 5, 2001)(Studies document that "nearly three quarters of wireless phone users consider roaming to be very or somewhat important."); Sprint PCS Reply Comments, WT Docket No. 00-193, at 3-9 (Feb. 5, 2001)(Average mobile customer requires a local coverage area of 1,330 square miles).

²⁰ See Declaration of Richard J. Lynch, WT Docket No. 01-14, at 6 ¶¶ 18-19 (May 14, 2001)("Lynch Declaration")("Verizon Wireless will continue to support analog technology for the foreseeable future. ").

age of digital networks is still not as extensive as the older AMPS systems.²¹ AMPS should not be abandoned for roaming until PCS network operators have had additional time to complete network buildout, and until cellular carriers can complete their conversion to digital services throughout their respective networks. In addition, widespread digital roaming cannot occur until most mobile customers have access to tri-mode and other multi-band/multi-mode handsets.²²

Establishing a national AMPS sunset date will help ensure that all AMPS dependent customers have adequate time to adjust to an environment where AMPS will no longer be available ubiquitously. Sprint PCS submits, moreover, that a national sunset date will facilitate the smooth transition from AMPS, because it will serve as the cornerstone for necessary customer education programs. With one FCC-established national date, carriers can tell their customers with confidence that AMPS will continue to be available nationwide for a specified period, but that AMPS will not necessarily be available thereafter. With a national sunset date, carriers will be able to plan so as to minimize, and hopefully avoid, customer service disruptions. A national sunset date will also permit public interest organizations, such as the Alexander Graham Bell Association for the Deaf and Hard of Hearing, to begin working with their members to develop suitable alternatives.

²¹ Cellular service has had a significant “head start” over other mobile providers. AMPS-based services came onto the market around 1984, while PCS services arrived in 1996. Additionally, new entrants face significant additional barriers to deployment that cellular carriers did not have to address. *See* Sprint PCS Comments, WT Docket No. 00-193, at 18-19 (Feb. 5, 2001).

²² “Dual-mode” generally refers to handsets capable of working on an AMPS and one digital standard (*e.g.*, CDMA, TDMA) system. “Dual-band” refers to a handset capable of operating on both the 800 MHz cellular and 1.9 GHz PCS frequency bands. Tri-mode/band phones are capable of working on an AMPS network and the networks of more than one digital air interface.

In summary, an orderly transition will promote the public interest and will facilitate the migration of AMPS users to digital technologies.

II. A FIVE-YEAR AMPS TRANSITION PERIOD WILL PROVIDE FOR THE ORDERLY MIGRATION TO UBIQUITOUS AND RELIABLE DIGITAL WIRELESS SERVICE

Sprint PCS recommends that the Commission sunset the AMPS requirement in five years. It will take one or two years before the sunset date even becomes widely known among (and understood by) the public. Thereafter, customers and service providers dependent upon AMPS (*e.g.*, OnStar) will need time to find suitable alternatives and to adjust to the new environment (*e.g.*, identify the best alternate service for their particular needs). It is important that the Commission not establish a sunset date that is too aggressive, because its ability to address unforeseen problems may be severely curtailed once the AMPS requirement is removed.²³

Subscribing to digital service will require AMPS customers to purchase digital handsets (and digital customers with dual-mode phones to purchase multi-band/mode phones). Consumers should not be compelled to discard their AMPS and dual-mode handsets prematurely. As Cingular stated recently in a related context:

[S]uch a [sudden] change [in air interfaces] would have a significant direct impact on subscribers and the equipment they use, forcing them to replace

²³ This very situation occurred in Australia, where AMPS was removed in its entirety. A group of hard-of-hearing Australians filed a complaint under that country's Disability Discrimination Act because of their difficulty in using digital handsets. AMPS had been largely withdrawn by the time the Australian Human Rights and Equal Opportunity Commission had an opportunity to entertain the complaint. As a practical matter, there was nothing the Commission could do about the complaint since AMPS was no longer available in large sections of Australia. See Australian Human Rights and Equal Opportunity Commission, "Report of Inquiry: Mobile Phones and Hearing Aids" (July 2000), available at www.hreoc.gov.au/disability...ies/MP_index/hear-mobilesummary.htm.

their phones with CDMA-compatible equipment. Customers would likely disfavor any such forced migration²⁴

Additional time is needed to expand the geographic coverage of digital networks. Cellular carriers need time to add digital capabilities to all of their cell sites. PCS carriers need time to continue their network buildout. A five-year AMPS sunset date will roughly correspond to the ten-year anniversary of the award of most PCS licenses.

The need for a prolonged and orderly transition period is also confirmed by the experience in Australia, where AMPS service was recently withdrawn. In 1991, as part of its decision to open the mobile market to competition, the Australian government decided that (a) the two new licensees (Opus and Vodafone) should be prohibited from providing AMPS, and (b) the existing AMPS provider (Telstra) should terminate AMPS service in eight years, by December 31, 1999.²⁵ The Australian Communications Authority (“ACA”), however, did not begin a customer education program until 1996.²⁶ Yet, in December 1998, two years after the national customer education effort began and only one year from the scheduled AMPS closure date, one-fourth of all mobile customers

²⁴ Cingular Reply Comments, WT Docket No. 01-14, at 16 (May 14, 2001).

²⁵ See Waters, Simpson and McDonough, “Mobile Services in Australia: A Mobile Phone in Every Pocket,” at 5 (Oct. 1998)(“Mobile Services in Australia”), *available at* www.gtlaw.com.au/pubs/mobileservices.html. This government decision was driven by both spectral efficiency and competition considerations. Specifically, the government hoped that the requirement that the incumbent monopolist close its AMPS network on a date certain would provide a new source of potential customers for the two new entrant GSM carriers.

²⁶ See ACA, “The Analogue Mobile Phone Network Is Closing: All You Need to Know About the Move to Digital,” at 4 (August 2000)(“The ACA has managed the Analogue Closure Public Education Program since 1996. The program has included: media relations; advertising; market research; parliamentary briefings and meetings with key interest groups in each State; production of brochures and posters; direct mail to analogue mobile users; bill inserts; and free call Analogue Closure Hotline.”), *available at* www.aca.gov.au/consumer/analogue/index.htm.

still used AMPS service.²⁷ Accordingly, in November 1998, the Minister for Communications announced a temporary extension of the AMPS phaseout for rural Australia.²⁸ Although Telstra's AMPS network was turned down completely on October 3, 2000, Telstra still reportedly had 80,000 AMPS customers as late as June 2000.²⁹

Australia planned for an eight-year transition, and it conducted a massive three-year customer education program. Despite these efforts, the government was still compelled to extend the final AMPS closure date by another 10 months. Based on this experience, Sprint PCS recommends that the Commission adopt a five-year AMPS sunset date in this country and implement core elements of an AMPS transition plan as discussed below.

III. THE COMMISSION SHOULD ADOPT THE CORE ELEMENTS OF AN AMPS PHASE-OUT TRANSITION PLAN

The Commission need not regulate the minutia of an AMPS phase-out transition plan. Sprint PCS recommends, however, that the Commission establish a transition plan based on the components described below as the best way to ensure an orderly process for consumers and carriers.

A. Customer Education. Customer awareness of the AMPS sunset date and the alternatives available to AMPS-dependent customers will be critically important. Carriers and special interest groups can handle the bulk of this customer education effort. As

²⁷ The Age, "Mobiles – They've Rung Up Six Million Sales in Australia" (Feb. 16, 1999)(In December 1998, 1.37 million of 5.83 million mobile Australian customers still used AMPS service), available at www.theage.com.au/daily/990216/news/news9.html.

²⁸ See Media Release, Hon. Richard Alston, "Agreement on AMPS Phaseout in Regional Australia" (Nov. 30, 1998), available at www.dcita.gov.au...graphics/?Mival=dca_dispdoc&ID=3387.

noted above, the most important function that the Commission can play is to adopt a national sunset date, so carriers and others can begin advising customers of this development. It would also be useful for the Commission to establish a web page addressing the AMPS sunset date and its meaning, so consumers can independently verify facts concerning this development and ascertain how it will impact their current services and needs. Voluntary education efforts are important here, and industry can ensure that the public is well-informed of the demise of the AMPS service requirement.

B. Service Quality During Transition. The Part 22 rules, although they require cellular carriers to provide AMPS, do not require them to use a specified amount of spectrum for AMPS. Rule 22.901 requires, however, that cellular carriers offer AMPS to “all cellular subscribers in good standing” and notify the Commission if any customer’s request for service is denied for lack of capacity.³⁰ The Commission proposes to eliminate these requirements.³¹

In light of the public benefits of an orderly transition to digital services, Sprint PCS recommends that the Commission retain Rule 22.901 during the transition period. As noted, a transition period during which the AMPS requirement is maintained is needed to ensure that AMPS-dependent customers have time to adjust to a new, non-AMPS environment. A cellular carrier should not be permitted to side-step the transition period by maintaining inadequate capacity to serve all users of the AMPS network.

²⁹ See Connect “Analogue Services Switched Off in Australia” (Oct. 6, 2000), available at www.connectuk.org/research/iu061000.htm.

³⁰ See 47 C.F.R. § 22.901 and § 22.901(b).

³¹ See *Part 22 Biennial Review NPRM* at ¶¶ 15-16.

In the alternative, the Commission might require cellular carriers to reserve a specified portion of their spectrum for AMPS service. For example, the largest cellular carrier has represented that “a minimum of 5 MHz of spectrum will need to be dedicated to analog use for the foreseeable future.”³² Therefore, the Commission might require all cellular carriers to dedicate 5 MHz of spectrum during the AMPS transition, if that amount will maintain current service requirements. It would appear that the first alternative would give cellular carriers more flexibility than specifying a specific amount for legacy AMPS purposes, but Sprint PCS defers to the views of the affected cellular carriers as to which approach is best-suited to their digital conversion planning needs.

C. Spectrum Cap AMPS Credit. Cellular carriers are subject to the 45 MHz CMRS spectrum cap (55 MHz in rural areas),³³ and the Commission is currently considering whether to modify or eliminate the cap.³⁴ Sprint PCS has submitted a comprehensive proposal whereby the spectrum cap would be removed once the 3G auctions are completed.³⁵ A key element of the Sprint PCS proposal is the provision of an immediate “credit” to those carriers continuing to support AMPS service. As noted above, AMPS continues to play a critical role in the CMRS market and while there is nothing inequitable in requiring cellular carriers to continue to provide AMPS (since they acquired unencumbered cellular spectrum for free), arguments can be made that cellular carriers should not be capacity constrained as a result of the public benefit of AMPS.

³² Lynch Declaration at 6 ¶ 19.

³³ See 47 C.F.R. § 20.6(a).

³⁴ See *2000 Biennial Review, CMRS Spectrum Caps*, WT Docket No. 01-14, *Notice of Proposed Rulemaking*, FCC 01-28 (Jan. 23, 2001), summarized in 66 Fed. Reg. 9798 (Feb. 12, 2001).

³⁵ See Sprint PCS Comments, WT Docket No. 01-14 (April 13, 2001); Sprint PCS Reply Comments, WT Docket No. 01-14 (May 14, 2001).

Sprint PCS recommends that, to the extent the cap remains in effect during the five-year AMPS transition period, the cap be adjusted so that cellular carriers can acquire additional spectrum to account for their continued provision of AMPS service. Simply put, although most cellular carriers will continue to have a financial incentive to offer AMPS service, there may come a time during the transition period that a service provider may be supporting AMPS solely as a result of the Commission's requirement. To help ensure that cellular carriers are not penalized by the temporary AMPS obligation, and to address capacity constraint concerns, Sprint PCS recommends that each cellular carrier be given an "AMPS credit" against the spectrum cap.

As noted above, a technical expert in the Spectrum Cap proceeding has stated that cellular carriers likely need to devote at least five MHz of spectrum for AMPS transition purposes.³⁶ Because spectrum is rarely available in five MHz slivers, however, Sprint PCS recommends that cellular carriers receive an AMPS credit equivalent to 10 MHz of spectrum. Under this proposal, a cellular carrier serving an urban area could acquire immediately up to 55 MHz of CMRS spectrum, while a cellular carrier serving a rural area could acquire up to 65 MHz of spectrum.

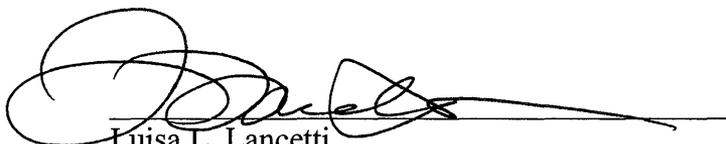
³⁶ See Lynch Declaration at 6 ¶ 19 ("As a result of these important analog uses, a minimum of 5 MHz of spectrum will need to be dedicated to analog use for the foreseeable future.").

IV. CONCLUSION

For the foregoing reasons, Sprint PCS respectfully requests that the Commission establish a five-year sunset date for the discontinuance of AMPS service and that it adopt a transition plan based on the proposals discussed above.

Respectfully submitted,

SPRINT SPECTRUM L.P., D/B/A SPRINT PCS

A handwritten signature in black ink, appearing to read 'Luisa L. Lancetti', with a long horizontal line extending to the right.

Luisa L. Lancetti
Vice President, PCS Regulatory Affairs
Roger C. Sherman
Senior Attorney, PCS Regulatory Affairs
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
(202) 585-1924

Its Attorneys

July 2, 2001