

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 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, 2385-2390 MHz	)	RM-9797
Government Transfer Bands	)	RM-9854

**MOTION TO ACCEPT SUPPLEMENTAL COMMENTS OF ARRAYCOMM, INC.**

Pursuant to Sections 1.46 and 1.415 of the Commission’s rules,<sup>1</sup> ArrayComm, Inc. (“ArrayComm”) requests leave to file out of time the attached Supplemental Comments to the *Notice of Proposed Rule Making* in the above-referenced proceeding. ArrayComm has reviewed the record in this proceeding and, in light of industry comments and informal discussions with Commission staff, ArrayComm would like to amplify its position with respect to the establishment of a nationwide license for the spectrum at 1670-75 megahertz and its belief that use of combinatorial or package bidding to assign said spectrum would be inappropriate. Accordingly, ArrayComm is submitting the attached supplemental comments in the interest of ensuring that the Commission bases a decision, or any tentative conclusions, in this proceeding upon a complete and fully accurate record.

Commission precedent supports grant of this motion and acceptance of these supplemental comments. The Commission has accepted late-filed comments in order to compile a full and adequate record upon which to base a decision in a given proceeding, where such comments neither prejudice any of the parties to the proceeding nor delay resolution.<sup>2</sup>

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<sup>1</sup> 47 C.F.R. §§ 1.46, 1.415. Section 1.415 states that comments, in addition to initial and reply comments, may not be filed “unless specifically requested or authorized by the Commission.”

<sup>2</sup> *See, e.g.* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kimberly Idaho), 15 FCC Rcd 10298, n. 1 (2000) (considering late-filed comments in order to obtain a more complete record); Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Appleton, New London and (continued)

Additionally, Commission policy favors resolution based upon an adequate, correct record after full participation by all parties affected.<sup>3</sup> ArrayComm has been an active participant throughout this proceeding because any Commission determination likely will have a considerable and direct impact upon its business planning. ArrayComm is in a unique position to offer spectrum-efficient, portable nationwide wireless broadband high-speed access to the Internet, provided that it is not hampered by auction rules based on an out-of-date understanding of the wireless marketplace and by an auction methodology which is inappropriate for the unique sliver of spectrum at issue.

Accordingly, for the foregoing reasons, ArrayComm respectfully requests that the Commission include the attached supplemental comments in the record for the above-captioned proceeding.

Respectfully submitted,

**ARRAYCOMM, INC.**

By: /s/ Randall S. Coleman

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Suring, Wisconsin), 10 FCC Rcd 7712, n. 2 (1995) (granting motion to accept late-filed comments to obtain a more complete record where acceptance of late-filed pleadings would not delay resolution of the proceeding).

<sup>3</sup> See *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934*, 15 FCC Rcd 4948, ¶ 4, n. 7 (2000) (accepting late-filed comments in the interest of ensuring full and fair participation of interested parties).