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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Part 2 of the Commission's 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	)	ET Docket No. 00-258
	)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use By the Mobile-Satellite Service	)	ET Docket No. 95-18
	)	
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2GHz Band	)	IB Docket No. 99-81
	)	
Petition for Rulemaking of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service	)	RM-94-98
	)	
Petition for Rule Making of UTStarcom, Inc., Concerning the Unlicensed Personal Communications Service	)	RM-10024

To: The Commission

COMMENTS

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October 22, 2001

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SUMMARY

The United States must remain at the forefront of wireless technologies and services worldwide. Therefore, the Commission should immediately allocate at least 160 MHz of additional spectrum below 3 GHz to satisfy the broadband spectrum needs for advanced wireless services. Such an allocation would be consistent with the recommendation of WRC-2000.

Moreover, this spectrum should not be allocated in a piecemeal fashion. Internationally, the United States has taken the position that large contiguous blocks of spectrum should be considered for advanced wireless services. Cingular supports this view.

However, the blocks identified by the United States at WRC-2000 as candidate bands for advanced wireless services are no longer being considered for these services domestically. With the exception of slivers of spectrum, these bands have been taken off the table. If another large block of contiguous spectrum does not replace these bands, the United States will fall behind other countries in the development and deployment of advanced wireless services.

Cingular urges the Commission to make 2 GHz MSS spectrum a significant portion of any advanced wireless allocation. The 70 MHz of spectrum allocated for 2 GHz MSS should be reallocated because, by an applicant's own admission, the industry is not economically viable. At the same time, there is no dispute that there is tremendous terrestrial demand. In fact, at least one of those applicants is clamoring for a major change in the MSS allocation to permit terrestrial use and the Commission is seeking comment on this issue in the separate MSS Flexible Use Docket. Moreover, CTIA has already filed a Petition for Rulemaking to reallocate this band. Although the Commission rejected this proposal in favor of potentially reallocating only 10-14 MHz of MSS spectrum, CTIA sought reconsideration of this decision. In addition, the initial 2 GHz MSS licensing decisions are under challenge. Thus, a failure to reallocate this MSS spectrum would be inconsistent with the Commission's mandate to ensure that the spectrum is put to its highest and best use.

In addition to reallocating the entire 2 GHz MSS allocation, Cingular supports the Commission's proposal to reallocate spectrum in the 1910-1930 MHz and 2150-2160 MHz bands. Cingular has proposed a band plan that utilizes this and other available spectrum to make at least 180 MHz of spectrum available for advanced wireless services.

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To: The Commission

COMMENTS

Cingular Wireless LLC ("Cingular"), by its attorneys, hereby submits these comments in response to the *Further Notice of Proposed Rulemaking* ("*FNPRM*") in the captioned docket.[1]

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[1] *Amendment of Part 2 of the Commission's 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,* ET Docket No. 00-258, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 01-224 (rel. Aug. 20, 2001).

Cingular supports the designation of additional spectrum for new advanced wireless systems, commonly referred to as International Mobile Telecommunications-2000 ("IMT-2000") or Third Generation Wireless ("3G") systems. Cingular is concerned with the piecemeal approach to the allocation of advanced wireless spectrum and urges the Commission to allocate spectrum in large contiguous blocks, which should be harmonized to the greatest extent possible with the recommendations of the International Telecommunications Union ("ITU"). Cingular believes that at least 160 MHz of spectrum must be reallocated for advanced wireless use and that a significant portion of this spectrum should come from the current MSS allocation.

BACKGROUND

International Analysis of 3G. The ITU has been fostering the development of advanced wireless systems for many years and has identified a number of frequency bands that could be used to implement these systems.

In preparation for the 2000 World Radiocommunication Conference ("WRC-2000"), the U.S. government negotiating team and industry representatives worked together for over two years to develop a comprehensive position regarding spectrum that should be identified for the provision of advanced wireless services. WRC-2000 adopted Resolution 223, which states that at least 160 MHz of additional spectrum will be needed in order to meet the projected requirements of advanced wireless services in those areas where traffic is highest by 2010.[2] The forecasted need for 160 MHz of spectrum was in addition to the spectrum already identified for IMT-2000 in No. S5.388, and in addition to the spectrum used for first- and second-generation

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[2] *See* Final Acts of the World Radiocommunication Conference (Istanbul, WRC-2000), Resolution 223. ("WRC Resolution 223").

mobile systems in all three ITU Regions.[3] In Region 2, which includes the United States, the ITU estimated that 230 MHz was already allocated for first- and second-generation services, thus leaving a shortfall of 160 MHz.[4] In the United States, however, only 190 MHz is licensed for first- and second-generation mobile services; leaving a 200 MHz shortfall for advanced wireless services.

The U.S. identified 365 MHz for the provision of advanced wireless services, including spectrum in the 1710-1850 MHz and 2500-2690 MHz bands. WRC-2000 largely accepted the U.S. position and determined that the spectrum from within each of these bands should be considered viable for advanced wireless service allocations.[5]

Recent U.S. Analysis of 3G Allocation. Given the international consensus that at least 390 MHz of spectrum should be allocated for advanced wireless services, and the 200 MHz spectrum shortfall for these services, Cingular fully expected the FCC to rapidly allocate an additional 200 MHz of spectrum. Moreover, because the U.S. successfully pushed for the identification of spectrum within the 1710-1850 MHz and 2500-2690 MHz bands for advanced wireless services, Cingular expected that a substantial portion of these frequencies would be reallocated for these services.

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[3] *See* WRC Resolution 223.

[4] *Id.*

[5] *See* Provisional Final Acts of WRC-2000, 2nd ed., Istanbul, Turkey, June 2000. WRC-2000 also adopted a resolution stating that some countries may implement IMT-2000 in the 698-806 MHz and 2300-2400 MHz bands. Previously, the World Administrative Radio Conferences ("WARC-92") had identified the 1885-2025 MHz and 2110-2200 MHz bands for possible advanced wireless system use.

Instead, the U.S. government agencies responsible for spectrum management have moved slowly to identify spectrum for advanced wireless services. The FCC has indicated that the 2500-2690 MHz band would not be reallocated.[6] Similarly, the National Telecommunications and Information Administration ("NTIA") recently announced that the 1770-1850 MHz band would not be used for such services.[7] Thus, of the 365 MHz identified by the U.S. for advanced wireless services at WRC-2000, all but 60 MHz has been eliminated from consideration.

As the FCC and NTIA were taking spectrum out of consideration for reallocation for advanced services, the Cellular Telecommunications & Internet Association ("CTIA") urged the Commission to reallocate 2 GHz Mobile Satellite Service ("MSS") spectrum for terrestrial use.[8] CTIA demonstrated that the spectrum should be reallocated because the viability of the MSS industry was in considerable doubt. CTIA relied on statements from the parent of a 2 GHz MSS applicant that observed the dire financial condition of the industry and even indicated that the industry could not survive without authorizing terrestrial use of the spectrum. While the CTIA Petition was pending, Cingular and a number of CMRS licensees urged the Commission not to grant any 2 GHz MSS licenses until it determined whether the MSS industry remained viable and whether MSS spectrum should be reallocated for advanced wireless uses. The Commission rejected these calls – stating merely that the marketplace will determine the fate of the industry -

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[6] The Commission's recent decision to authorize mobile use of this spectrum does not lessen the need for at least 200 MHz of additional spectrum.

[7] NTIA Statement Regarding New Plan to Identify Spectrum for Advanced Wireless Mobile Services (3G), *Press Release* (Oct. 5, 2001), *available at* http://www.ntia.doc.gov/ntiahome/threeg/3gplan_100501.htm.

[8] Petition for Rulemaking of the Cellular Telecommunications and Internet Association (filed May 18, 2001).

and granted all pending 2 GHz MSS applications. The Commission also summarily rejected CTIA's rulemaking petition without requesting comment. CTIA timely filed a Petition for Reconsideration of this decision.

Current Further Notice. In the subject *FNPRM*, the Commission requests comment on the feasibility of reallocating slivers of spectrum for advanced wireless purposes. Specifically, the Commission seeks comment on reallocating spectrum in the 1910-1930 MHz, 2150-2160 MHz, and 2390-2400 MHz bands, as well as 14 MHz or less from within the 1990-2025 MHz and 2165-2200 MHz bands, for advanced wireless services. As discussed below, this spectrum alone cannot satisfy demand for advanced wireless services and, given the elimination of the 1770-1850 MHz and 2500-2690 MHz bands from consideration, the entire MSS spectrum allocation should be a significant part of any advanced wireless spectrum plan.

DISCUSSION

I. THE FCC SHOULD ESTABLISH A COHESIVE SPECTRUM MANAGEMENT PLAN, INCLUDING THE ALLOCATION OF SUFFICIENT CAPACITY FOR ADVANCED WIRELESS SERVICES

The FCC has acknowledged that "[s]pectrum management is one of the Commission's core functions"[9] and Congress has amended the Communications Act "to ensure that scarce spectrum is put to its highest and best use."[10] Cingular has maintained throughout this docket that one of the most critical issues is the amount of spectrum that should be made available for

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[9] *Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium, Policy Statement*, 14 FCC Rcd. 19868, ¶ 6 (1999).

[10] H.R. Conf. Rep. No. 105-217, at 6173 (1997).

use for advanced wireless systems.[11] Cingular agrees with the findings of WRC-2000 that at least 200 MHz of additional spectrum will be needed for these systems.[12]

In light of the recent decisions not to reallocate the 1770-1850 MHz and 2500-2690 MHz bands for advanced wireless services, the Commission must take immediate steps to clarify its spectrum management policies. As an initial step, the FCC should adopt core principles governing spectrum allocation generally. These core principles should include:

- Elimination of the CMRS spectrum cap;[13]
- Pronouncement that spectrum should be cleared by a date certain for advanced wireless services;[14]
- Extension of relocation procedures adopted in the Emerging Technology docket to all spectrum clearing; and
- Creation of "clear title" before auctioning "reallocated" spectrum.[15]

Moreover, the Commission should address the apparent inconsistency between the international recognition that at least 200 MHz of spectrum will be necessary to adequately address advanced wireless needs in the United States and its proposals to allocate only slivers of spectrum spread across numerous bands on a piecemeal basis. As the Commission notes, allocating contiguous spectrum creates significant spectrum efficiencies and is critical to ensure

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[11] Comments of Cingular Wireless LLC, ET Docket No. 00-258, at 8 (Feb. 22, 2001) ("Cingular Initial Comments").

[12] *See* WRC Resolution 223.

[13] Cingular Initial Comments at 13-14.

[14] *Id.* at 10-11.

[15] In particular, the Commission should eliminate the possibility that auction participants will be required to submit substantial payments for licenses that remain under a legal cloud, such as with the NextWave licenses.

that multiple carriers can exist.[16] Without such an allocation policy, the United States will fall further behind other countries in the provision of advanced wireless services.

II. THE ENTIRE 2 GHZ MSS ALLOCATION (70 MHZ) SHOULD FORM A SIGNIFICANT PORTION OF ANY ADVANCED WIRELESS SERVICE ALLOCATION

The Commission proposes in the *FNPRM* to reallocate 10-14 MHz of in the 1990-2025 MHz and 2165-2200 MHz MSS bands for advanced wireless services. Cingular opposes this partial reallocation proposal. The entire 70 MHz MSS allocation should be revisited and reallocated for advanced wireless services because the MSS industry has not developed as the Commission originally envisioned. In 1997, the Commission allocated spectrum in the 2 GHz band to MSS based upon the belief that MSS would provide service to rural and unserved areas. Over the next few years, the viability of MSS was called into question by the financial difficulties of a number of the applicants, with several even declaring bankruptcy.[17] Nevertheless, the Commission affirmed its belief that MSS was in the public interest when it established its band plan and service rules for MSS in August 2000, relying upon the continuing representations of applicants that they would provide service to rural and unserved areas.

In March 2001, however, two MSS applicants, New ICO Global Communications (Holdings) Ltd. ("New ICO") and Motient Services Inc. ("Motient"),[18] admitted to the

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[16] *FNPRM* at ¶ 38.

[17] *See* Mary Motta, "Analysts Say Iridium Downfall Has Limited Ripple-Effect" (Aug 29, 2000), http://www.space.com/businesstechnology/business/iridium_meltdown_000829.html.

[18] Although New ICO was a 2 GHz MSS applicant, Motient was an L-band MSS applicant.

Commission *for the first time* that MSS as an industry was not viable.[19] According to New ICO and Motient, the limitations of satellite service preclude serving urban and in-building locations, without which MSS operators cannot economically sustain service elsewhere.[20] Absent a fundamental change in the rules to allow terrestrial operations, New ICO stated that MSS is in "dire jeopardy" and service "will be available to none."[21] Likewise, according to Motient, "the inability of a satellite-only system to offer in-building coverage in urban areas has prevented *the MSS industry* from achieving its potential success as a provider of competitive services to all areas, including rural and underserved areas."[22]

In response to these new developments, CTIA filed a petition for rulemaking to examine whether the original 70 MHz allocation remained justified, arguing that the spectrum should be reallocated to its highest and best use as determined at auction rather than allowed to lie fallow for a nonviable service.[23] In order to preserve the rights of all parties, CTIA urged the Commission to defer licensing MSS systems until the substantial and material questions of fact concerning their viability were resolved. Cingular and several other wireless carriers supported this petition.

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[19] *See* New ICO Global Communications (Holdings) Ltd. *Ex Parte* Presentation, IB Docket No. 99-81, at 1 (Mar. 8, 2001) ("*New ICO Ex Parte*"); Motient Satellite Ventures Subsidiary LL, Application for Assignment and Modification of Licenses and for Authority to Launch and Operate a Next-Generation Mobile Satellite System, at ii-iii (Mar. 1, 2001) ("*Motient Amendment*").

[20] *See New ICO Ex Parte* at 2; *Motient Amendment* at ii-iii.

[21] *See New ICO Ex Parte* at 1,6.

[22] *Flexible Use Notice* at ¶ 17 (citing *Motient Amendment* at 12-13) (emphasis added).

[23] *See Motient Amendment* at ii-iii.

On July 17, 2001, however, the International Bureau granted the applications based upon the FCC's prior public interest findings concerning MSS. Ignoring the need to resolve whether the MSS industry remains viable, the Bureau held that MSS applicants "should be given the opportunity to succeed or fail on their own merits." Cingular, Verizon Wireless and AT&T Wireless (the "Wireless Carriers") timely filed a joint Application for Review of the license grants on August 16, 2001.[24] The Application for Review demonstrated that the Bureau engaged in unreasoned decision making by granting the licenses *before* resolving substantial and material questions of fact concerning viability and whether the original allocation was still warranted when its factual predicate had been called into serious question. The Application also argued that the licensing decisions failed to comply with the FCC's highest and best use spectrum policy, and warned against countenancing efforts by MSS applicants to license nonviable MSS systems to avoid the auction statute, and thereafter seek approval to offer otherwise prohibited terrestrial services which would normally require an auction. Accordingly, the Application requested that the license grants be vacated with further processing of the applications held in abeyance pending final resolution of the issues raised in the CTIA petition.

Three days later, the Commission released the subject *FNPRM* denying CTIA's petition for rulemaking insofar as it requested reallocation of the entire band.[25] CTIA timely filed a

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[24] *Applications/LOIs of ICO Services Limited, et al.*, DA 01-1635, *et al.*, Application for Review of Cingular Wireless LLC, Verizon Wireless and AT&T Wireless Services, Inc. (Aug 16, 2001).

[25] The Commission also released a *Notice of Proposed Rulemaking* seeking comment on the terrestrial use of MSS spectrum by existing licensees. *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band and the 1.6/2.4 GHz Band; Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service*, IB Docket No. 01-185 & ET Docket No. 95-18,
(continued on next page)

petition for reconsideration on October 15, 2001, citing the Commission's failure to place the petition on public notice as required by its rules and to provide a clearly articulated basis for the denial.[26] CTIA contended that the Commission's cross-reference in the denial to the recent MSS licensing decisions was misplaced, because those licensing decisions could properly occur only *after* full consideration of CTIA's petition. In fact, by granting the licenses first and then summarily denying CTIA's petition without basis, the Commission impermissibly prejudged the CTIA petition without consideration on its merits. Had CTIA's rulemaking petition been properly considered on the merits, the Commission would have sought comment on reallocation of the entire 2 GHz MSS band for advanced wireless services.

The Commission's proposal to reallocate only 10-14 MHz of 2 GHz MSS spectrum, and subsequently allocating additional spectrum if the MSS industry fails,[27] is premature. This piecemeal reallocation proposal should not be adopted until the Commission fully and finally addresses the threshold question raised in CTIA's petitions and the Wireless Carriers' Application for Review: does the original 70 MHz MSS allocation continue to make sense in light of evidence by applicants that MSS as licensed is not commercially viable and therefore the predicate for the allocation is no longer valid, or should the spectrum be reallocated to satisfy competing terrestrial mobile needs?

Notice of Proposed Rulemaking, FCC 01-225 (rel. Aug. 17, 2001), *summarized*, 66 Fed. Reg. 47621 (Sept. 13, 2001).

[26] *Introduction of New Advanced Mobile and Fixed Terrestrial Services; Use of Frequencies Below 3 GHz*, Petition for Rulemaking of the Cellular Telecommunications & Internet Association, ET Docket Nos. 00-258 & 95-18, IB Docket No. 99-81 (Oct. 15, 2001).

[27] *FNPRM* at ¶ 28.

III. CINGULAR'S PROPOSAL FOR ALLOCATING BANDS CURRENTLY UNDER CONSIDERATION

As noted above, the Commission must allocate at least 200 MHz of additional spectrum from advanced wireless services. This spectrum should be reallocated to advanced wireless services in large, contiguous blocks. Cingular's comments on the various bands that remain under consideration for advanced wireless services are set forth below.

CINGULAR'S PROPOSED BAND PLAN

Band	Current Use	Proposal
1710-1755 MHz	DoD	Reallocate for advanced wireless services and pair with 2110-2180 MHz
1755-1850 MHz	DoD	Reallocate 1755-1780 MHz for advanced wireless services and pair with 2110-2180 MHz
		1780-1850 MHz allocation is not being considered for 3G use by NTIA at this time
1910-1930 MHz	Unlicensed PCS	Reallocate 1915-1925 MHz for TDD and retain the remaining allocation for guardbands
1990-2025 MHz	MSS	Reallocate 1990-2010 MHz for advanced wireless services and pair with 2180-2200 MHz
		Reallocate 2010-2025 MHz for TDD or relocation of incumbents for other bands, such as MDS, being cleared for advanced wireless services
2110-2150 MHz	CMRS	Allocate for advanced wireless services and pair with 1710-1780 MHz band
2150-2160 MHz	MDS	Reallocate for advanced wireless services and pair with 1710-1780 MHz. Relocate existing users to 2010-2025 MHz
2160-2165 MHz	MDS	Reallocate for advanced wireless services and pair with 1710-1780 MHz. Relocate existing users to 2010-2025 MHz
2165-2200 MHz	MSS	Reallocate 2165-2180 MHz for advanced wireless services and pair with 1710-1780 MHz
		Reallocate 2180-2200 MHz for advanced wireless services and pair with 1990-2010 MHz
2390-2400 MHz	Unlicensed Amateur	Leave current allocation unchanged.

Under this proposed band plan, 180 MHz of spectrum would be reallocated for advanced wireless services:

- 1710-1780 MHz band, paired with
- 2110-2180 MHz band;

- 1990-2010 MHz band, paired with
- 2180-2200 MHz band;

- 1915-1925 MHz band reallocated for TDD.

A. 1710-1850 MHz Band

NTIA has indicated that the 1770-1850 MHz portion of the band will not be reallocated for advanced wireless services, but remains open to assessing the potential use of the 1710-1770 band for such services. Cingular currently anticipates urging NTIA to broaden its assessment of potential advanced wireless spectrum to include the 1770-1780 MHz band.

Reallocation of this spectrum is a key to creating adequate contiguous spectrum blocks in which advanced wireless services can be deployed. Moreover, the 1710-1780 MHz band is already used as the uplink for commercial wireless services in a majority of countries, albeit for DCS-1800 services. Thus, use of this band for advanced wireless services would present some commonality in equipment design and associated cost savings.

B. 1910-1930 MHz Band

Cingular concurs with the Commission's assessment that this band is currently underutilized.[28] This spectrum is not optimal for the provision of advanced wireless services, given its proximity to PCS bands transmitting in opposite directions that would cause harmful interference. Cingular does support reallocating 10 MHz of this spectrum (1915-1925 MHz) for advanced services utilizing TDD. Because of the proximity to the PCS band, the remaining 10

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[28] *FNPRM* at ¶ 10.

MHz would have to be divided into two 5 MHz guard bands at 1910-1915 MHz and 1925-1930 MHz. Incumbents in this band could continue to utilize the guard bands

C. 1990-2025 MHz and 2165-2200 MHz Bands

These bands are currently allocated for the provision of MSS, but the Commission proposes to reallocate between 10 and 14 MHz of this spectrum for advanced wireless services.[29] As discussed in Section II *supra*, Cingular opposes the partial reallocation of the MSS band for advanced wireless services and urges the Commission to reallocate the entire band for these new services. Specifically, Cingular proposes that the 1990-2010 MHz band be paired with the 2180-2200 MHz band and reallocated to advanced wireless services. Similarly, the 2165-2180 MHz band (along with the contiguous 2110-2165 MHz band) should be paired with the 1710-1780 MHz band.

D. 2110-2150 MHz, 2150-2160 MHz, and 2160-2165 MHz Bands

2110-2150 MHz and 2160-2165 MHz Band: These bands were allocated on a primary basis for Fixed and Mobile Services and were designated for reallocation to new and innovative services in 1992 as part of the Commission's *Emerging Technologies* docket. Cingular continues to support the reallocation of these bands for advanced wireless services.[30]

2150-2160 MHz Band: This band is designated as channel 1 and channel 2A for MDS and is principally used for upstream communications to hub receiving facilities. Cingular supports reallocating this spectrum for advanced wireless services purposes and believes that the

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[29] *FNPRM* at ¶ 24.

[30] *See* Cingular Initial Comments at 23-24.

spectrum is an essential component of any advanced wireless allocation. Incumbent MDS operations would be relocated to the 2010-2025 MHz band under this proposal.[31]

Under Cingular's proposed band plan, the 2110-2180 MHz band would be reallocated to advanced wireless services and paired with the 1710-1780 MHz band. This pairing would provide 140 MHz for advanced wireless services creating adequate blocks of contiguous spectrum for the deployment of advanced services. As discussed above, this contiguous allocation would also create significant efficiencies. Additionally, reallocation of the 2110-2180 MHz band would create an advanced wireless service downlink that is consistent with the allocation of this band in major global markets.

E. 2390-2400 MHz Band

The Commission seeks comment on the feasibility of using this spectrum for advanced wireless services in the United States.[32] The spectrum is currently allocated to the Amateur Radio Services and Cingular opposes use of this band for advanced wireless services because sharing between the two services would not be feasible for two primary reasons. First, Amateur Services are not constrained to operating from a specific location. Thus, they can initiate transmissions anywhere within the United States. Second, the transmitted power levels can be quite high and vary significantly. Moreover, Cingular supports the principles embodied by the Amateur Radio Services and believes that these services can be invaluable during emergencies. Accordingly, Cingular urges the Commission to leave this allocation unchanged.

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[31] In order for this spectrum to be viable for advanced wireless services, the Commission should accelerate the relocation of Broadcast Auxiliary Services to coincide with the relocation of MDS licensees from the band.

[32] *FNPRM* at ¶ 2.

CONCLUSION

For the foregoing reasons, the Commission should reallocate spectrum for advanced wireless services in accordance with the band plan proposed by Cingular. This plan reallocates 70 MHz of spectrum from a service that is no longer viable – MSS - to new, advanced, wireless services or to licensees relocated for advanced wireless services and provides large, contiguous blocks of spectrum. By combining this spectrum with other spectrum identified for possible advanced wireless use, Cingular's proposed band plan would make approximately 190 MHz of spectrum available. Such an allocation is consistent with international determinations and domestic demand for such services.

Respectfully submitted,

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October 22, 2001