

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)
)
National Telecommunications and Information)
Administration's Report "An Assessment of the) ET Docket No. 00-258
Viability of Accommodating Advanced Mobile)
Wireless (3G) Systems in the 1710-1770 MHz)
And 2110-2170 MHz Bands.")

To: The Commission

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

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SUMMARY

CTIA commends the Administration, NTIA, the Commission and the other involved U.S. Government departments and agencies for the enormous resources they have devoted to the task of identifying Government spectrum that could be made available to commercial uses. This has been a massive cooperative effort that has done a great deal to further the cause of more efficient spectrum planning.

CTIA generally supports the NTIA report and its conclusion that 90 MHz should be made available for commercial wireless services, 45 MHz in the 1710-1755 MHz band to be paired with at least 45 MHz from the 2110-2170 MHz band. While CTIA understands that NTIA is not able to recommend that 1755-1770 MHz be made available for commercial service in the immediate future, CTIA continues to believe that this band should be made available in the future, to be paired with 2155-2170 MHz.

In crafting its service rules for the spectrum in the 1710-1755 MHz band, CTIA urges the Commission to take cognizance of the legislation the Administration recently forwarded to Congress that would create a relocation fund to ensure that U.S. Government users are fully compensated from the proceeds of the auction for the steps they must take to make spectrum available. CTIA supports the concept of a relocation fund, and asks that, if legislation creating a relocation fund should be signed into law, that the Commission take the steps necessary to implement the relocation fund mechanism so that it can be used in the auction of this spectrum band.

Once the spectrum is auctioned, CTIA urges the Commission to ensure that the spectrum is made available for commercial use as rapidly as possible after the auction, but no later than 2008. The service rules also should indicate that USG users who will be secondary users in these

bands after they are turned over to commercial service have the burden of resolving any interference, and if they cannot do so, of moving out of the band. Regarding the three sites in which some U.S. Government users will retain primary status, CTIA asks that, to the maximum extent possible, the Commission draft rules that minimize interference from these sites into the commercial licensees in those markets.

CTIA acknowledges that the NTIA Viability Assessment contemplates the Commission making certain commercial spectrum bands available for USG users, including the 2385-2395 and the 2025-2110 MHz bands. While CTIA does not believe that converting this spectrum to Government use is necessary in order to reallocate spectrum in the 1710-1755 MHz band, it does not object to having this spectrum reallocated. CTIA does, however, ask that any work the Commission may do with respect to these bands not hold up the rulemakings that would reallocate and determine the service rules for the 1710-1755 and 2110-2170 MHz bands.

Regarding reallocation of spectrum in the 2110-2170 MHz, CTIA submits that this *entire* band can and should be reallocated now. CTIA suggests, however, that once the reallocation decision is made, the Commission should not determine the service rules or include in the auction plan the spectrum between 2155-2170 MHz at this time. Instead, the Commission should wait until this spectrum block could be paired with another suitable block to maximize its value to consumers. The 1755-1770 MHz band would be the preferred band for this pairing, but other bands may be appropriate to consider in the future as well.

It is crucial that the Commission ensure that a minimum of 45 MHz of *contiguous* spectrum in the 2110-2170 MHz band be reallocated for advanced mobile services and made available for auction. In order to obtain this minimum of a contiguous 45 MHz of spectrum, it is clear that the current Multipoint Distribution Service (“MDS”) licensees in the 2150-2162 MHz

spectrum must be relocated from this band. CTIA notes that these MDS licensees could relocate to several other spectrum homes, as detailed in the record of the proceeding. CTIA does not, however, support the self-serving suggestion made by the MDS licensees that they be allowed to relocate to paired spectrum at 1910-1916 and 1990-1996 MHz.

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**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")¹ hereby submits its Comments in the above captioned proceeding² addressing the National Telecommunications and Information Administration ("NTIA") Report "*An Assessment of the Viability of Accommodating Advanced Mobile Wireless (3G) Systems in the 1710-1770 MHz and 2110-2170 MHz Bands*" ("NTIA Viability Assessment"). CTIA supports the NTIA report and its conclusion that 45 MHz should be made available for commercial wireless services in the 1710-1755 MHz band, to be paired with at least 45 MHz from the 2110-2170 MHz band.

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See *Wireless Telecommunications Bureau Seeks Comment on National Telecommunications and Information Administration’s Report, “An Assessment of the Viability of Accommodating Advanced Mobile Wireless (3G) Systems in the 1710-1770 MHz and 2110-2170 MHz Bands.”* ET Docket No. 02-258, *Public Notice*, DA 02-1780 (rel. July 24, 2002).

I. REALLOCATION OF U.S. GOVERNMENT SPECTRUM FOR ADVANCED WIRELESS SERVICES

NTIA, the Commission, other U.S Government (“USG”) departments and agencies and the commercial wireless industry have been reviewing the viability of reallocating spectrum from the 1710-1850 MHz band ever since the 2000 World Radio Conference identified this band as spectrum that could be used internationally for commercial mobile wireless service. As the wireless industry has emphasized, since this spectrum is already widely used internationally for Commercial Mobile Wireless Service (CMRS), it offers significant advantages in terms of economies of scale in equipment manufacturing, ease of roaming, and other benefits, as compared to other spectrum. It is for this reason that the CMRS industry is very supportive of having spectrum allocated for commercial service from within this band. The CMRS industry has repeatedly indicated a need for an additional 200 MHz of spectrum for advanced mobile wireless services to serve consumers’ needs over the next decade.

Before October 2001, the CMRS industry had sought to have spectrum from throughout the 1710-1850 MHz band reallocated to commercial service. The CMRS industry did, however, support NTIA’s decision to focus its viability assessment on 1710-1770 MHz in October 2001. CTIA supports the Administration’s decision as reflected in the NTIA Viability Assessment to reallocate 1710-1755 MHz from this band to commercial service, and urges the Commission to take the steps necessary to fully implement that reallocation. While CTIA understands that NTIA is not able to recommend that the 1755-1770 MHz band be made available for commercial service at this time, CTIA continues to believe that this entire band should be made available in the future, to be paired with 2155-2170 MHz.

II. SERVICE RULES FOR SPECTRUM IN THE 1710-1755 MHZ BAND

In addition to completing the proceeding to reallocate spectrum in the 1710 MHz band to commercial use, the Commission must also conduct a rulemaking proceeding to determine the service rules for the reallocated spectrum. There are a number of important issues that the Commission will have to address in this context.

Under the current statutory scheme, the Commission will work with NTIA and other USG users to develop cost estimates for moving or otherwise accommodating incumbent users once the bands are turned over for commercial service. CTIA asks that, if the current process is not changed, all these Governmental parties work cooperatively and efficiently to develop these estimates, and to do so in a way that makes as much information available to potential bidders as far as possible in advance of the auction.

CTIA notes, however, that the Administration recently forwarded legislation to Congress, entitled the “Federal Spectrum Relocation Payment Procedures Act,” that would create a relocation fund to ensure that USG users would be fully compensated from the proceeds of the auction for the steps they must take to make spectrum available. CTIA believes that such a relocation fund would be a significant improvement over the current process for making USG spectrum available. CTIA suggests that the Commission take cognizance of this pending legislation as it develops the service rules for this spectrum block. If legislation implementing a relocation fund is signed into law, CTIA asks the Commission to take whatever steps are necessary to implement the fund so that it will be available to utilize in conjunction with the auction of this spectrum band.

CTIA further urges the Commission to write its service rules so as to ensure that the incumbent USG users in the 1710-1755 MHz band that are relocating from the band to make

way for commercial users do so as quickly as possible after the auction for that spectrum occurs. In any event, consistent with the commitment in the NTIA Viability Assessment, these users should relocate no later than 2008.

The Commission's service rules for the 1710-1755 MHz band should, in addition, clearly indicate that USG users who will be secondary users in these bands after they are turned over to commercial service have the burden of resolving any interference, and if they cannot do so, of moving out of the band. CTIA suggests that the interference coordination process could be facilitated if the service rules required that the USG users and the commercial licensee each designate a local point of contact for this purpose.

The NTIA Viability Assessment concluded that there are three sites in which some USG users will retain primary status after the auction occurs: the National Aeronautics & Space Administration's Goldstone Tracking Station in California, and the Department of Defense bases at Cherry Point, North Carolina and Yuma, Arizona. In this context, CTIA calls upon the Commission in crafting its service rules to work closely with NTIA and its USG users to draft rules that minimize interference from these sites into the commercial licensees in those markets, to the maximum extent possible.

III. REALLOCATION OF OTHER SPECTRUM IDENTIFIED IN THE NTIA VIABILITY ASSESSMENT

CTIA acknowledges that the NTIA Viability Assessment contemplates the Commission making certain commercial spectrum bands available for USG users, including the 2385-2395 and the 2025-2110 MHz bands. While CTIA does not believe that converting this spectrum to Government use is necessary in order to reallocate spectrum in the 1710-1755 MHz band, it does not object to having this spectrum reallocated to USG use because the proposed uses would be

consistent with uses elsewhere in the world, and therefore the reallocation would promote international harmonization. CTIA asks the Commission to ensure that any work it may do with respect to these bands not hold up the rulemakings that would reallocate and determine the service rules for the 1710-1755 and 2110-2170 MHz bands.

IV. REALLOCATION AND SERVICE RULES FOR THE 2110-2170 MHz BAND

The reallocation of spectrum in the 2110-2170 MHz band is a key task the Commission will undertake in the next few months. CTIA submits that this *entire* band can and should be reallocated now, in the current pending proceeding, for advanced commercial wireless services. CTIA suggests, however, that once the reallocation decision is made, the Commission not determine the service rules or include in the auction plan the spectrum between 2155-2170 MHz at this time, but instead wait until this spectrum block could be paired with another suitable block to maximize its value to consumers. The 1755-1770 MHz band would be the preferred band for this pairing, but other bands may be appropriate to consider in the future as well.

From the perspective of the mobile wireless industry, the most crucial piece of this puzzle for the Commission is to ensure that a minimum of 45 MHz of *contiguous* spectrum in the 2110-2170 MHz band be reallocated for advanced mobile services and made available for auction. Ideally, this spectrum block should start at 2110 MHz. If it is possible to make only 45 MHz available at this time, the remainder should be made available for similar services as soon as possible. It is essential that whatever spectrum be made available to pair with spectrum in the 1710 MHz band be contiguous – any other course would dramatically increase equipment and other deployment costs, not only severely devaluing the spectrum to potential bidders, but also preventing consumers from fully enjoying the benefits they hoped to gain from this spectrum being made available.

In order to obtain this contiguous 45 MHz of spectrum, it is clear that the current Multipoint Distribution Service (“MDS”) licensees in the 2150-2162 MHz spectrum must be relocated from this band. Indeed, these licensees must be relocated in any event, given their proximity to the reallocated spectrum to be used for advanced wireless services. The Commission’s goals of spectrum efficiency and effective longer-range spectrum planning would be furthered if the decision were made now to reallocate all the MDS channels from this spectrum block. If any of these MDS licensees were to be left in this spectrum, they would create significant interference concerns and necessitate unwieldy guardbands that would waste extremely valuable spectrum that is harmonized with international mobile allocations.

CTIA notes that these MDS licensees could relocate to several other spectrum homes, as detailed in the record of the proceeding. CTIA does not, however, support the self-serving suggestion made by the MDS licensees that they be allowed to relocate to paired spectrum at 1910-1916 and 1990-1996.³ First, this proposal contradicts the assertions of the MDS licensees earlier in this proceeding that they needed the 2150-2162 MHz block of spectrum to pair with MDS operations in the 2500-2690 MHz band.⁴ Second, their proposal to relocate within the unlicensed PCS band creates the potential for interference to the existing PCS licensees, who

³ See Ex Parte Letter to Chairman Michael K. Powell from BellSouth Corporation, Nucentrix Broadband Networks, Inc., Sprint Corporation, WorldCom, Inc., Wireless Communications Association International, Inc., ET Docket No. 00-258, IB Docket No. 01-185, ET Docket No. 95-18 (July 11, 2002); see also Ex Parte Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from BellSouth Corporation, Nucentrix Broadband Networks, Inc., Sprint Corporation, WorldCom, Inc., Wireless Communications Association International, Inc., ET Docket No. 00-258 (June 21, 2002).

⁴ See Comments of the Ad Hoc MDS Alliance, *Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 2 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, at 8 (October 22, 2001).

require a certain separation between the mobile and base transmit assignments. At a minimum, this proposal could create significant additional costs to address the interference concern.

Finally, it would be a wholly unjustified windfall to grant this paired spectrum to the MDS licensees to compensate them for a separate contiguous block of spectrum (that was intended to be paired with spectrum in the 2500 MHz band).

V. CONCLUSION

CTIA commends NTIA, the Commission and the other involved USG departments and agencies for the enormous resources they have devoted to the task of identifying USG spectrum that could be made available to commercial uses pursuant to the direction of Congress. This has been a massive cooperative effort that has done a great deal to further the cause of more efficient spectrum planning. We look forward to continuing to work with the Commission, NTIA and the rest of the U.S. Government to fulfill the promise that the conclusions of the NTIA Viability Assessment offer for U.S. consumers.

Respectfully submitted,

/s/ Michael Altschul

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CERTIFICATE OF SERVICE

I, James Vaughan, do hereby certify that on this 8th day of August, 2002, copies of the foregoing Comments of the Cellular Telecommunications & Internet Association were served by electronic mail to the following persons:

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