

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Public Notice Requesting Comment on)
Request for Postponement of 1670-1675 MHz)
Band Auction (Auction #46))
)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WT Dkt. No. 02-8
(DA 02-2283)

Comments of Telephone and Data Systems, Inc.

Telephone and Data Systems, Inc., on behalf of itself and its subsidiary, U.S. Cellular Corporation (collectively "TDS"), by its attorneys, submits its comments in response to the FCC *Public Notice*, "Wireless Telecommunications Bureau Seeks Comment on Request for Postponement of 1670-1675 MHz Band Auction," released September 13, 2002 (DA 02-2283).

TDS supports grant of the letter request filed by ArrayComm, Inc. ("ArrayComm") on September 13, 2002 for a six month postponement of Auction #46 to April 30, 2003. ArrayComm has submitted compelling reasons for the Commission to postpone Auction #46 for a limited time to give potential bidders additional time to raise capital to participate in this auction, to develop business plans, to assess market conditions and, if authorized, to formulate bidding strategies reflecting secondary market opportunities.¹

TDS agrees with ArrayComm that grant of its request will support and protect the public interest under the broad public interest standard in Section 1 of

¹ See generally the Commission's proposals in Secondary Markets Examination to Review Regulatory Barriers, *Notice of Proposed Rulemaking* (FCC 00-402), WT Dkt. No. 00-230 released November 27, 2000.

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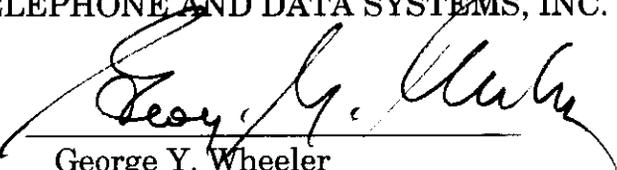
the Communications Act of 1934, as amended, ("Act") and under the safeguards set out in Section 309(j)(B-E) of the Act. Such grant will (i) encourage expanded competition among applicants in Auction #46, (ii) provide bidding opportunities for a widest possible variety of applicants and (iii) assure that the auction will operate efficiently to recover for the public the full value of the 1670-1675 MHz spectrum.

The Commission has previously taken official notice of the "...status of the capital markets and other economic events" in its recent Public Notice requesting comment on the disposition of down payments in Auction #35.² Based on these same considerations, the Commission should postpone Auction #46 to help assure that potential bidders are not prevented from participating because of the current severe downturn in capital markets.

Respectfully submitted,

TELEPHONE AND DATA SYSTEMS, INC.

By


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September 20, 2002

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² FCC *Public Notice*, "Commission Seeks Comment on Disposition of Down Payments and Pending Applications for Licenses Won During Auction #35," (FCC 02-248), WT Dkt. No. 02-276, released September 12, 2002, p.3.

