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Cellular Telecommunications & Internet Association

Thomas E. Wheeler
President/CEO

January 22, 2003

The Honorable Kathleen Q. Abernathy
Commissioner
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: IB Docket No. 01-185, ET Docket No. 95-18

Dear Commissioner Abernathy:

In December, I wrote to you suggesting that a "hasty decision by the Commission granting ATC will most likely result in a morass of legal proceedings, and a guarantee that this spectrum would either lie fallow or be inefficiently used for years to come." In the intervening month, the issue has become even more complicated, as the potential for a significant adverse impact on *existing* customers has become more apparent. As the Mobile Satellite Service ("MSS") terrestrial business plans have become better known, wireless carriers and manufacturers have become urgently concerned that proposed Ancillary Terrestrial Component ("ATC") operations will interfere with PCS customers' handset operations in the adjacent band.

In light of the recent Spectrum Task Force Report that relied so heavily on a lack of interference as the basis for policy decisions, we respectfully submit that the first decision by the Commission in the wake of that Report should not be to dramatically increase interference into existing licensed and operating bands via the grant of terrestrial usage permits to satellite licensees. The unacceptable degradation of service to consumers of PCS services that would result from this decision surely is not in keeping with the "interference temperature" concept so recently put forth in the Spectrum Task Force Report.

It is our understanding that the Commission currently is considering some form of a grant of an ATC capability to MSS licensees. CTIA has recently reported that the operation of MSS/ATC mobile transmitters in spectrum that is close to 1990 MHz will cause substantial interference to PCS mobile receivers.[1] Out-of-band emissions from MSS/ATC mobile transmitters will cause harmful interference to PCS handsets. In addition, PCS mobile handset receivers will not be able to sufficiently reject MSS/ATC emissions in the 1990-2025 MHz band without adequate separation. CMRS manufacturers and operators submit that these types of interference will unquestionably result in PCS consumers experiencing an intolerable adverse impact on customer service.

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[1] *See* January 17, 2003 CTIA *Ex Parte* Letter to Ms. Marlene Dortch, IB Docket No. 01-185, ET Docket No. 95-18, ET Docket No. 00-258.

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The Commission must recognize and address this interference problem. The potential for harmful interference can be eliminated or reduced in a number of ways, as demonstrated by the CMRS industry ex parte filings,[2] by imposing a strict out-of-band emissions limit on MSS/ATC transmitters and ensuring that PCS and MSS/ATC operations are adequately separated in frequency.

In the spectrum context, the Commission's highest priority should be to ensure that any regulatory decision it makes does not seriously degrade service to existing customers who rely on their mobile service. Placing ATC too close to PCS, without adequate safeguards to protect against harmful interference, would have exactly that effect. The Commission must not ignore the specific technical proof that the CMRS industry has supplied that details the urgent concern that ATC handsets will interfere with PCS. If the Commission cannot demonstrate that it has a solution that adequately addresses this problem, it should not risk proceeding with a decision without further comment on this important issue.

Very truly yours,

Thomas E. Wheeler

cc: Marlene Dortch, Secretary
Tom Sugrue, Chief of the Wireless Telecommunications Bureau
Ed Thomas, Chief of the Office of Engineering and Technology
Don Abelson, Chief of the International Bureau

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2 *Id.*