

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Amendment of Part 2 of the Commission’s) ET Docket No. 00-258
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)
)
Amendments to Parts 1, 2, 27 and 90 of the) WT Docket No. 02-8
Commission’s Rules to License Services in)
the 216-220 MHz, 1390-1395 MHz, 1427-)
1429 MHz, 1429-1432 MHz, 1432-1435 MHz)
1670-1675 MHz, and 2385-2390 MHz)
Government Transfer Bands)

To: The Commission

REPLY COMMENTS OF CINGULAR WIRELESS LLC

Cingular Wireless LLC (“Cingular”), by its attorneys, hereby submits these reply comments to the Commission’s *Fourth Notice of Proposed Rulemaking*, FCC 03-134 (July 7, 2003) (“Fourth NPRM”), *summarized*, 68 Fed. Reg. 52156 (Sept. 2, 2003).

Cingular has previously filed comments in response to the Fourth NPRM, and limits its reply comments to a specific proposal contained in Appendix A whereby the Commission proposes to modify Part 15 of the Commission’s rules to eliminate the designation of 1910-1920 MHz for Unlicensed Personal Communications Service (“UPCS”) use.¹ The Fourth NPRM proposes to amend sections 15.301, 15.303 and 15.319 to remove references to the 1910-1920 MHz band and to delete section 15.321.

¹ See Fourth NPRM, Appendix A at 39-40.

Cingular opposes the Commission's proposal to eliminate the entire 10 MHz designation of spectrum, 1910-1920 MHz, for UPCS use. In the Third NPRM, the Commission noted several possible options for re-designating the 1910-1920 MHz band, including re-designating some, or all, of the 1910-1920 MHz band for licensed use.² Virtually all comments filed in response to the Commission's proposal supported re-designating a portion of the band to licensed use, but retaining 4 – 5 MHz for UPCS.³

Cingular continues to support the re-designation of the 1910-1916 MHz band, paired with 1990-1996 MHz, to be used as relocation spectrum for MDS licensees.⁴ Cingular also continues to support retaining the 1916-1920 MHz band for UPCS operations. As Cingular pointed out in its Third NPRM comments, duplexer technology constraints preclude re-designating the entire 1910-1920 MHz band for licensed PCS uses. As such, there should be no further reallocation of the 1916-1930 MHz band. This 14 MHz of spectrum will provide sufficient duplex separation between relocated MDS licensees in the proposed 1910-1916 G Block (mobile transmit) and PCS base transmissions beginning at 1930 MHz and is the minimum amount necessary to minimize the possibility of mobile-to-mobile and base-to-base interference in the PCS bands.

In addition, the 1996-2000 MHz band, which is a likely pairing option with 1916-1920 MHz should be designated as an unused guard band. This guard band would serve

² 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, *Third Report and Order, Third Notice of Proposed Rulemaking and Second Memorandum Opinion and Order*, 18 FCC Rcd 2223 ¶¶ 46-52 (2003) ("Third NPRM")

³ See CTIA Third NPRM Comments at 5, Verizon Wireless Third NPRM Comments at 5-6, Motorola Third NPRM Comments at 4, Motorola Fourth NPRM Comments at 8-9, AT&T Wireless Third NPRM Reply Comments at 5.

⁴ See Cingular Third NPRM Comments at 4. In addition, this paired spectrum band, 1910-1915 and 1990-1995 MHz, should not be awarded to Nextel as "replacement" spectrum for what Nextel claims to be "giving up" as part of its 800 MHz public safety proposal, See WT Docket No. 02-55. Cingular and others

to protect MSS uplink spectrum from base station transmissions in the proposed G Block.⁵

Respectfully Submitted,

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have commented extensively on the self-serving and flawed nature of the Nextel plan, and these comments are hereby incorporated by reference.

⁵ Cingular Third NPRM Comments at 8.