Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
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
	)	
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
	)	
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 Bands	)	IB Docket No. 01-185

CONSOLIDATED OPPOSITION OF THE BOEING COMPANY

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TABLE OF CONTENTS

Page

I. INTRODUCTION 2

II. NAB'S CONCERNS CAN LARGELY BE RESOLVED THROUGH THE REINSTATEMENT OF A TWO-PHASED RELOCATION PROCESS AS DESCRIBED IN BOEING'S PETITION FOR RECONSIDERATION 4

III. THE COMMISSION SHOULD DECLINE TO REQUEST FURTHER COMMENT ON ISSUES THAT HAVE BEEN THROUGHLY EXPLORED AND RESOLVED 7

- A. The Commission Should Not Accelerate the Reimbursement Obligation of MSS Licensees for BAS Networks in Markets 30-210 9
- B. The Commission Does Not Need to Amend Its Rules or Further Condition the Authorizations of 2 GHz MSS Licensees With Respect to Their BAS Relocation Reimbursement Obligations 10
- C. NAB and SBE Overstate the Inconvenience Involved in Temporarily Using Different BAS Band Plans in Different Television Markets and Fail to Address the Commission's Prior Analysis Regarding This Issue 11

IV. CONCLUSION 14

SUMMARY

The Commission should reinstate its two-phased relocation process for the Broadcast Auxiliary Service ("BAS") in the 2 GHz band, with the modifications suggested in Boeing's petition for reconsideration. Reinstatement of a two-step process will resolve the primary concerns expressed by the National Association of Broadcasters ("NAB") and the Radio-Television News Director Association ("RTNDA") in their petitions for consideration.

NAB and RTNDA expressed concern that, under the approach adopted by the Commission in its *Third Report and Order*, BAS licensees in television markets 31-210 will be required to operate on five BAS channels during the three-to-five year relocation process, while under the original relocation plan BAS licensees were permitted to operate using six BAS channels. Reinstatement of the two-step process will address NAB's concerns and provide NAB with further assurance that new entrants in the 2 GHz band will complete the reallocation process in a timely manner.

The Commission should also reject NAB's request for the Commission to issue a public notice and solicit further comment regarding the relocation of BAS incumbents in the 2 GHz MSS band. The Commission has thoroughly addressed each of the issues raised by NAB and RTNDA and has appropriately resolved their concerns. Instead, the Commission should limit the scope of any further notice to delineating the reimbursement requirements of new wireless services that may be introduced in the 2 GHz band following the reallocation of 30 MHz of Mobile Satellite Service ("MSS") spectrum.

Boeing further opposes NAB's novel suggestion that MSS operators reimburse BAS licensees in markets 30-210 for their estimated relocation expenses three-to-five years before they are scheduled to incur these expenses. Boeing also disputes NAB's claim that additional

rules or license conditions are necessary to ensure that new entrants in the 2 GHz band complete the BAS relocation process in a timely manner.

Finally, the Commission should disregard the repeated claims of NAB and the Society of Broadcast Engineers, Inc. ("SBE") that BAS licensees will have difficulty during the temporary transition period coordinating BAS spectrum sharing between television markets using different BAS channel plans. The Commission has repeatedly and thoroughly addressed this issue in both its 2000 and 2003 decisions. NAB and SBE make no attempt to address in their petitions the practical spectrum sharing solutions included in the Commission's orders.

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To: The Commission

CONSOLIDATED OPPOSITION OF THE BOEING COMPANY

The Boeing Company ("Boeing"), by its attorneys and pursuant to Section 1.429 of the Commission's rules, 47 C.F.R. § 1.429, hereby opposes the petition for reconsideration of the Association for Maximum Service Television and the National Association of Broadcasters ("NAB"), the petition for reconsideration of the Society of Broadcast Engineers, Inc. ("SBE") and the comments of the Radio-Television News Directors Association ("RTNDA") in the above-captioned proceeding.[1]

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[1] *See Petition for Reconsideration and Clarification of the Association for Maximum Service Television and The National Association of Broadcasters*, ET Docket Nos. 95-18 & 00-258; IB Docket No. 01-185 (Jan. 7, 2004) ("*NAB Petition*"); *Petition for Reconsideration of the Society of Broadcast Engineers, Inc.*, ET Docket Nos. 95-18 & 00-258; IB Docket No. 01-185 (Jan. 7, 2004) ("SBE Petition"); *Comments of the Radio-Television News Directors Association*, ET Docket Nos. 95-18 & 00-258; IB Docket No. 01-185 (Jan. 7, 2004) ("*RTNDA Comments*").

I. INTRODUCTION

As Boeing explained in its petition for reconsideration in this proceeding, Boeing greatly appreciates the Commission's decision to make only minimal adjustments in the relocation process for incumbent licensees in the 2 GHz band. In its petition for reconsideration, Boeing asked the Commission to minimize even further the changes that must take place in the relocation process.

NAB and SBE also objected to some of the changes that were made by the Commission in the terrestrial relocation process. Specifically, NAB expressed concern that, by eliminating Phase I of the relocation process and moving directly to a modified version of Phase II, licensees in the Broadcast Auxiliary Service ("BAS") in markets 31-210 would be required to operate on five BAS channels during the three-to-five year period between the start of MSS operations and the conversion of BAS licensees in those markets to a seven channel band plan (three years for markets 31-100 and five years for markets 100-210).[2] In contrast, under the original relocation plan, BAS licensees were permitted to operate using six BAS channels throughout the transition period.[3]

NAB also argued that MSS licensees may lack adequate incentive to negotiate the relocation of BAS licensees in markets 31-210 to a new channel plan after BAS licensees have vacated BAS channels 1 and 2. Under the old relocation plan, BAS licensees were permitted to continue to use BAS channel 2 during the transition process, resulting in a two megahertz overlap with the MSS allocation (2023-2025 MHz) and, according to NAB, providing MSS licensees with more incentive to complete the relocation.

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[2] *See NAB Petition* at 5-7.

[3] *See Second Report and Order*, ¶ 33.

NAB argued that, in order to address these concerns, the Commission should issue a public notice and solicit further comment in this nine-year old proceeding.[4] Alternatively, NAB and RTNDA suggested that the Commission require MSS licensees to reimburse BAS licensees for their relocation expenses three-to-five years before the BAS licensees actually incur these costs.[5] Finally, NAB and RTNDA argued that the Commission should strengthen its rules requiring new entrants to reimburse incumbents for relocation expenses and condition the authorizations of MSS licensees on completing the relocation reimbursement process.[6]

Boeing also believes that the Commission should issue a further notice in this proceeding. As explained in Boeing's petition for reconsideration, however, the further notice should only address the reimbursement requirements of new wireless services being introduced in reallocated 2 GHz MSS spectrum; the further notice should not reexamine the issues raised by NAB and RTNDA, which were reviewed thoroughly by the Commission in its 2000 and 2003 decisions.

Boeing further opposes NAB's suggestion that MSS operators provide a windfall for BAS licensees in markets 30-210 by paying them their estimated relocation expenses three-to-five years before they are scheduled to incur relocation costs. Boeing also opposes the suggestion of NAB and RTNDA that additional rules or license conditions are needed to ensure that MSS operators reimburse BAS licensees for their relocation expenses. The Commission's existing rules are adequate to ensure that MSS licensees comply with their obligations. Furthermore, the Commission has already conditioned the authorizations of 2 GHz MSS licensees on completing terrestrial relocation, fully addressing this concern.

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[4] *See NAB Petition* at iii, 16, 19-21 & 23.

[5] *See id.*; *RTNDA Comments* at 5.

[6] *See NAB Petition* at iii, 16, 19-21 & 23; *RTNDA Comments* at 5-6.

In any event, each of NAB's concerns could be resolved by reinstating a two-phased BAS relocation process, as recommended in Boeing's petition for reconsideration. The use of a two-phased approach (with the modifications suggested in Boeing's petition), would permit BAS licensees in markets 30-210 to operate in six BAS channels throughout the relocation process and would further reinforce the already substantial incentive of MSS licensees (along with other new entrants in the 2 GHz MSS band) to complete the relocation of BAS equipment in every television market.

Finally, both NAB and SBE repeated in their petitions their longstanding arguments that the temporary use of different band plans in markets 1-30 and 30-210 will make it difficult to coordinate out-of-market live shots involving BAS licensees using the different channel configurations. The Commission, however, has repeatedly and thoroughly addressed this issue in both its 2000 and 2003 decisions. NAB and SBE fail to rebut, or even acknowledge, the Commission's prior analysis regarding this issue. Instead, both organizations overstate the level of inconvenience that BAS licensees will face during the temporary transition period. The Commission should therefore disregard the arguments of NAB and SBE and dismiss their petitions.

II. NAB'S CONCERNS CAN LARGELY BE RESOLVED THROUGH THE REINSTATEMENT OF A TWO-PHASED RELOCATION PROCESS AS DESCRIBED IN BOEING'S PETITION FOR RECONSIDERATION

The primary concern expressed by NAB in its petition for reconsideration is the reduction in the number of channels that BAS licensees in markets 30-210 can use during the phased relocation of BAS networks out of the 1990-2025 MHz spectrum band. Under the old two-step relocation plan, BAS licensees in the smaller markets would have temporary access to six BAS

channels, while under the new approach BAS licensees would be temporarily limited to five channels.

NAB's concerns could be resolved if the Commission reinstated its two-phased relocation process, with the modifications suggested in Boeing's petition for reconsideration. Specifically, Boeing recommended that the Commission retain Phase I of the relocation plan and alter it slightly to accommodate the adjustments made by the Commission in the 2 GHz MSS spectrum allocation.

As explained in Boeing's petition (and in the following table), the Commission could continue to use a two-phased relocation process if it adjusted the interim spectrum assignment designated for BAS channel 1 during the first phase of the relocation. Under the original Phase I plan, BAS Channel 1 was moved and retuned from 1990-2008 MHz to a new position of 2008-2023 MHz, clearing the 1990-2008 MHz band for MSS. Under Boeing's proposed approach, BAS Channel 1 would be adjusted only slightly, retuning from 1990-2008 MHz to 1990-2005 MHz. No other changes in the Phase I relocation process would be necessary. The remaining six BAS channels would still be retuned to the new locations indicated in the original BAS relocation plan adopted by the Commission, with BAS Channel 2 moving to 2023-2037.5 MHz, BAS Channel 3 moving to 2037.5- 2052 MHz and so on.

2 GHz BAS Channel Plans

Existing Channel Plan	Previous Phase 1 Channel Plan	Proposed Phase 1 Channel Plan
Channel 1 1990-2008 MHz (18 MHz)	Spectrum Cleared for MSS 1990-2008 MHz (Only 8 MHz (2000-2008 MHz) within new MSS allocation)	Channel A01 1990-2005 MHz (15 MHz)
		Spectrum Cleared – 2005-2023 MHz (15 MHz (2005-2020 MHz) within new MSS allocation)
Channel 2 2008-2025 MHz (17 MHz)	Channel A01 2008-2023 MHz (15 MHz)	
Channel 3 2025-2042 MHz (17 MHz)	Channel A02 2023-2037.5 MHz (14.5 MHz)	Channel A02 2023-2037.5 MHz (14.5 MHz)
Channel 4 2042-2059 MHz (17 MHz)	Channel A03 2037.5-2052 MHz (14.5 MHz)	Channel A03 2037.5-2052 MHz (14.5 MHz)
Channel 5 2059-2076 MHz (17 MHz)	Channel A04 2052-2066.5 MHz (14.5 MHz)	Channel A04 2052-2066.5 MHz (14.5 MHz)
Channel 6 2076-2093 MHz (17 MHz)	Channel A05 12066.5-2081 MHz (14.5 MHz)	Channel A05 12066.5-2081 MHz (14.5 MHz)
Channel 7 2093-2110 MHz (17 MHz)	Channel A06 2081-2095.5 MHz (14.5 MHz)	Channel A06 2081-2095.5 MHz (14.5 MHz)
	Channel A07 2095.5-2110 MHz (14.5 MHz)	Channel A07 2095.5-2110 MHz (14.5 MHz)

As a result of this adjustment, 18 megahertz would be cleared in the 2005-2023 MHz band, which would be substantially contiguous with the MSS allocation of 2000-2020 MHz. The adjustment would make available 15 megahertz of uplink spectrum for MSS licensees, sufficient bandwidth to accommodate the initial spectrum requirements of at least two, and possibly three, 2 GHz MSS licensees.

The adjustment would also permit BAS licensees in markets 30-210 to continue to operate in six BAS channels throughout the three-to-five year transition period, fully resolving the primary concern expressed by NAB in its petition for reconsideration. BAS licensees could continue to operate in six BAS channels up until the time that new wireless services licensed by the Commission are ready to begin operating in either the 1990-2000 MHz or the 2020-2025 MHz bands. At that time, new users of the 2 GHz band would have substantial incentive to compensate BAS licensees in markets 30-210 for the transition to a new seven channel digital band plan, since the transition would be necessary to clear the 1990-2000 MHz and 2020-2025 MHz bands for new services.

The Commission could therefore accomplish multiple objectives by reinstating its two-phased relocation process. The Commission could reduce the relocation burden placed on 2 GHz MSS licensees, while increasing the number of channels that BAS licensees would be able to use during the transition period and provide additional assurance that the relocation process will be completed. In light of these multiple benefits, the Commission should resolve the primary concerns raised in this proceeding by adopting Boeing's proposal.

III. THE COMMISSION SHOULD DECLINE TO REQUEST FURTHER COMMENT ON ISSUES THAT HAVE BEEN THROUGHLY EXPLORED AND RESOLVED

Even if the Commission declines to reinstate a two-step relocation process, the Commission should reject NAB's request that the Commission solicit further comment on issues

that have been vetted thoroughly in this proceeding during the past nine years.[7] As explained below, the Commission has analyzed and resolved each of the issues raised by NAB, RTNDA and SBE in the Commission's 2000 and 2003 orders in this proceeding. No further consideration is necessary.

Instead, the Commission should focus on the reimbursement obligations of new spectrum users that the Commission is planning to license in the 2 GHz band following the recent reallocation of 30 megahertz of MSS spectrum. As the Commission has recognized, open questions exist regarding the reimbursement obligations of some new entrants to the band:

> it is not clear how we would apply our traditional cost-sharing principles were we to use portion of the bands to provide relocation spectrum for Nextel's operations in the 800 MHz band or for MDS licensees in the 2150-2160/62 MHz band, [or] to relocate federal government operations.[8]

Given the Commission's unequivocal statement in the *Third Report and Order* that "licensees that ultimately benefit from spectrum cleared by MSS shall bear the cost of reimbursing MSS licensees for the accrual of that benefit," there is a pressing need to resolve this open question.[9] The Commission should promptly resolve these questions by issuing a further notice that clearly states the Commission's intent to require all new entrants in the 2 GHz band, regardless of their nature, to pay a *pro rata* share of incumbent relocation expenses based on the amount of 2 GHz spectrum that they occupy.

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[7] *See NAB Petition* at iii, 16, 19-21 & 23.

[8] *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, Third Report and Order and Third Memorandum Opinion and Order, FCC 03-280, ¶ 10 (Nov. 10. 2003) ("*Third Report and Order*").

[9] *Id.*, ¶ 10.

A. The Commission Should Not Accelerate the Reimbursement Obligation of MSS Licensees for BAS Networks in Markets 30-210

NAB argued in it petition for reconsideration that BAS incumbents should be compensated for their relocation expenses "*before* requiring them to vacate" BAS channels 1 and 2.[10] In advancing this argument, NAB did not appear to be repeating its old position that BAS licensees in all 210 markets should be converted to a new seven channel band plan at the same time (an approach that the Commission has repeatedly considered and rejected). Rather, NAB was suggesting that BAS licensees be paid the estimated costs of converting to digital equipment and a seven channel band plan three-to-five years before they actually incur the expenses (three years for markets 31-100 and five years for markets 100-210).

NAB attempted to support this novel argument by suggesting that the approach adopted by the Commission in its *Third Report and Order* "departs materially" from the precedent established in the *Emerging Technologies* proceeding by requiring BAS incumbents "to clear spectrum for a new entrant *before* receiving any compensation."[11]

The Commission's *Emerging Technologies* principles, however, do not require new entrants to compensate incumbents for the underlying act of vacating spectrum. Incumbent licensees, after all, do not have property rights in spectrum. Rather, the *Emerging Technologies* principles require new entrants to compensate incumbents for the actual costs of new equipment, engineering and labor incurred in relocating to comparable facilities in other spectrum bands.

In this case, BAS licensees in markets 30-210 will not incur any relocation costs when they vacate BAS channels 1 and 2. BAS licensees in markets 30-210 will only incur relocation

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[10] *NAB Petition* at 2 and 16 (*emphasis in original*).

[11] *NAB Petition* at 17 (*emphasis in original*)

costs when they shift to digital equipment and a seven channel band plan. Consistent with its *Emerging Technologies* precedent, the Commission has required new entrants in the 2 GHz band to reimburse BAS licensees for these expenses at the time that they are incurred.

Not only is such an approach consistent with precedent, but it is also the only method that can be implemented with reliability and accuracy. Any attempt to compensate BAS licensee in markets 30-210 for their relocation expenses three-to-five years before they incur those expenses would create significant difficulties in estimating the future costs of digital BAS equipment, the time value of money during the five year interval, and the accurate identification of BAS licensees that will be eligible for relocation three-to-five years in the future. The Commission can avoid all of these difficulties by retaining its existing plan and requiring new entrants in the 2 GHz band to reimburse BAS licensees in markets 30-210 for their legitimate relocation expenses at the time that those expenses are incurred.

B. The Commission Does Not Need to Amend Its Rules or Further Condition the Authorizations of 2 GHz MSS Licensees With Respect to Their BAS Relocation Reimbursement Obligations

NAB also argued in its petition that MSS licensees may lack adequate incentive to negotiate the relocation of BAS licensees in markets 31-210 to a new channel plan after the BAS licensees have vacated BAS channels 1 and 2. As noted previously, NAB's concern could easily be resolved if the Commission adopts Boeing's proposal to retain a two-phased relocation process with the modifications suggested in Boeing's petition.

In any event, there is no need for the Commission to amend its rules or further condition the authorizations of 2 GHz MSS licensees. The Commission has stated repeatedly in decisions reaching back to 1997 that new entrants in the 2 GHz band will be obligated to reimburse

incumbent BAS licensees in the 2 GHz band for their legitimate relocation expenses.[12] NAB does not suggest that the Commission was ambiguous in its decisions. Furthermore, the Commission has expressly conditioned the authorizations of 2 GHz MSS licensees on completing terrestrial relocation by directing that each 2 GHz MSS network "must be implemented consistent with the plans for incumbent relocation" adopted by the Commission in its orders in this proceeding.[13] Given the undisputed clarity of the Commission's decisions in this regard, no further regulatory requirements are needed.

C. NAB and SBE Overstate the Inconvenience Involved in Temporarily Using Different BAS Band Plans in Different Television Markets and Fail to Address the Commission's Prior Analysis Regarding This Issue

Finally, both NAB and SBE repeated in their petitions their longstanding arguments that the temporary use of different band plans in markets 1-30 and 30-210 will make it difficult to coordinate out-of-market live shots involving BAS licensees using different channel configurations. In repeating this argument, NAB and SBE failed to acknowledge or address the Commission's prior analysis of this issue, which fully considered and resolved the issue. Furthermore, both organizations overstated the inconvenience that BAS licensees may face during the temporary transition period.

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[12] *See Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, First Report and Order and Further Notice of Proposed Rule Making, 12 FCC Rcd 7388, ¶ 33 (1997).

[13] *See, e.g.*, *The Boeing Company*, Order and Authorization, 16 FCC Rcd 13691 (Int'l Bur. 2001), *app. for review denied*, 18 FCC Rcd 1405, ¶ 8 n.32 (2003), *appeal pending*, *AT&T Wireless Services, Inc. v. FCC*, No. 03-1042 (D.C. Cir., filed Feb. 26, 2003) (directing that "[s]ystems must be implemented consistent with the plans for incumbent relocation adopted in the *2 GHz Allocation & Relocation Proceeding*, Second Report and Order and Second Memorandum Opinion and Order, 15 FCC Rcd 12315, including the phased plan for relocation in the 1990-2025 MHz band").

The Commission observed in it 2000 and 2003 orders that BAS licensees covering out-of-market news events could use BAS Channels 8 and 9 (2450-2483.5 MHz), which are unaffected by the relocation, if no other BAS channels are available.[14] Out-of-market television crews could also use satellite newsgathering equipment, which operates outside the BAS spectrum bands.[15] This second option is consistent with the operating practices employed by many television stations in large television markets, which routinely dispatch satellite news gathering trucks, rather than BAS equipment, to out-of-market news events to protect against the possibility that, once on the scene, the BAS equipment will be unable to establish an adequate line-of-sight signal back to the station.

The petitions for reconsideration of NAB and SBE failed to challenge, or even acknowledge, the Commission's practical solutions to the temporary out-of-market coordination issue. Furthermore, the organizations appeared to overstate the spectrum sharing difficulties that BAS licensees in markets 30-210 may face during the temporary transition period. For example, NAB claimed in its petition that television stations in smaller markets provide nearly as much local news programming as television stations in larger markets.[16] NAB acknowledged, however, that television stations in nearly every market "generally devote between 20 and 25 percent of their expenses to news."[17] Given the fact that television stations in smaller markets generally have substantially smaller operating budgets than television stations in the largest markets,

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[14] *See Second Report and Order*, ¶ 37; *Third Report and Order*, ¶ 59.

[15] *See Second Report and Order*, ¶ 37; *Third Report and Order*, ¶ 59.

[16] *See NAB Petition* at 6-7.

[17] *Id.* at 7.

NAB's statistics appear to demonstrate that television stations in smaller markets spend significantly less on local news programming than stations in larger markets.

NAB also referenced a study by Economists Incorporated, which it claimed shows that in many communities in the 31-100 markets, four or more television stations offer local news programming.[18] NAB failed to acknowledge, however, that this study also showed that a significant number of television stations in markets 31-100 provide no *original* local news, and only rebroadcast news programming produced by other stations in the same market. More specifically, the study showed that the local news aired by more than one-third of the television stations unaffiliated with the top four networks received all of their local news programming from other stations in the same market.[19] Television stations airing rebroadcast news programming obviously do not need to be considered in assessing the BAS news gathering spectrum requirements of smaller television markets.

NAB also claimed that BAS spectrum sharing is aggravated by the fact that local television newscasts "usually occur at the same time on all stations in a market."[20] In reality, in most cities served by more than three television news operations, some stations stagger newscasts in order to increase market share. Such staggering greatly reduces the potential coordination difficulties of sharing BAS frequencies.

SBE's petition for reconsideration evidences similar weaknesses. For example, SBE included with its petition a report on laboratory tests that it recently commissioned on spectrum

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[18] *See id.* at 6 (*citing Comments of Fox, NBC/Telemundo and Viacom*, MM Docket No. 02-277, Economists Incorporated Economic Study, Attachment A at 8-11 (Jan. 2, 2003) ("*Economists Inc. Study*")).

[19] *Economists Inc. Study* at 5.

[20] *NAB Petition* at 8.

sharing between BAS licensees using different channel plans in different television markets.[21] In reporting high levels of interference between different BAS transmitters, the report appears to have provided no indication of the physical separation distances between the tested transmitters or their pointing direction, seemingly relevant information in such an analysis. The report also acknowledged that the tests did not involve realistic BAS operating conditions, but instead considered "the maximum possible bit rate along with the maximum C/N requirement for *any future potential application requirements* with in [sic] the BAS band."[22]

The report identified no evidence that the technical nature of BAS operations will change appreciably within the BAS band during the three-to-five year transition period between the start of MSS operations and the relocation of BAS licensees in markets 30-210. BAS operators are far more likely to introduce new applications and data rates after the conversion to digital is completed, by which time television stations in all 210 markets will again be operating using a consistent BAS channel plan. Because of the unrealistic assumptions underlying SBE's laboratory analysis, its findings should be disregarded.

More important, the Commission should recognized that the issues raised by NAB, SBE and RTNDA have been raised repeatedly in this proceeding and were thoroughly analyzed and resolved by the Commission in its 2000 and 2003 orders in this proceeding.

IV. CONCLUSION

For the reasons set forth above, the Commission should reinstate a two-phased approach to relocating BAS licensees in the 2 GHz band with the minor alterations recommended by

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[21] *See BAS Band Plan Testing 17 MHz and 12 MHz Channel Plans*, Microwave Radio Communications (Jan. 7, 2004), *included as an attachment to SBE Petition.*

[22] *Id.* at 10 (*emphasis added*).

Boeing in its petition for reconsideration. Reinstating a two-phased approach will resolve the primary concern expressed by NAB and RTNDA in their petitions for reconsideration. The Commission should also disregard the spectrum sharing concerns raised by NAB and SBE. The Commission has carefully considered these issues and has repeatedly concluded that BAS licensees in different television markets can operate successfully on a temporary basis using different channel plans.

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CERTIFICATE OF SERVICE

I, Chere L. Jones, hereby certify that a copy of the foregoing Consolidated Opposition of the Boeing Company was mailed, postage prepaid, first class mail this 3rd day of March, 2004 to the following:

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