Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands	)	WT Docket No. 03-66 RM-10586
	)	
Part 1 of the Commission's Rules - Further Competitive Bidding Procedures	)	WT Docket No. 03-67
	)	
Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and the Instructional Television Fixed Service to Engage in Fixed Two-Way Transmissions	)	MM Docket No. 97-217
	)	
Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico	)	WT Docket No. 02-68 RM-9718
	)	

PETITION FOR RECONSIDERATION

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January 10, 2005

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EXECUTIVE SUMMARY

W.A.T.C.H. TV Company ("W.A.T.C.H. TV") is the licensee of the Broadband Radio Service ("BRS") spectrum and the lessee of the Educational Broadband Service ("EBS") spectrum in and around Lima, OH. After nearly thirteen years and well over $20,000,000 of its own investment, W.A.T.C.H. TV has successfully transformed its operations from the 11-channel analog video-only service it launched in 1992 into a state-of-the-art network that utilizes the BRS/EBS spectrum to provide over 200 channels of digital video and audio service to over 12,000 subscribers. W.A.T.C.H. TV is fully competitive with the local cable television systems and the Direct Broadcast Satellite services, and provides consumers a similar range of programming at lower cost. In addition, W.A.T.C.H. TV offers a wireless broadband Internet access service using both an eight-sector, higher-power frequency division duplex system capable of serving over 8,000 subscribers and recently-launched a lower-power, non-line-of-sight time division duplex system. W.A.T.C.H. TV currently provides wireless broadband service to over 4,000 subscribers, many of whom have no other source of high-speed Internet access, and that number is growing daily.

W.A.T.C.H. TV requests reconsideration of the Commission's rejection of the proposal initially advanced by the Wireless Communications Association International, Inc., the National ITFS Association, and Catholic Television Network to permit the handful of BRS/EBS multichannel video programming distributors ("MVPDs") that were using more than seven BRS/EBS channels for the transmission of digitally compressed video programming to subscribers as of October 7, 2002 to opt-out of the transition process. Because such systems cannot transition all of their video programming to the Middle Band Segment (which only contains seven channels), blanket relief is warranted.

In addition, on reconsideration the Commission should adopt an alternative bandplan to accommodate the eventual relocation of BRS channels 1 and 2 from the 2150-2162 MHz to the 2.5 GHz band in those markets where an MVPD opt-out is exercised. An alternative is essential because the specific frequencies otherwise designated for BRS channels 1 and 2 relocation under the general bandplan will not be available in those markets. Specifically, W.A.T.C.H. TV proposes that the Advanced Wireless Service ("AWS") auction winners be permitted to move BRS channel 1 operations to the 2496-2500 MHz band (spectrum which is not today used for BRS/EBS operations) and to move BRS channel 2 operations to the 2686-2690 MHz band, which is today allocated for the underutilized I channels that are being eliminated under the new bandplan. In this fashion, the Commission can assure that in markets where an MVPD opt-out is exercised, the AWS auction winner has a vehicle for migrating BRS channel 1 and 2 licensees.

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PETITION FOR RECONSIDERATION

W.A.T.C.H. TV Company ("W.A.T.C.H. TV") hereby petitions the Commission pursuant to Section 1.429(d) of the Commission's Rules for reconsideration of the *Report and Order* in the above-captioned proceedings.[1]

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[1] *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 14165 (2004)["*Report and Order*"].

I. INTRODUCTION.

W.A.T.C.H. TV is a provider of multichannel video service and wireless broadband service over Broadband Radio Service ("BRS") and Educational Broadband Service ("EBS") spectrum in Lima, OH and the surrounding area, and has been an active participant in this proceeding.[2] W.A.T.C.H. TV requests reconsideration of the Commission's rejection of the proposal initially advanced by the Wireless Communications Association International, Inc., the National ITFS Association, and Catholic Television Network (collectively, the "Coalition") to permit those BRS/EBS multichannel video programming distributors ("MVPDs") that were using more than seven Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") channels for the transmission of digitally compressed video programming to subscribers as of October 7, 2002 to opt-out of the transition process.[3] In addition, on reconsideration the Commission should adopt an alternative bandplan along the lines that W.A.T.C.H. TV previously proposed (but which was not addressed in the *Report and Order*) to accommodate the eventual relocation of BRS channels 1 and 2 from the 2150-2162 MHz to the 2.5 GHz band in those markets where an MVPD opt-out is exercised. An alternative is essential because the specific frequencies otherwise designated for BRS channels 1 and 2 relocation will not be available in those markets.

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[2] *See infra* note 4.

[3] *See* "First Supplement to 'A Proposal for revising the MDS and ITFS Regulatory Regime,'" RM-10586 at 4-5 (filed Nov. 14, 2002)["First Coalition Supplement"].

II. DISCUSSION.

W.A.T.C.H. TV's story is well known to the Commission.[4] W.A.T.C.H. TV is the licensee of the BRS spectrum and leases the EBS spectrum at 2150-2162 MHz and 2500-2690 MHz in and around Lima, OH. After nearly thirteen years and well over $20,000,000 of its own investment, W.A.T.C.H. TV has successfully transformed its operations from the 11-channel analog video-only service it launched in 1992 into a state-of-the-art network that utilizes the BRS/EBS spectrum to provide over 200 channels of digital video and audio service to over 12,000 subscribers. W.A.T.C.H. TV is fully competitive with the local cable television systems and the Direct Broadcast Satellite services, and provides consumers a similar range of programming at lower cost. In addition, W.A.T.C.H. TV offers a wireless broadband Internet access service using both an eight-sector, higher-power frequency division duplex ("FDD") system capable of serving over 8,000 subscribers and recently-launched a lower-power, non-line of-sight time division duplex ("TDD") system. W.A.T.C.H. TV currently provides wireless broadband service to over 4,000 subscribers, many of whom have no other source of high-speed Internet access, and that number is growing daily. *W.A.T.C.H. TV uses, and where possible,*

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[4] *See Report and Order*, 19 FCC Rcd at 14199 n. 190 ¶ 76; Letter from Thomas Knippen, Vice President and General Manager, W.A.T.C.H. TV Company, to Michael K. Powell, Chairman, Federal Communications Commission, WT Docket No. 03-66 (filed June 1, 2004)["W.A.T.C.H. TV June 1 Letter"]; Comments of W.A.T.C.H. TV Company, WT Docket No. 03-66 (filed Sept. 8, 2003)["W.A.T.C.H. TV Comments"]; Letter from Thomas Knippen, Vice President and General Manager, W.A.T.C.H. TV Company, to John B. Muleta, Chief, Wireless Telecommunications Bureau, WT Docket No. 03-66 (filed, July 29, 2003); Letter from Thomas Knippen, Vice President and General Manager, W.A.T.C.H. TV Company, to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-10586 (filed Nov. 14, 2002).

reuses, every megahertz available to it in the 2.1 and 2.5 GHz bands.[5] Because its services are available throughout its entire authorized service area, W.A.T.C.H. TV's system is able to serve customers who cannot obtain access to competing services offered by incumbent cable multiple system operators and local exchange carriers. Moreover, even where such competing services are available, W.A.T.C.H. TV's presence in the market imposes downward pressure on how those competing services are priced, as W.A.T.C.H. TV offers consumers a highly attractive alternative.

A. The Commission Should Eliminate Regulatory Uncertainty By Affording Qualifying MVPDs And Their Affiliated Licensees An Absolute Right To Opt-Out Of Transitions Without Seeking Individualized Waivers.

The *Report and Order* evidences that the Commission plainly is aware that W.A.T.C.H. TV's system will be at risk of extinction if it is forced to transition to the new BRS/EBS bandplan.[6] Indeed, it has long been a matter of record that W.A.T.C.H. TV's existing digital operations would suffer a 75% *loss* of video programming if it cannot opt-out of the transition and is limited to using just the seven channels in the Middle Band Segment ("MBS") for the high-power, high-site transmission of video programming. As a result, W.A.T.C.H. TV's

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[5] The sole exception is the 125 kHz wide I channels, which have historically been underutilized throughout the industry. As discussed below, these channels can be sacrificed to accommodate relocation of BRS from the 2150-2162 MHz band.

[6] *See Report and Order*, 19 FCC Rcd at 14199 ¶ 77 ("[W]e are sympathetic to the predicament of those MVPD licensees that developed successful businesses under the old rules, and to their customers that receive both video and broadband services from those MVPD licensees. We are also sympathetic to those BRS licensees that have a viable business for high-powered operations, but who need more [than] seven digitized MBS channels to deliver service to their customers, which would constitute all of the high-power spectrum in the 2.5 GHz band.").

multichannel video service would no longer be competitive with that of its competitors, thus effectively putting the company out of business.

In proposing that MVPDs which were using more than seven MDS/ITFS channels for the transmission of digitally compressed video programming to subscribers as of October 7, 2002 be permitted to opt-out of the transition process, the Coalition stated as follows:

> In crafting [the proposed transition plan], WCA, NIA and CTN were strongly influenced by the fact that virtually all of the current MVPD systems could continue their current service offerings (and, in most cases, materially increase the number of program tracks offered to subscribers) by digitizing the seven 6 MHz channels that will be in the MBS following a transition – channels that can continue to operate on a high-power, high-site basis under the proposed new rules.
>
> …
>
> However, WCA, NIA and CTN recognize that a system that currently utilizes more than seven 6 MHz channels for the transmission of digitally compressed video programming does not have the option of just using MBS channels – to continue its current service offering requires more high-power, high-site channels than are allocated to the MBS. Because a few system operators have recently digitized their video services and have been marketing those services with some success (although perhaps not yet reaching the 5% "opt-out" benchmark proposed by WCA, NIA and CTN), WCA, NIA and CTN believe that special provisions are appropriate. Thus, they are proposing that any MVPD system that as of October 7, 2002 (the date the white paper was filed) was utilizing more than seven MDS/ITFS channels for the transmission of digitally compressed video programming to subscribers should be able to invoke the MVPD "opt-out" discussed in the white paper.[7]

The situation described by the Coalition fits W.A.T.C.H. TV like a glove. Accordingly, W.A.T.C.H. TV fully supported the Coalition's proposal that the Commission permit MVPDs that had deployed digital technology on more than seven channels prior to October 7, 2002 to "opt-out" of the transition process.[8]

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[7] First Coalition Supplement at 4-5.

[8] *See* W.A.T.C.H. TV Comments at 2-6.

To add certainty to the process and minimize administrative burdens on qualifying MVPDs, future proponents and the Commission, W.A.T.C.H. TV also supported the Coalition's proposal for a relatively simple opt-out procedure under which the Commission would establish a 30-day window after the effective date of its new BRS/EBS rules during which any qualifying 2.5 GHz band MVPD would, if it intended to opt-out, certify to the Commission in writing that it qualified for opt-out treatment under the criteria proposed by the Coalition.[9] Upon close of the 30-day window, the Commission would publish the list of certifying MVPDs and their affiliated licensees – such publication would automatically authorize those parties to exercise their opt-out rights by so notifying a proponent no later than 30 days after commencement of the Transition Planning Process.[10]

Not only was the Coalition's approach supported by MVPDs that qualify to opt-out should they choose,[11] but also by a variety of licensees that might be adversely impacted by an opt-out, but recognized that a blanket exemption from transition would only be fair in light of the obvious investment that qualifying MVPDs have made in their businesses.[12] Indeed, although

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[9] *See* "A Proposal For Revising The MDS And ITFS Regulatory Regime," Wireless Communications Ass'n Int'l, Nat'l ITFS Ass'n and Catholic Television Network, RM-10586 at App. B, p. 17 (filed Oct. 7, 2002)["Initial Coalition Proposal"]. Subsequent to October 7, 2002, WCA, NIA and CTN submitted two supplements that addressed issues left open in the original white paper and sought to clarify points that apparently had been misunderstood by some parties within the industry. *See* First Coalition Supplement; "Second Supplement To 'A Proposal For Revising The MDS And ITFS Regulatory Regime,'" RM-10586 (filed Feb. 7, 2003). For simplicity's sake, unless the context requires a different meaning, references to the "Initial Coalition Proposal" in these comments should be read to reference all three filings.

[10] *See* Initial Coalition Proposal at App. B, p. 18.

[11] *See, e.g.,* Comments of Digital TV One, RM-10586 at 2-3 (filed Nov. 21, 2002).

[12] *See, e.g.,* Comments of Sprint, RM-10586 at 3 n. 4 (filed Nov. 14, 2002); Comments of Nucentrix Broadband Networks, Inc., RM-10586 at 2 (filed Nov. 14, 2002).

not appreciated in the *Report and Order*, not one party participating in this proceeding opposed providing an automatic opt-out right to any MVPD that is providing service on at least seven digitized channels!

Given the Commission's recognition of W.A.T.C.H. TV's predicament,[13] W.A.T.C.H. TV is mystified as to why the *Report and Order* forces those MVPDs that are providing service on at least seven digitized channels to request and receive an individualized waiver from the Commission before exercising their opt-out rights in the marketplace.[14] Obviously, a case-by-case waiver model subjects W.A.T.C.H. TV to unnecessary uncertainty as to whether it will be permitted to opt-out of the transition process. Given the multimillion dollar investment W.A.T.C.H. TV has made towards developing its system and delivering service to subscribers and the continuing investment W.A.T.C.H. TV makes every single day as it adds new subscribers in response to marketplace demand, the Commission should be making every effort to *minimize* W.A.T.C.H. TV's uncertainty as to its ability to continue its existing operations independent of the transition process.

The Commission's decision to subject W.A.T.C.H. TV to this continuing risk is a cold irony, since W.A.T.C.H. TV's history of system upgrades and expansion of service were initiated in direct response to previous Commission mandates for the former MDS and ITFS. That is, at a time when the Commission was promoting analog wireless cable service as a competitive alternative to monopoly cable providers, W.A.T.C.H. TV launched its analog

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[13] *See supra* note 6.

[14] *Id*.

wireless cable system (one of the first in the United States);[15] when the Commission encouraged the deployment of digital technology to increase wireless cable's channel capacity, W.A.T.C.H. TV was one of the first commercial MDS/ITFS systems in the country to deploy digital wireless cable service;[16] and when the Commission adopted rules to promote the use of MDS/ITFS spectrum for high-speed Internet service, W.A.T.C.H. TV was one of the first wireless cable operators in the country to offer such service to its customers.[17] Against this backdrop, *and particularly given the lack of any opposition whatsoever to providing W.A.T.C.H. TV with the relief it requested*, it is disappointing that the *Report and Order* continues to imply that the Commission just might reverse field and nullify W.A.T.C.H. TV's efforts and multimillion dollar investment.

The Commission's decision also is hard to reconcile with its general preference for streamlined regulatory processes over case-by-case adjudications where the latter merely impose additional delay with no countervailing benefit.[18] Such streamlining is particularly appropriate

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[15] *See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Notice of Proposed Rulemaking and Memorandum Opinion and Order, 18 FCC Rcd 6722, 6730 (2003).

[16] *Id.* at 6731.

[17] *Id*.

[18] *See, e.g.*, *Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service,* Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 21432, 21449 (2003); *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket No. 98-77 and 98-166, 16 FCC Rcd 19613, 19698 (2001); *Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, Report and Order, 11 FCC Rcd 21581, 21584 (1996).

here, since the Commission has limited eligibility for waivers to those few MVPDs that by definition warrant relief.[19] Given the obvious investment that W.A.T.C.H. TV and other businesses would have to make to qualify for an MVPD opt-out, case-by-case review of each qualifying MVPD's waiver request would appear to be a redundant exercise whose additional paperwork, administrative costs, time delays, and associated regulatory uncertainty substantially outweigh any speculative benefit it might have to the public.[20]

As such, the Commission's justifications for subjecting W.A.T.C.H. TV to a case-by-case waiver process makes little sense. Admittedly, retention of high-power, high-site operations in the MBS may cause neighboring cellular systems to incur additional costs to avoid interference.[21] However, that is beside the point – as the Coalition recognized, and as was confirmed by the lack of any industry opposition to affording entities like W.A.T.C.H. TV a right to opt-out of the transition process, the equities in such cases clearly fall on the side of granting an automatic opt-out to the incumbent MVPDs.[22]

Moreover, although not mentioned in the *Report and Order*, it is worth noting that the Coalition proposal called for MVPDs that opt-out of the transition process and their affiliated licensees to participate in the transition planning process and to make a variety of technical

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[19] *See Report and Order*, 19 FCC Rcd at 14199 ¶ 77.

[20] *Id*.

[21] *Id.* at 14199 ¶ 76.

[22] *See* First Coalition Supplement at 4-5. W.A.T.C.H. TV is mystified by the assertion in the *Report and Order* that somehow the adverse impact on a transition of an MVPD is mitigated by the fact that the MVPD can serve as a proponent. *See Report and Order*, 19 FCC Rcd at 14199 ¶ 76. The problem with transitioning to the new bandplan is that qualifying MVPD systems cannot operate their facilities in compliance with the new technical rules adopted for the Lower

(continued on next page)

modifications when appropriate to mitigate any adverse impact on neighboring systems. Specifically, the Coalition proposed (and W.A.T.C.H. TV supported) as follows:

> [T]hose licensees are required to continue to participate in the Transition Planning Process in good faith and to subsequently make such modifications to their facilities at the Proponent's expense as the Proponent may reasonably request in an effort to reduce interference to the licensees in other markets that are transitioning. Licensees should be required to reduce EIRP, reduce transmission antenna height, or add beam tilt where doing so can be accomplished without more than a *de minimus* reduction in the MVPD's ability to serve its then-existing subscribers.[23]

Finally, the *Report and Order* has it wrong in contending that "adopting the Coalition's proposal . . . needlessly complicates the transition process."[24] In fact the Coalition's approach will expedite transitions – if the Commission implements a process similar to that advocated by the Coalition and W.A.T.C.H. TV, proponents will know with certainty whether they are required to design around an MVPD that is entitled to opt-out, and will not have to endure the uncertainty and delays that would be associated with a case-by-case evaluation under the Commission's waiver system. It is thus not surprising that not one potential proponent objected to the Coalition's proposal to automatically exempt companies like W.A.T.C.H. TV.

Accordingly, for the reasons set forth above, W.A.T.C.H. TV asks the Commission to abandon its unnecessary case-by-case waiver approach and adopt the Coalition's proposed opt-out procedure for qualifying MVPDs.

Band Segment and the Upper Band Segment. There is nothing that an MVPD can do as a proponent to change that fact.

[23] *See* Initial Coalition Proposal at App. B, p. 18 (footnote omitted).

[24] *See Report and Order*, 19 FCC Rcd at 14199 ¶ 76.

B. The Commission Must Provide An Alternative Bandplan For BRS 1 and 2 Relocation In Markets Where An MVPD Opt-Out is Exercised.

With the *Report and Order*, the Commission has addressed, at long last, the question of what spectrum will be used by Advanced Wireless Service ("AWS") auction winners to relocate the current operations on BRS channels 1 and 2 in the 2150-2162 MHz band. However, the Commission's decision to relocate those channels to 2496-2502 MHz and 2618-2624 MHz, respectively, is cold comfort in markets where an MVPD opts-out of the transition process, since absent a transition, 2500-2502 MHz and 2618-2624 MHz will be licensed to EBS channels A1, F2 and E3 and not available for BRS relocation. Thus, to provide AWS auction winners with spectrum that can be used in relocating BRS channels 1 and 2 in MVPD opt-out markets, an alternative bandplan is necessary.

Fortunately, although ignored by the *Report and Order*, W.A.T.C.H. TV has already proposed an alternative bandplan for this purpose and, with certain minor modifications, the Commission can grant that proposal here.[25] W.A.T.C.H. TV appreciates the difficulties the Commission has faced in attempting to find spectrum for the relocation of BRS channels 1 and 2 outside the 2500-2690 MHz band and has made it clear that it does not oppose an approach that provides less than 12 MHz of new spectrum in those markets where the MVPD opt-out is exercised. However, any such approach would need to include certain essential components to assure that the BRS channel 1 and 2 licensees are provided relocation facilities with useable capacity equivalent to what they have built out at the time of relocation.

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[25] *See* W.A.T.C.H. TV June 1 Letter at 4-7.

Specifically, W.A.T.C.H. TV now proposes that BRS channel 1 operations be moved to the 2496-2500 MHz band (spectrum which is not today used for BRS/EBS operations) and that BRS channel 2 operations be relocated to the 2686-2690 MHz band, which is today allocated for the underutilized I channels that are being eliminated under the new bandplan.[26] Admittedly, this leaves both BRS channels with a 2 MHz shortfall. However, such a result appears unavoidable given the limited amount of spectrum available. At least this approach provides AWS auction winners with access to 8 MHz of replacement spectrum that can be used for the relocation of BRS channel 1 and 2 operations. Although the adequacy of this amount of spectrum to accommodate relocation of existing BRS channel 1 and 2 operations will depend on a case-by-case analysis, W.A.T.C.H. TV believes that it generally will be possible for the AWS auction winners to migrate BRS channel 1 and 2 operations as proposed by deploying cellularized systems that provide for frequency reuse to address the spectrum shortfall.[27]

Adoption of W.A.T.C.H. TV's proposal would need to include certain essential components to assure that those MVPDs are provided relocation facilities with useable capacity equivalent to what they have built out at the time of relocation. Most importantly, the Commission must make it absolutely clear that the winners of the AWS auctions will bear the financial obligation of migrating operations on BRS Channels 1 and 2 to their new spectrum

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[26] W.A.T.C.H. TV initially proposed that the replacement spectrum for MDS channels 1 and 2 be the 2494-2500 MHz and 2486-2690 MHz bands, respectively. *Id.* at 7. Thereafter, of course, the Commission reallocated just the 2496-2500 MHz band to BRS, thus limiting the relocation spectrum available to BRS channel 1 licensees to 2496-2500 MHz.

[27] Of course, that migration will have to be accomplished in a way that does not cause harmful interference to operations on adjacent BRS and EBS channels.

location.[28] Furthermore, it is critical that the Commission require the AWS auction winners to provide facilities operating on the replacement spectrum that can provide each BRS licensee's then-existing subscribers with service at the same throughput rates as they enjoy at the time of conversion and have the same overall capacity as they have built out at the time.[29] Absent such a requirement, it will be impossible for the Commission to adequately compensate BRS channel 1 and 2 licensees for their loss of one-third of their spectrum in the 2150-2162 MHz band. As such, W.A.T.C.H. TV's compromise proposal is predicated on the proposition that the Commission will be adopting relocation rules and procedures for BRS channels 1 and 2 based on its existing microwave relocation rules but with the changes suggested by the BRS industry over the past three years in ET Docket No. 00-258 and discussed at length in the W.A.T.C.H. TV June 1 Letter.[30]

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[28] *See* W.A.T.C.H. TV June 1 Letter at 6.

[29] *Id*. at 8.

[30] *Id.* at 6-8.

III. CONCLUSION.

WHEREFORE, for the reasons set forth above, W.A.T.C.H. TV requests that the Commission grant this petition for reconsideration and (1) adopt the Coalition's proposal to permit qualifying BRS/EBS MVPDs to "opt-out" of a transition to the new BRS/EBS bandplan; and (2) adopt an alternative bandplan to accommodate relocation of BRS channels 1 and 2 from 2150-2162 MHz where a qualifying MVPD opts-out of a transition.

Respectfully submitted,

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