



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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## PLEADING CYCLE ESTABLISHED FOR QUALCOMM INCORPORATED PETITION FOR DECLARATORY RULING

WT Docket No. 05-7

**COMMENTS: February 17, 2005**  
**REPLY COMMENTS: March 4, 2005**

On January 10, 2005, Qualcomm Incorporated (Qualcomm) filed a Petition for Declaratory Ruling (Petition) seeking clarification of certain rules and the establishment of a streamlined review process in order to accelerate the deployment of new services in the 700 MHz band. Qualcomm is the licensee of all six Economic Area Groupings that were auctioned as "Block D" in the Lower 700 MHz band. Qualcomm's wholly-owned subsidiary MediaFLO intends to deploy and operate a nationwide mobile multimedia network, delivering video, audio and data content to third-generation mobile phones. In order to operate in this spectrum, however, the MediaFLO service must meet the interference criteria of Section 27.60, which serves to protect both incumbent TV and DTV broadcasters before completion of the DTV transition. The Wireless Telecommunications Bureau (Bureau) seeks public comment on the Petition.

First, Qualcomm seeks clarification that Office of Engineering and Technology Bulletin No. 69, "Longley-Rice Methodology for Evaluating TV Coverage and Interference" (OET-69)<sup>1</sup> is an acceptable basis for demonstrating compliance with Section 27.60. Section 27.60 of the Commission's rules sets forth the protection criteria for base, fixed, control and mobile transmitters operating in the 698-764 MHz and 776-794 MHz frequency bands, in order to reduce the potential for interference to public reception of existing TV/DTV broadcast stations transmitting on Channels 51 through 68. Under Section 27.60(b)(1)(iii), 700 MHz band licensees may demonstrate compliance with the Commission's TV/DTV protection criteria by submitting an engineering study justifying geographic separations that are less than the rule otherwise requires. In its Petition, Qualcomm argues that use of OET-69 is appropriate because: (1) the broadcast community is familiar with OET-69; (2) it will be used to evaluate applications for digital LPTV and TV translator stations; (3) it is appropriate for analyzing the particular technology Qualcomm intends to deploy; and (4) identifying a particular acceptable methodology will speed the deployment of 700 MHz services.

<sup>1</sup> OET-69 is an engineering methodology developed by the Commission for evaluating TV coverage and interference, using predictions of radio field strength at specific geographic points while accounting for the terrain between those points.

Second, Qualcomm requests the Commission to declare that, for purposes of making engineering showings pursuant to Section 27.60(b)(1)(iii), predicted interference to not more than two percent of the population served by a TV/DTV station is *de minimis* and therefore acceptable. Qualcomm argues that, under Section 73.623 of the Commission's rules, predicted interference from a DTV station to not more than two percent of the population served by another DTV or TV broadcast station is *de minimis*, and that the same standard should be applied to showings made pursuant to Section 27.60. Qualcomm also claims that the public will benefit from such a determination in the form of new wireless services, while any interference caused will be minimal and temporary.

Third, Qualcomm requests that the Commission establish streamlined processing procedures for OET-69 showings, including a rebuttable presumption that such showings are sufficient when no objections are filed with the Commission. Specifically, Qualcomm proposes that whenever a 700 MHz licensee shows compliance based on OET-69 in a given market, the burden should shift to any objector to show within a 14-day comment period that the licensee will not comply with the applicable protection requirements. Absent any objection, Qualcomm argues, the next weekly Public Notice should indicate acceptance.

Interested parties may file comments on Qualcomm's Petition on or before **February 17, 2005**. Parties interested in submitting reply comments must do so on or before **March 4, 2005**. All comments should reference the docket number of this Public Notice, **WT Docket No. 05-7**, together with the Mobility Division of the Wireless Telecommunications Bureau. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to: <<http://www.fcc.gov/e-file/ecfs.html>>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of this proceeding. Only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <[ecfs@fcc.gov](mailto:ecfs@fcc.gov)>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties that wish to file comments on paper must do so with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554.<sup>2</sup> A copy of each filing should also be sent to: (1) Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, DC 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12th Street, S.W., Room CY-B529, Washington, DC 20554; and (3) Paul Moon, Federal Communications Commission, Wireless Telecommunications Bureau, Mobility Division, 445 12th Street, S.W., Washington, DC 20554.

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<sup>2</sup> The address for FCC filings should be used only for documents sent via the United States Postal Service first-class mail, Express Mail and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22165 (2001).

The Petition together with responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center of the Consumer Information Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554. Copies may also be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, email [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, Reference Information Center, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Paul Moon, Mobility Division, Wireless Telecommunications Bureau at (202) 418-0620, TTY (202) 418-7233, or via email to [Paul.Moon@fcc.gov](mailto:Paul.Moon@fcc.gov).

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

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