

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| In the Matter of |) | |
| |) | |
| Amendment of Part 90 of the Commission’s Rules to Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Bands Allotted to the Business and Industrial Land Transportation Pool |) | WT Docket No.05-62 |
| |) | |
| Oppositions and Petitions for Reconsideration of 900 MHz Band Freeze Notice |) | DA 04-3013 |
| |) | |

**REPLY COMMENTS OF
PCIA – THE WIRELESS INFRASTRUCTURE ASSOCIATION**

On May 18, 2005, PCIA – The Wireless Infrastructure Association¹ (“PCIA”) filed comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) in the above-reference proceeding.² PCIA generally supported the Commission’s proposals, but additionally recommended that the Commission set aside 40 channels, or 20 percent of the Business

¹ PCIA is a national trade association representing the interests of entities that develop, own, manage and operate over 50,000 towers, commercial rooftops and other facilities for the provision of wireless, broadcast and other telecommunications services. In addition, PCIA is a leading FCC-certified frequency advisory committee certifying and sending thousands of applications per year to the Commission for commercial and private land mobile station authorizations in the 27-43 MHz, 150-174 MHz, 421-512 MHz, 800 MHz, 900 MHz, 929 MHz paging and 1.4 GHz bands. PCIA’s advocacy activities involve assisting the Commission, industry, and all levels of government in fulfilling their Congressional directive under the Telecommunications Act to provide wireless services to the nation.

² See *Amendment of Part 90 of the Commission’s Rules to Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Bands Allotted to the Business and Industrial Land Transportation Pool, Oppositions and Petitions for Reconsideration of 900 MHz Band Freeze Notice, Notice of Proposed Rulemaking and Memorandum Opinion and Order, WT Docket No. 05-62, DA 04-3013 (rel. Feb. 16, 2005) (NPRM)*.

and Industrial/Land Transportation (“B/ILT”) channels, in the 900 MHz band for coordinated, non-auctioned access. Further, PCIA encouraged the FCC and industry to consider and agree on required interference protections to 900 MHz incumbents as quickly as feasible.

The record in this proceeding demonstrates that geographic licensing of 900 MHz spectrum via competitive bidding, coupled with a reasonable set aside of spectrum for B/ILT uses, best advances the public interest. As evidence, a number of licensees showed direct support for an auction of 900 MHz channels,³ and a substantial number of commenters requested a set aside in the band for traditional B/ILT uses.⁴ PCIA, therefore, maintains that the Commission should award the bulk of the 900 MHz B/ILT channels via competitive bidding, while exempting 40 of these channels for non-auctioned access continuing to be licensed under pre-freeze 900 MHz licensing rules.

Exempting 40 B/ILT channels from auction advances the large social value of permitting channel and spatial expansion opportunities for traditional B/ILT users,

³ See Comments of SouthernLINC Wireless, WT Docket No. 05-62, May 18, 2005. (Unless otherwise noted herein, all comments referenced below were filed in WT Docket No. 05-62 on May 18, 2005.) See also, Comments of Nextel Communications (an auction at 900 promotes spectrum efficiency and facilitates 800 MHz reconfiguration); Comments of BellSouth (an auction of 900 MHz channels provides significant benefits over site-based licensing); Comments of the National Public Safety Telecommunications Council (flexible use at 900 MHz aids 800 MHz reconfiguration); and Comments of Electrocom.

⁴ See Comments of M/A-COM (dedicate the upper four channel blocks to “traditional” B/ILT services); Comments of AAR, API, MRFAC, NAM, and UTC (“AAR et. al.”) (set aside 99 channels for non-auctioned access); Comments of UPS; Comments of ARINC (set aside a portion of spectrum for exclusive use of B/ILT eligibles); Comments of Blooston, Mordkofsky, Dickens, Duffy & Prendergast (set aside at least 90 channels for site-based licensing to B/ILT licensees); Comments of South Carolina Public Service Authority; Comments of Florida Power & Light Company (set aside 2.5 MHz for private internal use).

including small business and critical infrastructure entities, while still extracting immediate monetary value for 80 percent of the spectrum. The Commission's alternative proposal, which we supported in our previous comments, reflect the most equitable and effective balance of interests in this proceeding.⁵

Upon setting aside these 40 channels, the Commission should lift the freeze on new applications and enforce construction requirements to ensure the deployment of service and limit speculative activity on auction-exempt channels. Such action would permit B/ILT entities, including many small businesses,⁶ to expand their service areas or increase capacity to meet emerging demands consistently with and under long-applicable procedures and standards.

The majority of commenters supported the adoption of interference protection standards for incumbent licensees at 900 MHz in advance of auction and deployment.⁷ In

⁵ The assertion that “private radio set asides...’artificially restrict[] the movement of spectrum to its most valuable use’,” ignores the important interests of non-commercial radio users, whose operation and financing does not fit one time auctions as a licensing device. *See* Comments of Nextel at p. 10, citing a Declaration of Gregory L. Rosston in WT Docket No. 99-87.

⁶ PCIA would note, as it did in its Comments, that auction participation is often “impracticable and financially untenable” for small businesses.

⁷ *See* Comments of Railway Association of Canada, Canadian National Railway and Canadian Pacific Railway (adopt interference safeguards on channels adjacent to the six RR channels); Comments of Kenwood USA Corporation (establish equivalent interference abatement requirements to 800 MHz); Comments of M/A-COM (In addition to adjacent channel emission limits, the FCC should require frequency coordination and mandate interference protection equivalent to that provided at 800 MHz; it should also consider enhanced best practices for further interference mitigation); Comments of AAR, et. al. (provide interference protections consistent with the obligations set forth in the 800 MHz proceeding); Comments of ARINC (provide the same interference protection provided to 800 MHz public safety incumbents); Comments of the Association of American Railroads (“interference abatement procedures adopted for the benefit of public safety entities in the 800 MHz proceeding must be adopted for incumbents in the 900 MHz band”); Comments of Florida Power & Light Company (suggesting the same

light of the industry and Commission experience in the adjacent 800 MHz band, this is a wise and prudent course of action which PCIA supports.⁸ PCIA stands ready to meet with industry parties in the 900 MHz band to reach consensus on appropriate interference protections in advance of more extensive deployment.

As noted herein, PCIA urges the Commission to award 900 MHz B/ILT channels via competitive bidding, while exempting 40 channels for non-auctioned access to be licensed under pre-freeze 900 MHz licensing rules. Further, PCIA encourages the Commission and industry to convene and agree on appropriate interference protections

interference protection rules as were adopted for 800 MHz); and Comments of South Carolina Public Service Authority (adopt similar interference protections as provided at 800 MHz).

⁸ Nextel asserts that B/ILT licensees have more resources than public safety and can afford more robust, interference resistant systems as a result. However, the Commission has a fundamental responsibility to minimize the potential interference environment from the outset and can and should work with industry to avoid to the maximum extent possibly the risk of serious interference issues in this band.

for incumbent licensees to avoid future technical and financial uncertainty associated with interference mitigation after it occurs.

Respectfully Submitted,

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June 2, 2005