

# Advanced Wireless Services Reconsideration

WT Docket No. 02-353

CTIA – The Wireless Association™  
Presentation to the

Wireless Telecommunications Bureau

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## **THE AWS ORDER APPROPRIATELY PROVIDES FOR SMALL BUSINESS AND RURAL ENTRY OPPORTUNITIES IN THE AWS BAND**

### **The Commission's licensing plan:**

- Provides a balance between broad regional and small market areas that will result in the dissemination of licenses to a diverse range of entrants.
- Provides for larger spectrum blocks for wide area licenses and, consistent with fostering entry by smaller and rural entities, provides MSA/RSA licenses that permit the introduction of AWS by entities with a narrower geographic scope.
- The Commission has fulfilled its statutory obligations under Section 309(j) and the changes proposed by Council Tree are unwarranted and unjustified.

## **THE *AWS ORDER* APPROPRIATELY PROVIDES FOR SMALL BUSINESS AND RURAL ENTRY OPPORTUNITIES IN THE AWS BAND**

***AWS Order* offers a wealth of entry opportunities for small and rural carriers.**

- Significant bidding credit for “small” and “very small” businesses
- Secondary markets policies permit entrants seeking to implement more localized services to obtain either short term or long term leases of AWS spectrum.

# COUNCIL TREE'S PROPOSED CONSTRAINT ON DESIGNATED ENTITIES' AFFILIATION WITH LARGE WIRELESS CARRIERS IS CONTRARY TO COMMISSION GOALS

- A policy limiting affiliation with larger carriers would be “contrary to [the Commission’s] goal of providing legitimate small businesses maximum flexibility in attracting passive financing.” *In re Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures*, Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 15293, ¶ 65 (rel. Aug. 14, 2000).
- Such a policy would also “limit a small business’ ability to raise capital and undermine [the Commission’s] intention of promoting small business participation in the highly competitive telecommunications marketplace.” *Id.*
- Changes to designated entity qualifications and the addition of new bidding credits are beyond the scope of the pending petitions for reconsideration of **auction rules**. *See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 15 FCC Rcd 22810, 22819 (2000)

## **COUNCIL TREE'S PROPOSALS FOR ADDITIONAL BIDDING CREDITS ARE UNSOUND POLICY**

- The bidding credits in the AWS Order were set at an appropriate level.
- Assistance to low income/minority consumers should be through USF programs, not through auction policy.
- Even if bidding credits are deemed appropriate for this purpose as a policy matter, they would logically be available to all bidders, not just DEs.
- Determination of service to low income/minority consumers adds administrative complexity and uncertainty to the auction process.
- Potential application of bidding credits three years after the auction of a license will present complications in compliance with the 110% relocation costs provisions of the CSEA.

# **CTIA'S AUGUST 2004 EX PARTE SUPPORTS MAKING ONE 20 MHz BLOCK AVAILABLE IN AN RSA/MSA CONFIGURATION**

- CTIA agrees that allocation of one 20 MHz block on a RSA/MSA basis would effectively encourage small and rural carrier participation in the AWS auction.
- To maximize efficiency for those bidders who might be interested in aggregating spectrum blocks, such a block would be best situated on one end of the allocation or the other, rather than in the middle.
- Modification would increase the practical ability of smaller carriers to participate in the offering of CMRS service, while simultaneously balancing allocation of AWS eligibility limitations for AWS spectrum between regional and small market areas.
- CTIA opposes eligibility limitations for AWS spectrum and believes that allocation of one 20 MHz block on a RSA/MSA basis will provide small entities with more than adequate access to needed spectrum.
- CTIA does not support any proposals to convert multiple spectrum blocks to an RSA/MSA configuration.

# THE *AWS ORDER* ADEQUATELY ADDRESSES AWS/MDS INTERFERENCE

- WCA argues that MDS licensees should have a right to “unqualified”, “unequivocal” and “absolute” protection from interference or, in the alternative, that MDS licensees at 2150-2162 MHz should be relocated.
- While CTIA supports relocation of MDS incumbents from this block, CTIA does not believe that the interference protection rules adopted in the *AWS Order* are in any way deficient in addressing legitimate interference concerns of MDS incumbents.
- FCC should reject WCA’s technically unsupported attempts on reconsideration to leverage additional interference protection from AWS licensees.

# THE *AWS ORDER* ADEQUATELY ADDRESSES AWS/MDS INTERFERENCE

- CTIA opposes WCA suggestion that MDS licensees be absolved of any responsibility whatsoever with respect to coordinating interference as between licensees.
- Contrary to WCA’s statement that the FCC’s order “leaves MDS licensees . . . with less interference protection than they had before the . . . AWS spectrum allocation proceeding began,” all licensees are subject to requirements to cooperate to resolve interference as between licensed entrants.
- With the existence of a 1 MHz guardband and the prospect of near term relocation, prior coordination and cooperative interference resolution appear reasonable and appropriate safeguards for MDS incumbents.

# THE *AWS ORDER* ADEQUATELY ADDRESSES AWS/MDS INTERFERENCE

- Because the MDS licensees operating at 2150-2162 MHz will be relocated in the near term, creating restrictive conditions on the operation of AWS makes little policy sense.
- There is a vast difference between measures appropriate to protect operations in a service that will continue indefinitely and will be broadly deployed in the future and measures needed to protect a few incumbent operations that will shortly be relocated.
- The technical basis for concluding that an interference problem exists as between long term, broadly deployed TDD systems and FDD AWS systems is not support for the conclusion that restrictive conditions should be placed on AWS systems to protect a few transitional MDS users.
- The rules adopted in the *AWS Order* provide reasonable protection for MDS incumbents and are consistent with the FCC's general policies regarding obligations of licensees to cooperate to resolve interference. The WCA petition should be denied on that basis.

# CONCLUSION

- The wireless industry will continue to need additional AWS spectrum as innovative new services are deployed and wireless growth continues.
- CTIA and its member companies look forward to working with the FCC and NTIA to implement the Spectrum Relocation Fund Legislation