

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 2 of the) ET Docket No. 00-258
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)

To: The Commission

REPLY COMMENTS OF UNITED STATES CELLULAR CORPORATION

United States Cellular Corporation, ("United States Cellular"), by its attorneys, submits its reply comments in response to the Commission's Fifth Notice of Proposed Rulemaking released September 29, 2005, requesting comment on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150-2160/62 MHz band.¹

We were an active participant in the Commission's proceedings in WT Dkt. No.02-353 in which its Order on Reconsideration amended the Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands. The Commission's Order changed the AWS band plan to add channel blocks and to include MSA/RSA and EA licensing opportunities to provide entry opportunities for smaller carriers, new entrants, and rural telephone companies and to provide

¹ 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, Eighth Report and Order, Fifth Notice of Proposed Rule Making and Order, 20 FCC Rcd. 15866 (rel. Sept. 29, 2005) ("Fifth NPRM").

bidders with greater flexibility to implement their business plans.² As a regional and local provider, we supported AWS band plan changes to permit providers like United States Cellular to get timely access to spectrum to provide advanced services and to meet demands for growth. Based on the expanded licensing opportunities recently adopted in WT Dkt. No. 02-353, we expect to participate in the Commission's upcoming auction of AWS 1.7 and 2.1 GHz licenses.

We agree with the Commission's broadly stated goals (1) to minimize the disruption to incumbent BRS and FS operations during the transition and (2) to provide an opportunity for early entry for new AWS licensees.³ These comments address aspects of proposals made by Sprint Nextel Corporation⁴ which could result in significant delays to the early deployment of advanced services via AWS spectrum and complicate the administration of cost-sharing for the relocation of BRS and FS incumbent systems.

DISCUSSION

1. The Commission Should Not Adopt Interference Protection Rules and Policies Which Would Give Any Incumbent Licensee of a Centralized BRS Receive Station Hub System the Right Unreasonably to Block Deployment of AWS Channels Until Such System is Relocated to the 2.5 GHz Band.

Sprint-Nextel argues that no AWS operations on Channels A through F can be commenced within line-of-sight of any of its Centralized BRS Receive Station Hub Systems (including both in metropolitan markets and significant surrounding areas) until its incumbent

Amendment to Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands, Order on Reconsideration (FCC 05-149) in WT Docket No. 02-353 (adopted August 5, 2005), Para. 14.

³ Fifth NPRM, Para. 12.

⁴ Comments of Sprint Nextel Corporation dated November 25, 2005 ("Sprint Nextel Comments")

system has been relocated to the 2.5 GHz band.⁵ Our review of its engineering support for this position, which first came to our attention in the Sprint Nextel Comments referenced above, has not been completed as of the filing date of this pleading.

We have strong concerns about the adverse consequences because adoption of this Sprint Nextel position could cause significant delay in the commencement of service over AWS spectrum. For example, deployments of new entrants on AWS Channel A, which is not co-channel or even adjacent channel with the 2150-2160/62 MHz band where Sprint Nextel operates Centralized BRS Receive Station Hub Systems, could be significantly delayed. In effect, the licensee of any Centralized BRS Receive Station Hub System who is not prepared to relocate his system could have the right to block the deployment by a new entrant on AWS Channel Block A spectrum and may have a strong competitive incentive to do so. The geographic scope of blocking such new service, based on the line-of-site maps provided in Appendix A to the Sprint Nextel comments, could affect AWS service deployments in a large number of major and smaller markets. If the mandatory negotiation period adopted by the Commission for such incumbent relocations were to extend for two or three years, this could mean that AWS Channel A deployments in many major and smaller markets could be delayed significantly. An extended delay from the time of the AWS auction to the practical availability of the spectrum would also increase uncertainty and could impact bidder participation in the auction.

Also as Sprint Nextel makes clear in its Comments⁶, it considers AWS licensees to be potential "competitors." Sprint Nextel should not be given an unimpeded right to block or delay

⁵ Sprint Nextel Comments, pp 15-16, FN 29, and p. 27.

⁶ Sprint Nextel Comments, p.26.

deployment of competitive services in its service areas by new entrants proposing to use AWS spectrum. This is fundamental to an appropriate balancing of the interests of incumbent and new entrants in the AWS band.

2. The Commission Should Adopt Cost-Sharing Policies and Rules for BRS Relocations in the 2150-2160/62 MHz Band Which Simplify Administration of Cost-Sharing and Avoid Disagreements.

We support a plan for cost-sharing in which only co-channel interference would be considered for purposes of determining cost-sharing obligations relating to the relocation of the Centralized BRS Receive Station Hub Systems and the One-way High Power Video Facilities described in the Sprint-Nextel Comments. Possible interference from other AWS channels should not be used as a trigger for cost-sharing. Excluding possible interference from other AWS channels for cost-sharing purposes greatly simplifies the cost-sharing plan and eliminates many possible disagreements over whether an AWS system would have caused or experienced adjacent channel interference. Also such exclusion of interference from other AWS channels for cost-sharing purposes would not affect the way that AWS-to-BRS interference is determined for the Centralized BRS Receive Station Hub Systems and the One-way High Power Video Facilities described in the Sprint-Nextel Comments. Prior to relocation, BRS incumbents should be accorded protection from harmful interference caused by any AWS operation.

CONCLUSION

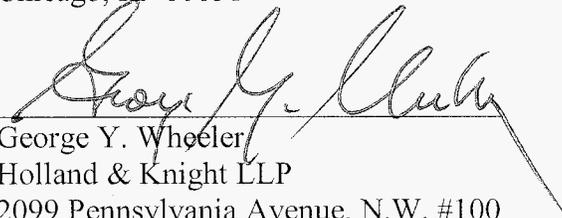
United States Cellular supports the adoption of BRS relocation obligations and cost-sharing policies which are both fair to incumbent BRS licensees and new entrants on AWS

spectrum. The relocation and cost-sharing policies adopted in the Commission's previous Emerging Technology proceedings were largely effective in achieving an equitable outcome. We urge the Commission to balance the legitimate needs of new entrants proposing to deploy new AWS-based services on a timely basis with those of incumbent BRS licensees.

Respectfully submitted,

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