

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

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands	)	WT Docket No. 06-150
	)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102
	)	
Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones	)	WT Docket No. 01-309
	)	
	)	

**COMMENTS IN SUPPORT OF CTIA – THE WIRELESS ASSOCIATION® REQUEST  
FOR EXTENSION OF COMMENT AND REPLY COMMENT DEADLINES**

MetroPCS Communications, Inc. (“MetroPCS”),<sup>1</sup> by its attorneys, hereby respectfully submits its comments in support of the CTIA – The Wireless Association® (“CTIA”) limited request for a brief extension of the comment and reply comment deadlines for the *NPRM* in the above-captioned proceedings<sup>2</sup> (“Request”) until 14 and 28 days, respectively, after the down payment deadline following the close of Auction 66.<sup>3</sup>

<sup>1</sup> For purposes of these Comments, the term “MetroPCS” refers to the parent company (MetroPCS Communications, Inc.) and all of its FCC-licensed subsidiaries.

<sup>2</sup> See In the Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 04-356, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4 of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Notice of*

(continued...)

MetroPCS is a dynamic, rapidly growing, facilities-based wireless broadband personal communications service (“PCS”) provider that provides innovative wireless broadband PCS services to over 2 million subscribers in a number of major metropolitan areas throughout the United States, targeting a mass market that is largely underserved by the national wireless carriers. MetroPCS offers wireless voice and data services on a no-contract, flat rate, unlimited usage basis, with rate plans beginning as low as \$30/month, which differentiates MetroPCS’ calling plans from the more complex and long-term contracts required by other carriers.

MetroPCS also is one of the fastest growing wireless broadband PCS carriers in the United States. Having first initiated service in 2002 in the Miami, Atlanta, Sacramento and San Francisco metropolitan areas, MetroPCS most recently launched services in the Tampa/Sarasota markets in October 2005, in the Dallas/Ft. Worth metropolitan markets in March 2006 and in the Detroit metropolitan market in April 2006. Royal Street Communications (“Royal Street”), a company in which MetroPCS owns a non-controlling interest, acquired licenses in Auction 58 in Orlando, parts of northern Florida, and Los Angeles. Royal Street is aggressively building its networks and expects to begin selling services in Orlando and parts of northern Florida in 2006 and in Los Angeles in 2007.

MetroPCS also is an active participant in Auction 66, the ongoing Advanced Wireless Services (“AWS”) auction. As of the time of this filing, MetroPCS AWS, LLC, a wholly-owned

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(...continued)

*Proposed Rule Making, Fourth Further Notice of Proposed Rule Making, and Second Further Notice of Proposed Rule Making*, FCC 06-114 (rel. Aug. 10, 2006) (“NPRM”), 71 Fed. Reg. 48506 (Aug. 21, 2006).

<sup>3</sup> *Request for Extension of Comment Deadline of CTIA – The Wireless Association*<sup>®</sup>, submitted September 8, 2006 (“CTIA Comments”).

subsidiary of MetroPCS, is one of the top 10 bidders (by net provisionally winning bids total) with high bids in the aggregate amount of \$1,391,410,000. *See* Attachment 1.

While the nature and extent of MetroPCS' participation in the future 700 MHz auction will depend upon market conditions when the auction takes place, and MetroPCS' spectrum needs at the time, MetroPCS currently does expect to be an active participant in the 700 MHz auction and plans to file comments in response to the *NPRM*.

As is correctly pointed out in the CTIA Request, the Commission expressly seeks comment in the *NPRM* on particular issues that are directly affected by Auction 66, such as the modification of service area sizes,<sup>4</sup> channel bandwidths,<sup>5</sup> and solicits input in light of "evolving needs and market demands."<sup>6</sup> MetroPCS' opinion on the issues, as well as its future needs and market demands, will be influenced by the results of Auction 66 and, until Auction 66 is complete, MetroPCS will not be in a position to make complete and fully-informed comments. The position MetroPCS finds itself in is not unique. Many other commentors are likely to have their substantive comments on the *NPRM* altered by the final results in Auction 66. Accordingly, the Commission may not have full and robust comments and reply comments if the dates are not extended as proposed by the CTIA Request.

In addition, as duly noted in the CTIA Request, MetroPCS and the rest of the Auction 66 participants remain subject to the anti-collusion rule until the down payment deadline, inhibiting active and full participation in the instant rule making procedure.<sup>7</sup> MetroPCS can state

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<sup>4</sup> *NPRM* at ¶ 27, CTIA Comments at p 2-3.

<sup>5</sup> *NPRM* at ¶ 49.

<sup>6</sup> *NPRM* at ¶ 34, CTIA Comments at p 3.

<sup>7</sup> CTIA Comments at p 2.

unequivocally that its own comments in the proceeding will be muted if they are filed during the anti-collusion rule period out of fear that otherwise pertinent discussion on the lessons learned from Auction 66 could be misconstrued as a discussion of bidding strategy. Other Auction 66 participants no doubt will feel inhibited as well. MetroPCS also is certain that potentially useful discussion among industry participants concerning a possible consensus 700 MHz band plan may be inhibited during the Auction 66 anti-collusion period for similar reasons.

The touchstone of the notice and comment rulemaking process should be full and active industry participation. In this case, retaining the original comment dates will likely mean that the Commission has a less than full and robust record from which to render its decision. This would not serve the public interest.

MetroPCS recognizes that the 700 MHz auction must commence no later than January 28, 2008,<sup>8</sup> and that, therefore, the Commission must proceed in the near term to clarify the rules for the auction. Nevertheless, MetroPCS supports CTIA's Request for an extension of the deadlines for the comments and reply comments for the *NPRM* until 14 and 28 days, respectively, after the down payment deadline following the close of Auction 66. In MetroPCS' view, a brief extension of the deadlines will foster better informed comments that are likely to facilitate a prompt, reasoned resolution of the issues on a complete record.

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<sup>8</sup> Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, § 3003.

Respectfully submitted,

**MetroPCS Communications, Inc.**

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Its Attorneys

Certificate of Service

I, Shandila Collins, hereby certify that on this 12th day of September, 2006, I caused a true and correct copy of the foregoing Comments in Support of CTIA Request for Extension of Comment and Reply Comment Deadlines to be mailed by first-class mail to:

Michael Altschul  
CTIA  
1400 16th Street, NW  
Suite 600  
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Shandila Collins  
Shandila Collins

# Attachment 1

# FCC Advanced Wireless Services Auction No. 66

Results for Round:	117	New Bids	15	PWBs* (Gross):	\$13,868,611,200
Stage:	2	New PWBs*	15	PWBs* (Net):	\$13,690,531,700
				Change in PWBs* (Net):	0.01%

## Top 10 Bidders by Net Provisionally Winning Bids Total

Bidder	PWBs*	Population	Net PWB* Total	PWB* Total
T-Mobile License LLC	121	474,702,293	\$4,181,546,000	\$4,181,546,000
Cellco Partnership d/b/a Verizon Wireless	8	191,895,743	\$2,810,463,000	\$2,810,463,000
SpectrumCo LLC	136	266,123,377	\$2,367,556,000	\$2,367,556,000
MetroPCS AWS, LLC	8	144,544,402	\$1,391,410,000	\$1,391,410,000
Cingular AWS, LLC	48	198,768,198	\$1,334,610,000	\$1,334,610,000
Cricket Licensee (Reauction), Inc.	99	117,802,839	\$710,214,000	\$710,214,000
Denali Spectrum License, LLC	1	58,178,304	\$274,083,750	\$365,445,000
Barat Wireless, L.P.	16	41,396,165	\$126,776,250	\$169,035,000
AWS Wireless Inc.	158	61,329,459	\$116,271,000	\$116,271,000
Atlantic Wireless, L.P.	15	35,803,110	\$75,294,000	\$100,392,000

## Top 10 Bidders by Number of Provisionally Winning Bids

Bidder	PWBs*	Population	Net PWB* Total	PWB* Total
AWS Wireless Inc.	158	61,329,459	\$116,271,000	\$116,271,000
SpectrumCo LLC	136	266,123,377	\$2,367,556,000	\$2,367,556,000
T-Mobile License LLC	121	474,702,293	\$4,181,546,000	\$4,181,546,000
Cricket Licensee (Reauction), Inc.	99	117,802,839	\$710,214,000	\$710,214,000
American Cellular Corporation	85	23,266,510	\$64,581,000	\$64,581,000
Cingular AWS, LLC	48	198,768,198	\$1,334,610,000	\$1,334,610,000
Red Rock Spectrum Holdings, LLC	39	4,926,359	\$7,261,000	\$7,261,000
Cable One, Inc.	30	4,795,074	\$22,148,000	\$22,148,000
Cavalier Wireless, LLC	30	13,483,676	\$14,762,250	\$19,683,000
Barat Wireless, L.P.	16	41,396,165	\$126,776,250	\$169,035,000

## Top 5 Bidders by Number of PWBs\* In Each Geographic Licensing Group

BEA	Bidder	PWBs*	Population	Net PWB* Total	PWB* Total
	SpectrumCo LLC	133	264,390,498	\$2,364,350,000	\$2,364,350,000
	AWS Wireless Inc.	48	28,363,592	\$41,742,000	\$41,742,000
	Cricket Licensee (Reauction), Inc.	25	34,932,012	\$139,021,000	\$139,021,000
	Cingular AWS, LLC	24	65,557,424	\$450,314,000	\$450,314,000
	T-Mobile License LLC	18	45,419,998	\$228,737,000	\$228,737,000

CMA	Bidder	PWBs*	Population	Net PWB* Total	PWB* Total
	AWS Wireless Inc.	108	29,048,645	\$71,763,000	\$71,763,000
	T-Mobile License LLC	93	93,681,616	\$1,088,866,000	\$1,088,866,000
	Cricket Licensee (Reauction), Inc.	73	42,526,867	\$448,909,000	\$448,909,000
	American Cellular Corporation	73	16,703,526	\$53,133,000	\$53,133,000
	Red Rock Spectrum Holdings, LLC	37	4,361,393	\$6,360,000	\$6,360,000

REA	Bidder	PWBs*	Population	Net PWB* Total	PWB* Total
	T-Mobile License LLC	10	335,600,679	\$2,863,943,000	\$2,863,943,000
	Cellco Partnership d/b/a Verizon Wireles	4	189,240,313	\$2,798,738,000	\$2,798,738,000
	Cingular AWS, LLC	3	94,260,346	\$500,232,000	\$500,232,000
	MetroPCS AWS, LLC	2	100,057,254	\$908,420,000	\$908,420,000
	AWS Wireless Inc.	2	3,917,222	\$2,766,000	\$2,766,000

\* PWB = Provisionally Winning Bid