

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

In the Matter of)	
)	
Former Nextel Communications, Inc.)	WT Docket No. 06-169
Upper 700 MHz Guard Band Licenses)	
and Revisions to Part 27 of the)	
Commission’s Rules)	
)	
Development of Operational, Technical)	WT Docket No. 96-86
And Spectrum Requirements for Meeting)	
Federal, State and Local Public Safety)	
Communications Requirements Through)	
the Year 2010)	

To: The Commission

**COMMENTS OF
CTIA – THE WIRELESS ASSOCIATION®**

CTIA – The Wireless Association® (“CTIA”) respectfully submits the following comments in response to the *Notice* issued in the above-captioned proceeding.¹ CTIA commends the Commission for highlighting in the *Notice* certain key principles to guide its review in this rulemaking. CTIA also identifies several specific interference issues the Commission should explore as it considers whether to adopt any of the proposals under review.

The Commission has launched three rulemakings that seek comment on whether to modify the current rules for each of the services in the 700 MHz band: Public Safety, Commercial, and Guard Band. CTIA supports the Commission’s commitment to ensure that the

¹ *Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission’s Rules, Development of Operational, Technical And Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, WT Docket Nos. 06-169 & 96-86, Notice of Proposed Rulemaking, FCC 06-133 (rel. Sept. 8, 2006) (“*Notice*”).

700 MHz band plan and rules constitute sound spectrum policy management. The Guard Band rulemaking under consideration here addresses issues that have significant consequences for public safety and commercial band licensees in the 700 MHz band, including the potential for revisions to the band plan and new interference protection dynamics. CTIA believes some of the proposals raised in the *Notice*, that may necessitate changes to the upper 700 MHz commercial, public safety, and guard bands, hold the potential to further the ability of commercial operators who obtain spectrum at auction to address the complex wireless communications needs of the public safety community. At the same time, CTIA stresses that the Commission should refrain from making changes here that would undermine or constrain operations in the public safety or commercial bands. The Commission, therefore, should proceed with caution in making any changes to the 700 MHz band plan.

I. THE COMMISSION SHOULD ADHERE TO SEVERAL KEY PRINCIPLES IN THIS PROCEEDING

The *Notice* contains far reaching proposals that could “provide greater technical, operational and regulatory flexibility” to Guard Band licensees or “modify the existing Upper 700 MHz band plan” more generally.² The Commission should proceed with the following three key principles in mind as it considers the proposals in the *Notice*:

The Commission must resolve this proceeding quickly in light of statutory timing requirements.

The Commission properly observes, “[w]e remind commenters to consider the time constraints inherent in the DTV transition, including the deadline to commence auctioning all

² *Notice* at ¶¶ 4, 5.

recovered analog TV spectrum in the 700 MHz Band by January 28, 2008.”³ As noted above, this proceeding contains proposals that could shift operations in the Upper 700 MHz band plan – including the commercial spectrum to be auctioned in a timely manner. Further, changes to the Guard Band rules could have interference implications for the commercial spectrum. CTIA cautions against a protracted proceeding that could impact the auction timing and statutory deadlines or create uncertainty for auction participants.

The primary purpose of the Guard Band spectrum is to protect public safety operations from interference.

The *Notice* correctly asserts that “the primary responsibility of the Guard Band Manager would be to ensure non-interference with the adjacent public safety band.”⁴ Many of the proposals are aimed at improving the commercial prospects of the Guard Band licensees. If the Commission makes modifications to the rules governing Guard Band operations or to the band plan, it must consider the implications for public safety interference protection.

The 700 MHz band is a valuable resource – and the Commission should ensure that any changes to the Guard Bands do not negatively affect the commercial spectrum.

The *Notice* observes that the spectrum to be recovered in the DTV transition “is a valuable resource promising numerous public benefits,” and it is “well suited for the provision of a variety of services, including broadband.”⁵ Just as the Commission should assess the impact that any Guard Band changes would have on public safety, it should likewise consider any consequences for the commercial spectrum as well.

³ *Notice* at ¶ 17.

⁴ *Notice* at ¶ 10.

⁵ *Notice* at ¶ 47.

II. A NUMBER OF INTERFERENCE ISSUES WARRANT THE COMMISSION'S CONSIDERATION IN THIS PROCEEDING

CTIA believes that it is imperative that the Commission carefully evaluate the following interference issues as it considers the proposals identified in the *Notice*:

- If the Commission adopts a modified 700 MHz band plan that moves the A block Guard Band away from 746-747 MHz and shifts the Upper 700 MHz Band C and D block down by 1 MHz, what are the implications for operations in the Upper Band C block and Lower Band C block, which would then be immediately adjacent to each other?
- To the extent that the Commission modifies the service or technical rules in the Guard Bands, is there an increased risk of interference either to public safety or commercial operations?
- If some of the Guard Band spectrum is reallocated to narrowband channels for critical infrastructure industries, would the adjacent commercial spectrum licensees be required to provide additional interference protection beyond what currently exists in the rules? If so, how would any such additional protection affect the cost and quality of service in the commercial spectrum provided to consumers?
- CTIA believes that the proposal to consolidate the narrowband channels in the upper portion of the public safety blocks warrants further consideration, but it notes the Commission's concern that such action raises issues of public safety handset reprogramming and the need for new international border agreements with Canada and Mexico.⁶ CTIA urges the Commission to decide the matter expeditiously so that parties interested in the 700 MHz Band auction will have greater certainty regarding the interference environment in the band.

⁶ *Notice* at ¶¶ 5, 17.

III. CONCLUSION

CTIA urges the Commission to act quickly in this proceeding and explore the issues raised above.

Respectfully submitted,

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