

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

In the Matter of)	
)	
Unlicensed Operation in the TV Broadcast Bands)	ET Docket No. 04-186
)	
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band)	ET Docket No. 02-380
)	

To: The Commission

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

CTIA – The Wireless Association® (“CTIA”)¹ respectfully submits these comments in response to the *Further Notice of Proposed Rulemaking* in the above-captioned proceeding.² As the Commission moves forward with the introduction of low power devices in unused portions of the broadcast television spectrum (“TV bands”), it must proceed cautiously to ensure that authorized services – including services to be introduced in the adjacent commercial wireless 700 MHz spectrum – are not subjected to harmful interference. CTIA limits its comments below to adoption of a sufficient, enforceable interference protection regime.

¹ CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, Advanced Wireless Service, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

² Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket Nos. 04-186 & 02-380, *First Report and Order and Further Notice of Proposed Rulemaking*, 21 FCC Rcd 12266 (rel. Oct. 18, 2006) (“*First Report and Order*” or “*Further Notice*,” as appropriate).

I. INTRODUCTION

The *First Report and Order* concluded that fixed low power devices “can generally be allowed to operate” in the TV bands on unused channels “if such devices comply with appropriate protective measures for ensuring that they do not cause interference to already authorized services.”³ The order, however, left for a subsequent decision all the service and technical issues that must be addressed to ensure that new TV band devices protect authorized services from interference.⁴ The *Further Notice* at issue here largely seeks comment on how best to establish an appropriate interference protection regime.

CTIA supports the goal of encouraging more efficient use of spectrum. The Commission must not lose sight of the fact that interference is the enemy of the efficient use of spectrum – which is why Congress enshrined interference protection in Title III of the Communications Act. Sections 301 and 302 of the Act require the Commission to protect licensed users against interference.⁵ Interference protection is necessary to provide licensees with certainty as they continue to build out networks and innovate. More importantly, interference protection is necessary for consumers, who purchase equipment and services in reliance on that protection.

II. The Commission Must Ensure that the TV Band Device Regulations Protect Licensed Users

The *First Report and Order* states unequivocally: “we must ensure that new devices operating in the TV bands do not cause harmful interference to TV stations and other licensed

³ *Id.* ¶ 2.

⁴ *Id.* ¶ 14 (“the record does not contain sufficient information to adopt final rules.... Accordingly, we are making certain initial decisions toward allowing operation in the TV bands and setting forth specific technical proposals necessary to adopt complete and final rules”).

⁵ *See* 47 U.S.C. §§ 301 and 302.

services.”⁶ The *Further Notice* acknowledges “there is potential” for interference to authorized services operating on adjacent channels.⁷ CTIA commends these statements and urges the Commission to adopt an interference protection regime that safeguards authorized services in the TV bands – *and licensees that will soon operate in the adjacent commercial wireless spectrum.*

Congress has directed the Commission to auction 60 MHz of spectrum in the 700 MHz band *no later than* January 28, 2008⁸ – including spectrum immediately adjacent to the TV bands.⁹ While the Commission recognizes “the importance of conducting tests to ensure that whatever standards are ultimately adopted for such devices will protect incumbent radio services from harmful interference,”¹⁰ its commitment to interference testing and analysis must extend to all potentially affected licensed services, including commercial wireless services to be introduced in the 700 MHz band. The Commission must ensure that TV band device operations do not cause interference to 700 MHz band commercial wireless operations.

The *Further Notice* also seeks comment on whether fixed devices should be allowed on channels 14-20 “in those areas of the country where those channels are not used by public safety.”¹¹ Public safety and other Private Land Mobile Radio Service (“PLMRS”) operations, as well as some CMRS operations, are licensed to operate in 13 metropolitan areas, and on one to three channels in each area. PLMRS/CMRS operations on those channels in those 13 markets should remain exclusively allocated to PLMRS/CMRS, and the Commission should continue to protect these licensees, whether they are authorized for public safety, commercial or private use.

⁶ *First Report and Order* at ¶ 13.

⁷ *Further Notice* at ¶ 42.

⁸ Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, tit. III (2006).

⁹ The TV bands subject to the instant proceeding are immediately adjacent to the lower portion of the Lower 700 MHz A block, 698-704/728-734 MHz.

¹⁰ *First Report and Order* at ¶ 15.

The FCC should at most allow fixed devices in those areas where those channels are not used by any PLMRS/CMRS service.

In sum, CTIA urges the FCC to ensure that the interference protection regime it adopts in this proceeding be based on actual tests and rigorous analyses that conclusively demonstrate that all authorized services are protected.

Finally, any new interference avoidance technology will necessarily create interference uncertainty, and enforcement against incidents of interference is thus an important aspect of any new regulatory regime. As the Commission acts here to adopt rules for the introduction of TV band devices, it must also identify and establish the enforcement mechanisms it will use to find and resolve any interference to authorized services.

III. CONCLUSION

For the reasons discussed above, the Commission should proceed cautiously and ensure that TV band devices are introduced within a strong, enforceable interference protection regime

¹¹ *Further Notice* at ¶ 56.

for authorized services within the TV bands and adjacent spectrum.

Respectfully submitted,

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