

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

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| In the Matter of |) |
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| Service Rules for the 698-746, 747-762 and 777-792 MHz Bands |) WT Docket No. 06-150 |
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| Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems |) CC Docket No. 94-102 |
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| Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones |) WT Docket No. 01-309 |
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| Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services |) WT Docket No. 03-264 |
| |) |
| Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules |) WT Docket No. 06-169 |
| |) |
| Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band |) PS Docket No. 06-229 |
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| Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010 |) WT Docket No. 96-86 |
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**COMMENTS OF METROPCS COMMUNICATIONS, INC. IN SUPPORT OF
PETITION FOR RECONSIDERATION AND/OR CLARIFICATION OF VERIZON
WIRELESS**

MetroPCS Communications, Inc. (“MetroPCS”),¹ by its attorneys, pursuant to Section 1.429 of the Commission’s rules,² hereby respectfully submits its Comments in support of Verizon Wireless’ Petition for Reconsideration and clarification of certain of the power rules (the “Petition”) adopted in the Commission’s recent *Report and Order* on the 700 MHz Band.³ The following is respectfully shown:

MetroPCS agrees with Verizon Wireless’ proposed modifications to the *Report and Order* which will have the effect of increasing the fungibility of channel blocks in the upper and lower bands of the 700 MHz spectrum. These changes would “establish uniformity between the Lower and Upper bands, ensure technology neutrality, be consistent with other commercial mobile radio service rules, and promote the wide deployment of broadband wireless technologies without risking harmful interference to 700 MHz licensees.”⁴ The proposed rules included in the Petition would “establish a single triggering standard and set of notification and PFD requirements for all providers regardless of bandwidth and geographic location.”⁵ MetroPCS agrees with Verizon Wireless that the rules for the Lower and Upper 700 MHz bands should be consolidated so that a single set of rules applies to both bands. This will ensure that the power

¹ For purposes of these Comments, the term “MetroPCS” refers to MetroPCS Communications, Inc. and all of its FCC-licensed subsidiaries.

² 47 C.F.R. § 1.429 (2006).

³ See *In the Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150, *Former Nextel Communications, Inc. Upper 700 MHz Guard Band License and Revisions to Part 27 of the Commission’s Rules*, WT Docket No. 06-169, *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, PS Docket No. 06-229, *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, WT Docket No. 96-86, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 07-72 (rel. April 27, 2007) (“*Report and Order*”), 72 Fed. Reg. 24238 (May 2, 2007).

⁴ Petition at 3.

⁵ *Id.* at 12.

rules will not cause some spectrum to be valued less by potential applicants over other spectrum and will make the channel blocks in the upper and lower bands more fungible.

MetroPCS repeatedly has noted in its comments in this proceeding that the rules governing the 700 MHz band should be technology-neutral.⁶ MetroPCS agrees that the changes proposed by Verizon Wireless will achieve this result. The Commission should adhere to its stated goal of “accommodate[ing] all technologies”⁷ for the 700 MHz band, as spectrum should be available for all uses and go to the bidder that values the spectrum the most. Thus, the Commission should not hold licensees in the Upper 700 MHz band who wish to deploy broadband technologies to a more rigorous interference standard than licensees choosing to deploy narrowband technologies.⁸ In addition, the Commission should not adopt power rules that may potentially limit the types of services that prospective bidders and eventual licensees may offer on the 700 MHz spectrum.

The Commission has previously recognized the substantial benefits of both allowing spectrum to be as fungible as possible as well as maximizing the flexibility of spectrum use. The November 2002 Spectrum Policy Task Force Report recommends that the Commission seek to avoid rules that restrict spectrum use to particular services or applications.⁹ In addition, the Report states that “[s]pectrum users should be allowed to choose the technology that is best-suited to their proposed use or service.”¹⁰ Indeed, the Commission has specifically noted that one of its goals in spectrum allocation is to make spectrum “as fungible, tradable, and marketable

⁶ Comments of MetroPCS at iv, 7

⁷ See *Report and Order* at para. 91.

⁸ Petition at 3.

⁹ See *Spectrum Policy Task Force Report*, ET Docket No. 02-135, released November 2002 at 16 (“Spectrum Policy Task Force Report”).

¹⁰ *Id.* at 17.

as possible.”¹¹ By granting the Petition, the Commission would be adopting procedures that would follow these guidelines for proper spectrum policy. The Spectrum Policy Task Force Report further notes that “clear technical rules (*e.g.* power limits, interference standards) remain necessary in all spectrum bands in order to facilitate co-existence of multiple spectrum uses in common and adjacent bands.¹² Granting the Petition would increase the clarity for power limits in the entire 700 MHz band.

In addition, MetroPCS is a strong supporter of the “building block” approach for the 700 MHz spectrum. MetroPCS and many others advocate for a 700 MHz band plan that offers a variety of smaller license blocks that can be assembled in a “building blocks” approach, and a variety of geographic areas that permit active participation by incumbent carriers both, large and small, and new entrants, while still allowing those carriers and new entrants who want more than the basic building blocks of spectrum or geography to aggregate spectrum and geography for their particular business plans.¹³ The result will be a fair and open auction process in which winners and losers will be determined by free market forces, not by regulatory fiat. The Commission should not discourage this building block approach by placing different restrictions or limits upon any of the 700 MHz spectrum to be auctioned. By allowing for fungible, similar, building blocks of 700 MHz spectrum, the Commission will allow for an auction that will have a vast degree of participation by carriers of all types, for a vast array of new and innovative services.

¹¹ Amendment of Parts 1, 21, 73, 74 and 101 of the Commission’s Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *et. al*, *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 14,165 at para. 5 (rel. July 29, 2004).

¹² Spectrum Policy Task Force Report at 16.

¹³ Reply Comments of MetroPCS at 2-12.

The Commission should adopt the proposals in the Verizon Wireless Petition.

Respectfully submitted,

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