Before the
Federal Communications Commission
Washington, DC

In the Matter of	)	
	)	
Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band	)	**WT Docket No. 07-195**
	)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, and 2175-2180 MHz Bands	)	**WT Docket No. 04-356**

STATEMENT OF SUPPORT

United States Cellular Corporation ("USCC") hereby supports the request for extension of time to file Comments in the above-captioned proceeding filed by T-Mobile USA, Inc. ("T-Mobile"). In its "Request For Extension of Time To file Comments" ("Request"), T-Mobile argued that the FCC should extend the time to file comments for 90 days beyond the currently applicable date of July 9, 2008, in order to carry out testing to determine the extent of interference which would be caused by the FCC's proposals in the Further Notice of Proposed Rulemaking ("FNPRM") in this docket.[1] In the alternative, T-Mobile asks a 30 day extension within which to submit its own analysis of interference tests which it has itself undertaken.

As will be discussed below, the first request is reasonable, just, and consonant with the standard principles of administrative law. It should be granted. However, if the FCC does not grant that request, it should certainly grant the alternative thirty day request.

[1] T-Mobile Request, p. 1. The FNPRM was released on June 20, 2008 and published in the Federal Register on June 25, 2008, with comments to be filed within 14 days of Federal Register publication, and replies within 21 days.

I. T-Mobile Makes An Irrefutable Case for Grant of An Extension of Time.

In its Request, T-Mobile conclusively demonstrates the following. First, the period of time now provided for comments and reply comments (14 days, 7 days) is much too short to assess the complex interference issues the FNPRM raises.[2] The FNPRM contemplates the authorization of TDD transmissions in the AWS-3 band. However, the FCC cannot and should not allow such transmissions unless it can be shown, through empirical, real world testing, that such transmissions will not cause interference to operations in the AWS-1 band. Thus, either the FCC should allow adequate time to carry out a testing program under its auspices or at least allow T-Mobile time to finish its own tests and submit its results.

Second, as T-Mobile demonstrates, both the courts and the FCC itself have recognized the value of having empirical testing data to resolve issues of potential interference between co-channel and adjacent channel spectrum uses,[3] precisely what it is involved here.

Third, and lastly, because the FCC still needs the sort of technical information which can only be supplied by testing in this proceeding, it especially unreasonable to set a 14 day comment period, which is too short a time for such information to be developed. At a minimum, the FCC should allow for the 30 days it normally provides for comments, which is also the minimum time recommended by the Administrative Conference of the United States and the courts.[4]

There is no good reason for this evident rush to judgment. If the FNPRM's proposals are meritorious, empirical testing data will confirm their validity. And if such data does not support those proposals, the public interest would not be served by their adoption.

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[2] T-Mobile Request, pp. 1-4.
[3] T-Mobile Request, pp. 3-4, 7-8.
[4] T-Mobile Request, p. 8.

Conclusion

For the foregoing reasons, the FCC should grant T-Mobile's Request that it extend the comment period in this process by 90 days. If it does not grant that request, it should grant T-Mobile's alternate request that it extend the comment period by 30 days.

Respectfully submitted,

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