BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In The Matter Of	)	
Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations	)	MB Docket No. 08-253

To: The Commission

COMMENTS OF UNITED STATES CELLULAR CORPORATION

United States Cellular Corporation ("USCC"), by its attorneys, respectfully submits its comments in response the Notice of Proposed Rule Making ("NPRM"), FCC 08-278, rel. Dec. 23, 2008, in which the Commission proposes to allow full-service DTV stations to operate so-called "replacement" DTV translators, which would be licensed on a secondary basis, to fill-in "loss areas" i.e. areas served by analog TV sister stations, but which will not have comparable DTV coverage after the DTV Transition.

Introduction

USCC has long supported the Commission's determinations that the 700 MHz Band is well suited to advanced services, that fixed and mobile services allocations in this band can support the development of those advanced services, that the propagation characteristics of the 700 MHz Band are ideal for two-way mobile communications and

that supporting deployment of advanced services in the 700 MHz Band including in underserved and rural areas will promote the public interest.[1]

USCC holds 25 C block Lower 700 MHz, licenses covering portions of eight states. Also a wholly-owned subsidiary of USCC is a limited partner in King Street Wireless, an entity which participated in Auction 73. King Street Wireless was a successful bidder with respect to 152 700 MHz licenses for which it had bid $300.5 million. These 152 license areas cover portions of twenty seven states. King Street Wireless' long form applications with respect to these 152 licenses remain pending. USCC is committed to fulfill the promise of this unique 700 MHz spectrum resource to benefit the public with next generation services.

USCC also supports the Commission's DTV transition and its objective to assure that members of the viewing public continue to have access to off-air coverage of full service television programming. The Commission has offered full service television stations numerous engineering options to expand coverage to "loss areas" including the use of replacement translators to be operated on post-transition TV Core spectrum, Channels 2 to 51, on a priority basis, which USCC supports.

USCC opposes adoption of the Commission's proposed procedures to permit uses of Channels 52-59, as a short sighted and improper attempt to bypass the Commission's established spectrum leasing procedures[2] for these channels. Adoption of the Commission's proposed procedures would add needless complexity, administrative delay

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[1] See generally Spectrum Reallocation Policy Statement, 14 FCC Rcd 19868; Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems, Notice of Proposed Rulemaking, ET Docket No. 00-258, 16 FCC Rcd 596, 633, App. D (2001), 16 FCC Rcd at 633, App. D; See International Telecommunications Union Final Acts of the World Radiocommunication Conference (WRC-2000), Istanbul, 2000.

[2] See generally Part 1, Subpart X of the Commission's rules.

and opportunities for controversy, all of which can be avoided if the Commission relies instead on its established spectrum leasing policies.

Discussion

(1) The Commission should not permit expanded translator operations which would impede and complicate the prompt deployment of advanced wireless services by Auction 73 and other 700 MHz licensees ...

The public benefits from the deployment of advanced wireless networks on 700 MHz spectrum, including introduction of advanced services, expanded coverage and cost effective operations in rural and underserved areas, should not be compromised by adoption of disruptive and confusing replacement translator procedures as proposed in the Commission's NPRM.

Commissioner Adelstein observed that "...these 700 MHz licenses are the finest crown jewels the FCC has to put up for auction .. present[ing] us with a historic opportunity to facilitate vibrant, spectrum-based opportunities for both consumers and wireless providers."[3] In order to fulfill the Commission's expectations, however, the winning bidders in Auction 73 will be required to comply with new, stringent performance requirements for the commercial licenses in the 700 MHz Band. Commencement of advanced 700 MHz services has already begun, for example the network deployed by Qualcomm is largely deployed. Verizon Wireless has indicated it will begin deployment of 700 MHz facilities in 2009. These efforts and those of numerous other 700 MHz licensees will only be complicated, made more costly and less certain and possibly be delayed if the Commission were to adopt its proposed procedures to permit new secondary replacement translator operations on Channels 52-59.

[3] See *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289, WT Dkt No. 06-150 (2007), Statement of Commissioner Jonathan S. Adelstein, p. 1.

(2) The Commission's objective to provide expanded off air coverage in "loss areas" should be met using available spectrum on Television's Core Spectrum, Channels 2-51.

The Commission's NPRM describes various options which full service television stations could employ to replace service to loss areas using TV Core spectrum,[4] Channels 2-51: (1) maximize their service area by increasing height or power (on channel expansion of coverage); (2) construct a distributed transmission system (DTS) with synchronized translators on the same channel to provide service to lost areas or to populations in areas with difficult terrain (on channel expansion of coverage); (3) apply to change broadcast channels (new full service channel); (4) change antennas to improve coverage (on channel expansion of coverage); (5) move transmitting towers (on channel expansion of coverage); (6) negotiate to use the sub-channel of a nearby full service television station whose signal covers the loss area to multicast programming to the population losing the station's over-the-air signal (spectrum agreement with another full service television station).

The Commission does not claim in its NPRM that adequate spectrum on Channels 2-51 is unavailable, particularly if replacement translator proposals are given priority access to available spectrum on a first come first served basis. Nor are the risks that replacement translator operations on these channels will be subject to termination by primary wireless licensees as great as could be expected on Channels 52-59.[5] The Commission should adopt policies as proposed here which diminish the chances of

[4] See Commission's NPRM, Para. 2.

[5] DTV channel assignments are largely completed at this point and in many cases DTV full service television stations are in operation (or soon will be). The options for channel assignments for replacement translator operations which comply with the Commission's Section 74.703 requirements regarding co-channel and adjacent channel interference protection owed primary services (including mobile operations) should emphasize reliable channel assignment choices.

immediate termination and/or periodic channel changes which would be unnecessarily confusing, disruptive and of no long term benefit to off air viewers.

As mentioned above, the Commission has recently completed Auction 73 in which winning bidders invested more than $19 Billion to acquire 700 MHz spectrum. Once licensed these winning bidders will have strong financial and regulatory incentives to commence build out which means the channels potentially available for replacement translator operations will only be available for a relatively short period. Long term access to spectrum on any specific channel in the Channel 52-59 range for replacement translator operations is extremely unlikely and any channel discontinuance would be unnecessarily disruptive and confusing to members of the public in "loss areas."

(3) The Commission's proposals also ignore the fact that the Commission has already has in place spectrum leasing procedures which could be used by potential replacement translator operators to acquire spectrum rights to meet their needs in "loss areas."

The Commission's flexible service rules for primary wireless licensees on Channel 52-59 authorize the provision of broadcast services. This means that replacement translator operations are permitted to be conducted under the terms of a spectrum lease with primary wireless licensees covering services in "loss areas." The Commission's proposals add needless complexity, administrative delay and opportunities for controversy, all of which is avoided if the Commission is prepared to rely on its established spectrum leasing policies. The best and most administratively convenient procedure to address "loss area" service needs and related interference considerations would be to rely on the FCC's established spectrum leasing procedures.

Conclusion

USCC supports that the Commission's objective to provide for the off air reception needs of members of the viewing public. The options which the Commission has laid out for full service television stations to meet these objectives are numerous and appear to favor the use of TV Core spectrum, Channels 2-51, if at all possible, particularly if the Commission wants to promote long term public availability of off air reception in "loss areas." If there are unusual circumstances where all of the various engineering options outlined in the Commission's NPRM for use of TV Core spectrum are infeasible, spectrum leasing on Channels 52-59 remains an option and requires no change in the Commission's current rules to implement.

Respectfully submitted,

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