

**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

REPLY COMMENTS OF UNITED STATES CELLULAR CORPORATION

United States Cellular Corporation ("USCC"), by its attorneys, respectfully submits its reply comments in response the Notice of Proposed Rule Making ("NPRM"), FCC 08-278, released 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 joins with numerous commenters who also support 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 on post-transition TV Core spectrum, Channels 2 to 51, but oppose adoption of the Commission's proposed procedures to permit uses of Channels 52-59. The proposed use of Channels 52-59 for replacement translator operations is short sighted both because it will not meet the long term needs of television households who want reliable on off air reception and because it

will disrupt, delay, make more costly and complicate the rollout of advanced wireless broadband services which are needed to benefit rural, unserved and underserved areas.

Discussion

(1) Numerous Commenters Have Described How Expanded Translator Operations Would Impede, Delay and Complicate The Prompt and Cost Effective Deployment Of Advanced Wireless Services By Auction 73 and Other 700 MHz Licensees.

USCC argued in its Comments that 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. USCC agrees with TCA that the Commission " ... provides neither justification nor reasonable analysis on the true affect that the rule could have on communities desiring broadband and the providers that seek to serve them."¹

Most importantly, the Commission should not adopt requirements in these proceedings undercutting the national objective to extend broadband to non-internet users. The adoption of procedures which delay the availability of and add significantly to the cost of deploying 700 MHz broadband services will perpetuate the barriers to broadband adoption which the Commission is attempting to eliminate.²

(2) USCC Also Agrees with the Numerous Commenters Who Describe How the Commission's Proposed Procedures Will Create Unjustified Burdens for 700 MHz Primary Licensees Which Will Disrupt, Delay and Complicate the Rapid Deployment of Advanced Wireless Broadband Services.

USCC agrees with AT&T, CTIA, RTG, Qualcomm, Consolidated and TCA that the Commission's proposals will create heavy burdens for primary 700 MHz licensees which

¹ Comments of TCA, Inc. ("TCA"), p. 4.

² The recent report by The Pew Internet and American Life Project, "Stimulating Broadband: if Obama builds it, will they log on?" (released January 21, 2009), confirms the importance of availability and price as "the main issues for about a third of the adult population currently without broadband service."

will delay and make more costly the deployment of advanced services benefiting rural, unserved and underserved areas. For example, AT&T describes the burdens of

" ... tracking DTV replacement translator deployment, developing and expending resources on determining when such facilities will interfere with mobile deployment plans, and coordinating the shut-down of those facilities. In fact, given the potential for long range interference from even low power translators—AT&T estimates that it may receive interference, in certain circumstances, from translators located 50 kilometers away—the market area licensee receiving notice of a translator deployment may not be the only 700 MHz licensee impacted by those facilities. Just as importantly, a mobile operation may have to document actual interference—or wait out a long notice period—prior to seeking Commission action to terminate the operations of a DTV replacement translator."³

RTG and Consolidated also comment, and USCC agrees, that replacement translators are as-likely to interfere with commercial services as they are to interfere with public safety services and should be accorded similar protections under the Commission's rules and policies as articulated in the Commission's Notice of Proposed Rulemaking in WT Dkt. Nos. 08466 and 08-167.⁴

USCC also agrees with Qualcomm that the rapid deployment of advanced 700 MHz networks increases the prospects for disputes over whether any specific replacement translator can stay on the air.⁵ For example, the prospects for disputes increases as mentioned in CTIA's Comments because the Commission's NPRM provides no detail on how interference will be measured.⁶ Also TCA describes how the Commission's proposed method of identifying qualifying "loss areas" lacks specificity.⁷

Conclusion

³ Comments of AT&T, Inc., p. 6.,

⁴ Comments of Rural Telecommunications Group ("RTG") PP- 3-5 and of Consolidated Telecommunications Company ("Consolidated"), pp. 6-8.

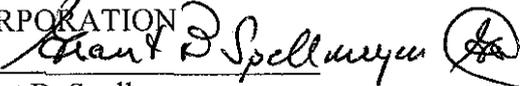
⁵ Comments of Qualcomm Incorporated ("Qualcomm"), p.3.

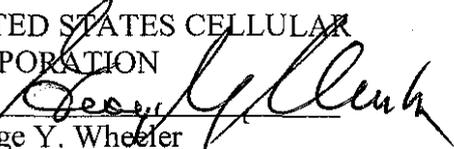
⁶ Comments of CTIA ("CTIA"), pp. 5-6. *See also* Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, 19 FCC Rcd 19331, ¶123 (2004) ("...we decline here to develop specific interference prediction criteria from which to protect wireless operations from digital stations in the low power television service.")

⁷ TCA Comments at p. 2.

While USCC acknowledges the good intentions which motivated the proposals in the Commission's NPRM, the proposed use of UHF Channels 52-59 for replacement translators cannot succeed because it has no prospect of benefiting those members of the viewing public who need a reliable long term source of off-air television reception. If adopted the Commission's proposals will serve only to disrupt, burden, delay and add to the cost of deploying valuable advanced wireless broadband services. The options which the Commission has laid out for the use of TV Core spectrum, Channels 2-51, appear to be realistic and likely 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,

UNITED STATES CELLULAR
CORPORATION
By: 
Grant B. Spellmeyer
Director-Regulatory Affairs
United States Cellular Corporation
8410 West BrynMawr
Chicago, IL 60631
Phone: 723-399-4280
Fax: 723-399-3133
Email: grant.spellmeyer@uscellular.com

UNITED STATES CELLULAR
CORPORATION
By: 
George Y. Wheeler
Peter M. Connolly
Holland & Knight LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006-6801
Phone: 202-955-3000
Fax: 202-955-5564
E-mail: george.wheeler@hklaw.com
E-mail: peter.connolly@hklaw.com

January 22, 2009

6006015_v1