

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of

Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band

WT Docket No. 08-166

Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition

WT Docket No. 08-167

Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones

ET Docket No. 10-24

REPLY COMMENTS OF QUALCOMM INCORPORATED

QUALCOMM Incorporated (“Qualcomm”) respectfully submits these brief reply comments in response to the Commission’s *Further Notice of Proposed Rulemaking* (“FNPRM”) and the opening collection of comments filed in the above-captioned proceedings.¹ As an initial matter, Qualcomm applauds the FCC for issuing the *Wireless Microphone R&O and FNPRM* to ensure that new commercial and public safety licensees at 700 MHz are protected from interference caused by wireless microphone operations. At this point in time, the FCC must focus its attention on ensuring that all wireless microphones vacate the 700 MHz spectrum,

¹ Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, Public Interest Spectrum Coalition, *et al.*, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket Nos. 08-166 and 08-167, ET Docket No. 10-24, 25 FCC Rcd 643 (Jan. 14, 2010) (“*Wireless Microphone R&O and FNPRM*”).

including the commercial spectrum auctioned by the Commission for more than \$19 billion, by no later than June 12, 2010, pursuant to the *Wireless Microphone R&O and FNPRM*. Such clearing is a daunting task and must be the Commission's immediate and primary goal given that the deadline is less than three months away.

SUMMARY

Turning to the longer term issues raised in the *FNPRM*, after the wireless microphones vacate the 700 MHz band and move to spectrum within the core TV spectrum and elsewhere, Qualcomm believes that the Commission should aim to achieve two fundamental objectives. *First*, as several parties pointed out in their opening comments, the FCC should ensure that new wireless microphone operations in the core TV bands – be they Part 15 Wireless Audio Devices or Part 74 Low Power Auxiliary Stations – protect services operating within the 700 MHz band, including operations on former Channel 52 (*i.e.*, 698 to 704 MHz).²

Second, in determining where to permit new Part 15 or Part 74 wireless microphone operations, the Commission should keep in mind the likely future reallocation of a sizeable amount of additional spectrum below 698 MHz for mobile broadband use as proposed in the National Broadband Plan. Therefore, the Commission should take all necessary measures to ensure that all wireless microphones vacate the 700 MHz band by the June 12th deadline, and the Commission should develop a longer term plan to confine wireless microphone operations to as few channels as possible within the core DTV band to allow the full use of the spectrum for future mobile broadband operations.

² See, *e.g.*, Comments of CTIA – The Wireless Association (Mar. 1, 2010).

I. FCC ACTION IN THESE PROCEEDINGS MUST BE CONSIDERED IN THE LARGER CONTEXT OF THE NATIONAL BROADBAND PLAN.

Given the Commission’s Recommendation in the National Broadband Plan to “initiate a rulemaking proceeding to reallocate [for mobile broadband services] 120 megahertz from the broadcast television (TV) bands”³ – which is an integral part of the Commission’s broader goal of ensuring that the United States leads the world in mobile innovation with the fastest and most extensive wireless networks – authorization of Part 15 Wireless Audio Devices or new Part 74 device operations in the core TV band must be limited to as few channels as possible to make room for the mobile broadband reallocation. Otherwise, the FCC will be faced with the same problem that led to its issuance of the *Wireless Microphone R&O and FNPRM*.

By prohibiting the use of wireless microphones in the entire 700 MHz band and protecting all wireless operations in that band as of June 12th, and by implementing a longer term plan to limit wireless microphone use to as few channels as possible in the core TV band and implementing the technical improvements discussed in the *FNPRM* that allow more wireless microphones to operate in less spectrum,⁴ the Commission can ensure that the spectrum currently allocated for broadcast TV will be “more efficiently used and thus more available to a range of users for new and innovative products and services,”⁵ including mobile broadband services. As the National Broadband Plan explains, “[e]nabling the reallocation of a portion of this spectrum to broadband use in a way that would not harm consumers overall has the potential to create new

³ FCC National Broadband Plan: Connecting America, Recommendation 5.8.5 at 88 (Mar. 16, 2010) (hereinafter “FCC NBP”).

⁴ See *FNPRM* at ¶¶ 146-49.

⁵ *FNPRM* at ¶ 149.

economic growth and investment opportunities with limited potential impact on broadcast business models.”⁶

II. PART 74 MARKETING AND LABELING RESTRICTIONS ARE NEEDED.

In addition, Qualcomm agrees that the Commission needs to adopt rules governing the marketing and distribution of Part 74 equipment, including requiring manufacturers to inform users of the need to obtain an FCC license through means of a label on the device, a notice at the point of purchase, and advisory information in the user manual. Such simple safeguards governing the marketing, sale, and use of Part 74 devices are necessary given the checkered history of unauthorized wireless microphone use within the broadcast TV spectrum at many locations throughout the U.S.

⁶ FCC NBP at 88.

CONCLUSION

The Commission must take every action possible to ensure that all wireless microphone operations in the 700 MHz band cease on June 12, 2010. With regard to the specific issues raised in the *FNPRM*, Qualcomm respectfully requests that the agency confine wireless microphone operations in the core TV band to as few channels as possible to make as much spectrum as possible available for mobile broadband in furtherance of the National Broadband Plan's recognition that 120 MHz of the broadcast TV spectrum should be so reallocated. Finally, the proposals in the *FNPRM* governing the marketing and sale of wireless microphones should be adopted and enforced.

Respectfully submitted,

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On the date below, a copy of the foregoing Reply Comments was filed with the Commission in the above-referenced dockets and courtesy copies were sent via electronic mail to the following individuals:

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