

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

In the Matter of)
)
Fixed and Mobile Services in the Mobile)
Satellite Service Bands at 1525-1559 MHz and) ET Docket No. 10-142
1626.5-1660.5 MHz, 1610-1626.5 MHz and)
2483.5-2500 MHz, and 2000-2020 MHz and)
2180-2200 MHz)

Comments of United States Cellular Corporation

Grant B. Spellmeyer
Senior Director, Regulatory and
Legislative Affairs
United States Cellular Corporation
8410 West Bryn Mawr
Chicago, IL 60631
Phone: 723-399-4280
Fax: 723-399-3133
Email: grant.spellmeyer@uscellular.com

George Y. Wheeler
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

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United States Cellular Corporation ("USCC") hereby files in response to the Commission's Notice of Proposed Rulemaking ("NPRM") and Notice of Inquiry ("NOI")(FCC 10-126)adopted July 15, 2010 implementing the National Broadband Plan, Recommendation 5.8.4, to begin to make available 90 MHz of spectrum allocated to the Mobile Satellite Service (MSS), consisting of 40 MHz in the 2 GHz band, 10 MHz in the Big LEO band, and 40 MHz in L-band, for terrestrial mobile broadband use.

Introduction

We strongly support adoption of the Commission's proposals in its NPRM/NOI as additional steps toward reaching the NBP ¹ goal to make available 500 megahertz of spectrum newly available for commercial broadband use within the next ten years, 300 megahertz of which should be made available between 225 MHz and 3.7 GHz for mobile use within the next five years.

¹ Federal Communications Commission, National Broadband Plan, Titled "Connecting America: The National Broadband Plan (2010) ("NBP"), pp. 84-92.

During the critical next few years as the wireless industry transitions to broadband, it is essential that spectrum be made available in the 2011-2012 timeframe as recommended in NBP Recommendations 5.8.2, 5.8.3 and 5.8.5.² and be accessible to small, rural, and regional operators. Prompt and thorough review of possible pairings of spectrum with suitable bands to create additional bandwidth which can be used for wireless broadband services is also important and should be expedited. We also continue to support consultations between the FCC and NTIA to explore ways that reallocation of government spectrum in portions of the 1675-1710 MHz and 1755-1850 MHz band might be feasible.

As discussed below, we request that the Commission expedite consideration of the proposals in its NPRM/NOI implementing the NBP Recommendation 5.8.4 with respect to terrestrial mobile uses of 2 GHz MSS spectrum, so that this spectrum can be available for auction and deployment in the same timeframe as the spectrum addressed in NBP Recommendations 5.8.2, 5.8.3 and 5.8.5. Specifically we support:

- * Adoption of the Commission's tentative conclusion in its NPRM to add co-primary Fixed and Mobile allocations to the 2 GHz band (including the 2000-2020 MHz and 2180-2200 MHz band segments);
- * Application of its secondary market policies and rules to transactions involving the use of MSS bands for terrestrial services subject to Commission requirements designed to guard against undue concentration of spectrum used for terrestrial services;
- * Expanded Commission consideration of spectrum pairing options including commercially attractive combinations of MSS with other bands.

² Id. at p. 86 and 88.

Discussion

1. USCC Strongly Supports the Addition of Co-Primary Fixed and Mobile Allocations in the 2 GHz MSS Band (Including the 2000-2020 MHz and 2180-2200 MHz Band Segments) to Expand the Spectrum Potentially Available for Terrestrial Service Uses.

We support all of the FCC's recent efforts to identify additional paired spectrum which could be deployed for mobile broadband uses including the first step proposed in the Commission's NPRM of adding a co-primary fixed and mobile allocation for 2 GHz MSS spectrum. Commercial mobile providers, with two notable exceptions, have limited spectrum reserves to implement their business plans during the critical next few years as the wireless industry transitions to broadband. It is essential that additional spectrum be available for auction and deployment in the near term as recommended in NBP Recommendations 5.8.2, 5.8.3, 5.8.4 and 5.8.5.³

The steps which the Commission can take now which will make 2 GHz MSS spectrum available as a terrestrial services allocation will provide regulatory flexibility and appropriate incentives for future deployments of advanced mobile services. This MSS spectrum is located in bands which have been identified globally for advanced mobile services potentially providing economies of scale which lower the price of the equipment designed to operate in these bands.

While we believe that the Commission's allocation proposals are promising, there are significant unknowns which could affect how soon 2 GHz MSS might possibly be auctioned and deployed. The timing of the enactment of legislation authorizing the Commission to conduct incentive auctions is out of the Commission's hands. Also there

³ Id. at pp. 86 - 88.

is no assurance that one or both of the current 2 GHz MSS licensees will choose to relinquish all or a portion of this spectrum to an incentive auction. Also the auction and deployment of this spectrum could not take place until related proceedings to identify compatible unencumbered spectrum bands suitable for pairing with spectrum in the 2 GHz MSS band and to consider licensing and service rules for this spectrum had been completed, which can sometimes be a time consuming process.

2. USCC Supports the Application of Secondary Market Policies and Rules to All Transactions Involving the Use of MSS bands for Terrestrial Services Subject to Adequate Safeguards Against Undue Spectrum Concentration.

We support the application of the Commission's secondary markets rules and policies to transactions involving the use of MSS spectrum for terrestrial services provided that Commission review and approval is required in the case of transactions which potentially could result in the expansion of spectrum concentration in the hands of the largest two carriers.⁴ This requirement is intended to ensure that the Commission has the opportunity to review any potentially undue consolidation of ownership or dominant use of terrestrial service uses of spectrum including MSS spectrum.

The Commission is facing a daunting challenge with relatively little spectrum in the pipeline in the near term, and a pressing need to develop fair and equitable ways to expand access to competitive mobile broadband services. As the NBP acknowledges, spectrum is the fundamental input of our industry and USCC firmly believes that spectrum concentration leads to undesirable market share concentration, as well as to an absence of diversity, capacity and price competition among the mobile broadband

⁴ In the Matter of SkyTerra Communications, Inc., Transferor and Harbinger Capital Partners Funds, Transferee, Applications for Consent to Transfer of Control of SkyTerra Subsidiary, LLC, IB Docket No. 08-184, ¶ 1 (released Mar. 26, 2010) ¶¶ 46, 55.

providers. The combination of increasing demand for data services and unequal distribution of spectrum resources works against the goal of a competitive market where customers freely choose providers and market shares are an outcome of customer preferences. Unless the issue of spectrum disparity among mobile broadband providers is addressed in some way, all other measures to protect the benefits of competitive diversity in the marketplace are likely to be ineffective.

3. The FCC Should Conduct a Prompt and Thorough Review of Possible Pairings of 2 GHz MSS Spectrum with Suitable Bands to Create Additional Bandwidth for Mobile Broadband.

We support all of the FCC's recent efforts to identify additional paired spectrum which could be deployed for mobile broadband uses. Adoption of the Commission's tentative conclusion to add primary Fixed and Mobile allocations to the 2000-2020 MHz and 2180-2200 MHz bands potentially opens up spectrum pairing opportunities with other spectrum which is already allocated for terrestrial service uses.

The Commission's NOI asks whether there could be the opportunities to integrate the J Block and 2 GHz MSS spectrum to help attract new investment and utilization of new mobile broadband networks in the 2 GHz band. There are a number of possible pairing options involving J Block spectrum already before the Commission including a proposal to pair the upper half of this block with spectrum in the 1.7 GHz band (or alternatively with spectrum in the 1.6 GHz band). We have previously expressed our preference for pairing it with 1.7 GHz spectrum.⁵

In the interest of promoting all possible auction and deployment opportunities we support commencement of proceedings to identify promptly the compatible

⁵ See Comments of U.S. Cellular filed in ET Dkt no 10-123, pp. 4-5.

unencumbered spectrum bands suitable for pairing with spectrum from the 2 GHz MSS spectrum band. The Commission should expand its examination of compatible bands for pairing with 2 GHz MSS spectrum to consider how this MSS spectrum can be aligned with other proximate bands including AWS and other currently licensed commercial spectrum.

Conclusion

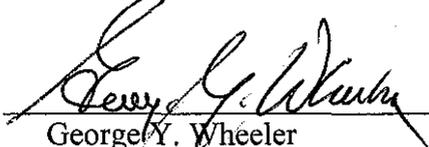
During the critical next few years as the wireless industry addresses explosive growth in mobile broadband, it is essential that sufficient spectrum be available and accessible to smaller carriers. The FCC identified several bands in the NBP for auction in the 2011-2012 timeframe. In addition to moving forward with those recommendations we support expedited review of possible pairings of 2 GHz MSS spectrum with suitable bands to create additional bandwidth for wireless broadband services to be licensed by auction selection, if possible, in this timeframe.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

By: 
Grant B. Spellmeyer
Senior Director, Regulatory and
Legislative Affairs
United States Cellular Corporation
8410 West Bryn Mawr
Chicago, IL 60631
Phone: 723-399-4280
Fax: 723-399-3133
Email: grant.spellmeyer@uscellular.com

UNITED STATES CELLULAR CORPORATION

By: 
George Y. Wheeler
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

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