

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

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
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)	

OPPOSITION OF CTIA – THE WIRELESS ASSOCIATION®

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OPPOSITION OF CTIA – THE WIRELESS ASSOCIATION®

I. INTRODUCTION AND SUMMARY.

CTIA – The Wireless Association® (“CTIA”) hereby submits this response to various Petitions for Reconsideration of the Commission’s *Second Report and Order* (“*Second R&O*”) in the above-captioned proceeding.¹ CTIA applauds the Commission’s commitment to increasing the efficiency of spectrum use in the broadcast TV bands with the ultimate goal of reallocating spectrum from these bands to the provision of mobile broadband services.² CTIA strongly believes that the actions taken by the Commission in the *Second R&O* will promote the Commission’s goals of broadband deployment and efficient and innovative use of spectrum. To that end, CTIA takes this opportunity to caution the Commission against taking any action on reconsideration that would undermine its efforts to investigate the reallocation of broadcast television spectrum to meet the ever-increasing need for additional mobile broadband spectrum. CTIA also agrees with the Commission’s findings in the *Second R&O* that the 700 MHz band must be promptly cleared of low power television (“LPTV”) facilities “to facilitate the prompt

¹ *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*, Second Report and Order, FCC 11-110 (2011) (“*Second R&O*”).

² *Id.* at ¶ 5.

deployment of new commercial wireless and public safety facilities.”³ Indeed, CTIA notes that all of the arguments made by NTA in its Petition for Reconsideration were raised in comments or reply comments by NTA and/or others, and were all flatly rejected by the Commission in the *Second R&O*, as well as in its denial of NTA’s request for stay. CTIA therefore urges the Commission to reject the Petition for Reconsideration filed by the National Translator Association (“NTA”)⁴ and uphold its requirement that LPTV stations clear the 700 MHz band by December 31, 2011.

II. THE COMMISSION SHOULD TAKE NO ACTION ON RECONSIDERATION THAT WOULD UNDERMINE BROADCAST TV SPECTRUM REALLOCATION.

In the *Second R&O*, the Commission correctly noted the intertwined nature of its LPTV efforts and its ongoing effort to reallocate 120 MHz of VHF and UHF spectrum for the provision of mobile broadband services.⁵ Chairman Genachowski characterized the Commission’s November 2010 *TV Spectrum Innovation NPRM* as initiating “what I hope will become a landmark rulemaking to bring efficiency to the use of our TV broadcast spectrum,”⁶ and CTIA has long been a champion of the Commission’s initiative to repurpose broadcast television spectrum for mobile broadband.

Recent findings have made the Commission’s identification and allocation of additional spectrum for mobile broadband even more critical. Chairman Genachowski observed that

³ *Id.* at ¶ 27.

⁴ Petition for Reconsideration of the National Translator Association, MB Docket No. 03-185 (Aug. 25, 2011) (“NTA Reconsideration Petition”).

⁵ *Second R&O* at ¶ 8.

⁶ *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, FCC 10-196, at Statement of Chairman Julius Genachowski (2010) (“*TV Spectrum Innovation NPRM*”).

“[c]ompared to old feature phones, smartphones place 24 times the demand on spectrum, and tablets 120 times as much.”⁷ Usage of both device types continues to skyrocket. Nielsen’s third quarter study of mobile users revealed that 43 percent of U.S. mobile phone subscribers own a smartphone, with 62 percent of mobile adults aged 25-34 reporting owning smartphones.⁸ Notably, a Nielsen study found that 35 percent of tablet owners who also owned a desktop computer, and 32 percent of tablet owners who also owned a laptop, reported using their respective computers less often or not at all since acquiring a tablet.⁹ It is not surprising then that “[t]his explosion in demand for spectrum is putting strain on the limited supply available for mobile broadband, leading to a spectrum crunch.”¹⁰ It is for this reason that CTIA has enthusiastically supported the Commission’s efforts to make additional spectrum available for mobile broadband and has been an active participant in proceedings aimed at the reallocation of television broadcast spectrum.

In its filings in the instant proceeding, CTIA cautioned the Commission that actions it may take with respect to LPTV may have the potential to undermine its broader efforts with respect to broadcast television spectrum reallocation.¹¹ Certain parties, on reconsideration, have

⁷ Julius Genachowski, Chairman, Federal Communications Commission, Remarks on Spectrum As Prepared for Delivery at 2 (Apr. 6, 2011).

⁸ NielsenWire, “Generation App: 62% of Mobile Users 25-34 Own Smartphones” (Nov. 3, 2011), *available at* http://blog.nielsen.com/nielsenwire/online_mobile/generation-app-62-of-mobile-users-25-34-own-smartphones/.

⁹ NielsenWire, “Connected Devices: How We Use Tablets in the U.S.” (May 5, 2011), *available at* http://blog.nielsen.com/nielsenwire/online_mobile/connected-devices-how-we-use-tablets-in-the-u-s/.

¹⁰ FCC Chairman Julius Genachowski, Remarks at CTIA Wireless 2011, at 6 (Mar. 22, 2011) (“Genachowski CTIA Show Remarks”), *available at* http://www.fcc.gov/Daily_Releases/Daily_Business/2011/db0322/DOC-305309A1.pdf.

¹¹ Comments of CTIA – The Wireless Association®, MB Docket No. 03-185, at 5-6 (Dec. 17, 2010); Reply Comments of CTIA – The Wireless Association®, MB Docket No. 03-185, at 6-7 (Jan. 18, 2011).

made requests that have the potential to impact the Commission's efforts in its *TV Spectrum Innovation NPRM* proceeding. For example, Signal Above has opposed a hard 2015 deadline for digital conversion,¹² and Cohn and Marks requests that the Commission extend the construction permits of new digital LPTV facilities.¹³ CTIA takes this opportunity to remind the Commission of the importance of broadcast TV spectrum reallocation efforts to the achievement of National Broadband Plan objectives. CTIA asks the Commission to approach the various proposals made in petitions for reconsideration with an eye toward these broadband objectives and to not take any action that would undermine or further complicate this effort.

III. THE COMMISSION MUST UPHOLD ITS REQUIREMENT THAT LPTV STATIONS CLEAR CHANNELS 52-69 BY DECEMBER 31, 2011.

In the *Second R&O*, the Commission correctly found that “continued use of 700 MHz channels by low power television stations beyond the end of this year will interfere with the prompt initiation of new wireless service on these channels by commercial wireless and public safety entities.”¹⁴ Nonetheless, NTA has asked the Commission to reconsider its December 31, 2011 deadline for LPTV licensees to vacate the 700 MHz band,¹⁵ reiterating arguments considered and rejected by the Commission in the *Second R&O* and in the context of NTA's Motion for Stay in this proceeding.¹⁶ CTIA urges the Commission to once again reject these arguments and uphold its December 31, 2011 deadline for clearance of the 700 MHz band.

¹² Petition for Reconsideration of Signal Above LLC, MB Docket No. 03-185 (Aug. 26, 2011).

¹³ Petition for Reconsideration and/or Clarification of Cohn and Marks LLP, MB Docket No. 03-185 (Aug. 5, 2011).

¹⁴ *Second R&O* at ¶ 26.

¹⁵ NTA Reconsideration Petition at 1.

¹⁶ Motion for Stay of the National Translator Association, MB Docket No. 03-185 (July 21, 2011) (“NTA Stay Request”); *Amendment of Parts 73 and 74 of the Commission's Rules to*

Numerous commercial and public safety wireless operators have emphasized the harm they would suffer if LPTV stations are not required to vacate the 700 MHz spectrum. For example, Verizon Wireless has stated that it “has already deployed the largest LTE network in the world and is committed to expansion,” but that expansion would be hindered if the FCC does not retain its deadline for clearance of the 700 MHz band.¹⁷ And NPSTC stated that “[f]rom a public safety perspective, whether a secondary LPTV or translator station is digital or analog is irrelevant; if it interferes with an existing public safety primary operation or stands in the way of deploying such primary operations in the 700 MHz band, expeditious steps must be taken to remove the conflict.”¹⁸ Similarly, in the *Second R&O* the Commission correctly highlighted the numerous examples of “how continued use of these channels by low power television stations will hamper the deployment of new services in the 700 MHz band,” finding that “the need for the spectrum to be cleared is increasingly important.”¹⁹

Grant of the relief requested by NTA would also be inappropriate in light of the repeated warnings issued to LPTV operators that they would need to cease operation in this band. In the *Second R&O*, the Commission noted that it informed LPTV licensees of the need to clear channels 60-69 as early as 1997, and issued a similar warning to operators on channels 52-59 in

Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, Order, DA 11-1375 (2011) (“*Denial of Stay*”).

¹⁷ Opposition to Motion for Stay filed by Verizon Wireless, MB Docket No. 03-185, at 3 (July 28, 2011) (“Verizon Wireless Opposition”); *see also* Reply Comments of Verizon Wireless, MB Docket No. 03-185, at 4 (noting that establishment of a deadline will “greatly reduce the coordination burden placed on 700 MHz licensees, thus allowing for more rapid deployment of 4G LTE”).

¹⁸ Comments of The National Public Safety Telecommunications Council, MB Docket No. 03-185, at 4 (Dec. 17, 2010).

¹⁹ *Second R&O* at ¶ 26.

2002.²⁰ In January 2010, the Commission began sending letters to out-of-core channel stations advising them of the need to relocate to an in-core channel.²¹ In sum, “for many years out-of-core channel low power television broadcasters have known that their use of the 700 MHz band was authorized only on an interim basis, that their out-of-core facilities would ultimately be displaced by new wireless licensees, and that shortly after the completion of the full power digital conversion they would be forced to vacate these channels and find a permanent in-core channel.”²²

In spite of these repeated warnings – some occurring nearly 15 years ago – NTA now argues that the December 31, 2011 deadline is “unworkable.”²³ Specifically, NTA suggests that the Commission’s deadline is inappropriate because licensees and operators of rural translators may fail to take action in spite of the Commission’s repeated warnings that relocation would be required.²⁴ However, the unwillingness of a licensee to comply with Commission regulations in the face of repeated guidance is no basis for the Commission to alter its rules.²⁵ Further, such

²⁰ *Id.* at ¶ 23.

²¹ *Id.* at ¶ 24.

²² *Id.*

²³ NTA Reconsideration Petition at 2.

²⁴ *Id.* at 2 (“Such comments ignore how most rural translators are licensed and managed. . . . [t]he people who failed to take action may be criticized, but it does not make sense to needlessly deprive the public of free over-the-air television service because of the failure of others.”).

²⁵ NTA further alleges that a hard deadline is inappropriate because the viewing public “will be deprived of service” in the event of non-compliance by translator operators. *Id.* at 2. NTA also raised this argument in its Reply Comments, and the Commission found in the *Second R&O* that the public interest nonetheless compelled a hard, near-term out-of-core transition date. *See* Reply Comments of the National Translator Association, MB Docket No. 03-185, at 3 (Jan. 18, 2011) (“NTA Reply Comments”) (“In all cases, it will be the public that suffers in those areas where service is degraded or lost.”). *See also* Comments of the Public Broadcasting Service, the Association of Public Television Stations, and the Corporation for Public Broadcasting, MB Docket No. 03-185, at 8 (Dec. 17, 2010) (“National LPTV Organizations

arguments were previously raised in this proceeding and rejected by the Commission in the *Second R&O*.²⁶ NTA similarly argues that the Commission should reconsider its requirement because translator operators will have difficulty financing their relocation, and because the Commission's framework would not provide LPTV operators with sufficient time to order equipment and construct their stations.²⁷ Again, however, LPTV operators have known for years that this transition would be necessary, and thus financial limitations should not constitute a basis for reconsideration of the Commission's rules at this stage. Indeed, the Commission specifically – and correctly – found that its framework adopted in the *Second R&O* would sufficiently

Comments”) (“In sum, a short timeframe for moving to the core risks eliminating public television coverage in rural communities where entities operating non-owned translators are unable to quickly complete the transition.”); *Second R&O* at ¶ 31 (finding that “the balance of interests favoring the return of analog spectrum weighs more heavily against continued use of out-of-core channels than continued use of in-core channels by low power operators, in light of the public interest in clearing the out-of-core spectrum as soon as possible to facilitate the rollout of new wireless services”). The Commission also rejected this argument in its denial of NTA's Motion for Stay. See *Denial of Stay* at ¶¶ 10-11 (“NTA has offered no evidence that these stations will be unable to construct their in-core facilities by the December 31, 2011 deadline, or that the remaining out-of-core licensees that intend to convert to in-core digital facilities will be unable to obtain a construction permit or STA prior to the December 31, 2011 deadline. . . . [t]he only harm NTA identifies is that which would result from a temporary disruption of television service from any stations that intend to convert to digital but were unable to complete construction of in-core digital facilities by December 31, 2011. We find that this alleged temporary loss of service from a small percentage of the over 7,000 licensed Class A, low power and television translator stations is not great.”).

²⁶ See NTA Reply Comments at 3 (“It is not enough to say that they ‘should have known,’ when many are in isolated rural areas, operated by non-profits, or are dependent school and government licensees with many rival budgetary cross-pressures.”); National LPTV Organizations Comments at 7 (“As noted in Section I above, public television stations face construction cycles constrained by funding and budget cycles, seasons of the year, and operational capacity that make it very difficult to meet the ambitious 2011 dates proposed by the NPRM for *all* stations to exit the out-of-core spectrum.”) (emphasis in original); *Second R&O* at ¶ 32 (“As for concerns with budget and the operational capacity of construction teams, low power television licensees operating in the 700 MHz band have been on notice of these issues, and unlike low power stations operating on in-core channels, should be prepared to vacate their existing channels as soon as possible.”).

²⁷ NTA Reconsideration Petition at 3.

address concerns regarding the timing of ordering and installing equipment.²⁸ The Commission also explicitly rejected NTA's arguments regarding procurement of equipment and facilities construction in its denial of NTA's request for stay, finding that "[l]ow power television licensees on out-of-core channels have been authorized to file displacement applications for over ten years."²⁹ The Commission further found that the Media Bureau's priority treatment of out-of-core displacement applications and the Commission's existing emergency STA procedures sufficiently address NTA's concern that licensees would be unable to order equipment and construct their facilities in a timely manner.³⁰ The Commission should thus reject NTA's arguments again.

Finally, contrary to NTA's assertions, the Commission's notice and termination procedures are no substitute for a hard deadline, and the Commission must not reconsider its December 31, 2011 deadline on this basis.³¹ Indeed, the Commission addressed and refuted this

²⁸ See NTA Reply Comments at 6 ("Note, too, that in service areas where mountain-top locations may not be accessible year-round, Cellular South would make the calendar year dispositive, and leave only one climactic transition season out-of-core. . ."); National LPTV Organizations Comments at 7 (stating that "the notion of a firm date to exit the out-of-core spectrum without assurance that action will be taken on displacement applications by that date is problematic" and arguing that its proposed alternative framework "would provide stations with the certainty that they will have a sufficient window in which to complete work after the Commission has approved the relevant application"); *Second R&O* at ¶ 32 ("We believe that the out-of-core December 31, 2011 deadline is appropriate because low power television out-of-core licensees will have sufficient time before the onset of adverse weather conditions to complete construction of their new facilities. . . . [w]e understand National LPTV Organizations' concern as to whether displacement applications will be processed in a timely manner. Therefore, to assure timely processing, the Media Bureau will prioritize these displacement applications to ensure that they are timely acted upon. In addition, stations may obtain an emergency STA to begin operating on their proposed in-core channel while they await processing of their displacement application."); *Second R&O* at ¶ 34 ("We further note that displacement applications filed on or before the September 1, 2011 deadline will receive expedited processing and will be granted as soon as possible in order that stations can complete construction of their in-core facilities prior to the December 31, 2011 out-of-core transition date.").

²⁹ *Denial of Stay* at ¶ 7.

³⁰ *Second R&O* at ¶¶ 32, 34; *Denial of Stay* at ¶ 8.

³¹ NTA Reconsideration Petition at 4.

argument by NTA in the *Second R&O*.³² Requiring public safety and commercial wireless licensees in the 700 MHz band to employ these procedures whenever they desire to launch service is unduly burdensome, particularly in light of the significant notice given to LPTV stations already. The Commission properly found in the *Second R&O* that “the balance of interests has now changed” and that “the rapid deployment of new commercial wireless and public safety facilities in the 700 MHz band must now take priority.”³³

The record developed in this proceeding demonstrates the burden that the notice and termination procedures place on commercial and public safety wireless licensees, and the inappropriateness of their continued use as a means to clear out-of-core channels. For example, Verizon Wireless has highlighted how LPTV licensees, upon receiving notice of Verizon Wireless’ intent to commence operation, have sought to delay commercial deployment.³⁴

Further, Verizon Wireless notes how some LPTV operators’ failure to maintain accurate records

³² See NTA Comments at 3 (“The present plan of requiring out of core translators to vacate on notice from a new user has been working satisfactorily. We recommend no deadline be established.”); *Second R&O* at ¶ 29 (“These commenters maintain that the current notice mechanism for low power stations to cease operations should they interfere with a 700 MHz commercial wireless or public safety operator is working, and therefore the December 31, 2011 out-of-core transition date is not necessary. We continue to believe that the procedures adopted in the *Digital LPTV Order* to ensure that low power television facilities to ensure that low power television facilities could be quickly cleared on an ad hoc basis when new 700 MHz licensees were ready to begin operations was the correct approach at the time. However, the balance of interests has now changed since the release of the *Digital LPTV Order*, and, as we outlined above, we believe that the rapid deployment of new commercial wireless and public safety facilities in the 700 MHz band now must take priority and will be best facilitated by clearing all remaining low power television stations from the 700 MHz band by December 31, 2011.”).

³³ *Second R&O* at ¶ 29.

³⁴ Verizon Wireless Opposition at 3-4 (“It has been Verizon Wireless’ experience that some LPTV licensees will not accept Verizon Wireless’ assessment of interference and have requested extensions and or additional engineering evidence that further delay and increase the cost of commercial deployment.”). See also Comments of Verizon Wireless, MB Docket No. 03-185, at 3 (Dec. 17, 2010) (“Verizon Wireless Comments”) (“[I]t has been Verizon Wireless’ experience that the notification and coordination process distracts network personnel from their primary goal of deploying 4G LTE. Moreover, at least one LPTV licensee has refused to relocate until actual interference is proven, at which point the impact may be felt by customers.”).

with the FCC makes it difficult for wireless licensees to make contact with LPTV operators.³⁵ Ironically, NTA's own Petition appears to support Verizon Wireless' assertion that these procedures are not sufficient to clear the 700 MHz band: just one paragraph after NTA asserts that the notice and termination procedures are "very workable," it states that the 120-day deadline "is far too short to be applied to 300 applicants changing from analog to digital and changing channel."³⁶ It is clear, then, that these notice and termination procedures cannot be relied upon as the sole means to clear the out-of-core channels; the December 31, 2011 hard deadline must remain in place.

Grant of NTA's Petition would also frustrate other Commission regulations with respect to wireless deployment in 700 MHz spectrum. Under the framework proposed by NTA, commercial and public safety wireless licensees would be required to employ the notice and termination procedures until NTA's proposed out-of-core deadline of June 30, 2013.³⁷ However, the initial performance deadline for the majority of 700 MHz licensees is June 13, 2013,³⁸ further illustrating the fundamental conflict between continued LPTV operation in the 700 MHz spectrum and timely deployment of wireless services.

³⁵ Verizon Wireless Opposition at 4 ("Further, some LPTV licensees are operating on frequencies other than those that are listed in the FCC's licensing records or at address or contact numbers that are outdated, making it difficult for licensees to initiate contact with LPTV licensees."); Verizon Wireless Comments at 3 ("Further, discrepancies in the FCC LPTV licensing data can mislead 700 MHz licensees into thinking there are no LPTV licensees in a 4G LTE deployment market, in which case the identity of the LPTV licensee and interference only becomes known to the 700 MHz licensee after the 4G LTE network is built and shortly before commercial launch.").

³⁶ NTA Reconsideration Petition at 4.

³⁷ *Id.* at 5.

³⁸ 47 C.F.R. § 27.14(g)-(i) (establishing initial performance benchmarks for 700 MHz licensees with deadlines of either June 13, 2013 or four years after the initial license grant, whichever is later).

IV. NTA'S PETITION REPEATS ARGUMENTS PREVIOUSLY CONSIDERED AND REJECTED BY THE COMMISSION

Finally, CTIA notes that all of the arguments relied upon by NTA in its Petition for Reconsideration – that translator operators have insufficient time or financial means to comply with the deadline, that the viewing public will be harmed by enforcement of a hard deadline, that the deadline does not provide translator operators with sufficient time to order equipment and construct facilities, and that the notice and termination procedures would work in place of a hard deadline – were all raised in comments or reply comments by NTA and/or others, and were all flatly rejected by the Commission in the *Second R&O* (as well as in its denial of NTA’s request for stay).³⁹ Under the Commission’s precedent, reconsideration of final Commission actions is appropriate “only where the petitioner either shows a material error or omission in the original order or raises additional facts not known or existing until after the petitioner’s last opportunity to present such matters.”⁴⁰ Indeed, the Commission has explicitly stated that it “will deny any petition that merely repeats arguments previously considered and rejected.”⁴¹ As NTA’s Petition

³⁹ See footnotes 25, 26, 28, and 32, *supra*.

⁴⁰ See 47 C.F.R. § 1.106(c)(1); *In the Matters of GTE Corporation, Transferor and Bell Atlantic Corporation, Transferee. For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License*, Order on Reconsideration, 18 FCC Rcd 24871, ¶ 5 (2003) (“*GTE/Bell Atlantic Reconsideration Order*”); *In the Matter of General Motors Corporation and Hughes Electronics Corporation, Transferors And The News Corporation Limited, Transferee, For Authority to Transfer Control*, Order on Reconsideration, 23 FCC Rcd 3131, ¶ 4 (2008) (“*General Motors/Hughes/NewsCorp Reconsideration Order*”). The only “new” argument presented by NTA in its Petition, that the out-of-core transition deadline be moved to June 2013 (NTA had previously argued for no deadline), was not supported by any new accompanying facts and therefore fails to meet the requirements of Section 1.106 of the rules.

⁴¹ *GTE/Bell Atlantic Reconsideration Order* at ¶ 5. See also, e.g., *General Motors/Hughes/NewsCorp Reconsideration Order* at ¶ 11 (“All but one of the issues raised by NHMC were addressed and rejected in the Order. NHMC fails to demonstrate any error in the Commission’s prior resolution of these issues or to present new evidence unknown at the time of the Order. NHMC simply recites the issues raised in its Petition to Deny, and fails to offer any additional argument or evidence in support thereof. . . . [a]ccordingly, we decline to revisit the arguments we have already addressed and rejected.”); *Metrocall, Inc. v. Southwestern Bell*

merely recites arguments addressed and rejected by the Commission in the *Second R&O*, and offers no new facts in support of its position, the Commission should promptly deny it.

Telephone Company and Pacific Bell Telephone Company, Order on Reconsideration, 17 FCC Rcd 4781, ¶ 5 (2002) (“Finally, Metrocall offers no new facts or arguments in support of its demand that we reconsider our denial of its claim for punitive damages. We therefore deny Metrocall’s petition for reconsideration on this point for the reasons stated in the *Damages Order*.”); *AVR, L.P. d/b/a Hyperion of Tennessee, L.P. Petition for Preemption of Tennessee Code Annotated Section 65-4-201(d) and Tennessee Regulatory Authority Decision Denying Hyperion’s Application Requesting Authority to Provide Service in Tennessee Rural LEC Service Areas*, Memorandum Opinion and Order, 16 FCC Rcd 1247, ¶¶ 3-4 (2001) (rejecting petition for reconsideration on the basis that “TDS’s petition essentially repeats the same arguments it relied upon in the comments and reply comments it filed” and because the petition “fails to raise new arguments or facts that would warrant reconsideration” of [the Order in question]); *Applications of WWIZ, Inc. et al.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff’d sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966) (finding “it is universally held that rehearing will not be granted merely for the purpose of again debating matters on which the tribunal has once deliberated and spoken”).

V. CONCLUSION.

CTIA urges the Commission not to take any action on reconsideration that could jeopardize its broader review of TV broadcast spectrum and allocation of such spectrum for mobile broadband services. Further, to promote its broadband policy objectives, the Commission must uphold the December 31, 2011 out-of-core transition date adopted in the *Second R&O* and deny the Petition for Reconsideration filed by NTA.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Christy Hammond, do hereby certify that on this 30th day of November, 2011, I caused copies of the foregoing “Opposition of CTIA – The Wireless Association®” to be served on the following, First-Class Mail, postage pre-paid:

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