

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands)	WT Docket No. 12-70
)	
Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5- 1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz)	ET Docket No. 10-142
)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	

REPLY COMMENTS OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission’s Rules, the Utilities Telecom Council (“UTC”) hereby files its reply comments in response to the Commission’s Notice of Proposed Rulemaking in the above-referenced matter.¹

UTC supports the Commission’s proposals to sunset AWS-4 relocation obligations ten years after the first AWS-4 license is issued in the 2180-2200 MHz band, and to extend to the AWS-4 band the cost-sharing rules adopted for AWS-1 licensees.² As the Commission notes, this portion of AWS-4 spectrum is part of the 2160-2200 MHz band that the Commission reallocated from the Fixed Microwave Services (FS) to emerging technologies. According to the Commission, there are approximately 700 active FS licenses in this band, and most of these incumbents appear to be state or local governmental entities, utilities, railroads, and other businesses with FS links licensed in the Microwave Public Safety Pool (MW) or the Microwave Industrial/Business Pool (MG) for private,

¹ *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands*, Notice of Proposed Rulemaking and Notice of Inquiry, WT Docket No. 12-70, 2012 WL 982739 (2012)(“*Notice*”).

² *Notice*, at ¶¶132, 134.

internal communication.³

UTC agrees with the Commission that it is appropriate to apply the same 10-year sunset period to the AWS-4 band as it applied to the other AWS bands, and to extend to the AWS-4 band the cost-sharing rules adopted for AWS-1 licensees. This will enable FS incumbents an equal opportunity to negotiate relocation with AWS-4 entrants as was provided for negotiation with the MSS/ATC operators, and it will provide fair cost-sharing opportunities for incumbent FS and MSS/ATC operators to recover their costs from later entering AWS-4 licensees. Only one commenter opposes the Commission's proposal, and argues that the Commission should allow the AWS-4 relocation obligations to sunset in December 2013 at the same time that the relocation obligations sunset for MSS/ATC operators in the band.⁴ Contrary to this commenter, UTC believes the Commission's proposal provides incumbents with a reasonable period to negotiate relocation from AWS-4 entrants. Conversely, it would provide a windfall to AWS-4 entrants if their cost sharing and relocation obligations were not the same as those that applied to MSS/ATC operators in the band.

For all of these reasons, UTC urges the Commission to adopt its proposal to apply a ten-year sunset period for relocation obligations to the AWS-4 band, and to extend to the AWS-4 band the cost-sharing rules adopted for AWS-1 licensees.

Respectfully submitted,

Utilities Telecom Council

ss
Brett Kilbourne, Deputy General Counsel
Utilities Telecom Council
1129 20th Street, NW
Suite 350
Washington, DC 20036
202-872-0030

June 1, 2012

³ *Id.* at ¶132.

⁴ Comments of Dish Network Corporation in WT Docket No. 12-70 (filed May 17, 2012).