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

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In the Matter of )  
 )  
Cellular Telecommunications Industry ) RM-9920  
Association Request for Proceeding to )  
Designate Additional Spectrum for 3G )  
Wireless Services )

To: The Commission

**COMMENTS BY THE NATIONAL ITFS ASSOCIATION**

The National ITFS Association ("NIA") provides these comments on the "Petition for Rulemaking of the Cellular Telecommunications Industry Association," filed with the Commission on July 12, 2000. The Cellular Telecommunications Industry Association ("CTIA") seeks to have the Commission institute a proceeding to designate additional spectrum for third generation ("3G") wireless services in a manner consistent with the decisions recently adopted at the International Telecommunications Union's ("ITU's") World Radiocommunication Conference 2000 ("WRC-2000") with respect to International Mobile Telecommunications 2000 ("IMT-2000").

NIA believes that the FCC should institute a proceeding to study possible candidate bands for 3G services and, at an appropriate point, to propose rules to allocate a band or bands for such services. However, at this time, given that it is impossible actually to propose rules for 3G services until specific spectrum is identified for such use in the United States, the FCC should issue a Notice of Inquiry, rather than a Notice of Proposed Rulemaking. Moreover, the scope of the inquiry should include all relevant issues, including the actual need for 3G and the amount of spectrum it may require in the United States, whether that need can be addressed by

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using bands other than those being used in other countries, and the prospects of using bands already previously identified for 3G use.

### Background

The National ITFS Association, established in 1978, is a non-profit, professional organization of ITFS licensees, applicants and others interested in the Instructional Television Fixed Service. The goals of NIA are to gather and exchange information about ITFS, to act as a conduit for those seeking information or assistance about ITFS, and to represent the interests of ITFS licensees and applicants. NIA and its members have participated in virtually every FCC proceeding affecting ITFS. It has a particular interest in the CTIA Petition and their request for an FCC proceeding, as the 2500–2690 MHz band, currently occupied and pervasively used by ITFS licensees, is one of the bands identified for study by WRC-2000 for 3G services.

### The CTIA Petition

The CTIA Petition seeks to have the FCC institute a proceeding to examine the implications of, and impediments to, the implementation of 3G services in the United States. It acknowledges that ITU had previously identified spectrum in the 1885--2025 MHz and 2110--2200 MHz bands for 3G services, but states that additional 3G spectrum in the United States in either the 1710--1885 MHz band or the 2500--2690 band may be required.

CTIA recognizes that the international designation of the 1710--1885 MHz band and the 2500--2690 MHz band for IMT-2000 does not preclude the use of those bands for any of the services to which they are currently allocated and does not establish any priority for IMT-2000 over such services. CTIA further recognizes that the existing U.S. domestic uses of the 1755--1850 MHz band and the 2500--2690 MHz band present significant challenges to the FCC.

CTIA therefore seeks to have the FCC study existing and planned uses of the bands, the benefits associated with such use, the feasibility of sharing between existing users and IMT-2000, transition issues that would need to be resolved if either of these bands were to be made available for IMT-2000, and the timing for possible future availability of these bands.

#### NIA's Position

NIA believes that the FCC should indeed institute a proceeding to study the issues raised by CTIA in its petition. However, the proceeding should be an inquiry, rather than a rulemaking proceeding. Also, it should address other fundamentally related issues as well, so as to result in a full and fair consideration of the matter.

With respect to the nature of the proceeding, it is clear that what the United States needs now is not a rush to judgment, but a fair and comprehensive study of the requirements for 3G spectrum and the possible candidate bands for 3G services. It is vastly premature to be proposing rules for any band, or for any service in any band. Later, at an appropriate point, the FCC should be able to propose rules to allocate a band or bands, and to develop rules for such services. Therefore, the FCC should now issue a Notice of Inquiry, rather than a Notice of Proposed Rulemaking. The purpose of the proceeding should be to gather information permitting the FCC to make an informed judgment on the amount of spectrum needed and what band or bands should be utilized.

Moreover, the scope of the inquiry should include all issues relevant to the selection of spectrum and making it available, in addition to the issues raised by CTIA. These issues would include the nature and amount of the actual need for 3G spectrum in the United States, whether that need can be addressed by using bands other than those being used in other countries

(through the use of multi-band handsets or other technologies), and the prospects of using bands already previously identified by the ITU for 3G use.

NIA believes that, when all is said and done, the Commission's study of all factors related to spectrum needs and options for 3G will lead it to recognize that the 2500—2690 MHz band should and must be preserved for incumbent ITFS and MMDS licensees for their existing and developing services. The 2.5 GHz band is not only ubiquitously used for one-way educational video services developed over the past 35 years across the United States, including distance education and adult learning services critical to the country's future, it is also now experiencing the rollout of two-way broadband data services, for both educational and commercial purposes, to homes and businesses. These two-way wireless services are an important component of the "last mile" broadband delivery solution in the United States, particularly to areas underserved by wired or other technologies, and they create a competitive environment for broadband services, resulting in efficiencies and innovation that serve the public interest.

#### Conclusion

The educational community holding ITFS licenses or relying on ITFS stations to transmit or receive services, represented by the National ITFS Association, agrees with CTIA that a proceeding should be started to study frequency bands for 3G. However, it is premature to begin a rulemaking proceeding rather than an inquiry, and it is important that the study address all issues relevant to selecting spectrum and making it available.

Respectfully submitted,

NATIONAL ITFS ASSOCIATION

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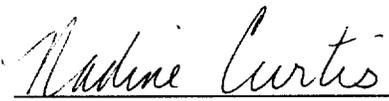
**CERTIFICATE OF SERVICE**

I, Nadine Curtis, hereby certify that a true copy of the foregoing Comments on the Cellular Telecommunications Industry Association's Petition for Rulemaking was mailed first-class, postage prepaid, this 28th day of August, 2000 to the following:

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