

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Petition for Rule Making of the Cellular)	
Telecommunications Industry Association)	
Concerning Implementation of WRC-2000:)	File No. RM-9920
Review of Spectrum and Regulatory)	
Requirements for IMT-2000)	

To: The Commission

Reply Comments of BellSouth Corporation

BellSouth Corporation (“BellSouth”) hereby submits these reply comments in support of the captioned rule making request filed by the Cellular Telecommunications Industry Association (“CTIA”) on July 12, 2000. BellSouth agrees with CTIA and others¹ that the Commission should immediately commence the “process of designating additional spectrum for third generation (‘3G’) wireless service in a manner consistent with the decisions recently adopted at the International Telecommunication Union’s (‘ITU’) World Radiocommunication Conference 2000 (‘WRC-2000’) with respect to International Mobile Telecommunications 2000 (‘IMT-2000’) services.”²

¹ See Letter from Steven J. Gorski, Senior Vice President, Network for Instructional TV, Inc., dated Aug., 28, 2000, at 3 (“While NITV recognizes the value of 3G, it also recognizes that there is a need for accurate information upon which to make a sound decision on frequency allocation for 3G. Any study should consider 3G and the need for additional frequencies.”); “Comments of the CDMA Development Group,” filed Aug. 28, 2000, at 1, 4 (“CDG Comments”); “Comments of QUALCOMM Incorporated,” filed Aug. 28, 2000, at 1-2 (“QUALCOMM Comments”); and “Comments of Cisco Systems, Inc. in Response to CTIA Petition for Rulemaking, RM-9920,” filed Aug. 28, 2000, at 3.

² See RM-9920, at 1.

The Commission is well aware of the tremendous demand for usable radio spectrum in the U.S. and overseas.³ Like other wireless providers, BellSouth has been advocating Commission action to identify spectrum to meet the rising demand for more robust wireless offerings. Consumers and businesses are no longer satisfied with the capabilities today's cellular, PCS and enhanced SMR providers deliver. They want broadband capabilities and greater throughput so that, for example, their utilization of the World Wide Web can involve more than getting access to snippets of information. Indeed, full motion video delivered via the Internet may well be within our reach within this decade.

These needs, or wants, cannot be met today with the current generation of wireless services and products. Moreover, they cannot be met today with the capacity-constrained mobile wireless systems extant throughout the U.S. At year-end 1999, more than 86 million wireless subscribers were being served in the U.S. alone.⁴ The

³ See "Comments of Nokia, Inc.," filed Aug. 28, 2000, at 2 ("[T]he need for additional spectrum for 3G, above and beyond current and planned future allocations, is driven by the increased demand for existing mobile services and projected demand for high bit rate services envisioned for 3G.") ("Nokia Comments"); "Universal Wireless Communications Consortium (UWCC) Comments in Support of CTIA's Petition for Rulemaking to Allocate Additional 3G Wireless Spectrum," filed Aug. 25, 2000, at 3 ("While statistics confirm the spectacular growth of the global wireless subscriber base, the UWCC believes that most growth projections are conservative and fail to fully account for the potential increased consumer demand that will quickly develop when multifaceted 3G wireless services are available.") ("UWCC Comments"); "Comments of AT&T Wireless Services, Inc.," filed Aug. 28, 2000, at 2 ("AT&T Comments"); "Statement of Support from Motorola," filed Aug. 28, 2000, at 2-6 ("Motorola Comments"); and "Comments of Verizon Wireless," filed Aug. 28, 2000, at 2-4.

⁴ See CTIA's Wireless Industry Indices: 1985-1999, CTIA Semi-annual Wireless Industry Survey Results <http://www.wow-com.com/wirelessurvey>.

subscriberhip increased from 1998 to 1999 by nearly 25%.⁵ The growth appears to be continuing unabated, which is a boon and a potential bane to the U.S. wireless industry.

Capacity constraint in the major markets in this country is a reality. The average local call length dropped one-hundredth of a minute between 1998 (2.39 minutes) and 1999 (2.38 minutes).⁶ Yet, the estimated number of subscribers increased during that time period by nearly seventeen million. Thus, more subscribers are using the existing systems and the more than 86 million users were talking as much in 1999 as they were in 1998. The problem is exacerbated, however, when subscribers want to do more than just talk.

In a few short years, how will the U.S. wireless industry meet the needs and wants of the U.S. wireless users, including the ability to roam internationally? Will the U.S. wireless industry be able to deliver to visitors to our country the same robust wireless services they will be enjoying in their home countries and throughout many other parts of the world?

The answer to these questions can be a resounding yes. However, to achieve an affirmative answer, the Commission must do what CTIA seeks—immediately commence the rule making proceeding required to explore how much spectrum must be made available for IMT-2000 services from the bands WRC-2000 identified (or any other bands) for this next generation of wireless services.

⁵ See CTIA's Wireless Industry Indices: 1985-1999, CTIA Semi-annual Wireless Industry Survey Results <http://www.wow-com.com/wirelessurvey>.

⁶ *Id.*

BellSouth is keenly aware of the magnitude of the task facing the Commission. As noted by CTIA, ITU-R Working Party 8F is already working on many of the issues that must be resolved for IMT-2000 to become a reality.⁷ Stephen Blust of BellSouth is the Chairman of Working Party 8F, which just concluded its first post-WRC-2000 meeting in San Diego, CA, on Friday, August 25, 2000. Much work remains ahead for Mr. Blust and the others in Working Party 8F. The ITU-R expects to hear from them with solutions in three short years.⁸ BellSouth is very supportive of the Working Party 8F efforts and is committed to this tremendous undertaking.

BellSouth encourages the Commission to act now. There are many issues to be considered and resolved, not the least of which is how to keep the U.S. preeminent in wireless communications, when the rest of the world may be deploying 3G service in spectrum bands that already are fully utilized for other purposes here.⁹ Two of those issues should be global harmonization and removal of the Commission's spectrum cap.

Harmonizing the spectrum bands the U.S. wireless industry will utilize with the bands that other regions of the world will employ needs to be considered.¹⁰ At this time,

⁷ See RM-9920, at 7.

⁸ See Nokia Comments, *supra* n.3, at 4.

⁹ RM-9920, at 9-11.

¹⁰ See Nokia Comments, *supra* n.3, at 3 (“[T]he aftermath of WRC-2000 presents the U.S. Government with an opportunity to examine current and future U.S. spectrum allocations in the context of worldwide implementation.”); UWCC Comments, *supra* n.3, at 4; and QUALCOMM Comments, *supra* n.1, at 3.

it would be premature to argue that the Commission should mandate synchronizing the U.S. table of allocations with that of Regions 1 and 3 or even other countries in this region. Rather, the U.S. should consider whether, or the extent to which, harmonization is appropriate and beneficial in light of current and near-term marketplace realities in Region 2.¹¹ A rule making is the correct way to analyze this thorny issue.

The spectrum cap is another issue that warrants consideration in the requested rulemaking.¹² As the Commission promised in its last biennial review, it should reevaluate the spectrum cap as it relates to 3G services.¹³ The only route currently available to a carrier that is capacity-constrained and desires to offer 3G services is to seek a waiver of section 20.6 of the Commission's rules. However, the record indicates that the Commission is not favorably disposed to grant such requests.

The Commission has allocated spectrum under Part 27 of its rules that may be deployed for wireless purposes. It decided against including that spectrum under the

¹¹ See AT&T Comments, *supra* n.3, at 6-7; and "Comments of Lucent Technologies Inc.," filed Aug. 28, 2000, at 2 ("Lucent Comments").

¹² See AT&T Comments, *supra* n.3, at 7-8 ("[E]ven if the Commission allocates new spectrum for IMT-2000 . . ., application of the spectrum cap would dramatically hinder AT&T's and other carriers' ability to participate in these new markets.").

¹³ See *In the Matter of 1998 Biennial Regulatory Review Spectrum Cap Aggregation Limit for Wireless Telecommunications Carriers*, WT Docket No. 98-205, *Report and Order*, FCC 99-244, 17 Comm. Reg. (P&F) 404, 425-26 (¶ 82) (1999).

definition of CMRS.¹⁴ While such a result is possible with 3G spectrum, the continuing need for a spectrum cap, nevertheless, should be fully examined again. Upon such an examination, the accumulated record undoubtedly will warrant elimination of the cap.

BellSouth is not advocating displacement of incumbent users in any spectrum bands by the positions set forth in these comments.¹⁵ Indeed, BellSouth is among the leading incumbent licensees and operators of spectrum in the 2.5 GHz band.

BellSouth, as one of the first PCS providers to come to market, knows the challenges and costs of clearing existing licensees from spectrum they have been authorized to use for many years. For example, it was a particular challenge to find available spectrum to which the public safety point-to-point microwave licensees could be relocated.

Finally, BellSouth supports the comments of others that NTIA and the executive branch agencies it represents must be involved in solving the need for spectrum for 3G

¹⁴ See *In the Matter of Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service*, GN Docket No. 96-288, *Report and Order*, 12 FCC Rcd 10785, 10832 (1997); and *In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-168, *First Report and Order*, 15 FCC Rcd 476, 497 (2000) ("It has been our expectation that, as we made more spectrum available for CMRS [], we would either adjust the cap upward or refrain from including the new spectrum within the scope of the cap").

¹⁵ See "Comments," filed Aug. 28, 2000 by The Wireless Communications Association International, Inc., at 11-14.

services in the U.S.¹⁶ The Commission and the wireless industry cannot achieve the desired results without their input and cooperation.

Conclusion

The process of seeking answers to the myriad of questions presented by IMT-2000 must begin immediately. U.S. wireless consumers deserve nothing less.¹⁷

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¹⁶ See “Sprint Corporation on Petitions for Rulemaking,” filed Aug. 28, 2000, at 13 (“Sprint does support CTIA’s suggestion that the Commission must consider the results of studies, including those undertaken by NTIA evaluating potential reallocation of the federal government from 1710-1850 MHz band”); Motorola Comments, *supra* n.3, at 8-11; QUALCOMM Comments, *supra* n.1, at 2; CDG Comments, *supra* n.1, at 3-4.

¹⁷ See Lucent Comments, *supra* n.11, at 1 (“American consumers . . . will not fully benefit from the development of 3G services, unless sufficient and suitable spectrum is allocated to the Commercial Mobile Radio Service (CMRS) for use with more advanced mobile communications applications, including IMT-2000”).

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of September, 2000, served a copy of the foregoing Comments of BellSouth Corporation, by United States Mail, first class, postage prepaid, on the persons listed below, unless otherwise indicated by an asterisk, which signifies the foregoing was hand-delivered.

Please see attached.

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