

**Before the DOCKET FILE COPY ORIGINAL
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Petition for Rulemaking of the Cellular)
Telecommunications Industry Association)
Concerning Implementation of WRC-2000;)
Review of Spectrum and Regulatory)
Requirements for IMT-2000)

RM-9920

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**JOINT REPLY COMMENTS OF THE ASSOCIATION OF AMERICA'S PUBLIC
TELEVISION STATIONS AND THE PUBLIC BROADCASTING SERVICE IN
OPPOSITION**

Pursuant to 47 C.F.R. § 1.405(b), the Association of America's Public Television Stations ("APTS") and the Public Broadcasting Service ("PBS") hereby submit Reply Comments in the above captioned proceeding.¹

APTS is a nonprofit organization whose members comprise the licensees of nearly all of the nation's 353 noncommercial educational television stations. APTS represents public television stations in legislative and policy matters before the Commission, Congress, and the Executive Branch and engages in planning and research activities on behalf of its members. PBS is a nonprofit membership organization of the licensees of the nation's public television stations. PBS distributes national public television programming and provides other program-related services to the nation's public television stations.

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¹ Comments in both proceedings above were filed on August 28, 2000. Section 1.405(b) of the Commission's rules provides that "Any interested person may file a reply to statements in support of or in opposition to a petition for rulemaking prior to Commission action on the petition but not later than 15 days after the filing of such statement." 47 C.F.R. § 1.405(b).

APTS and PBS respond in support of the oppositions to the requested reallocation of spectrum specifically reserved for use by the Instructional Television Fixed Service (“ITFS”), which is a band of twenty 6 MHz “interleaved” television channels allocated in the 2500-2686 MHz spectrum. ITFS stations are licensed to “accredited public and private schools, colleges and universities providing a formal educational and cultural development to enrolled students.”² Nonprofit organizations are also eligible for ITFS licenses, provided that the service is used in conjunction with the formal education of students. Currently, 59 public television licensees operate 288 ITFS channels. APTS and PBS write to bring a national focus to the problem of reallocating ITFS spectrum, which if accomplished, could threaten the delivery of valuable educational services to communities throughout the nation.

On June 2, 2000, the United Nations International Telecommunication Union’s World Radiocommunications Conference (WRC-2000) in Istanbul concluded with various agreements to encourage the development of international mobile telecommunications (“IMT-2000”). The WRC-2000 concluded that while national agencies could consider reallocating the 2500-2690 MHz band for mobile telecommunications, these national agencies would not be precluded from using the band for any purposes to which the band is currently allocated.³

On July 12, 2000, the Cellular Telecommunications Industry Association filed a petition for rulemaking, stating that more spectrum in either the 1720-1885 MHz band or the entire 2500-2690 band may be required for third generation (“3G”) mobile data services. It recognized that the decisions at WRC-2000 do not establish any priority for 3G services over other services currently allocated to these bands. It therefore sought to have the FCC study existing and

² 47 C.F.R. § 74.931(a)(1).

³ See www.itu.int/newsroom/wrc2000/IMT-2000/2500-2690.html; and www.itu.int/newsroom/wrc2000/IMT-2000/res-COM5-24.html.

planned uses of the bands, the benefits associated with each and the feasibility of spectrum sharing to encourage 3G development in the U.S.⁴

Numerous ITFS licensees have opposed this petition. The National ITFS Association, for instance, has argued that the FCC should initiate a Notice of Inquiry, not a Notice of Proposed Rulemaking, to study the matter in a more comprehensive fashion. It argues, that the FCC should comprehensively study the actual need for 3G services, the amount of spectrum such services are expected to use, and whether these services can use bands other than that currently used by ITFS. Ultimately, the National ITFS Association urges that the 2500-2690 MHz band should be preserved for ITFS/MMDS use.⁵ A number of other licensees concur for similar reasons.⁶

APTS and PBS support these oppositions. This course of action would be consistent with the WRC-2000 conclusion, which allows the Commission the flexibility to continue the existing use of the band by the ITFS services. The public television community uses ITFS to foster education in a variety of innovative ways. Public television stations use their ITFS facilities to deliver educational programming and services to schools, hospitals, workplaces and other places of learning. Students in rural areas, where small populations limit class offerings, receive advanced classes through ITFS distance learning courses. With ITFS facilities, public television stations provide valuable classroom programming and supplemental lesson materials to schools,

⁴ See Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Implementation of the WRC-2000: Review of Spectrum and Regulatory Requirements for IMT-2000," RM-9920 (filed July 12, 2000).

⁵ Comment of the National ITFS Association, RM-9920 (August 28, 2000).

⁶ See, e.g. Comments of the Arizona Board of Regents for the Arizona State University, et. al., RM-9920 (August 28, 2000).

as well as providing professional and worker training and teleconferences for educational and other administrative uses.

For the reasons articulated by those opposed, APTS and PBS urge the Commission either to reject the CTIA petition or to initiate a broad, comprehensive review of the spectrum needs of the potential 3G industry by issuing a Notice of Inquiry so that all interested parties may participate more fully.

Respectfully submitted,



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September 12, 2000

CERTIFICATE OF SERVICE

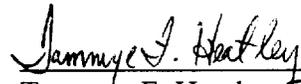
I certify that a copy of the foregoing Reply was mailed this 12th day of September to the following:

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