

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED

SEP 12 2000

In the Matter of:

Amendment of the U.S. Table of
Frequency Allocations to Designate
the 2500-2520 and 2670-2690 MHz Frequency
Bands for the Mobile-Satellite Service.

RM-9911

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS OF WORLDCOM, INC.

Pursuant to Section 1.405 of the Commission's Rules, WorldCom, Inc. ("WorldCom") hereby submits its Reply Comments to the comments filed in the above-captioned proceeding.¹ Only two parties filed comments in support of the Petition for Rulemaking filed by the Satellite Industry Association ("SIA"), while scores of MMDS and ITFS licensees, and their equipment vendors, filed vigorous oppositions. This is hardly surprising. SIA's Petition proposed to reallocate the 2500-2520 MHz and 2670-2690 MHz bands to the Mobile-Satellite Service ("MSS") without even acknowledging the incumbent users of this spectrum. SIA also failed to submit any studies attempting to demonstrate that MSS systems could share these bands on a non-interference basis with existing MMDS/ITFS licensees. The bands at issue in SIA's Petition are heavily used by educators, non-profit organizations and commercial operators to provide important programming and, pursuant to the

¹ *In the Matter of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile-Satellite Service*, Petition for Rulemaking, filed April 28, 2000 ("Petition").

No. of Copies rec'd
List A B C D E

No. of Copies rec'd
List A B C D E

015

015

Commission's new two-way rules, these bands will soon be extensively used to provide high-speed Internet access services.

No concrete evidence or studies demonstrating that MSS operators actually need additional spectrum were provided by the two parties supporting SIA's Petition. The Petition's supporters do not attempt to reconcile SIA's request for more spectrum with the well-documented difficulties facing the MSS industry. The argument of the Petition's supporters that the FCC is required to allocate spectrum to MSS because WARC-92 made a co-primary allocation to MSS in the 2.5 GHz band is simply incorrect. The FCC is under no obligation to allocate this spectrum for MSS in the United States. Furthermore, few, if any nations have actually allocated this spectrum to MSS.²

For the reasons set forth above and explained in more detail below and in WorldCom's Opposition, the Commission should reject the Petition as inadequate on its face and not institute the requested rulemaking proceeding.

I. THE PETITION AND THE COMMENTS FAIL TO DEMONSTRATE ANY NEED FOR ADDITIONAL SPECTRUM

The main argument put forward by SIA and the two parties that filed comments in support of the Petition appears to be that because the ITU at WARC-92 made a co-primary allocation to MSS at the 2.5 GHz band, the Commission must follow suit and make that allocation in the United States. But SIA and its supporters omit several key facts that undermine their argument. The 2500-2520 MHz and 2670-2690 MHz bands are allocated on a co-primary basis to a number of services, including Fixed, Mobile and, not beginning until January 2005,

² In fact, neither SIA nor its supporters cite even one country that has allocated spectrum in the 2.5 GHz band to MSS.

Mobile Satellite. It is well established, however, that an ITU co-primary allocation does not in any way obligate a national regulator to allocate that spectrum domestically to any or all of the co-primary services listed in the ITU Table of Allocations. Nor is a domestic regulator “out of step” with the ITU if it allocates that spectrum to only one of the co-primary services. In failing to mention MSS’s co-primary status with Fixed Service allocations in the 2.5 GHz band, SIA and its supporters would have the Commission believe that it must, pursuant to the ITU’s Radio Regulations, allocate portions of the 2.5 GHz band to MSS in the United States. Of course, this is not the case, and the ITU’s Table of Allocations does not, in any manner, require the United States to allocate the 2.5 GHz band to MSS.

SIA’s supporters also claim that MSS providers will need additional spectrum to meet their business plans and provide 3G (or IMT-2000) services. *See e.g.*, Globalstar at 4-5. Globalstar notes that the ITU forecasted that MSS 3G services would need 2 x 31.5 MHz of spectrum by 2005, and 2 x 67 MHz by 2010. *Id.* at 10. But Globalstar fails to mention that these forecasts were made before the demise of Iridium and, more importantly, that the United States has already allocated approximately 171 MHz of spectrum to MSS.³ SIA’s supporters do not make any demonstration that the existing allocation is insufficient to meet the needs of the MSS industry.

³ *See* 47 C.F.R. § 2.106 (indicating an allocation to MSS of: (1) 68 MHz in the 1.5/1.6 GHz bands – 1525-1559/1626-1660 MHz; (2) 33 MHz of Big LEO MSS spectrum – 1610-1626.5/2483-2500 MHz; and (3) 70 MHz in the 2 GHz band – 1990-2025/2165-2200 MHz).

II. THE 2.5 GHZ BAND IS NOT “LIGHTLY USED”

Globalstar wrongly claims that the 2500-2520 MHz band is “lightly used in U.S.”

Globalstar at 6. As the voluminous oppositions from the ITFS community make clear, that band is actively and widely used for the delivery of educational programming to millions of students and teachers nationwide.⁴ In addition, ITFS licensees indicated that they plan to use these frequencies as part of the core upstream channels to be used in two-way broadband data services. Using the 2500-2520 MHz and 2670-2690 MHz bands for upstream transmissions allows for adequate frequency separation for two-way services in areas in which there are pervasive one-way video operations.⁵ Thus, Globalstar’s claim that this spectrum is “lightly used” is clearly erroneous.

III. THE COMMISSION AND NTIA RECOGNIZE THE ABILITY OF MMDS/ITFS LICENSEES TO SERVE RURAL AND UNDERSERVED AREAS

ICO asserts that MSS is the “most promising technology for bringing voice and data service—including Internet access—to rural remote and underserved areas.” ICO at 1-2. The Commission and NTIA, however, have both recognized that terrestrial wireless services such as MMDS/ITFS will bring affordable, broadband Internet access to many rural and underserved areas throughout the country.

For example, the Commission recently noted that “wireless networks are free of the substantial costs associated with installing and maintaining wires that run to a customer’s premises...[and t]hese savings make *wireless technology especially well suited to deployment in*

⁴ See e.g., SCETV Opposition at 3-4; Hispanic Information and Telecommunications Network, Inc. Opposition at 2, 6, Exhibit 1; Mississippi EdNet Opposition at 3-4; NITV Opposition at 2.

⁵ NIA Opposition at 5.

many rural areas.”⁶ In its report, *Advanced Telecommunications in Rural America: The Challenge of Bringing Broadband Service to All Americans*, NTIA recognized that, “MMDS holds promise for rural areas because it can operate at a radius of up to 35 miles... MMDS may have an advantage over wireline service in rural areas because its cost-to-serve is not quite as dependent on the exact location of the customer.”⁷ Representatives of the ITFS community also recognize the ability of MMDS/ITFS service to bring broadband access to rural and remote areas.⁸ In short, MSS is not the sole, nor even the best, option for ensuring that rural and underserved America has access to broadband services.

IV. CONCLUSION

WorldCom again urges the Commission to reject the Petition and not institute a proceeding to allocate Mobile-Satellite Service in the 2500-2520/2670-2690 MHz bands. As amply demonstrated by the volume of Oppositions filed in this proceeding, these bands are being heavily used to provide services that the Commission has consistently found to be in the public interest. The two parties filing comments in support of SIA’s Petition provide no documentation to overcome the Petition’s deficiencies. SIA’s supporters have not submitted any information to

⁶ Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, *Second Report*, FCC 00-290 (rel. Aug. 21, 2000) (emphasis added).

⁷ *Advanced Telecommunications in Rural America: The Challenge of Bringing Broadband Service to All Americans*, April 2000 at 26, available at <http://www.ntia.doc.gov/>

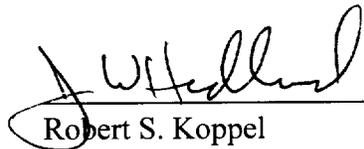
⁸ See e.g., Joint Opposition of the Archdiocese of Los Angeles Education and Welfare Corporation *et al.* at 4 (noting that “ITFS/MMDS can provide voice and data services just as easily, far more economically, and much sooner than MSS.”).

demonstrate that MSS actually needs additional spectrum, nor have they shown how this spectrum could be shared between the incumbents and MSS operators.

Respectfully submitted,

WorldCom, Inc.

By:



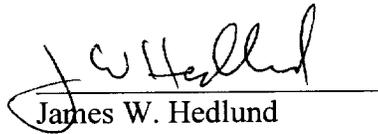
Robert S. Koppel
James W. Hedlund
WorldCom, Inc.
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006
(202) 887-3848

Dated: September 12, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2000 a true and correct copy of the foregoing Reply Comments of WorldCom, Inc. was served via first class mail to the following:

Michael Fitch
Clayton Mowry
The Satellite Industry Association
225 Reinekers Lane, Suite 600
Alexandria, VA 22314


James W. Hedlund