

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

In the Matter of)	
)	
Amendment of Part 2 of the)	ET Docket No. 00-258
Commission's Rules to Allocate)	
Spectrum Below 3 GHz for Mobile)	
And Fixed Services to Support the)	
Introduction of New and Advanced)	
Wireless Services, including Third)	
Generation Wireless Systems)	
)	
Petition for Rulemaking of the)	RM-9920
Cellular Telecommunications)	
Industry Association Concerning)	
Implementation of WRC-2000: Review)	
Of Spectrum and Regulatory)	
Requirements for IMT-2000)	
)	
Amendment of the U.S. Table of)	RM-9911
Frequency Allocations to Designate)	
The 2500-2520/2670-2690 MHz)	
Frequency Bands for the Mobile)	
Satellite Service)	

To: The Commission

COMMENTS OF PETROLEUM COMMUNICATIONS, INC.

Petroleum Communications, Inc. ("PetroCom"), by its attorneys, hereby submits its comments in the captioned proceedings in response to the Commission's Notice of Proposed Rulemaking And Order, FCC 00-455, released on January 5, 2001 ["NPRM"].

I. Introduction

PetroCom is one of two carriers licensed by the Commission to provide cellular radiotelephone service in the Gulf of Mexico Service Area ("GMSA"), an area exceeding 86,000 square miles. PetroCom is also an FCC developmental licensee, operating a digital microwave network on platforms in the GMSA using Multipoint

Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") frequencies. PetroCom strongly supports the Commission's goal of promoting the introduction of Third Generation ("3G") wireless technology and services in the United States. However, the introduction of 3G services should not come at the expense of two-way MDS licensees.

II. Principles Governing the Introduction of 3G Services

Last year, the President of the United States directed Federal Government Agencies (including the FCC) to take into account certain principles in selecting 3G spectrum, including: (a) equitable treatment of incumbent licensees, taking national security and safety into account; (b) support by the Federal Government of policies that provide flexibility in spectrum allocations to encourage competition; and (c) support by the Federal Government of efforts to harmonize spectrum allocations regionally and internationally.¹ Applying these principles to MDS/ITFS spectrum leads to the conclusion that other spectrum is better suited for designation as 3G spectrum.

III. MDS/ITFS Spectrum and the State of the Two-Way MDS Industry

MDS and ITFS are licensed in the 2500-2690 MHz band. Until recently, this spectrum was allocated on a site-by-site basis. In 1996, the FCC auctioned the MDS spectrum to geographic area licensees, subject to rules protecting incumbents. There are thirty-one 6 MHz channels and one 4 MHz channel allocated to MDS

and ITFS licensees in the band. Historically, MDS/ITFS spectrum has been used for one-way analog video transmission. However, the MDS industry is taking advantage of FCC rule changes to provide two-way digital, high-speed fixed wireless broadband services.²

The MDS/ITFS spectrum is heavily encumbered. It has been auctioned to licensees who collectively paid millions of dollars for their spectrum. Further, incumbent MDS and ITFS licensees have protected service areas in almost all of the densely populated areas of the country.³

IV. Incumbent MDS/ITFS Licensees Should Not Be Relocated

Allocating MDS/ITFS spectrum for 3G services and mandating the relocation of MDS/ITFS licensees to other spectrum would be a mistake. Comparable spectrum that would permit the development of two-way broadband fixed wireless services has not been identified. Indeed, according to the FCC, "[i]t is not clear at this time that pairing this spectrum with other bands is feasible."⁴ Further, the MDS industry has invested several billion dollars to develop two-way broadband fixed wireless services in this spectrum and is ramping up for nationwide deployment in the near future.⁵ Reallocation likely will delay systems deployment for several years and cause capital allocated for this use to be diverted elsewhere.

¹ Presidential Memorandum for the Heads of Executive Departments and Agencies, October 13, 2000.

² NPRM at ¶60.

³ FCC Interim Report, November 15, 2000 at pp. 42-53.

⁴ Interim Report at p. 37.

Sharing this spectrum between MDS/ITFS licensees and 3G licensees is not feasible. The technical analysis in the Interim Report shows that large co-channel separation distances are needed between 3G systems and MDS/ITFS systems to avoid interference to incumbent operations. There appear to be few areas in the United States where such co-channel separation is possible.⁶

Likewise, segmentation of the MDS/ITFS band is not feasible. In the near term, segmentation of the MDS/ITFS band would create technical and economic problems for incumbents, which could affect their ability to provide service to certain areas of the country, especially rural areas.⁷

The World Radio Conference identified several spectrum bands, including 2500-2690 MHz, as suitable for 3G services. An analysis by the National Telecommunications and Information Administration ("NTIA") identifies another band, 1710-1885 MHz, as being promising for 3G allocation based on a segmentation of the spectrum, perhaps in conjunction with 2110-2150 MHz.⁸ Thus, it makes no sense to allocate MDS/ITFS spectrum to 3G services when other spectrum is more readily available for such an allocation.

V. Conclusion

The Commission is faced with a difficult and important task in allocating spectrum for 3G services. However, a careful analysis of the FCC and NTIA Interim Reports leads to an inescapable

⁵ Interim Report at p. ii.

⁶ Interim Report at p. iii.

⁷ Id.

conclusion. If the FCC wants to rapidly deploy 3G services, while simultaneously facilitating the rapid roll-out of new broadband fixed wireless offerings, then it should select 1710-1885 MHz and 2110-2150 MHz as the 3G spectrum. This selection treats incumbents equitably, encourages competition in 3G and broadband fixed wireless services and is in harmony with allocations made by other countries, thus satisfying principles identified by the President as important in the selection of 3G spectrum.

Respectfully submitted,
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⁸ NTIA Interim Report, November 15, 2000.