

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems)	ET Docket No. 00-258
)	
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
)	
Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHZ Frequency Bands for the Mobile-Satellite Service)	RM-9911
)	

To: The Commission

REPLY COMMENTS OF BAYPOINT TV, INC.

Baypoint TV, Inc. ("Baypoint") hereby replies to the Comments of AT&T Wireless Services, Inc. ("AT&T") in the above-captioned Docket. AT&T offers a number of constructive suggestions regarding the proposed restructuring of the allocation table to accommodate 3G services. As a longstanding MMDS operator, however, Baypoint must take issue with AT&T's suggestion that the Commission reallocate some or all of the 2500-2690 MHz band as an alternative to use of the 1755-1850 MHz band.

AT&T correctly points out a number of the problems associated with use of the MMDS/ITFS frequencies for 3G purposes. However, AT&T blithely asserts that "the spectrum needs of the MDS and ITFS operators have never been documented" and that the band should therefore be a candidate for reallocation. AT&T Comments at 13. To the contrary, the record

established in this Docket by Baypoint TV and many, many other existing ITFS and MMDS licensees establishes not only a strong demand for their current channels but a need for even more. OET's own Interim Report "documented" the extensive current and imminent usage of this band. Yet AT&T offers no plan to deal with the current users or their millions of customers -- other than to preclude the licensees from getting a "windfall" by adding mobile usage to the authorized use of this band.

Baypoint is taking this opportunity to emphasize that it strongly opposes any reallocation of the MMDS/ITFS spectrum at all. Not only is there too much current usage of this band involving insoluble or prohibitively expensive migration problems, but there are also legal impediments to modifying the licenses in a radical way. Only as a last resort where no other spectrum was feasible should the Commission add mobile applications to the authorized usage of this spectrum. In that extreme case, the licenses should be left in the hands of the current licensees with the option of providing 3G service as the market dictates. This would avoid the inequity and unlawfulness of forcibly migrating these licensees to other less satisfactory bands.

Respectfully submitted,

BAYPOINT TV, INC.

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March 7, 2001

Cc: AT&T Wireless Services, Inc.