

**Before the
Federal Communications Commission
Washington, D.C. 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 THE UNIVERSITY OF NORTH CAROLINA

The University of North Carolina General Administration, its sixteen (16) constituent institutions and the University of North Carolina Center for Public Television (collectively “UNC”) hereby submit these Reply Comments pursuant to the Notice of Proposed Rulemaking and Order (“*NPRM*”) released by the Federal Communications Commission (“Commission” or “FCC”) on January 5, 2001. Like many other educational entities, MMDS licensees and wireless broadband operators, UNC filed Comments in response to the Commission’s *NPRM* opposing the reallocation of the 2500-2690 MHz spectrum for Third Generation Mobile (“3G”) services.¹ The

¹ More than 70 Comments were filed by educational entities, MMDS licensees and wireless broadband operators.

Comments, particularly those of the educational entities, established a voluminous record reflecting the extensive use of the ITFS spectrum and the critical need for the present spectrum allocation to remain intact.² In addition to establishing a record of current usage, many of the Comments filed, including those of UNC and its commercial partner, Wireless One of North Carolina, L.L.C. (“WONC”), demonstrated the need for the entire 2500-2690 MHz spectrum band for the high-speed two-way digital wireless broadband services being developed in North Carolina and in other markets throughout the country.³

Among those Commenters supporting a reallocation of spectrum for 3G services, there was little interest in the 2150-2162 and 2500-2690 MHz MMDS/ITFS bands.⁴ In fact, Lucent Technologies emphasized that the 2500-2690 MHz band would not promote global harmonization and was too far from the PCS and DCS spectrum bands.⁵ Motorola indicated that the 2500-2690 MHz band does not have the technical advantages of the 1710-1850 MHz band and that it does

² See, Comments of National ITFS Association (“NIA Comments”); Comments of Catholic Television Network (“CTN Comments”); Comments of Northern Arizona University Foundation (“NAUF Comments”); Comments of Education Service Center Region 9 et al. (“Region 9 Comments”); Comments of Arizona Board of Regents of Arizona State University et al. (“ASU Comments”); Comments of ITFS Parties (“ITFS Comments”).

³ See, UNC Comments; NIA Comments; Comments of Wireless One of North Carolina, L.L.C. (“WONC Comments”); Comments of WorldCom, Inc. (“WorldCom Comments”); Comments of Sprint Corporation (“Sprint Comments”); Comments of Nucentrix Broadband Networks, Inc. (“Nucentrix Comments”); Comments of The Wireless Communications Association International, Inc. (“WCA Comments”).

⁴ See, Comments of Motorola, Inc. (“Motorola Comments”); Comments of Lucent Technologies, Inc. (“Lucent Comments”); Comments of QUALCOMM Incorporated (“QUALCOMM Comments”); Comments of Nokia, Inc. (“Nokia Comments”); Comments of AT&T Wireless Services, Inc. (“AT&T Comments”); Comments of Cingular Wireless, LLC (“Cingular Comments”); Comments of Qwest Wireless, LLC (“Qwest Comments”).

⁵ Lucent Comments at p.7.

not provide near term deployment potential.⁶

⁶ Motorola Comments at p.12.

Notably, the two companies strongly supporting reallocation of 2500-2690 MHz for 3G provided no viable alternative spectrum for the relocation of ITFS facilities.⁷ The reason for this omission is evident: no suitable relocation spectrum exists.

In their Comments, several mobile operators and equipment manufacturers proposed that the 2150-2162 MHz spectrum be reallocated for 3G mobile services so that the band could be consolidated with the 2110-2150 MHz band, and then paired with the 1710-1850 MHz spectrum.⁸ The MDS-1, 2 and 2A channels are located in the 2150-2165 MHz band and are already being utilized or are slated for use by numerous wireless broadband operators for upstream communications services on their high-speed digital two-way broadband systems.⁹ Reallocation of any portion of the 2150-2162 MHz band, and the MDS-1, 2 or 2A channels, would critically hinder the development of two-way high-speed digital services as it is the primary band for upstream transmissions.¹⁰ The 2150-2162 MHz spectrum is as important to the

⁷ See, Comments of Verizon Wireless (“Verizon Comments”); Comments of Ericsson, Inc. (“Ericsson Comments”).

⁸ See, Verizon Comments at p.14; Cingular Comments at pp.22-24; Nokia Comments at pp. 3-5; QUALCOMM Comments at pp. 13-15.

⁹ See, WONC Comments at p. 10; WorldCom Comments at p. 23; Sprint Comments at p. 31; Nucentrix Comments at p. 20.

¹⁰ *Id.*

development and launch of two-way high-speed digital wireless broadband systems as the 2500-2690 MHz spectrum. Such systems will provide rural, suburban and urban users with access to high-speed two-way digital wireless broadband services and interconnectivity while simultaneously providing educational opportunities that bridge the digital divide and promote rural equity. Thus, UNC opposes reallocation of the 2150-2162 MHz spectrum.

Now that an extensive record has been developed, it is clear that the 2150-2162 and 2500-2690 MHz bands are being developed extensively and utilized efficiently to provide much needed digital two-way high-speed wireless broadband services. The Comments filed by North Carolina educators and other educational institutions throughout the nation show overwhelming support for the current and planned uses of the 2150-2162 and 2500-2690 MHz spectrum for services which will bring interconnectivity and high-speed wireless broadband access to users throughout the nation. Coupled with the lack of support for the reallocation of this spectrum for 3G services and the unavailability of any identifiable relocation spectrum, it is clear that the 2150-2162 and 2500-2690 MHz band allocations should remained intact.

Respectfully submitted,

UNIVERSITY OF NORTH CAROLINA

By: _____

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P.O. Box 2688
Chapel Hill, North Carolina 27515
(919) 962-0330