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March 9, 2001

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VIA HAND DELIVERY

Magalie Roman Salas, Esq.
Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

Re: ET Docket No. 00-258
Reply Comments of the Red Partnerships

Dear Ms. Salas:

Transmitted herewith, on behalf of Red El Paso F Partnership, Red Memphis F Partnership, Red New York E Partnership, and Red Tucson E Partnership (collectively, the "Red Partnerships"), are courtesy copies of Reply Comments filed electronically today in connection with the above-captioned proceeding.

An extra copy of this letter is enclosed. Please date-stamp the extra copy and return it to the courier for return to me. If you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

David A. O'Connor
Counsel for the Red Partnerships

Enclosure

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Federal Communications Commission

The FCC Acknowledges Receipt of Comments From ...

Red Partnerships

...and Thank You for Your Comments

Your Confirmation Number is: '200139038025 ' 1

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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 RED EL PASO F PARTNERSHIP, RED MEMPHIS F PARTNERSHIP, RED NEW YORK E PARTNERSHIP, AND RED TUCSON E PARTNERSHIP

Red El Paso F Partnership, Red Memphis F Partnership, Red New York E Partnership, and Red Tucson E Partnership (collectively, the "Red Partnerships"), by their attorneys, hereby reply to the comments filed in response to the Commission's Notice of Proposed Rulemaking ("Notice") concerning the allocation of additional spectrum for new advanced wireless systems.

The comments confirm that incumbent licensees in the 2.5 GHz band are providing tangible, useful services to communities nationwide *now*. These licensees provide critical educational services such as distance learning and, to an ever-increasing degree, they provide high-speed broadband access, in furtherance of

Congressional goals to provide advanced telecommunications capability to all Americans. The Commission should fully support the continued maturation of the services currently offered in the 2.5 GHz band and dismiss any suggestions that these services be relocated.

The comments also make clear that relocation of incumbent licensees from the 2.5 GHz would be costly and impractical, if not impossible. Indeed, not one commenter identified suitable spectrum for relocation purposes. The three most adamant supporters of relocation, Cingular, Verizon Wireless and AT&T Wireless, could offer nothing more than general support for relocation – none suggested any concrete proposal for relocating incumbent licensees. Several commenters alluded to the desirability of "global harmonization" as the ostensible basis for forced relocation of incumbent licensees. However, as the comments of the Radio Advisory Board of Canada make clear,[1] there is not now, nor will there be in the foreseeable future, a harmonized North American plan for the 2.5 GHz band, let alone a globally harmonized plan.[2] Thus the Commission should not be persuaded to disrupt current and valuable services in the 2.5 GHz band for the elusive goal of harmonization.

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[1] Radio Advisory Board of Canada Comments at 11.

[2] *See also* Nokia Comments at 6 ("global plans for use of the 2500-2690 MHz bands for IMT-2000 are not yet clear"); Motorola Comments at 12 ("Although 2500-2690 MHz was identified by WRC-2000 as a potential IMT-2000 band, no country has yet implemented any commercial mobile services in the band and, in Motorola's opinion, it is unlikely that any country will deploy IMT-2000 services before 2007 at the earliest.").

The only commenter that offered a specific relocation proposal suggested that ITFS/MDS licensees could be relocated to the 3.5 GHz band.[3] However, the 3.5 GHz band is currently allocated to the federal government on a primary basis for Radiolocation and Aeronautical Radionavigation, and to non-federal government Radiolocation uses on a secondary basis.[4] It is difficult to imagine a more impractical band for relocation purposes. The effect of the suggestion would be to cripple important and effective services and move them to unusable spectrum in which the licensees would be secondary to widespread military operations. More than anything, the suggestion highlights the difficulty in finding suitable relocation spectrum, simply because there is none. For this reason, the Red Partnerships oppose any relocation of 2.5 GHz incumbent licensees.

With respect to segmentation of the 2.5 GHz band, the Red Partnerships fully agree with the many commenters who argue that any segmentation plan would create massive interference issues, which would be exorbitantly expensive to resolve and would simply delay the rollout of fixed wireless broadband services.[5] Such a delay

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[3] Ericsson Comments at 16 n.33. Additionally, Cisco raised but quickly dismissed the suggestion of relocating some or all 2.5 GHz licensees to the 3.7 GHz band, *i.e.*, the C-band. Cisco Systems Comments at 13. As the Commission is well aware, the vast majority of fixed service operators have abandoned the C-band due to longstanding interference issues with fixed satellite operators who share the band on a co-primary basis. The Red Partnerships believe that any relocation to the 3.7 GHz band would effectively destroy all ITFS and MDS operations.

[4] *See* 47 C.F.R. § 2.106.

[5] *See, e.g.*, Cisco Systems Comments at 9; CelPlan Technologies Comments at 4-5; Clearwater Technologies at 9.

would undermine the Commission's Congressional mandate to encourage the deployment of advanced telecommunications capability to all Americans.

Finally, the Commission should deny the Satellite Industry Association's Petition for Reconsideration. In the Order accompanying the Notice,[6] the Commission provided a reasonable and fully justified explanation of its denial of the Association's Petition for Rulemaking. The Association has offered no new information that would justify a reversal of the Commission's earlier decision in this matter.

For the reasons set forth in the Comments of Red Partnerships, and as reiterated in these Reply Comments, the Commission should reject proposals to relocate incumbent ITFS/MDS licensees, or to segment any portion of the 2.5 GHz band.

Respectfully submitted,

RED PARTNERSHIPS

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March 9, 2001

[6] Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile Satellite Service, *Order*, RM-9920, FCC 00-455 (rel. Jan. 5, 2001).

CERTIFICATE OF SERVICE

I, Myra Powe, an employee of Holland & Knight LLP, hereby certify that on March 9, 2001, I caused copies of the foregoing Comments to be hand-delivered to the following:

Chairman Michael K. Powell
Commissioner Gloria Tristani
Commissioner Susan Ness
Commissioner Harold W. Furchtgott-Roth
Roy J. Stewart, Chief, Mass Media Bureau
Thomas Sugrue, Chief, Wireless Telecommunications Bureau
Bruce Franca, Acting Chief, Office of Engineering and Technology

Myra Powe

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