

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

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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)
)
Mass Media Bureau Multipoint Distribution)
Service and Instructional Television Fixed)
Service Applications Accepted for Filing)
)
Mass Media Bureau Provides Further)
Information Regarding Grants of ITFS and)
MDS Two-Way Applications)

ET Docket No. 00-258

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Report No. 164

DA 01-751

Opposition to Verizon's Emergency Petition
To Defer Action on Applications

In response to an Emergency Petition to Defer Action on Applications (the "Petition") filed by Verizon Wireless, Inc. ("Verizon") on March 28, 2001, IPWireless, Inc. ("IPWireless") respectfully submits this brief statement in opposition. Verizon's Petition seeks an unwarranted indefinite delay in the deployment of two-way services that are poised to provide much-needed competition to Verizon affiliates in business and residential broadband services. The Commission should not permit any delay of this much-needed competition.

IPWireless agrees with the arguments advanced by the Wireless Communications Association International, Inc. ("WCA") in its Opposition to Verizon's Petition.¹ WCA correctly points out that Verizon's eleventh-hour petition is a strategic ploy to shield its

¹ Wireless Communications Association International, Inc., Opposition to Emergency Petition, DA 01-751 (submitted March 30, 2001) ("WCA Opposition").

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affiliates from broadband competition.² Moreover, the delay that Verizon requests is directly contradictory to pro-competitive policy statements made just last week by Chairman Powell, emphasizing the need for timely deployment of broadband services.³ Finally, WCA correctly notes that Verizon has utterly failed to support its request, utilizing examples of Commission processing “freezes” that are readily distinguishable from the case at hand.⁴

For more than three years now, Verizon and its predecessors have been promoting its broadband DSL offering. The pending grant of two-way service authority by the Commission is the last step in a long process that promises to bring effective competition to the market for broadband services, to the decided detriment of Verizon and its affiliates. As Verizon correctly notes in its Petition,⁵ given a grant of two-way authority, IPWireless will deploy its Advanced Wireless Broadband service in the United States within the year.⁶ Other wireless broadband providers have similar plans to roll out two-way wireless data services in the near future, all in direct competition with Verizon affiliates.

The FCC should not countenance Verizon’s last-minute attempt to derail a carefully-crafted plan to bring competition to the market for broadband services. Verizon predecessors Bell Atlantic and NYNEX each held significant interests in MMDS entities at the inception of the discussion surrounding two-way wireless broadband service. As

² WCA Opposition at 2.

³ WCA Opposition at 2, 5.

⁴ WCA Opposition at 4.

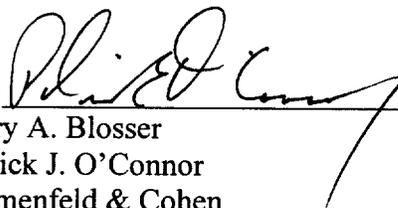
⁵ Petition at 6.

⁶ IPWireless’ service is plug-and-play, with *initial* data rates of up to 6 megabits per second. With commercial availability this summer, IPWireless will bring Advanced Broadband Wireless service to the United States a full two years ahead of the rest of the world.

such, Verizon has had intimate knowledge of the ongoing two-way proceedings, including the timetable for grant of two-way authority, throughout the last four years. Moreover, Verizon has been an active participant in this proceeding, including the industry-government meetings sponsored by TIA, CTIA and PCIA. Verizon's "Emergency Petition" is merely an eleventh-hour ploy to protect its entrenched interests.

For the reasons expressed in the WCA Opposition, as well as the foregoing, the Commission should summarily deny Verizon's Petition.

Respectfully submitted,

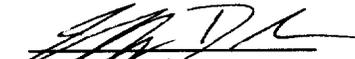
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Dated: April 2, 2001

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CERTIFICATE OF SERVICE

I, Jeffrey Dobson, do hereby certify on this 2nd day of April, 2001, that I have served a copy of the foregoing document via * messenger and U.S. Mail, postage pre-paid, to the following:


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