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April 4, 2001

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VIA HAND DELIVERY

Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Room 8-B201
Washington, DC 20554

Re: Verizon Wireless Emergency Petition to Defer Action on Applications, ET Docket No. 00-258, Report No. 164, DA 01-751

Dear Chairman Powell:

On behalf of Telephone and Data Systems, Inc. and its subsidiary companies (collectively "TDS"), this will support the above-referenced "Emergency Petition" filed by Verizon Wireless. Verizon Wireless makes a well reasoned argument, supported by logic and precedent, that the FCC should defer action on the approximately 2000 applications currently pending before the Mass Media Bureau, in which MDS and ITFS licensees request authority to establish two-way operations.

TDS is a provider of wireline telephone and wireless services through its subsidiaries TDS Telecom and United States Cellular Corporation. It has

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participated at every stage in the FCC's "Third Generation" wireless proceeding (ET Docket No. 00-258) and plans to participate in future auctions to secure additional spectrum to provide advanced wireless service.

In its Comments, TDS has taken no position on which frequencies should be allocated for 3G use. However, TDS agrees with Verizon Wireless that the FCC should not now take actions which may preclude use of the 2500-2690 MHz band for 3G purposes.

Since Verizon Wireless filed its "Emergency Petition" on March 28, 2001, it has become even clearer that the 3G allocation proceeding will pose legal, engineering, and political problems of great difficulty and complexity.[1] In reviewing the "Final Reports" of the FCC and National Telecommunications and Information Administration ("NTIA") on the possible use of the 2500-2690 MHz and 1710-1850 MHz bands for 3G service, it is, at present, difficult to discern a clear path to an adequate allocation of spectrum for 3G purposes.[2]

Yet the public interest requires that a path to an adequate frequency allocation for 3G must somehow be found. Such a path may involve innovative forms of spectrum sharing or segmentation or new types of frequency pairing. And, given the Defense Department's adamant opposition to giving up many of the frequencies it uses, the FCC may have to consider reallocation or sharing of some of the MDS/ITFS frequencies, if there is to be a 3G allocation.

Thus, TDS believes Verizon Wireless to be entirely correct that the FCC's Mass Media Bureau should not now grant the pending two-way applications. Verizon Wireless, at pp. 7-8 of its Emergency Petition, also cites relevant precedent for a deferral of action in these circumstances.

It may be that the FCC will decide that the legal, political and practical obstacles to any reallocation of the 2500-2690 MHz band for 3G are just too great and that that band's present allocation should remain undisturbed. If so, the pending applications could then be granted without damage to the public interest.

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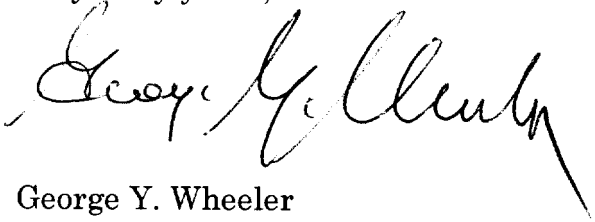
1 See, e.g. "Spectrum Brawl, Round 1" RCR Wireless News, April 2, 2001 p.1; "NTIA FCC See Challenges in Having '3G' Systems, Incumbents Share 1710-1850, 2500-2690 MHz Bands, Telecommunications Reports, April 2, 2001, p.3.

2 See FCC Final Report, Spectrum Study of the 2500-2690 MHz Band: The Potential For Accommodating Third Generation Mobile Systems, March 30, 2001; NTIA Final Report, The Potential For Accommodating Third Generation Mobile Systems In The 1710-1850 MHz Band: Federal Operations, Relocation Costs Operational Impacts, March 30, 2001.

However, it would be harmful to the public interest if the FCC were to decide later this year that some reallocation and/or sharing of the 2500-2690 MHz band would be necessary, only to conclude that the additional two-way authorizations it granted in April had made it impossible to implement that decision.

In any case, for the above reasons and those given by Verizon Wireless, TDS believes that grant of the pending two-way MDS/ITFS applications should be deferred pending FCC action in the 3G proceeding.

Very truly yours,



George Y. Wheeler
Peter M. Connolly

Counsel to Telephone and
Data Systems, Inc.

cc: Verizon Wireless, Parties of Record

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CERTIFICATE OF SERVICE

I, Aileen Caffey, Senior Legal Secretary of Holland & Knight LLP, certify that on this day, April 4, 2001, copes of the foregoing were hand delivered to the following parties:

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