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Washington, DC 20004

EX PARTE

April 17, 2001

Ms. Magalie Roman Salas  
Secretary - Federal Communications Commission  
The Portals, 445 Twelfth St., SW  
Washington, D.C., 20554

RE: Docket No. ET 00-258, Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3GHz For Mobile and Fixed Services to Support the Introduction of New Advanced Services, including Third Generation Wireless Systems;

Docket No. RM-9920, Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Implementation of WRC-2000, Review of Spectrum and Regulatory Requirements for IMT-2000

Docket No. RM-9911, Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile-Satellite Service.

Dear Ms. Salas,

Today, April 17, 2001, Cheryl Tritt from Morrison & Foerster LLP and the undersigned, representing Sprint Corporation met with Peter Tenhula of the Office of the Chairman. During this meeting we discussed Sprint's positions in the above-mentioned dockets, as reflected in Sprint's Comments filed February 22, 2001 and Reply Comments filed March 9, 2001. The attached 3G Position Paper was handed out at this meeting.

In accordance with FCC rules, I am filing the original and one copy of this letter in the docket identified above. If there are any questions, please call.

Sincerely,

    //s//      
Jay C. Keithley

cc: Peter Tenhula

## **Sprint Corporation's 3G Position Paper**

Issue: The FCC and Commerce Department are studying whether to reallocate spectrum currently used by commercial wireless broadband providers and educational institutions or by the Government (DOD and other federal agencies) in order to provide spectrum for so-called third generation commercial mobile phone (“3G”) services. Commercial wireless broadband providers and their educational partners, who use the spectrum to provide distance learning and high speed internet access, are licensed on the 2150-2162 MHz (“2.1 GHz”) and 2500-2690 MHz (2.5 GHz) spectrum bands. The government users use the 1755-1850 MHz (“1.8 GHz”) spectrum band.

**Position: For the following reasons, Sprint opposes allocation of spectrum in the 2.1 GHz and 2.5 GHz spectrum bands for 3G uses.**

- I. For technical and practical business reasons (such as regional and global spectrum allocation harmonization and the manufacturing scale economies derived from harmonization), the 1.8 band is preferred by the vast majority of the mobile industry, including virtually all domestic manufacturers.**
- II. Continued use of the 2.1 GHz and 2.5 GHz spectrum bands for fixed advanced wireless services will serve the public interest by increasing local competition and providing broadband service to residential and small business consumers, including those in rural and under-served markets.**
  - A.** The Federal Communications Commission has actively encouraged the development of the 2.1 GHz and 2.5 GHz bands for fixed advanced wireless and enhanced educational services.
  - B.** Relying on the FCC’s policies, Sprint has made a multi-billion dollar investment in the 2.1 GHz and 2.5 GHz bands and joined with its educational partners to provide fixed advanced wireless services in the bands. (Others have made similar investments and are providing similar services where they have licenses to do so.) Sprint’s fixed wireless broadband service competes with telephone company (DSL) and cable company (cable modem) high capacity residential services (where such services exist), and provides enhanced educational capabilities to Sprint’s educational partners.

## Sprint Corporation's 3G Position Paper

- C. Vigorous local competition and deployment of advanced communications services are fundamental to the success of the 1996 Telecommunications Act. Sprint's use of the 2.1 GHz and 2.5 GHz bands provides just the kind of facilities-based competition in local telecommunications and advanced services that the Act mandates.
  - D. Service providers in the 2.1 GHz and 2.5 GHz bands may be the only providers of broadband service in rural and under-served markets.
  - E. Forcing relocation of Sprint's educational partners would abandon the Commission's long-term commitment to enhancing U.S. education.
- III. There are many other bands besides the 2.1 GHz and 2.5 GHz bands in which 3G and other advanced wireless services could operate without disrupting the roll out of fixed wireless broadband services.
- IV. The 2.1 GHz and 2.5 GHz bands cannot be shared with third generation cellular providers because of the potential for harmful interference among incumbent fixed users and mobile users.
- V. Relocation of incumbents in, or segmentation of the 2.1 GHz and 2.5 GHz bands is not workable, will impose huge relocation costs on new entrants, will severely compromise Sprint's ability to compete against telephone and cable company high capacity residential services and will likely end the interdependent relationships developed between Sprint and its educational partners. Further, because many of the licenses Sprint holds were acquired at FCC auction, it would undermine confidence in the auction process.