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Donald C. Brittingham
Director – Spectrum Policy
Federal Relations
202-589-3785

veri onwireless

Verizon Wireless
1300 I Street NW
Suite 400 West
Washington, DC 20005

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte

July 13, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 – 12th Street, SW
Room: TW-A325
Washington, DC 20554

Re: ET Docket No. 00-258
IB Docket No. 99-81

Dear Ms. Salas:

Today, Verizon Wireless delivered the attached letter to Chairman Powell. Please include a copy of this ex parte presentation in the record for the above captioned proceedings. In accordance with § 1.1206 of the Commission's rules, an original and one copy of this ex parte is being filed with the Secretary's office.

If you have any questions, you may call me on (202) 589-3785.

Don Brittingham/SEW

cc: Chairman Michael K. Powell

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John T. Scott, III
Vice President &
Deputy General Counsel
Regulatory Law

Verizon Wireless
1300 I Street, N.W.
Suite 400 West
Washington, DC 20005

Phone 202 589-3760
Fax 202 589-3750
john.scott@verizonwireless.com

July 13, 2001

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: IB Docket No. 99-81
ET Docket No. 00-258

Dear Chairman Powell:

On June 26, 2001, you wrote to Secretary of Commerce Donald L. Evans regarding your joint efforts to identify additional spectrum for advanced wireless services, including Third Generation ("3G") mobile services. You stated that there was a need for "a careful and complete evaluation of the various possible options for making additional spectrum available for advanced wireless services," and that "the public interest would best be served by additional time for informed consideration, even if this results in some delay in reaching allocation decisions."

Verizon Wireless strongly supports your efforts to address these important spectrum issues and agrees that all possible options must be examined. As we have said previously, the availability of adequate spectrum is essential to the continued growth of the wireless industry and the development of advanced services that will yield significant benefits to the public and the United States economy.[1] Current spectrum resources for mobile services are inadequate, and the United States has fallen behind many other countries in making adequate spectrum available. In making decisions that affect not only spectrum policy but also the growth and international competitiveness of one of this nation's key industries, the Commission must fulfill its statutory duties by ensuring there will be sufficient spectrum for the next generation of mobile services.

The national interest, as you and Secretary Evans have recognized, is to ensure that sufficient spectrum is available for the public – for, after all, it is the public, not

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[1] *See* Comments of Verizon Wireless (filed Feb. 22, 2001), *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, Notice of Proposed Rulemaking, FCC 00-455 (rel. Jan. 5, 2001) at 1.

carriers, that will use this scarce resource to meet their communication needs. The way to ensure that this national interest is met is – precisely as you said – to conduct a "complete evaluation" of "all options" on spectrum and how to meet the public's needs. Piecemeal decisions involving specific bands or carriers do not meet this requirement. They should be made after, not before, the FCC is able to set its course on a "complete" spectrum policy as a result of the 3G proceeding. Otherwise, the real benefits that comprehensive policy-making on spectrum can achieve may well be undermined.

Two pending matters raise this concern. First, some occupants of the 2150-2162 MHz and 2500-2690 MHz bands ask that those bands be removed from any further consideration in the reallocation rulemaking.[2] Until the Commission has devised a plan for accommodating the needs of advanced mobile services, it is extremely premature for it to eliminate any spectrum bands from consideration, particularly bands that have been identified worldwide for potential 3G use. Verizon Wireless opposes such action at this time.

Second, certain applicants for 2 GHz MSS spectrum ask that you grant their applications,[3] in the face of a record raising substantial doubt as to whether that would be wise or even lawful spectrum management policy. As the Cellular Telecommunications and Internet Association ("CTIA") has shown in its petition to reallocate a portion of the 2 GHz Mobile Satellite Service ("MSS") band,[4] and as we and other wireless carriers argued in our letter to you dated June 13, 2001, the 2 GHz MSS band (i.e., 1990-2025 MHz and 2165-2200 MHz) could be used to accommodate advanced mobile services, such as 3G, or to accommodate those commercial or government systems that might be displaced from other 3G bands.[5] Given the difficulties that the Commission and the Department of Commerce have had in identifying sufficient spectrum to allocate for 3G services, the proper course is, as you acknowledged in your letter to Secretary Evans, to examine all options. Therefore, Verizon Wireless urges you to quickly initiate a proceeding to consider the reallocation of the 2 GHz MSS band consistent with CTIA's request, and to defer grant of the 2 GHz MSS licenses until that proceeding is completed.

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[2] *See e.g., Ex Parte* filing of the Catholic Television Network, South Carolina Educational Television Commission, Sprint Corporation, WorldCom, Inc., Nucentrix Broadband Networks, Inc., and the National ITFS Association, filed July 3, 2001 (concerning ET Docket No. 00-258).

[3] *See e.g., Ex Parte* filing of New ICO, filed June 14, 2001 (concerning IB Docket No. 99-81).

[4] Petition for Rulemaking of the Cellular Telecommunications & Internet Association ("CTIA Petition"), filed May 18, 2001.

[5] *See Ex Parte* filing of AT&T Wireless Services, Inc., Cingular Wireless LLC, Sprint PCS, and Verizon Wireless ("Ex Parte of Wireless Carriers"), filed June 13, 2001.

MDS/ITFS Bands

Last year, the World Radiocommunications Conference (WRC-2000) identified two spectrum bands for potential deployment of 3G services worldwide; the 1710-1850 MHz band currently used by the Federal Government and the 2500-2690 MHz band currently used by the Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS"). This multi-band approach was widely supported by the United States Government and more than 150 other countries around the world. Subsequent to that decision, the Commission initiated a proceeding to determine what specific bands should be allocated in the U.S. to support the development of advanced mobile services.

Unfortunately, a spectrum plan that will accommodate the development of advanced mobile services has not yet been developed. Key to this plan is the availability of the 1710-1850 MHz band currently used by the Federal Government. While a portion of this band (1710-1755 MHz) has already been reallocated for commercial uses, reallocation of the remaining spectrum (1755-1850 MHz) is critical to the long-term growth of mobile services in the U.S. Verizon Wireless and others from the wireless industry have been working closely with the FCC, the Department of Commerce, and various other Federal agencies to develop a workable reallocation plan. We have made significant progress, but a final decision on this band has not yet been made.

Additional spectrum will, however, be needed even if the Federal Government band is reallocated for commercial use. The 2110-2165 MHz band, for example, will be needed to provide additional spectrum for pairing with spectrum in the 1710-1850 MHz band. Unfortunately, a significant portion of this band (2150-2162 MHz) is licensed to MDS. The continued use of this band for MDS and the requirements for guard bands to protect both 3G and MDS from harmful interference would render the 2145-2165 MHz band unusable for 3G services. It is, therefore, critically important that MDS systems be relocated to alternate spectrum, and that the 2150-2162 MHz band be reallocated for mobile services. As a result, we urge the Commission to reject the request of some MDS proponents to withdraw this band from further consideration.

Verizon Wireless remains committed to working with government and industry to develop a 3G band plan based on the 1710-1850 MHz band as the primary band. However, in the event that the 1755-1850 MHz band cannot be reallocated for commercial use, the Commission must consider other spectrum options including the 2500-2690 MHz band currently licensed to MDS/ITFS. It is, therefore, premature for the Commission to eliminate this band from further consideration for reallocation to mobile services. Sound spectrum policy requires that a 3G band plan first be developed.

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MSS Bands

Recent filings by MSS applicants, as well as recent business failures, raise questions as to the viability of MSS and suggest, at a minimum, that the public interest may be served by reallocating MSS spectrum for other purposes.[6] Certain MSS licensees and applicants have themselves made clear that MSS as a stand-alone satellite service will not be viable. Consequently, granting the 2 GHz MSS applications could undermine the Commission's well-settled policies regarding satellite construction and build-out and encumber its ability to effectively manage the radio spectrum.[7]

The 2 GHz MSS band may provide a unique opportunity to help resolve the 3G spectrum problem. For example, a portion of the band could be used to accommodate the relocation of MDS systems from 2150-2162 MHz or Federal Government systems from 1710-1850 MHz. Some portion of the band might also be used for the provision of advanced mobile services, though the prospects for worldwide harmonization of the spectrum would have to be examined.

The FCC should fully evaluate any options for using the 2 GHz MSS band to facilitate the development of advanced mobile services. As a result, Verizon Wireless urges the Commission to quickly initiate a further notice of proposed rulemaking in ET Docket No. 00-258 to consider the reallocation of MSS spectrum for purposes that would advance the Commission's 3G spectrum initiative, and to defer grant of the 2 GHz MSS licenses until that proceeding is completed.

Thank you for your consideration of our views on these important matters.

John T. Scott III

John T. Scott, III

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[6] *See gen.* CTIA Petition; Ex Parte of Wireless Carriers at 2.

[7] Ex Parte of Wireless Carriers at 4.

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cc: The Honorable Gloria Tristani
The Honorable Kathleen Abernathy
The Honorable Michael Copps
The Honorable Kevin Martin
Peter Tenhula
Adam Krinsky
Bryan Tramont
Jordan Goldstein
Samuel Feder
Donald Abelson
Thomas Sugrue
Julius Knapp
Geraldine Matise
Bruce Franca
Dr. Robert Pepper
Counsel for MSS Applicants
Counsel for Wireless Communications Association
Counsel for National ITFS Association