

July 18, 2001

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation in ET Docket No. 00-258 (Spectrum for Third Generation (3G) Mobile Systems) and ET Docket No. 00-221 (Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands)

Dear Ms. Salas:

Motorola, Inc. ("Motorola") herein files this *ex parte* presentation to urge the Commission to defer consideration on the reallocation of the 2385 to 2390 MHz band in ET Docket No. 00-221. Motorola strongly believes that any final decisions on the use of this spectrum band should be determined in accordance with the allocation decisions promulgated in ET Docket No. 00-258.

It is Motorola's understanding that the Commission intends to issue a *Further Notice of Proposed Rule Making* ("*FNPRM*") in ET Docket No. 00-258. Motorola is hopeful that this *FNPRM* will consider unlicensed Personal Communications Service spectrum, including the 2390 to 2400 MHz band, potentially for accommodation of Federal Government spectrum users currently in the 1710 to 1850 MHz band. To ensure effective and efficient spectrum management, Motorola encourages the Commission to also consider the final allocation of the 2385 to 2390 MHz band as part of the *FNPRM*. This proposal will enable the Commission to give full consideration to the most beneficial public use of the contiguous 15 MHz of spectrum from 2385 to 2400 MHz.

Motorola notes that the 2385 to 2390 MHz band has not received particular support from potential users. In ET Docket 00-221, only two parties commented on the Commission's proposal to allocate this band to fixed and mobile services generally.¹ The Aerospace and Flight Test Radio Coordinating Council

¹ See *Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands*, ET Docket No. 00-221, *Notice of Proposed Rule Making*, 15 FCC Rcd 22657 at ¶ 47 (2000).

("AFTRCC") urged the Commission to protect the use of the 2385 to 2390 MHz band for flight test operations in a number of locations beyond those that NTIA identified and to clarify that flight test licensees displaced from the band were eligible for reimbursement.² Additionally, MicroTrax considers and rejects the 2385 to 2390 MHz band for its Personal Location and Monitoring Service due to the continued use by the Federal Government and the requirement for reimbursement of displaced Federal users.³ Therefore, it is clear that no parties would be adversely affected by the Commission postponing final action on this band and considering as part of its deliberations in the *FNPRM* for 3G spectrum.

Final decisions on spectrum allocation affecting the 2385 to 2390 MHz band should be considered in a consistent, uniform fashion. Motorola urges the Commission to not issue a final allocation decision on the 2385 to 2390 MHz band, but rather to consider this band as part of the *FNPRM* for 3G spectrum bands. It is clear that the 2385 to 2390 MHz band could potentially be made available, along with the 2390 to 2400 MHz band, to accommodate Federal spectrum users. For instance, one of the Federal Government systems currently in the 1710-1850 MHz band, is used for air combat training. Such use should be compatible with the aeronautical telemetry use of the 2360-2385 MHz band. Accordingly, the Commission should add the 2385 to 2390 MHz band to the *FNPRM* to provide Government and non-Government parties to provide additional comment on the use of this band that would most benefit the public interest.

In accordance with the Commission's rules, one electronic copy of this letter is being submitted via the Commission's Electronic Comment Filing System for inclusion in the record in the above captioned proceedings.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey
Director, Spectrum and Standards Strategy

cc: Julius Knapp
Geraldine Matisse
Ira Keltz
Tom Derenge
Rod Small
Kathleen Ham

² See Comments of AFTRCC at 1.

³ See Comments of MicroTrax at 4-5.

