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May 3, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

via Hand Delivery

Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, DC 20002

copy to:

Auctions and Industry Analysis Division
Wireless Telecommunications Bureau
Federal Communications Commission
Attn: Rana Shuler
Room 4-A628
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No.02-55

Dear Sirs:

We represent the telecommunication interests of Small Business in Telecommunications, an association of small businesses. We hereby file comments in the above referenced proceeding.

Very truly yours,

Benjamin J. Aron

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20005

In the Matter of	)	
	)	
Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules (Televison Channels 60-69)	)	**WT Docket No. 99-168** **GN Docket No. 01-74** **WT Docket No. 02-55**
	)	
Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)	)	**DA 02-260** **Report No. AUC 02-31-A** **(Auction No. 31)**
	)	
Auction of Licenses in the 747-762 and 777-792 MHz Bands Scheduled for June 19, 2002	)	**DA 02-563** **Report No. AUC 02-44-B** **(Auction No. 44)**
	)	
	)	
	)	**D.A. 02-857**
To: The Commission	)	**D.A. 02-971**

Comments of Small Business in Telecommunications

Small Business in Telecommunications (SBT) is a non-profit organization of hundreds of operators of local radio systems and associated manufacturers of equipment employed by members to serve the public. SBT has long been a commenter to the agency's efforts in regulating the use of the land mobile spectrum, including both 700 and 800 MHz facilities. Its members include dozens of 800 MHz licensees, authorized to provide commercial operations to various markets employing both site-based and geographic licensed facilities. Accordingly, SBT is both qualified to comment in this proceeding and has long established its members' intense interest in these matters.

SBT supports CTIA's Application For Review and urges the Bureau to recommend that the Commission delay Auctions 31 and 44 beyond the scheduled date of June 19, 2002. A balancing of the public interest clearly weighs in favor of such delay and a maintaining of greater options for determining whether the subject spectrum is better employed for the purpose resolving harmful

interference to public safety operators at 800 MHz. There is no immediate need for the spectrum to be auctioned and all parties admit that any future use of the subject 700 MHz spectrum would be delayed due to issues arising out of broadcaster incumbency. Accordingly, no party would be injured by delay and the agency leaves open its ability to engage in reasoned decision making regarding the best future use of that 700 MHz spectrum.

Further, those 700 MHz channels hold the best promise of viable spectrum for the purpose of promoting interoperability among public safety entities. The Commission has long supported the efforts toward greater public safety interoperability, but has lacked spectrum resources which would apply to solving the issue in a cost effective manner. This is particularly true when one considers that migration of public safety entities onto the 700 MHz spectrum would be gradual and, thus, provide adequate time for broadcasters' migration onto digital television spectrum.

The agency should not preclude or ignore this opportunity to serve the needs of public safety while promoting an auction which is unlikely to net substantial revenues for the U.S. Treasury due to the encumbered condition of the spectrum. In failing to delay the auction, the agency would paint itself into a corner which would require unnecessarily expensive solutions from which to remove itself while reaching for a decision regarding the complex issues articulated within WT Docket 02-55.

Concurrently, the private industry proponents of the auction appear to be forwarding sale for the specific purpose of commencing negotiations to obtain monies from auction winners in exchange for prompt migration from the subject spectrum. The agency should not rush to auction for the sole purpose of providing leverage for those persons, which leverage is undeserved and surely of less

decisional significance than the needs of public safety and other adversely affected 800 MHz operators.

In consideration of the foregoing, SBT respectfully requests that the Bureau and the Commission delay Auctions 31 and 44 consistent with CTIA's Application For Review.

Respectfully submitted,

Small Business in Telecommunications

By _____
Robert H. Schwaninger, Jr.

Dated: May 3, 2002

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of May, 2002, a true and correct copy of the foregoing Comments of the Small Business in Telecommunications was served on the following persons via first class mail:

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