

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
)  
Amendment of Part 2 of the Commission's ) ET Docket No. 00-258  
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 )

To: The Commission

**COMMENTS**

Cingular Wireless LLC (“Cingular”), by its attorneys, hereby submits comments in response to the Public Notice<sup>1</sup> seeking comment on the July 22, 2002 report of the National Telecommunications and Information Administration (“NTIA”) assessing the viability of accommodating advanced mobile wireless (3G) systems in the 1770-1755 MHz and 2110-2170 MHz bands (“NTIA Report”)<sup>2</sup>.

Cingular generally supports the NTIA Report and its conclusion that 90 MHz should be made available for advanced mobile wireless services in the 1710-1755 MHz band, to be paired with at least 45 MHz from the 2110-2170 MHz band. Commerce Secretary Donald L. Evans, in releasing the NTIA plan, noted that he had directed the NTIA to continue to work closely with the FCC to make more spectrum available by the end of the decade to meet the wireless voice and data communications needs of American

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<sup>1</sup> *FCC Seeks Comment on the National Telecommunications and Information Administration's Report “An Assessment of the Viability of Accommodating Advanced Mobile Wireless (3G) Systems in the 1710-1770 MHz and 2110-2170 MHz Bands”*, ET Docket No. 00-258, Public Notice DA 02-1780 (rel. July 24, 2002).

<sup>2</sup> *An Assessment of the Viability of Accommodating Advanced Mobile Wireless (3G) Systems in the 1710-1770 MHz and 2110-2170 MHz Bands*, NTIA (rel. July 22, 2002).

consumers beyond 2010. As Cingular has continually urged in this proceeding, a minimum of 200 MHz of additional spectrum is needed to meet these needs for advanced wireless services.<sup>3</sup> As such, the Commission and NTIA should pursue this dialog and take action so that additional internationally harmonized spectrum is made available in a timely manner for advanced wireless services. In particular, the Commission and NTIA should continue examining the possibility of making the 1755-1770 MHz band available for advanced wireless services.

In addition, there are numerous actions that the FCC must now take in order to effectuate the NTIA Plan – making the spectrum available for auction by 2004/2005, and ensuring that the spectrum is cleared. These actions include:

- Allocating and adopting service rules for the 2110-2170 MHz band, including allocating the relocation spectrum for MDS licensees currently in the 2150-2162 MHz band (and resolving related issues, such as relocation cost reimbursement). The entire 60 MHz between 2110-2170 MHz should be reallocated for advanced mobile services. However, the 2155-2170 MHz band should be held in reserve and not auctioned until it can be paired with suitable spectrum (preferably 1755-1770 MHz). At the minimum, spectrum paired with 1710-1755 MHz must be contiguous.

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<sup>3</sup> Comments of Cingular Wireless LLC, ET Docket No. 00-258, at 3 (October 22, 2001).

- Making the 1710-1755 MHz band available for advanced wireless services. This includes: (i) ensuring that the band is cleared and usable to the greatest extent possible by encouraging that the Department of Defense (“DOD”) to exert every effort to relocate from the band as quickly as possible after the auction occurs, (ii) reallocating the band from government exclusivity to both government and non-government use on a mixed-use basis, and (iii) determining whether to reallocate the 2025-2110 MHz band and the 2385-2395 MHz band for government use.
- Completing a rulemaking so that government ground systems in the 1710-1755 MHz band can remain on a secondary, coordinated basis at all sites, but on a primary basis at Cherry Point, North Carolina and Yuma, Arizona. Within this rulemaking, the Commission must clarify what is meant by a “secondary coordinated basis”, as specified in the NTIA Report<sup>4</sup>, and determine procedures for this coordination. As is the case today with other services, coordination must be the responsibility of the secondary users, *i.e.*, the government. Service rules must clarify that the burden will be on DOD to resolve interference problems where they are secondary users, or if interference cannot be resolved, to move.
- Completing a rulemaking minimizing interference into commercial use from the NASA Goldstone facility in the 2110-2120 MHz band, as well as the ground stations at Cherry Point, North Carolina, and Yuma, Arizona.

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<sup>4</sup> NTIA Report at 2.

For the foregoing reasons, the Commission should take the actions outlined above and in the NTIA Report.

Respectfully submitted,

**CINGULAR WIRELESS LLC**

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