

February 27, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Proposal of the Wireless Communications Association International, Inc., the National ITFS Association and Catholic Television Network for Revisions To MDS and ITFS Rules –RM-10586* -- **NOTICE OF EX PARTE PRESENTATION**

Dear Ms. Dortch:

Earlier today, Todd D. Gray, counsel to the National ITFS Association (“NIA”), Edwin N. Lavergne, counsel to the Catholic Television Network (“CTN”) and the undersigned, counsel to the Wireless Communications Association International, Inc. (“WCA”), met with John Muleta, Chief of the Wireless Telecommunications Bureau and Gerald P. Vaughn, Kathleen Ham, Shellie Blakeney and Thomas Stanley of the Bureau to discuss the October 7, 2002 white paper filed by WCA, NIA and the Catholic Television Network proposing a revised regulatory regime for the Multipoint Distribution Service (“MDS”) and the Instructional Television Fixed Service (“ITFS”).

The representatives from WCA, CTN and NIA emphasized the important public interest benefits that will derive from adoption of the rule changes proposed in the white paper and the strong industry consensus that has developed in support of the filing. They specifically discussed the benefits that will be realized by adoption of their market-by-market approach for transitioning from the current bandplan to the proposed new bandplan. They emphasized that such an approach avoids the imposition of transition expenses until such time as a “Proponent” is prepared to deploy services that will benefit from the new plan and provides a mechanism for transferring the costs of transition to those who will benefit most directly from the transition. In addition, the participants in the meeting discussed the rationale for maintaining the proposed “Mid Band Segment” for the continued transmission of high-power, high-site video and data services and stressed the importance to the settlement that all licenses retained the amount of spectrum to which they are current entitled.

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Copies of a presentation given by WCA to its members regarding the white paper were distributed to Messrs. Muleta, Vaughn and Stanley. A copy of that presentation is attached.

Should you have any questions regarding this notice, please contact the undersigned.

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

cc: John Muleta  
Gerald P. Vaughn  
Kathleen Ham  
Shellie Blakeney  
Thomas Stanley  
Todd D. Gray  
Edwin N. Lavergne



# **HOW THE NEW FCC MDS/ITFS RULES CHANGE WILL AFFECT DEPLOYMENTS**

A WCA Tutorial On Proposed  
Changes To The MDS/ITFS  
Regulatory Regime

January 12, 2003  
WCA Technical Symposium  
San Jose, California



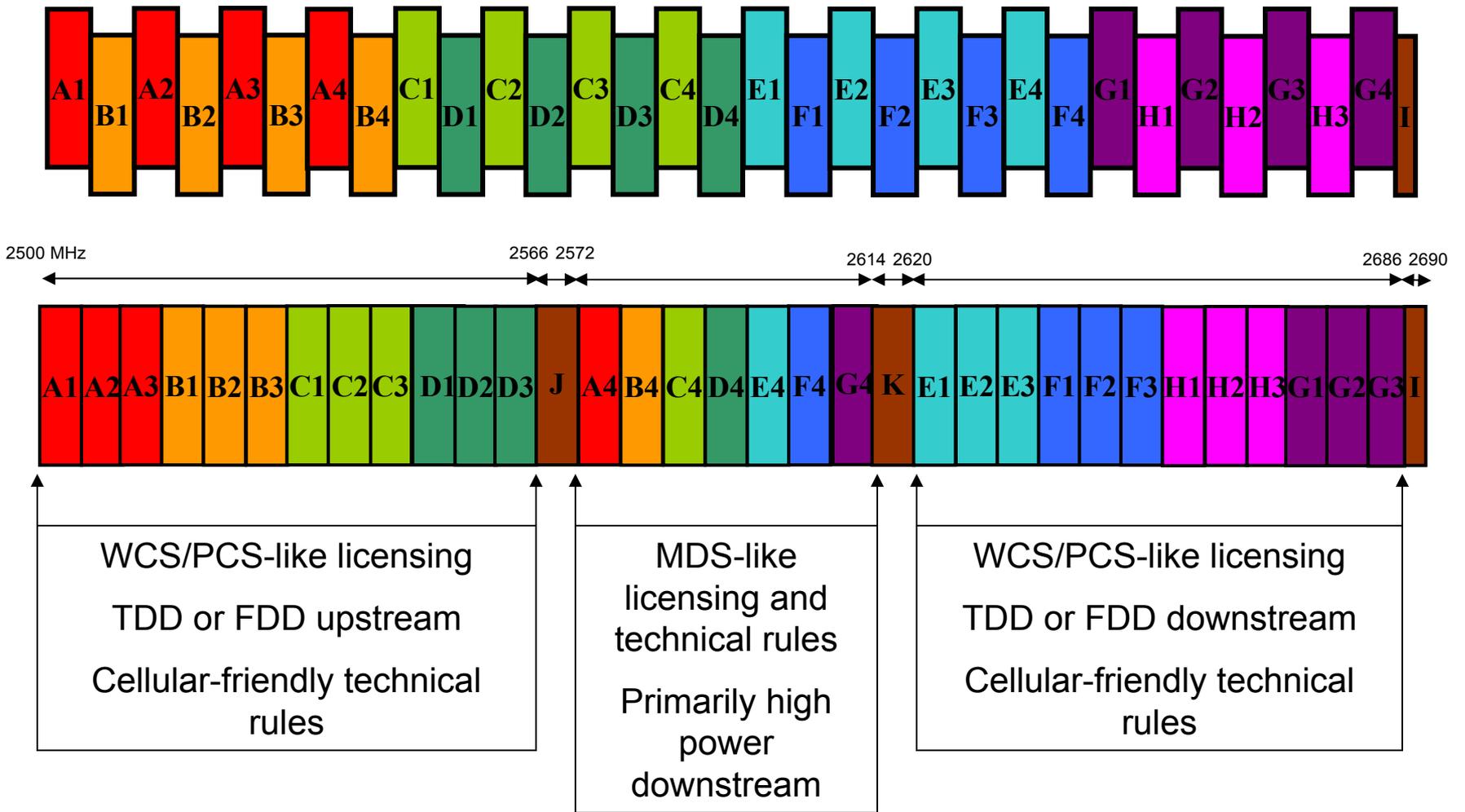
# The Agenda

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- **Introduction and Overview by Co-Moderators**
  - Paul J. Sinderbrand**, WCA Counsel & Partner, Wilkinson Barker Knauer LLP
  - Paul McCarthy**, Director, Licensee Relations, Sprint Broadband & WCA MDS/ITFS Rules Change Task Force Chairman
- **Engineering Issues:**
  - James Cornelius**, Manager of Engineering, Marconi Wireless
  - Kris Kelkar**, Senior Vice President, Sales & Marketing, California Amplifier
  - Jim O'Connor**, Executive Director, Engineering, IPWireless
- **Questions and Answers**
- **Business Issues:**
  - Curtis Henderson**, Senior Vice President & General Counsel, Nucentrix Broadband Networks
  - R. Stanley Allen**, President, First Mile Communications
- **Legal Issues:**
  - Edwin Lavergne**, Counsel, Catholic Television Network & Partner, Shook, Hardy & Bacon
- **Questions and Answers**



# The Old and New Bandplans





# The Fundamental Problems

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- First generation of data services suffered from line-of-sight and professional installation requirements.
- Marketplace demand is evolving towards portable and mobile devices.
  - FCC changed MDS/ITFS allocation to permit non-fixed uses in 2001.
- Current regulatory structure does not accommodate next generation portable and mobile devices that can be self-installed and do not require line-of-sight.



## The Major Flaws In The Current Rules

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- Burden of current broadcast-style interference analysis, application and licensing process would be crushing to next generation system operators.
- Next generation systems require flexibility to make modifications without delay and excess cost.
- Current overly-conservative cochannel interference protection rules preclude ubiquitous coverage absent consent of cochannel licensees.
- Interleaving of channels effectively precludes data service absent consent of adjacent channel licensees.

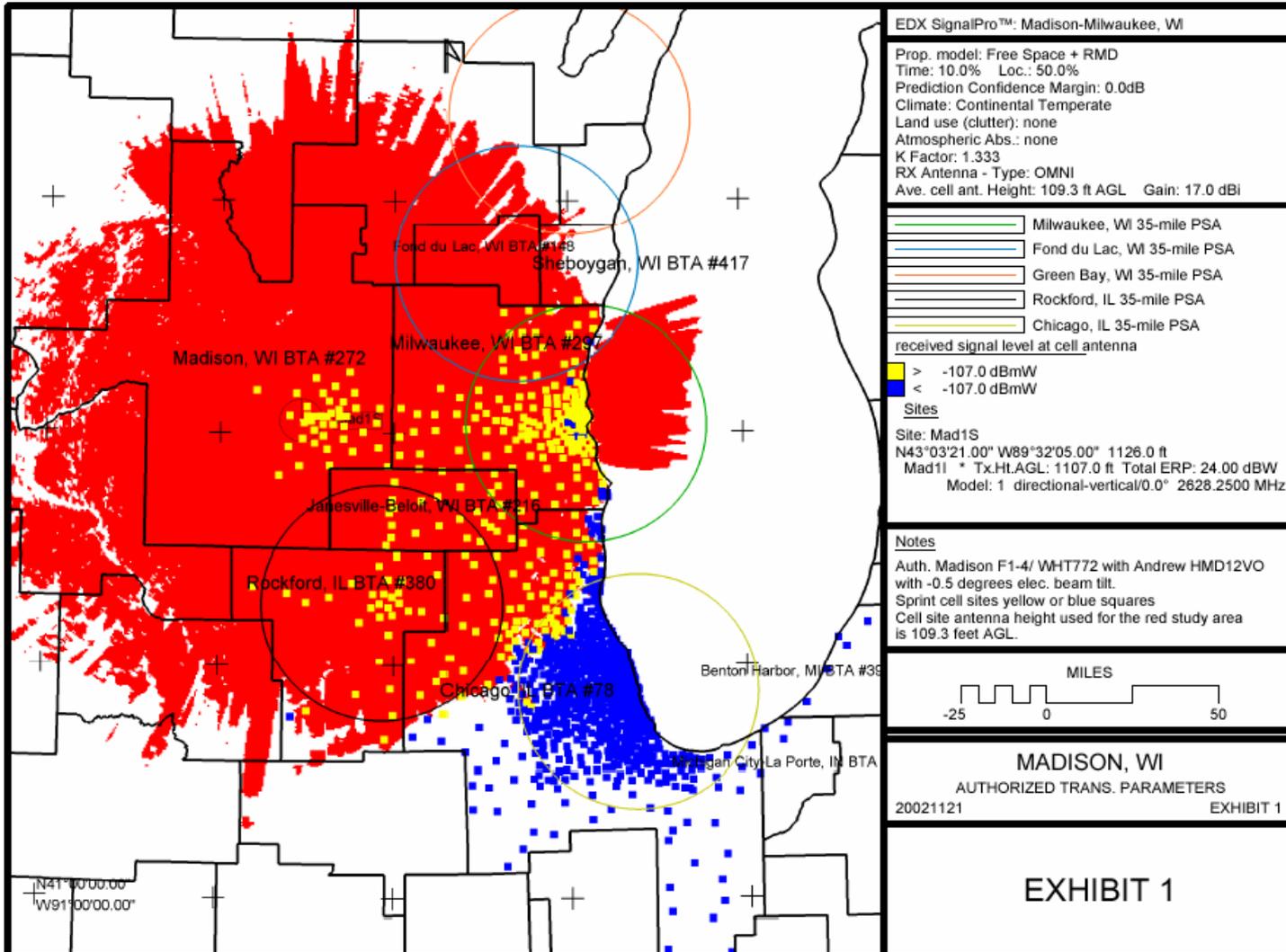


# The Major Flaws In The Current Rules

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- Overlapping PSAs create “no man’s land.”
- Anti-brute force overload rules effectively mandate fixed service with professional installation in most cases.
- Restrictions on omnidirectional CPE antennas limit portable and mobile applications.
- Mixing in same band of high-power, high-site services with portable and mobile cellular services results in interference to cellular services (particularly to reception at base stations) and complicates solution to brute force overload at ITFS receive sites.

# The Major Flaws in the Current Rule





## Rules Change Objectives

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- Provide for protection of low power portable/mobile cellular services from high-power, high-site downstream services.
- Preserve ability to continue high-power, high-site applications, especially ITFS video services, without interference from cellular services.
- All licensees retain present quantity of spectrum.
- Establish technology-agnostic rules (TDD vs. FDD).



## Rules Change Objectives

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- Eliminate unnecessary transaction costs.
  - Move towards WCS/PCS model and eliminate interference studies, applications and licensing costs and delays.
  - Streamline remaining regulations.
  - Minimize opportunities for “greenmail” as much as possible.
- Promote major vendor interest with a national bandplan and consistency with worldwide standards.
- Establish a process for transitioning to new bandplan that:
  - is mandatory;
  - avoids deployment delays and greenmail;
  - does not impose costs on ITFS licensees; and
  - minimizes costs to commercial operators.



# The Process of Developing the Proposal

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- WCA Government Relations Committee tasks Engineering Committee with recommending solutions to identified problems.
- The Technical Task Group process.
- WCA/NIA/CTN Discussions

# WCA Engineering Task Force Members

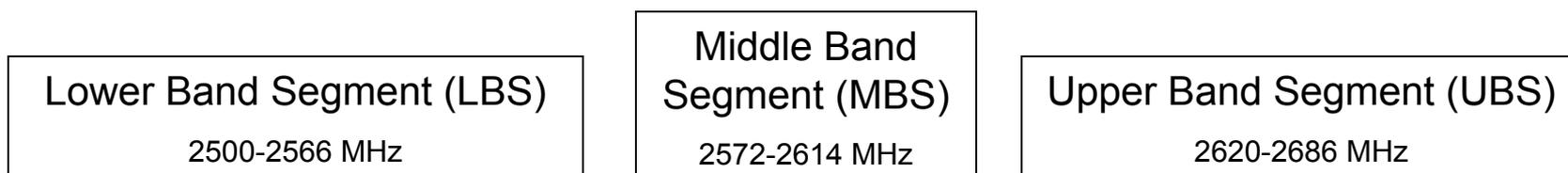
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- Arraycom
- Axcera
- BeamReach
- Bell South
- Catholic Television Network
- CalAmp
- Clearwire
- Clearwire Equipment
- ComSpec
- Dalager Engineering
- Ericsson
- Hammett & Edison, Inc.
- Iospan Wireless
- IPWireless
- Kessler and Gehman
- Marconi
- MobyTel, HITN
- National ITFS Association
- Navini
- NextNet Wireless
- Nokia
- nTelos
- Nucentrix
- Qualcomm
- SkyCable TV
- Soma Networks
- Sprint
- Unison Wireless
- Vyvo
- Wireless One of North Carolina
- WorldCom

- Teleconference meetings 2x weekly March through November 2002
- 55 calls, 18 engineers +

# The Proposed New National Bandplan



LBS and UBS are each 66 MHz wide, broken into twelve 5.5 MHz channels.

Deinterleaving results in contiguous LBS/UBS blocks of 16.5 MHz.

MBS is 42 MHz wide, broken into seven 6 MHz channels, one for each current 4 channel group.

J and K Bands are each 6 MHz wide, each broken into twelve 500 kHz channels (1 channel per 5.5 MHz LBS/UBS channel).

I Band provides a 125 kHz channel for each LBS, MBS and UBS channel.

MBS plus J and K Bands provide 54 MHz duplex separation for FDD services.

MBS stays “on channel” relative to current bandplan to reduce transition costs.

# The Critical Components Of The WCA/NIA/CTN Proposal

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- High-power, high-site operations will be restricted to MBS.
  - MBS channels can migrate to LBS/UBS rules upon consent of affected MBS licensees.
- “Proponent” will migrate ITFS high-power, high-site operations to MBS and provide eligible ITFS receive sites with new downconverters that will be immune to BFO from LBS/UBS operations.
- Operations in the LBS/UBS will be freed from overly-conservative interference protection rules.
  - ITFS receive sites will be protected by virtue of new downconverters and J and K Transition Bands.
  - LBS/UBS will be regulated by WCS/PCS model – Applications replaced by enforcement of technical rules
- Cellular operations in LBS/UBS will not be vulnerable to interference from high-power, high-site operations.

# The Critical Components Of The WCA/NIA/CTN Proposal

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- Different technical rules (spectral mask, field strength limits at border, etc.) proposed for different segments to reflect different needs.
- Subchannelization and superchannelization continue to be permitted.
- Professional installation requirement eliminated for CPE at or below +18 dBW EIRP
- Restrictions on omnidirectional antennas repealed.
- BTA auctions to license ITFS “white space.”
- Exclusive GSAs will be established.