

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 2 of the Commissioner's Rules	)	
to Allocate Spectrum Below 3 GHz for Mobile	)	
and Fixed Services to Support the Introduction of	)	ET Docket No. 00-258
New Advanced Wireless Services, including Third	)	
Generation Wireless Systems	)	
	)	
The establishment of Policies and Service Rules	)	IB Docket No. 99-81
for the Mobile-Satellite Service in the 2GHz Band	)	
	)	
Amendments of the U.S. Table of Frequency	)	
Allocations to Designate the 2500-2520/2670-	)	RM-9911
2690 MHz Frequency Bands for the Mobile-	)	
Satellite Service	)	
	)	
Petition for Rule Making of the Wireless	)	
Information Networks Forum Concerning the	)	RM-9498
Unlicensed Personal Communications Service	)	
	)	
Petition for Rule Making of UTStarcom, Inc.,	)	
Concerning the Unlicensed Personal	)	RM-10024
Communications Service	)	

**REPLY COMMENTS OF ERICSSON INC**

Ericsson Inc ("Ericsson") hereby submits the following comments in reply to the Federal Communications Commission's ("Commission") Third Notice of Proposed Rulemaking ("NPRM") in the above-captioned matters, released February 10, 2003. Specifically, in response to filed comments, Ericsson recommends that the Commission:

- Issue an AWS Service Rules FNPRM;
- Allocate the 2020-2025 MHz band to the Federal Government;
- Extend AWS spectrum from 2110-2155 MHz to 2110-2180 MHz; and
- Delete Section 15.323(b) from its rules.

First, for a number of years, the Commission has been actively working toward allocating spectrum for Advanced Wireless Services (“AWS”). Its efforts to date have been successful and have resulted in the allocation of 1710-1755 MHz and 2110-2155 MHz for AWS. Through a separate rulemaking (“AWS Service Rules NPRM”), the Commission sought and received comment on the appropriate service rules for this spectrum (1710-1755 MHz and 2110-2155 MHz).<sup>1</sup> However, the comments received in response to the Commission’s AWS Service Rules NPRM are incomplete; they address appropriate rules based on only *some* of the spectrum expected to be allocated for AWS.

The present NPRM reflects a continuation of the Commission’s effort to make more spectrum available for AWS. The availability of additional spectrum for AWS, as contemplated by the Commission and recommended by numerous commenters in this NPRM, materially affects the nature, scope, and detail of service rules for AWS spectrum. Industry’s service rule recommendations are certain to change if the Commission allocates spectrum in the band 2155-2180 MHz, or parts thereof, for AWS. For example, the availability of additional spectrum will likely impact recommended block sizes, spectrum pairings, asymmetrical use, and proposals for making the spectrum available.

To ensure that a full and complete record available for its decision making, the Commission should reexamine the AWS service rules in light of any new AWS spectrum allocation made in this NPRM by issuing an AWS Service Rules FNPRM. This will allow the Commission to receive Industry comments on the appropriate service rules in the context of the broader picture, i.e., the entire package of spectrum available for AWS.

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<sup>1</sup> *In The Matter of The 1.7 GHz and 2.1 GHz Bands Service Rules for Advanced Wireless Services*, released November 22, 2002.

Such action is in the public interest because it represents strategic, rather than piecemeal, spectrum management.

Second, Ericsson originally proposed that the Commission pair 2020-2025 MHz with 2175-2180 MHz. Ericsson made this recommendation under the view that adjacent Broadcast Auxiliary Service (“BAS”) operation in the band was predominantly point- to- point, and therefore, could be site coordinated to avoid harmful interference with PCS or PCS-like services in the band. However, based on the comments filed by the Society of Broadcast Engineers, Inc., it is apparent that the adjacent operation of BAS mobile transmitters in 2025-2110 MHz would interfere with service in the 2020-2025 MHz band.<sup>2</sup> As a result, 2020-2025 MHz is not suitable for use as a base station receive band for PCS or PCS-like services.

Given these constraints, Ericsson supports an alternative allocation of this band. A number of commenters support reallocation of this band to the Federal Government. For example, Verizon Wireless stated the following in its comments:

[T]he 2020-2025 MHz band may be best used if it were reallocated to the Federal Government, providing additional spectrum for the Department of Defense ("DOD"). In deciding to reallocate and make available the 1710-1755 MHz band, NTIA noted that the 2025-2110 MHz band should be made available in some parts of the country for DOD use. This will allow DOD to move its satellite operations out of the 1710-1850 MHz band, and thus, provide additional spectrum in the 1755-1850 MHz band to accommodate the relocation of Federal ground systems out of 1710-1755.<sup>3</sup>

Ericsson supports the proposal of Verizon, and others, to allocate 2020-2025 MHz to the Federal Government and notes that this allocation would help to clear the AWS spectrum

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<sup>2</sup> See Comments of the Society of Broadcast Engineers, Inc. filed in ET Docket No. 00-258, April 14, 2003, pg. 1-3.

<sup>3</sup> See Comments of Verizon Wireless filed in ET Docket No. 00-258, April 14, 2003, pg. 8-9.

and provide the DOD with the opportunity to coordinate its satellite operations geographically.

Third, independent of the Commission's decision pertaining to the allocation of the 2020-2025 MHz band, AWS should be extended to the 2180 MHz band. In its initial comments, Ericsson recommended that the Commission extend AWS service from 2110-2155 MHz to 2110-2175 MHz. In light of the foregoing, Ericsson recommends that the Commission extend AWS service from 2110-2180 MHz. In this way, the Commission could create a larger band to support additional capacity in the downlink direction.

Consistent with its earlier comments, Ericsson recommends that the Commission proceed expeditiously to allocate 2155-2180 MHz, promulgate service rules, and establish an auction date and auction procedures for this spectrum, which coincide with similar efforts for AWS spectrum in the 1710-1755 MHz and 2110-2155 MHz. Timely completion of the foregoing is essential to ensure that there is sufficient regulatory certainty for industry to invest in and deploy 3G systems. The Commission should also continue to consider allocation of additional spectrum adjacent to the 1710-1755 MHz band for AWS in the future.

Last, to achieve its paramount objective of more efficient use of spectrum, the Commission must ensure that any decisions regarding the use of the 1915-1930 MHz band must not interfere with the use of the G band. Otherwise, the advantage of creating a G band will be lost. Specifically, Ericsson reiterates its proposal that the Commission extend isochronous use to 1915 MHz. This is the best proposal for limiting the introduction of possible sources of interference to existing PCS operations and future operations in the G band.

As a further safeguard for reducing the probability of interference, Ericsson recommends that the Commission eliminate Section 15.323(b). This rule is unnecessary; it is not needed for proper UPCS operation. In effect, this rule under certain circumstances could *increase* the probability of interference to PCS because the rule directs UPCS devices to use the part of the UPCS band that is closest to the G and A bands first. On the other hand, if UPCS were authorized to start operations in the middle of the band, the opportunity for any interference to PCS would be significantly reduced. Accordingly, the Commission should eliminate this rule to mitigate the remote possibility of interference to PCS from UPCS devices resulting from the implementation of this rule.

The foregoing will enable the Commission to implement a clear spectrum management policy that promotes the efficient use of spectrum. In addition, such steps will ensure that the Commission promulgates a spectrum management strategy that is in the public interest, maximizes its opportunity to ensure harmonized use of spectrum, facilitates roaming, reduces equipment complexity, and achieves economies of scale.

DATED this 28<sup>th</sup> day of April, 2003.

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