

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 2 of the Commission's 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)	ET Docket No. 00-258
)	
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band)	IB Docket No. 99-81
)	
Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520 / 2670-2690 MHz Frequency Bands for the Mobile Satellite Service)	RM-9911
)	
Petition for Rulemaking of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service)	RM-9498
)	
Petition for Rule Making of UTStarcom, Inc., Concerning the Unlicensed Personal Communications Service)	RM-10024
)	

To: The Commission

**REPLY COMMENTS OF THE
PEÑASCO VALLEY TELEPHONE COOPERATIVE, INC.**

The Federal Communications Commission ("FCC" or "Commission") has adopted a Third Notice of Proposed Rulemaking ("*Third NPRM*") in the above-captioned dockets seeking additional comment on the disposition of the Unlicensed Personal Communications Service ("UPCS") band spectrum at 1910-1930 MHz, the MDS spectrum at 2155-2160/62 MHz, the Emerging Technology spectrum at 2160-2165 MHz and the bands reallocated from the Mobile

Satellite Service (“MSS”). In these reply comments, the Peñasco Valley Telephone Cooperative, Inc. (“PVT”) focuses on the 1910-1930 MHz Unlicensed Personal Communications Service (“UPCS”) band, which includes the 1910-1920 MHz sub-band currently designated for asynchronous data devices, and the 1920-1930 MHz sub-band currently designated for isochronous voice devices.

I. The UPCS Band Should Remain Available for Unlicensed Use With Modifications to the Technical Requirements to Enable Development of Community Wireless Networks and other Local Mobility Services

Consistent with previous comments and reply comments by rural carriers in this docket, PVT urges the Commission to leave the UPCS spectrum unlicensed; to allow voice communications in the 1910-1920 MHz asynchronous data sub-band; and to relax the spectrum etiquette currently in place for the 1910-1920 MHz sub-band.¹ Leaving the UPCS spectrum for unlicensed use will encourage deployment of niche services and local mobility applications that show great promise to benefit consumers in rural, underserved and tribal areas. Relaxing the spectrum etiquette would allow deployment of inexpensive, globally standard systems such as the UTStarcom Personal Access System and other technologies that are based on Japan’s RCR-28 Personal Handyphone System (“PHS”) standard. Taken together, these modest changes in the current UPCS regulatory scheme will ensure that the UPCS spectrum is used efficiently and intensively, and that small businesses and rural telephone companies will have the opportunity to provide new services to the public that are different from those currently available in the licensed wireless bands.

¹ See October 22, 2001 Comments of Blackfoot Telephone Cooperative (“*Blackfoot Comments*”), Comments of Midstate Communications Inc. (“*Midstate Comments*”), Comments of Midvale Telephone Exchange, Inc. (“*Midvale Comments*”) and Comments of the Peñasco Valley Telephone Cooperative, Inc. (“*PVT Comments*”) to *Further Notice of Proposed Rule Making* in ET Docket No. 00-258, ET Docket No. 95-18 and IB Docket No. 99-81, 16 FCC Rcd 16043 (2001) (“*Further Notice*”). Each of the rural telephone companies listed above also participated in joint Reply Comments to the *Further Notice* that were filed on November 8, 2001 (“*Joint Reply Comments*”).

PVT supports UTStarcom and other commenters who believe that the Commission should modify its UPCS technical rules in accordance with the changes proposed by UTAM, Inc. (“UTAM”) and UTStarcom in their joint *ex parte* presentation filed in these dockets on August 8, 2002.² PVT agrees with UTAM that the public interest supports retaining the entire 1910-1930 MHz band for use by UPCS networks and devices.³ The use of the 1910-1930 MHz band for unlicensed devices in the first place was driven, in part, by the need to create an adequate separation between the licensed PCS base and mobile transmit bands.⁴ The Commission must protect existing licensed operations above all, and preserving the 1910-1930 MHz band as a guard band for low power unlicensed devices is an important part of this protection.

II. The FCC Should Not Use UPCS Spectrum as Relocation Spectrum For Services Displaced from Spectrum Allocated for Next Generation Wireless Services

PVT disagrees with commenters who urge the Commission to use the UPCS spectrum to create yet another broadband PCS license block, regardless of whether licenses are to be given to existing MDS licensees (arising from reallocation of the 2150-2162 band for advanced wireless services)⁵, given to Nextel⁶, or simply auctioned off to the highest bidder. Instead, the Commission should follow a “Coordinated Unlicensed” approach currently used for the UPCS band that would give small businesses and rural telephone companies the ability to access small amounts of spectrum, on a very local basis, with some protection from interference. This would result in the efficient allocation and use of wireless spectrum because operators would be allowed to deploy larger community based systems without concern from future uncoordinated

² See Comments of UTStarcom, Inc. (“*UTStarcom Comments*”) at 2.

³ Comments of UTAM, Inc. (“*UTAM Comments*”) at 2.

⁴ *Third NPRM* at ¶ 50.

⁵ See, e.g., Comments of Nucentrix Broadband Networks, Inc. (“*Nucentrix Comments*”); Comments of the Ad Hoc MDS Alliance (“*Alliance Comments*”)

⁶ See *Third NPRM* at ¶ 45.

