

November 17, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Ex Parte Submission in WT Docket No. 99-168

Dear Ms. Salas:

This letter is being filed on behalf of The Telecommunications Industry Association (“TIA”). On July 16, 1999, TIA submitted comments in response to the Federal Communications Commission’s Notice of Proposed Rulemaking in WT Docket 99-168 (“Notice”). TIA is the principal industry association representing manufacturers and suppliers of telecommunications products and equipment, including manufacturers of terrestrial mobile radio equipment.

In our comments, TIA urged the Commission to carefully examine all of the issues associated with its complex proposal for licensing fixed, mobile, and broadcasting services in the 746-806 MHz band. We noted that TIA had summarized its spectrum management principles in a brief white paper entitled “TIA Spectrum Management Policy” and we attached this paper to our filing. TIA particularly stressed that the Commission should not allow the important Public Safety licensees that will be located in this band to be subject to harmful interference. This not only would be costly to these important users of the spectrum and the governmental jurisdictions they represent, but it could result in the public being put in jeopardy during life threatening circumstances.

The Commission now has before it several proposals for services that would operate in the spectrum immediately adjacent to the public safety operations in the 746-806 MHz band. Analyzing these proposals is precisely what TIA views as being a core spectrum management function. In making such assessments, the Commission should carefully evaluate sufficient record evidence, including pertinent technical data, to ensure that no harmful interference will be caused to public safety systems operating in the public safety portion of the 746-806 MHz band.

In summary, TIA urges the Commission to protect Public Safety operations in the 746-806 MHz band.

Please contact either of us if you have any questions about TIA's position on this matter.

Respectfully,

/s/

Grant E. Seiffert
Vice-President, Government Relations

Derek R. Khlopin
Regulatory Counsel

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 746-764 and)	WT Docket No. 99-168
776-794 MHz Bands, and)	
Revisions to Part 27 of the)	
Commission's Rules)	

Comments of the Telecommunications Industry Association

The Telecommunications Industry Association ("TIA") submits the following brief comments in response to the Federal Communications Commission's Notice of Proposed Rulemaking in WT Docket 99-168 ("Notice").¹ TIA is the principal industry association representing manufacturers and suppliers of telecommunications products and equipment, including manufacturers of terrestrial mobile radio equipment.

TIA believes that this proceeding presents the Commission with an excellent opportunity to revisit some of the conclusions reached in its December 1997 Report and Order reallocating this spectrum² and to fully examine all of the issues associated with the complex undertaking of licensing fixed and mobile services in this band. Although the Commission initially was required to conduct the auction for this spectrum after January 1, 2001, we are aware that legislation is pending in Congress that would accelerate that auction and require its completion by September 30, 2000.³

Notwithstanding this potential time pressure, the Commission cannot afford to allow spectrum as valuable as that located at 746-806 MHz to be used at less than its full potential or to allow the important public safety licensees that will be located adjacent to

¹ Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, Notice of Proposed Rulemaking, FCC 99-97 (Released June 3, 1999) ("Notice").

² Allocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, Report and Order, 12 FCC Rcd 22953 (1998).

³ S.1122, An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes. Measure passed Senate 06/08/99. See section 8107.

this band to be subject to harmful interference from incompatible services. This not only would be costly to these important users of the spectrum and the governmental jurisdictions they represent, but it could result in the public being put in jeopardy during life threatening circumstances.

The spectrum management obligation of the Commission requires that it consider the full range of relevant issues in its allocation process and assure that all of the public interest considerations are taken into account in its decisions. TIA has spelled out these spectrum management obligations in a brief white paper entitled “TIA Spectrum Management Policy.” For example, the paper sounds an important cautionary note:

It is important to note the frequency spectrum is finite in nature yet must accommodate future radio and telecommunications needs. Clearly spectrum management is international in character and cannot be dealt with solely on a domestic basis. Spectrum allocation decisions in the United States must reflect a consensus by the private sector and the government on what services are technically possible, economically sound, spectrally efficient and likely to benefit the public. Decisions on spectrum utilization should not be left to the market alone to decide. Unbridled spectrum flexibility leads to fractured markets, increased equipment costs, delayed research, product development and time to market, and increased potential for interference among users.⁴

A copy of the TIA white paper is attached to these comments. TIA requests that it be made part of the record.

In summary, TIA urges the Commission to develop service rules for the spectrum at the 746-764 and 776-794 MHz using the methods that best accommodate all relevant public interest considerations including economic, technical and market factors. TIA stands ready to provide the Commission with assistance in the carrying out of this responsibility.

The Commission should give careful consideration to the amount of spectrum needed for anticipated uses. Especially critical is the need to avoid harmful interference between future systems and operations. TIA is confident that the various private sector

⁴ Telecommunications Industry Association, “TIA Spectrum Management Policy” (May 29, 1997).

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interests will present the Commission with the information needed to make a wise and timely decision. As this proceeding moves forward, should it appear appropriate and useful, TIA will share with the Commission any further recommendations or suggestions that might be helpful to your deliberations.

Respectfully submitted,

Telecommunications Industry Association

Grant E. Seiffert
Vice President, Government Relations

Derek R. Khlopin
Regulatory Counsel

July 16, 1999