



# PUBLIC NOTICE

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**DA 01-121**  
**Released: January 18, 2001**

## **WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON FCI 900, INC.'S EXPEDITED REQUEST FOR 3-YEAR EXTENSION OF 900 MHZ BAND CONSTRUCTION REQUIREMENTS**

**Comment Date: February 1, 2001**  
**Reply Comment Date: February 8, 2001**

Pursuant to Sections 1.3 and 1.925 of the Commission's Rules, 47 C.F.R. §§ 1.3 and 1.925, the Wireless Telecommunications Bureau (Bureau) hereby seeks comment on the Request for Expedited Waiver filed by FCI 900, Inc., a wholly-owned subsidiary of Nextel Communications, Inc. (collectively, Nextel).<sup>1</sup>

Nextel requests waiver of Section 90.665(c) of the Commission's Rules, 47 C.F.R. § 90.665(c), to extend the 5-year construction period for 900 MHz Major Trading Area (MTA) licenses from August 12, 2001 until August 12, 2004 for all 900 MHz MTA licensees.<sup>2</sup> Section 90.665(c) provides that "each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant."<sup>3</sup> Section 90.665(c) further provides that, in the alternative, an MTA licensee may "demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service."<sup>4</sup> If an MTA licensee

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<sup>1</sup> Letter dated January 9, 2001 from Robert S. Foosaner, Senior Vice President, Government Affairs, Nextel to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, Federal Communications Commission (Waiver Request).

<sup>2</sup> The Bureau is also releasing a Public Notice today seeking comment on Neoworld License Holdings, Inc.'s request for an extension of the 900 MHz MTA construction deadline until December 31, 2002. See "Wireless Telecommunications Bureau Seeks Comment on Neoworld License Holdings, Inc.'s Request For Waiver of 900 MHz Band Construction Requirements and Petition For Declaratory Ruling," DA 01-122 (WTB rel. Jan. 18, 2001).

<sup>3</sup> 47 C.F.R. § 90.665(c)

<sup>4</sup> *Id.*

fails to timely meet one of these construction requirements, it “will forfeit the portion of the MTA license that exceeds licensed facilities constructed and operating on the date of the MTA license grant.”<sup>5</sup>

Nextel states that a waiver is necessary because equipment is not yet available to integrate its 900 MHz MTA licensed spectrum into its existing nationwide 800 MHz Integrated Digital Enhanced Network (iDEN), and will not be available by the August 12, 2001 construction deadline.<sup>6</sup> Nextel states that the limited availability of 900 MHz network equipment, and the relatively short construction period for these licenses, “warrants an extended construction period not only for Nextel, but for all 900 MHz MTA licensees.”<sup>7</sup>

Nextel also states that it intends to deploy a 900 MHz “pico cell” technology developed by Littlefeet, Inc. to resolve coverage holes, and to alleviate near-far interference between its 800 MHz commercial operations and adjacent 800 MHz public safety communications systems in July 2001.<sup>8</sup> Nextel states that deployment of the Littlefeet technology would be delayed if the company must build analog 900 MHz systems to meet the 900 MHz MTA August 12, 2001 construction deadline.<sup>9</sup>

Nextel states that expedited action on its waiver request is necessary because, if the construction period is not extended, it must order analog equipment in time for it to be assembled, delivered and deployed to provide the required coverage for each MTA by the August 12, 2001 construction deadline.

This matter shall be treated as a “permit but disclose” proceeding in accordance with the Commission’s *ex parte* rules. 47 C.F.R. §§ 1.1200(a) & 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but disclose proceedings are set forth in Section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

Comments on the Waiver Request must be filed on or before **February 1, 2001**, and reply comments by **February 8, 2001**. All documents filed in this proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch and reference Public Notice DA No. 01-121. Comments may be filed via the Commission’s Electronic Comment Filing System (ECFS) via the Internet to [http://www.fcc.gov/e – file/ecfc.html](http://www.fcc.gov/e-file/ecfc.html)>. In completing the transmittal screen, commenters should include their full name and Postal Service mailing address, and reference Public Notice DA No.

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<sup>5</sup> 47 C.F.R. § 90.665(d).

<sup>6</sup> Waiver Request at 2.

<sup>7</sup> *Id.* at 1.

<sup>8</sup> *Id.* at 5

<sup>9</sup> *Id.* at 6.

01-121. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to: [ecfs@fcc.gov](mailto:ecfs@fcc.gov), including “get form < your e-mail address>” in the body of the message. A sample form and directions will be sent in reply.

Interested parties who choose to file by paper must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., S.W., Room TW-A325, Washington, D.C. 20554.

In addition, parties should send: one paper copy to Richard Arsenault, Room 4A-267, and one paper copy to Policy and Rules Branch, Room 4-A-207, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W. Washington D.C. 20554; one paper copy to the Public Reference Room, Federal Communications Commission, 445 Twelfth Street, S.W, 20554; and one paper copy and one diskette copy to ITS, Room CYB-400, 445 Twelfth St. S.W., Washington D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Richard Arsenault of the Commercial Wireless Division at (202) 418-0920 or [rarsenau@fcc.gov](mailto:rarsenau@fcc.gov).

By the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.