



# PUBLIC NOTICE

Federal Communications Commission  
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DA 06-1009

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON CONSOLIDATED REQUEST BY THE WCS COALITION FOR WAIVER OF WIRELESS COMMUNICATIONS SERVICES (WCS) CONSTRUCTION RULE

**WT Docket No. 06-102**

**Comment Date: June 9, 2006**

**Reply Comment Date: June 23, 2006**

On March 22, 2006, the WCS Coalition<sup>1</sup> filed a request for waiver of the Commission's Wireless Communications Services (WCS) construction rule.<sup>2</sup> The members of the WCS Coalition hold a total of 132 licenses in the 2.3 GHz band, all of which are scheduled to expire on July 21, 2007. Under Section 27.14 of the Commission's rules, WCS licensees are required to make a showing of substantial service in their license area by the end of their license term.<sup>3</sup> The WCS Coalition requests an extension to July 21, 2010, assuming that by July 21, 2007, the Commission has released permanent rules governing the operation of Digital Audio Radio Service (DARS) terrestrial repeaters in spectrum adjacent to the WCS allocation.<sup>4</sup> If, however, the technical rules governing DARS terrestrial repeaters are not resolved by July 21, 2007, the Coalition requests an extension of three years from the release date of an order establishing the technical rules.

In support of its waiver request, the WCS Coalition argues that the lack of rules governing the operation of DARS terrestrial repeaters in spectrum adjacent to the WCS allocation has resulted in regulatory uncertainty regarding the degree to which WCS operations will be protected from potential interference associated with DARS transmissions.<sup>5</sup> The WCS Coalition argues further that this

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<sup>1</sup> The WCS Coalition is comprised of all but one of the licensees of Wireless Communications Services spectrum in the continental United States. Its members include: AT&T Inc., BellSouth Corporation, Comcast Corporation, NextWave Broadband Inc., NTELOS, Inc., Sprint Nextel Corporation, Verizon Laboratories Inc., and WaveTel NC License Corporation.

<sup>2</sup> See WCS Coalition Consolidated Request for Limited Extension of Deadline for Establishing WCS Compliance with Section 27.14 Substantial Service Requirement, filed March 22, 2006 (Waiver Request).

<sup>3</sup> 47 C.F.R. § 27.14.

<sup>4</sup> See Waiver Request at 16.

<sup>5</sup> Waiver Request at 9.

uncertainty has hindered WCS equipment development, network design, and facility deployment. The Coalition claims that an extension is warranted because these circumstances are beyond the control of WCS licensees.<sup>6</sup> The WCS Coalition also states that the resolution of these technical issues will allow deployment of WCS equipment for broadband and other advanced services to, in particular, rural and other areas, where alternative services are not readily available. Finally, the WCS Coalition states that rather than requiring the immediate deployment of systems merely to preserve the licenses, a Commission grant of its waiver request will result in the deployment of broadband and advanced services that the licensees assert are the highest and best use of the spectrum.<sup>7</sup>

## GENERAL INFORMATION

Comments must be filed no later than June 9, 2006, and reply comments must be filed no later than June 23, 2006. All filings concerning matters referenced in this Public Notice should refer to DA No. 06-xx. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS): <http://www.fcc.gov/cgb/ecfs/>, (2) the Federal Government's eRulemaking Portal: <http://www.regulations.gov>, or (3) paper copies.<sup>8</sup>

- ECFS Filers: If multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full names, U.S. Postal Service mailing addresses, and the applicable docket or rulemaking number. Interested parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- eRulemaking Filers: Filers should follow the instructions provided on the website for submitting comments.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
  - U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

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<sup>6</sup> Waiver Request at 2, 12.

<sup>7</sup> *Id.* at 3.

<sup>8</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Copies of this public notice, and the waiver request noted herein, will be posted on the web at [http://gulfoss2.fcc.gov/prod/ecfs/comsrch\\_v2.cgi](http://gulfoss2.fcc.gov/prod/ecfs/comsrch_v2.cgi) and will be available for public inspection and duplication during regular business hours in the FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Copies of the comments and other filings in this docket also may be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc. in person at 445 12th Street, SW, Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300 or (800) 378-3160, via facsimile at (202) 488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding is designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

For further information, contact Guy Benson, Mobility Division, Wireless Telecommunications Bureau at (202) 418-2946, TTY (202) 418-7233, or via email at [Guy.Benson@fcc.gov](mailto:Guy.Benson@fcc.gov).

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

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<sup>9</sup> 47 C.F.R. §§ 1.1200(a), 1.1206.

<sup>10</sup> 47 C.F.R. § 1.1206(b).

<sup>11</sup> *Id.*