



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News media Information 202 / 418-0500
TTY 202 / 418-2555
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

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FOR IMMEDIATE RELEASE
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NEWS MEDIA CONTACT:
Meribeth McCarrick at (202) 418-0654

FCC EXAMINES ADDITIONAL SPECTRUM BANDS TO SUPPORT ADVANCED WIRELESS SERVICES

Washington, D.C. – The Federal Communication Commission (FCC) took action today to examine additional frequency bands that could be used to support the introduction of advanced wireless services, including third generation (3G) and future generations of wireless systems.

The Commission adopted a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (MO&O and FNPRM) that explores additional frequency bands including bands currently designated for the Mobile Satellite Service (MSS), the Unlicensed Personal Communications Service, the Amateur Radio Service, and the Multipoint Distribution Service. Specifically, the FCC seeks comment on reallocating some spectrum in the 1910-1930 MHz, 1990-2025 MHz, 2150-2160 MHz, 2165-2200 MHz, and 2390-2400 MHz bands for new advanced wireless services.

On January 4, 2000, the Commission adopted a Notice of Proposed Rulemaking (NPRM) that examined various spectrum bands for new, advanced wireless services. The bands included those currently used for cellular, broadband Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services, as well as five other frequency bands: 1710-1755 MHz, 1755-1850 MHz, 2110-2150 MHz, 2160-2165 MHz and 2500-2690 MHz. Numerous comments were filed in that proceeding.

The purpose of the adopted MO&O and FNPRM is: (1) to supplement the record by providing new allocation options that were not addressed in the NPRM; and (2) to seek comment on the benefits and costs of each new allocation option. For example, the Commission seeks to determine how these additional options might work in conjunction with those previously identified in the NPRM to facilitate the provision of new advanced wireless services. The FCC intends to explore spectrum options that would complement, rather than substitute for, alternatives identified in the NPRM.

Specifically, the Commission seeks comment on the following:

- the potential for the commercial use of these additional spectrum bands for new advanced wireless services or for the relocation of other incumbent licensees or operators who could be displaced by the final allocation established in this proceeding.
- the advantages and disadvantages of these options, including the potential for use of new advanced wireless services in these bands.

- the potential effect of the allocation proposals on existing and prospective users of these bands and the services they provide.
- the effect that allocating these additional spectrum bands, or portions thereof, might have on global compatibility for advanced wireless services, to the extent not identified by the 2000 World Radiocommunication Conference.

In order to coordinate today's action with various pending matters involving the 2GHz MSS bands, the item also addresses petitions for reconsideration filed in response to the FCC's recent 2GHz MSS Service Rules Report and Order, and a petition for rulemaking concerning those bands.

In a related action today the Commission adopted a Notice of Proposed Rulemaking seeking comment on proposals to bring flexibility to the delivery of communications by MSS.

Action by the Commission August 9, 2001, by Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (FCC 01-224). Chairman Powell, Commissioners Abernathy, Cops and Martin, with Commissioner Tristani dissenting in part and issuing a statement.

FCC Contacts: John Spencer (Wireless Bureau) at (202) 418-1896 or e-mail at jspencer@fcc.gov
Linda Haller (International Bureau) at (202) 418-1408 or e-mail at lhaller@fcc.gov

ET Docket No. 00-258

ET Docket No. 95-18

IB Docket No. 99-81

SEPARATE STATEMENT OF COMMISSIONER GLORIA TRISTANI
Dissenting in Part

Re: *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 (Aug. 9, 2001)*

I dissent in part. The task of identifying spectrum appropriate for third generation (3G) and other advanced wireless services cannot be underestimated. As we are all aware, the spectrum "pie" is not getting any bigger and the competing interests at issue here each hold the promise of serving the public interest in their own way. I appreciate the hard work that Commission staff, other government personnel, and private parties are engaged in to find solutions to these difficult issues. This *Further Notice* takes additional steps to refine the path to 3G. While today's action adds new spectrum bands into the mix for 3G allocation, the Commission should have also used this opportunity to lay to rest the uncertainty surrounding the ITFS and multipoint MDS operations in the 2500-2690 MHz (2.5 GHz) band.

For more than a year, the specter of relocation or any reallocation in the 2.5 GHz band has hampered the ability of the MDS/ITFS community to deploy and deliver broadband services to the public and to educational users. While MDS offers a significant opportunity for competition to DSL and cable modem services, particularly in rural areas, many consumers still relegated to a dial-up Internet world have lost out on this opportunity for broadband access. And for the ITFS community, two-way, digital services are a powerful medium that can serve as a critical component of our educational programming delivery system. Delayed deployment here is a disservice. As one ITFS advocate noted recently, "A single school year is a very long time in the life of a student."

Last January, the Commission sought comment on whether spectrum in the 2.5 GHz band should be made available for 3G and other advanced wireless services. The extensive record demonstrates the importance of the MDS/ITFS relationship and the promise of fixed broadband systems in the 2.5 GHz band. Further, the Commission staff's *Final Report* on this band identifies significant hurdles posed by any modification to the current allocation. We've made a good faith review, and it's high time to remove the dark cloud of uncertainty hanging over the MDS/ITFS community.

Our action today is the first opportunity the Commission has had to express views on the 2.5 GHz band since we sought comment in January. At a minimum, we should have eliminated the cloud of relocation. For this reason, I dissent in part.