

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

In the Matter of)	
)	
Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band)	WT Docket No. 07-195
)	
Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	

ORDER

Adopted: July 8, 2008

Released: July 8, 2008

By the Acting Chief, Wireless Telecommunications Bureau:

1. This Order grants in part a request to modify the deadlines for filing supplemental comments and reply comments in response to the *Further Notice of Proposed Rulemaking* in the above-captioned proceeding (*FNPRM*).¹ Comments are now due on July 25, 2008, and reply comments are due on August 11, 2008.

2. On July 1, 2008, T-Mobile USA, Inc. (T-Mobile) filed a request (*Request*) to modify the pleading schedule for the *FNPRM*.² T-Mobile argues that the comment deadline should be extended by 90 days, to October 7, 2008, in order for the Commission to institute supervised testing to determine the extent of interference concerns raised by the proposal in the *FNPRM*.³ In the alternative, T-Mobile requests that the Commission extend the comment deadline by at least 30 days in order to allow T-Mobile to have sufficient time to submit a comprehensive analysis of its own ongoing tests into the record.⁴ In support of its extension request, T-Mobile avers that the abbreviated comment cycle provides insufficient time to assess complex technical issues to address fully – using empirical data – the possible interference concerns raised by allowing TDD transmissions in the AWS-3 band.⁵ T-Mobile asserts that the Commission must allow additional time to develop a proper record on this issue through empirical testing and that it would be “arbitrary and capricious” to do otherwise.⁶ It claims that the comment period is shorter than what is typically recognized to allow informed comment and asserts that the minimum appropriate comment window is 30 days.⁷ While T-Mobile requests at least an additional 30 days to

¹ Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, WT Docket No. 07-195, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356, *Further Notice of Proposed Rulemaking*, FCC 08-158 (rel. June 20, 2008) (*FNPRM*).

² T-Mobile Request for Extension of Time to File Comments, WT Dockets No. 07-195 and 04-356 (filed July 1, 2008) (*Request*).

³ *Request* at 1.

⁴ *Id.*

⁵ *Id.* at 2-3.

⁶ *Id.* at 6-8.

⁷ *Id.*

“allow interested parties to conduct their own testing, submit data, and evaluate the test results of other parties,”⁸ it prefers that the Commission extend the comment deadline by 90 days and conduct independent testing on potential interference issues.⁹

3. AT&T, United States Cellular, Ericsson and Sony Ericsson, Motorola, PCIA, and Nokia filed comments in support of T-Mobile’s request for an extension of the comment period, contending that additional time to provide comments would permit the inclusion in the record of technical analyses that will allow the public and the Commission to better evaluate the interference issues posed by the proposed rules.¹⁰ The Rural Telecommunications Group, Inc. and the National Telecommunications Cooperative Association (collectively the “Rural Advocates”), aver that additional time is necessary to allow small and rural companies adequate opportunity to assess the impact of the Commission’s proposal on the deployment of broadband wireless services in rural areas.¹¹ M2Z Networks, Inc. (M2Z) filed an opposition to T-Mobile’s request for an extension of the comment period, asserting that the Commission already has an extensive record on interference issues in the above-captioned proceeding.¹²

4. Under Section 1.46(a) of the Commission’s rules, it is the policy of the Commission that extensions of time shall not be routinely granted.¹³ Nevertheless, in this instance, we find that providing additional time for filing comments will serve the public interest by ensuring the development of a more complete and well-developed record in response to the *FNPRM*. We note that parties have had notice of the possibility that TDD operations would be permitted in the AWS-3 band since at least the issuance of the *AWS-3 Notice of Proposed Rulemaking*¹⁴ in WT Docket No. 07-195 nearly one year ago – and nothing proposed in the *FNPRM* alters that basic proposal. We also note that interested parties have already been in the process of commenting and engaging in a meaningful dialogue about these issues in comments filed in response to the *AWS-3 NPRM*.¹⁵ However, we believe that providing a limited extension equaling 30

⁸ *Id.* at 5-6.

⁹ *Id.* at 3-5.

¹⁰ Comments of AT&T Inc. in Support of T-Mobile’s Request for Extension of Time to File Comments, WT Docket Nos. 07-195 and 04-356 (filed July 2, 2008); Statement of Support by United States Cellular Corporation, WT Docket Nos. 07-195 and 04-356 (filed July 2, 2008); Comments of Ericsson Inc. and Sony Ericsson Mobile Communications (USA) Inc. in Support of T-Mobile Request for Extension, WT Docket Nos. 07-195 and 04-356 (filed July 2, 2008); Comments of Motorola, Inc. in Support of T-Mobile Request for Extension of Time to File Comments, WT Docket Nos. 07-195 and 04-356 (filed July 3, 2008); Comments of PCIA- The Wireless Infrastructure Association, WT Docket Nos. 07-195 and 04-356 (filed July 3, 2008); Comments of Nokia Inc. in Support of T-Mobile Request for Extension of Time to File Comments, WT Docket Nos. 07-195 and 04-356 (filed July 7, 2008). In a July 3 *ex parte* filing, CTIA also expressed its support for an extension of time. See Letter from Brian M. Josef, CTIA—The Wireless Association®, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 04-356, 07-195, PS Docket No. 07-287 (filed July 3, 2008).

¹¹ Comments by the Rural Telecommunications Group, Inc. and the National Telecommunications Cooperative Association in Support of T-Mobile Request For Extension of Time to File Comments, WT Docket Nos. 07-195 and 04-356 (filed July 2, 2008).

¹² Opposition of M2Z Networks, Inc. to T-Mobile Request For Extension of Time to File Comments, WT Docket Nos. 07-195 and 04-356 (filed July 3, 2008) (M2Z Opposition).

¹³ 47 C.F.R. § 1.46(a).

¹⁴ Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, WT Docket No. 07-195, *Notice of Proposed Rulemaking*, 22 FCC Rcd 17035, 17043-45 ¶¶ 14-18 (2007) (*AWS-3 NPRM*).

¹⁵ See *Request* at 2 (citing to Verizon Wireless Comments, T-Mobile Comments, and CTIA Comments (opposing the use of TDD in the AWS-3 band)); see also M2Z Comments (supporting the use of TDD in the AWS-3 band). Furthermore, as demonstrated by recent *ex parte* submissions, parties have continued to provide significant discussion and detailed technical analyses on these interference issues. See, e.g., Letter from Thomas J. Sugrue, Vice President, Government Affairs, T-Mobile USA, Inc., to the Honorable Kevin J. Martin, FCC, WT Docket No.

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days from Federal Register publication of the *FNPRM*¹⁶ to allow for additional discussion of the proposal in the *FNPRM* will not unreasonably delay the Commission's adoption of final rules in this proceeding. Accordingly, we grant the *Request* in part by extending the deadline for all comments to July 25, 2008. In order to provide parties an additional amount of time in which to review and respond to the comments received, we also extend the reply deadline to 15 days from the revised comment deadline, to August 11, 2008.¹⁷ We also note that, with the issuance of the *FNPRM*, adoption of final rules in this proceeding would not have occurred in July, 2008.

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the deadline for filing comments and reply comments in response to the *FNPRM* is extended to July 25, 2008, and until August 11, 2008, respectively.

6. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the T-Mobile Request for Extension of Time to File Comments is GRANTED to the extent indicated herein and otherwise DENIED.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting
Acting Chief, Wireless Telecommunications Bureau

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07-195, WT Docket No. 04-356 (filed June 5, 2008)(attaching Declaration of Neville R. Ray, Senior Vice President, Engineering and Operations, T-Mobile USA, Inc, stating that the declaration is "intended to provide technical support to the Commission in its deliberations..."); Letter from Christopher Guttman-McCabe, CTIA – The Wireless Association®, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-195, 04-356 (filed June 5, 2008)(providing significant discussion of technical interference parameters associated with the FCC's proposal to allow for TDD operations in the AWS-3 band); Letter from Uzoma Onyeije, M2Z Networks, Inc., to Marlene H. Dortch, Esq., FCC, WT Docket Nos. 07-195, 04-356, 07-16, and 07-30 (filed June 17, 2008)(attaching a presentation entitled: Overview of Technical Issues Concerning the AWS-3 Service Rules, June 16, 2008).

¹⁶ The *FNPRM* was published in the Federal Register on June 25, 2008. See Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2155-2175 MHz and 2175-2180 MHz Bands, 73 Fed. Reg. 35995 (June 25, 2008).

¹⁷ Because 15 days from the revised comment deadline of July 25 falls on Saturday, August 9, reply comments are due on Monday, August 11, 2008. We note that nothing in today's Order precludes the filing of comments—on some or all issues—prior to the revised deadline date.