



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

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Fax-On-Demand: (202) 418-2830
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DA 97-548
March 13, 1997

Expedited Pleading Cycle Established for Oppositions and Replies to Oppositions to Petitions for Reconsideration filed by the Wireless Cable Association International, Inc. and by PACS Providers Forum and DigiVox Corporation

Oppositions Due: March 21, 1997
Replies to Oppositions Due: March 25, 1997

The Federal Communications Commission has received two petitions for reconsideration of the Commission's *Report and Order* reallocating the frequencies at 2305-2320 and 2345-2360 MHz and establishing auction and service rules for the Wireless Communications Service ("WCS"). See *Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service*, GN Docket No. 96-228, *Report and Order*, FCC 97-50, 62 FR 9636 (rel. February 19, 1997) ("*WCS Report and Order*"). The Commission's action in adopting these rules was taken in response to the Congressional mandate expressed in Section 3001 of the Omnibus Consolidated Appropriations Act, 1997, that the Commission reallocate and assign the use of these frequencies by means of competitive bidding commencing no later than April 15, 1997. See Omnibus Consolidated Appropriations Act, 1997, P.L. 104-208, 110 Stat. 3009 (1996).

On March 10, 1997, the Wireless Cable Association International, Inc. ("WCA") filed a "Petition for Expedited Reconsideration" of the *WCS Report and Order*.¹ WCA requests that the Commission reconsider its decision not to impose any technical restrictions on WCS licenses designed to prevent interference with Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") operations in the 2150-2162 and 2500-2690 MHz bands. WCA states that it is necessary to limit WCS radiated power to 20 watts EIRP in order to avoid blanketing interference which could adversely effect MDS and ITFS operations throughout the

¹ On the same date, WCA also filed an "Emergency Motion for Stay" of the WCS auction.

United States. Interested parties should address the appropriateness of the proposed power limitation and its potential effect on prospective WCS operations. In addition, it would be useful to have commenters' views on whether a different power limit than that proposed by WCA would be more appropriate, and alternatively on whether and in what circumstances, in the absence of a specific power limit, a WCS licensee should be required to take remedial action if blanketing interference to MDS or ITFS reception is demonstrated.

On March 11, 1997, PACS Providers Forum ("PPF") and DigiVox Corporation ("DigiVox") jointly filed a "Petition for Expedited Reconsideration" of the *WCS Report and Order* urging the Commission to reconsider the out-of-band emission limits adopted for WCS. Specifically, PPF and DigiVox argue that the out-of-band emission limits for WCS are unnecessarily stringent, and that lower limits would permit a greater number of potential uses for the WCS spectrum while at the same time protecting satellite DARS operations in adjacent spectrum. In addition to requesting lower out-of-band emission limits generally, PPF and DigiVox propose that the Commission adopt additional operating parameters for certain operations in the WCS A and B blocks, such as Personal Access Communications Systems ("PACS"). Commenters are requested to address whether lower out-of-band emission limits would adequately protect satellite DARS operations from interference caused by WCS operations, and whether requiring low-power services such as PACS to employ the proposed parameters when operating in WCS spectrum would mitigate the need for the out-of-band emission limits adopted in the *WCS Report and Order*.

In an effort to rapidly resolve these matters given the statutory deadline of April 15, 1997, for commencement of competitive bidding in the WCS auction, the Wireless Telecommunications Bureau is establishing an expedited pleading cycle. *See* 47 C.F.R. § 1.429 and 47 C.F.R. § 1.3 (providing that Commission rules may be suspended, revoked, amended or waived for good cause shown).

Parties should file oppositions to the petitions by Friday, March 21, 1997, and replies to oppositions by Tuesday, March 25, 1997, with the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. In addition, two copies should be hand delivered to: (1) Auctions Division, Wireless Telecommunications Bureau, Room 5322, 2025 M Street, N.W., Washington, D.C. 20554, attention: Josh Roland; and (2) Office of Engineering and Technology, Suite 480, 2000 M Street, N.W., Washington, D.C. 20554, attention: Tom Mooring. **In addition, parties filing oppositions to the petitions must hand deliver copies to the relevant petitioner, and replies must be hand delivered to the opponents.** Copies of the petitions, comments and reply comments may be obtained from the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C., 20037, (202) 857-3800. Copies are also available for public inspection during regular business hours in Room 5608, 2025 M Street, N.W., Washington, D.C. 20554. When requesting copies, please refer to **DA 97-548**.

We will treat this proceeding as non-restricted for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. For further information contact Josh Roland or Matthew Moses, Auctions Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Tom Mooring, Office of Engineering and Technology, at (202) 418-2450.

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