

as well as other bands previously proposed for Advanced Wireless Service (AWS) use, the relocation of the Multipoint Distribution Service (MDS), and additional flexibility for the Unlicensed Personal Communications Service (UPCS) band spectrum, in order to promote more efficient spectrum use which, in turn, serves the public interest.

**DATES:** Written comments are due April 14, 2003, and reply comments are due April 28, 2003.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., TW-A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jamison Prime, Office of Engineering and Technology, (202) 418-7474, TTY (202) 418-2989, e-mail: [jprime@fcc.gov](mailto:jprime@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Notice of Proposed Rule Making*, ET Docket 00-258 and IB Docket No. 99-81, FCC 03-16, adopted January 29, 2003, and released February 10, 2003. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY-B402, Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov). Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before April 14, 2003, and reply comments on or before April 28, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the

applicable docket or rulemaking number. Parties may also submit an electronic comment 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), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. 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 appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. 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). The Commission's contractor, Vistrionix, Inc., 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 a.m. to 7 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

### Summary of Third Notice of Proposed Rule Making

1. The *Third Notice of Proposed Rule Making* ("Third NPRM") discusses the frequency bands that are still under consideration in this proceeding and invites additional comment on their disposition. Specifically, we address the UPCS band at 1910-1930 MHz, the MDS spectrum at 2155-2160/62 MHz, the Emerging Technology spectrum at 2160-2165 MHz, and the bands reallocated from MSS (1990-2000 MHz, 2020-2025 MHz and 2165-2180 MHz). We seek comment on these bands with respect to using them for paired or unpaired AWS operations or as relocation spectrum for existing services. We emphasize the scope of the record we have already developed and urge interested parties to narrow their discussion to specific proposals that will allow for the most efficient and

effective use of this remaining spectrum. For example, parties filing comments in response to any of the issues in the *Third Notice* should take into account how the modification of our rules to allow MSS licensees to deploy ATC (see *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band and the 1.6/2.4 GHz Bands*, FCC 03-315) affects their analysis of the spectrum under consideration in this proceeding. We specifically seek comment on the following issues:

- Seek comment on whether we should re-designate all or a portion of the UPCS spectrum at 1910-1920 for new fixed and mobile uses. Five or 10 megahertz of this spectrum could be paired with spectrum in the 1990-2000 MHz band to expand the existing Broadband PCS allocation, to allow for AWS applications, or as replacement spectrum for other services.
- Tentatively conclude that we should retain the 1920-1930 MHz band for UPCS use and seek comment on whether we should provide for additional flexibility in that band, as well as any additional spectrum that we retain for UPCS use in the 1910-1920 MHz band.
- Seek comment on making available for new services, including AWS, the MSS uplink band spectrum that we are reallocating at 2020-2025 MHz. We also ask whether this band could be paired with spectrum in the 2.1 GHz band.
- Seek further comment on making available for new services, including AWS, a 10 megahertz block that is upper adjacent to the existing 45 megahertz AWS allocation in the 2110-2155 MHz band. This spectrum block consists of the remaining 5 megahertz of the MDS band at 2155-2160 MHz combined with an adjacent 5 megahertz spectrum block in the 2160-2165 MHz band that was identified in the *Emerging Technologies* proceeding.
- Seek comment on the best use of the spectrum that we make available by reallocating the MSS downlink band at 2165-2180 MHz.
- Seek comment on relocation spectrum for MDS operations from the 2150-2160/62 MHz band, including spectrum that we make available by reallocating the MSS downlink band at 2165-2180 MHz or, alternatively, spectrum that is adjacent to the Broadband PCS bands.

### Initial Regulatory Flexibility Analysis

2. As required by the Regulatory Flexibility Act (RFA) <sup>1</sup> the Commission

<sup>1</sup> See 5 U.S.C. 603. The RFA (codified at 5 U.S.C. 601-612) has been amended by the Small Business