

September 30, 2003

Mr. Robin Haines  
Office of Spectrum Management  
National Telecommunications and Information Administration  
Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230

Dear Mr. Haines:

We are writing you today to express our growing concern related to the U.S. Government's efforts to internationally promote concepts outlined in the Federal Communications Commission's Spectrum Policy Task Force ("SPTF") report published on November 15, 2002. As you know, the Telecommunications Industry Association ("TIA"), the Cellular Telecommunications & Internet Association ("CTIA"), and the Satellite Industry Association ("SIA") are leading trade associations representing the communications and information technology industry, with member companies that manufacture or supply the products and services used in global communications. Among their numerous lines of business, our member companies design, produce and deploy terrestrial and satellite wireless networks and terminal equipment, including equipment that is subject to the rules that guide how the nation's spectrum is managed and utilized. As a result, we have a substantial interest in current and future Federal Communications Commission ("FCC") and National Telecommunications and Information Agency ("NTIA") decisions related to spectrum management.

In separate comments filed with the FCC on January 27, 2003, TIA, CTIA and SIA all applauded the efforts of the SPTF staff in developing its report to the Commission. The SPTF report represents a significant step in the examination of spectrum management processes. Constant reflection on spectrum management policy is essential to ensure that spectrum-based industries will have a predictable path to meet the increasing demands of our customers. The staff's report raises some novel and nascent ideas for further examination to determine if and how policymakers may address recurring spectrum planning issues. Yet, many of the ideas included in the staff's report are currently, or will be, the subject of proceedings at the FCC and examination by the NTIA. The Commission itself has not acted on most of the concepts, and the issues raised in the report also will be considered in the Executive Branch's Spectrum Policy Initiative. Many of the concepts need to be fleshed out domestically in notice and comment proceedings before it can be determined which of the many ideas may prove worthwhile. Indeed, proceedings already have been started – but not completed – on some of the concepts and details of the Task Force's recommendations.

The FCC and the NTIA, in coordination with all of the affected industries, need to work together to develop a unified, national approach to spectrum management. While technology advancements promise continued improvement in spectrum usage

efficiencies, technology alone is not a replacement for sound spectrum management policy. Additionally, the benefits of new technologies must be carefully weighed against consumer costs and market attractiveness of the actual equipment.

While we support the SPTF's examination of cutting-edge and forward-looking issues, the U.S. Government and other administrations must recognize that many of the technologies cited (*e.g.*, opportunistic devices, software defined radios that are completely agile in terms of operating frequencies, bandwidths, and modulation formats, and ultra-wideband radios), while having useful properties in theory, will be limited in scope by commercial economics. Moreover, the Task Force report promotes concepts, such as the "interference temperature," that today are unproven and undefined. Changes in spectrum policies or in allocations based on anticipated advances in technology are dangerous, not good spectrum management policy and should await the demonstrable proof of concepts.

For these reasons we are alarmed at recent submissions by the FCC for consideration at the October 2003 meeting of the International Telecommunication Union-Radiocommunication Sector ("ITU-R") Working Party 1B ("WP1B"). These FCC proposed U.S. contributions would influence the work in the ITU-R to "develop relevant and appropriate information, and possible recommendations, to assist in developing the report to the WRC [World Radiocommunication Conference]" (from Document No. USWP1B-3, dated August 27, 2003).

Document No. USWP1B-3 states that:

Much of the studies reported here is [sic] relevant to national spectrum management reform and implementation, but other parts of the studies' results can be considered as having international implication, and be appropriate for the report by the BR Director to the next WRC.

This language could easily mislead foreign administrations into believing that the document, which advocates concepts introduced in a staff report, reflects decisions by the FCC, and thus reflects current FCC or national policies. Moreover, the text of the submission addressing the SPTF report fails to provide adequate context for the report and fails to make it clear that these are staff recommendations that are far from settled policy. The policies recommended in the SPTF report have not been adopted by the FCC or by the NTIA and are not formal U.S. policy. Unfortunately, the manner in which this material is presented could, in a worst case, lead to this material becoming part of the BR Director's report to the WRC. This could, in turn, lead to some of the unproven and undefined concepts discussed above being incorporated in the ITU's Radio Regulations.

The U.S. Government, including the FCC, must recognize that premature advocacy or distribution of such papers, in arenas such as the ITU, risks misinterpretation. As the Spectrum Policy Task Force report clearly notes, there is no one-size-fits-all approach, and many of these concepts are inappropriate for existing service bands, which are, in many cases, currently used very efficiently. We look forward to working with the FCC and the NTIA on the SPTF concepts to assess their feasibility and practicality during

appropriate domestic public consultation and comment. Sound spectrum management demands a rigorous process. Accordingly, we do not support the U.S. submitting document USWP1B-3 (dated August 27, 2003), and we urge you, as Chairman of U.S. WP1B, to curtail attempts to advance within the ITU such unproven and undefined concepts that do not reflect either FCC or NTIA spectrum management decisions.

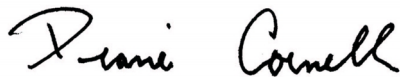
We welcome the opportunity to discuss this issue with you.

Best Regards,



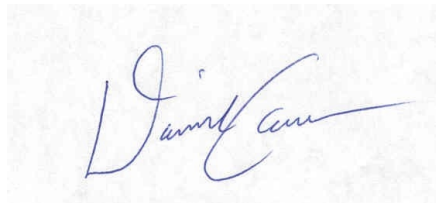
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