

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of

Unlicensed Operation in the TV Broadcast Bands

ET Docket No. 04-186

Additional Spectrum for Unlicensed Devices
Below 900 MHz and in the 3 GHz Band

ET Docket No. 02-380

OPPOSITION TO MOTION FOR EXTENSION OF TIME

The IEEE 802.18 Radio Regulatory Technical Advisory Group (IEEE 802.18) request that the comment and reply comment deadlines in this proceeding be extended by 180 days is unnecessary and misguided. I strongly oppose the motion for extension of time.

It has been nearly two years since the Commission initiated the instant proceeding with a Notice of Inquiry (NOI).¹ Several commenters in the NOI phase of the proceeding submitted detailed technical studies. Additional technical analysis and testing are underway in response to the Notice of Proposed Rulemaking (NPRM) issued earlier this year.² A significant extension of time is unnecessary to allow the appropriate level of technical due diligence for the Commission to proceed.

A half-year pause in this proceeding would significantly harm the public interest. It would slow the momentum of the industry in developing technical and business approaches for exploitation of the un-used “white space” in low-frequency spectrum bands now allocated to broadcasting. It would delay, and perhaps derail, the availability of new unlicensed wireless capacity.

¹ *Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 02-380, Notice of Inquiry, 17 FCC Rcd. 25,632 (2002).

² *Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, Notice of Proposed Rulemaking (rel. May 25, 2004) (“NPRM”).

The Commission should support efforts by groups such as the IEEE to engage in cooperative efforts to resolve the technical questions that this proceeding raises. However, many FCC proceedings involve complex technical issues. The IEEE 802.18 filing provides no concrete reason why a six-month delay is warranted in this case.

Furthermore, while consensus recommendations from an IEEE working group would be quite valuable, they should not be treated as a mandate for the Commission's ultimate determinations. Opening up the white space around broadcast licenses will give a new group of users and vendors the opportunity to take advantage of wireless communications capacity. Cooperative techniques may allow frequencies to be shared effectively without the FCC imposing very detailed technical specifications. IEEE working group recommendations deserve serious consideration, but they may not necessarily reflect the views of all the interested parties in this proceeding.

The Commission should reject the motion for a six-month extension of time. A brief extension of 30 days is the most that would be justified under the circumstances.

Respectfully submitted,



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