



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 00-219

February 4, 2000

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON QUALCOMM INCORPORATED'S PETITION FOR DECLARATORY RULING SEEKING 700 MHZ BAND LICENSE PURSUANT TO RULING OF U.S CIRCUIT COURT OF APPEALS

Comment Date: February 14, 2000

Reply Date: February 21, 2000

QUALCOMM Incorporated ("QUALCOMM") has filed a Petition for Declaratory Ruling¹ pursuant to Section 1.2 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission").² QUALCOMM seeks to withdraw its pending pioneer's preference request for the A Block broadband PCS license in the Southern Florida Major Trading Area and substitute for it the 700 MHz band D Block license (752-762 MHz and 782-792 MHz) in the Southeast Economic Area Grouping 3 ("EAG 3").³

QUALCOMM contends that the 700 MHz band D Block license is the only immediately available license that will satisfy the mandate of the Court of Appeals for the District of Columbia. Circuit.⁴ QUALCOMM submits estimates of spectrum value to support its contention.

We seek comments on all aspects of QUALCOMM's petition. All comments should reference the DA number of this Public Notice (DA 00-219). Comments should be filed with the Office of the Secretary, Federal Communications Commission, Room TW-B204, 445 12th Street, S.W., Washington, D.C., 20554. Comments also should be provided to Nicole Oden, Auctions and

¹ QUALCOMM Incorporated Petition for Declaratory Ruling Giving Effect the Mandate of the District of Columbia Circuit Court of Appeals (filed January 28, 2000). *See* Attachment.

² 47 C.F.R. §1.2.

³ *See* Service Rules for the 746-764 and 776-794 MHz Bands and Revisions to Part 27 of the Commission's Rules, *First Report and Order*, WT Docket No. 99-168, FCC 00-5, released January 7, 2000 ("700 MHz First Report and Order").

⁴ *See* *QUALCOMM Incorporated v FCC*, 181 F.3rd 1370 (D.C. Cir. 1999).

Industry Analysis Division, Room 4-B551, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C., 20554.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁷

QUALCOMM's Petition for Declaratory Ruling is available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C., 20554. A copy may also be attained from ITS at 1231 20th Street, N.W., Washington, D.C., 20036, or by calling (202) 857-3800.

For further information, contact Nicole Oden of the Auctions and Industry Analysis Division at (202) 418-0660.

By the Chief, Wireless Telecommunications Bureau

-FCC-

⁵ 47 C.F.R. §§ 1.1200(a), 1.1206.

⁶ *See* 47 C.F.R. § 1.1206(b).

⁷ 47 C.F.R. § 1.1206(b).