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*In this issue ... MCI is shopping for buyers, Covad and Verizon reach agreement on sharing lines and AT&T is hit with another round of cuts. The company also announces plans to go after international markets with VOIP projects. Verizon Wireless announces plans to expand its network. In Michigan, SBC gets the OK to boost rates it charges rivals. Here in Pennsylvania, a national VOIP provider announces plans to enter the Keystone State. Philadelphia's Wi-Fi plans continue to draw national attention. Finally, a Cumberland County court ruling that judge has ruled that allows the county's school districts and municipalities to levy property taxes on cellular phone towers is creating waves.*

### **From the Papers**

The NY Times looks at Philadelphia's Wi-Fi plans.

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Government Technology looks at Philadelphia's deployment of a citywide wireless network.

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Providence-based VoIP2Save.com begins nationwide expansion, including Pennsylvania.

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MCI is on the block.

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Covad and Verizon Agree to Interim Arrangement Extending the Availability of Line Sharing Until February 1, 2005.

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AT&T woos international markets with VOIP projects.

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AT&T cuts call centers as company "... struggles to regroup..." says The NY Times.

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Verizon Wireless to expand network.

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Internet phone innovators expect static.

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Detroit Free Press: "SBC gets OK to boost rates it charges rivals."

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In the end, a single event may have sealed AT&T Wireless's fate: the opportunity for its customers to leave.

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## **Judge Gives Local Governments Okay to Tax Cell Phone Towers**

In a case that could eventually affect all telecommunications carriers operating in Pennsylvania, Cumberland County Common Pleas judge has ruled that the county's school districts and municipalities may levy property taxes on cellular phone towers.

The ruling in *Shenandoah Mobile Co. v. Cumberland County Board of Assessment Appeals* relied on a 1995 Commonwealth Court decision that set forth a three-prong test for determining when a chattel becomes a permanent structure of a property, opening the door to real estate taxes.

Earlier this year, a Dauphin County judge also ruled cell towers are taxable as real property, albeit on slightly different legal grounds. The decision in *Shenandoah Mobile Co. v. Dauphin County Board of Assessment Appeals* held that since a tower is installed into a concrete base that is inextricably connected with the real estate, the tower is a permanent feature of the land and, thus, taxable as real property.

The Cumberland County court, meanwhile, concluded cell towers are not quite so permanent. Nonetheless, it found that towers can be considered real property based on such factors as the intent of the parties entering a lease agreement to erect the tower, among other criteria.

The Dauphin County case is currently on appeal in the Commonwealth Court.

## **Comments on Advanced Wireless Operational Rules Sought by Federal Regulators**

The Federal Communications Commission (FCC) is seeking comments on licensing, technical and operational rules surrounding the additional spectrum the Commission recently made available for a variety of broadband and advanced wireless services (AWS).

“The 20 MHz of licensed spectrum we make available, in addition to the 90 MHz of spectrum previously made available, will help expedite the delivery of licensed broadband Internet wireless service to all consumers across the nation,” said FCC Chairman Michael K. Powell. “...wireless providers are increasingly utilizing their licensed spectrum holdings to build infrastructure to support Internet applications. This additional spectrum will enable providers to employ more bandwidth-intensive applications and services and expedite the delivery of true broadband access.”

On September 9 of this year, the Commission provided an additional twenty megahertz of spectrum that can be used to offer a variety of broadband and advanced wireless services (AWS), potentially including “third generation” (3G) wireless services. The Commission allocated and paired five-megahertz blocks of spectrum at 1915-1920 MHz with 1995-2000 MHz, and 2020-2025 MHz with 2175-2180 MHz for AWS use.

The Commission redesignated the 1915-1920 MHz band for AWS from Unlicensed Personal Communications Services (UPCS) and pairs this five-megahertz block of spectrum with the five-megahertz block at 1995-2000 MHz (which was previously allocated for the Mobile Satellite Service (MSS)). An additional ten megahertz of spectrum at 2020-2025 MHz and 2175-2180 MHz – previously allocated for MSS – is to be made available as paired five-megahertz spectrum blocks. The Commission concluded that pairing the bands in this manner promotes a more efficient use of the spectrum and complements adjacent band operations.

In addition, the FCC is seeking comments on outstanding issues regarding the relocation of incumbents in each band, primarily whether to adopt rules governing the assignment of band clearance costs among multiple AWS licensees in the same band. We also seek comment on interference issues specific to each band, and seek comment on the power limits, out-of-band emission restrictions, and other technical or operational requirements that might be needed to protect incumbents in adjacent bands from harmful interference.

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