

Before the  
**Federal Communications Commission**  
Washington DC 20554

In the Matter of )  
)  
FCC Seeks Comment Regarding Possible ) DA 05-1524  
Revision or Elimination of Rules Under )  
The Regulatory Flexibility Act, 5 U.S.C. 610 )

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Federal Communications Commission  
Office of Secretary

**COMMENTS OF THE  
FIXED WIRELESS COMMUNICATIONS COALITION**

The Fixed Wireless Communications Coalition (FWCC) files these comments in response to the Public Notice in the above-captioned proceeding.<sup>1</sup>

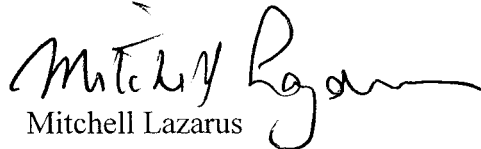
The Public Notice proposes to eliminate Section 101.139(f) from the Commission's Rules. That section prohibits the import and manufacture of equipment employing digital modulation techniques, in certain bands, that does not meet the minimum payload capacity requirements of Section 101.141.

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<sup>1</sup> *FCC Seeks Comment Regarding Possible Revision or Elimination of Rules Under the Regulatory Flexibility Act, 5 U.S.C. 610, DA-05-1524* (released May 31, 2005). The FWCC is a coalition of companies, associations, and individuals interested in the Fixed Service -- *i.e.*, in terrestrial fixed microwave communications. Our membership includes manufacturers of microwave equipment, licensees of terrestrial fixed microwave systems and their associations, and communications service providers and their associations. The membership also includes railroads, public utilities, petroleum and pipeline entities, public safety agencies, cable TV providers, backhaul providers, and/or their respective associations, common carrier and private communications carriers, and telecommunications attorneys and engineers. Our members build, install, and use both licensed and unlicensed point-to-point, point-to-multipoint, and other fixed wireless systems, in frequency bands from 900 MHz to 95 GHz. For more information, see [www.fwcc.us](http://www.fwcc.us).

Noting that the payload capacity requirements of Section 101.141 will themselves remain in effect, the FWCC does not oppose the repeal of Section 101.139(f).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell Lazarus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mitchell Lazarus  
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September 1, 2005