

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Amendment of Part 101 of the)	
Commission’s Rules to Facilitate the Use of)	WT Docket No. 10-153
Microwave for Wireless Backhaul and Other)	
Uses and to Provide Additional Flexibility to)	
Broadcast Auxiliary Service and Operational)	
Fixed Microwave Licensees)	
)	
Request for Interpretation of Section)	
101.141(a)(3) of the Commission’s Rules)	WT Docket No. 09-106
Filed by Alcatel-Lucent, Inc., <i>et al.</i>)	
)	
Petition for Declaratory Ruling Filed by)	WT Docket No. 07-121
Wireless Strategies, Inc.)	
)	
Request for Temporary Waiver of Section)	
101.141(a)(3) of the Commission’s Rules)	
Filed by Fixed Wireless Communications)	
Coalition)	

**REPLY OF THE
FIXED WIRELESS COMMUNICATIONS COALITION**

Pursuant to Section 1.249(g) of the Commission’s Rules, the Fixed Wireless Communications Coalition (FWCC)¹ files this Reply to the Opposition of the National

¹ 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, fixed microwave engineering firms, 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, 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.

Association of Broadcasters and Society of Broadcast Engineers, Inc. (NAB and SBE) to the FWCC's Petition for Reconsideration in the above-captioned proceeding.²

A. SHARING AT 13 GHZ

The newly adopted rules bar Fixed Service operation on 13 GHz in areas licensed to Part 74 TV Pickup stations, even on channels that are not so licensed.³ The FWCC proposed allowing Fixed Service operation in areas where at least one Fixed Service channel pair is available.⁴ NAB and SBE want those channels held open, on the ground that broadcasters sometimes must set up newsgathering links on short notice, and cannot quickly coordinate with fixed users.⁵

NAB and SBE's argument sounds like one for warehousing spectrum. Indeed, NAB and SBE concede that "preserving opportunities for future BAS services" is part of their basis for seeking to keep the present rule.⁶ We ask the Commission to weigh carefully the costs of keeping valuable spectrum out of use against the speculative needs cited by NAB and SBE.

B. FINAL LINK RULE

The *Report and Order* eliminated the final link rule, which had prohibited broadcasters from using Part 101 stations as the final link in the chain of distribution of program material to broadcast stations.⁷ In seeking reconsideration, the FWCC argued that eliminating the rule was

² *Amendment of Part 101 of the Commission's Rules to Facilitate the Use of Microwave for Wireless Backhaul*, Report and Order, Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order, 26 FCC Rcd 11614 (2011) (*Report and Order*).

³ 47 C.F.R. § 101.147, note (34).

⁴ Petition for Reconsideration of the Fixed Wireless Communications Coalition at 3-5 (filed Oct. 27, 2011).

⁵ Opposition of the Association of Broadcasters and Society of Broadcast Engineers, Inc. at 5-8 (filed Dec. 16, 2011).

⁶ *Id.* at 5.

⁷ *Report and Order* at ¶ 36.


intended as a trade-off for Fixed Service access to 7 and 13 GHz, so the rule should remain in force in areas where the Fixed Service cannot use the 7 or 13 GHz bands.⁸ NAB and SBE oppose, arguing the rule is obsolete, and also stating, “[T]here does not appear to be a pent-up demand for extensive use of the 7 and 13 GHz bands for final link use.”⁹

The FWCC had intended its request to preserve the final link rule, where the 7 or 13 GHz bands are closed to the Fixed Service, as applying only to the traditional Part 101 frequencies, not to the 7 and 13 GHz bands. We thought this was clear from the context;¹⁰ but in case it is not, we have now clarified the point.

CONCLUSION

For the reasons given above, the Commission should grant the FWCC’s Petition for Reconsideration.

Respectfully submitted,



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December 27, 2011

⁸ Petition for Reconsideration at 5.

⁹ Opposition at 9.

¹⁰ There would be no purpose to prohibiting final link operations in the Fixed Service at 7 and 13 GHz, at locations where the Fixed Service is not permitted to operate on 7 and 13 GHz.

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, acting on behalf of the Fixed Wireless Communications Coalition, hereby state that true copies of the foregoing Reply of the Fixed Wireless Communications Coalition were sent this 27th day of December, 2011, by first class mail, postage prepaid to the attached service list, except those listed at the FCC in Washington, DC, which are hand delivered.

A handwritten signature in black ink, appearing to read "D. Lunt", with a long horizontal flourish extending to the right.

Deborah N. Lunt

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