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October 10, 2000

VIA HAND DELIVERY
Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room TW-B204
Washington, D.C. 20554

Re: IB Docket No. 98-172
RM-9005
RM-9118

Dear Ms. Salas:

On behalf of the Fixed Wireless Communications Coalition ("FWCC"), we are filing an original and four (5) copies of its Petition for Reconsideration in the above-referenced matter.

If there are questions, do not hesitate to call the undersigned at (703) 812-0480.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, PLC

Leonard R. Raish

Leonard R. Raish

LRR:cej
Enclosures

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Before the
Federal Communications Commission
Washington DC 20554

In the Matter of	)	
	)	
Redesignation of the 17.7-19.7 GHz Frequency	)	
Band, Blanket Licensing of Satellite	)	
Earth Stations in the 17.7-20.2 GHz and	)	IB Docket No. 98-172
27.5-30.0 GHz Frequency Bands,	)	RM-9005
and the Allocation of Additional Spectrum	)	RM-9118
in the 17.3-17.8 GHz and 24.75-25.25 GHz	)	
Frequency Bands for Broadcast	)	
Satellite-Service Use	)	

To: The Commission

PETITION FOR RECONSIDERATION
OF THE
FIXED WIRELESS COMMUNICATIONS COALITION

Pursuant to Section 1.429 of the Commission's Rules, the Fixed Wireless Communication Coalition ("FWCC")[1] hereby submits this Petition for Reconsideration of certain provisions of the Report and Order[2] in the above-captioned proceeding. Specifically, the FWCC requests (1) reconsideration of the allocation 19.26 -19.3 GHz to restore primary status for the terrestrial fixed services, and (2) rechannelization of the

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[1] The Fixed Wireless Communications Coalition is a coalition of equipment manufacturers and users interested in terrestrial fixed microwave communications. Its membership includes manufacturers of microwave equipment, licensees of terrestrial fixed microwave systems and their associations, and communications service providers and their associations. Its membership also includes railroads, public utilities, petroleum and pipelines entities, public safety agencies, the broadcast industry, and their respective associations, telecommunications carriers, landline and wireless, local, and interexchange carriers, and others. A list of members is attached as Appendix A.

[2] Redesignation of the 17.7-19.7 GHz Frequency Band, IB Docket No. 98-172, Report and Order, FCC 00-212 (released June 22, 2000). The Report and Order appeared in the Federal Register on September 7, 2000.

17.7-18.14 GHz and 19.26-19.7 GHz bands. These requests support the Commission's policy objective of improving efficient management of the radio frequency spectrum.

I. Background

The terrestrial fixed microwave services provide the telecommunications backbone support for a significant portion of the economic and public safety infrastructure of the United States. From the early days of the commercial satellite industry, the fixed service has been asked to share spectrum with satellite earth stations in nearly all of the bands suitable for long-haul fixed service operations.[3] One effect of this sharing has been the effective unavailability of the 3.7-4.2 GHz band, due to the extreme difficulty of coordinating new fixed service stations with existing satellite earth stations. Moreover, in order to accommodate mobile services (such as PCS) and rapidly growing satellite services (such as MSS), the Commission instituted a program to relocate the terrestrial fixed services from the 2 GHz band to the 6 and 11 GHz bands.[4] Concurrently, however, there has been an explosive growth in both terrestrial fixed and satellite requirements. As satellite operations were superimposed on spectrum used by the terrestrial fixed services in the bands between 6 and 11 GHz, the growing terrestrial fixed services were increasingly directed to the 18 GHz band. In addition, the 12.2-12.7 GHz band was cleared to make room for the Direct

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[3] These include the 2, 4, 6, 10, and 11 GHz bands. Higher frequencies are limited to shorter-range operations due to atmospheric attenuation, rain fade, and other propagation effects.

[4] See ET Docket 92-2 and related Report and Orders.

Broadcasting Satellite Services with the understanding the displaced and future terrestrial fixed operations would be accommodated in the 18 GHz band.[5] The 18 GHz band thus became of great importance to the terrestrial fixed services.

Subsequently, as satellite operations were superimposed upon the 18 GHz band, the terrestrial services did not object to the loss of the spectrum between 18.58-18.82 and 18.92-19.16 GHz. The fixed services did, however, specifically request that the paired bands 17.7-18.14 and 19.26-19.7 GHz be retained to accommodate increased demand due to the loss of 18.58-18.82 and 18.92-19.16 GHz.[6] The FWCC also requested that a portion of the paired 17.7-18.14 and 19.26-19.7 GHz bands be rechannelized, in the interest of improved spectral efficiency, to accommodate the displaced low capacity channels from the 18.58-18.82 and 18.92-19.16 GHz bands.[7]

The Report and Order failed to recognize the two major conditions upon which the fixed service community conditioned its acquiescence to accommodate the NGSO/FSS community, namely:

1) that the two paired bands 17.7-18.14 and 19.26-19.7 GHz remain allocated to the terrestrial fixed services on a primary basis; and

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[5] Direct Broadcast Satellites, 90 F.C.C.2d 676, 703 (1982) ("We also believe there is sufficient spectrum at the higher frequencies (i.e., 18 GHz and above) to accommodate future FS, CARS and broadcast auxiliary users that require short distance radio links.")

[6] See Comments of the FWCC in ET Docket 98-172 at 4-5 (filed Nov. 18, 1998).

[7] See *Id.* at 15.

2) that a portion of the same bands be rechannelized to accommodate new growth and relocation.

II. The Commission Should Reconsider the Reallocation of the 40 MHz of Spectrum Between 19.26-19.3 GHz from FS to NGSO/FSS, and Restore it to Primary Fixed Service Spectrum.

FWCC members are alarmed that the Commission did not maintain primary status for the fixed service at 19.26-19.3 GHz. The Commission, having exempted the incumbent systems from the 10 year sunset limitation, and having granted them co-primary status without growth, does not address the urgent need to accommodate the burgeoning demand for new growth in the paired bands 17.4-18.14 and 19.3-19.7 GHz. This growth predictably resulted from the moratorium on new license applications in the paired bands 18.58-18.82 and 18.92-19.16 GHz, resulting from the issuance of the Sept. 1998 NPRM in this proceeding.

Pursuant to Section 1.429(b)(1), the facts have changed since Comments and Reply Comments were filed in this proceeding. The reallocation of the frequency band 19.26-19.3 GHz to primary status for NGSO/FSS was based not only on the claimed needs of FSS, but also on information suggesting that the remaining paired bands allocated on a primary basis for the fixed service (17.74-18.14 and 19.3-19.7 GHz) would be adequate to accommodate fixed service growth in the band and the relocation of systems displaced from the paired frequency bands 18.58-18.52 and 18.92-19.16 GHz. This information was based on a Comsearch study that was historical in character and did not account for the exponential growth in the 18 GHz band, just now at the knee of the curve. Indeed, the Commission's weekly Public Notice of wireless applications granted shows tremendous activity in this band. Yet the public record is

only the tip of the iceberg, for it shows only the paths that have been successfully coordinated. In actuality, based on industry experience for most major metropolitan areas, the number of successful coordinations is only about 20-25 percent of those requested. Thus, the 17.74-18.14 GHz / 19.3-19.7 GHz paired band is insufficient even to accommodate current growth in the band, much less relocation of incumbents from the 18.58-18.82 / 18.92-19.16 GHz band. Restoring the 19.26-19.3 GHz band to the fixed service would help to redress the problem.

The FWCC has previously pointed out that the loss of 40 MHz between 19.26-19.3 GHz effectively causes a loss of 80 MHz, because it renders unusable the paired 40 MHz that would otherwise carry traffic in the return direction.[8]

The FWCC asks the Commission to reconsider its redesignation of the 40 MHz of spectrum between 19.26-19.3 GHz from FS to NGSO/FSS, and to restore it as primary to the fixed service.

III. The FWCC Urges the Commission to Rechannelize a Portion of the 17.7-18.14 and 19.26-19.7 GHz Bands for Low Capacity Systems to Promote Efficient Use of the Spectrum.

The FWCC is also concerned that the Commission has not yet taken any action to rechannelize a portion of the remaining paired blocks of spectrum at 18 GHz into smaller channel bandwidths. This is vital to provide a spectrally efficient licensing environment for low capacity systems. Narrow-band 18 GHz systems operating in channel bandwidths of 10 MHz or less have been displaced as a result of this proceeding, and have no available similarly channelized spectrum in which to relocate.

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[8] See e.g., *Id.* at 12-13.

This has resulted in inefficient use of that spectrum since the moratorium was imposed in September 1998.

In our response to the NPRM, the FWCC specifically requested the Commission to deal with this matter as quickly as possible and offered to assist the Commission in this task.[9] We renew the offer to work with the Commission in devising a satisfactory channelization plan. Meanwhile this valuable resource is continuing to be licensed inefficiently.

IV. Conclusion

Agreeing that the Commission must find ways to accommodate new competitive services, and acknowledging the difficulty of finding ways to achieve these objectives with minimum disruption to existing services, the FWCC urges the Commission to consider seriously the key points raised above. Specifically:

1) Restoration of primary status for fixed service growth in the 40 MHz of spectrum in the band 19.26-19.3 GHz. This spectrum is urgently required, and still leaves 460 MHz of spectrum for the new NGSO/FSS licensees.

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[9] *Id.* at 15; Reply Comments of the FWCC at 9 (filed Dec. 21, 1998).

2) In the interest of maximizing spectral efficiency, rechannelization of a minimum paired allocation of 40-plus-40 MHz in the 17.7-18.14 and 19.26-19.7 GHz paired bands.

Respectfully submitted,

Fixed Wireless Communications Coalition

By: Andrew Kreig /jmb
Andrew Kreig
Co-Chairman

By: Leonard R. Raish
Leonard R. Raish
Co-Chairman

October 10, 2000

FIXED WIRELESS COMMUNICATIONS COALITION

The Fixed Wireless Communications Coalition was formed by terrestrial fixed microwave users and suppliers to assure that adequate spectrum resources are available for current and future terrestrial fixed microwave communications. Such action is necessary because spectrum allocation and re-allocation actions currently under consideration at the FCC require fixed microwave interests to speak with a common voice. Additionally, the Coalition works for a regulatory climate both at the FCC and the ITU that permits the manufacture, operation, and use of terrestrial fixed microwave systems.

MEMBERS

USERS

Association of Public-Safety Communications Officials
UTC - The Telecommunications Association
National Association of Broadcasters
American Petroleum Institute
Wireless Communications Association International
Personal Communications Industry Association
Independent Cable Telecommunications Association
CBS Communications Services
Norfolk-Southern Railroad
Union Pacific Railroad
Burlington-Northern Railroad
BellSouth
SBC Communications, Inc.
People's Choice TV
Association of American Railroads
WINSTAR Communications Inc.
DIVEO Broadband Networks
XO COMMUNICATIONS

MANUFACTURERS

Harris Corporation -- Microwave Communications Division
Alcatel Network Systems Inc.
DMC STRATEX Networks
Tadiran Microwave Networks
MOTOROLA Inc.
Nortel Networks
P-Com, Inc.
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September 29, 2000