

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

In the Matter of)	
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems)	ET Docket No. 00-258
)	
Amendment of Section 2.106 of the Commission's Rules to Allocated Spectrum at 2 GHz for Use by the Mobile-Satellite Service)	ET Docket No. 95-18
)	
The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band)	IB Docket No. 99-81

To: The Commission

**REPLY COMMENTS OF THE
FIXED WIRELESS COMMUNICATIONS COALITION**

The Fixed Wireless Communications Coalition ("FWCC") hereby submits the following reply comments in response to the Commission's Further Notice of Proposed Rulemaking, FCC 01-224 (released August 20, 2001),¹ in the above-captioned proceedings regarding the use of frequency bands below 3 GHz to support the introduction of new advanced mobile and fixed terrestrial wireless services, including third generation and future generation of wireless systems (hereinafter advanced wireless services). These reply comments are in support of the Comments filed by the Association of Public-Safety Communications Officials-International, Inc. ("APCO") which commented only on the relocation of the 2 GHz private operational-fixed microwave ("POFS") incumbents as raised in paragraph 34 of the *MO&O and FNPRM*.

¹*Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 6 Fed. Reg. 47618 (2001) ("*MO&O and FNPRM*"). See *Order Extending Comment Period, DA 01-2313*, released October 4, 2001 (comments due October 19, 2001 and reply comments due November 5, 2001). See *Order Extending Reply Comment Period, DA 01-2533*, released October 30, 2001 (reply comments due November 8, 2001).

I. Introduction.

FWCC is a coalition of equipment manufacturers and users interested in terrestrial microwave communications. Its membership includes manufacturers of microwave equipment, licensees of terrestrial fixed microwave systems and their associations and communication service providers and their association. FWCC's membership also includes railroads, public utilities, petroleum and pipeline entities, public safety agencies, the broadcast industry, telecommunications carriers and others. A list of members is attached as Appendix A.

FWCC has been an active participant in the above-captioned proceedings, commenting in various stages on the procedures for relocating fixed microwave incumbents, including filing a Joint Petition for Clarification and Reconsideration of the Second Report and Order and Second Memorandum Opinion and Order in ET Docket No. 95-18, which involved the relocation rules, cost-sharing plan and relocation reimbursement requirements for mobile satellite service ("MSS") providers.² FWCC has a continuing interest in the outcome of the relocation procedures for fixed microwave incumbents in these proceedings.

II. FWCC Supports Adoption Similar Microwave Relocation Rules that Were Adopted in the MSS and Emerging Technologies Proceedings.

FWCC joins APCO in advocating that the POFS incumbents and advanced wireless service licensees should share the 2 GHz spectrum where technically feasible. FWCC also agrees with APCO that POFS incumbents in the 2 GHz bands be allowed to maintain primary status in the frequency bands, and that the process for relocating POFS incumbents should not begin unless and until an advanced wireless service provider, using the TSB-86 interference criteria (or some other comparable interference standard), notifies the POFS incumbent in writing that both operations

² 15 FCC Rcd 12315 ("2nd R&O and 2nd MO&O").

cannot share the same spectrum, at which point the mandatory negotiation period should begin.³ FWCC agrees that this approach strikes an equitable balance between POFS incumbents currently operating in the 2 GHz bands and advanced wireless service providers seeking new spectrum. This was the policy adopted in the *2nd R&O and 2nd MO&O* for new MSS entrants.⁴ The Commission should not depart from this policy for advanced wireless service providers.

FWCC supports APCO in asking the Commission to maintain the same relocation procedures that it adopted in the *2nd R&O and 2nd MO&O*. These procedures closely followed the POFS incumbent relocation procedures adopted in the Emerging Technologies proceeding,⁵ which have been successful in clearing spectrum for emerging technology services, such as PCS, and relocating POFS incumbents to comparable spectrum. FWCC agrees that the reallocation options adopted in the *MO&O* portion of this proceeding for advanced wireless services does *not* impact the procedures for relocating POFS incumbents.

FWCC also supports APCO in urging the Commission to maintain the same mandatory negotiation period (three years for public safety licensees and two years for non-public safety licensees), which should begin when the advanced wireless service licensee notifies the POFS incumbent in writing of its desire to negotiate. FWCC agrees that each POFS licensee should have the benefit of the full negotiating period, and therefore, the mandatory negotiation period should not begin with a date certain for *all* POFS incumbents, but rather, each mandatory negotiation period

³ See APCO Comments pp. 2-3.

⁴ 15 FCC Rcd 12315, 12339-40 (2000).

⁵ See *Redevelopment of Spectrum to Encourage Innovation in the Use of Telecommunications Technologies*, ET Docket No. 92-9, *First Report and Order and Third Notice of Proposed Rule Making*, 7 FCC Rcd 6886 (1992); *Second Report and Order*, 8 FCC Rcd 6495 (1993); *Third Report and Order and Memorandum Opinion and Order*, 8 FCC Rcd 6589 (1993); *Memorandum Opinion and Order*, 9 FCC Rcd 1943 (1994); *Second Memorandum Opinion and Order*, 9 FCC Rcd 1994, *aff'd*, *APCO v. FCC*, 76 F.3d 395 (D.C. Cir. 1996).

should begin only when a POFS incumbent receives written notice from an advanced wireless service licensee.

Like APCO, FWCC opposes a sunset of the relocation rules, but agrees that if the Commission adopts a sunset period on the relocation rules for advanced wireless services, the same sunset provisions adopted in the *2nd R&O and 2nd MO&O* should be applied to advanced wireless services (*i.e.*, a 10-year sunset period which begins when the *first* advanced wireless service licensee notifies the *first* POFS incumbent in writing of its desire to negotiate). FWCC supports APCO's recommendation that the Commission issue a Public Notice announcing the start of the sunset period to ensure that all fixed microwave incumbents are on notice of the commencement of the 10-year sunset period.⁶

Critical infrastructure created and used by various FWCC microwave users depend on their 2 GHz microwave facilities to transmit important data and voice communications, especially those used by public safety agencies, such police, fire and rescue, the railroad, petroleum and public utility industries. Maintenance of these critical infrastructure through reliable POFS communications systems is essential, and cannot be jeopardized. Relocation rules similar to those previously adopted in the *2nd R&O and 2nd MO&O* and the Emerging Technologies proceeding and should be adopted for future advanced wireless services as well.

⁶See APCO Comments pp. 4-5.

FWCC urges the Commission to ensure that the backbone to critical communications systems remains intact, and maintain the fixed microwave relocation rules that have already proven to be effective and efficient. Accordingly, FWCC requests the Commission to take action in accordance with the views expressed herein and in APCO's comments.

Respectfully submitted,

FIXED WIRELESS COMMUNICATIONS
COALITION

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November 8, 2001

APPENDIX A

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-International, Inc.
UTC - The Telecommunications Association
National Association of Broadcasters
American Petroleum Institute
Wireless Communications Association International
Personal Communications Industry Association
Independent Multi-Family Communications Council
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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