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ANN BAVENDER\*  
 ANNE GOODWIN CRUMP  
 VINCENT J. CURTIS, JR.  
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 RAYMOND J. QUIANZON  
 LEONARD R. RAISH  
 JAMES P. RILEY  
 ALISON J. SHAPIRO  
 KATHLEEN VICTORY  
 HOWARD M. WEISS  
 \* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

www.fhh-telcomlaw.com

EX PARTE OR LATE FILED

FRANK U. FLETCHER  
 (1939-1985)  
 ROBERT L. HEALD  
 (1935-1983)  
 PAUL D.P. SPEARMAN  
 (1936-1962)  
 FRANK ROBERSON  
 (1936-1961)  
 RUSSELL ROWELL  
 (1948-1977)

EDWARD F. KENEHAN  
 (1960-1978)

CONSULTANT FOR INTERNATIONAL AND  
 INTERGOVERNMENTAL AFFAIRS  
 SHELDON J. KRYS  
 U. S. AMBASSADOR (ret.)

OF COUNSEL  
 EDWARD A. CAINE\*  
 MITCHELL LAZARUS\*  
 EDWARD S. O'NEILL\*  
 JOHN JOSEPH SMITH  
 WRITER'S DIRECT

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

November 4, 1999

703-812-0440

lazarus@fhh-telcomlaw.com

BY HAND DELIVERY

Ms. Magalie Salas, Secretary  
 Federal Communications Commission  
 445 12th Street, SW  
 Room TW-B204  
 Washington, DC 20554

Re: RM-9649

**Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed Satellite Service that Share Terrestrial Spectrum**  
**Petition for Rule Making to Set Loading Standards For Earth Stations in the Fixed Satellite Service that Share Terrestrial Spectrum**

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, I am filing the original and one copy of this letter to report an oral *ex parte* communication in the above-referenced proceeding.

Yesterday a delegation from the Fixed Wireless Communications Coalition (FWCC) met with Howard C. Griboff, Christopher J. Murphy, Karl A. Kensinger, Alexander Roytblat, and Thomas S. Tycz, all of the International Bureau, and Sean White of the Office of Engineering and Technology. Representing the FWCC were Robert M. Gurss, Wilkes Artis Hedrick & Lane, Chartered; Thomas J. Keller, Verner Liipfert Bernhard McPherson & Hand, Chartered; Leonard R. Raish, Esquire, Fletcher, Heald & Hildreth, PLC; Jeffrey L. Sheldon, UTC — The Telecommunications Association; Randall D. Young, Keller and Heckman LLP; and the undersigned.

The FWCC delegation summarized the substance of the FWCC filings in this docket. The attached papers were distributed at the meeting.

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Ms. Magalie Salas, Secretary  
November 4, 1999  
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Kindly date-stamp and return the extra copy of this letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,

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

Mitchell Lazarus  
Counsel for the Fixed Wireless Communications Coalition

ML:deb

Enclosures

cc: Meeting Participants

# FIXED WIRELESS COMMUNICATIONS COALITION

1. We are concerned about assuring the future viability of the terrestrial fixed services.
2. The subject is Docket 99-81 on establishment of Policies and Services Rules for MSS in the 2 GHz Band.
  - Provision of feeder links in the spectrum between 5 GHz and 29 GHz is involved. Virtually all of feeder link proposals overlap with bands already heavily used for terrestrial fixed services.
3. The FWCC stands on its Comments and Reply Comments filed in Docket 99-81.
  - Intention is to be helpful.
  - A course of action is proposed rather than total opposition.
4. Attention is called to the FWCC Petition for Rulemaking in RM-9649 – the “full band - full arc” Petition.

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# **U.S. Economic Infrastructure is Heavily Dependent on Fixed Wireless Technology:**

- Railroads, Pipelines, Water & Gas Utilities
- Public Safety Communications
- Cellular, Paging and PCS Backhaul
- SMATV/Wireless Television
- Competitive Local Telecommunications Services

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# **Commission Should Note the FS Supports Competition in Communications:**

- Long Distance (FS Microwave)
- Wireless (Backbone/Backhaul)
- Television-(SMATV/Wireless Cable/CARS)
- Digital TV (Studio- Transmitter Links, Temporary Fixed, ENG)
- Broadcast (Studio-Transmitter Links, Temporary Fixed, ENG)
- Telephony (Wireless Local Loop, CLEC Network Overlay,  
Quick Start)
- Internet (Local connectivity at high data rates)
- In Addition, FS is "in the background" of essential  
infrastructure and public safety functions.
- 416,000 Channel licenses have been granted by the FCC  
(Area license activity is in addition to this)
- FS is a growth industry (over 10,000 new coordinations listed in 1998)
- Fixed wireless service is a major constituency of the FCC

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Fixed Wireless Communications Coalition

# Issues

- There is only one spectrum
- Reallocation of bands from one use to another displacement of existing services must be done equitably
- Balance effect on incumbents with potential benefit to new user
- Existing high use fixed bands are being squeezed (2 GHz, 6 GHz, 11 GHz, 18 GHz and above)
  - ▶ FS Growth
  - ▶ Satellite Proposals
- Need to accomodate existing and future needs of fixed wireless licensees
  - ▶ Fixed microwave is a growth industry
  - ▶ Very spectrally efficient new technologies
  - ▶ Very efficient geographic reuse

# FWCC VIEWS

1. A sequence of apparently unrelated Commission decisions affecting several frequency bands between 2 and 30 GHz has already seriously curtailed Fixed Service operators' access to spectrum needed for new terrestrial systems and for growth of existing ones.
2. If MSS feeder links are to be superimposed on spectrum already used for terrestrial fixed systems, any such action should be delayed until sharing criteria and coordination rules can be developed and promulgated, especially in light of spectrum already lost to accommodate the satellite services.
3. If the Commission does decide to require sharing in the bands proposed for feeder links, it must prevent the same kind of sterilization that occurred at 4 Ghz.

## FWCC VIEWS (Cont.d)

4. The Commission should impose reasonable restrictions on MSS feeder link earth station numbers, collocation, siting, antenna size, shielding, and spectrum efficiency. Coordination procedures should be established that will yield equitable sharing of geography and spectrum.
5. As regards the relocation of FS from 2 GHz band to accommodate MSS, terrestrial FS and MSS service links cannot share spectrum. Note is taken 2165-2200 MHz has been allocated for MSS downlinks.
  - Commission should reiterate that microwave licensees are to be reimbursed for relocation costs.
  - Such costs can be as much as \$450,000.00 per link.

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## FWCC VIEWS (Cont.d)

- Since 2 Ghz "hops" are capable of longer path lengths, relocation to higher bands could result in multi-"hop" links as replacement for a single "hop".
- Fiber is not always an alternative due to terrain conditions and remoteness.

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Fixed Wireless Communications Coalition

# **PUBLIC SAFETY USE OF FIXED MICROWAVE FACILITIES**

## Typical Use

Principal use is to provide “backbone” for mobile two-way radio networks operated by police, fire, and other public safety agencies. For example, a state, county, or city public safety agency is likely to need multiple transmitter sites to cover its area of jurisdiction with an adequate radio signal. Each of those sites must be tied together and connected to the central dispatch center. Other common uses include connecting emergency command and control centers for disaster relief operations, and for traffic and public works management. Fixed point-to-point microwave is the most reliable, secure, and cost-efficient method to meet these public safety communications requirements.

## Expanding Public Safety Need for Fixed Microwave

The trend in public safety communications is towards larger “trunked” radio systems used by many agencies within a wide geographic area. Such shared systems are more efficient and provide greater “interoperability” between different agencies that need to respond to emergencies. However, these wide area systems necessarily involve many transmitter sites (and, therefore, microwave links), especially in the 800 MHz band, one of the few bands available for new public safety mobile radio systems. Indeed, pursuant to a Congressional mandate, the FCC recently reallocated 24 MHz for public safety use just below 806 MHz. Over the next 10 to 15 years, hundreds of new mobile radio systems are likely to be built in this band, each requiring microwave backbone frequencies. Unfortunately, frequencies available for such microwave facilities have been greatly diminished with the reallocation of the 2 GHz bands, and the relocation of 2 GHz facilities to 6 GHz and other bands.

## Lack of Alternatives

In most cases, there are no viable alternatives for public safety agencies other than microwave facilities. Fiber optic lines are sometimes used, but are still many times more expensive than microwave, require rights-of-way, and often cannot reach remote transmitter locations. Reliability of fiber also remains an issue, both for above-ground installation, which is subject to storm damage, and for underground installation, which is subject to accidental cuts by construction crews and breakage, especially in earthquake prone areas.

## Conclusion

Existing microwave bands must be preserved and additional microwave allocations are necessary to accommodate current and future public safety radio systems.

For further information, please contact: Robert Gurss, Wilkes, Artis, Hedrick & Lane, counsel for the Association of Public-Safety Communications Officials-International (APCO), at 202-457-7329 or [rgurss@wahlone.com](mailto:rgurss@wahlone.com).

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## **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 was formed to work for a regulatory climate both at the FCC and the ITU to permit the manufacture, operation, and use of terrestrial fixed microwave systems.

### **MEMBERS**

#### **USERS**

Association of Public-Safety Communications Officials  
American Mobile Telephone Association  
United Telecom Council (UTC)  
National Association of Broadcasters  
Independent Cable Telecommunications Association  
American Petroleum Institute  
Wireless Communications Association  
Personal Communications Industry Association  
CBS Communications Services  
Norfolk-Southern Railroad  
Union Pacific Railroad  
Burlington-Northern Railroad  
BellSouth  
Bell Atlantic  
SBC Communications, Inc.  
People's Choice TV  
Association of American Railroads  
WINSTAR Communications Inc.

#### **MANUFACTURERS**

Harris Corporation -- Microwave Division  
Alcatel Network Systems Inc.  
Digital Microwave Corporation  
Sierra Digital Communications  
California Microwave, Microwave Data Systems  
Tadiran Microwave Networks  
Spectrapoint Wireless LLC  
Nortel Networks  
P-Com, Inc.  
LUCENT Technologies

#### **CO-CHAIRS**

Leonard R. Raish  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209  
703-812-0400

Thomas J. Keller  
Verner, Liipfert Bernhard McPherson  
& Hand, Chartered  
901 15<sup>th</sup> Street, N.W., Suite 700  
Washington, D.C. 20005-2301  
202-371-6060

October 4, 1999