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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 7, 2000

**BY HAND DELIVERY**

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

Re: RM-9830

Dear Ms. Salas:

Enclosed are the original and four copies of Comments of the Fixed Wireless Communications Coalition to be filed in the above-referenced rulemaking.

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

Respectfully submitted,



Leonard R. Raish  
Counsel for Fixed Wireless Communications Coalition

ML:deb

Enclosures

cc: Service List

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Before the  
Federal Communications Commission  
Washington DC 20554

RECEIVED  
APR - 7 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
FCC Rules Section 101.145 -- ) RM-9830  
Interference to Geostationary Satellites )  
from Point-to-Point Microwave )  
Systems )

**COMMENTS OF THE  
FIXED WIRELESS COMMUNICATIONS COALITION**

The Fixed Wireless Communications Coalition (FWCC)<sup>1</sup> respectfully submits these Comments in support of the above-captioned Petition for Rulemaking filed by Edwards and Kelcey, Inc. (E&K) on November 17, 1999.<sup>2</sup>

E&K requests a rule change to provide that point-to-point applications in the 5.925-6.875 GHz band within 2 degrees of the geosynchronous arc be accepted for filing without a waiver request, if the EIRP is within the limits now required for a waiver. E&K notes that such waivers are routinely granted; but the present need to file a waiver request adds cost and delay to the application process, in addition to disqualifying the application from eligibility for conditional licensing.<sup>3</sup>

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<sup>1</sup> The FWCC 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 communication service providers and their associations. Its membership also includes railroads, public utilities, petroleum and pipeline 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.

<sup>2</sup> The petition appeared on public notice in Report No. 2393 (March 8, 2000).

<sup>3</sup> See 47 C.F.R. Sec. 101.31(b)(iii).

The FWCC supports this rule change, which would confer a needed benefit on Fixed Service applicants with no detriment to the Fixed Satellite Service. Prompt authority to operate is often vital to Fixed Service operations. E&K correctly notes that a delay in operating even one link can delay implementation of a large network. Because the proposed rule is premised on the EIRP limits in Section 101.145(b), conditional licensing does not raise prospects of harmful interference to FSS operations.

Fixed Service operators sometimes have no choice but to aim an antenna close to the geosynchronous arc. In some cases this is a direct consequence of the spectrum shortages caused by recent Commission decisions and proposals that re-allocate bands away from the Fixed Service for satellite use, and that threaten to increase the sharing burdens on the Fixed Service to accommodate new satellite operations.<sup>4</sup> With limited spectrum putting a squeeze on the options

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<sup>4</sup> First came a reallocation of 2 GHz band frequencies from the Fixed Service to mobile satellite services. Redevelopment of the Spectrum to Encourage Innovation in New Telecommunications Technology, ET Docket No. 92-2, First Report and Order, 7 FCC Rcd 6886 (1992), Second Report and Order, 8 FCC Rcd 6495 (1993), Third Report and Order, 8 FCC Rcd 6589 (1993). The same proceeding also allocated 2 GHz frequencies to PCS. Then, despite having identified the 6 GHz band as a primary relocation site for 2 GHz users, Second Report and Order, *supra*, 8 FCC Rcd at 6506, ¶ 28, the Commission proposed designating the upper 6 GHz band (6700-7075 MHz) for mobile satellite feeder links. Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to Mobile Satellite Service Above 1 GHz, 13 FCC Rcd 17107 (1998); Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, IB Docket No. 99-81, Notice of Proposed Rulemaking, FCC 99-50 (released March 25, 1999). The Commission also proposed a similarly severe reduction of spectrum available to the FS in the 18 GHz band. Redesignation of the 17.7-19.7 GHz Frequency Band, 13 FCC Rcd 19923 (1998). The ongoing Ku-band proceeding threatens to move NGSO gateway stations into the already-congested 11 GHz band, and to expand GSO FSS downlink operations from half that band to the full band. NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems, ET Docket No. 98-206, Notice of Proposed Rulemaking, FCC 98-310 (released Nov. 24, 1998)(for proposal to expand GSO FSS operations, see Appendix A, C.F.R. § 25.202(a)(1) (proposed)). The "shared" 3.7-4.2 GHz band has become effectively unavailable to the FS due to the extremely difficult problems of coordinating new FS stations with existing licensed earth stations. In the 36-51 GHz band, satellite interests have filed petitions to overturn

for frequency coordination, an operator may have to site stations whose intervening path extends toward the geosynchronous arc. A grant of E&K's request will give Fixed Service operators more flexibility in using the spectrum still available to them.

A grant of the petition will also help to redress the regulatory imbalance between Fixed Service and FSS users. Although the rules make these services co-equal in the 5.925-6.875 GHz band, in practice the coordination rules permit an FSS earth station to exclude Fixed Service applicants from spectrum and locations the earth station is not using and has no plans to use.<sup>5</sup> The provision from which E&K seeks relief contributes to that asymmetrical structure, in burdening the Fixed Service with unneeded protection for FSS facilities.

Finally, a grant will help to conserve valuable Commission resources by eliminating the need for consideration of and action on superfluous waiver requests.

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an equitable distribution of spectrum between satellite systems and wireless operations, including the FS. Petition for Reconsideration of Hughes Communications, Inc. (filed Feb. 16, 1999) (seeking reconsideration of Allocation and Designation of Spectrum, IB Docket No. 97-95, Report and Order, FCC 98-336 (released Dec. 23, 1998)); Petition for Reconsideration of GE American Communications, Inc. (filed Feb. 16, 1999) (same); Petition for Reconsideration/Clarification of TRW, Inc. (filed Feb. 16, 1999) (same).

<sup>5</sup> The FWCC addressed these issues in detail in Request for Declaratory Ruling and Petition for Rule Making of The Fixed Wireless Communications Coalition, RM-9649 (filed May 5, 1999), Report No. 2334 (released June 11, 1999). The Request asks that an earth station's frequency coordination be limited to twice the bandwidth for which it has demonstrated actual need; that an earth station be permitted to coordinate only over the azimuths it will actually use; and that an earth station accepting a higher-than-desired interference objective when coordinating be required to give a subsequent Fixed Service applicant the benefit of the same higher level.

**CONCLUSION**

The requested rule change will improve Fixed Service operations in a shared environment by eliminating the costs and delays of unneeded paperwork, both for applicants and for the Commission, and by providing for conditional licensing with no adverse effect on FSS. This change is in the public interest, and the Commission should proceed expeditiously with a proceeding to implement it.

Respectfully submitted,



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Counsel for the  
Fixed Wireless Communications Coalition

April 7, 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  
 United Telecom Council (UTC)  
 National Association of Broadcasters  
 National Cable Television Association  
 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 Communications Division  
 Alcatel Network Systems Inc.  
 Digital Microwave Corporation  
 California Microwave, Microwave Data Systems  
 Tadiran Microwave Networks  
 Spectrapoint Wireless LLC  
 Nortel Networks  
 P-Com, Inc.  
 LUCENT Technologies

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March 15, 2000

**CERTIFICATE OF SERVICE**

I, Deborah N. Lunt, a secretary for the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that a true copy of the foregoing "Comments of the Fixed Wireless Communications Coalition" was sent this 7th day of April, 2000, by first-class mail, postage prepaid to the following:

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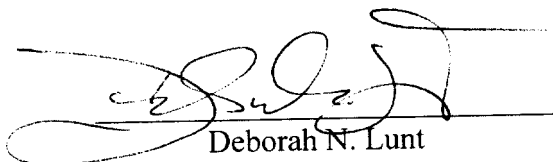
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