

APR 7 1992

Dockets
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FEDERAL COMMUNICATIONS COMMISSION
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Federal Communications Commission
Office of the Secretary

Honorable Norman Lent
Ranking Minority Member
Committee on Energy & Commerce
House of Representatives
2408 Rayburn House Office Building
Washington, DC 20515

92-91

Dear Congressman Lent:

Thank you for your letter regarding Commission proposals to allocate spectrum for personal communications services (PCS). You expressed concern that proposals to reallocate frequencies at 2 GHz would impact local and state government entities.

On January 16, 1992, the Commission adopted a Notice of Proposed Rule Making (Notice) in ET Docket No. 92-9 that proposes allocating 220 MHz of spectrum at 2 GHz for use by new services and technologies, including PCS. Under the Commission's proposal, local and state government licensees, including public safety agencies, would be exempt from any mandatory move to higher frequencies. I have enclosed a fact sheet that describes how those agencies would be affected by the spectrum policies under consideration, and also a second fact sheet that outlines the entire proposal.

The Commission's proposal is intended to prevent disruption to the communications of the existing licensees, yet still provide the spectrum needed by U.S. companies to develop new and innovative telecommunications products and services and bolster U.S. competitiveness in world telecommunications markets. An example of one such new proposed service is the personal communications service (PCS), which the Commission is addressing concurrently in GEN Docket No. 90-314.

The needs of the existing 2 GHz users are of importance to the Commission, and are being taken carefully into consideration. Please be assured that your concerns will be taken into account

Honorable Norman Lent

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before a final determination is made in this matter. For that purpose, I am making your correspondence part of the record in the two dockets discussed above, ET Docket No. 92-9 and GEN Docket No. 90-314.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred C. Sikes". The signature is stylized with a large initial "A" and a long horizontal stroke extending to the right.

Alfred C. Sikes
Chairman

Enclosures

NORMAN F. LENT
4TH DISTRICT, NEW YORK

COMMITTEE ON ENERGY
AND COMMERCE
RANKING REPUBLICAN

COMMITTEE ON
MERCHANT MARINE AND
FISHERIES
SUBCOMMITTEE ON
MERCHANT MARINE

Congress of the United States
House of Representatives
Washington, DC 20515
March 10, 1992

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Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Chairman Sikes:

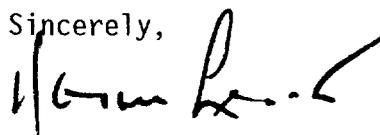
I am writing to you concerning the Federal Communications Commission's (FCC's) proceeding to consider making the 1.8 to 2.2 Ghz band available for new personal communications services (PCS) and other new and emerging technologies (FCC Gen. Docket No. 90-314). As you are no doubt aware, this proceeding has raised concerns with the incumbent microwave users in the 1.8 to 2.2 Ghz band, specifically state and local government entities. I was pleased to note in your notice of inquiry released on June 28, 1991, that you recognize that it may be necessary to protect state and local government fixed microwave facilities in their current spectrum assignment.

Specifically, the FCC's rulemaking considers whether state and local government fixed microwave facilities should be permitted to operate on a primary basis indefinitely. As the Commission moves toward resolution on this and other related issues, I would urge that you seriously consider the cost implications and consequences of moving state and local government microwave users, including police and fire departments, emergency medical and other critical public safety agencies, to a higher frequency band. As you know, many state and local government agencies rely on microwave communications as the backbone for emergency mobile radio communications systems.

Finally, I would ask that you also consider the concern that there may be a significant risk of interference with existing microwave uses when sharing frequency in this microwave band. Recent trials of PCS on a shared use basis have demonstrated that an interference problem may indeed exist. I am asking my Energy and Commerce Committee staff to follow up with your staff as the FCC considers these issues further.

Thank you for your consideration.

Sincerely,



Norman F. Lent
MEMBER OF CONGRESS

ACTIVITIES AFFECTING STATE AND LOCAL GOVERNMENT SPECTRUM

Emerging Technology Band Proposal

- o In January 1992, the FCC proposed to reallocate 220 MHz of the 2 GHz frequency band. The FCC proposed that this 220 MHz be used for new emerging technologies. Such new services could include:
 - Personal Communications Services and Networks (PCS & PCN)
 - Low Earth Orbit (LEO) Satellite Services
 - Wireless Computer Networking
 - Digital Audio Broadcasting
- o FCC proposal is consistent with international activity looking at this frequency band for future advanced mobile services. Countries in Europe and Asia plan to use 2 GHz spectrum for new technologies, such as PCS.
- o FCC proposal would encourage U.S. competitiveness and the domestic development of new services and technology by making available new spectrum for such uses.
- o Impact on State and Local Governments- Existing 2 GHz microwave spectrum is currently used by a wide variety of entities and businesses to provide point-to-point communications services. State and local government entities, including public safety, have significant operations in this band. State and local government licensees represent about 20% of the users of this spectrum. To ensure that these operations would not be harmed, the FCC proposed that:
 - All existing state and local government operations, including public safety, be exempted from any mandatory move to higher frequencies.
 - Such operations can continue to operate indefinitely and would be protected from interference from any future new technology operations.

License Fees For State and Local Government

- o Impact on State and Local Governments- None. Public safety licensees are exempted from all FCC processing fees (Omnibus Budget Reconciliation Act (1989), Section 1.1112(b) of the FCC Rules).

Congressionally Initiated Spectrum Bills

- o Impact on State and Local Governments- None. Spectrum bills [H.R. 531, S. 2904 (Dingell, Inouye)] would reallocate spectrum from Federal government use to non-Government use. While public safety licensees have raised concern with the bills, the bills do not affect public safety licensees.

FCC PROPOSAL FOR EMERGING TECHNOLOGY BANDS AT 2 GHZ

PURPOSE: To present the FCC proposal to reallocate spectrum for emerging technologies.

BACKGROUND:

- o On January 16, 1992, the FCC proposed to reallocate 220 MHz of spectrum at 2 GHz from fixed microwave service to new emerging technologies.
 - Final rules will be addressed by FCC after consideration of comments that can be filed until May 21, 1992.
 - The spectrum is currently used to provide point-to-point communications for a variety of services, such as utilities, railroads, public service (including public safety), businesses, and cellular telephone.
 - Emerging technology services could include new mobile services and mobile-satellite services:
 - * Personal Communications Services (PCS) and Networks (PCN)
 - * Mobile-Satellite Services, including Low Earth Orbit (LEO) Satellite Systems
 - * Wireless Computer Networks (Data PCS)
- o Growing demand from U.S. companies to develop new, innovative technologies and services has put great pressure on FCC for suitable spectrum:
 - Current requests at FCC seen for up to 400 MHz for new emerging technology.
 - Additional allocations of 800 MHz for expansion of existing services envisioned.
- o Other countries are allocating large blocks of spectrum around 2 GHz for new mobile services and emerging technologies in order to foster their domestic manufacturing.
 - Japan has allocated 100 MHz and is considering an additional 400 MHz.
 - U.K has allocated 174 MHz.
 - The European Community is considering allocating up to 320 MHz.
- o The 2 GHz band is the best band for the new mobile technologies and services.
 - 2 GHz is where state-of-the-art mobile communications are being developed internationally.
 - 2 GHz fixed microwave band is the only band that is available for development of new mobile services.
 - * Lower bands are heavily used by services (such as broadcast TV) that can not be relocated to higher bands.
 - * Higher bands are limited by current technology that will not allow for commercial development of electronics for mobile technologies.
- o The 2 GHz fixed microwave operations may relocate in any of over a half-dozen higher fixed microwave bands.
 - These bands provide sufficient capacity to reaccommodate existing 2 GHz operations.
 - Intermediate sites will generally not be required.
 - Systems of comparable or higher reliability can be designed in the higher bands

through common engineering practices.

The cost of relocating existing 2 GHz operations does not present an economic barrier to relocation. (See proposal)

FCC PROPOSAL:

- o Current 2 GHz microwave users would be permitted to negotiate during a transition period financial and other arrangements with new service providers to assist in the relocation to new frequencies. Marketplace negotiations would encourage a timely transfer of spectrum and could permit current users to modernize their equipment and move to other microwave spectrum at no financial cost to themselves. (Existing public service users, including public safety, would continue undisturbed indefinitely, but would be permitted to negotiate a transfer, if they choose.) FCC is considering three alternative transitions:
 - Fixed Transition: One alternative would be to permit current microwave users to operate on a co-primary basis for a lengthy transitional time period during which the negotiations could occur; FCC proposed 10 or 15 years.
 - Phased Transition: Another approach might be to adopt a phased allocation in which blocks of frequencies would be made available for new services at intervals (e.g., 50 MHz every five years).
 - Unlimited Transition: An alternative would be to permit existing users to continue to operate on a co-primary basis indefinitely while permitting negotiations for the use of the spectrum.
- o New emerging technology services would be permitted access to the 2 GHz bands only on the condition that they not interfere with current fixed microwave operations during the transition.
- o FCC proposes to waive eligibility restrictions to permit easier relocation of existing 2 GHz users to higher fixed microwave bands.
- o Expansion of existing microwave systems or introduction of new microwave systems at 2 GHz would be permitted only on the condition they not cause interference to new services; of course, new microwave systems or expansion of existing systems at higher microwave bands is encouraged without conditions.
- o After the transition period all 2 GHz microwave operations, except public service (public safety) which is permitted to remain unconditionally, would be allowed to remain in the band on the condition that they protect new services. (This permits, for example, microwave systems to operate indefinitely in rural areas where we would not expect great demand for many of the new services.)
- o FCC has also requested comment on the possibility of making available for relocation purposes government spectrum adjacent to the proposed 2 GHz band.