ORIGINAL FILE
RECEIVED
MAY 21 1992
Federal Communications Commission
Office of the Secretary

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies	)	**ET Docket No. 92-9**
	)	
In the Matter of	)	
	)	
Amendment of Parts 2, 21, and 94 of the Commission's Rules to Accommodate Private Microwave Systems in the 1.71-1.85 GHz Band and in Bands Above 3 GHz	)	**RM-7981**

To: The Commission

STATEMENT IN SUPPORT OF
REQUEST TO DEFER COMMENT DATES

The American Petroleum Institute ("API"), by its attorneys, hereby submits this "Statement in Support of the Request to Defer Comment Dates" filed on May 8, 1992 by Alcatel Network Systems, Inc. ("ANS").

1. As the Commission is well aware, the Notice of Proposed Rule Making in ET Docket No. 92-9 has generated considerable interest and concern among all sectors of the telecommunications industry, particularly those licensees of point-to-point private radio and common carrier microwave systems which stand to be adversely affected by any

No. of Copies rec'd 0+9
List A B C D E

reallocation of the spectrum at 1850-2200 MHz for emerging technology services. ANS notes in its Request that there are currently petitions pending at the Commission which address a variety of technical and policy issues raised in the Commission's Notice. The Utilities Telecommunications Council ("UTC"), for example, has filed a Petition for Rule Making, RM-7981, which seeks to have the Commission consider specific rule changes that would allow current licensees in the band 1850-2200 MHz to move more easily into replacement spectrum located in higher frequency bands.

2. Additionally, the Association of American Railroads and Large Public Power Council, in conjunction with API, filed a "Petition to Suspend Proceeding," pending examination of the availability of federal government spectrum to accommodate emerging technologies. Finally, UTC also filed a "Petition for Issuance of Further Notice of Proposed Rule Making" in which UTC asked the Commission to examine the feasibility of allocating spectrum in the 2500-2690 MHz band for emerging technologies. As indicated in ANS's Request, these Petitions have generated disparate comment and reply comment dates.

3. API is of the opinion that the Petition for Rule Making which ANS proposes to file on May 22, 1992 offers the

promise of contributing substantially to the resolution of issues which are critical to the proceedings in Docket No. 92-9. To date, in the proceedings ongoing at the Commission, there has been little attention focused on the rule changes which would be essential to accommodate any microwave systems that are displaced from the band 1850-2200 MHz by the proposed allocation for emerging technologies. Considerable effort remains to be undertaken before the Commission can adequately accommodate the needs of common carrier and private microwave users whose systems may be displaced.

4. As indicated in the comments filed in Docket No. 90-314 and in related application cases, API does not support reallocation of existing private microwave spectrum to accommodate emerging technologies. However, API must take the approach of ensuring that the interests of its members are protected, regardless of the ultimate outcome of the Commission's allocation proceedings. One of the most prominent deficiencies in the proceedings to this point has been the Commission's failure to focus on a specific plan for reaccommodating displaced microwave users. ANS's Petition for Rule Making would apparently fill this void to a significant extent. At the least, ANS's Petition deserves careful scrutiny by both the Commission's staff and

interested members of the public. The Commission can ensure that this Petition receives proper scrutiny by extending or deferring the comment dates as requested by ANS. Deferral of the dates may ultimately prove to be more efficient for both the Commission and affected microwave users by enhancing the level of discussion on a critical element of this proceeding.

5. For the reasons stated, API supports the Request to Defer Comment Dates filed by Alcatel Network Systems and urges the Commission to grant the deferral, in the interest of elevating the discussion to a level that best serves the interest of both the Commission and affected microwave users. Further, API urges the Commission to consolidate the

comment and reply comment dates for all of the related Petitions that have been filed thus far with respect to Docket No. 92-9.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE

By: Christine Gill

Wayne V. Black
Christine M. Gill
Frederick J. Day

Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
(202) 434-4100

Its Attorneys

Date: May 21, 1992

CERTIFICATE OF SERVICE

I, Jacqueline Jenkins, a secretary in the law firm of Keller and Heckman, hereby certify that a copy of the foregoing Statement in Support of Request to Defer Comment Dates, has been sent to the following on this 21st day of May, 1992.

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

The Honorable James H. Quello
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Sherrie P. Marshall
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

The Honorable Ervin S. Duggan
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Dr. Thomas P. Stanley
Chief, Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Mr. Robert Pepper
Chief, Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Room 822
Washington, D.C. 20554

Mr. Ralph Haller
Chief, Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Cheryl A. Tritt
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

Bruce A. Franca, Deputy Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Terry L. Haines, Esq.
Chief of Staff, Office of the Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Fred Thomas
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Jeffrey L. Sheldon, Esq.
Sean A. Stokes, Esq.
Utilities Telecommunications Council
1140 Connecticut Avenue, N.W., Suite 1140
Washington, D.C. 20036

Thomas J. Keller, Esq.
Lawrence R. Sidman, Esq.
Jacqueline R. Kinney, Esq.
Verner, Liipfert, Bernhard, McPherson
and Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, D.C. 20005
Counsel for the Association of American Railroads and the Large Public Power Council

Jacqueline Jenkins